

HOUSE BILL REPORT

HB 1686

*As Reported By House Committee on:
Human Services
Capital Facilities & Financing*

Title: An act relating to correctional industries.

Brief Description: Creating an incentive program for inmates.

Sponsor(s): Representatives Hargrove, Riley, Tate, Prentice, Padden, H. Myers, Kremen, Dorn, Morris, Jacobsen, Roland, Pruitt, Valle, Betrozoff, Brekke, Paris, Scott, Inslee, Basich, Sheldon and Wineberry.

Brief History:

Reported by House Committee on:
Human Services, February 27, 1991, DPS;
Capital Fac. & Financing, March 8, 1991, DPS(HS)-A.

**HOUSE COMMITTEE ON
HUMAN SERVICES**

Majority Report: *That Substitute House Bill No. 1686 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: The Department of Corrections six year plan reflects a significant need to build additional prisons. The design and construction of these new facilities can take into consideration an inmate work force that could be productively expanded beyond the numbers currently working.

The Department of Corrections provides inmates work programs through the Division of Correctional Industries. The Division of Correctional Industries develops and implements programs that offer inmates employment, work experience and training and reduces cost of administering and housing inmates. To achieve these goals, Correctional Industries operates five classes of work programs. These program are referred to as Class I through Class V programs.

All inmates working in Class I through IV employment, receive financial compensation for their work that ranges from \$30 per month for Class IV work, to the prevailing wage for offenders employed in Class I jobs. Offenders working in Class V correctional jobs receive no financial compensation. Class V jobs are court ordered community work that is preformed for the benefit of the community without financial compensation. Competition among inmates for class I and Class II jobs, motivates inmates to keep their job and as an incentive to produce high quality products. Class I employees currently must pay 15 percent of their wages toward their incarceration costs. All funds collected from an inmate's wages go in the general fund.

Correctional Industries job programs do not allow offenders to use their wages to pay for cells containing enhanced modular amenities, or other amenities provided as behavioral or production incentives. In addition proposed prison capital constructions plans do not include the construction of prison cells that can accommodate modular portable or other amenities.

Lack of adequate space for correctional industries programs seriously limits the number of inmates that can work in skills oriented jobs.

Summary of Substitute Bill: The Department of Corrections must insure that all correctional facility construction authorized by the Legislature in the 1989-1991 and 1991-1993 biennial budgets, include design elements and enough space for 50 percent employment in Class I, Class II, and Class IV correctional industries jobs.

Medium security facilities must contain enough square footage to employ 25 percent of the employable employees in Class I jobs and 25 percent in Class II jobs. In addition, 10 percent of the total cells in medium security facilities must contain removable portable amenities. The department must establish an amenities program in all facilities identified in the act. The sale, rental or lease of amenities must generate enough revenue to cover the costs of the program plus a profit. Inmates will retain 25 percent of their gross wages to pay for the costs, or a percentage of their costs, for room and board, and amenities. The funds collected from inmates will go the department of corrections to pay for operating costs.

The Department of Corrections must report to the Legislature and governor on their ability to achieve the program goals and suggest modifications if the goals cannot be reached. The reports will be yearly until 1996.

Substitute Bill Compared To Original Bill: The substitute bill removes the modular amenities model program and incentive provisions. The requirement that the department construct one, two, and four-bed medium security modular units to house inmates working in Class I and Class II correctional industries programs is eliminated. The Department of Corrections must design and build all correctional facility construction authorized by the Legislature in the 1989-1991 and 1991-1993 biennial budgets, that include design elements that enhance the production capacity of correctional industries programs through appropriate facilities planning, increased production space, and incentives for inmates who work. The amount of prison space dedicated to correctional industries programs is clarified. The department must establish an amenities program in all facilities identified in the act and the program must make a profit. The amount of wages an inmate retains is 25 percent of their gross wages. The substitute bill requires that the funds collected from inmates will go to the Department of Corrections to pay for operating costs. The Department of Corrections must submit yearly reports to the Legislature and governor on their ability to achieve the program goals and suggest modifications if the goals cannot be reached.

Fiscal Note: Requested February 12, 1991.

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

Testimony For: Correctional programs that enhance the quality of life, provide educational opportunities, and reduce idleness in the prison will benefit the overall prison environment and are productive for inmates. Paying inmates a reasonable wage in order to encourage obtaining job skills, and charging inmates some of their own housing costs, will allow the inmate to gain marketable skills and keep some earnings. Improving living conditions in the state's prisons will contribute to less recidivism and be more likely to have positive results than the often brutal situation which exists in some facilities.

Testimony Against: None.

Witnesses: Lynn Lodmell, David Burt, Phyllis Hutcheson, Jill Will and John Cusick, Department of Corrections; Mike Redman, Washington State Prosecuting Attorneys Association; and Bob Stalker, Evergreen Legal Services.

**HOUSE COMMITTEE ON
CAPITAL FACILITIES & FINANCING**

Majority Report: *The substitute bill by Committee on Human Services be substituted therefor and the substitute bill as amended by Committee on Capital Facilities & Financing do pass.* Signed by 15 members: Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schmidt, Ranking Minority Member; Neher, Assistant Ranking Minority Member; Beck; Braddock; Brough; Casada; Fraser; Heavey; Jacobsen; Ogden; Peery; Silver; and Wang.

Staff: Victor Moore (786-7143).

Summary of Recommendation of Committee on Capital Facilities & Financing Compared to Recommendation of Committee on Human Services: The committee striking amendment directs the Department of Corrections to develop a facilities and management plan describing a prison industries incentive program. The program must provide opportunities and incentives for inmates employed in Class I and Class II industries, whereby inmates can earn higher wages based on performance and production. The plan must be submitted to the governor and to the Legislature by October 1, 1991.

Fiscal Note: Available. New fiscal note requested on March 8, 1991.

Effective Date of Substitute Bill as Amended: The bill contains an emergency clause and takes effect immediately.

Testimony For: Same as Committee on Human Services.

Testimony Against: The state should be mindful of Class I prison industries competing against the private sector for jobs.

Witnesses: Representative James Hargrove; Robert Dilger, Washington State Building & Construction Trades Council; and Jill Will, Department of Corrections.