

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1248

65th Legislature
2017 Regular Session

Passed by the House March 3, 2017
Yeas 94 Nays 3

Speaker of the House of Representatives

Passed by the Senate April 4, 2017
Yeas 48 Nays 1

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1248** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1248

Passed Legislature - 2017 Regular Session

State of Washington 65th Legislature 2017 Regular Session

By Representatives Griffey, Appleton, Goodman, Klippert, Holy, and Hayes; by request of Department of Corrections

Read first time 01/16/17. Referred to Committee on Public Safety.

1 AN ACT Relating to correcting a conflict between state and
2 federal law regarding class I correctional industries work programs;
3 and amending RCW 72.09.111.

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

5 **Sec. 1.** RCW 72.09.111 and 2011 c 282 s 2 are each amended to
6 read as follows:

7 (1) The secretary shall deduct taxes and legal financial
8 obligations from the ((gross)) wages, gratuities, or workers'
9 compensation benefits payable directly to the inmate under chapter
10 51.32 RCW, of each inmate working in correctional industries work
11 programs, or otherwise receiving such wages, gratuities, or benefits.
12 The secretary shall also deduct child support payments from the
13 gratuities of each inmate working in class II through class IV
14 correctional industries work programs. The secretary shall develop a
15 formula for the distribution of offender wages, gratuities, and
16 benefits. The formula shall not reduce the inmate account below the
17 indigency level, as defined in RCW 72.09.015.

18 (a) The formula shall include the following ((minimum)) maximum
19 allowable deductions from class I ((gross)) wages and from all others
20 earning at least minimum wage:

1 (i) Five percent to the crime victims' compensation account
2 provided in RCW 7.68.045;

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

4 (iii) Twenty percent to the department to contribute to the cost
5 of incarceration;

6 (iv) Twenty percent for payment of legal financial obligations
7 for all inmates who have legal financial obligations owing in any
8 Washington state superior court; and

9 (v) Twenty percent for payment of any civil judgment for assault
10 for inmates who are subject to a civil judgment for assault in any
11 Washington state court or federal court.

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

14 (i) Five percent to the crime victims' compensation account
15 provided in RCW 7.68.045;

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

17 (iii) Fifteen percent to the department to contribute to the cost
18 of incarceration;

19 (iv) Twenty percent for payment of legal financial obligations
20 for all inmates who have legal financial obligations owing in any
21 Washington state superior court;

22 (v) Fifteen percent for any child support owed under a support
23 order; and

24 (vi) Fifteen percent for payment of any civil judgment for
25 assault for inmates who are subject to a civil judgment for assault
26 in any Washington state court or federal court.

27 (c) The formula shall include the following minimum deductions
28 from any workers' compensation benefits paid pursuant to RCW
29 51.32.080:

30 (i) Five percent to the crime victims' compensation account
31 provided in RCW 7.68.045;

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

33 (iii) Twenty percent to the department to contribute to the cost
34 of incarceration; and

35 (iv) An amount equal to any legal financial obligations owed by
36 the inmate established by an order of any Washington state superior
37 court up to the total amount of the award.

38 (d) The formula shall include the following minimum deductions
39 from class III gratuities:

1 (i) Five percent for the crime victims' compensation account
2 provided in RCW 7.68.045;

3 (ii) Fifteen percent for any child support owed under a support
4 order; and

5 (iii) Fifteen percent for payment of any civil judgment for
6 assault for inmates who are subject to a civil judgment for assault
7 in any Washington state court or federal court.

8 (e) The formula shall include the following minimum deduction
9 from class IV gross gratuities:

10 (i) Five percent to the department to contribute to the cost of
11 incarceration;

12 (ii) Fifteen percent for any child support owed under a support
13 order; and

14 (iii) Fifteen percent for payment of any civil judgment for
15 assault for inmates who are subject to a civil judgment for assault
16 in any Washington state court or federal court.

17 (2) Any person sentenced to life imprisonment without possibility
18 of release or parole under chapter 10.95 RCW or sentenced to death
19 shall be exempt from the requirement under subsection (1)(a)(ii),
20 (b)(ii), or (c)(ii).

21 (3)(a) The department personal inmate savings account, together
22 with any accrued interest, may be made available to an inmate at the
23 following times:

24 (i) During confinement to pay for accredited postsecondary
25 educational expenses;

26 (ii) Prior to the release from confinement to pay for department-
27 approved reentry activities that promote successful community
28 reintegration; or

29 (iii) When the secretary determines that an emergency exists for
30 the inmate.

31 (b) The secretary shall establish guidelines for the release of
32 funds pursuant to (a) of this subsection, giving consideration to the
33 inmate's need for resources at the time of his or her release from
34 confinement.

35 (c) Any funds remaining in an offender's personal inmate savings
36 account shall be made available to the offender at the time of his or
37 her release from confinement.

38 (4) The management of classes I, II, and IV correctional
39 industries may establish an incentive payment for offender workers
40 based on productivity criteria. This incentive shall be paid

1 separately from the hourly wage/gratuity rate and shall not be
2 subject to the specified deduction for cost of incarceration.

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

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

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

21 (8) It shall be in the discretion of the secretary to apportion
22 the inmates between class I and class II depending on available
23 contracts and resources.

24 (9) Nothing in this section shall limit the authority of the
25 department of social and health services division of child support
26 from taking collection action against an inmate's moneys, assets, or
27 property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

28 (10) For purposes of this section, "wages" means monetary
29 compensation due to an offender worker by reason of his or her
30 participation in a class I work program, subject to allowable
31 deductions.

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