

CERTIFICATION OF ENROLLMENT

**SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2010**

Chapter 19, Laws of 1995

(partial veto)

54th Legislature  
1995 1st Special Session

CORRECTIONS REFORM

EFFECTIVE DATE: 6/15/95

Passed by the House May 18, 1995  
Yeas 90 Nays 0

CLYDE BALLARD

**Speaker of the  
House of Representatives**

Passed by the Senate May 22, 1995  
Yeas 45 Nays 0

JOEL PRITCHARD

**President of the Senate**

Approved June 15, 1995, with the  
exception of sections 22, 26, 34, 35  
and 39, which are vetoed.

MIKE LOWRY

**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2010** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN

**Chief Clerk**

FILED

June 15, 1995 - 4:18 p.m.

**Secretary of State  
State of Washington**

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SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2010

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Passed Legislature - 1995 1st Special Session

State of Washington                      54th Legislature                      1995 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, Quall, Sherstad, Chandler, Schoesler, Radcliff and Blanton)

Read first time 03/24/95.

1            AN ACT Relating to corrections; amending RCW 72.09.010, 72.09.015,  
2 72.09.130, 4.24.130, 72.10.010, 72.10.020, 9.94A.137, 9.95.210,  
3 9.92.060, and 72.09.100; adding new sections to chapter 72.09 RCW;  
4 adding a new section to chapter 43.17 RCW; adding new sections to  
5 chapter 9.95 RCW; creating new sections; repealing RCW 72.09.020;  
6 prescribing penalties; and declaring an emergency.

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

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

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

18            The purpose of this act is to assure that the department fulfills  
19 its mission to reduce offender recidivism, to mirror the values of the

1 community by clearly linking inmate behavior to receipt of privileges,  
2 and to prudently manage the resources it receives through tax dollars.  
3 This purpose is accomplished through the implementation of specific  
4 cost-control measures and creation of a planning and oversight process  
5 that will improve the department's effectiveness and efficiencies.

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

8 It is the intent of the legislature to establish a comprehensive  
9 system of corrections for convicted law violators within the state of  
10 Washington to accomplish the following objectives.

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

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

17 (3) The system should positively impact offenders by stressing  
18 personal responsibility and accountability and by discouraging  
19 recidivism.

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

23 ~~((+4))~~ (5) The system, as much as possible, should reflect the  
24 values of the community including:

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

27 (b) Adoption of the work ethic. It is the community expectation  
28 that all ~~((citizens))~~ individuals should work and through their efforts  
29 benefit both themselves and the community.

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

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

1 (e) Sharing in the obligations of the community. All citizens, the  
2 public and inmates alike, have a personal and fiscal obligation in the  
3 corrections system. All communities must share in the responsibility  
4 of the corrections system.

5 ~~((+5))~~ (6) The system should provide for prudent management of  
6 resources. The avoidance of unnecessary or inefficient public  
7 expenditures on the part of offenders and the department is essential.  
8 Offenders must be accountable to the department, and the department to  
9 the public and the legislature. The human and fiscal resources of the  
10 community are limited. The management and use of these resources can  
11 be enhanced by wise investment, productive programs, the reduction of  
12 duplication and waste, and the joining together of all involved parties  
13 in a common endeavor. Since ~~((virtually all))~~ most offenders return to  
14 the community, it is wise for the state and the communities to make an  
15 investment in effective rehabilitation programs for offenders and the  
16 wise use of resources.

17 ~~((+6))~~ (7) The system should provide for restitution. Those who  
18 have damaged others, persons or property, have a responsibility to make  
19 restitution for these damages.

20 ~~((+7))~~ (8) The system should be accountable to the citizens of the  
21 state. In return, the individual citizens and local units of  
22 government must meet their responsibilities to make the corrections  
23 system effective.

24 ~~((+8))~~ (9) The system should meet those national standards which  
25 the state determines to be appropriate.

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

28 The definitions in this section apply throughout this chapter.

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

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

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

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

35 (2) "Contraband" means any object or communication the secretary  
36 determines shall not be allowed to be: (a) Brought into; (b) possessed  
37 while on the grounds of; or (c) sent from any institution under the  
38 control of the secretary.

1       (3) "County" means a county or combination of counties.

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

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

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

9       (7) "Good conduct" means compliance with department rules and  
10 policies.

11       (8) "Good performance" means successful completion of a program  
12 required by the department, including an education, work, or other  
13 program.

14       (9) "Immediate family" means the inmate's children, stepchildren,  
15 grandchildren, great grandchildren, parents, stepparents, grandparents,  
16 great grandparents, siblings, and a person legally married to an  
17 inmate. "Immediate family" does not include an inmate adopted by  
18 another inmate or the immediate family of the adopted or adopting  
19 inmate.

20       (10) "Indigent inmate," "indigent," and "indigency" mean an inmate  
21 who has less than a ten-dollar balance of disposable income in his or  
22 her institutional account on the day a request is made to utilize funds  
23 and during the thirty days previous to the request.

24       (11) "Inmate" means a person committed to the custody of the  
25 department, including but not limited to persons residing in a  
26 correctional institution or facility and persons released on furlough,  
27 work release, or community custody, and persons received from another  
28 state, state agency, county, or federal jurisdiction.

29       (12) "Privilege" means any goods or services, education or work  
30 programs, or earned early release days, the receipt of which are  
31 directly linked to an inmate's (a) good conduct; and (b) good  
32 performance. Privileges do not include any goods or services the  
33 department is required to provide under the state or federal  
34 Constitution or under state or federal law.

35       (13) "Secretary" means the secretary of corrections or his or her  
36 designee.

37       (14) "Superintendent" means the superintendent of a correctional  
38 facility under the jurisdiction of the Washington state department of  
39 corrections, or his or her designee.

1        (15) "Work programs" means all classes of correctional industries  
2 jobs authorized under RCW 72.09.100.

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

5        (1) An inmate shall not be denied access to services or supplies  
6 required by state or federal law solely on the basis of his or her  
7 inability to pay for them.

8        (2) The department shall record all lawfully authorized assessments  
9 for services or supplies as a debt to the department and shall recoup  
10 the assessments when the inmate's institutional account exceeds the  
11 indigency standard.

12        NEW SECTION. Sec. 5. A new section is added to chapter 72.09 RCW  
13 to read as follows:

14        (1) The legislature intends that all inmates be required to  
15 participate in department-approved education programs, work programs,  
16 or both, unless exempted under subsection (3) of this section.  
17 Eligible inmates who refuse to participate in available education or  
18 work programs available at no charge to the inmates shall lose  
19 privileges according to the system established under RCW 72.09.130.  
20 Eligible inmates who are required to contribute financially to an  
21 education or work program and refuse to contribute shall be placed in  
22 another work program. Refusal to contribute shall not result in a loss  
23 of privileges. The legislature recognizes more inmates may agree to  
24 participate in education and work programs than are available. The  
25 department must make every effort to achieve maximum public benefit by  
26 placing inmates in available and appropriate education and work  
27 programs.

28        (2) The department shall, to the extent possible and considering  
29 all available funds, prioritize its resources to meet the following  
30 goals for inmates in the order listed:

31        (a) Achievement of basic academic skills through obtaining a high  
32 school diploma or its equivalent and achievement of vocational skills  
33 necessary for purposes of work programs and for an inmate to qualify  
34 for work upon release;

35        (b) Additional work and education programs based on assessments and  
36 placements under subsection (4) of this section; and

37        (c) Other work and education programs as appropriate.

