

2 **E2SHB 2010** - S COMM AMD
3 By Committee on Ways & Means

4 ADOPTED AS AMENDED 4/14/95

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

7 "NEW SECTION. **Sec. 1.** The legislature finds that the increasing
8 number of inmates incarcerated in state correctional institutions, and
9 the expenses associated with their incarceration, require expanded
10 efforts to contain corrections costs. Cost containment requires
11 improved planning and oversight, and increased accountability and
12 responsibility on the part of both inmates and the department.

13 The legislature further finds that motivating inmates to
14 participate in meaningful education and work programs in order to learn
15 transferable skills and earn basic privileges is an effective and
16 efficient way to meet the penological objectives of the corrections
17 system.

18 The purpose of this act is to assist the department in fulfilling
19 its mission, specifically to reduce offender recidivism, to mirror the
20 values of the community by clearly linking inmate behavior to the
21 receipt of privileges, and to prudently manage the resources it
22 receives through the tax dollars of law-abiding citizens. This purpose
23 is accomplished through the implementation of specific cost-control
24 measures and the creation of a planning and oversight process that will
25 improve the department's effectiveness and efficiency.

26 **Sec. 2.** RCW 72.09.010 and 1981 c 136 s 2 are each amended to read
27 as follows:

28 It is the intent of the legislature to establish a comprehensive
29 system of corrections for convicted law violators within the state of
30 Washington to accomplish the following objectives.

31 (1) The system should ensure the public safety. The system should
32 be designed and managed to provide the maximum feasible safety for the
33 persons and property of the general public, the staff, and the inmates.

1 (2) The system should punish the offender for violating the laws of
2 the state of Washington. This punishment should generally be limited
3 to the denial of liberty of the offender.

4 (3) The system should positively impact offenders by stressing
5 personal responsibility and accountability and by discouraging
6 recidivism.

7 (4) The system should treat all offenders fairly and equitably
8 without regard to race, religion, sex, national origin, residence, or
9 social condition.

10 ((+4)) (5) The system, as much as possible, should reflect the
11 values of the community including:

12 (a) Avoiding idleness. Idleness is not only wasteful but
13 destructive to the individual and to the community.

14 (b) Adoption of the work ethic. It is the community expectation
15 that all citizens should work and through their efforts benefit both
16 themselves and the community.

17 (c) Providing opportunities for self improvement. All individuals
18 should have opportunities to grow and expand their skills and abilities
19 so as to fulfill their role in the community.

20 (d) (~~Providing tangible rewards for accomplishment.~~) Linking the
21 receipt or denial of privileges to responsible behavior and
22 accomplishments. The individual who works to improve himself or
23 herself and the community should be rewarded for these efforts. As a
24 corollary, there should be no rewards for no effort.

25 (e) Sharing in the obligations of the community. All citizens, the
26 public and inmates alike, have a personal and fiscal obligation in the
27 corrections system. All communities must share in the responsibility
28 of the corrections system.

29 ((+5)) (6) The system should provide for prudent management of
30 resources. The avoidance of unnecessary or inefficient public
31 expenditures on the part of offenders and the department is essential.
32 Offenders must be accountable to the department, and the department
33 must be accountable to the public and the legislature. The human and
34 fiscal resources of the community are limited. The management and use
35 of these resources can be enhanced by wise investment, productive
36 programs, the reduction of duplication and waste, and the joining
37 together of all involved parties in a common endeavor. Since virtually
38 all offenders return to the community, it is wise for the state and the

1 communities to make an investment in effective rehabilitation programs
2 for offenders and the wise use of resources.

3 ~~((+6))~~ (7) The system should provide for restitution. Those who
4 have damaged others, persons or property, have a responsibility to make
5 restitution for these damages.

6 ~~((+7))~~ (8) The system should be accountable to the citizens of the
7 state. In return, the individual citizens and local units of
8 government must meet their responsibilities to make the corrections
9 system effective.

10 ~~((+8))~~ (9) The system should meet those national standards which
11 the state determines to be appropriate.

12 **Sec. 3.** RCW 72.09.015 and 1987 c 312 s 2 are each amended to read
13 as follows:

14 The definitions in this section apply throughout this chapter.

15 (1) ~~(("Department" means the department of corrections.~~

16 ~~(2) "Secretary" means the secretary of corrections.~~

17 ~~(3) "County" refers to a county or combination of counties.~~

18 ~~(4))~~ "Base level of correctional services" means the minimum level
19 of field services the department of corrections is required by statute
20 to provide for the supervision and monitoring of offenders.

21 (2) "Contraband" means any object or communication that the
22 secretary determines shall not be allowed to be (a) brought into; (b)
23 possessed while on the grounds of; or (c) sent from any institution
24 under the control of the secretary.

25 (3) "County" refers to a county or combination of counties.

26 (4) "Department" means the department of corrections.

27 (5) "Earned early release" means earned early release as authorized
28 by RCW 9.94A.150.

29 (6) "Extended family visit" means an authorized visit between an
30 inmate and a member or members of his or her immediate family that
31 occurs in a private visiting unit located at the correctional facility
32 where the inmate is confined.

33 (7) "Good conduct" means compliance with department rules and
34 standards.

35 (8) "Good performance" means successful completion of any program
36 required by the department, including an education, work, or other
37 program.

1 (9) "Immediate family" means the inmate's children, stepchildren,
2 grandchildren, great grandchildren, parents, stepparents, grandparents,
3 great grandparents, siblings, and a person legally married to an
4 inmate. "Immediate family" does not include an inmate adopted by
5 another inmate or the immediate family of the adopted or adopting
6 inmate.

7 (10) "Privilege" means any goods or services, education or work
8 programs, or earned early release days, the receipt of which is
9 directly linked to the good conduct or good performance of an inmate
10 confined in an institution under the jurisdiction of the department.
11 Privileges do not include any goods or services that the department is
12 required to provide under the state or federal Constitution or under
13 state or federal law.

14 (11) "Secretary" means the secretary of corrections.

15 (12) "Work programs" means all classes of correctional industries
16 jobs authorized by RCW 72.09.100.

17 **Sec. 4.** RCW 72.09.020 and 1988 c 153 s 7 are each amended to read
18 as follows:

19 For purposes of this chapter, "inmate" means any person committed
20 to the custody of the department, including but not limited to persons
21 residing in a correctional institution or facility ~~((and))~~, persons
22 released on furlough, work release, or community custody, and persons
23 received from another state, state agency, county, or federal
24 jurisdiction.

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 72.09 RCW
26 to read as follows:

27 (1) The legislature intends that all inmates be required to
28 participate in department-approved education programs, work programs,
29 or both, unless exempted from participation under subsection (2) of
30 this section. Eligible inmates who refuse to participate in available
31 education or work programs shall lose inmate privileges according to
32 the system established under RCW 72.09.130. The legislature recognizes
33 that more inmates may agree to participate in education and work
34 programs than are currently available. Accordingly, the department
35 must give priority to placing inmates in available education and work
36 programs who will be most likely to achieve significant personal and
37 public benefit from the programs, and the department must prioritize

1 available resources to work toward the goal of full participation as
2 soon as possible.

3 (2) The department shall establish, in rule, objective medical
4 standards to determine when an inmate is physically or mentally unable
5 to participate in available education or work programs. When the
6 department determines that an inmate is permanently unable to
7 participate in any available education or work program due to a medical
8 condition, the inmate is exempt from the requirement of subsection (1)
9 of this section. When the department determines that an inmate is
10 temporarily unable to participate in an education or work program due
11 to a medical condition, the inmate is exempt from the requirement of
12 subsection (1) of this section for the period of time he or she is
13 temporarily disabled. The department shall periodically review the
14 medical conditions of all temporarily disabled inmates to ensure the
15 earliest possible entry or reentry by inmates into available
16 programming.

17 (3) The department shall establish, in rule, the standards for
18 participation in department-approved education and work programs. The
19 standards shall address the following areas:

20 (a) Assessment. The department shall assess all inmates for their
21 educational history, basic skills and literacy level, work history, and
22 vocational or work skills. The initial assessment shall be conducted,
23 whenever possible, within the first thirty days of an inmate's entry
24 into the correctional system, except that initial assessments are not
25 required for inmates who are sentenced to life without the possibility
26 of release, assigned to an intensive management unit within the first
27 thirty days after entry into the corrections system, are returning to
28 the corrections system within one year of a prior release, or whose
29 physical or mental condition renders them unable to complete the
30 assessment process. The department shall periodically reassess the
31 basic skills, literacy level, and vocational or work skills of inmates
32 to ensure that they are participating in programming appropriate to
33 their level of academic and technical competency.

