

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

4 ADOPTED 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 **Sec. 12.** RCW 72.10.020 and 1989 c 157 s 3 are each amended to read
4 as follows:

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

9 (2) In order to discourage the unwarranted use of health care
10 services caused by unnecessary visits to health care providers,
11 offenders shall participate in the costs of their health care services
12 by paying a nominal amount of no less than three dollars per visit,
13 determined by the secretary. Pursuant to the authority granted in RCW
14 72.01.050(2), the secretary may authorize the superintendent to collect
15 this amount for health care services directly from an offender's
16 institution account. All copayments collected from offenders'
17 institution accounts shall be deposited into the general fund.

18 (3) Offenders are required to make copayments for health care
19 visits that are offender initiated. Offenders are not required to pay
20 for emergency treatment or for visits initiated by health care staff or
21 treatment of those conditions that constitute a serious health care
22 need.

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

25 (5) At no time shall the withdrawal of funds for the payment of a
26 medical service copayment result in reducing an offender's institution
27 account to an amount less than the defined level of indigency as
28 determined by the department. When an offender's institution account
29 contains less money than the defined level of indigency at the time a
30 copayment is assessed, the assessment shall be recorded as an
31 outstanding debt and may be collected from an offender's institution
32 account at any time sufficient funds become available.

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

35 As used in this chapter:

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

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

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

5 (4) "Health care facility" means any hospital, hospice care center,
6 licensed or certified health care facility, health maintenance
7 organization regulated under chapter 48.46 RCW, federally qualified
8 health maintenance organization, federally approved renal dialysis
9 center or facility (~~federally approved under 42 CFR 405.2100~~), or
10 federally licensed blood bank (~~federally licensed under 21 CFR 607~~).

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

13 (6) "Secretary" means the secretary of the department of
14 corrections.

15 (7) "Superintendent" means the superintendent of a correctional
16 facility under the jurisdiction of the Washington state department of
17 corrections.

18 NEW SECTION. Sec. 14. A new section is added to chapter 72.10 RCW
19 to read as follows:

20 No later than October 1, 1996, and every year thereafter, the
21 department shall report to the legislature the following information
22 for the preceding fiscal year: (1) The total number of health care
23 visits made by offenders; (2) the total number of copayments assessed;
24 (3) the total dollar amount of copayments collected; (4) the total
25 number of copayments that were not assessed or collected due to an
26 offender's indigence; and (5) the total number of copayments that were
27 not assessed due to the serious or emergent nature of the health care
28 treatment, or because the health care visit was not offender initiated.
29 The first report prepared by the department shall include, at a
30 minimum, all available information collected during the second half of
31 fiscal year 1996.

32 NEW SECTION. Sec. 15. A new section is added to chapter 72.10 RCW
33 to read as follows:

34 Upon entry into the adult correctional system, offenders shall
35 receive an initial medical examination. The department shall prepare
36 a health profile for each offender that includes at least the following
37 information: (1) An identification of the offender's serious medical

1 and dental needs; (2) an evaluation of the offender's capacity for work
2 and recreation; and (3) a financial assessment of the offender's
3 ability to pay for all or a portion of his or her health care services
4 from personal resources or private insurance.

5 NEW SECTION. **Sec. 16.** The department shall adopt rules to
6 implement sections 12 through 15 of this act.

7 **Sec. 17.** RCW 72.10.030 and 1989 c 157 s 4 are each amended to read
8 as follows:

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

15 (2) In contracting for services, the secretary is authorized to
16 provide for indemnification of health care practitioners who cannot
17 obtain professional liability insurance through reasonable effort, from
18 liability on any action, claim, or proceeding instituted against them
19 arising out of the good faith performance or failure of performance of
20 services on behalf of the department. The contracts may provide that
21 for the purposes of chapter 4.92 RCW only, those health care
22 practitioners with whom the department has contracted shall be
23 considered state employees. The Washington state health care authority
24 shall contract with a private research company to conduct a review of
25 corrections health services to determine if certain components of the
26 health services system such as dental care, eye care, or laboratory
27 work, could be provided more efficiently by contracting out for the
28 services. The review shall be submitted to the legislature by December
29 1, 1996. The decision to implement any recommendations made in the
30 report regarding contracting out any or all components of the health
31 services system shall be made by the legislature and not by the
32 secretary.

33 **Sec. 18.** RCW 9.94A.137 and 1993 c 338 s 4 are each amended to read
34 as follows:

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

1 ~~((a))~~ (i) Is sentenced to a term of total confinement of not less
2 than ~~((twenty-two))~~ sixteen months or more than thirty-six months;
3 ~~((b))~~ (ii) Is ~~((between the ages of))~~ eighteen ~~((and twenty-~~
4 ~~eight))~~ years of age or older; and
5 ~~((c))~~ (iii) Has no current or prior convictions for any sex
6 offenses or for violent offenses other than drug offenses for
7 manufacturing, possession, delivery, or intent to deliver a controlled
8 substance.