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

14 (4) The department shall establish, by rule, standards for  
15 participation in department-approved education and work programs. The  
16 standards shall address the following areas:

17 (a) Assessment. The department shall assess all inmates for their  
18 basic academic skill levels using a professionally accepted method of  
19 scoring reading, math, and language skills as grade level equivalents.  
20 The department shall determine an inmate's education history, work  
21 history, and vocational or work skills. The initial assessment shall  
22 be conducted, whenever possible, within the first thirty days of an  
23 inmate's entry into the correctional system, except that initial  
24 assessments are not required for inmates who are sentenced to life  
25 without the possibility of release, assigned to an intensive management  
26 unit within the first thirty days after entry into the correctional  
27 system, are returning to the correctional system within one year of a  
28 prior release, or whose physical or mental condition renders them  
29 unable to complete the assessment process. The department shall track  
30 and record changes in the basic academic skill levels of all inmates  
31 reflected in any testing or assessment performed as part of their  
32 education programming;

33 (b) Placement. The department shall follow the policies set forth  
34 in subsection (1) of this section in establishing criteria for placing  
35 inmates in education and work programs. The department shall, to the  
36 extent possible, place all inmates whose composite grade level score  
37 for basic academic skills is below the eighth grade level in a combined  
38 education and work program. The placement criteria shall include at  
39 least the following factors:

1 (i) An inmate's release date and custody level, except an inmate  
2 shall not be precluded from participating in an education or work  
3 program solely on the basis of his or her release date;

4 (ii) An inmate's education history and basic academic skills;

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

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

8 (v) Where applicable, an inmate's prior performance in department-  
9 approved education or work programs;

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

16 (d) Financial responsibility. (i) The department shall establish  
17 a formula by which inmates, based on their ability to pay, shall pay  
18 all or a portion of the costs or tuition of certain programs. Inmates  
19 shall, based on the formula, pay a portion of the costs or tuition of  
20 participation in:

21 (A) Second and subsequent vocational programs associated with an  
22 inmate's work programs; and

23 (B) An associate of arts or baccalaureate degree program when  
24 placement in a degree program is the result of a placement made under  
25 this subsection;

26 (ii) Inmates shall pay all costs and tuition for participation in:

27 (A) Any postsecondary academic degree program which is entered  
28 independently of a placement decision made under this subsection; and

29 (B) Second and subsequent vocational programs not associated with  
30 an inmate's work program.

31 Enrollment in any program specified in (d)(ii) of this subsection  
32 shall only be allowed by correspondence or if there is an opening in an  
33 education or work program at the institution where an inmate is  
34 incarcerated and no other inmate who is placed in a program under this  
35 subsection will be displaced; and

36 (e) Notwithstanding any other provision in this section, an inmate  
37 sentenced to life without the possibility of release:

38 (i) Shall not be required to participate in education programming;  
39 and



1 (ii) May receive not more than one postsecondary academic degree in  
2 a program offered by the department or its contracted providers.

3 If an inmate sentenced to life without the possibility of release  
4 requires prevocational or vocational training for a work program, he or  
5 she may participate in the training subject to this section.

6 (5) The department shall coordinate education and work programs  
7 among its institutions, to the greatest extent possible, to facilitate  
8 continuity of programming among inmates transferred between  
9 institutions. Before transferring an inmate enrolled in a program, the  
10 department shall consider the effect the transfer will have on the  
11 inmate's ability to continue or complete a program. This subsection  
12 shall not be used to delay or prohibit a transfer necessary for  
13 legitimate safety or security concerns.

14 (6) Before construction of a new correctional institution or  
15 expansion of an existing correctional institution, the department shall  
16 adopt a plan demonstrating how cable, closed-circuit, and satellite  
17 television will be used for education and training purposes in the  
18 institution. The plan shall specify how the use of television in the  
19 education and training programs will improve inmates' preparedness for  
20 available work programs and job opportunities for which inmates may  
21 qualify upon release.

22 (7) The department shall adopt a plan to reduce the per-pupil cost  
23 of instruction by, among other methods, increasing the use of volunteer  
24 instructors and implementing technological efficiencies. The plan  
25 shall be adopted by December 1996 and shall be transmitted to the  
26 legislature upon adoption. The department shall, in adoption of the  
27 plan, consider distance learning, satellite instruction, video tape  
28 usage, computer-aided instruction, and flexible scheduling of offender  
29 instruction.

30 (8) Following completion of the review required by section 27(3) of  
31 this act the department shall take all necessary steps to assure the  
32 vocation and education programs are relevant to work programs and  
33 skills necessary to enhance the employability of inmates upon release.

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

36 (1) The department shall adopt, by rule, a system (~~((providing~~  
37 ~~incentives for good conduct and disincentives for poor conduct))~~ that  
38 clearly links an inmate's behavior and participation in available

1 education and work programs with the receipt or denial of earned early  
2 release days and other privileges. The system ~~((may))~~ shall include  
3 increases or decreases in the degree of liberty granted the inmate  
4 within the programs operated by the department, access to or  
5 withholding of privileges available within correctional institutions,  
6 and recommended increases or decreases in the number of earned early  
7 release days that an inmate can earn for good conduct and good  
8 performance.

9 (2) Earned early release days shall be recommended by the  
10 department as a ~~((form of tangible))~~ reward for accomplishment. The  
11 system shall be fair, measurable, and understandable to offenders,  
12 staff, and the public. At least once in each twelve-month period, the  
13 department shall inform the offender in writing as to his or her  
14 conduct and performance. This written evaluation shall include reasons  
15 for awarding or not awarding recommended earned early release days for  
16 good conduct and good performance. ~~((The term "good performance" as~~  
17 ~~used in this section means successfully performing a work, work~~  
18 ~~training, or educational task to levels of expectation as specified in~~  
19 ~~writing by the department. The term "good conduct" as used in this~~  
20 ~~section refers to compliance with department rules.~~

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

27 (3) The department shall provide ~~((a copy of this description to))~~  
28 each offender in its custody a written description of the system  
29 created under this section.

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

32 To the greatest extent practical, all inmates shall contribute to  
33 the cost of privileges. The department shall establish standards by  
34 which inmates shall contribute a portion of the department's capital  
35 costs of providing privileges, including television cable access,  
36 extended family visitation, weight lifting, and other recreational  
37 sports equipment and supplies. The standards shall also require  
38 inmates to contribute a significant portion of the department's

1 operating costs directly associated with providing privileges,  
2 including staff and supplies. Inmate contributions may be in the form  
3 of individual user fees assessed against an inmate's institution  
4 account, deductions from an inmate's gross wages or gratuities, or  
5 inmates' collective contributions to the institutional  
6 welfare/betterment fund. The department shall make every effort to  
7 maximize individual inmate contributions to payment for privileges.  
8 The department shall not limit inmates' financial support for  
9 privileges to contributions from the institutional welfare/betterment  
10 fund. The standards shall consider the assets available to the  
11 inmates, the cost of administering compliance with the contribution  
12 requirements, and shall promote a responsible work ethic.

13 NEW SECTION. **Sec. 8.** A new section is added to chapter 72.09 RCW  
14 to read as follows:

15 When an inmate receives any funds in addition to his or her wages  
16 or gratuities, the additional funds shall be subject to the deductions  
17 in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11  
18 RCW.

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

21 (1) The department shall establish a uniform policy on the  
22 privilege of extended family visitation. Not fewer than sixty days  
23 before making any changes in any policy on extended family visitation,  
24 the department shall: (a) Notify the appropriate legislative  
25 committees of the proposed change; and (b) notify the committee created  
26 under section 23 of this act of the proposed change. The department  
27 shall seek the advice of the committee established under section 23 of  
28 this act and other appropriate committees on all proposed changes and  
29 shall, before the effective date of any change, offer the committees an  
30 opportunity to provide input on proposed changes.

31 (2) In addition to its duties under chapter 34.05 RCW, the  
32 department shall provide the committee established under section 23 of  
33 this act and other appropriate committees of the legislature a written  
34 copy of any proposed adoption, revision, or repeal of any rule relating  
35 to extended family visitation. Except for adoption, revision, or  
36 repeal of a rule on an emergency basis, the copy shall be provided not  
37 fewer than thirty days before any public hearing scheduled on the rule.