34 (b) Placement. The department shall place inmates in appropriate
35 education and work programs utilizing criteria to evaluate an inmate's
36 likelihood of achieving significant benefit from the programming. The
37 placement criteria shall include at least the following factors:

38 (i) An inmate's release date and custody level;

1 (ii) An inmate's educational history, basic skills, and literacy
2 level;

3 (iii) An inmate's work history, and vocational or work skills;

4 (iv) An inmate's economic circumstances, including but not limited
5 to an inmate's family support obligations; and

6 (v) Where applicable, an inmate's prior performance in department-
7 approved education or work programs.

8 (c) Performance and goals. The department shall establish inmate
9 behavior standards and program goals for all education or work
10 programs. Inmates shall be notified of applicable behavior standards
11 and program goals prior to placement in an education or work program
12 and shall be removed from the education or work program if they
13 consistently fail to meet the standards or goals.

14 (d) Financial responsibility. The department shall establish a
15 formula by which inmates will pay all or a portion of the costs of
16 participating in community college associate of arts degree programs,
17 baccalaureate degree programs, and postbaccalaureate degree programs,
18 including tuition, books, and fees. The formula will consider the
19 inmates' ability to pay and the department's efforts to maintain a
20 cost-efficient level of enrollment in programs for which it contracts
21 with community colleges. When an inmate voluntarily chooses to
22 participate in a postsecondary education program into which he or she
23 has not been placed by the department under (b) of this subsection, the
24 inmate must pay the full tuition costs of the postsecondary education
25 program charged by the community colleges under contract with the
26 department.

27 (e) An inmate sentenced to life without the possibility of release
28 may participate in education programs, including English as a second
29 language, adult basic education, general equivalency degree, high
30 school diploma, or any associate, baccalaureate, or post-baccalaureate
31 degree, only if he or she pays all tuition costs and fees of the
32 program and only if space is available in the program after all other
33 eligible inmates have been offered the opportunity to participate,
34 except that inmates sentenced to life without the possibility of
35 release who require vocational training to participate in a
36 correctional industries job may participate in the vocational training
37 under the same placement, performance, and financial responsibility
38 standards as other inmates.

1 (4) The department shall coordinate educational and work
2 programming opportunities among its several institutions, to the
3 greatest extent possible, to facilitate continuity of programming for
4 inmates who are transferred between institutions. Prior to
5 transferring inmates enrolled in programs, the department shall
6 consider the effect the transfer will have on an inmate's ability to
7 continue or complete a program. This subsection shall not be used to
8 delay or prohibit any transfer that is necessary for legitimate safety
9 or security reasons.

10 (5) Before the construction of any new correctional institution or
11 the expansion of any existing correctional institution, the department
12 shall adopt a plan demonstrating how cable, closed-circuit, and
13 satellite television will be used for educational and training purposes
14 in the institution. The plan shall specify how the use of television
15 in the educational and training programs will improve inmates'
16 preparedness for available correctional industries jobs and job
17 opportunities for which inmates may qualify upon release.

18 **Sec. 6.** RCW 72.09.130 and 1981 c 136 s 17 are each amended to read
19 as follows:

20 (1) The department shall adopt, in rule, a system (~~((providing~~
21 ~~incentives for good conduct and disincentives for poor conduct))~~ that
22 clearly links an inmate's behavior and participation in available
23 education and work programs with the receipt or denial of earned early
24 release days and other privileges. The system (~~((may))~~) shall include
25 increases or decreases in the degree of liberty granted the inmate
26 within the programs operated by the department, access to or
27 withholding of privileges available within correctional institutions,
28 and recommended increases or decreases in the number of earned early
29 release days that an inmate can earn for good conduct and good
30 performance.

31 (2) Earned early release days shall be recommended by the
32 department as a form of tangible reward for accomplishment. The system
33 shall be fair, measurable, and understandable to offenders, staff, and
34 the public. At least once in each twelve-month period, the department
35 shall inform the offender in writing as to his or her conduct and
36 performance. This written evaluation shall include reasons for
37 awarding or not awarding recommended earned early release days for good
38 conduct and good performance. (~~((The term "good performance" as used in~~

1 ~~this section means successfully performing a work, work training, or~~
2 ~~educational task to levels of expectation as specified in writing by~~
3 ~~the department. The term "good conduct" as used in this section refers~~
4 ~~to compliance with department rules.~~

5 ~~Within one year after July 1, 1981, the department shall adopt, and~~
6 ~~provide a written description of, the system.))~~ An inmate is not
7 eligible to receive earned early release days during any time in which
8 he or she refuses to participate in an available education or work
9 program into which he or she has been placed by the department pursuant
10 to section 5 of this act.

11 (3) The department shall provide a ~~((copy of this))~~ written
12 description of the system to each offender in its custody.

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

15 To the greatest extent practical, all inmates shall contribute to
16 the cost of inmate privileges provided by the department. The
17 department shall establish standards by which inmates will pay a
18 significant portion of the department's capital and operating costs of
19 providing all inmate privileges, including but not limited to
20 television cable access, extended family visitation, weight lifting and
21 other recreational sports equipment and supplies, and associated staff
22 supervision costs. Inmate contributions may be in the form of
23 individual user fees assessed against an inmate's institution account,
24 deductions from an inmate's gross wages or gratuities, or inmates'
25 collective contributions to the institutional welfare/betterment fund.
26 The contribution standards shall consider the assets available to
27 inmates, the costs of administrating compliance with the contribution
28 requirements, and shall not be unduly destructive of the work ethic.

29 NEW SECTION. Sec. 8. A new section is added to chapter 72.09 RCW
30 to read as follows:

31 The secretary shall adopt in rule a uniform policy that prohibits
32 receipt or possession of anything that is determined to be contraband.
33 The rule shall provide maximum protection of legitimate penological
34 interests, including prison security and order. The rule shall protect
35 the legitimate interests of the public and inmates in the exchange of
36 ideas. The secretary shall establish a method of reviewing all
37 incoming and outgoing material, consistent with constitutional

1 constraints, for the purpose of confiscating anything determined to be
2 contraband.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 72.09 RCW
4 to read as follows:

5 (1) The extended family visitation program is a privilege that the
6 department may allow an inmate to participate in only after the
7 superintendent determines an inmate is eligible. All extended family
8 visits must be approved in advance by the superintendent or the
9 superintendent's designee, who may cancel, interrupt, suspend, or
10 terminate any visit for good cause.

11 (2) The department shall adopt, in rule, standards for
12 participation in the extended family visitation program. The standards
13 shall provide eligible inmates the opportunity, subject to the approval
14 of the superintendent or the superintendent's designee, to maintain
15 relationships with authorized family members, to maintain marriages and
16 relationships that existed prior to incarceration, and to provide an
17 incentive for inmates to maintain positive attitudes and behaviors
18 while incarcerated. The standards shall address at least the following
19 areas:

20 (a) Eligibility. The eligibility standards for inmates and their
21 proposed visitors shall include at least the following factors for
22 consideration:

23 (i) An inmate's release date and custody level. An inmate confined
24 in maximum or close custody, in an intensive management unit, or in
25 disciplinary or administrative segregation is not eligible to
26 participate in an extended family visit;

27 (ii) An inmate's infraction history while incarcerated;

28 (iii) An inmate's prior criminal offense history;

29 (iv) The nature of the offense for which the inmate is incarcerated
30 and whether the proposed visitor was a victim of the inmate's offense;

31 (v) When available, the opinion of a licensed medical practitioner
32 or mental health professional as to the appropriateness of an extended
33 family visit between an inmate and the proposed visitor or visitors;

34 (vi) The criminal history of the proposed visitor or visitors;

35 (vii) Where applicable, the conduct of the inmate and the proposed
36 visitor or visitors during prior extended family visits.

37 (b) Conduct during visits. The department shall establish
38 standards for the conduct of inmates and visitors participating in the

1 extended family visitation program that protect the safety of visitors
2 and preserve the orderly operation of the correctional institution.