9 (b) An offender is not eligible to participate in the work ethic
10 camp if the offender is found, at any time, to be an illegal alien or
11 the subject of a hard detainer or deportation order. Any offender who
12 is found to be an illegal alien or becomes the subject of a hard
13 detainer or deportation order after being sentenced to or beginning the
14 work ethic camp shall be immediately removed from the work ethic camp
15 program.

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

20 (2) If the sentencing judge determines that the offender is
21 eligible for the work ethic camp and is likely to qualify under
22 subsection (3) of this section, the judge shall impose a sentence
23 within the standard range and may recommend that the offender serve the
24 sentence at a work ethic camp. The sentence shall provide that if the
25 offender successfully completes the program, the department shall
26 convert the period of work ethic camp confinement at the rate of one
27 day of work ethic camp confinement to three days of total standard
28 confinement. ~~((The court shall also provide that upon completion of~~
29 ~~the work ethic camp program, the offender shall be released on~~
30 ~~community custody for any remaining time of total confinement.)) In
31 sentencing an offender to the work ethic camp, the court shall specify:
32 (i) That upon completion of the work ethic camp program, the offender
33 shall be released on community custody for any remaining time of total
34 confinement; (ii) the applicable conditions of supervision on community
35 custody status as authorized by RCW 9.94A.120(8)(b) and (c); and (iii)
36 which conditions, if violated, may result in a return to total
37 confinement for the balance of the offender's remaining time of
38 confinement. The department may identify offenders who are eligible
39 for the work ethic camp and, with concurrence from the sentencing~~

1 judge, may refer the offender to the work ethic camp and adjust time
2 served and community custody requirements as prescribed in this
3 section.

4 (3) The department shall place the offender in the work ethic camp
5 program, subject to capacity, unless (a) the department determines that
6 the offender has physical or mental impairments that would prevent
7 participation and completion of the program, (b) the department
8 determines that the offender's custody level prevents placement in the
9 program, or (c) the offender refuses to agree to the terms and
10 conditions of the program.

11 ~~((4))~~ (5) An ~~((inmate))~~ offender who fails to complete the work
12 ethic camp program, who is administratively terminated from the
13 program, or who otherwise violates any conditions of supervision, as
14 defined by the department, shall be reclassified to serve the unexpired
15 term of his or her sentence as ordered by the sentencing judge and
16 shall be subject to all rules relating to earned early release time.

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

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

24 **Sec. 19.** RCW 9.94A.120 and 1994 c 1 s 2 (Initiative Measure No.
25 593) and 1993 c 31 s 3 are each reenacted and amended to read as
26 follows:

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

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

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

36 (3) Whenever a sentence outside the standard range is imposed, the
37 court shall set forth the reasons for its decision in written findings

1 of fact and conclusions of law. A sentence outside the standard range
2 shall be a determinate sentence.

3 (4) A persistent offender shall be sentenced to a term of total
4 confinement for life without the possibility of parole or, when
5 authorized by RCW 10.95.030 for the crime of aggravated murder in the
6 first degree, sentenced to death, notwithstanding the maximum sentence
7 under any other law. An offender convicted of the crime of murder in
8 the first degree shall be sentenced to a term of total confinement not
9 less than twenty years. An offender convicted of the crime of assault
10 in the first degree or assault of a child in the first degree where the
11 offender used force or means likely to result in death or intended to
12 kill the victim shall be sentenced to a term of total confinement not
13 less than five years. An offender convicted of the crime of rape in
14 the first degree shall be sentenced to a term of total confinement not
15 less than five years. The foregoing minimum terms of total confinement
16 are mandatory and shall not be varied or modified as provided in
17 subsection (2) of this section. In addition, all offenders subject to
18 the provisions of this subsection shall not be eligible for community
19 custody, earned early release time, furlough, home detention, partial
20 confinement, work crew, work release, or any other form of early
21 release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8),
22 or any other form of authorized leave of absence from the correctional
23 facility while not in the direct custody of a corrections officer or
24 officers during such minimum terms of total confinement except in the
25 case of an offender in need of emergency medical treatment or for the
26 purpose of commitment to an inpatient treatment facility in the case of
27 an offender convicted of the crime of rape in the first degree.

