

HOUSE BILL REPORT

ESHB 2334

*As Passed House
February 11, 1992*

Title: An act relating to jail industries.

Brief Description: Establishing a state-wide board for jail industries.

Sponsor(s): By House Committee on Human Services (originally sponsored by Representatives H. Myers, Hargrove, Winsley, Leonard, Riley, Ogden, Tate, Roland, Brumsickle, Cooper, Morris, Bray, Haugen, Prentice, Orr, Peery, Bowman, Ludwig, Mielke, Inslee, Jones, Broback, G. Fisher, Paris, May, Wineberry, Sprenkle and O'Brien).

Brief History:

Reported by House Committee on:
Human Services, January 22, 1992, DPS;
Passed House, February 11, 1992, 95-0.

**HOUSE COMMITTEE ON
HUMAN SERVICES**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 11 members: Representatives Leonard, Chair; Riley, Vice 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: Local city and county jails currently offer only a limited variety of work programs for inmates. One of the most frequently used work programs in the jail system is inmate work crews. Under this program, inmate work crews provide labor in low skilled and labor intensive projects such as picking up litter in parks and along roadways or providing non-professional landscaping for county or city parks. This jail work program, and all others, are not part of a uniform classification system. Current statute limits jail programs to only post-sentenced offenders. A percentage of an offender's jail work program wages can be used to pay for his or her cost of incarceration if such a deduction is stipulated at the time of sentencing. There is no statewide board, organization, or administrative body

that provides technical assistance, accreditation or ongoing monitoring of local jail work programs and their products or services.

The Justice Assistance Act, signed on October 13, 1984, continues the Prison Industry Enhancement Certification Program originally authorized within the Justice System Improvement Act of 1979. This legislation provides exemption from federal constraints on the marketability of prisoner-made goods, by permitting the sale of these products in interstate commerce. Up to 20 jail industry projects may be certified for this exemption when their operation has been determined by the Bureau of Justice Assistance to meet statutory and guideline requirements. As a prerequisite for participation in this federal program, local jail industries programs must have statutory authority to administer jail industry programs. Certification as a pilot project allows the state jail industry to sell goods in interstate commerce and to bid on federal contracts both of which are normally prohibited under two federal laws.

Summary of Bill: An 19-member jail industries board is created. Membership shall include county and city officials, jail administrators, and governor's appointees from the Department of Corrections Correctional Industries Division, Employment Security Department, Department of Trade and Economic Development, business, labor, an on-line law enforcement officer, education, and a member of a crime victims group. The purpose of the board is to provide a statutorily defined structure and process to uniformly assist local jail programs in developing, implementing, and maintaining safe and productive jail work programs that offer inmates meaningful work experiences and education and training in employable vocations. Jail work programs are authorized to recover an appropriate portion of inmate wages to pay for their cost of corrections and to maintain the jail industries program.

The board is required to provide the following:

- 1) technical assistance, standards for safe and efficient program operations that lead to program accreditation for jail industries programs;
- 2) guidelines for the coordination of jail industries programs with basic adult education programs, pre-release programs, post-release placement, and substance abuse evaluation programs;
- 3) procedures for determining and maintaining program compliance with federal regulations;

- 4) determination or revocation of the program's cost accounting status required for participation in federal assistance programs;
- 5) exploration, assessment, and approval of new products and services for Class I and Class II work program contracts based on the impact they will have on the business and labor community;
- 6) review and recommendations regarding jail industries wage scales;
- 7) an arbitration process for resolving conflicts among the business and labor community;
- 8) technical assistance that will lead to collection of jail industries data, especially as they relate to recidivism.

The board shall encourage the establishment of, or use of, existing local advisory groups that include individuals representing business, labor, crime victims advocates, and the developmentally disabled community. These local advisory boards will work on behalf of the needs of the local community in conjunction with the state jail industries board.

A voluntary classification system is established for jail work programs. The jail work program classification system is similar to the Department of Corrections work classification system currently in statute. The jail classification system separates the four levels of jail work programs based on level of program activity, management oversight, and level of inmate compensation. Minimum wage limits are established according to the class level of the work program. Inmates are not required to work in any of the jail program classes. The four classification levels are Class I through Class IV. Only inmates working in Class I and Class II work programs are eligible for industrial insurance benefits. A wage scale review mechanism is established that insures labor and business input before each work program contract is signed. In addition, both the local advisory and the state board are required to review all jail work programs to ensure that a jail work program will not negatively impact local businesses or the labor community. Jail work programs are allowed to provide Washington state businesses with products and services that are currently being produced or provided by out-of-state or foreign suppliers. Jail work programs that participate in this classification system are allowed to establish a separate jail industries revenue fund to receive income and pay expenses associated with the program. Pre-sentence and pre-conviction inmates are allowed to

participate in jail work programs. All who receive a monetary wage while working in a jail industry program are required to contribute a reasonable portion of their wages toward: the cost of their incarceration, crime victims compensation, program fees, restitution, court fines and other legal financial obligations, family support, or savings.

Funding for the board is generated through the establishment of fees charged to participating programs and the procurement of other local, state, and federal funds. Basic staffing for the board is provided by the Department of Corrections until a source of funding can be obtained.

Fiscal Note: Not requested.

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

Testimony For: This program will give inmates something productive to do. It can reduce recidivism and provide a means for local jails to lower their costs.

Testimony Against: This program may have a negative impact on the local labor market.

Witnesses: Kurt Shavar, Washington State Association of Counties, (Pro); Bev Hermanson, Washington Federation of State Employees, (Neutral); Chuck Bailey, Washington State Labor Council, (Pro: general concept of legislation; Con: impact on local labor market); Robert Dilger, Washington State Building and Construction Trades Council, (Pro: general concept of legislation; Con: impact on local labor market); Joe Daniels, International Federation of Professional and Technical Engineers (Con); and Doug Jacques, Employment Security, (Pro).