

SB 5429 - H COMM AMD
By Committee on Human Services

ADOPTED 04/04/2007

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

3 "Sec. 1. RCW 72.09.480 and 2003 c 271 s 3 are each amended to read
4 as follows:

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

7 (a) "Cost of incarceration" means the cost of providing an inmate
8 with shelter, food, clothing, transportation, supervision, and other
9 services and supplies as may be necessary for the maintenance and
10 support of the inmate while in the custody of the department, based on
11 the average per inmate costs established by the department and the
12 office of financial management.

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

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

19 (2) When an inmate, except as provided in subsections ~~((+7))~~ (4)
20 and (8) of this section, receives any funds in addition to his or her
21 wages or gratuities, except settlements or awards resulting from legal
22 action, the additional funds shall be subject to the following
23 deductions and the priorities established in chapter 72.11 RCW:

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

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

27 (c) ~~((Twenty percent to the department to contribute to the cost of~~
28 ~~incarceration;~~

29 ~~(+d))~~ 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; ~~((and~~
3 ~~(e) Fifteen))~~ (d) Twenty percent for any child support owed under
4 a support order; and

5 (e) Twenty percent to the department to contribute to the cost of
6 incarceration.

7 (3) When an inmate, except as provided in subsection ~~((+7+))~~ (8) of
8 this section, receives any funds from a settlement or award resulting
9 from a legal action, the additional funds shall be subject to the
10 deductions in RCW 72.09.111(1)(a) and the priorities established in
11 chapter 72.11 RCW.

12 (4) When an inmate who is subject to a child support order receives
13 funds from an inheritance, the deduction required under subsection
14 (2)(e) of this section shall only apply after the child support
15 obligation has been paid in full.

16 (5) The amount deducted from an inmate's funds under subsection (2)
17 of this section shall not exceed the department's total cost of
18 incarceration for the inmate incurred during the inmate's minimum or
19 actual term of confinement, whichever is longer.

20 ~~((+5+))~~ (6) The deductions required under subsection (2) of this
21 section shall not apply to funds received by the department on behalf
22 of an offender for payment of one fee-based education or vocational
23 program that is associated with an inmate's work program or a placement
24 decision made by the department under RCW 72.09.460 to prepare an
25 inmate for work upon release.

26 An inmate may, prior to the completion of the fee-based education
27 or vocational program authorized under this subsection, apply to a
28 person designated by the secretary for permission to make a change in
29 his or her program. The secretary, or his or her designee, may approve
30 the application based solely on the following criteria: (a) The inmate
31 has been transferred to another institution by the department for
32 reasons unrelated to education or a change to a higher security
33 classification and the offender's current program is unavailable in the
34 offender's new placement; (b) the inmate entered an academic program as
35 an undeclared major and wishes to declare a major. No inmate may apply
36 for more than one change to his or her major and receive the exemption
37 from deductions specified in this subsection; (c) the educational or
38 vocational institution is terminating the inmate's current program; or

1 (d) the offender's training or education has demonstrated that the
2 current program is not the appropriate program to assist the offender
3 to achieve a placement decision made by the department under RCW
4 72.09.460 to prepare the inmate for work upon release.

5 ~~((+6))~~ (7) The deductions required under subsection (2) of this
6 section shall not apply to any money received by the department, on
7 behalf of an inmate, from family or other outside sources for the
8 payment of postage expenses. Money received under this subsection may
9 only be used for the payment of postage expenses and may not be
10 transferred to any other account or purpose. Money that remains unused
11 in the inmate's postage fund at the time of release shall be subject to
12 the deductions outlined in subsection (2) of this section.

13 ~~((+7))~~ (8) When an inmate sentenced to life imprisonment without
14 possibility of release or parole, or to death under chapter 10.95 RCW,
15 receives any funds in addition to his or her gratuities, except
16 settlements or awards resulting from legal action, the additional funds
17 shall be subject to: Deductions of five percent to the public safety
18 and education account for the purpose of crime victims' compensation,
19 twenty percent to the department to contribute to the cost of
20 incarceration, and fifteen percent to child support payments.

21 ~~((+8))~~ (9) When an inmate sentenced to life imprisonment without
22 possibility of release or parole, or to death under chapter 10.95 RCW,
23 receives any funds from a settlement or award resulting from a legal
24 action in addition to his or her gratuities, the additional funds shall
25 be subject to: Deductions of five percent to the public safety and
26 education account for the purpose of crime victims' compensation and
27 twenty percent to the department to contribute to the cost of
28 incarceration.

29 ~~((+9))~~ (10) The interest earned on an inmate savings account
30 created as a result of the plan in section 4, chapter 325, Laws of 1999
31 shall be exempt from the mandatory deductions under this section and
32 RCW 72.09.111.

33 ~~((+10))~~ (11) Nothing in this section shall limit the authority of
34 the department of social and health services division of child support
35 from taking collection action against an inmate's moneys, assets, or
36 property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but
37 not limited to, the collection of moneys received by the inmate from
38 settlements or awards resulting from legal action."

EFFECT: Changes the order of priority for distribution of funds deducted from funds received by an inmate from sources other than wages or as a result of a legal action to put payment to the state after payment of LFOs and payment of child support.

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