
HOUSE BILL 1729

State of Washington

58th Legislature

2003 Regular Session

By Representatives O'Brien, Kagi and Berkey

Read first time 02/06/2003. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to inmate funds; and amending RCW 51.32.040.

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

3 **Sec. 1.** RCW 51.32.040 and 1999 c 185 s 1 are each amended to read
4 as follows:

5 (1) Except as provided in RCW 43.20B.720, 72.09.480, and
6 74.20A.260, no money paid or payable under this title shall, before the
7 issuance and delivery of the check or warrant, be assigned, charged, or
8 taken in execution, attached, garnished, or pass or be paid to any
9 other person by operation of law, any form of voluntary assignment, or
10 power of attorney. Any such assignment or charge is void unless the
11 transfer is to a financial institution at the request of a worker or
12 other beneficiary and made in accordance with RCW 51.32.045.

13 (2)(a) If any worker suffers (i) a permanent partial injury and
14 dies from some other cause than the accident which produced the injury
15 before he or she receives payment of the award for the permanent
16 partial injury or (ii) any other injury before he or she receives
17 payment of any monthly installment covering any period of time before
18 his or her death, the amount of the permanent partial disability award
19 or the monthly payment, or both, shall be paid to the surviving spouse

1 or the child or children if there is no surviving spouse. If there is
2 no surviving spouse and no child or children, the award or the amount
3 of the monthly payment shall be paid by the department or self-insurer
4 and distributed consistent with the terms of the decedent's will or, if
5 the decedent dies intestate, consistent with the terms of RCW
6 11.04.015.

7 (b) If any worker suffers an injury and dies from it before he or
8 she receives payment of any monthly installment covering time loss for
9 any period of time before his or her death, the amount of the monthly
10 payment shall be paid to the surviving spouse or the child or children
11 if there is no surviving spouse. If there is no surviving spouse and
12 no child or children, the amount of the monthly payment shall be paid
13 by the department or self-insurer and distributed consistent with the
14 terms of the decedent's will or, if the decedent dies intestate,
15 consistent with the terms of RCW 11.04.015.

16 (c) Any application for compensation under this subsection (2)
17 shall be filed with the department or self-insuring employer within one
18 year of the date of death. The department or self-insurer may satisfy
19 its responsibilities under this subsection (2) by sending any payment
20 due in the name of the decedent and to the last known address of the
21 decedent.

22 (3)(a) Any worker or beneficiary receiving benefits under this
23 title who is subsequently confined in, or who subsequently becomes
24 eligible for benefits under this title while confined in, any
25 institution under conviction and sentence shall have all payments of
26 the compensation canceled during the period of confinement. After
27 discharge from the institution, payment of benefits due afterward shall
28 be paid if the worker or beneficiary would, except for the provisions
29 of this subsection (3), otherwise be entitled to them.

30 (b) If any prisoner is injured in the course of his or her
31 employment while participating in a work or training release program
32 authorized by chapter 72.65 RCW and is subject to the provisions of
33 this title, he or she is entitled to payments under this title, subject
34 to the requirements of chapter 72.65 RCW, unless his or her
35 participation in the program has been canceled, or unless he or she is
36 returned to a state correctional institution, as defined in RCW
37 72.65.010(3), as a result of revocation of parole or new sentence.

1 (c) If the confined worker has any beneficiaries during the
2 confinement period during which benefits are canceled under (a) or (b)
3 of this subsection, they shall be paid directly the monthly benefits
4 which would have been paid to the worker for himself or herself and the
5 worker's beneficiaries had the worker not been confined.

6 (4) Any lump sum benefits to which a worker would otherwise be
7 entitled but for the provisions of this section shall be paid on a
8 monthly basis to his or her beneficiaries.

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