

2 EHB 1033 - S COMM AMD
3 By Committee on Law & Justice

4 ADOPTED 4/6/93

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** Cities and counties have a significant
8 interest in ensuring that inmates in their jails are productive
9 citizens after their release in the community. The legislature finds
10 that there is an expressed need for cities and counties to uniformly
11 develop and coordinate jail industries technical information and
12 program and public safety standards state-wide. It further finds that
13 meaningful jail work industries programs that are linked to formal
14 education and adult literacy training can significantly reduce
15 recidivism, the rising costs of corrections, and criminal activities.
16 It is the purpose and intent of the legislature, through this chapter,
17 to establish a state-wide jail industries program designed to promote
18 inmate rehabilitation through meaningful work experience and reduce the
19 costs of incarceration. The legislature recognizes that inmates should
20 have the responsibility for contributing to the cost of their crime
21 through the wages earned while working in jail industries programs and
22 that such income shall be used to offset the costs of implementing and
23 maintaining local jail industries programs and the costs of
24 incarceration.

25 NEW SECTION. **Sec. 2.** Unless the context clearly requires
26 otherwise, the definitions in this section apply throughout this
27 chapter.

28 (1) "Board" means the state-wide jail industries board of
29 directors.

30 (2) "City" means any city, town, or code city.

31 (3) "Cost accounting center" means a specific industry program
32 operated under the private sector prison industry enhancement
33 certification program as specified in 18 U.S.C. Sec. 1761.

34 (4) "Court-ordered legal financial obligation" means a sum of money
35 that is ordered by a superior, district, or municipal court of the

1 state of Washington for payment of restitution to a victim, a
2 statutorily imposed crime victims compensation fee, court costs, a
3 county or interlocal drug fund, court appointed attorneys' fees and
4 costs of defense, fines, and other legal financial obligations that are
5 assessed as a result of a felony or misdemeanor conviction.

6 (5) "Free venture industries" means types of industries which
7 produce products, goods, or services through two modalities: (a)
8 Employer model: An agreement between city or county and a private
9 sector business or industry or nonprofit organization to produce goods
10 or services to both public and private sectors; (b) customer model: An
11 industry operated and managed to provide Washington state manufacturers
12 or businesses with products or services currently produced, provided,
13 and assembled by out-of-state or foreign suppliers.

14 (6) "Jail inmate" means a preconviction or postconviction resident
15 of a city or county jail who is determined to be eligible to
16 participate in jail inmate work programs according to the eligibility
17 criteria of the work program.

18 (7) "Private sector prison industry enhancement certification
19 program" means that program authorized by the United States justice
20 assistance act of 1984, 18 U.S.C. Sec. 1761.

21 NEW SECTION. **Sec. 3.** A state-wide jail industries board of
22 directors is established. The board shall consist of the following
23 members:

24 (1) One sheriff and one police chief, to be selected by the
25 Washington association of sheriffs and police chiefs;

26 (2) One county commissioner or one county councilmember to be
27 selected by the Washington state association of counties;

28 (3) One city official to be selected by the association of
29 Washington cities;

30 (4) Two jail administrators to be selected by the Washington state
31 jail association, one of whom shall be from a county or a city with an
32 established jail industries program;

33 (5) One prosecuting attorney to be selected by the Washington
34 association of prosecuting attorneys;

35 (6) One administrator from a city or county corrections department
36 to be selected by the Washington correctional association;

37 (7) One county clerk to be selected by the Washington association
38 of county clerks;

1 (8) Three representatives from labor to be selected by the
2 governor. The representatives may be chosen from a list of nominations
3 provided by state-wide labor organizations representing a cross-section
4 of trade organizations;

5 (9) Three representatives from business to be selected by the
6 governor. The representatives may be chosen from a list of nominations
7 provided by state-wide business organizations representing a cross-
8 section of businesses, industries, and all sizes of employers;

9 (10) The governor's representative from the employment security
10 department;

11 (11) One member representing crime victims, to be selected by the
12 governor;

13 (12) One member representing on-line law enforcement officers, to
14 be selected by the governor;

15 (13) One member from the department of trade and economic
16 development to be selected by the governor;

17 (14) One member representing higher education, vocational
18 education, or adult basic education to be selected by the governor; and

19 (15) The governor's representative from the correctional industries
20 division of the state department of corrections shall be an ex officio
21 member for the purpose of coordination and cooperation between prison
22 and jail industries and to further a positive relationship between
23 state and local government offender programs.

24 NEW SECTION. **Sec. 4.** The board shall, at the request of a city or
25 county, offer advice in developing, promoting, and implementing
26 consistent, safe, and efficient offender work programs.

27 The board may also develop guidelines and provide technical
28 assistance for the coordination of jail industries programs with basic
29 educational programs.

30 NEW SECTION. **Sec. 5.** The board shall require a city or a county
31 that establishes a jail industries program to develop a local advisory
32 group, or to use an existing advisory group of the appropriate
33 composition, to advise and guide jail industries program operations.
34 Such an advisory group shall include an equal number of representatives
35 from labor and business. Representation from a sheltered workshop, as
36 defined in RCW 82.04.385, and a crime victim advocacy group, if
37 existing in the local area, should also be included.

