

HOUSE BILL REPORT

HB 1233

As Reported by House Committee On:
Community Safety

Title: An act relating to work programs for incarcerated persons.

Brief Description: Concerning work programs for incarcerated persons.

Sponsors: Representatives Simmons, Scott, Peterson, Davis, Ormsby and Hill.

Brief History:

Committee Activity:

Community Safety: 1/23/25, 1/30/25 [DP].

Brief Summary of Bill

- Requires the wage or gratuity paid to an incarcerated person participating in Class II or III Correctional Industries work programs to be no less than \$1 an hour.
- Requires the limit on amounts paid to an incarcerated person participating in Class III work programs to be no less than \$200 a month.
- Makes participation in work programs voluntary, except where the court orders a defendant to perform community restitution.

HOUSE COMMITTEE ON COMMUNITY SAFETY

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

Minority Report: Do not pass. Signed by 2 members: Representatives Graham, Ranking Minority Member; Griffey, Assistant Ranking Minority Member.

Minority Report: Without recommendation. Signed by 1 member: Representative Burnett.

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.

Staff: Corey Patton (786-7388).

Background:

The Department of Corrections (DOC) operates a comprehensive work program for incarcerated persons through the Correctional Industries (CI) program. Correctional Industries develops and implements programs that offer employment, work experience, and training to incarcerated persons. Correctional Industries employs approximately 2,200 incarcerated persons across the following five classes of industries:

- Class I industries, or "free venture industries," include both employer model and customer model industries. Under both models, Class I workers are paid according to the prevailing wage for comparable work in that locality as determined by the Director of CI (Director) or, if the Director is unable to make a determination, at least the federal minimum wage.
- Class II industries, or "tax reduction industries," are state-owned and operated industries designed to reduce the costs for goods and services for public agencies and nonprofit organizations. Products and services generated by Class II industries may generally only be sold to public agencies and nonprofit organizations. Class II workers are compensated based on a gratuity scale approved by the Director which must not exceed the wage paid for work of a similar nature in the locality where the industry is located.
- Class III industries, or "institutional support industries," are operated by the DOC and are designed to give incarcerated persons basic work training and experience and to offset public support costs. Except for those in a training program, Class III workers are compensated based on a gratuity scale adopted by the Secretary of the DOC.
- Class IV industries, or "community work industries," are operated by the DOC and provide services at reduced cost to public agencies, persons who are poor or infirm, and nonprofit organizations in the local community. Class IV workers are paid a gratuity not to exceed the wage paid for comparable work in that locality.
- Class V programs, or "community service programs," are court-ordered community work performed without financial compensation.

The DOC must utilize a system that links an incarcerated person's behavior and participation in available education and work programs with the receipt or denial of earned early release days and other privileges. Eligible incarcerated persons who refuse to participate in available education or work programs available at no charge to the incarcerated individuals may lose additional privileges and incentives as established by the DOC. For example, an incarcerated person may not receive earned early release days during any time in which the person refuses to participate in an available work program the person has been placed in.

Summary of Bill:

Participation in Correctional Industries work programs is made voluntary, except that a court may order a defendant to perform community restitution. The Department of Corrections may not reduce an incarcerated person's earned early release or other privileges, issue infractions, or take any other punitive, disciplinary, or retaliatory actions in response to the person's choice to not participate in work programs. Incarcerated persons working in Class II or III industries must be paid a wage or gratuity of no less than \$1 an hour, and the monthly maximum limit on payments for participation in Class III industries must be no less than \$200.

Appropriation: None.

Fiscal Note: Requested on January 15, 2025.

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) Ideally, incarcerated workers should be paid a minimum wage and given the tools to budget and pay off their debts. There are concerns that the state's current budget crisis will result in reduced payments to incarcerated workers, while the cost of items in prisons will continue to rise. The current work program model reflects an outdated and racialized employment system built on slavery and extracting profit and labor from communities of color. This bill is an important step forward in easing the significant financial burdens of those in prison. A \$1 minimum wage is vital for incarcerated workers' ability to fund their hygiene, nutrition, and savings for eventual reentry. Allowing incarcerated workers to receive a sustainable wage will enable them to provide for their own necessities and alleviate the financial burden on their families.

When incarcerated persons are selected to participate in work programs there is no real option to quit or opt out. Incarcerated persons who fail to participate are infraacted, suffer penalties, and do not receive any good conduct time. When people are forced to do labor, they will not choose to do it right. This bill grants people a sense of dignity by letting them choose whether to work without the threat of being infraacted.

(Opposed) None.

(Other) There are concerns about this bill's significant fiscal impact. Correctional Industries must be self-sustaining financially, so if wages increase then costs to operate programs will increase proportionately. If participation in work programs is made optional, the Department of Corrections will need to hire additional full-time employees and contract with third parties for necessary functions of its facilities.

Persons Testifying: (In support) Representative Tarra Simmons, prime sponsor; Raymond Williams, Just Us Solutions; Carlos Bernardez; Tuan Quach; Hannah Woerner, Columbia Legal Services; and Jermaine Williams, The Black Rose Collective.

(Other) Danielle Armbruster, Department of Corrections; and Charles Anderson, Department of Corrections.

Persons Signed In To Testify But Not Testifying: None.