28 (5) In sentencing a first-time offender the court may waive the
29 imposition of a sentence within the sentence range and impose a
30 sentence which may include up to ninety days of confinement in a
31 facility operated or utilized under contract by the county and a
32 requirement that the offender refrain from committing new offenses.
33 The sentence may also include up to two years of community supervision,
34 which, in addition to crime-related prohibitions, may include
35 requirements that the offender perform any one or more of the
36 following:

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

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

4 (c) Pursue a prescribed, secular course of study or vocational
5 training;

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

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

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

13 (6) If a sentence range has not been established for the
14 defendant's crime, the court shall impose a determinate sentence which
15 may include not more than one year of confinement, community service
16 work, a term of community supervision not to exceed one year, and/or
17 other legal financial obligations. The court may impose a sentence
18 which provides more than one year of confinement if the court finds,
19 considering the purpose of this chapter, that there are substantial and
20 compelling reasons justifying an exceptional sentence.

21 (7)(a)(i) When an offender is convicted of a sex offense other than
22 a violation of RCW 9A.44.050 or a sex offense that is also a serious
23 violent offense and has no prior convictions for a sex offense or any
24 other felony sex offenses in this or any other state, the sentencing
25 court, on its own motion or the motion of the state or the defendant,
26 may order an examination to determine whether the defendant is amenable
27 to treatment.

28 The report of the examination shall include at a minimum the
29 following: The defendant's version of the facts and the official
30 version of the facts, the defendant's offense history, an assessment of
31 problems in addition to alleged deviant behaviors, the offender's
32 social and employment situation, and other evaluation measures used.
33 The report shall set forth the sources of the evaluator's information.

34 The examiner shall assess and report regarding the defendant's
35 amenability to treatment and relative risk to the community. A
36 proposed treatment plan shall be provided and shall include, at a
37 minimum:

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

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

3 (C) Monitoring plans, including any requirements regarding living
4 conditions, lifestyle requirements, and monitoring by family members
5 and others;

6 (D) Anticipated length of treatment; and

7 (E) Recommended crime-related prohibitions.

8 The court on its own motion may order, or on a motion by the state
9 shall order, a second examination regarding the offender's amenability
10 to treatment. The evaluator shall be selected by the party making the
11 motion. The defendant shall pay the cost of any second examination
12 ordered unless the court finds the defendant to be indigent in which
13 case the state shall pay the cost.

14 (ii) After receipt of the reports, the court shall consider whether
15 the offender and the community will benefit from use of this special
16 sexual offender sentencing alternative and consider the victim's
17 opinion whether the offender should receive a treatment disposition
18 under this subsection. If the court determines that this special sex
19 offender sentencing alternative is appropriate, the court shall then
20 impose a sentence within the sentence range. If this sentence is less
21 than eight years of confinement, the court may suspend the execution of
22 the sentence and impose the following conditions of suspension:

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

26 (B) The court shall order treatment for any period up to three
27 years in duration. The court in its discretion shall order outpatient
28 sex offender treatment or inpatient sex offender treatment, if
29 available. A community mental health center may not be used for such
30 treatment unless it has an appropriate program designed for sex
31 offender treatment. The offender shall not change sex offender
32 treatment providers or treatment conditions without first notifying the
33 prosecutor, the community corrections officer, and the court, and shall
34 not change providers without court approval after a hearing if the
35 prosecutor or community corrections officer object to the change. In
36 addition, as conditions of the suspended sentence, the court may impose
37 other sentence conditions including up to six months of confinement,
38 not to exceed the sentence range of confinement for that offense,

1 crime-related prohibitions, and requirements that the offender perform
2 any one or more of the following:

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

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

7 (III) Report as directed to the court and a community corrections
8 officer;

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

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

14 (iii) The sex offender therapist shall submit quarterly reports on
15 the defendant's progress in treatment to the court and the parties.
16 The report shall reference the treatment plan and include at a minimum
17 the following: Dates of attendance, defendant's compliance with
18 requirements, treatment activities, the defendant's relative progress
19 in treatment, and any other material as specified by the court at
20 sentencing.

21 (iv) At the time of sentencing, the court shall set a treatment
22 termination hearing for three months prior to the anticipated date for
23 completion of treatment. Prior to the treatment termination hearing,
24 the treatment professional and community corrections officer shall
25 submit written reports to the court and parties regarding the
26 defendant's compliance with treatment and monitoring requirements, and
27 recommendations regarding termination from treatment, including
28 proposed community supervision conditions. Either party may request
29 and the court may order another evaluation regarding the advisability
30 of termination from treatment. The defendant shall pay the cost of any
31 additional evaluation ordered unless the court finds the defendant to
32 be indigent in which case the state shall pay the cost. At the
33 treatment termination hearing the court may: (A) Modify conditions of
34 community supervision, and either (B) terminate treatment, or (C)
35 extend treatment for up to the remaining period of community
36 supervision.