3 **Sec. 10.** RCW 4.24.130 and 1992 c 30 s 1 are each amended to read
4 as follows:

5 (1) Any person desiring a change of his or her name or that of his
6 or her child or ward, may apply therefor to the district court of the
7 judicial district in which he or she resides, by petition setting forth
8 the reasons for such change; thereupon such court in its discretion may
9 order a change of the name and thenceforth the new name shall be in
10 place of the former.

11 (2) An offender under the jurisdiction of the department of
12 corrections who applies to change his or her name under subsection (1)
13 of this section shall submit a copy of the application to the
14 department of corrections no less than five days prior to the entry of
15 an order granting the name change. No offender under the jurisdiction
16 of the department of corrections at the time of application shall be
17 granted an order changing his or her name if the court finds that doing
18 so will interfere with legitimate penological goals, except that no
19 order shall be denied when the name change is requested for religious
20 or legitimate cultural reasons or in recognition of marriage or
21 dissolution of marriage. An offender under the jurisdiction of the
22 department of corrections who receives an order changing his or her
23 name shall submit a copy of the order to the department of corrections
24 within five days of the entry of the order. Violation of this
25 subsection is a misdemeanor.

26 (3) The district court shall collect the fees authorized by RCW
27 36.18.010 for filing and recording a name change order, and transmit
28 the fee and the order to the county auditor. The court may collect a
29 reasonable fee to cover the cost of transmitting the order to the
30 county auditor.

31 NEW SECTION. **Sec. 11.** A new section is added to chapter 72.09 RCW
32 to read as follows:

33 The department may require an offender who obtains an order under
34 RCW 4.24.130 changing his or her name to use the name under which he or
35 she was committed to the department during all official communications
36 with department personnel and in all matters relating to the offender's

1 incarceration or community supervision. Violation of this section is
2 a misdemeanor.

3 NEW SECTION. Sec. 12. A new section is added to chapter 72.09 RCW
4 to read as follows:

5 (1) Milk and milk products produced by correctional industries
6 shall be consumed or used, to the greatest extent possible, within the
7 correctional system. Milk and milk products surplus to such
8 consumption or use may be sold to local correctional facilities. Raw,
9 bulk milk may be disposed of as prescribed in RCW 72.09.100.

10 (2) In order for correctional industries to dispose of milk or milk
11 products in a manner other than provided for in subsection (1) of this
12 section, correctional industries shall: (a) Market milk in accordance
13 with the provisions applicable to producers under the federal milk
14 marketing order of the United States department of agriculture, or its
15 successor marketing arrangement; and, (b) dispose of milk and milk
16 products processed by correctional industries as a fully regulated
17 handler under the federal order, or its successor marketing
18 arrangement.

19 **Sec. 13.** RCW 72.10.020 and 1989 c 157 s 3 are each amended to read
20 as follows:

21 (1) The department may develop and implement a health services plan
22 for the delivery of health care services to ~~((inmates))~~ offenders in
23 the department's ~~((custody))~~ correctional facilities, at the discretion
24 of the secretary, and in conformity with state and federal law.

25 (2) In order to discourage the unwarranted use of health care
26 services caused by unnecessary visits to health care providers,
27 offenders shall participate in the costs of their health care services
28 by paying a nominal amount of no less than three dollars per visit,
29 determined by the secretary. Pursuant to the authority granted in RCW
30 72.01.050(2), the secretary may authorize the superintendent to collect
31 this amount for health care services directly from an offender's
32 institution account. All copayments collected from offenders'
33 institution accounts shall be deposited into the general fund.

34 (3) Offenders are required to make copayments for health care
35 visits that are offender initiated. Offenders are not required to pay
36 for emergency treatment or for visits initiated by health care staff or

1 treatment of those conditions that constitute a serious health care
2 need.

3 (4) No offender may be refused any health care service because of
4 indigence.

5 (5) At no time shall the withdrawal of funds for the payment of a
6 medical service copayment result in reducing an offender's institution
7 account to an amount less than the defined level of indigency as
8 determined by the department. When an offender's institution account
9 contains less money than the defined level of indigency at the time a
10 copayment is assessed, the assessment shall be recorded as an
11 outstanding debt and may be collected from an offender's institution
12 account at any time sufficient funds become available.

13 **Sec. 14.** RCW 72.10.010 and 1989 c 157 s 2 are each amended to read
14 as follows:

15 As used in this chapter:

16 (1) "Department" means the department of corrections.

17 (2) "Health care practitioner" means an individual or firm licensed
18 or certified to actively engage in a regulated health profession.

19 (3) "Health profession" means ~~((and includes))~~ those licensed or
20 regulated professions set forth in RCW 18.120.020(4).

21 (4) "Health care facility" means any hospital, hospice care center,
22 licensed or certified health care facility, health maintenance
23 organization regulated under chapter 48.46 RCW, federally qualified
24 health maintenance organization, federally approved renal dialysis
25 center or facility ~~((federally approved under 42 CFR 405.2100))~~, or
26 federally licensed blood bank ~~((federally licensed under 21 CFR 607))~~.

27 (5) "Health care services" means ~~((and includes))~~ medical, dental,
28 and mental health care services.

29 (6) "Secretary" means the secretary of the department of
30 corrections.

31 (7) "Superintendent" means the superintendent of a correctional
32 facility under the jurisdiction of the Washington state department of
33 corrections.

34 NEW SECTION. **Sec. 15.** A new section is added to chapter 72.10 RCW
35 to read as follows:

36 No later than October 1, 1996, and every year thereafter, the
37 department shall report to the legislature the following information

1 for the preceding fiscal year: (1) The total number of health care
2 visits made by offenders; (2) the total number of copayments assessed;
3 (3) the total dollar amount of copayments collected; (4) the total
4 number of copayments that were not assessed or collected due to an
5 offender's indigence; and (5) the total number of copayments that were
6 not assessed due to the serious or emergent nature of the health care
7 treatment, or because the health care visit was not offender initiated.
8 The first report prepared by the department shall include, at a
9 minimum, all available information collected during the second half of
10 fiscal year 1996.

11 NEW SECTION. **Sec. 16.** A new section is added to chapter 72.10 RCW
12 to read as follows:

13 Upon entry into the adult correctional system, offenders shall
14 receive an initial medical examination. The department shall prepare
15 a health profile for each offender that includes at least the following
16 information: (1) An identification of the offender's serious medical
17 and dental needs; (2) an evaluation of the offender's capacity for work
18 and recreation; and (3) a financial assessment of the offender's
19 ability to pay for all or a portion of his or her health care services
20 from personal resources or private insurance.

21 NEW SECTION. **Sec. 17.** The department shall adopt rules to
22 implement sections 13 through 16 of this act.

23 **Sec. 18.** RCW 72.10.030 and 1989 c 157 s 4 are each amended to read
24 as follows:

25 (1) Notwithstanding any other provisions of law, the secretary may
26 enter into contracts with health care practitioners, health care
27 facilities, and other entities or agents as may be necessary to provide
28 basic medical care to inmates. The contracts shall not cause the
29 termination of classified employees of the department rendering the
30 services at the time the contract is executed.

31 (2) In contracting for services, the secretary is authorized to
32 provide for indemnification of health care practitioners who cannot
33 obtain professional liability insurance through reasonable effort, from
34 liability on any action, claim, or proceeding instituted against them
35 arising out of the good faith performance or failure of performance of
36 services on behalf of the department. The contracts may provide that

1 for the purposes of chapter 4.92 RCW only, those health care
2 practitioners with whom the department has contracted shall be
3 considered state employees. The Washington state health care authority
4 shall contract with a private research company to conduct a review of
5 corrections health services to determine if certain components of the
6 health services system such as dental care, eye care, or laboratory
7 work, could be provided more efficiently by contracting out for the
8 services. The review shall be submitted to the legislature by December
9 1, 1996. The decision to implement any recommendations made in the
10 report regarding contracting out any or all components of the health
11 services system shall be made by the legislature and not by the
12 secretary.

