
HOUSE BILL 2004

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Morris, Long and Springer

Read first time 02/19/93. Referred to Committee on Corrections.

1 AN ACT Relating to criminal sentencing and correctional industries;
2 amending RCW 72.09.102, 72.60.160, 72.60.190, 43.19.534, and 72.09.110;
3 adding new sections to chapter 72.09 RCW; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature recognizes the need to
6 comprehensively develop ways to reduce prison costs, conserve and
7 manage scarce prison cell space, maintain a safe working environment
8 for correctional employees, require a productive incarceration
9 experience for offenders, and effectively reduce recidivism.

10 The legislature finds that the corrections system is an appropriate
11 place for criminals to learn the rules of responsibility by paying for
12 their criminal acts, not just through the loss of their freedom, but
13 also by working while in prison and contributing an appropriate portion
14 of their wages to the cost of their incarceration. Currently, only a
15 fraction of our state's prison inmates participate in class I or class
16 II jobs. By creating meaningful prison work opportunities, inmates'
17 wages can be directed towards paying for their cost of incarceration
18 and offenders can be taught marketable skills and work habits,

1 contribute more towards victims' compensation, and help support their
2 families.

3 The legislature finds that national studies indicate that offender
4 work programs can significantly reduce recidivism, lower the cost of
5 incarceration, and reduce the amount of criminal activity in our
6 communities. These same studies stress that correctional industries
7 programs require the appropriate marketing flexibility to develop cost
8 savings, and to become productive and socially beneficial inmate job
9 programs that meet the goals set forth in this act.

10 The legislature further finds that opportunities exist for state
11 agencies to save significant taxpayer dollars and at the same time
12 expand work requirements for prisoners by buying, when available and
13 comparable in quality, goods and services made by correctional
14 industries.

15 It is the purpose and intent of this act to systematically increase
16 inmate participation in prison work programs, reduce what it is costing
17 taxpayers to keep offenders in prison and continually build new ones,
18 and enhance the employability of inmates when they finish their
19 sentence.

20 **Sec. 2.** RCW 72.09.102 and 1986 c 94 s 1 are each amended to read
21 as follows:

22 The department of corrections and department of general
23 administration shall ~~((develop the following for legislative review:~~
24 ~~(1) A plan for production within the department of corrections of one~~
25 ~~or more commodities not currently being produced within the department~~
26 ~~for use within all state institutions and which may be sold to state~~
27 ~~correctional systems in other states; (2) a plan for purchasing~~
28 ~~commodities produced by correctional systems located in other states to~~
29 ~~the degree the plan would be cost effective and would involve~~
30 ~~reciprocal marketing agreements between the several states represented;~~
31 ~~and (3) a plan to purchase, where cost effective, materials used in the~~
32 ~~production of prison made goods jointly with prison industry programs~~
33 ~~in other states. The plans shall be submitted to the legislature by~~
34 ~~March, 1987))):~~

35 (1) Adopt administrative rules that assure the preferential
36 purchase of goods and services provided by class II inmate work
37 programs required through state contracts to the maximum extent
38 feasible as provided in RCW 43.19.534.

1 (2) Jointly develop an annual report on the purchase of all
2 correctional industries goods and services through state contracts
3 during the prior fiscal year. The report shall be provided to the
4 chairs of the appropriate committees of the legislature by December 12
5 of each year.

6 **Sec. 3.** RCW 72.60.160 and 1981 c 136 s 103 are each amended to
7 read as follows:

8 All articles, materials, services, and supplies (~~((herein authorized~~
9 ~~to be))~~) produced or manufactured in correctional institutions (~~((may))~~)
10 shall be purchased from the institution producing or manufacturing the
11 same by any state agency (~~((or political subdivision of the state))~~)
12 through state contract as set forth in RCW 43.19.534, and the secretary
13 shall require those institutions under his or her direction to give
14 preference to the purchasing of their needs of such articles as are so
15 produced.

16 **Sec. 4.** RCW 72.60.190 and 1981 c 136 s 104 are each amended to
17 read as follows:

18 The supervisor of purchasing for the state of Washington (~~((is~~
19 ~~authorized to))~~) shall enter into contracts for production of goods and
20 supply of services and shall give preference in the purchase of
21 materials and supplies for the institutions, departments and agencies
22 of the state, to those produced by industries in state correctional
23 institutions.

24 **Sec. 5.** RCW 43.19.534 and 1986 c 94 s 2 are each amended to read
25 as follows:

26 State agencies, the legislature, and departments shall purchase for
27 their use all (~~((articles or products required by the agencies or~~
28 ~~departments which))~~) goods and services that are produced or provided in
29 whole or in part from class II and class IV inmate work programs
30 operated by the department of corrections through state contract
31 insofar as those industries are able to meet demands of quantity and
32 quality. These (~~((articles and products))~~) goods and services shall not
33 be purchased from any other source (~~((unless, upon application by the~~
34 ~~department or agency:~~—(1) ~~The department of general administration~~
35 ~~finds that the articles or products do not meet the reasonable~~
36 ~~requirements of the agency or department,~~ (2) ~~are not of equal or~~

1 ~~better quality, or (3) the price of the product or service is higher~~
2 ~~than that produced by the private sector))~~ except as allowed in rules
3 as authorized in RCW 72.09.102. Goods and services shall include, but
4 not be limited to, asbestos removal and the cleanup of leaking
5 underground storage tanks on state-owned properties.

