

SHB 2539 - S COMM AMD
By Committee on Human Services

ADOPTED AS AMENDED 03/03/2026

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 72.09.015 and 2022 c 254 s 2 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter.

6 (1) "Adult basic education" means education or instruction
7 designed to achieve general competence of skills in reading, writing,
8 and oral communication, including English as a second language and
9 preparation and testing services for obtaining a high school diploma
10 or a high school equivalency certificate as provided in RCW
11 28B.50.536.

12 (2) "Base level of correctional services" means the minimum level
13 of field services the department of corrections is required by
14 statute to provide for the supervision and monitoring of offenders.

15 (3) "Civil judgment for assault" means a civil judgment for
16 monetary damages awarded to a correctional officer or department
17 employee entered by a court of competent jurisdiction against an
18 inmate that is based on, or arises from, injury to the correctional
19 officer or department employee caused by the inmate while the
20 correctional officer or department employee was acting in the course
21 and scope of his or her employment.

22 (4) "Community custody" has the same meaning as that provided in
23 RCW 9.94A.030 and also includes community placement and community
24 supervision as defined in RCW 9.94B.020.

25 (5) "Contraband" means any object or communication the secretary
26 determines shall not be allowed to be: (a) Brought into; (b)
27 possessed while on the grounds of; or (c) sent from any institution
28 under the control of the secretary.

29 (6) "Correctional facility" means a facility or institution
30 operated directly or by contract by the secretary for the purposes of
31 incarcerating adults in total or partial confinement, as defined in
32 RCW 9.94A.030.

1 (7) "County" means a county or combination of counties.

2 (8) "Department" means the department of corrections.

3 (9) "Earned early release" means earned release as authorized by
4 RCW 9.94A.729.

5 (10) "Evidence-based" means a program or practice that has had
6 multiple-site random controlled trials across heterogeneous
7 populations demonstrating that the program or practice is effective
8 in reducing recidivism for the population.

9 (11) "Extended family visit" means an authorized visit between an
10 inmate and a member of his or her immediate family that occurs in a
11 private visiting unit located at the correctional facility where the
12 inmate is confined.

13 (12) "Good conduct" means compliance with department rules and
14 policies.

15 (13) "Good performance" means successful completion of a program
16 required by the department, including an education, work, or other
17 program.

18 (14) "Immediate family" means the inmate's children,
19 stepchildren, grandchildren, great grandchildren, parents,
20 stepparents, grandparents, great grandparents, siblings, aunts,
21 uncles, and a person legally married to or in a state registered
22 domestic partnership with an inmate. "Immediate family" includes the
23 immediate family of an inmate who was adopted as a child or an adult,
24 but does not include an inmate adopted by another inmate.

25 (15) "Indigent inmate," "indigent," and "indigency" mean an
26 inmate who has no less than a (~~(\$25)~~) \$100 balance of disposable
27 income in his or her institutional account on the day a request is
28 made to utilize funds and during the 30 days previous to the request.

29 (16) "Individual reentry plan" means the plan to prepare an
30 offender for release into the community. It should be developed
31 collaboratively between the department and the offender and based on
32 an assessment of the offender using a standardized and comprehensive
33 tool to identify the offender's risks and needs. The individual
34 reentry plan describes actions that should occur to prepare
35 individual offenders for release from prison or jail, specifies the
36 supervision and services they will experience in the community, and
37 describes an offender's eventual discharge to aftercare upon
38 successful completion of supervision. An individual reentry plan is
39 updated throughout the period of an offender's incarceration and
40 supervision to be relevant to the offender's current needs and risks.

1 (17) "Inmate" means a person committed to the custody of the
2 department, including but not limited to persons residing in a
3 correctional institution or facility and persons released from such
4 facility on furlough, work release, or community custody, and persons
5 received from another state, state agency, county, federally
6 recognized tribe, or federal jurisdiction.

7 (18) "Labor" means the period of time before a birth during which
8 contractions are of sufficient frequency, intensity, and duration to
9 bring about effacement and progressive dilation of the cervix.

10 (19) "Physical restraint" means the use of any bodily force or
11 physical intervention to control an offender or limit an offender's
12 freedom of movement in a way that does not involve a mechanical
13 restraint. Physical restraint does not include momentary periods of
14 minimal physical restriction by direct person-to-person contact,
15 without the aid of mechanical restraint, accomplished with limited
16 force and designed to:

17 (a) Prevent an offender from completing an act that would result
18 in potential bodily harm to self or others or damage property;

19 (b) Remove a disruptive offender who is unwilling to leave the
20 area voluntarily; or

21 (c) Guide an offender from one location to another.

22 (20) "Postpartum recovery" means (a) the entire period a woman or
23 youth is in the hospital, birthing center, or clinic after giving
24 birth and (b) an additional time period, if any, a treating physician
25 determines is necessary for healing after the woman or youth leaves
26 the hospital, birthing center, or clinic.

27 (21) "Privilege" means any goods or services, education or work
28 programs, or earned early release days, the receipt of which are
29 directly linked to an inmate's (a) good conduct; and (b) good
30 performance. Privileges do not include any goods or services the
31 department is required to provide under the state or federal
32 Constitution or under state or federal law.

33 (22) "Promising practice" means a practice that presents, based
34 on preliminary information, potential for becoming a research-based
35 or consensus-based practice.

36 (23) "Research-based" means a program or practice that has some
37 research demonstrating effectiveness, but that does not yet meet the
38 standard of evidence-based practices.

39 (24) "Restraints" means anything used to control the movement of
40 a person's body or limbs and includes:

1 (a) Physical restraint; or
2 (b) Mechanical device including but not limited to: Metal
3 handcuffs, plastic ties, ankle restraints, leather cuffs, other
4 hospital-type restraints, tasers, or batons.
5 (25) "Secretary" means the secretary of corrections or his or her
6 designee.
7 (26) "Significant expansion" includes any expansion into a new
8 product line or service to the class I business that results from an
9 increase in benefits provided by the department, including a decrease
10 in labor costs, rent, or utility rates (for water, sewer,
11 electricity, and disposal), an increase in work program space, tax
12 advantages, or other overhead costs.
13 (27) "Superintendent" means the superintendent of a correctional
14 facility under the jurisdiction of the Washington state department of
15 corrections, or his or her designee.
16 (28) "Transportation" means the conveying, by any means, of an
17 incarcerated pregnant woman or youth from the correctional facility
18 to another location from the moment she leaves the correctional
19 facility to the time of arrival at the other location, and includes
20 the escorting of the pregnant incarcerated woman or youth from the
21 correctional facility to a transport vehicle and from the vehicle to
22 the other location.
23 (29) "Unfair competition" means any net competitive advantage
24 that a business may acquire as a result of a correctional industries
25 contract, including labor costs, rent, tax advantages, utility rates
26 (water, sewer, electricity, and disposal), and other overhead costs.
27 To determine net competitive advantage, the department of corrections
28 shall review and quantify any expenses unique to operating a for-
29 profit business inside a prison.
30 (30) "Vocational training" or "vocational education" means
31 "vocational education" as defined in RCW 72.62.020.
32 (31) "Washington business" means an in-state manufacturer or
33 service provider subject to chapter 82.04 RCW existing on June 10,
34 2004.
35 (32) "Work programs" means all classes of correctional industries
36 jobs authorized under RCW 72.09.100."

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1 On page 1, line 1 of the title, after "funds;" strike the
2 remainder of the title and insert "and amending RCW 72.09.015."

EFFECT: Defines indigent inmate, indigent, and indigency to mean an inmate who has no less than a \$100 balance of disposable income in his or her institutional account.

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