13 **Sec. 19.** RCW 9.94A.137 and 1993 c 338 s 4 are each amended to read
14 as follows:

15 (1)(a) An offender is eligible to be sentenced to a work ethic camp
16 if the offender:

17 ~~((a))~~ (i) Is sentenced to a term of total confinement of not less
18 than ~~((twenty-two))~~ sixteen months or more than thirty-six months;

19 ~~((b))~~ (ii) Is ~~((between the ages of))~~ eighteen ~~((and twenty-~~
20 ~~eight))~~ years of age or older; and

21 ~~((c))~~ (iii) Has no current or prior convictions for any sex
22 offenses or for violent offenses other than drug offenses for
23 manufacturing, possession, delivery, or intent to deliver a controlled
24 substance.

25 (b) An offender is not eligible to participate in the work ethic
26 camp if the offender is found, at any time, to be an illegal alien or
27 the subject of a hard detainer or deportation order. Any offender who
28 is found to be an illegal alien or becomes the subject of a hard
29 detainer or deportation order after being sentenced to or beginning the
30 work ethic camp shall be immediately removed from the work ethic camp
31 program.

32 (c) The length of the work ethic camp program shall be at least one
33 hundred twenty days and not more than one hundred eighty days. Because
34 of the conversion ratio, earned early release time shall not accrue to
35 offenders who successfully complete the program.

36 (2) If the sentencing judge determines that the offender is
37 eligible for the work ethic camp and is likely to qualify under
38 subsection (3) of this section, the judge shall impose a sentence

1 within the standard range and may recommend that the offender serve the
2 sentence at a work ethic camp. The sentence shall provide that if the
3 offender successfully completes the program, the department shall
4 convert the period of work ethic camp confinement at the rate of one
5 day of work ethic camp confinement to three days of total standard
6 confinement. ~~((The court shall also provide that upon completion of
7 the work ethic camp program, the offender shall be released on
8 community custody for any remaining time of total confinement.))~~ In
9 sentencing an offender to the work ethic camp, the court shall specify:
10 (i) That upon completion of the work ethic camp program, the offender
11 shall be released on community custody for any remaining time of total
12 confinement; (ii) the applicable conditions of supervision on community
13 custody status as authorized by RCW 9.94A.120(8)(b) and (c); and (iii)
14 which conditions, if violated, may result in a return to total
15 confinement for the balance of the offender's remaining time of
16 confinement. The department may identify offenders who are eligible
17 for the work ethic camp and, with concurrence from the sentencing
18 judge, may refer the offender to the work ethic camp and adjust time
19 served and community custody requirements as prescribed in this
20 section.

21 (3) The department shall place the offender in the work ethic camp
22 program, subject to capacity, unless (a) the department determines that
23 the offender has physical or mental impairments that would prevent
24 participation and completion of the program, (b) the department
25 determines that the offender's custody level prevents placement in the
26 program, or (c) the offender refuses to agree to the terms and
27 conditions of the program.

28 ~~((4))~~ (5) An ~~((inmate))~~ offender who fails to complete the work
29 ethic camp program, who is administratively terminated from the
30 program, or who otherwise violates any conditions of supervision, as
31 defined by the department, shall be reclassified to serve the unexpired
32 term of his or her sentence as ordered by the sentencing judge and
33 shall be subject to all rules relating to earned early release time.

34 ~~((5) The length of the work ethic camp program shall be at least~~
35 ~~one hundred twenty days and not more than one hundred eighty days.~~
36 ~~Because of the conversion ratio, earned early release time shall not~~
37 ~~accrue to offenders who successfully complete the program.))~~

1 (6) During the last two weeks prior to release from the work ethic
2 camp program the department shall provide the offender with
3 comprehensive transition training.

4 **Sec. 20.** RCW 9.94A.120 and 1994 c 1 s 2 (Initiative Measure No.
5 593) and 1993 c 31 s 3 are each reenacted and amended to read as
6 follows:

7 When a person is convicted of a felony, the court shall impose
8 punishment as provided in this section.

9 (1) Except as authorized in subsections (2), (4), (5), and (7) of
10 this section, the court shall impose a sentence within the sentence
11 range for the offense.

12 (2) The court may impose a sentence outside the standard sentence
13 range for that offense if it finds, considering the purpose of this
14 chapter, that there are substantial and compelling reasons justifying
15 an exceptional sentence.

16 (3) Whenever a sentence outside the standard range is imposed, the
17 court shall set forth the reasons for its decision in written findings
18 of fact and conclusions of law. A sentence outside the standard range
19 shall be a determinate sentence.

20 (4) A persistent offender shall be sentenced to a term of total
21 confinement for life without the possibility of parole or, when
22 authorized by RCW 10.95.030 for the crime of aggravated murder in the
23 first degree, sentenced to death, notwithstanding the maximum sentence
24 under any other law. An offender convicted of the crime of murder in
25 the first degree shall be sentenced to a term of total confinement not
26 less than twenty years. An offender convicted of the crime of assault
27 in the first degree or assault of a child in the first degree where the
28 offender used force or means likely to result in death or intended to
29 kill the victim shall be sentenced to a term of total confinement not
30 less than five years. An offender convicted of the crime of rape in
31 the first degree shall be sentenced to a term of total confinement not
32 less than five years. The foregoing minimum terms of total confinement
33 are mandatory and shall not be varied or modified as provided in
34 subsection (2) of this section. In addition, all offenders subject to
35 the provisions of this subsection shall not be eligible for community
36 custody, earned early release time, furlough, home detention, partial
37 confinement, work crew, work release, or any other form of early
38 release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8),

1 or any other form of authorized leave of absence from the correctional
2 facility while not in the direct custody of a corrections officer or
3 officers during such minimum terms of total confinement except in the
4 case of an offender in need of emergency medical treatment or for the
5 purpose of commitment to an inpatient treatment facility in the case of
6 an offender convicted of the crime of rape in the first degree.

7 (5) In sentencing a first-time offender the court may waive the
8 imposition of a sentence within the sentence range and impose a
9 sentence which may include up to ninety days of confinement in a
10 facility operated or utilized under contract by the county and a
11 requirement that the offender refrain from committing new offenses.
12 The sentence may also include up to two years of community supervision,
13 which, in addition to crime-related prohibitions, may include
14 requirements that the offender perform any one or more of the
15 following:

16 (a) Devote time to a specific employment or occupation;

17 (b) Undergo available outpatient treatment for up to two years, or
18 inpatient treatment not to exceed the standard range of confinement for
19 that offense;

20 (c) Pursue a prescribed, secular course of study or vocational
21 training;

22 (d) Remain within prescribed geographical boundaries and notify the
23 court or the community corrections officer prior to any change in the
24 offender's address or employment;

25 (e) Report as directed to the court and a community corrections
26 officer; or

27 (f) Pay all court-ordered legal financial obligations as provided
28 in RCW 9.94A.030 and/or perform community service work.

29 (6) If a sentence range has not been established for the
30 defendant's crime, the court shall impose a determinate sentence which
31 may include not more than one year of confinement, community service
32 work, a term of community supervision not to exceed one year, and/or
33 other legal financial obligations. The court may impose a sentence
34 which provides more than one year of confinement if the court finds,
35 considering the purpose of this chapter, that there are substantial and
36 compelling reasons justifying an exceptional sentence.

37 (7)(a)(i) When an offender is convicted of a sex offense other than
38 a violation of RCW 9A.44.050 or a sex offense that is also a serious
39 violent offense and has no prior convictions for a sex offense or any

1 other felony sex offenses in this or any other state, the sentencing
2 court, on its own motion or the motion of the state or the defendant,
3 may order an examination to determine whether the defendant is amenable
4 to treatment.

5 The report of the examination shall include at a minimum the
6 following: The defendant's version of the facts and the official
7 version of the facts, the defendant's offense history, an assessment of
8 problems in addition to alleged deviant behaviors, the offender's
9 social and employment situation, and other evaluation measures used.
10 The report shall set forth the sources of the evaluator's information.

11 The examiner shall assess and report regarding the defendant's
12 amenability to treatment and relative risk to the community. A
13 proposed treatment plan shall be provided and shall include, at a
14 minimum:

15 (A) Frequency and type of contact between offender and therapist;

16 (B) Specific issues to be addressed in the treatment and
17 description of planned treatment modalities;

18 (C) Monitoring plans, including any requirements regarding living
19 conditions, lifestyle requirements, and monitoring by family members
20 and others;

21 (D) Anticipated length of treatment; and

22 (E) Recommended crime-related prohibitions.