1        NEW SECTION.    **Sec. 10.** A new section is added to chapter 72.09 RCW  
2 to read as follows:

3        An inmate found by the superintendent in the institution in which  
4 the inmate is incarcerated to have committed an aggravated assault  
5 against another person, under rules adopted by the department, is  
6 prohibited from participating in weight lifting for a period of two  
7 years from the date the finding is made. At the conclusion of the two-  
8 year period the superintendent shall review the inmate's infraction  
9 record to determine if additional weight-lifting prohibitions are  
10 appropriate. If, based on the review, it is determined by the  
11 superintendent that the inmate poses a threat to the safety of others  
12 or the order of the facility, or otherwise does not meet requirements  
13 for the weight-lifting privilege, the superintendent may impose an  
14 additional reasonable restriction period.

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

17        Purchases of recreational equipment following the effective date of  
18 this act shall be cost-effective and, to the extent possible, minimize  
19 an inmate's ability to substantially increase muscle mass. Dietary  
20 supplements made for the sole purpose of increasing muscle mass shall  
21 not be available for purchase by inmates unless prescribed by a  
22 physician for medical purposes or for inmates officially competing in  
23 department-sanctioned competitive weight lifting.

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

26        No inmate may acquire or possess a television for personal use for  
27 at least sixty days following completion of his or her intake and  
28 evaluation process at the Washington Corrections Center or the  
29 Washington Corrections Center for Women.

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

32        The secretary shall, in consultation with the attorney general,  
33 adopt by rule a uniform policy that prohibits receipt or possession of  
34 anything that is determined to be contraband. The rule shall provide  
35 consistent maximum protection of legitimate penological interests,  
36 including prison security and order and deterrence of criminal

1 activity. The rule shall protect the legitimate interests of the  
2 public and inmates in the exchange of ideas. The secretary shall  
3 establish a method of reviewing all incoming and outgoing material,  
4 consistent with constitutional constraints, for the purpose of  
5 confiscating anything determined to be contraband. The secretary shall  
6 consult regularly with the committee created under section 23 of this  
7 act on the development of the policy and implementation of the rule.

8 **Sec. 14.** RCW 4.24.130 and 1995 c 246 s 34 are each amended to read  
9 as follows:

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

16 (2) An offender under the jurisdiction of the department of  
17 corrections who applies to change his or her name under subsection (1)  
18 of this section shall submit a copy of the application to the  
19 department of corrections not fewer than five days before the entry of  
20 an order granting the name change. No offender under the jurisdiction  
21 of the department of corrections at the time of application shall be  
22 granted an order changing his or her name if the court finds that doing  
23 so will interfere with legitimate penological interests, except that no  
24 order shall be denied when the name change is requested for religious  
25 or legitimate cultural reasons or in recognition of marriage or  
26 dissolution of marriage. An offender under the jurisdiction of the  
27 department of corrections who receives an order changing his or her  
28 name shall submit a copy of the order to the department of corrections  
29 within five days of the entry of the order. Violation of this  
30 subsection is a misdemeanor.

31 (3) The district court shall collect the fees authorized by RCW  
32 36.18.010 for filing and recording a name change order, and transmit  
33 the fee and the order to the county auditor. The court may collect a  
34 reasonable fee to cover the cost of transmitting the order to the  
35 county auditor.

36 ~~((+2))~~ (4) Name change petitions may be filed and shall be heard  
37 in superior court when the person desiring a change of his or her name  
38 or that of his or her child or ward is a victim of domestic violence as

1 defined in RCW 26.50.010(1) and the person seeks to have the name  
2 change file sealed due to reasonable fear for his or her safety or that  
3 of his or her child or ward. Upon granting the name change, the  
4 superior court shall seal the file if the court finds that the safety  
5 of the person seeking the name change or his or her child or ward  
6 warrants sealing the file. In all cases filed under this subsection,  
7 whether or not the name change petition is granted, there shall be no  
8 public access to any court record of the name change filing,  
9 proceeding, or order, unless the name change is granted but the file is  
10 not sealed.

11 NEW SECTION. **Sec. 15.** A new section is added to chapter 72.09 RCW  
12 to read as follows:

13 The department may require an offender who obtains an order under  
14 RCW 4.24.130 to use the name under which he or she was committed to the  
15 department during all official communications with department personnel  
16 and in all matters relating to the offender's incarceration or  
17 community supervision. An offender officially communicating with the  
18 department may also use his or her new name in addition to the name  
19 under which he or she was committed. Violation of this section is a  
20 misdemeanor.

21 **Sec. 16.** RCW 72.10.010 and 1989 c 157 s 2 are each amended to read  
22 as follows:

23 As used in this chapter:

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

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

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

29 (4) "Health care facility" means any hospital, hospice care center,  
30 licensed or certified health care facility, health maintenance  
31 organization regulated under chapter 48.46 RCW, federally qualified  
32 health maintenance organization, federally approved renal dialysis  
33 center or facility ~~((federally approved under 42 CFR 405.2100))~~, or  
34 federally approved blood bank ~~((federally licensed under 21 CFR 607))~~.

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

1 (6) "Secretary" means the secretary of the department (~~of~~  
2 ~~corrections~~)).

3 (7) "Superintendent" means the superintendent of a correctional  
4 facility under the jurisdiction of the department, or his or her  
5 designee.

6 **Sec. 17.** RCW 72.10.020 and 1989 c 157 s 3 are each amended to read  
7 as follows:

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

16 (2)(a) The department may develop and implement a (~~health~~  
17 ~~services~~) plan for the delivery of health care services and personal  
18 hygiene items to (~~inmates~~) offenders in the department's (~~eustody~~)  
19 correctional facilities, at the discretion of the secretary, and in  
20 conformity with federal law.

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

30 (c) Offenders are required to make copayments for initial health  
31 care visits that are offender initiated and, by rule adopted by the  
32 department, may be charged a copayment for subsequent visits related to  
33 the medical condition which caused the initial visit. Offenders are  
34 not required to pay for emergency treatment or for visits initiated by  
35 health care staff or treatment of those conditions that constitute a  
36 serious health care need.

37 (d) No offender may be refused any health care service because of  
38 indigence.

1       (e) At no time shall the withdrawal of funds for the payment of a  
2 medical service copayment result in reducing an offender's institution  
3 account to an amount less than the level of indigency as defined in  
4 chapter 72.09 RCW.

5       (3)(a) The department shall report annually to the legislature the  
6 following information for the fiscal year preceding the report: (i)  
7 The total number of health care visits made by offenders; (ii) the  
8 total number of copayments assessed; (iii) the total dollar amount of  
9 copayments collected; (iv) the total number of copayments not collected  
10 due to an offender's indigency; and (v) the total number of copayments  
11 not assessed due to the serious or emergent nature of the health care  
12 treatment or because the health care visit was not offender initiated.

13       (b) The first report required under this section shall be submitted  
14 not later than October 1, 1996, and shall include, at a minimum, all  
15 available information collected through the second half of fiscal year  
16 1996. This subsection (3)(b) shall expire December 1, 1996.

17       (4)(a) The secretary shall adopt, by rule, a uniform policy  
18 relating to the distribution and replenishment of personal hygiene  
19 items for inmates incarcerated in all department institutions. The  
20 policy shall provide for the initial distribution of adequate personal  
21 hygiene items to inmates upon their arrival at an institution.

22       (b) The acquisition of replenishment personal hygiene items is the  
23 responsibility of inmates, except that indigent inmates shall not be  
24 denied adequate personal hygiene items based on their inability to pay  
25 for them.

26       (c) The policy shall provide that the replenishment personal  
27 hygiene items be distributed to inmates only in authorized quantities  
28 and at intervals that reflect prudent use and customary wear and  
29 consumption of the items.

30       (5) The following become a debt and are subject to section 4 of  
31 this act:

32       (a) All copayments under subsection (2) of this section that are  
33 not collected when the visit occurs; and

34       (b) All charges for replenishment personal hygiene items that are  
35 not collected when the item is distributed.