6 NEW SECTION. Sec. 6. A new section is added to chapter 72.09 RCW
7 to read as follows:

8 The department shall train and develop inmate teams capable and
9 qualified to conduct asbestos removal and inmate teams capable and
10 qualified to conduct cleanup of underground storage tanks. All state
11 agencies and state-owned properties in need of asbestos removal and/or
12 underground storage tank cleanup shall be required to contract only
13 with the department of corrections to conduct such work. All
14 department contract pricing for conducting asbestos removal and cleanup
15 of underground storage tanks shall be limited to the costs specific to
16 providing the services and shall be less than the amount for such work
17 provided by nondepartment contractors. Inmate compensation for
18 conducting asbestos removal and cleanup of underground storage tanks
19 shall be at prevailing wage levels. All contract pricing shall be
20 reviewed by the department of corrections and the department of general
21 administration to verify that the amount paid for the work to be
22 conducted in each contract granted to the department under this section
23 is equal to or less than the prevailing amount charged for similar work
24 done by private contractors. In instances where the department is
25 unable to meet the contractual requirements because of an insufficient
26 number of workers, geographic location, or any other unmanageable
27 circumstances as defined by the department, the contracts may be set up
28 jointly or may be opened up for competitive bid by private contractors
29 as stipulated under current law. In all instances the department and
30 contracting agencies shall make every effort to reach contractual
31 agreements as specified in this section.

32 NEW SECTION. Sec. 7. A new section is added to chapter 72.09 RCW
33 to read as follows:

34 (1) The secretary shall increase inmate participation in class I
35 and class II correctional industries work programs incrementally until
36 a combined total of twenty percent of all eligible physically and
37 mentally able inmates are employed in class I and class II programs by

1 December 30, 1997, and thirty percent by December 30, 2000. "Eligible
2 physically and mentally able inmates" includes all inmates in
3 department facilities except inmates determined to be incapable of
4 working in correctional industries work programs due to one of the
5 following reasons only:

6 (a) The inmate has a chronic mental deficiency or is mentally
7 retarded and participation in work programs is impossible;

8 (b) The inmate has a physical disability or illness making
9 participation in work programs impossible;

10 (c) The inmate is housed in an intensive management unit.

11 (2) An amount shall be deducted from each offender's wage payments
12 to satisfy court-ordered legal and financial obligations. From the
13 amount remaining in each wage payment the following shall also be
14 deducted: Ninety percent to reimburse the department for costs of
15 incarceration and ten percent to be deposited in the offender's account
16 until it reaches a total of one thousand five hundred dollars.
17 Thereafter the offender shall be allowed to keep the remaining ten
18 percent.

19 (3) The department shall develop the necessary administrative
20 structure to recover inmates' wages and keep records of the amount
21 inmates pay for the costs of incarceration and amenities. All funds
22 gained from this section shall be deposited in a dedicated fund with
23 the department and shall be used only for the purpose of enhancing and
24 maintaining the correctional industries program until December 31,
25 2010, and thereafter all funds shall be deposited in the general fund.

26 **Sec. 8.** RCW 72.09.110 and 1991 c 133 s 1 are each amended to read
27 as follows:

28 All inmates working in prison industries shall participate in the
29 cost of corrections, including costs to develop and implement
30 correctional industries programs(~~(. The secretary shall develop a~~
31 ~~formula which can be used to determine the extent to which the wages of~~
32 ~~these inmates will be deducted for this purpose. The amount so~~
33 ~~deducted shall be placed in the general fund and shall be a reasonable~~
34 ~~amount which will not unduly discourage the incentive to work)) by
35 means of deductions from their gross wages. The secretary may direct
36 the state treasurer to deposit a portion of these moneys in the crime
37 victims compensation account. ~~((Except))~~ The secretary shall direct
38 that all moneys received by an inmate((~~7~~)) for testifying in any~~

1 judicial proceeding(~~(7-90)~~) shall be deposited into the crime victims
2 compensation account.

3 When the secretary finds it appropriate and consistent with current
4 laws regarding offenders' legal financial obligations and not unduly
5 destructive of the work incentive, the secretary shall also provide
6 deductions for (~~restitution~~) savings(~~(7)~~) and family support.

7 NEW SECTION. Sec. 9. By January 1, 1994, the secretary of
8 corrections shall submit a report to the chief clerk of the house of
9 representatives and secretary of the senate containing an
10 identification and description of any impediments that the secretary
11 believes might prevent the department from achieving compliance with
12 the inmate work participation percentages specified in section 7 of
13 this act. The secretary also shall include in the report alternative
14 ways to remove any identified impediments. The chief clerk and
15 secretary shall distribute the report to the appropriate standing
16 committees.

17 NEW SECTION. Sec. 10. If any provision of this act or its
18 application to any person or circumstance is held invalid, the
19 remainder of the act or the application of the provision to other
20 persons or circumstances is not affected.

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