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**Human Services Committee**

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**SJR 8212**

**Brief Description:** Revising limitations on use of inmate labor.

**Sponsors:** Senators Hargrove, Carrell, Regala and Stevens.

**Brief Summary of Bill**

- Proposes an amendment to the Washington Constitution that would permit the Legislature to authorize prison inmates to be let out by contract to any person, copartnership, company or corporation provided that the inmate labor programs do not unfairly compete with Washington businesses.

**Hearing Date:** 3/22/07

**Staff:** Sonja Hallum (786-7092).

**Background:**

Class I Industries

The Legislature has authorized the Department of Corrections (DOC) to provide for a comprehensive inmate work program. Under this statutory authority, the DOC has operated five classes of correctional industry work programs. One of these programs was Class I industries.

The statute provides that Class I industries, or "free venture" industries, may be set up using an "employer model" or a "customer model." Employer model industries are operated and managed by for-profit or nonprofit organizations under contract with the DOC. They produce goods and services for sale to both the public and private sector. Customer model Class I industries are operated and managed by the DOC to produce and provide Washington businesses with products or services currently produced only by out-of-state or foreign suppliers.

Inmates working in free venture industries do so at their own choice and are paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located. Security and custody services are supplied to the participating firm without charge.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

In 2004, the Washington State Supreme Court determined that the law authorizing Class I industries conflicts with article II, section 29 of the State Constitution, which states, "[a]fter the first day of January eighteen hundred and ninety the labor of convicts of this state shall not be let out by contract to any person, copartnership, company or corporation, and the legislature shall by law provide for the working of convicts for the benefit of the state."

As a result of this decision, all Class I industries were eliminated in 2004.

#### Constitutional Amendment

In order to amend the Washington Constitution, a joint resolution must be passed by a two-thirds majority of both houses of the Legislature. To be enacted, the proposed amendment must be placed on the next general election ballot and must be approved by a simple majority of the voters.

#### **Summary of Bill:**

At the next general election, an amendment to the Constitution will be submitted to the voters authorizing the state to let out the labor of inmates in the state by contract as provided by statute so long as the inmate labor programs are operated so that they do not unfairly compete with Washington businesses as determined by law.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.