36       NEW SECTION. Sec. 18. The department shall adopt rules to  
37 implement RCW 72.10.020.



1        NEW SECTION.    **Sec. 19.**    The office of financial management shall  
2 contract with a private research company to conduct a review of the  
3 department of corrections health services delivery and administration  
4 to determine whether alternative methods, including other  
5 organizational models of service delivery and administration, could be  
6 more efficiently achieved by contracting with private vendors and  
7 whether there are more cost-efficient methods of providing  
8 nonprescription medications. The study shall include an analysis of  
9 the impact expanded privatization of administration or delivery of the  
10 services would have on the quality of health services and on critical  
11 components of the system including but not limited to eye and dental  
12 care and laboratory services. The study shall be submitted to the  
13 legislature by December 1, 1996. The decision to implement any  
14 recommendations made in the report shall be made by the legislature.

15        **Sec. 20.**    RCW 9.94A.137 and 1993 c 338 s 4 are each amended to read  
16 as follows:

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

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

21        ~~(b) Is between the ages of eighteen and twenty-eight years)~~); and

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

26        (b) The length of the work ethic camp shall be at least one hundred  
27 twenty days and not more than one hundred eighty days. Because of the  
28 conversion ratio, earned early release time shall not accrue to  
29 offenders who successfully complete the program.

30        (2) If the sentencing judge determines that the offender is  
31 eligible for the work ethic camp and is likely to qualify under  
32 subsection (3) of this section, the judge shall impose a sentence  
33 within the standard range and may recommend that the offender serve the  
34 sentence at a work ethic camp. The sentence shall provide that if the  
35 offender successfully completes the program, the department shall  
36 convert the period of work ethic camp confinement at the rate of one  
37 day of work ethic camp confinement to three days of total standard  
38 confinement. (~~The court shall also provide that upon completion of~~

1 ~~the work ethic camp program, the offender shall be released on~~  
2 ~~community custody for any remaining time of total confinement.)) In~~  
3 sentencing an offender to the work ethic camp, the court shall specify:  
4 (a) That upon completion of the work ethic camp the offender shall be  
5 released on community custody for any remaining time of total  
6 confinement; (b) the applicable conditions of supervision on community  
7 custody status as required by RCW 9.94A.120(9)(b) and authorized by RCW  
8 9.94A.120(9)(c); and (c) that violation of the conditions may result in  
9 a return to total confinement for the balance of the offender's  
10 remaining time of confinement.

11 (3) The department shall place the offender in the work ethic camp  
12 program, subject to capacity, unless: (a) The department determines  
13 that the offender has physical or mental impairments that would prevent  
14 participation and completion of the program((7)); (b) the department  
15 determines that the offender's custody level prevents placement in the  
16 program; or (c) the offender refuses to agree to the terms and  
17 conditions of the program.

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

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

28 ~~(6))~~ During the last two weeks prior to release from the work  
29 ethic camp program the department shall provide the offender with  
30 comprehensive transition training.

31 NEW SECTION. Sec. 21. A new section is added to chapter 72.09 RCW  
32 to read as follows:

33 (1) The department is authorized to establish a camp for alien  
34 offenders and shall be ready to assign offenders to the camp not later  
35 than January 1, 1997. The secretary shall locate the camp within the  
36 boundaries of an existing department facility.

37 (2) The secretary, in consultation with the committee established  
38 in section 23 of this act, shall prepare a report to the legislature by

1 December 1, 1995, on an implementation plan for the camp. The plan  
2 shall include recommendations on meeting the following goals: (a)  
3 Expedited deportation of alien offenders; (b) reduced daily costs of  
4 incarceration; (c) enhanced public benefit through an emphasis on  
5 inmate work and exemption from education programs other than those  
6 programs necessary for offenders to understand and follow directions;  
7 (d) minimum access to privileges; and (e) maximized use of nonstate  
8 resources for the costs of incarceration.

9 (3) In preparing the plan, the secretary shall address at least the  
10 following: (a) Eligibility criteria for prompt admission to the camp;  
11 (b) whether to have a minimum and maximum length of stay in the camp;  
12 (c) operational elements including residential arrangements, inmate  
13 conduct and programming standards, and achieving maximum cooperation  
14 with the United States government to expedite deportation of alien  
15 offenders and reduce the likelihood that alien offenders who complete  
16 the camp will avoid deportation; (d) mitigating adverse impacts the  
17 camp may have on other offender programs; (e) meeting the goals set  
18 forth in this section; and (f) any state law and fiscal issues that are  
19 necessary for implementation of the camp.

20 (4) The department shall consult with all appropriate public safety  
21 organizations and the committee created under section 23 of this act in  
22 developing the plan.

23 ***\*NEW SECTION. Sec. 22. A new section is added to chapter 72.09***  
24 ***RCW to read as follows:***

25 (1) *The secretary shall establish, at each institution with an*  
26 *inmate population of more than one hundred, a corrections advisory*  
27 *team. The team shall consist of two representatives from management*  
28 *personnel, two representatives from personnel represented by an*  
29 *exclusive bargaining unit selected by those personnel, and not more*  
30 *than three persons from among the education or work programs operating*  
31 *within the institution. The secretary shall invite other groups to*  
32 *select a representative to serve on the team, including but not limited*  
33 *to, the following:*

34 (a) *The superior court judges in the county in which the*  
35 *institution is located;*

36 (b) *The prosecuting attorney for the county in which the*  
37 *institution is located;*

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

3 (d) A sheriff or police chief whose jurisdiction includes, or is in  
4 close proximity to the institution; and

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

7 (2) The teams shall meet at least quarterly and have the following  
8 duties:

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

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

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

15 (3) The superintendent of each institution that meets the criteria  
16 in this section shall annually prepare a report to the secretary on the  
17 work of the team in his or her institution. The report shall include  
18 the superintendent's response to recommendations made by the team. The  
19 secretary shall collect and forward the reports to the legislature not  
20 later than December 1 of each year, together with such recommendations  
21 as the secretary finds appropriate.

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

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

27 \*Sec. 22 was vetoed. See message at end of chapter.

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

30 (1) There is created a joint committee on corrections cost-  
31 efficiencies oversight. The committee shall consist of: (a) Three  
32 members of the senate appointed by the president of the senate, two of  
33 whom shall be members of the majority party and one of whom shall be a  
34 member of the minority party; and (b) three members of the house of  
35 representatives, appointed by the speaker of the house of  
36 representatives, two of whom shall be members of the majority party and  
37 one of whom shall be a member of the minority party.

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

4 (3) The committee shall:

5 (a) Review all reports required under sections 25 and 26 of this  
6 act;

7 (b) Review all reports required and recommendations submitted by  
8 the teams under section 22 of this act;

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

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

13 (e) Periodically make recommendations to the legislature regarding  
14 corrections cost-efficiencies and programmatic improvements; and

15 (f) By December 1, 1996, report to the legislature the amount of  
16 actual and projected cost savings within the department during the  
17 1995-97 biennium and report its further recommendations to address  
18 expenditure growth in the department.

19 (4) This section expires July 1, 1997.

20 NEW SECTION. **Sec. 24.** A new section is added to chapter 43.17 RCW  
21 to read as follows:

22 (1) Through June 30, 1997, moneys shall not be appropriated or  
23 expended for acquisition of works of art under this chapter to be  
24 placed integral to, attached to, or detached within or outside a  
25 building or structure owned or operated by the department of  
26 corrections if the building or structure is not in existence or under  
27 construction as of the effective date of this act.

28 (2) The Washington state arts commission and the department of  
29 corrections shall prepare and deliver a report to the legislature by  
30 July 1, 1996, on the feasibility of creating class I or class II  
31 correctional industries for the creation of works of art created by  
32 resident Washington state artists and funded under this chapter for  
33 placement integral to, attached to, or detached within or outside  
34 buildings and structures owned or operated by the department of  
35 corrections.

