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HOUSE BILL 1941

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State of Washington                      58th Legislature                      2003 Regular Session

By Representatives O'Brien, Mielke, Darneille, Pearson, Ahern,  
Lovick, Edwards and McMahan

Read first time 02/17/2003.            Referred to Committee on Criminal  
Justice & Corrections.

1            AN ACT Relating to providing for financial restitution to sexual  
2 assault programs from inmate funds and wages; and amending RCW  
3 72.09.111.

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

5            **Sec. 1.** RCW 72.09.111 and 2002 c 126 s 2 are each amended to read  
6 as follows:

7            (1) The secretary shall deduct from the gross wages or gratuities  
8 of each inmate working in correctional industries work programs, taxes  
9 and legal financial obligations. The secretary shall develop a formula  
10 for the distribution of offender wages and gratuities.

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

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

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

16            (iii) Twenty percent to the department to contribute to the cost of  
17 incarceration; and

18            (iv) Twenty percent for payment of legal financial obligations for

1 all inmates who have legal financial obligations owing in any  
2 Washington state superior court.

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

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) Fifteen percent to the department to contribute to the cost  
9 of 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 (c) The formula shall include the following minimum deduction from  
14 class IV gross gratuities: Five percent to the department to  
15 contribute to the cost of incarceration.

16 (d) The formula shall include the following minimum deductions from  
17 class III gratuities: Five percent for the purpose of crime victims'  
18 compensation.

19 (2) An additional five percent shall be deducted from the gross  
20 wages or gratuities of each inmate working in correctional industries  
21 work programs if such inmate has been convicted of a sex offense as  
22 defined in RCW 9.94A.030. The funds shall be deposited in the public  
23 safety and education account and shall be appropriated solely for the  
24 office of crime victims advocacy to fund sexual assault programs.

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

29 (4) The department personal inmate savings account, together with  
30 any accrued interest, shall only be available to an inmate at the time  
31 of his or her release from confinement, unless the secretary determines  
32 that an emergency exists for the inmate, at which time the funds can be  
33 made available to the inmate in an amount determined by the secretary.  
34 The management of classes I, II, and IV correctional industries may  
35 establish an incentive payment for offender workers based on  
36 productivity criteria. This incentive shall be paid separately from  
37 the hourly wage/gratuity rate and shall not be subject to the specified  
38 deduction for cost of incarceration.

1       (5) In the event that the offender worker's wages or gratuity is  
2 subject to garnishment for support enforcement, the crime victims'  
3 compensation, savings, and cost of incarceration deductions shall be  
4 calculated on the net wages after taxes, legal financial obligations,  
5 and garnishment.

6       ~~((+2))~~ (6) The department shall explore other methods of  
7 recovering a portion of the cost of the inmate's incarceration and for  
8 encouraging participation in work programs, including development of  
9 incentive programs that offer inmates benefits and amenities paid for  
10 only from wages earned while working in a correctional industries work  
11 program.

12       ~~((+3))~~ (7) The department shall develop the necessary  
13 administrative structure to recover inmates' wages and keep records of  
14 the amount inmates pay for the costs of incarceration and amenities.  
15 All funds deducted from inmate wages under subsection (1) of this  
16 section for the purpose of contributions to the cost of incarceration  
17 shall be deposited in a dedicated fund with the department and shall be  
18 used only for the purpose of enhancing and maintaining correctional  
19 industries work programs.

20       ~~((+4))~~ (8) The expansion of inmate employment in class I and class  
21 II correctional industries shall be implemented according to the  
22 following schedule:

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

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

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

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

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

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

9           (~~(+5)~~) (9) It shall be in the discretion of the secretary to  
10 apportion the inmates between class I and class II depending on  
11 available contracts and resources.

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