23 The court on its own motion may order, or on a motion by the state
24 shall order, a second examination regarding the offender's amenability
25 to treatment. The evaluator shall be selected by the party making the
26 motion. The defendant shall pay the cost of any second examination
27 ordered unless the court finds the defendant to be indigent in which
28 case the state shall pay the cost.

29 (ii) After receipt of the reports, the court shall consider whether
30 the offender and the community will benefit from use of this special
31 sexual offender sentencing alternative and consider the victim's
32 opinion whether the offender should receive a treatment disposition
33 under this subsection. If the court determines that this special sex
34 offender sentencing alternative is appropriate, the court shall then
35 impose a sentence within the sentence range. If this sentence is less
36 than eight years of confinement, the court may suspend the execution of
37 the sentence and impose the following conditions of suspension:

1 (A) The court shall place the defendant on community supervision
2 for the length of the suspended sentence or three years, whichever is
3 greater; and

4 (B) The court shall order treatment for any period up to three
5 years in duration. The court in its discretion shall order outpatient
6 sex offender treatment or inpatient sex offender treatment, if
7 available. A community mental health center may not be used for such
8 treatment unless it has an appropriate program designed for sex
9 offender treatment. The offender shall not change sex offender
10 treatment providers or treatment conditions without first notifying the
11 prosecutor, the community corrections officer, and the court, and shall
12 not change providers without court approval after a hearing if the
13 prosecutor or community corrections officer object to the change. In
14 addition, as conditions of the suspended sentence, the court may impose
15 other sentence conditions including up to six months of confinement,
16 not to exceed the sentence range of confinement for that offense,
17 crime-related prohibitions, and requirements that the offender perform
18 any one or more of the following:

19 (I) Devote time to a specific employment or occupation;

20 (II) Remain within prescribed geographical boundaries and notify
21 the court or the community corrections officer prior to any change in
22 the offender's address or employment;

23 (III) Report as directed to the court and a community corrections
24 officer;

25 (IV) Pay all court-ordered legal financial obligations as provided
26 in RCW 9.94A.030, perform community service work, or any combination
27 thereof; or

28 (V) Make recoupment to the victim for the cost of any counseling
29 required as a result of the offender's crime.

30 (iii) The sex offender therapist shall submit quarterly reports on
31 the defendant's progress in treatment to the court and the parties.
32 The report shall reference the treatment plan and include at a minimum
33 the following: Dates of attendance, defendant's compliance with
34 requirements, treatment activities, the defendant's relative progress
35 in treatment, and any other material as specified by the court at
36 sentencing.

37 (iv) At the time of sentencing, the court shall set a treatment
38 termination hearing for three months prior to the anticipated date for
39 completion of treatment. Prior to the treatment termination hearing,

1 the treatment professional and community corrections officer shall
2 submit written reports to the court and parties regarding the
3 defendant's compliance with treatment and monitoring requirements, and
4 recommendations regarding termination from treatment, including
5 proposed community supervision conditions. Either party may request
6 and the court may order another evaluation regarding the advisability
7 of termination from treatment. The defendant shall pay the cost of any
8 additional evaluation ordered unless the court finds the defendant to
9 be indigent in which case the state shall pay the cost. At the
10 treatment termination hearing the court may: (A) Modify conditions of
11 community supervision, and either (B) terminate treatment, or (C)
12 extend treatment for up to the remaining period of community
13 supervision.

14 (v) The court may revoke the suspended sentence at any time during
15 the period of community supervision and order execution of the sentence
16 if: (A) The defendant violates the conditions of the suspended
17 sentence, or (B) the court finds that the defendant is failing to make
18 satisfactory progress in treatment. All confinement time served during
19 the period of community supervision shall be credited to the offender
20 if the suspended sentence is revoked.

21 (vi) Except as provided in (a)(vii) of this subsection, after July
22 1, 1991, examinations and treatment ordered pursuant to this subsection
23 shall only be conducted by sex offender treatment providers certified
24 by the department of health pursuant to chapter 18.155 RCW.

25 (vii) A sex offender therapist who examines or treats a sex
26 offender pursuant to this subsection (7) does not have to be certified
27 by the department of health pursuant to chapter 18.155 RCW if the court
28 finds that: (A) The offender has already moved to another state or
29 plans to move to another state for reasons other than circumventing the
30 certification requirements; (B) no certified providers are available
31 for treatment within a reasonable geographical distance of the
32 offender's home; and (C) the evaluation and treatment plan comply with
33 this subsection (7) and the rules adopted by the department of health.

34 For purposes of this subsection, "victim" means any person who has
35 sustained emotional, psychological, physical, or financial injury to
36 person or property as a result of the crime charged. "Victim" also
37 means a parent or guardian of a victim who is a minor child unless the
38 parent or guardian is the perpetrator of the offense.

1 (b) When an offender is convicted of any felony sex offense
2 committed before July 1, 1987, and is sentenced to a term of
3 confinement of more than one year but less than six years, the
4 sentencing court may, on its own motion or on the motion of the
5 offender or the state, order the offender committed for up to thirty
6 days to the custody of the secretary of social and health services for
7 evaluation and report to the court on the offender's amenability to
8 treatment at these facilities. If the secretary of social and health
9 services cannot begin the evaluation within thirty days of the court's
10 order of commitment, the offender shall be transferred to the state for
11 confinement pending an opportunity to be evaluated at the appropriate
12 facility. The court shall review the reports and may order that the
13 term of confinement imposed be served in the sexual offender treatment
14 program at the location determined by the secretary of social and
15 health services or the secretary's designee, only if the report
16 indicates that the offender is amenable to the treatment program
17 provided at these facilities. The offender shall be transferred to the
18 state pending placement in the treatment program. Any offender who has
19 escaped from the treatment program shall be referred back to the
20 sentencing court.

21 If the offender does not comply with the conditions of the
22 treatment program, the secretary of social and health services may
23 refer the matter to the sentencing court. The sentencing court shall
24 commit the offender to the department of corrections to serve the
25 balance of the term of confinement.

26 If the offender successfully completes the treatment program before
27 the expiration of the term of confinement, the court may convert the
28 balance of confinement to community supervision and may place
29 conditions on the offender including crime-related prohibitions and
30 requirements that the offender perform any one or more of the
31 following:

- 32 (i) Devote time to a specific employment or occupation;
- 33 (ii) Remain within prescribed geographical boundaries and notify
34 the court or the community corrections officer prior to any change in
35 the offender's address or employment;
- 36 (iii) Report as directed to the court and a community corrections
37 officer;
- 38 (iv) Undergo available outpatient treatment.

1 If the offender violates any of the terms of community supervision,
2 the court may order the offender to serve out the balance of the
3 community supervision term in confinement in the custody of the
4 department of corrections.

5 After June 30, 1993, this subsection (b) shall cease to have
6 effect.

7 (c) When an offender commits any felony sex offense on or after
8 July 1, 1987, and is sentenced to a term of confinement of more than
9 one year but less than six years, the sentencing court may, on its own
10 motion or on the motion of the offender or the state, request the
11 department of corrections to evaluate whether the offender is amenable
12 to treatment and the department may place the offender in a treatment
13 program within a correctional facility operated by the department.

14 Except for an offender who has been convicted of a violation of RCW
15 9A.44.040 or 9A.44.050, if the offender completes the treatment program
16 before the expiration of his or her term of confinement, the department
17 of corrections may request the court to convert the balance of
18 confinement to community supervision and to place conditions on the
19 offender including crime-related prohibitions and requirements that the
20 offender perform any one or more of the following:

21 (i) Devote time to a specific employment or occupation;

22 (ii) Remain within prescribed geographical boundaries and notify
23 the court or the community corrections officer prior to any change in
24 the offender's address or employment;

25 (iii) Report as directed to the court and a community corrections
26 officer;

27 (iv) Undergo available outpatient treatment.

28 If the offender violates any of the terms of his or her community
29 supervision, the court may order the offender to serve out the balance
30 of his or her community supervision term in confinement in the custody
31 of the department of corrections.

32 Nothing in (c) of this subsection shall confer eligibility for such
33 programs for offenders convicted and sentenced for a sex offense
34 committed prior to July 1, 1987. This subsection (c) does not apply to
35 any crime committed after July 1, 1990.

