

SENATE BILL REPORT

SB 5131

As Passed Senate, March 3, 2023

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: Human Services: 1/19/23, 1/26/23 [DP-WM].

Ways & Means: 2/07/23, 2/24/23 [DP, w/oRec].

Floor Activity: Passed Senate: 3/3/23, 49-0.

Brief Summary of Bill

- Exempts money sent by family and other outside sources to the Department of Corrections on behalf of inmates for the purchase of commissary items from required deductions.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Wilson, C., Chair; Kauffman, Vice Chair; Boehnke, Ranking Member; Frame, Nguyen, Warnick and Wilson, J..

Staff: Kelsey-anne Fung (786-7479)

SENATE COMMITTEE ON WAYS & MEANS

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.

Majority Report: Do pass.

Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Nguyen, Pedersen, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

Minority Report: That it be referred without recommendation.

Signed by Senator Schoesler, Ranking Member, Capital.

Staff: Sarian Scott (786-7729)

Background: When an inmate receives any funds in addition to the inmate's wages or gratuities, the additional funds are subject to the following deductions:

- 5 percent to the crime victims' compensation account;
- 10 percent to a Department of Corrections (DOC) personal inmate savings account;
- 20 percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington State superior court;
- 20 percent for any child support owed under a support order;
- 20 percent to DOC to contribute to the cost of incarceration; and
- 20 percent for payment of any civil judgment for assault for all inmates who are subject to a civil judgment for assault in any Washington State court or federal court.

Funds from a settlement or award resulting from a legal action are also subject to deductions. For inmates sentenced to life imprisonment without the possibility of release or sentenced to death, deductions are required with the exception of the personal inmate savings account. The secretary of DOC may exempt an inmate from a personal inmate savings account if the inmate's earliest release date is beyond the inmate's life expectancy.

Money received for postage expenses, educational programs, and medical expenses are not subject to these deductions. Money received by DOC on behalf of an inmate for postage expenses and medical expenses may only be used for these purposes and may not be transferred to any other account or purpose. Money for medical expenses can only be used to purchase eyeglasses, over the counter medications, and copayments. Money that remains unused in the inmate's postage fund or medical fund at the time of release is subject to the deduction formula.

Facility Commissary Program. DOC operates a store for incarcerated individuals to purchase items not furnished by the state correctional facility, including hygiene items, food, snacks, sodas, postage supplies, writing materials, vitamins, health related items, and other personal items. Correctional Industries operates two distribution centers, one located at Airway Heights Corrections Center and another at Monroe Correctional Complex within the Twin Rivers Unit. Staff and incarcerated individuals who work for the commissary process, pick, package, and deliver orders to living units where incarcerated individuals

receive and sign for the items. There are different commissary schedules for each facility regarding when incarcerated individuals can submit orders and make commissary purchases. The items sold in the commissary are stocked based on requests from incarcerated individuals, and receive review and approval by DOC staff. Each of the 12 state correctional facilities has its own commissary list, and items available for purchase are limited by the incarcerated individual's classification level, meaning those in higher security housing units have fewer items available to purchase. Legislation from the 2020 session required DOC to provide access to the facility commissary program at least 26 times per year or once every two weeks at all institutions of total confinement.

Summary of Bill: Any money received by DOC on behalf of an inmate from family or other outside sources for the purchase of commissary items is not subject to deductions. This money may only be used for the purchase of items on the facility commissary list. The amount received by an inmate may not exceed the monthly allowance for commissary purchases allowed by DOC. Funds received specifically for these purposes may not be transferred to any other fund, account, or purpose. Money that remains unused in the inmate's commissary fund at the time of release is subject to deductions.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Human Services): PRO: Currently, funds sent to inmates for commissary purchases are subject to deductions. The amount that goes to the inmate after deductions are applied is minuscule compared to how much the family member or other individual on the outside must deposit. A loved one would have to deposit \$900 for the inmate to get \$100. The deductions limit what an inmate is able to purchase, and burdens families on the outside where their disposable income is decreased by a large amount to help someone on the inside meet basic needs. This is not a new concept because medical and postage expenses are currently exempt, and this bill adds commissary expenses to the list.

While some inmates work for correctional industries or earn gratuities, the majority do not and are totally dependent on families for commissary funds. Families have to pay the deductions to support someone in prison. Most items on the commissary list are things like soap, ramen, socks, and food. The deductions can add up to 90% and impacts a lot of families.

Persons Testifying (Human Services): PRO: Senator Claire Wilson, Prime Sponsor; Loren Taylor.

Persons Signed In To Testify But Not Testifying (Human Services): No one.

Staff Summary of Public Testimony (Ways & Means): PRO: Families are currently in a tough situation. If someone puts money into the account, the minimum amount that will be deducted is 35% and the maximum amount will be 95%. In an extreme case, in order to put \$100 in someone's account, \$995 will have to be deposited. This bill will remove these deductions.

Persons Testifying (Ways & Means): PRO: Loren Taylor.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.