37 (v) The court may revoke the suspended sentence at any time during
38 the period of community supervision and order execution of the sentence
39 if: (A) The defendant violates the conditions of the suspended

1 sentence, or (B) the court finds that the defendant is failing to make
2 satisfactory progress in treatment. All confinement time served during
3 the period of community supervision shall be credited to the offender
4 if the suspended sentence is revoked.

5 (vi) Except as provided in (a)(vii) of this subsection, after July
6 1, 1991, examinations and treatment ordered pursuant to this subsection
7 shall only be conducted by sex offender treatment providers certified
8 by the department of health pursuant to chapter 18.155 RCW.

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

18 For purposes of this subsection, "victim" means any person who has
19 sustained emotional, psychological, physical, or financial injury to
20 person or property as a result of the crime charged. "Victim" also
21 means a parent or guardian of a victim who is a minor child unless the
22 parent or guardian is the perpetrator of the offense.

23 (b) When an offender is convicted of any felony sex offense
24 committed before July 1, 1987, and is sentenced to a term of
25 confinement of more than one year but less than six years, the
26 sentencing court may, on its own motion or on the motion of the
27 offender or the state, order the offender committed for up to thirty
28 days to the custody of the secretary of social and health services for
29 evaluation and report to the court on the offender's amenability to
30 treatment at these facilities. If the secretary of social and health
31 services cannot begin the evaluation within thirty days of the court's
32 order of commitment, the offender shall be transferred to the state for
33 confinement pending an opportunity to be evaluated at the appropriate
34 facility. The court shall review the reports and may order that the
35 term of confinement imposed be served in the sexual offender treatment
36 program at the location determined by the secretary of social and
37 health services or the secretary's designee, only if the report
38 indicates that the offender is amenable to the treatment program
39 provided at these facilities. The offender shall be transferred to the

1 state pending placement in the treatment program. Any offender who has
2 escaped from the treatment program shall be referred back to the
3 sentencing court.

4 If the offender does not comply with the conditions of the
5 treatment program, the secretary of social and health services may
6 refer the matter to the sentencing court. The sentencing court shall
7 commit the offender to the department of corrections to serve the
8 balance of the term of confinement.

9 If the offender successfully completes the treatment program before
10 the expiration of the term of confinement, the court may convert the
11 balance of confinement to community supervision and may place
12 conditions on the offender including crime-related prohibitions and
13 requirements that the offender perform any one or more of the
14 following:

- 15 (i) Devote time to a specific employment or occupation;
- 16 (ii) Remain within prescribed geographical boundaries and notify
17 the court or the community corrections officer prior to any change in
18 the offender's address or employment;
- 19 (iii) Report as directed to the court and a community corrections
20 officer;
- 21 (iv) Undergo available outpatient treatment.

22 If the offender violates any of the terms of community supervision,
23 the court may order the offender to serve out the balance of the
24 community supervision term in confinement in the custody of the
25 department of corrections.

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

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

35 Except for an offender who has been convicted of a violation of RCW
36 9A.44.040 or 9A.44.050, if the offender completes the treatment program
37 before the expiration of his or her term of confinement, the department
38 of corrections may request the court to convert the balance of
39 confinement to community supervision and to place conditions on the

1 offender including crime-related prohibitions and requirements that the
2 offender perform any one or more of the following:

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

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

7 (iii) Report as directed to the court and a community corrections
8 officer;

9 (iv) Undergo available outpatient treatment.

10 If the offender violates any of the terms of his or her community
11 supervision, the court may order the offender to serve out the balance
12 of his or her community supervision term in confinement in the custody
13 of the department of corrections.

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

18 (d) Offenders convicted and sentenced for a sex offense committed
19 prior to July 1, 1987, may, subject to available funds, request an
20 evaluation by the department of corrections to determine whether they
21 are amenable to treatment. If the offender is determined to be
22 amenable to treatment, the offender may request placement in a
23 treatment program within a correctional facility operated by the
24 department. Placement in such treatment program is subject to
25 available funds.

26 (8)(a) When a court sentences a person to a term of total
27 confinement to the custody of the department of corrections for an
28 offense categorized as a sex offense or a serious violent offense
29 committed after July 1, 1988, but before July 1, 1990, assault in the
30 second degree, assault of a child in the second degree, any crime
31 against a person where it is determined in accordance with RCW
32 9.94A.125 that the defendant or an accomplice was armed with a deadly
33 weapon at the time of commission, or any felony offense under chapter
34 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall
35 in addition to the other terms of the sentence, sentence the offender
36 to a one-year term of community placement beginning either upon
37 completion of the term of confinement or at such time as the offender
38 is transferred to community custody in lieu of earned early release in
39 accordance with RCW 9.94A.150 (1) and (2). When the court sentences an

1 offender under this subsection to the statutory maximum period of
2 confinement then the community placement portion of the sentence shall
3 consist entirely of such community custody to which the offender may
4 become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any
5 period of community custody actually served shall be credited against
6 the community placement portion of the sentence.