36 (d) Offenders convicted and sentenced for a sex offense committed
37 prior to July 1, 1987, may, subject to available funds, request an
38 evaluation by the department of corrections to determine whether they
39 are amenable to treatment. If the offender is determined to be

1 amenable to treatment, the offender may request placement in a
2 treatment program within a correctional facility operated by the
3 department. Placement in such treatment program is subject to
4 available funds.

5 (8)(a) When a court sentences a person to a term of total
6 confinement to the custody of the department of corrections for an
7 offense categorized as a sex offense or a serious violent offense
8 committed after July 1, 1988, but before July 1, 1990, assault in the
9 second degree, assault of a child in the second degree, any crime
10 against a person where it is determined in accordance with RCW
11 9.94A.125 that the defendant or an accomplice was armed with a deadly
12 weapon at the time of commission, or any felony offense under chapter
13 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall
14 in addition to the other terms of the sentence, sentence the offender
15 to a one-year term of community placement beginning either upon
16 completion of the term of confinement or at such time as the offender
17 is transferred to community custody in lieu of earned early release in
18 accordance with RCW 9.94A.150 (1) and (2). When the court sentences an
19 offender under this subsection to the statutory maximum period of
20 confinement then the community placement portion of the sentence shall
21 consist entirely of such community custody to which the offender may
22 become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any
23 period of community custody actually served shall be credited against
24 the community placement portion of the sentence.

25 (b) When a court sentences a person to a term of total confinement
26 to the custody of the department of corrections for an offense
27 categorized as a sex offense or serious violent offense committed on or
28 after July 1, 1990, the court shall in addition to other terms of the
29 sentence, sentence the offender to community placement for two years or
30 up to the period of earned early release awarded pursuant to RCW
31 9.94A.150 (1) and (2), whichever is longer. The community placement
32 shall begin either upon completion of the term of confinement or at
33 such time as the offender is transferred to community custody in lieu
34 of earned early release in accordance with RCW 9.94A.150 (1) and (2).
35 When the court sentences an offender under this subsection to the
36 statutory maximum period of confinement then the community placement
37 portion of the sentence shall consist entirely of the community custody
38 to which the offender may become eligible, in accordance with RCW
39 9.94A.150 (1) and (2). Any period of community custody actually served

1 shall be credited against the community placement portion of the
2 sentence. Unless a condition is waived by the court, the terms of
3 community placement for offenders sentenced pursuant to this section
4 shall include the following conditions:

5 (i) The offender shall report to and be available for contact with
6 the assigned community corrections officer as directed;

7 (ii) The offender shall work at department of corrections-approved
8 education, employment, and/or community service;

9 (iii) The offender shall not consume controlled substances except
10 pursuant to lawfully issued prescriptions;

11 (iv) An offender in community custody shall not unlawfully possess
12 controlled substances;

13 (v) The offender shall pay supervision fees as determined by the
14 department of corrections; and

15 (vi) The residence location and living arrangements are subject to
16 the prior approval of the department of corrections during the period
17 of community placement.

18 (c) The court may also order any of the following special
19 conditions:

20 (i) The offender shall remain within, or outside of, a specified
21 geographical boundary;

22 (ii) The offender shall not have direct or indirect contact with
23 the victim of the crime or a specified class of individuals;

24 (iii) The offender shall participate in crime-related treatment or
25 counseling services;

26 (iv) The offender shall not consume alcohol; or

27 (v) The offender shall comply with any crime-related prohibitions.

28 (d) As a part of any sentence providing for conversion from total
29 confinement to community custody pursuant to RCW 9.94A.137(2) after
30 successful completion of a work ethic camp program, the court shall
31 impose and enforce the conditions enumerated in (b) of this subsection
32 and may order any of the special conditions enumerated in (c) of this
33 subsection, including a prohibition against new felony convictions.
34 The court shall specify which of the conditions, if violated, may
35 result in a return to total confinement for the balance of the
36 offender's remaining term of confinement.

37 (e) Prior to transfer to, or during, community placement, any
38 conditions of community placement may be removed or modified so as not

1 to be more restrictive by the sentencing court, upon recommendation of
2 the department of corrections.

3 (9) If the court imposes a sentence requiring confinement of thirty
4 days or less, the court may, in its discretion, specify that the
5 sentence be served on consecutive or intermittent days. A sentence
6 requiring more than thirty days of confinement shall be served on
7 consecutive days. Local jail administrators may schedule court-ordered
8 intermittent sentences as space permits.

9 (10) If a sentence imposed includes payment of a legal financial
10 obligation, the sentence shall specify the total amount of the legal
11 financial obligation owed, and shall require the offender to pay a
12 specified monthly sum toward that legal financial obligation.
13 Restitution to victims shall be paid prior to any other payments of
14 monetary obligations. Any legal financial obligation that is imposed
15 by the court may be collected by the department, which shall deliver
16 the amount paid to the county clerk for credit. The offender's
17 compliance with payment of legal financial obligations shall be
18 supervised by the department. All monetary payments ordered shall be
19 paid no later than ten years after the last date of release from
20 confinement pursuant to a felony conviction or the date the sentence
21 was entered. Independent of the department, the party or entity to
22 whom the legal financial obligation is owed shall have the authority to
23 utilize any other remedies available to the party or entity to collect
24 the legal financial obligation. Nothing in this section makes the
25 department, the state, or any of its employees, agents, or other
26 persons acting on their behalf liable under any circumstances for the
27 payment of these legal financial obligations. If an order includes
28 restitution as one of the monetary assessments, the county clerk shall
29 make disbursements to victims named in the order.

30 (11) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a
31 court may not impose a sentence providing for a term of confinement or
32 community supervision or community placement which exceeds the
33 statutory maximum for the crime as provided in chapter 9A.20 RCW.

34 (12) All offenders sentenced to terms involving community
35 supervision, community service, community placement, or legal financial
36 obligation shall be under the supervision of the secretary of the
37 department of corrections or such person as the secretary may designate
38 and shall follow explicitly the instructions of the secretary including
39 reporting as directed to a community corrections officer, remaining

1 within prescribed geographical boundaries, notifying the community
2 corrections officer of any change in the offender's address or
3 employment, and paying the supervision fee assessment. The department
4 may require offenders to pay for special services rendered on or after
5 July 25, 1993, including electronic monitoring, day reporting, and
6 telephone reporting, dependent upon the offender's ability to pay. The
7 department may pay for these services for offenders who are not able to
8 pay.

9 (13) All offenders sentenced to terms involving community
10 supervision, community service, or community placement under the
11 supervision of the department of corrections shall not own, use, or
12 possess firearms or ammunition. Offenders who own, use, or are found
13 to be in actual or constructive possession of firearms or ammunition
14 shall be subject to the appropriate violation process and sanctions.
15 "Constructive possession" as used in this subsection means the power
16 and intent to control the firearm or ammunition. "Firearm" as used in
17 this subsection means a weapon or device from which a projectile may be
18 fired by an explosive such as gunpowder.

19 (14) The sentencing court shall give the offender credit for all
20 confinement time served before the sentencing if that confinement was
21 solely in regard to the offense for which the offender is being
22 sentenced.

23 (15) A departure from the standards in RCW 9.94A.400 (1) and (2)
24 governing whether sentences are to be served consecutively or
25 concurrently is an exceptional sentence subject to the limitations in
26 subsections (2) and (3) of this section, and may be appealed by the
27 defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

28 (16) The court shall order restitution whenever the offender is
29 convicted of a felony that results in injury to any person or damage to
30 or loss of property, whether the offender is sentenced to confinement
31 or placed under community supervision, unless extraordinary
32 circumstances exist that make restitution inappropriate in the court's
33 judgment. The court shall set forth the extraordinary circumstances in
34 the record if it does not order restitution.

35 (17) As a part of any sentence, the court may impose and enforce an
36 order that relates directly to the circumstances of the crime for which
37 the offender has been convicted, prohibiting the offender from having
38 any contact with other specified individuals or a specific class of
39 individuals for a period not to exceed the maximum allowable sentence

1 for the crime, regardless of the expiration of the offender's term of
2 community supervision or community placement.

3 (18) In any sentence of partial confinement, the court may require
4 the defendant to serve the partial confinement in work release, in a
5 program of home detention, on work crew, or in a combined program of
6 work crew and home detention.

7 (19) All court-ordered legal financial obligations collected by the
8 department and remitted to the county clerk shall be credited and paid
9 where restitution is ordered. Restitution shall be paid prior to any
10 other payments of monetary obligations.