36 (3) The report shall include, but not be limited to, a review of  
37 and recommendations on: (a) Whether to provide preferences or  
38 incentives to units of government other than the state to acquire works

1 of art created by artists and produced in the department of  
2 corrections; (b) the size of a market for public and private sales of  
3 art produced in the department of corrections; (c) the appropriate  
4 process for selection of works of art to be produced in the department  
5 of corrections; and (d) the appropriate work and education skills that  
6 would be achieved by inmates engaged in the production of art.

7 (4) This section expires June 30, 1997.

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

10 (1) The secretary shall seek federal funding for the incarceration  
11 of undocumented felons. The secretary shall pursue amendments to the  
12 federal transfer treaty program to facilitate deportation of  
13 undocumented alien offenders, specifically current treaties that  
14 require voluntary participation by the offender and loss of  
15 jurisdiction by the sending agency. The secretary shall seek  
16 enforcement of, and pursue amendments to, current federal sanctions for  
17 alien reentry, specifically amendments to the allowance of at least two  
18 prior felony convictions and at least two prior deportations before  
19 indictment for reentry is considered. By December 1, 1995, the  
20 secretary shall submit a report on progress on these matters to the  
21 legislature and the committee created under section 23 of this act.

22 (2) The secretary shall review current perimeter security  
23 technologies and designs that could minimize or eliminate the need for  
24 staffed perimeter guard towers at medium, close, and maximum custody  
25 correctional institutions. By December 1, 1995, the secretary shall  
26 complete the review and submit a report, including recommendations, to  
27 the legislature and the committee created under section 23 of this act.

28 (3) The secretary shall review the feasibility and desirability of  
29 implementing a system to allow prison beds to be used on a rotational  
30 basis. The review shall include at least the following: (a) A fiscal  
31 analysis of the capital and operating costs of implementing a twelve-  
32 hour scheduled rotation in which each prison cell and bed could be used  
33 by multiple inmates; and (b) an analysis of how the department would  
34 address safety issues that might arise from a rotation system that  
35 increases the amount of time inmates would spend out of their cells.  
36 By December 1, 1995, the secretary shall submit a report, including  
37 recommendations, to the legislature and the committee created under  
38 section 23 of this act.

1 (4) The secretary shall prepare and provide to the legislature by  
2 July 1, 1996, a report on the implementation of the administrative and  
3 programmatic changes required by sections 5 through 8, 17, and 22 of  
4 this act. The report shall provide a comparative measure of the total  
5 number and percentages of inmates who obtain a composite eighth grade  
6 level of basic academic skills after implementation of chapter . . . ,  
7 Laws of 1995 (this act).

8 \*NEW SECTION. Sec. 26. The department of corrections shall  
9 cooperate in the preparation of the following reviews and reports:

10 (1) The office of the state auditor shall review the department's  
11 budgeting process and operating budget request to the governor for the  
12 1995-97 biennium. By December 1, 1995, the office of the state auditor  
13 shall submit a report of its findings and recommendations to the  
14 legislature and the secretary of corrections.

15 (2) The department of transportation shall review the feasibility  
16 and desirability of privatizing the department of corrections marine  
17 fleet, operation, or both. The review shall include a comparison of  
18 department of corrections employee salaries with equivalent private  
19 marine positions salaries. By December 1, 1995, the department of  
20 transportation shall submit its report, including recommendations, to  
21 the secretary of corrections, the legislature, and the committee  
22 created under section 23 of this act.

23 (3) The office of financial management and the department of  
24 general administration shall jointly review the food planning model  
25 developed by the department of corrections for possible expansion to a  
26 uniform, state-wide planning, purchasing, and distribution of food  
27 products for state institutions, including but not limited to prisons,  
28 juvenile correctional institutions, and state hospitals. By December  
29 1, 1995, the office of financial management and the department of  
30 general administration shall submit their report, including  
31 recommendations, to the secretary of corrections, the legislature, and  
32 the committee created under section 23 of this act.

33 (4) The printing and duplicating management center in the  
34 department of general administration shall review the feasibility and  
35 desirability of establishing a class II correctional industry within  
36 one or more correctional institutions, a print shop, and printers  
37 apprentice program. By December 1, 1995, the center shall submit its

1 *report, including recommendations, to the secretary of corrections, the*  
2 *legislature, and the committee created by section 23 of this act.*

3 *\*Sec. 26 was vetoed. See message at end of chapter.*

4 NEW SECTION. **Sec. 27.** (1)(a) In addition to the requirements of  
5 section 24 of this act, the correctional industries board of directors  
6 shall review the following options for expanding work programs, as  
7 defined in section 3 of this act: (i) Recycling of inorganic materials  
8 within or without the facilities; (ii) redesigning and refabrication of  
9 industrial products; (iii) data management services; (iv) industrial  
10 food services; (v) expanded opportunities for construction and  
11 maintenance of state adult and juvenile correctional institutions; (vi)  
12 construction of migrant farmworker housing using state and federal  
13 housing funds; (vii) opportunities for support staffing in recreation  
14 and fitness programs within institutions; (viii) use of the Airway  
15 Heights prison kitchen to prepare kosher meals for correctional  
16 facilities inside and outside Washington state; and (ix) horticulture  
17 specialty crops. The board shall consider the cost of the studies in  
18 determining the order of conducting the studies.

19 (b) The board shall examine at least the following in preparing its  
20 report: (i) The existence and sustainability of a public and private  
21 market for the item; (ii) the impact development of an option would  
22 have on private and public competitors producing the same item; (iii)  
23 demands on the resources of the department, including transportation  
24 and security costs; (iv) the number of job opportunities likely to be  
25 created; (v) requirements for staff training; and (vi) the costs and  
26 benefits of each option.

27 (2) The board shall report its findings and recommendations to the  
28 secretary and the committee created under section 23 of this act by  
29 June 30, 1996.

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



1        NEW SECTION.    **Sec. 28.**    (1) The secretary of corrections shall seek  
2 to expand the use of, and opportunities at, the correctional facility  
3 at McNeil Island. To accomplish this the secretary shall, among other  
4 things, make a formal request to the appropriate federal agencies for  
5 a waiver of environmental impact restrictions in order to increase the  
6 agricultural yield on McNeil Island. Additionally, the secretary shall  
7 seek authorization from the appropriate federal agencies to expand the  
8 acreage available for use at McNeil Island. The secretary shall  
9 initiate the request for waivers by August 1, 1995, and shall advise  
10 the committee created under section 23 of this act of the waiver  
11 request and any response to the request.

12        (2) If there are state statutory or regulatory constraints which  
13 operate to impede expanding the opportunities at, or size of, the  
14 facility at McNeil Island, the secretary shall inform the legislature  
15 and recommend any appropriate revisions.

16        **Sec. 29.**    RCW 9.95.210 and 1995 c 33 s 6 are each amended to read  
17 as follows:

18        (1) In granting probation, the court may suspend the imposition or  
19 the execution of the sentence and may direct that the suspension may  
20 continue upon such conditions and for such time as it shall designate,  
21 not exceeding the maximum term of sentence or two years, whichever is  
22 longer.