7 (b) When a court sentences a person to a term of total confinement
8 to the custody of the department of corrections for an offense
9 categorized as a sex offense or serious violent offense committed on or
10 after July 1, 1990, the court shall in addition to other terms of the
11 sentence, sentence the offender to community placement for two years or
12 up to the period of earned early release awarded pursuant to RCW
13 9.94A.150 (1) and (2), whichever is longer. The community placement
14 shall begin either upon completion of the term of confinement or at
15 such time as the offender is transferred to community custody in lieu
16 of earned early release in accordance with RCW 9.94A.150 (1) and (2).
17 When the court sentences an offender under this subsection to the
18 statutory maximum period of confinement then the community placement
19 portion of the sentence shall consist entirely of the community custody
20 to which the offender may become eligible, in accordance with RCW
21 9.94A.150 (1) and (2). Any period of community custody actually served
22 shall be credited against the community placement portion of the
23 sentence. Unless a condition is waived by the court, the terms of
24 community placement for offenders sentenced pursuant to this section
25 shall include the following conditions:

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

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

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

32 (iv) An offender in community custody shall not unlawfully possess
33 controlled substances;

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

36 (vi) The residence location and living arrangements are subject to
37 the prior approval of the department of corrections during the period
38 of community placement.

1 (c) The court may also order any of the following special
2 conditions:

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

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

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

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

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

11 (d) As a part of any sentence providing for conversion from total
12 confinement to community custody pursuant to RCW 9.94A.137(2) after
13 successful completion of a work ethic camp program, the court shall
14 impose and enforce the conditions enumerated in (b) of this subsection
15 and may order any of the special conditions enumerated in (c) of this
16 subsection, including a prohibition against new felony convictions.
17 The court shall specify which of the conditions, if violated, may
18 result in a return to total confinement for the balance of the
19 offender's remaining term of confinement.

20 (e) Prior to transfer to, or during, community placement, any
21 conditions of community placement may be removed or modified so as not
22 to be more restrictive by the sentencing court, upon recommendation of
23 the department of corrections.

24 (9) If the court imposes a sentence requiring confinement of thirty
25 days or less, the court may, in its discretion, specify that the
26 sentence be served on consecutive or intermittent days. A sentence
27 requiring more than thirty days of confinement shall be served on
28 consecutive days. Local jail administrators may schedule court-ordered
29 intermittent sentences as space permits.

30 (10) If a sentence imposed includes payment of a legal financial
31 obligation, the sentence shall specify the total amount of the legal
32 financial obligation owed, and shall require the offender to pay a
33 specified monthly sum toward that legal financial obligation.
34 Restitution to victims shall be paid prior to any other payments of
35 monetary obligations. Any legal financial obligation that is imposed
36 by the court may be collected by the department, which shall deliver
37 the amount paid to the county clerk for credit. The offender's
38 compliance with payment of legal financial obligations shall be
39 supervised by the department. All monetary payments ordered shall be

1 paid no later than ten years after the last date of release from
2 confinement pursuant to a felony conviction or the date the sentence
3 was entered. Independent of the department, the party or entity to
4 whom the legal financial obligation is owed shall have the authority to
5 utilize any other remedies available to the party or entity to collect
6 the legal financial obligation. Nothing in this section makes the
7 department, the state, or any of its employees, agents, or other
8 persons acting on their behalf liable under any circumstances for the
9 payment of these legal financial obligations. If an order includes
10 restitution as one of the monetary assessments, the county clerk shall
11 make disbursements to victims named in the order.

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

16 (12) All offenders sentenced to terms involving community
17 supervision, community service, community placement, or legal financial
18 obligation shall be under the supervision of the secretary of the
19 department of corrections or such person as the secretary may designate
20 and shall follow explicitly the instructions of the secretary including
21 reporting as directed to a community corrections officer, remaining
22 within prescribed geographical boundaries, notifying the community
23 corrections officer of any change in the offender's address or
24 employment, and paying the supervision fee assessment. The department
25 may require offenders to pay for special services rendered on or after
26 July 25, 1993, including electronic monitoring, day reporting, and
27 telephone reporting, dependent upon the offender's ability to pay. The
28 department may pay for these services for offenders who are not able to
29 pay.

30 (13) All offenders sentenced to terms involving community
31 supervision, community service, or community placement under the
32 supervision of the department of corrections shall not own, use, or
33 possess firearms or ammunition. Offenders who own, use, or are found
34 to be in actual or constructive possession of firearms or ammunition
35 shall be subject to the appropriate violation process and sanctions.
36 "Constructive possession" as used in this subsection means the power
37 and intent to control the firearm or ammunition. "Firearm" as used in
38 this subsection means a weapon or device from which a projectile may be
39 fired by an explosive such as gunpowder.

