

# HOUSE BILL REPORT

## HB 1345

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**As Passed House:**  
February 13, 2023

**Title:** An act relating to contribution to costs of privileges by incarcerated individuals.

**Brief Description:** Concerning the contribution to costs of privileges by incarcerated individuals.

**Sponsors:** Representatives Farivar, Senn, Simmons, Bateman, Lekanoff, Pollet, Fosse and Davis; by request of Department of Corrections.

**Brief History:**

**Committee Activity:**

Community Safety, Justice, & Reentry: 1/24/23, 2/2/23 [DP].

**Floor Activity:**

Passed House: 2/13/23, 64-32.

**Brief Summary of Bill**

- Provides that the Department of Corrections (DOC) may require incarcerated persons to contribute to the cost of specific privileges designated by the DOC to ensure that incarcerated persons contribute a portion of the DOC's costs directly associated with providing designated privileges.
- Removes "extended family visitation" from the list of the DOC capital costs of providing privileges for which incarcerated persons must contribute.

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**HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY**

**Majority Report:** Do pass. Signed by 6 members: Representatives Goodman, Chair; Simmons, Vice Chair; Davis, Farivar, Fosse and Ramos.

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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 part of the legislation nor does it constitute a statement of legislative intent.*

**Minority Report:** Without recommendation. Signed by 3 members: Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Graham.

**Staff:** Michelle Rusk (786-7153).

**Background:**

Department of Corrections Privileges.

The Department of Corrections (DOC) has been required to adopt, by rule, a system that links an incarcerated individual's behavior and participation in available education and work programs with the receipt or denial of earned early release days and other privileges. Privileges are statutorily defined to include any goods or services, education or work programs, or earned early release days, the receipt of which are directly linked to an incarcerated person's good conduct and good performance. Privileges do not include any goods or services the DOC is required to provide under the state or federal Constitution or under state or federal law. The DOC must provide each incarcerated person in its custody a written description of the system it has created.

To the greatest extent practical, persons incarcerated in the DOC facilities must contribute to the cost of privileges. The DOC has been required to establish standards by which incarcerated persons contribute a portion of the DOC's capital costs of providing privileges, including television cable access, extended family visitation, weight lifting, and other recreational sports equipment and supplies. The DOC's standards must also require incarcerated persons to contribute a "significant portion" of the DOC's operating costs directly associated with providing privileges, including staff and supplies.

Incarcerated persons' contributions to privileges may be in the form of: (1) individual user fees assessed against their institution account; (2) deductions from their gross wages or gratuities; or (3) their collective contributions to the institutional welfare/betterment fund. The DOC must make every effort to maximize contributions to payment for privileges. In administering its standards by which incarcerated persons contribute to a portion of the DOC's capital costs of providing privileges, the DOC must: (1) consider the assets available to incarcerated persons; (2) consider the cost of administering compliance with the contribution requirements; and (3) promote a responsible work ethic.

**Summary of Bill:**

Costs of Privileges.

The DOC may require incarcerated persons to contribute to the cost of specific privileges designated by the DOC in accordance with standards it must develop and adopt, to ensure that incarcerated persons contribute a portion of the DOC's costs directly associated with providing designated privileges.

"Extended family visitation" is removed from the list of the DOC's capital costs of providing privileges for which incarcerated persons must contribute.

Incarcerated persons are now required to contribute a "portion" of the DOC's operating costs directly associated with providing privileges, including staff and supplies.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This is a simple bill that is important because it makes it possible for the DOC to not charge incarcerated individuals for extended family visitation; an invaluable resource for families and incarcerated persons trying to turn their lives around. Natural supports are incredibly valuable, especially family members. These visits are approximately \$5 per day. Incarcerated folks are paid cents, so while \$5 does not seem like a lot, it truly is for some incarcerated individuals. This is an opportunity to maintain strong relationships with family so that upon reentry, individuals can be successful.

This policy is an agency request bill from the DOC, which recognizes the vital role that families play in rehabilitation and reentry. Research shows that inmates with visitors are less likely to commit a serious infraction, and more likely to have family support once they complete their sentences. Offering extended family visits to an inmate strengthens bonds in the family unit. Currently, statute requires incarcerated individuals to contribute to the cost of these extended visits and other privileges. And the DOC can set the rate for extended family visits, but statute requires the incarcerated persons contribute a "significant portion" of costs for privileges, including these extended family visits. Striking "significant" eliminates the debate over what constitutes a significant contribution to privileges. This policy is an incremental positive step.

(Opposed) None.

**Persons Testifying:** Representative Darya Farivar, prime sponsor; and Kristi Knudsen, Washington State Department of Corrections.

**Persons Signed In To Testify But Not Testifying:** None.