

SHB 1571 - S COMM AMD 424
By Senator Stevens

ADOPTED 04/25/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that there is an
4 urgent need for vigorous enforcement of child support obligations. The
5 legislature further finds that the duty of child support to provide for
6 the needs of dependent children, including their necessary food,
7 clothing, shelter, education, and health care, should not be avoided
8 because of where an obligor resides. A person owing a duty of child
9 support who chooses to engage in behaviors that result in the person
10 becoming incarcerated should not be able to avoid child support
11 obligations.

12 The legislature also finds the current system of child support
13 collections due from persons confined in state correctional facilities
14 does not facilitate family preservation nor does it promote the best
15 interests of children. Unless otherwise proscribed by federal law or
16 court order, the legislature intends that, particularly in instances of
17 very low payment levels, child support deductions go directly to the
18 person or persons in whose custody the child is and who is responsible
19 for the daily support of the child. The legislature does not intend
20 the child support system to be a mechanism for the support of
21 government, but rather to directly assist children in need of support.

22 **Sec. 2.** RCW 72.09.111 and 2002 c 126 s 2 are each amended to read
23 as follows:

24 (1) The secretary shall deduct from the gross wages or gratuities
25 of each inmate working in correctional industries work programs, taxes
26 and legal financial obligations. The secretary shall also deduct child
27 support payments from the gratuities of each inmate working in class II
28 through class IV correctional industries work programs. The secretary

1 shall develop a formula for the distribution of offender wages and
2 gratuities.

3 (a) The formula shall include the following minimum deductions from
4 class I gross wages and from all others earning at least minimum wage:

5 (i) Five percent to the public safety and education account for the
6 purpose of crime victims' compensation;

7 (ii) Ten percent to a department personal inmate savings account;

8 (iii) Twenty percent to the department to contribute to the cost of
9 incarceration; and

10 (iv) Twenty percent for payment of legal financial obligations for
11 all inmates who have legal financial obligations owing in any
12 Washington state superior court.

13 (b) The formula shall include the following minimum deductions from
14 class II gross gratuities:

15 (i) Five percent to the public safety and education account for the
16 purpose of crime victims' compensation;

17 (ii) Ten percent to a department personal inmate savings account;

18 (iii) Fifteen percent to the department to contribute to the cost
19 of incarceration; ~~((and))~~

20 (iv) Twenty percent for payment of legal financial obligations for
21 all inmates who have legal financial obligations owing in any
22 Washington state superior court; and

23 (v) Fifteen percent for any child support owed under a support
24 order.

25 ~~((The formula shall include the following minimum deduction~~
26 ~~from class IV gross gratuities: Five percent to the department to~~
27 ~~contribute to the cost of incarceration.~~

28 ~~(d))~~) The formula shall include the following minimum deductions
29 from class III gratuities:

30 (i) Five percent for the purpose of crime victims' compensation;
31 and

32 (ii) Fifteen percent for any child support owed under a support
33 order.

34 (d) The formula shall include the following minimum deduction from
35 class IV gross gratuities:

36 (i) Five percent to the department to contribute to the cost of
37 incarceration; and

1 (ii) Fifteen percent for any child support owed under a support
2 order.

3 Any person sentenced to life imprisonment without possibility of
4 release or parole under chapter 10.95 RCW or sentenced to death shall
5 be exempt from the requirement under (a)(ii) or (b)(ii) of this
6 subsection.

7 The department personal inmate savings account, together with any
8 accrued interest, shall only be available to an inmate at the time of
9 his or her release from confinement, unless the secretary determines
10 that an emergency exists for the inmate, at which time the funds can be
11 made available to the inmate in an amount determined by the secretary.
12 The management of classes I, II, and IV correctional industries may
13 establish an incentive payment for offender workers based on
14 productivity criteria. This incentive shall be paid separately from
15 the hourly wage/gratuity rate and shall not be subject to the specified
16 deduction for cost of incarceration.