23        (2) In the order granting probation and as a condition thereof, the  
24 court may in its discretion imprison the defendant in the county jail  
25 for a period not exceeding one year and may fine the defendant any sum  
26 not exceeding the statutory limit for the offense committed, and court  
27 costs. As a condition of probation, the court shall require the  
28 payment of the penalty assessment required by RCW 7.68.035. The court  
29 may also require the defendant to make such monetary payments, on such  
30 terms as it deems appropriate under the circumstances, as are  
31 necessary: ~~((1))~~ (a) To comply with any order of the court for the  
32 payment of family support~~((, (2)))~~; (b) to make restitution to any  
33 person or persons who may have suffered loss or damage by reason of the  
34 commission of the crime in question or when the offender pleads guilty  
35 to a lesser offense or fewer offenses and agrees with the prosecutor's  
36 recommendation that the offender be required to pay restitution to a  
37 victim of an offense or offenses which are not prosecuted pursuant to  
38 a plea agreement~~((, (3)))~~; (c) to pay such fine as may be imposed and

1 court costs, including reimbursement of the state for costs of  
2 extradition if return to this state by extradition was required(~~(7~~  
3 ~~(4))~~) i ~~(d)~~ following consideration of the financial condition of the  
4 person subject to possible electronic monitoring, to pay for the costs  
5 of electronic monitoring if that monitoring was required by the court  
6 as a condition of release from custody or as a condition of  
7 probation(~~(7~~~~(5))~~); i ~~(e)~~ to contribute to a county or interlocal drug  
8 fund(~~(7)~~); i and (~~(6)~~) f to make restitution to a public agency for  
9 the costs of an emergency response under RCW 38.52.430, and may require  
10 bonds for the faithful observance of any and all conditions imposed in  
11 the probation.

12 (3) The court shall order restitution in all cases where the victim  
13 is entitled to benefits under the crime victims' compensation act,  
14 chapter 7.68 RCW. If the court does not order restitution and the  
15 victim of the crime has been determined to be entitled to benefits  
16 under the crime victims' compensation act, the department of labor and  
17 industries, as administrator of the crime victims' compensation  
18 program, may petition the court within one year of imposition of the  
19 sentence for entry of a restitution order. Upon receipt of a petition  
20 from the department of labor and industries, the court shall hold a  
21 restitution hearing and shall enter a restitution order.

22 (4) In granting probation, the court (~~shall~~) may order the  
23 probationer to report to the secretary of corrections or such officer  
24 as the secretary may designate and as a condition of the probation to  
25 follow (~~implicitly~~) the instructions of the secretary.

26 (5) If the probationer has been ordered to make restitution and the  
27 court has ordered supervision, the officer supervising the probationer  
28 shall make a reasonable effort to ascertain whether restitution has  
29 been made. If the court has ordered supervision and restitution has  
30 not been made as ordered, the officer shall inform the prosecutor of  
31 that violation of the terms of probation not less than three months  
32 prior to the termination of the probation period. The secretary of  
33 corrections will promulgate rules and regulations for the conduct of  
34 the person during the term of probation. For defendants found guilty  
35 in district court, like functions as the secretary performs in regard  
36 to probation may be performed by probation officers employed for that  
37 purpose by the county legislative authority of the county wherein the  
38 court is located.

1       **Sec. 30.** RCW 9.92.060 and 1987 c 202 s 142 are each amended to  
2 read as follows:

3       (1) Whenever any person (~~((shall be))~~) is convicted of any crime  
4 except murder, burglary in the first degree, arson in the first degree,  
5 robbery, (~~((carnal knowledge))~~) rape of a (~~((female))~~) child (~~((under the~~  
6 ~~age of ten years))~~), or rape, the court may in its discretion, at the  
7 time of imposing sentence upon such person, direct that such sentence  
8 be stayed and suspended until otherwise ordered by such court, and that  
9 the sentenced person be placed under the charge of a (~~((parole or peace~~  
10 ~~officer during the term of such suspension,)~~) community corrections  
11 officer employed by the department of corrections upon such terms as  
12 the court may determine(~~((: PROVIDED, That))~~).

13       (2) As a condition to suspension of sentence, the court shall  
14 require the payment of the penalty assessment required by RCW  
15 7.68.035(~~((: PROVIDED FURTHER, That as a condition to suspension of~~  
16 sentence)). In addition, the court may require the convicted person to  
17 make such monetary payments, on such terms as the court deems  
18 appropriate under the circumstances, as are necessary ((+1)): (a) To  
19 comply with any order of the court for the payment of family support((  
20 +2))); (b) to make restitution to any person or persons who may have  
21 suffered loss or damage by reason of the commission of the crime in  
22 question or when the offender pleads guilty to a lesser offense or  
23 fewer offenses and agrees with the prosecutor's recommendation that the  
24 offender be required to pay restitution to a victim of an offense or  
25 offenses which are not prosecuted pursuant to a plea agreement((  
26 +3))); (c) to pay any fine imposed and not suspended and the court or  
27 other costs incurred in the prosecution of the case, including  
28 reimbursement of the state for costs of extradition if return to this  
29 state by extradition was required((  
30 +4))); (d) to contribute  
31 to a county or interlocal drug fund. ((In no case shall a sentence be  
32 suspended under the provisions of this section unless the person if  
33 sentenced to confinement in a penal institution be placed under the  
34 charge of a parole officer, who is a duly appointed and acting officer  
35 of the institution to which the person is sentenced: PROVIDED, That  
36 persons convicted in district court may be placed under supervision of  
37 a probation officer employed for that purpose.))

38       (3) As a condition of the suspended sentence, the court may order  
the probationer to report to the secretary of corrections or such

1 officer as the secretary may designate and as a condition of the  
2 probation to follow the instructions of the secretary.

3 (4) If restitution to the victim has been ordered under subsection  
4 (2)(b) of this section and the court has ordered supervision, the  
5 officer supervising the probationer shall make a reasonable effort to  
6 ascertain whether restitution has been made as ordered. If the court  
7 has ordered supervision and restitution has not been made, the officer  
8 shall inform the prosecutor of that violation of the terms of the  
9 suspended sentence not less than three months prior to the termination  
10 of the suspended sentence.

11 NEW SECTION. Sec. 31. A new section is added to chapter 9.95 RCW  
12 to read as follows:

13 (1) The Washington state law and justice advisory council,  
14 appointed under RCW 72.09.300(7), shall by October 1, 1995, develop  
15 proposed standards for the supervision of misdemeanor probationers  
16 sentenced by superior courts under RCW 9.92.060 or 9.95.210. In  
17 developing the standards, the council shall consider realistic current  
18 funding levels or reasonable expansions thereof, the recommendations of  
19 the department of corrections, county probation departments, superior  
20 and district court judges, and the misdemeanor corrections  
21 association. The supervision standards shall establish classifications  
22 of misdemeanor probationers based upon the seriousness of the offense,  
23 the perceived risks to the community, and other relevant factors. The  
24 standards may provide discretion to officials supervising misdemeanor  
25 probationers to adjust the supervision standards, for good cause, based  
26 upon individual circumstances surrounding the probationer. The  
27 supervision standards shall include provisions for reciprocal  
28 supervision of offenders who are sentenced in counties other than their  
29 counties of residence.

30 (2) The department of corrections shall report to the legislature  
31 by December 1, 1995, the estimated cost of fully implementing the  
32 proposed standards. The report shall rank by relative costs each of  
33 the elements of the proposed standards and shall identify the total  
34 daily supervision cost per offender. The report shall also include an  
35 accounting of the amount of supervision fees assessed and collected by  
36 the department under section 32 of this act.

1        NEW SECTION.    **Sec. 32.**    A new section is added to chapter 9.95 RCW  
2 to read as follows:

3        Whenever a defendant convicted of a misdemeanor or gross  
4 misdemeanor is placed on probation under RCW 9.92.060 or 9.95.210, and  
5 the defendant is supervised by the department of corrections, the  
6 department may assess and collect from the defendant for the duration  
7 of the term of supervision a monthly assessment not to exceed one  
8 hundred dollars per month. This assessment shall be paid to the  
9 department and shall be applied, along with funds appropriated by the  
10 legislature, toward the payment or part payment of the cost of  
11 supervising the defendant.

