

# FINAL BILL REPORT

## SJR 8212

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As Passed Legislature

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

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

**Senate Committee on Human Services & Corrections**

**House Committee on Human Services**

**Background:** The State Statute Authorizing a Comprehensive Inmate Work Program: The Legislature has authorized the Department of Corrections (DOC) to establish and operate a comprehensive work program for inmates. Five classes of industries are contemplated by the statute setting up the DOC's authority to establish and operate this program. Under the statute, Class I or "free venture" industries may be set up using an "employer model" or a "customer model." Under the employer model, profit-making or non-profit organizations under contract with the DOC manage industries that produce goods and services for sale to the public and private sectors. Under the customer model, the DOC manages and operates industries to produce the kinds of goods and services for Washington businesses that could otherwise only be obtained out of state.

The statute setting up the DOC's authority to establish and operate a comprehensive inmate work program allows inmates working in Class I industries to opt into the program. Under that statute, the wages of Class I industries workers are comparable to wages for similar work in the same geographic area, as determined by the director of the DOC. The DOC must take 5 percent of a Class I worker's income for crime victims' compensation, 10 percent for the inmate's savings account, 20 percent for the cost of the inmate's incarceration, and 20 percent for any legal financial obligations that the inmate owes, including victim restitution.

The 2004 State Supreme Court Decision Concerning the Law Authorizing Class I Industries: In May 2004, the Supreme Court of Washington 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 must by law provide for the working of convicts for the benefit of the state."

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:** At the next general election, an amendment to the Washington Constitution will be submitted to the voters authorizing the state to let out the labor of inmates in the state by contract, if it is allowed by statute. The constitutional provision requiring the Legislature to provide for the working of inmates for the benefit of the state is amended to include the working of inmates in state-run inmate labor programs. The constitutional amendment

requires that inmate labor programs be operated so that they do not unfairly compete with Washington businesses as determined by law.

**Votes on Final Passage:**

Senate	49	0
House	83	15