17 In the event that the offender worker's wages or gratuity is
18 subject to garnishment for support enforcement, the crime victims'
19 compensation, savings, and cost of incarceration deductions shall be
20 calculated on the net wages after taxes, legal financial obligations,
21 and garnishment.

22 (2) The department shall explore other methods of recovering a
23 portion of the cost of the inmate's incarceration and for encouraging
24 participation in work programs, including development of incentive
25 programs that offer inmates benefits and amenities paid for only from
26 wages earned while working in a correctional industries work program.

27 (3) The department shall develop the necessary administrative
28 structure to recover inmates' wages and keep records of the amount
29 inmates pay for the costs of incarceration and amenities. All funds
30 deducted from inmate wages under subsection (1) of this section for the
31 purpose of contributions to the cost of incarceration shall be
32 deposited in a dedicated fund with the department and shall be used
33 only for the purpose of enhancing and maintaining correctional
34 industries work programs.

35 (4) The expansion of inmate employment in class I and class II
36 correctional industries shall be implemented according to the following
37 schedule:

1 (a) Not later than June 30, 1995, the secretary shall achieve a net
2 increase of at least two hundred in the number of inmates employed in
3 class I or class II correctional industries work programs above the
4 number so employed on June 30, 1994;

5 (b) Not later than June 30, 1996, the secretary shall achieve a net
6 increase of at least four hundred in the number of inmates employed in
7 class I or class II correctional industries work programs above the
8 number so employed on June 30, 1994;

9 (c) Not later than June 30, 1997, the secretary shall achieve a net
10 increase of at least six hundred in the number of inmates employed in
11 class I or class II correctional industries work programs above the
12 number so employed on June 30, 1994;

13 (d) Not later than June 30, 1998, the secretary shall achieve a net
14 increase of at least nine hundred in the number of inmates employed in
15 class I or class II correctional industries work programs above the
16 number so employed on June 30, 1994;

17 (e) Not later than June 30, 1999, the secretary shall achieve a net
18 increase of at least one thousand two hundred in the number of inmates
19 employed in class I or class II correctional industries work programs
20 above the number so employed on June 30, 1994;

21 (f) Not later than June 30, 2000, the secretary shall achieve a net
22 increase of at least one thousand five hundred in the number of inmates
23 employed in class I or class II correctional industries work programs
24 above the number so employed on June 30, 1994.

25 (5) It shall be in the discretion of the secretary to apportion the
26 inmates between class I and class II depending on available contracts
27 and resources.

28 (6) Nothing in this section shall limit the authority of the
29 department of social and health services division of child support from
30 taking collection action against an inmate's moneys, assets, or
31 property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

32 **Sec. 3.** RCW 72.09.480 and 1999 c 325 s 1 are each amended to read
33 as follows:

34 (1) Unless the context clearly requires otherwise, the definitions
35 in this section apply to this section.

1 (a) "Cost of incarceration" means the cost of providing an inmate
2 with shelter, food, clothing, transportation, supervision, and other
3 services and supplies as may be necessary for the maintenance and
4 support of the inmate while in the custody of the department, based on
5 the average per inmate costs established by the department and the
6 office of financial management.

7 (b) "Minimum term of confinement" means the minimum amount of time
8 an inmate will be confined in the custody of the department,
9 considering the sentence imposed and adjusted for the total potential
10 earned early release time available to the inmate.

11 (c) "Program" means any series of courses or classes necessary to
12 achieve a proficiency standard, certificate, or postsecondary degree.

13 (2) When an inmate, except as provided in subsection ~~((+6+))~~ (7) of
14 this section, receives any funds in addition to his or her wages or
15 gratuities, except settlements or awards resulting from legal action,
16 the additional funds shall be subject to the following deductions ~~((in~~
17 ~~RCW 72.09.111(1)(a))~~ and the priorities established in chapter 72.11
18 RCW:

19 (a) Five percent to the public safety and education account for the
20 purpose of crime victims' compensation;

21 (b) Ten percent to a department personal inmate savings account;

22 (c) Twenty percent to the department to contribute to the cost of
23 incarceration;

24 (d) Twenty percent for payment of legal financial obligations for
25 all inmates who have legal financial obligations owing in any
26 Washington state superior court; and

27 (e) Fifteen percent for any child support owed under a support
28 order.