11 NEW SECTION. **Sec. 21.** A new section is added to chapter 72.09 RCW
12 to read as follows:

13 (1) The department shall establish an illegal alien offender
14 transition camp and be ready to assign inmates to the camp no later
15 than July 1, 1996. The secretary shall locate the illegal alien
16 offender transition camp within an already existing department compound
17 or facility.

18 (2) The department shall develop all aspects of the illegal alien
19 offender transition camp program including, but not limited to,
20 residential arrangements, program standards, conduct standards,
21 individual and team work goals, and measures to hold the offender
22 accountable for his or her behavior. The secretary shall define
23 successful completion of the program, based on successful attendance,
24 participation, and performance. The illegal alien offender transition
25 camp shall be designed and implemented so that offenders are engaged in
26 work activities and unstructured time is kept to a minimum. The
27 standards for work performance, physical work activities, and
28 offenders' rights and responsibilities shall be equivalent to those of
29 the work ethic camp for general inmates.

30 NEW SECTION. **Sec. 22.** A new section is added to chapter 9.94A RCW
31 to read as follows:

32 (1) An offender is eligible to be sentenced to an illegal alien
33 offender transition camp if the offender:

34 (a) Is an illegal alien who can be released to the United States
35 immigration and naturalization service for deportation at the time of
36 the offender's release from the camp;

1 (b) Is sentenced to a term of total confinement of not less than
2 sixteen or more than thirty-six months;

3 (c) Is eighteen years of age or older;

4 (d) Has no current or prior convictions for any sex offenses or
5 violent offenses other than drug offenses for manufacturing,
6 possession, delivery, or intent to deliver a controlled substance; and

7 (e) Agrees in writing as required by subsection (5) of this section
8 to the terms and conditions for participation.

9 (2) The length of the illegal alien offender transition camp
10 program shall be at least one hundred twenty days and not more than one
11 hundred eighty days.

12 (3) If the sentencing judge determines that an offender is
13 potentially eligible for the illegal alien offender transition camp and
14 is likely to meet the requirements of subsection (6) of this section,
15 the judge shall impose a sentence of total standard confinement within
16 the standard range and shall recommend that the offender serve the
17 sentence at an illegal alien offender transition camp. The sentence
18 shall provide that the offender shall serve one day in the transition
19 camp for every three days of total standard confinement. In sentencing
20 an offender to the illegal alien offender transition camp, the court
21 shall specify that: (a) Upon completion of the illegal alien offender
22 transition camp program, the offender shall be released within ten days
23 to the custody of the immigration and naturalization service to be
24 deported to his or her native country; and (b) in the event an offender
25 cannot be released to the custody of the immigration and naturalization
26 service within ten days, the department may detain the offender in the
27 illegal alien offender transition camp for up to sixty days.

28 (4) The department may identify offenders under its jurisdiction
29 who are or become eligible for the illegal alien offender transition
30 camp and, with concurrence from the sentencing judge and the
31 prosecuting attorney, may refer the offenders to the illegal alien
32 offender transition camp and adjust time served as prescribed in
33 subsection (2) of this section.

34 (5) The department shall notify the immigration and naturalization
35 service of all suspected illegal alien offenders under its jurisdiction
36 and request that the immigration and naturalization service begin
37 deportation proceedings as expeditiously as possible. The department,
38 in cooperation with the immigration and naturalization service, shall
39 seek accelerated hearings for all suspected illegal aliens under its

1 jurisdiction to facilitate their removal from the country upon their
2 release by the department as soon as possible.

3 (6) An illegal alien offender who meets the eligibility
4 requirements of subsection (1)(a) through (d) of this section shall be
5 informed by the sentencing court or the department of his or her
6 potential for participating in the illegal alien offender transition
7 camp. The terms and conditions of the illegal alien offender
8 transition camp shall be provided to the illegal alien offender, both
9 verbally and in writing, in his or her native language. An illegal
10 alien offender must agree in writing to the terms and conditions of the
11 illegal alien offender transition camp at the time of sentencing or at
12 the time of transfer to the camp.

13 NEW SECTION. **Sec. 23.** A new section is added to chapter 72.09 RCW
14 to read as follows:

15 (1) The secretary shall establish, at each institution with an
16 inmate population of more than one hundred, a corrections advisory
17 team. The team shall consist of two representatives from management
18 personnel, two representatives from personnel represented by an
19 exclusive bargaining unit selected by those personnel, and not more
20 than three persons from among the education or work programs operating
21 within the institution. The secretary shall invite other groups to
22 select a representative to serve on the team, including but not limited
23 to the following:

24 (a) The superior court judges in the county in which the
25 institution is located;

26 (b) The prosecuting attorney for the county in which the
27 institution is located;

28 (c) An organization whose primary purpose is legal representation
29 of persons accused or convicted of crimes;

30 (d) A sheriff or police chief whose jurisdiction includes or is in
31 close proximity of the institution; and

32 (e) An organization whose primary purpose is advocacy of the
33 interests of crime victims.

34 (2) The team shall have the following duties:

35 (a) Review existing or proposed work and education programs for the
36 purpose of commenting on the program's cost-effectiveness and impact on
37 recidivism;

1 (b) Suggest revisions in existing, or addition of new, programs in
2 the institution; and

3 (c) Identify cost-saving opportunities in institution operations.

4 (3) The superintendent of each institution identified in this
5 section shall annually prepare a report to the secretary on the work of
6 the team in his or her institution. The report shall include the
7 superintendent's response to recommendations made by the team. The
8 secretary shall collect and forward the reports to the legislature not
9 later than December 1 of each year, together with such recommendations
10 as the secretary finds appropriate.

11 (4) The secretary shall provide reasonably necessary support,
12 within available funds, for the teams to carry out their duties under
13 this section.

14 (5) Members of a team shall be eligible for travel expenses and per
15 diem under RCW 43.03.050 and 43.03.060.

16 NEW SECTION. **Sec. 24.** A new section is added to chapter 72.09 RCW
17 to read as follows:

18 (1) There is hereby created a joint committee on corrections cost-
19 efficiencies oversight. The committee shall consist of: (a) Two
20 members of the senate appointed by the president of the senate, one of
21 whom shall be a member of the majority party and one of whom shall be
22 a member of the minority party; and (b) two members of the house of
23 representatives appointed by the speaker of the house of
24 representatives, one of whom shall be a member of the majority party
25 and one of whom shall be a member of the minority party.

26 (2) The committee shall elect a chair and a vice-chair. The chair
27 shall be a member of the senate in even-numbered years and a member of
28 the house of representatives in odd-numbered years.

29 (3) The committee shall have the following powers and duties:

30 (a) Review all reports required under section 29 of this act;

31 (b) Review all reports and recommendations submitted by the
32 corrections advisory teams under section 23 of this act;

33 (c) Initiate or review studies relevant to the issues of
34 corrections cost-efficiencies and programmatic improvements;

35 (d) Review all rules proposed by the department of corrections to
36 ensure consistency with the purpose of chapter . . . , Laws of 1995
37 (this act);

1 (e) Periodically make recommendations to the legislature and the
2 governor regarding corrections cost-efficiencies and programmatic
3 improvements; and

4 (f) By December 1, 1996, report to the legislature on the amount of
5 actual and projected cost savings within the department during the
6 1995-97 biennium and report its further recommendations to address
7 expenditure growth in the department.

8 (4) The joint committee on corrections oversight shall terminate on
9 July 1, 1997.

10 NEW SECTION. **Sec. 25.** The legislature finds that the
11 responsibility for criminal activity should fall squarely on the
12 criminal. To the greatest extent possible society should not be
13 expected to have to pay the price for crimes twice, once for the
14 criminal activity and again by feeding, clothing, and housing the
15 criminal. The corrections system should be the first place criminals
16 are given the opportunity to be responsible for paying for their
17 criminal act, not just through the loss of their personal freedom, but
18 by making financial contributions to alleviate the pain and suffering
19 of victims of crime.

20 NEW SECTION. **Sec. 26.** A new section is added to chapter 72.09 RCW
21 to read as follows:

22 Each year the department shall transfer twenty-five percent of the
23 total annual revenues and receipts received in each institutional
24 betterment fund subaccount to the department of labor and industries
25 for the purpose of providing direct benefits to crime victims through
26 the crime victims' compensation program as outlined in chapter 7.68
27 RCW. This transfer takes priority over any expenditure of betterment
28 funds and shall be reflected on the monthly financial statements of
29 each institution's betterment fund subaccount.

