

HOUSE BILL REPORT

SB 5131

As Reported by House Committee On:
Community Safety, Justice, & Reentry

Title: An act relating to money received by the department of corrections on behalf of inmates from family or other outside sources for the purchase of commissary items.

Brief Description: Concerning money received by the department of corrections on behalf of inmates from family or other outside sources for the purchase of commissary items.

Sponsors: Senators Wilson, C., Frame, Hasegawa, Kuderer, Nguyen, Nobles, Saldaña and Stanford.

Brief History:

Committee Activity:

Community Safety, Justice, & Reentry: 3/13/23, 3/23/23 [DP].

Brief Summary of Bill

- Provides that money received by the Department of Corrections on behalf of an incarcerated person from family or other outside sources for the purchase of commissary items is exempt from certain deductions.

HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

Majority Report: Do pass. Signed by 7 members: Representatives Goodman, Chair; Simmons, Vice Chair; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse and Ramos.

Minority Report: Without recommendation. Signed by 2 members: Representatives Mosbrucker, Ranking Minority Member; Graham.

Staff: Corey Patton (786-7388).

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.

Background:

When an incarcerated person in the custody of the Department of Corrections (DOC) receives any funds in addition to the incarcerated person's wages or gratuities, the additional funds are generally subject to the following statutorily authorized deductions:

- 5 percent for the Crime Victims' Compensation Account;
- 10 percent for the inmate's personal savings account;
- 20 percent for payment of legal financial obligations;
- 20 percent for child support payments;
- 20 percent for contributions to the cost of incarceration; and
- 20 percent for payment of applicable civil judgments for Assault.

However, the incarcerated person's funds may be exempt from deductions under certain circumstances. For example, funds received for the payment of education or vocational programs or postsecondary education degree programs offered by the DOC are exempt from deductions.

The DOC operates a commissary system that allows an incarcerated person to purchase personal items that are not otherwise furnished by the DOC's correctional facilities. Under agency policy, the DOC may establish limits on the maximum dollar amount, frequency, and quantity of purchases. The items available to an incarcerated person depend on the incarcerated person's classification level and the particular correctional facility. Examples of items available through the commissary include:

- hygiene items;
- food and beverages;
- postage supplies;
- writing materials;
- vitamins;
- health related items; and
- other personal items.

Summary of Bill:

Money received by the Department of Corrections on behalf of an incarcerated person from family or other outside sources for the purchase of commissary items is exempt from deductions. Such money may only be used for the purchase of items on the facility commissary list, may not exceed the monthly allowance for commissary purchases, and may not be transferred to any other fund, account, or purpose. Money that remains unused in the incarcerated person's commissary fund at the time of release is subject to deductions.

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) Items available for purchase through the Department of Corrections' commissary include food, snacks, and basic hygiene products, such as soap, toothpaste, and deodorant. These items help incarcerated persons meet their basic needs and expand their nutritional intake. While some incarcerated persons earn money from Correctional Industries jobs, others need to rely on their families to send money for commissary purchases because employment opportunities in prisons are limited. Currently, any money sent to an incarcerated person by a family member is subject to deductions, resulting in only a fraction of the money actually going to the incarcerated person. This creates a significant hardship for families. As much as 90 percent of the total amount sent may be deducted for various reasons. No person should be unable to buy basic hygiene items, and no family should bear the extraordinary cost of sending money. This bill exempts money sent for commissary purchases from deductions so that such money goes toward its intended use. The exemption is exclusively and explicitly for commissary purchases only. This bill will make sure that the correctional system is just, rather than punitive.

(Opposed) None.

Persons Testifying: Senator Claire Wilson, prime sponsor; and Loren Taylor.

Persons Signed In To Testify But Not Testifying: None.