1 (14) The sentencing court shall give the offender credit for all
2 confinement time served before the sentencing if that confinement was
3 solely in regard to the offense for which the offender is being
4 sentenced.

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

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

17 (17) As a part of any sentence, the court may impose and enforce an
18 order that relates directly to the circumstances of the crime for which
19 the offender has been convicted, prohibiting the offender from having
20 any contact with other specified individuals or a specific class of
21 individuals for a period not to exceed the maximum allowable sentence
22 for the crime, regardless of the expiration of the offender's term of
23 community supervision or community placement.

24 (18) In any sentence of partial confinement, the court may require
25 the defendant to serve the partial confinement in work release, in a
26 program of home detention, on work crew, or in a combined program of
27 work crew and home detention.

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

32 NEW SECTION. Sec. 20. A new section is added to chapter 72.09 RCW
33 to read as follows:

34 (1) The department shall establish an illegal alien offender
35 transition camp and be ready to assign inmates to the camp no later
36 than July 1, 1996. The secretary shall locate the illegal alien
37 offender transition camp within an already existing department compound
38 or facility.

1 (2) The department shall develop all aspects of the illegal alien
2 offender transition camp program including, but not limited to,
3 residential arrangements, program standards, conduct standards,
4 individual and team work goals, and measures to hold the offender
5 accountable for his or her behavior. The secretary shall define
6 successful completion of the program, based on successful attendance,
7 participation, and performance. The illegal alien offender transition
8 camp shall be designed and implemented so that offenders are engaged in
9 work activities and unstructured time is kept to a minimum. The
10 standards for work performance, physical work activities, and
11 offenders' rights and responsibilities shall be equivalent to those of
12 the work ethic camp for general inmates.

13 NEW SECTION. **Sec. 21.** A new section is added to chapter 9.94A RCW
14 to read as follows:

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

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

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

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

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

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

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

31 (3) If the sentencing judge determines that an offender is
32 potentially eligible for the illegal alien offender transition camp and
33 is likely to meet the requirements of subsection (6) of this section,
34 the judge shall impose a sentence of total standard confinement within
35 the standard range and shall recommend that the offender serve the
36 sentence at an illegal alien offender transition camp. The sentence
37 shall provide that the offender shall serve one day in the transition
38 camp for every three days of total standard confinement. In sentencing

1 an offender to the illegal alien offender transition camp, the court
2 shall specify that: (a) Upon completion of the illegal alien offender
3 transition camp program, the offender shall be released within ten days
4 to the custody of the immigration and naturalization service to be
5 deported to his or her native country; and (b) in the event an offender
6 cannot be released to the custody of the immigration and naturalization
7 service within ten days, the department may detain the offender in the
8 illegal alien offender transition camp for up to sixty days.

9 (4) The department may identify offenders under its jurisdiction
10 who are or become eligible for the illegal alien offender transition
11 camp and, with concurrence from the sentencing judge and the
12 prosecuting attorney, may refer the offenders to the illegal alien
13 offender transition camp and adjust time served as prescribed in
14 subsection (2) of this section.

15 (5) The department shall notify the immigration and naturalization
16 service of all suspected illegal alien offenders under its jurisdiction
17 and request that the immigration and naturalization service begin
18 deportation proceedings as expeditiously as possible. The department,
19 in cooperation with the immigration and naturalization service, shall
20 seek accelerated hearings for all suspected illegal aliens under its
21 jurisdiction to facilitate their removal from the country upon their
22 release by the department as soon as possible.

23 (6) An illegal alien offender who meets the eligibility
24 requirements of subsection (1)(a) through (d) of this section shall be
25 informed by the sentencing court or the department of his or her
26 potential for participating in the illegal alien offender transition
27 camp. The terms and conditions of the illegal alien offender
28 transition camp shall be provided to the illegal alien offender, both
29 verbally and in writing, in his or her native language. An illegal
30 alien offender must agree in writing to the terms and conditions of the
31 illegal alien offender transition camp at the time of sentencing or at
32 the time of transfer to the camp.

33 NEW SECTION. **Sec. 22.** A new section is added to chapter 72.09 RCW
34 to read as follows:

35 (1) The secretary shall establish, at each institution with an
36 inmate population of more than one hundred, a corrections advisory
37 team. The team shall consist of two representatives from management
38 personnel, two representatives from personnel represented by an

1 exclusive bargaining unit selected by those personnel, and not more
2 than three persons from among the education or work programs operating
3 within the institution. The secretary shall invite other groups to
4 select a representative to serve on the team, including but not limited
5 to the following:

6 (a) The superior court judges in the county in which the
7 institution is located;

8 (b) The prosecuting attorney for the county in which the
9 institution is located;

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

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

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

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

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

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

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

23 (3) The superintendent of each institution identified in this
24 section shall annually prepare a report to the secretary on the work of
25 the team in his or her institution. The report shall include the
26 superintendent's response to recommendations made by the team. The
27 secretary shall collect and forward the reports to the legislature not
28 later than December 1 of each year, together with such recommendations
29 as the secretary finds appropriate.