30 Any funds so transferred to the department of labor and industries
31 shall be in addition to the crime victims' compensation amount provided
32 in an omnibus appropriation bill. It is the intent of the legislature
33 that the funds forecasted or transferred pursuant to this section shall
34 not reduce the funding levels provided by appropriation.

35 **Sec. 27.** RCW 7.68.090 and 1973 1st ex.s. c 122 s 9 are each
36 amended to read as follows:

1 The director shall establish such fund or funds, separate from
2 existing funds, necessary to administer this chapter, and payment to
3 these funds shall be from legislative appropriation, statutory
4 provision, reimbursement and subrogation as provided in this chapter,
5 and from any contributions or grants specifically so directed.

6 **Sec. 28.** RCW 43.17.200 and 1983 c 204 s 4 are each amended to read
7 as follows:

8 All state agencies including all state departments, boards,
9 councils, commissions, and quasi public corporations shall allocate, as
10 a nondeductible item, out of any moneys appropriated for the original
11 construction of any public building, an amount of one-half of one
12 percent of the appropriation to be expended by the Washington state
13 arts commission for the acquisition of works of art created by
14 Washington state artists. The works of art may be placed on public
15 lands, integral to or attached to a public building or structure,
16 detached within or outside a public building or structure, part of a
17 portable exhibition or collection, part of a temporary exhibition, or
18 loaned or exhibited in other public facilities. In addition to the
19 cost of the works of art the one-half of one percent of the
20 appropriation as provided herein shall be used to provide for the
21 administration of the visual arts program by the Washington state arts
22 commission and all costs for installation of the works of art. For the
23 purpose of this section building shall not include highway construction
24 sheds, warehouses, or other buildings of a temporary nature.

25 NEW SECTION. **Sec. 29.** The department of corrections shall conduct
26 the following reviews and prepare the following reports:

27 (1) The secretary shall review the feasibility and desirability of
28 reducing the use of paid educational and vocational instructors by
29 increasing the use of volunteer instructors and implementing
30 technological efficiencies. Upon completion of the review, the
31 secretary shall submit a report of the secretary's findings and
32 recommendations to the legislature and the joint committee on
33 corrections cost-efficiencies oversight by December 1, 1995.

34 (2) The secretary shall seek federal funding for the incarceration
35 of undocumented felons. The secretary shall also pursue amendments to
36 the federal transfer treaty program to facilitate deportation of
37 undocumented alien offenders, specifically current treaties that

1 require voluntary participation by the offender and loss of
2 jurisdiction by the sending agency. The secretary shall seek
3 enforcement of and pursue amendments to current federal sanctions for
4 alien reentry, specifically amendments to the allowance of at least two
5 prior felony convictions and at least two prior deportations before
6 indictment for reentry is considered. The secretary shall submit a
7 report on the secretary's progress to the legislature and the joint
8 committee on corrections cost-efficiencies oversight by December 1,
9 1995.

10 (3) The secretary shall review current perimeter security
11 technologies and designs that could minimize or eliminate the need for
12 staffed perimeter guard towers at medium and maximum custody
13 correctional institutions. Upon completion of the review, the
14 secretary shall submit a report to the legislature and the joint
15 committee on corrections cost-efficiencies oversight on the secretary's
16 findings and recommendations by December 1, 1995.

17 (4) The secretary shall review the feasibility and desirability of
18 implementing a "hot bunking" or "stacking" system that would allow
19 prison beds to be used on a rotational basis. The review shall include
20 at least the following: (a) A fiscal analysis of the capital and
21 operating costs of implementing a twelve-hour scheduled rotation where
22 each prison cell and bed could be used by multiple inmates; and (b) an
23 analysis of how the department would address safety issues that might
24 arise from a rotation system that increases the amount of time inmates
25 would spend out of their cells. Upon completion of the review, the
26 secretary shall submit a report to the legislature and the joint
27 committee on corrections cost-efficiencies oversight on the secretary's
28 findings and recommendations by December 1, 1995.

29 NEW SECTION. **Sec. 30.** The department shall cooperate in the
30 preparation of the following reviews and reports:

31 (1) The legislative budget committee shall review staffing ratios
32 within the department. The review shall identify the ratio of
33 management to nonmanagement staff and the distribution of management
34 and nonmanagement staff throughout each of the department's divisions,
35 institutions, and programs. Upon completion of the review, the
36 legislative budget committee shall submit a report of its findings and
37 recommendations to the legislature and the advisory team by December 1,
38 1995. If specific funding for the purpose of this subsection is not

1 provided by June 30, 1995, in the omnibus appropriations act, this
2 section is null and void.

3 (2) The office of the state auditor shall review the department's
4 budgeting process and operating budget request to the governor for the
5 1995-97 biennium. Upon completion of the review, the office of the
6 state auditor shall submit a report of its findings and recommendations
7 to the legislature and the advisory team by December 1, 1995. If
8 specific funding for the purpose of this subsection is not provided by
9 June 30, 1995, in the omnibus appropriations act, this section is null
10 and void.

11 (3) The correctional industries board of directors and the
12 secretary shall jointly review all current and proposed education and
13 vocational training programs provided by the department. The review
14 shall identify whether the curriculum corresponds to current and
15 proposed correctional industries jobs and whether the curriculum
16 teaches skills relevant to employment opportunities inmates may qualify
17 for after they are released. Upon completion of the review, the board
18 and the secretary shall submit a joint report of their findings and
19 recommendations to the legislature and the secretary by December 1,
20 1995.

21 (4) The correctional industries board of directors shall review the
22 feasibility and desirability of establishing a recreational, health,
23 and fitness program that employs inmates to support department
24 recreational, health, and fitness activities. Upon completion of the
25 review, the board shall submit a report of its findings and
26 recommendations to the legislature and the secretary by December 1,
27 1995.

28 (5) The department of transportation shall review the feasibility
29 and desirability of privatizing the department of corrections marine
30 transportation fleet, operation, or both. The review shall include a
31 comparison of department employee salaries with equivalent private
32 marine positions salaries. Upon completion of the review, the
33 department of transportation shall submit a report of its findings and
34 recommendations to the legislature and the advisory team by December 1,
35 1995.

36 (6) The office of financial management and the department of
37 general administration shall jointly review the food planning model
38 developed by the department of corrections for possible extrapolation
39 to a uniform, state-wide planning, purchasing, and distribution of food

1 and food products for state institutions, including but not limited to
2 prisons, juvenile correctional institutions, and state hospitals. Upon
3 completion of the review, the office of financial management and the
4 department of general administration shall submit a joint report of
5 their findings and recommendations to the legislature and the advisory
6 team by December 1, 1995.

7 (7) The printing and duplicating management center in the
8 department of general administration shall review the feasibility and
9 desirability of establishing as a class II correctional industry within
10 one or more correctional institutions, a print shop and printers
11 apprenticeship program. Upon completion of the review, the center
12 shall submit a report of its findings and recommendations to the
13 legislature and the secretary by December 1, 1995.

14 NEW SECTION. **Sec. 31.** This act shall be known as the department
15 of corrections cost-efficiency and inmate responsibility and
16 accountability omnibus act.

17 NEW SECTION. **Sec. 32.** 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.

21 NEW SECTION. **Sec. 33.** If specific funding for the purpose of this
22 act, referencing this act by bill number, is not provided by June 30,
23 1995, in the omnibus appropriations act, this act shall be null and
24 void."

25 **E2SHB 2010** - S COMM AMD
26 By Committee on Ways & Means

27 ADOPTED 4/14/95

28 On page 1, line 1 of the title, after "corrections;" strike the
29 remainder of the title and insert "amending RCW 72.09.010, 72.09.015,
30 72.09.020, 72.09.130, 4.24.130, 72.10.020, 72.10.010, 72.10.030,
31 9.94A.137, 7.68.090, and 43.17.200; reenacting and amending RCW
32 9.94A.120; adding new sections to chapter 72.09 RCW; adding new

1 sections to chapter 72.10 RCW; adding a new section to chapter 9.94A
2 RCW; creating new sections; and prescribing penalties."

--- **END** ---