1 A local advisory group shall have among its tasks the
2 responsibility of ensuring that a jail industry has minimal negative
3 impact on existing private industries or the labor force in the locale
4 where the industry operates and that a jail industry does not
5 negatively affect employment opportunities for people with
6 developmental disabilities contracted through the operation of
7 sheltered workshops as defined in RCW 82.04.385. In the event a
8 conflict arises between the local business community or labor
9 organizations concerning new jail industries programs, products,
10 services, or wages, the city or county must use the arbitration process
11 established pursuant to section 6 of this act.

12 NEW SECTION. **Sec. 6.** The board, in accordance with chapter 34.05
13 RCW, shall:

14 (1) Establish an arbitration process for resolving conflicts
15 arising among the local business community and labor organizations
16 concerning new industries programs, products, services, or wages;

17 (2) Encourage the development of the collection and analysis of
18 jail industries program data, including long-term tracking information
19 on offender recidivism;

20 (3) Determine, by applying established federal guidelines and
21 criteria, whether a city or a county jail free venture industries
22 program complies with the private sector prison industry enhancement
23 certification program. In so doing, also determine if that industry
24 should be designated as a cost accounting center for the purposes of
25 the federal certification program; and

26 (4) Provide technical assistance with product marketing.

27 NEW SECTION. **Sec. 7.** The board may receive funds from local,
28 county, state, or federal sources and may receive grants to support its
29 activities. The board may establish a reasonable schedule of suggested
30 fees that will support state-wide efforts to promote and facilitate
31 jail industries that would be presented to cities and counties that
32 have established jail industries programs.

33 NEW SECTION. **Sec. 8.** The board shall initially convene at the
34 call of the representative of the correctional industries division of
35 the state department of corrections, together with the jail
36 administrator selected from a city or a county with an established jail

1 industries program, no later than six months after the effective date
2 of this act. Subsequent meetings of the board shall be at the call of
3 the board chairperson. The board shall meet at least twice a year.

4 The board shall elect a chairperson and other such officers as it
5 deems appropriate. However, the chairperson may not be the
6 representative of the correctional industries division of the state
7 department of corrections nor any representative from a state executive
8 branch agency.

9 Members of the board shall serve terms of three years each on a
10 staggered schedule to be established by the first board. For purposes
11 of initiating a staggered schedule of terms, some members of the first
12 board may initially serve two years and some members may initially
13 serve four years.

14 The members of the board shall serve without compensation but may
15 be reimbursed for travel expenses from funds acquired under this
16 chapter.

17 NEW SECTION. **Sec. 9.** A city or a county that implements a jail
18 industries program may establish a separate fund for the operation of
19 the program. This fund shall be a special revenue fund with continuing
20 authority to receive income and pay expenses associated with the jail
21 industries program.

22 NEW SECTION. **Sec. 10.** Cities and counties participating in jail
23 industries are authorized to provide for comprehensive work programs
24 using jail inmate workers at worksites within jail facilities or at
25 such places within the city or county as may be directed by the
26 legislative authority of the city or county, as similarly provided
27 under RCW 36.28.100.

28 NEW SECTION. **Sec. 11.** When an offender is employed in a jail
29 industries program for which pay is allowed, deductions may be made
30 from these earnings for court-ordered legal financial obligations as
31 directed by the court in reasonable amounts that do not unduly
32 discourage the incentive to work. These deductions shall be disbursed
33 as directed in RCW 9.94A.145.

34 In addition, inmates working in jail industries programs shall
35 contribute toward costs to develop, implement, and operate jail
36 industries programs. This amount shall be a reasonable amount that

1 does not unduly discourage the incentive to work. The amount so
2 deducted shall be deposited in the jail industries special revenue
3 fund.

4 Upon request of the offender, family support may also be deducted
5 and disbursed to a designated family member.

6 NEW SECTION. **Sec. 12.** A jail inmate who works in a free venture
7 industry shall be considered an employee of that industry only for the
8 purpose of the Washington industrial safety and health act, chapter
9 49.17 RCW, as long as the public safety is not compromised, and for
10 eligibility for industrial insurance benefits under Title 51 RCW.
11 However, eligibility for benefits for either the inmate or the inmate's
12 dependents or beneficiaries for temporary total disability or permanent
13 total disability under RCW 51.32.090 or 51.32.060, respectively, shall
14 not take effect until the inmate is discharged from custody by order of
15 a court of appropriate jurisdiction. Nothing in this section shall be
16 construed to confer eligibility for any industrial insurance benefits
17 to any jail inmate who is employed in a nonfree venture industry.

18 NEW SECTION. **Sec. 13.** In the event of failure or discontinuance
19 of a free venture industry agreement, responsibility for obligations
20 under Title 51 RCW shall be borne by the city or county responsible for
21 establishment of such free venture industry, as if the city or county
22 had been the employing agency.

23 NEW SECTION. **Sec. 14.** To the extent possible, jail industries
24 programs shall be augmented by education and training to improve worker
25 literacy and employability skills. Such education and training may
26 include, but is not limited to, basic adult education, work towards a
27 certificate of educational competence following successful completion
28 of the general educational development test, vocational and
29 preemployment work maturity skills training, and apprenticeship
30 classes.

31 NEW SECTION. **Sec. 15.** Until sufficient funding is secured by the
32 board to adequately provide staffing, basic staff assistance shall be
33 provided, to the extent possible, by the department of corrections.