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

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

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

37 (1) There is hereby created a joint committee on corrections cost-
38 efficiencies oversight. The committee shall consist of: (a) Two

1 members of the senate appointed by the president of the senate, one of
2 whom shall be a member of the majority party and one of whom shall be
3 a member of the minority party; and (b) two members of the house of
4 representatives appointed by the speaker of the house of
5 representatives, one of whom shall be a member of the majority party
6 and one of whom shall be a member of the minority party.

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

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

11 (a) Review all reports required under section 28 of this act;

12 (b) Review all reports and recommendations submitted by the
13 corrections advisory teams under section 22 of this act;

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

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

19 (e) Periodically make recommendations to the legislature and the
20 governor regarding corrections cost-efficiencies and programmatic
21 improvements; and

22 (f) By December 1, 1996, report to the legislature on the amount of
23 actual and projected cost savings within the department during the
24 1995-97 biennium and report its further recommendations to address
25 expenditure growth in the department.

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

28 NEW SECTION. **Sec. 24.** The legislature finds that the
29 responsibility for criminal activity should fall squarely on the
30 criminal. To the greatest extent possible society should not be
31 expected to have to pay the price for crimes twice, once for the
32 criminal activity and again by feeding, clothing, and housing the
33 criminal. The corrections system should be the first place criminals
34 are given the opportunity to be responsible for paying for their
35 criminal act, not just through the loss of their personal freedom, but
36 by making financial contributions to alleviate the pain and suffering
37 of victims of crime.

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

3 Each year the department shall transfer twenty-five percent of the
4 total annual revenues and receipts received in each institutional
5 betterment fund subaccount to the department of labor and industries
6 for the purpose of providing direct benefits to crime victims through
7 the crime victims' compensation program as outlined in chapter 7.68
8 RCW. This transfer takes priority over any expenditure of betterment
9 funds and shall be reflected on the monthly financial statements of
10 each institution's betterment fund subaccount.

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

16 **Sec. 26.** RCW 7.68.090 and 1973 1st ex.s. c 122 s 9 are each
17 amended to read as follows:

18 The director shall establish such fund or funds, separate from
19 existing funds, necessary to administer this chapter, and payment to
20 these funds shall be from legislative appropriation, statutory
21 provision, reimbursement and subrogation as provided in this chapter,
22 and from any contributions or grants specifically so directed.

23 **Sec. 27.** RCW 43.17.200 and 1983 c 204 s 4 are each amended to read
24 as follows:

25 All state agencies including all state departments, boards,
26 councils, commissions, and quasi public corporations shall allocate, as
27 a nondeductible item, out of any moneys appropriated for the original
28 construction of any public building, an amount of one-half of one
29 percent of the appropriation to be expended by the Washington state
30 arts commission for the acquisition of works of art created by
31 Washington state artists. The works of art may be placed on public
32 lands, integral to or attached to a public building or structure,
33 detached within or outside a public building or structure, part of a
34 portable exhibition or collection, part of a temporary exhibition, or
35 loaned or exhibited in other public facilities. In addition to the
36 cost of the works of art the one-half of one percent of the
37 appropriation as provided herein shall be used to provide for the

1 administration of the visual arts program by the Washington state arts
2 commission and all costs for installation of the works of art. For the
3 purpose of this section building shall not include highway construction
4 sheds, warehouses, or other buildings of a temporary nature.

5 NEW SECTION. **Sec. 28.** The department of corrections shall conduct
6 the following reviews and prepare the following reports:

7 (1) The secretary shall review the feasibility and desirability of
8 reducing the use of paid educational and vocational instructors by
9 increasing the use of volunteer instructors and implementing
10 technological efficiencies. Upon completion of the review, the
11 secretary shall submit a report of the secretary's findings and
12 recommendations to the legislature and the joint committee on
13 corrections cost-efficiencies oversight by December 1, 1995.

14 (2) The secretary shall seek federal funding for the incarceration
15 of undocumented felons. The secretary shall also pursue amendments to
16 the federal transfer treaty program to facilitate deportation of
17 undocumented alien offenders, specifically current treaties that
18 require voluntary participation by the offender and loss of
19 jurisdiction by the sending agency. The secretary shall seek
20 enforcement of and pursue amendments to current federal sanctions for
21 alien reentry, specifically amendments to the allowance of at least two
22 prior felony convictions and at least two prior deportations before
23 indictment for reentry is considered. The secretary shall submit a
24 report on the secretary's progress to the legislature and the joint
25 committee on corrections cost-efficiencies oversight by December 1,
26 1995.