29 (3) When an inmate, except as provided in subsection (7) of this
30 section, receives any funds from a settlement or award resulting from
31 a legal action, the additional funds shall be subject to the deductions
32 in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11
33 RCW.

34 ~~((+3+))~~ (4) The amount deducted from an inmate's funds under
35 subsection (2) of this section shall not exceed the department's total
36 cost of incarceration for the inmate incurred during the inmate's
37 minimum or actual term of confinement, whichever is longer.

1 (~~(4)~~) (5) The deductions required under subsection (2) of this
2 section shall not apply to funds received by the department on behalf
3 of an offender for payment of one fee-based education or vocational
4 program that is associated with an inmate's work program or a placement
5 decision made by the department under RCW 72.09.460 to prepare an
6 inmate for work upon release.

7 An inmate may, prior to the completion of the fee-based education
8 or vocational program authorized under this subsection, apply to a
9 person designated by the secretary for permission to make a change in
10 his or her program. The secretary, or his or her designee, may approve
11 the application based solely on the following criteria: (a) The inmate
12 has been transferred to another institution by the department for
13 reasons unrelated to education or a change to a higher security
14 classification and the offender's current program is unavailable in the
15 offender's new placement; (b) the inmate entered an academic program as
16 an undeclared major and wishes to declare a major. No inmate may apply
17 for more than one change to his or her major and receive the exemption
18 from deductions specified in this subsection; (c) the educational or
19 vocational institution is terminating the inmate's current program; or
20 (d) the offender's training or education has demonstrated that the
21 current program is not the appropriate program to assist the offender
22 to achieve a placement decision made by the department under RCW
23 72.09.460 to prepare the inmate for work upon release.

24 (~~(5)~~) (6) The deductions required under subsection (2) of this
25 section shall not apply to any money received by the department, on
26 behalf of an inmate, from family or other outside sources for the
27 payment of postage expenses. Money received under this subsection may
28 only be used for the payment of postage expenses and may not be
29 transferred to any other account or purpose. Money that remains unused
30 in the inmate's postage fund at the time of release shall be subject to
31 the deductions outlined in subsection (2) of this section.

32 (~~(6)~~) (7) When an inmate sentenced to life imprisonment without
33 possibility of release or parole, or to death under chapter 10.95 RCW,
34 receives any funds in addition to his or her gratuities, except
35 settlements or awards resulting from legal action, the additional funds
36 shall be subject to: Deductions of five percent to the public safety

1 and education account for the purpose of crime victims' compensation
2 (~~and~~), twenty percent to the department to contribute to the cost of
3 incarceration, and fifteen percent to child support payments.

4 ~~((7))~~ (8) When an inmate sentenced to life imprisonment without
5 possibility of release or parole, or to death under chapter 10.95 RCW,
6 receives any funds from a settlement or award resulting from a legal
7 action in addition to his or her gratuities, the additional funds shall
8 be subject to: Deductions of five percent to the public safety and
9 education account for the purpose of crime victims' compensation and
10 twenty percent to the department to contribute to the cost of
11 incarceration.

12 (9) The interest earned on an inmate savings account created as a
13 result of the plan in section 4, chapter 325, Laws of 1999 shall be
14 exempt from the mandatory deductions under this section and RCW
15 72.09.111.

16 (10) Nothing in this section shall limit the authority of the
17 department of social and health services division of child support from
18 taking collection action against an inmate's moneys, assets, or
19 property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but
20 not limited to, the collection of moneys received by the inmate from
21 settlements or awards resulting from legal action."

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22 On page 1, line 1 of the title, after "payments;" strike the
23 remainder of the title and insert "amending RCW 72.09.111 and
24 72.09.480; and creating a new section."

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