12        **Sec. 33.**    RCW 72.09.100 and 1994 c 224 s 1 are each amended to read  
13 as follows:

14        It is the intent of the legislature to vest in the department the  
15 power to provide for a comprehensive inmate work program and to remove  
16 statutory and other restrictions which have limited work programs in  
17 the past. For purposes of establishing such a comprehensive program,  
18 the legislature recommends that the department consider adopting any or  
19 all, or any variation of, the following classes of work programs:

20        (1) CLASS I:    FREE VENTURE INDUSTRIES.    The employer model  
21 industries in this class shall be operated and managed in total or in  
22 part by any profit or nonprofit organization pursuant to an agreement  
23 between the organization and the department. The organization shall  
24 produce goods or services for sale to both the public and private  
25 sector.

26        The customer model industries in this class shall be operated and  
27 managed by the department to provide Washington state manufacturers or  
28 businesses with products or services currently produced or provided by  
29 out-of-state or foreign suppliers. The correctional industries board  
30 of directors shall review these proposed industries before the  
31 department contracts to provide such products or services. The review  
32 shall include an analysis of the potential impact of the proposed  
33 products and services on the Washington state business community and  
34 labor market.

35        The department of corrections shall supply appropriate security and  
36 custody services without charge to the participating firms.

37        Inmates who work in free venture industries shall do so at their  
38 own choice. They shall be paid a wage comparable to the wage paid for

1 work of a similar nature in the locality in which the industry is  
2 located, as determined by the director of correctional industries. If  
3 the director cannot reasonably determine the comparable wage, then the  
4 pay shall not be less than the federal minimum wage.

5 An inmate who is employed in the class I program of correctional  
6 industries shall not be eligible for unemployment compensation benefits  
7 pursuant to any of the provisions of Title 50 RCW until released on  
8 parole or discharged.

9 (2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class  
10 shall be state-owned and operated enterprises designed to reduce the  
11 costs for goods and services for tax-supported agencies and for  
12 nonprofit organizations. The industries selected for development  
13 within this class shall, as much as possible, match the available pool  
14 of inmate work skills and aptitudes with the work opportunities in the  
15 free community. The industries shall be closely patterned after  
16 private sector industries but with the objective of reducing public  
17 support costs rather than making a profit. The products and services  
18 of this industry, including purchased products and services necessary  
19 for a complete product line, may be sold to public agencies, to  
20 nonprofit organizations, and to private contractors when the goods  
21 purchased will be ultimately used by a public agency or a nonprofit  
22 organization. Clothing manufactured by an industry in this class may  
23 be donated to nonprofit organizations that provide clothing free of  
24 charge to low-income persons. Correctional industries products and  
25 services shall be reviewed by the correctional industries board of  
26 directors before offering such products and services for sale to  
27 private contractors. The board of directors shall conduct a yearly  
28 marketing review of the products and services offered under this  
29 subsection. Such review shall include an analysis of the potential  
30 impact of the proposed products and services on the Washington state  
31 business community. To avoid waste or spoilage and consequent loss to  
32 the state, when there is no public sector market for such goods,  
33 byproducts and surpluses of timber, agricultural, and animal husbandry  
34 enterprises may be sold to private persons, at private sale. Surplus  
35 byproducts and surpluses of timber, agricultural and animal husbandry  
36 enterprises that cannot be sold to public agencies or to private  
37 persons may be donated to nonprofit organizations. All sales of  
38 surplus products shall be carried out in accordance with rules  
39 prescribed by the secretary.

1 Security and custody services shall be provided without charge by  
2 the department of corrections.

3 Inmates working in this class of industries shall do so at their  
4 own choice and shall be paid for their work on a gratuity scale which  
5 shall not exceed the wage paid for work of a similar nature in the  
6 locality in which the industry is located and which is approved by the  
7 director of correctional industries.

8 Subject to approval of the correctional industries board,  
9 provisions of RCW 41.06.380 prohibiting contracting out work performed  
10 by classified employees shall not apply to contracts with Washington  
11 state businesses entered into by the department of corrections through  
12 class II industries.

13 (3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in  
14 this class shall be operated by the department of corrections. They  
15 shall be designed and managed to accomplish the following objectives:

16 (a) Whenever possible, to provide basic work training and  
17 experience so that the inmate will be able to qualify for better work  
18 both within correctional industries and the free community. It is not  
19 intended that an inmate's work within this class of industries should  
20 be his or her final and total work experience as an inmate.

21 (b) Whenever possible, to provide forty hours of work or work  
22 training per week.

23 (c) Whenever possible, to offset tax and other public support  
24 costs.

25 Supervising, management, and custody staff shall be employees of  
26 the department.

27 All able and eligible inmates who are assigned work and who are not  
28 working in other classes of industries shall work in this class.

29 Except for inmates who work in work training programs, inmates in  
30 this class shall be paid for their work in accordance with an inmate  
31 gratuity scale. The scale shall be adopted by the secretary of  
32 corrections.

33 (4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class  
34 shall be operated by the department of corrections. They shall be  
35 designed and managed to provide services in the inmate's resident  
36 community at a reduced cost. The services shall be provided to public  
37 agencies, to persons who are poor or infirm, or to nonprofit  
38 organizations.

1 Inmates in this program shall reside in facilities owned by,  
2 contracted for, or licensed by the department of corrections. A unit  
3 of local government shall provide work supervision services without  
4 charge to the state and shall pay the inmate's wage.

5 The department of corrections shall reimburse participating units  
6 of local government for liability and workers compensation insurance  
7 costs.

8 Inmates who work in this class of industries shall do so at their  
9 own choice and shall receive a gratuity which shall not exceed the wage  
10 paid for work of a similar nature in the locality in which the industry  
11 is located.

12 (5) CLASS V: COMMUNITY SERVICE PROGRAMS. Programs in this class  
13 shall be subject to supervision by the department of corrections. The  
14 purpose of this class of industries is to enable an inmate, placed on  
15 community supervision, to work off all or part of a community service  
16 order as ordered by the sentencing court.

17 Employment shall be in a community service program operated by the  
18 state, local units of government, or a nonprofit agency.

19 To the extent that funds are specifically made available for such  
20 purposes, the department of corrections shall reimburse nonprofit  
21 agencies for workers compensation insurance costs.

22 *\*NEW SECTION. Sec. 34. The legislature requires reductions in*  
23 *department of corrections staffing levels appropriated by the 1995-97*  
24 *omnibus appropriations act be implemented so as to preserve the safe*  
25 *and orderly operation of the institutions, including the safety of*  
26 *staff, visitors, and inmates and to protect public safety. To*  
27 *accomplish this, the department shall target staff reductions in: (1)*  
28 *Exempt positions within the department's headquarters and division of*  
29 *prisons such as assistant secretaries, assistants to the secretary,*  
30 *superintendents, associate superintendents, and federal and state*  
31 *liaisons; and (2) management positions of lieutenant and above as*  
32 *classified by the department of personnel.*

33 *\*Sec. 34 was vetoed. See message at end of chapter.*

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



1        *The ratio of recreational leader positions 2, 3, and 4 to average*  
2 *daily inmate population within the department shall be maintained as*  
3 *established pursuant to the 1995 omnibus appropriations act.*

4        *\*Sec. 35 was vetoed. See message at end of chapter.*

5        NEW SECTION.    **Sec. 36.**    RCW 72.09.020 and 1988 c 153 s 7 & 1981 c  
6 136 s 7 are each repealed.

7        NEW SECTION.    **Sec. 37.**    This act shall be known as the department  
8 of corrections cost-efficiency and inmate responsibility omnibus act.

9        NEW SECTION.    **Sec. 38.**    If any provision of this act or its  
10 application to any person or circumstance is held invalid, the  
11 remainder of the act or the application of the provision to other  
12 persons or circumstances is not affected.

13        \*NEW SECTION.    **Sec. 39.**    *If specific funding for the purpose of*  
14 *this act, referencing this act by bill number, is not provided by June*  
15 *30, 1995, in the omnibus appropriations act, this act shall be null and*  
16 *void.*

17        *\*Sec. 39 was vetoed. See message at end of chapter.*

18        NEW SECTION.    **Sec. 40.**    This act is necessary for the immediate  
19 preservation of the public peace, health, or safety, or support of the  
20 state government and its existing public institutions, and shall take  
21 effect immediately.

