

HOUSE BILL REPORT

ESHB 1780

*As Passed House
March 18, 1991*

Title: An act relating to work crews for offenders.

Brief Description: Authorizing work crews for criminal offenders.

Sponsor(s): By House Committee on Human Services (originally sponsored by Representatives Morris, Padden, Appelwick, Riley, H. Myers, Leonard, Belcher, Phillips, Silver, Holland, Paris, R. Johnson, May, Kremen, Rayburn, Cantwell, Broback, D. Sommers, Vance, Ebersole, Inslee, Morton, Cooper, Winsley, Wynne, Hochstatter, Moyer, Rasmussen, Basich, Van Luven, Neher, P. Johnson, Forner, Casada, Roland, Tate, Brumsickle, Orr and Haugen).

Brief History:

Reported by House Committee on:
Human Services, March 4, 1991, DPS;
Passed House, March 18, 1991, 98-0.

**HOUSE COMMITTEE ON
HUMAN SERVICES**

Majority Report: *That Substitute House Bill No. 1780 be substituted therefor, and the substitute bill do pass.*
Signed by 10 members: Representatives Leonard, Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; R. King; and H. Myers.

Staff: Antonio Sanchez (786-7383).

Background: Under current determinate sentencing laws, intermediate punishment options available to judges can include partial confinement for felons sentenced for less than one year. Partial confinement refers to the use of non-jail punishment such as home detention or work release. Current statutes do not include inmate work crews as part of a sentencing option for partial confinement.

Inmate work crews provide labor in low skilled and labor intensive projects such as picking up litter in parks and along roadways or landscaping. Inmate work crews vary in size depending on the nature of the project, available

transportation and amount of available trained supervision. Inmate work crew programs can relieve jail crowding, reduce inmate idleness, reduce inmate tension and mischief, and provide inmates with a meaningful work experience. In addition, offender work crews can help local county governments operate more cost effectively by providing low cost labor on civic projects.

Offender work crews have been effectively used as a sentencing alternative in Clark County, Washington since 1983. The Clark County program reported that inmate work crews provided 60,583 hours of offender labor to the county and saved \$310,755 of county government funds in 1990. Other local communities around the country also use work crews as a low cost labor resource and as a sentencing alternative for reducing jail overcrowding.

A recent study conducted by the Sentencing Guidelines Commission suggests that jail overcrowding is a significant problem for local jails. This problem is the result of a rapid increase in the number of sentenced felons and a corresponding reduction in the use of non-jail punishment for felons.

Summary of Bill: The definition of partial confinement is modified by adding work crew to work release and home detention. Courts can impose an obligation on selected felony offenders to participate in supervised work crews. Work crews must conduct civic improvement tasks of not less than 35 hours a week. Civic improvement tasks conducted by the work crew must not negatively impact the local labor force, existing private industries or people with developmental disabilities contracted through the sheltered workshop. Any disputes arising because of concerns about negative effects on the labor force, or local private industries, can be referred to the director of the Department of Labor and Industries for arbitration. Programs must also limit jobs to unskilled labor on public lands and private land owned or operated by a non profit entity. Work crew participants must abstain from alcohol and controlled substances, perform adequate work, and maintain a verifiable residence. Work crew programs can accept or reject participants. Offenders convicted of sex crimes cannot participate in the work crew program.

Offenders sentenced from nine months to one year must serve at least 30 days in total confinement before they can be eligible to work in the work crew program. The offender must work in a work crew for 35 hours per week for four weeks, before they can work in the community in an approved verified job. The offender can earn credit for verifiable employment for up to 24 hours per week and apply time spent

on the job towards the work crew sentence. However, credit can be earned only if he/she continues to work on the work crew until the work crew sentence is completed. The time spent by an offender in substance abuse counseling and/or job skills training, is included in the work crew time so it can apply to the work crew sentence.

All offenders working in the work crew program must pay a monthly assessment to the department administering the program while they are working in a approved verified job. Exemptions from paying the assessment fee are specified.

Fiscal Note: Requested February 12, 1991.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill does not mandate action by counties. It does provide the legal basis for those with crowded jails and high felon populations to use non-jail punishment for felons. Implementation, like utilization of the alternative conversion itself, is a judicial option at the local level; this is what makes a program like this work. Getting low risk offenders to work hard in replacement of the punitive aspects of incarceration is a major aim of this bill. The offender work crew program has been a tremendous boost in our efforts to maintain county property and save the county money. Offenders perform low skilled labor like picking up trash, freeing up paid employees to do higher skilled tasks. The program also benefits the offender, because crew members learn how to get along with co-workers and how to take direction. Often the crew experience helps the offender find and keep a job after his or her sentence is completed.

Testimony Against: None.

Witnesses: Tim Kittelson, Cowlitz County Corrections; Jim White and Chuck Williams, Clark County Corrections; Kurt Shaver, Washington State Association of Counties; Robert Dinger, Washington State Building Trades; Don Moore, Sentencing Guidelines Commission; and Dave Savage, Department of Corrections.