

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE SENATE BILL 6400**

Chapter 104, Laws of 2008

60th Legislature  
2008 Regular Session

INCARCERATED PERSONS

EFFECTIVE DATE: 06/12/08

Passed by the Senate March 10, 2008  
YEAS 44 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House March 5, 2008  
YEAS 95 NAYS 1

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved March 20, 2008, 4:11 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6400** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

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**Secretary**

FILED

March 21, 2008

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 6400**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2008 Regular Session

**State of Washington                      60th Legislature                      2008 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by  
Senator Carrell)

READ FIRST TIME 02/08/08.

1            AN ACT Relating to moral guidance of incarcerated persons; amending  
2 RCW 72.01.210; adding a new section to chapter 72.01 RCW; and creating  
3 new sections.

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

5            NEW SECTION.    **Sec. 1.** The legislature finds that men and women who  
6 are incarcerated have the need to develop prosocial behaviors. These  
7 behaviors will better enable these men and women to fully participate  
8 in society and adhere to law-abiding behaviors, such as continuing  
9 treatment that is undertaken in prison, once the person is released in  
10 the community.

11            Living in an environment where foundational skills are modeled and  
12 encouraged fosters positive outcomes for people who have been convicted  
13 and sentenced for their crimes. Basic skills include positive decision  
14 making, personal responsibility, building a healthy community,  
15 religious tolerance and understanding, ethics and morality, conflict  
16 management, family life relationships, leadership, managing emotions,  
17 restorative justice, transitional issues, and spirituality. Learning  
18 and practicing how to overcome minor and significant obstacles in a

1 positive way will prepare offenders who are returning to our  
2 communities to begin their new crime-free lives.

3 NEW SECTION. **Sec. 2.** (1) The department of corrections shall  
4 establish an oversight committee to develop a comprehensive interagency  
5 plan to provide voluntary, nondenominational moral and character-  
6 building residential services and supports for offenders who are  
7 incarcerated in prison.

8 (2) The interagency plan shall include the following:

9 (a) Identification of existing state services and programs, as well  
10 as recognized community-based services and programs, for building moral  
11 character for those who are incarcerated;

12 (b) Identification of methods to improve collaboration and  
13 coordination of existing services and the community-based services and  
14 programs;

15 (c) Recommendations concerning new services and programs for adults  
16 who are incarcerated, involving both interagency and community-based  
17 efforts;

18 (d) Identification of evidence-based practices and areas for  
19 further research to support the long-term provision of moral and  
20 character-building services and programs for adults who are  
21 incarcerated;

22 (e) A plan for offering both nondenominational and secular  
23 programming; and

24 (f) A system to prevent the diversion of public funds to religious  
25 activities.

26 (3) The oversight committee shall include the following:

27 (a) Representatives with decision-making authority from: The  
28 department of corrections; the department of social and health  
29 services; the Washington association of sheriffs and police chiefs;  
30 county law and justice councils; county community transition  
31 coordination networks; specialized county courts such as those  
32 addressing child dependency, drug, mental health, and domestic violence  
33 related crimes; prosecuting attorneys and public defenders;  
34 representatives of at least three faith-based organizations that work  
35 primarily in the prisons and at least three faith-based organizations  
36 that work primarily with offenders in the community; the religious  
37 program manager employed by the department of corrections; one

1 institutional staff chaplain employed by the department of corrections;  
2 three chaplains: (i) One of whom volunteers in the institution, (ii)  
3 one of whom contracts with the department of corrections, and (iii) one  
4 of whom is a Native American program specialist with the department of  
5 corrections to serve those who are incarcerated; and six  
6 representatives from secular organizations in the private and public  
7 sectors that have evidence-based expertise in character and moral  
8 skills building, education, and residential programming;

9 (b) Two persons representing victims of crimes and their family  
10 members and friends;

11 (c) One former inmate of the state department of corrections; and

12 (d) One individual representing families of inmates who are  
13 incarcerated in state correctional institutions.

14 (4) In developing the interagency plan, the oversight committee  
15 shall seek input on moral and character-based residential programs in  
16 our state's adult correctional facilities from the public, including  
17 faith-based communities, state institutions of higher education, and  
18 the business community.

19 (5) The oversight committee shall develop the interagency plan by  
20 June 30, 2010, with an interim report due to the appropriate committees  
21 of the legislature by January 1, 2009.

22 **Sec. 3.** RCW 72.01.210 and 1993 c 281 s 62 are each amended to read  
23 as follows:

24 (1) The secretary of corrections shall appoint institutional  
25 chaplains for the state correctional institutions for convicted  
26 felons(~~(; and the))~~). Institutional chaplains shall be appointed as  
27 employees of the department of corrections. The secretary of  
28 corrections may further contract with chaplains to be employed as is  
29 necessary to meet the religious needs of those inmates whose religious  
30 denominations are not represented by institutional chaplains and where  
31 volunteer chaplains are not available.

32 (2) Institutional chaplains appointed by the department of  
33 corrections under this section shall have qualifications necessary to  
34 function as religious program coordinators for all faith groups  
35 represented within the department. Every chaplain so appointed or  
36 contracted with shall have qualifications consistent with community

1 standards of the given faith group to which the chaplain belongs and  
2 shall not be required to violate the tenets of his or her faith when  
3 acting in an ecclesiastical role.

4 (3) The secretary of social and health services shall appoint  
5 chaplains for the correctional institutions for juveniles found  
6 delinquent by the juvenile courts; and the secretary of corrections and  
7 the secretary of social and health services shall appoint one or more  
8 chaplains for other custodial, correctional, and mental institutions  
9 under their control.

10 (4) Except as provided in this section, the chaplains so appointed  
11 under this section shall have the qualifications and shall be  
12 compensated in an amount((7)) as ((~~shall hereafter be~~)) recommended by  
13 the appointing department and approved by the Washington personnel  
14 resources board.

15 NEW SECTION. Sec. 4. A new section is added to chapter 72.01 RCW  
16 to read as follows:

17 Regardless of whether the services are voluntary or provided by  
18 employment or contract with the department of corrections, a chaplain  
19 who provides the services authorized by RCW 72.01.220:

20 (1) May not be compelled to carry personal liability insurance as  
21 a condition of providing those services; and

22 (2) May request that the attorney general authorize the defense of  
23 an action or proceeding for damages instituted against the chaplain  
24 arising out of the course of his or her duties in accordance with RCW  
25 4.92.060, 4.92.070, and 4.92.075.

Passed by the Senate March 10, 2008.

Passed by the House March 5, 2008.

Approved by the Governor March 20, 2008.

Filed in Office of Secretary of State March 21, 2008.