      Passed the House May 18, 1995.

      Passed the Senate May 22, 1995.

      Approved by the Governor June 15, 1995, with the exception of  
      certain items which were vetoed.

      Filed in Office of Secretary of State June 15, 1995.

1        Note: Governor's explanation of partial veto is as follows:

2        "I am returning herewith, without my approval as to sections 22,  
3 26, 34, 35, and 39, Second Engrossed Second Substitute House Bill No.  
4 2010 entitled:

5        "AN ACT Relating to Corrections;"

6        Second Engrossed Second Substitute House Bill No. 2010 represents  
7 hard work and strong commitment. I applaud the 1995 legislature for  
8 taking on the rigorous task of examining ways to make inmates more  
9 accountable and the Department of Corrections more efficient. This  
10 legislation is far reaching and required an appreciation and  
11 understanding of varied and often conflicting philosophies and agendas.  
12 While I note some concerns with this legislation, it is vital to note  
13 my great confidence in our accomplishing the goals addressed.

1 I will begin by addressing an important issue raised in section 21,  
2 which I am not vetoing. This section authorizes the Department of  
3 Corrections to establish a camp for alien offenders. The Department of  
4 Corrections is also directed to develop an implementation plan for the  
5 camp by December 1, 1995 and be ready to assign offenders to a camp, if  
6 any is established, by January 1, 1997. Section 21, on its face,  
7 applies to all alien offenders, whether documented or undocumented, and  
8 whether or not the offenses for which they are incarcerated leave them  
9 subject to deportation. Further, the goals for the camp -- to expedite  
10 deportation and reduce costs -- envisions early release by the  
11 Department of Corrections and rapid deportation by federal officials.  
12 It is clear that a great deal of continued state and federal effort and  
13 cooperation will be necessary before this vision is realized.

14 Of most importance, however, is the need to avoid any appearance  
15 that the state of Washington is sending an anti-alien message  
16 generally. We have all seen the regrettable results of cost saving or  
17 efficiency measures escalating into issues of discrimination or even  
18 ethnic separation. I have been assured, however, that no such message  
19 should be read into the language of this section. I have received a  
20 letter signed by Representative Ballasiotes on behalf of the members of  
21 the conference committee who worked so hard on the details of this  
22 legislation. She states that only "non-legal" alien offenders are or  
23 ever were to be considered for participation in the proposed camp.

24 It is with that understanding that I approve this section. The  
25 Department of Corrections will have much needed time and flexibility to  
26 work with federal officials and return to the legislature with plans  
27 and concerns. I share the desire expressed by Representative  
28 Ballasiotes that we work closely together on further development and  
29 implementation. We will do so.

30 Section 22 requires the Department to create a "Corrections  
31 Advisory Team" at each institution with more than 100 offenders. While  
32 I strongly support the advisory value of stakeholders in the cost-  
33 effective operation of our prisons, there are a number of reasons for  
34 removing this section. First, the mandated advisory teams are  
35 duplicative of existing oversight represented by state and local labor-  
36 management committees provided for in collective bargaining agreements;  
37 state and local law and justice planning committees provided for in RCW  
38 72.09.300; the correctional industries board provided in RCW 72.09.070;  
39 and the institutional, community advisory committees authorized under  
40 RCW 43.88.500-515.

41 The advisory teams mandated by this section generate added costs to  
42 the taxpayers for team support services, travel expenses, per diem  
43 costs, and backfill expenses related to mandated staff membership.  
44 Further, in the absence of any mandate that these teams work together  
45 relative to the total operation of the prison system, there is high  
46 risk that program fragmentation would occur, exacerbating rather than  
47 reducing system inefficiencies and costs. In spite of the veto of this  
48 section, we must work together to promote operational efficiencies and  
49 I strongly encourage cooperation between management and line level  
50 employees at each institution through existing mechanisms.

51 Section 26 is divided into four subsections requiring that four  
52 different studies be conducted. The drafting in certain subsections is  
53 unclear as to exactly what is to be studied and no funds are provided  
54 to conduct them. Although technical and fiscal concerns as outlined  
55 below dictate a veto of this section, I will direct the affected  
56 agencies to work with legislators and legislative staff, to the

1 greatest extent possible without additional resources, to provide the  
2 legislature with all of the information requested.

3 Subsection 1 directs the State Auditor to review the Department of  
4 Corrections budgeting process and operating budget request for the  
5 1995-97 biennium. The agency budget request is a part of a complex  
6 budget process that ultimately produces several sections in an  
7 appropriations act. The Department of Corrections' budget is reviewed  
8 by the Office of Financial Management in preparation for my budget  
9 recommendation, and then reviewed by both House and Senate Committees.  
10 It is unclear what the Auditor is to make recommendations on. If the  
11 intent was to perform a performance audit, it is not stated here.  
12 Budget development and related policy implications are the arena of the  
13 executive branch and the legislature. The role of the Auditor is to  
14 ensure the legal implementation of those budgets.

15 Subsection 2 directs the Department of Transportation to review the  
16 feasibility and desirability of privatizing the Department of  
17 Corrections marine fleet, operation, or both. The Department of  
18 Transportation has expressed a willingness to conduct this feasibility  
19 study within existing resources, and will report to the legislature as  
20 outlined in this subsection.

21 Subsection 3 directs the Office of Financial Management and the  
22 Department of General Administration to review the food planning model  
23 developed by the Department of Corrections for possible expansion to a  
24 uniform state-wide system. I will direct these agencies to examine  
25 this topic and communicate their findings to the legislature.

26 Subsection 4 directs the printing and duplicating management center  
27 of the Department of General Administration (GA) to review the  
28 feasibility and desirability of establishing a class II correctional  
29 industry within one or more correctional institutions. The printing  
30 and duplicating management center of GA no longer exists. In addition,  
31 Correctional Industries already operates printing facilities pursuant  
32 to agreements with the State Printer. With regard to the development  
33 of a printer's apprentice program, the Department of Corrections has  
34 consistently worked to expand apprentice programs across the entire  
35 continuum of Correctional Industries programs.

36 Section 34 conflicts with the assumptions contained in Section 223  
37 (Department of Corrections) of Engrossed Substitute House Bill 1410,  
38 the Omnibus Appropriations Act. Staff reductions and efficiencies will  
39 be implemented consistent with the assumptions in the Omnibus  
40 Appropriations Act.

41 Section 35 places into statute the staffing ratios for recreational  
42 leader positions 2, 3, and 4 as provided for in the omnibus  
43 appropriations act. This approach fails to account for the expansion  
44 to new facilities or the changing environment within the corrections  
45 system. In addition, the language is inconsistent with other sections  
46 of this act which direct Correctional Industries (CI) to study the  
47 possibility of a work program to provide opportunities for support  
48 staffing in recreation and fitness programs. All of these could result  
49 in changes in these staffing levels. The Omnibus Appropriations Act is  
50 the appropriate vehicle to deal with this issue, placing it under a  
51 biennial review.

52 Section 39 states that this bill shall be null and void if it is  
53 not referenced in the biennial budget. Section 40 declares an  
54 emergency and states that the bill shall take effect immediately.  
55 These two sections are inconsistent. If a bill is "necessary for the

1 immediate preservation of the public peace, health, and safety" it  
2 cannot also be subject to the uncertainties of the appropriation  
3 process. There are some elements of this bill that will provide  
4 immediate benefits and are consistent with the immediate implementation  
5 provided by section 40. Therefore, I am vetoing section 39.

6 For these reasons, I am vetoing sections 22, 26, 34, 35 and 39 of  
7 Second Engrossed Second Substitute House Bill No. 2010.

8 With the exception of sections 22, 26, 34, 35 and 39, Second  
9 Engrossed Second Substitute House Bill No. 2010 is approved."