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

34 (4) The secretary shall review the feasibility and desirability of
35 implementing a "hot bunking" or "stacking" system that would allow
36 prison beds to be used on a rotational basis. The review shall include
37 at least the following: (a) A fiscal analysis of the capital and
38 operating costs of implementing a twelve-hour scheduled rotation where

1 each prison cell and bed could be used by multiple inmates; and (b) an
2 analysis of how the department would address safety issues that might
3 arise from a rotation system that increases the amount of time inmates
4 would spend out of their cells. Upon completion of the review, the
5 secretary shall submit a report to the legislature and the joint
6 committee on corrections cost-efficiencies oversight on the secretary's
7 findings and recommendations by December 1, 1995.

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

10 (1) The legislative budget committee shall review staffing ratios
11 within the department. The review shall identify the ratio of
12 management to nonmanagement staff and the distribution of management
13 and nonmanagement staff throughout each of the department's divisions,
14 institutions, and programs. Upon completion of the review, the
15 legislative budget committee shall submit a report of its findings and
16 recommendations to the legislature and the advisory team by December 1,
17 1995. If specific funding for the purpose of this subsection is not
18 provided by June 30, 1995, in the omnibus appropriations act, this
19 section is null and void.

20 (2) The office of the state auditor shall review the department's
21 budgeting process and operating budget request to the governor for the
22 1995-97 biennium. Upon completion of the review, the office of the
23 state auditor shall submit a report of its findings and recommendations
24 to the legislature and the advisory team by December 1, 1995. If
25 specific funding for the purpose of this subsection is not provided by
26 June 30, 1995, in the omnibus appropriations act, this section is null
27 and void.

28 (3) The correctional industries board of directors and the
29 secretary shall jointly review all current and proposed education and
30 vocational training programs provided by the department. The review
31 shall identify whether the curriculum corresponds to current and
32 proposed correctional industries jobs and whether the curriculum
33 teaches skills relevant to employment opportunities inmates may qualify
34 for after they are released. Upon completion of the review, the board
35 and the secretary shall submit a joint report of their findings and
36 recommendations to the legislature and the secretary by December 1,
37 1995.

1 (4) The correctional industries board of directors shall review the
2 feasibility and desirability of establishing a recreational, health,
3 and fitness program that employs inmates to support department
4 recreational, health, and fitness activities. Upon completion of the
5 review, the board shall submit a report of its findings and
6 recommendations to the legislature and the secretary by December 1,
7 1995.

8 (5) The department of transportation shall review the feasibility
9 and desirability of privatizing the department of corrections marine
10 transportation fleet, operation, or both. The review shall include a
11 comparison of department employee salaries with equivalent private
12 marine positions salaries. Upon completion of the review, the
13 department of transportation shall submit a report of its findings and
14 recommendations to the legislature and the advisory team by December 1,
15 1995.

16 (6) The office of financial management and the department of
17 general administration shall jointly review the food planning model
18 developed by the department of corrections for possible extrapolation
19 to a uniform, state-wide planning, purchasing, and distribution of food
20 and food products for state institutions, including but not limited to
21 prisons, juvenile correctional institutions, and state hospitals. Upon
22 completion of the review, the office of financial management and the
23 department of general administration shall submit a joint report of
24 their findings and recommendations to the legislature and the advisory
25 team by December 1, 1995.

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

33 NEW SECTION. **Sec. 30.** This act shall be known as the department
34 of corrections cost-efficiency and inmate responsibility and
35 accountability omnibus act.

36 NEW SECTION. **Sec. 31.** If any provision of this act or its
37 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 32.** If specific funding for the purpose of this
4 act, referencing this act by bill number, is not provided by June 30,
5 1995, in the omnibus appropriations act, this act shall be null and
6 void."

7 **E2SHB 2010** - S COMM AMD
8 By Committee on Ways & Means

9 ADOPTED 4/14/95

10 On page 1, line 1 of the title, after "corrections;" strike the
11 remainder of the title and insert "amending RCW 72.09.010, 72.09.015,
12 72.09.020, 72.09.130, 4.24.130, 72.10.020, 72.10.010, 72.10.030,
13 9.94A.137, 7.68.090, and 43.17.200; reenacting and amending RCW
14 9.94A.120; adding new sections to chapter 72.09 RCW; adding new
15 sections to chapter 72.10 RCW; adding a new section to chapter 9.94A
16 RCW; creating new sections; and prescribing penalties."

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