

NOTE:

<sup>1</sup>RCW 34.04.026 provides:

"(1) In addition to the provisions of RCW 34.04.025(1)(a)(i), every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules:

(a) The most specific reference shall be to a section of law which the rule is implementing, and shall be quoted as follows: "This rule is promulgated pursuant to RCW \_\_\_\_\_ and is intended to administratively implement that statute."

(b) The next specific reference, and one which shall be used only if paragraph (a) of this subsection is not applicable, shall be to that portion of an act which directs an agency to adopt rules and regulations as necessary to implement the act, and shall be quoted as follows: "This rule is promulgated pursuant to RCW \_\_\_\_\_ which directs that the (agency) has authority to implement the provisions of (name of act or RCW citation)."

(c) The least specific reference, and one which shall be used only if paragraphs (a) and (b) of this subsection are not applicable, is one which indicates that the rule is promulgated under the agency's broad rule-making authority—either in the agency enabling legislation or chapter 34.04 RCW, and shall be quoted as follows: "This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW \_\_\_\_\_."

(2) The code reviser is directed to develop a format for placing such specific language in each rule, and agencies shall then comply with the code reviser's direction, and shall include the same in the final rule.

(3) During the promulgation hearings process the public may question whether such rule should have a more specific reference, and the agency shall, pursuant to RCW 34.04.025(1)(b), give consideration to such requests."

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AMENDATORY SECTION (Amending Order 83-09, filed 9/27/83)

## WAC 137-48-040 RESTRICTION OF INCOMING AND/OR OUTGOING MAIL.

(1) Incoming mail to inmates may be disapproved for receipt for any one of the following reasons:

- (a) The mail contains threats of physical harm against any person or threats of criminal activity.
- (b) The mail threatens blackmail or extortion.
- (c) The mail concerns sending contraband in or out of the institution.
- (d) The mail contains plans to escape.
- (e) The mail contains plans for activities in violation of institutional rules, such as riots.
- (f) The mail concerns plans for criminal activity.
- (g) The mail is in code or in a foreign language and its contents are not understood by the reader.
- (h) The mail contains information which, if communicated, would create a risk of violence and/or physical harm.
- (i) The mail contains contraband.
- (j) The mail contains obscene material as defined in department policy directives.

(k) The mail advocates that any ethnic, racial, or religious group is inferior for any reason and makes such group an object of ridicule and scorn, and it may reasonably be thought to precipitate a violent confrontation between the recipient and a member or members of the target group.

(2) Outgoing mail from inmates of institutions may be disapproved for mailing for any one of the following reasons:

- (a) For any one of the reasons set forth in WAC 137-48-040(1).
- (b) The mail is addressed to a minor whose parents or guardian have objected in writing to such correspondence; an individual previously has been sent obscene or threatening mail by the inmate and has complained or has asked that such mail not be received; the mail solicits money or goods from persons other than the immediate family of the inmate without the permission of the superintendent. This provision may not be construed to preclude the purchase of noncontraband goods or payment for such goods which have been approved by the superintendent or his designee.

(3) No ((letter)) mail is to be restricted for the reason that it appeals to a particular ethnic, racial, or religious group, or that it contains critical opinions of departmental policy or departmental employees.

~~(4) ((In-addition-to-those-reasons-cited-in-this-section,--publications-received-by-inmates-may-be-restricted-if:~~

~~{a}--It--advocates-that-any-ethnic,-racial,-or-religious-group-is inferior-for-any-reason-and-makes-such-group-an-object-of-ridicule-and scorn;-or~~

~~{b}-It-may-reasonably-be-thought-to-precipitate--a--violent--confrontation--between--the--recipient(s)--and--a-member(s)-of-the-target group--No-publications-will-be-withheld-solely-on-the-basis-of--their appeal-to-a-particular-ethnic,-racial,-or-religious-group.~~

~~{5}}))~~ In addition to those reasons cited in this section, packages sent either to or from an inmate are subject to the following restrictions:

(a) An inmate may receive one gift package not to exceed fifteen pounds in weight on a quarterly basis. Quarterly periods shall consist of December through February, March through May, June through August, and September through November. Rules governing the contents of quarterly packages shall be developed specifically by each institutional superintendent and approved by the secretary. The superintendent may allow exceptions from the one gift package limitation and weight limitation provided that appropriate contraband controls are maintained.

(b) The contents of the quarterly package shall be restricted to those items that are otherwise not available to the inmate through the institutional store. A replacement package may be sent during the same quarter for damaged packages that are returned to the sender by

the inmate. Packages containing contraband shall be refused delivery to the inmate and will be counted as the package for that quarter.

(c) Prepaid merchandise approved by the superintendent and ordered by the inmate from any wholesaler or retailer shall not be considered one of the quarterly packages.

(d) Inmates may mail packages containing materials which have been sent to him or her in the institution or gifts consisting of his or her own hobby craft or curio work. Packages must be made and mailed at the inmate's expense.

(e) Newly admitted inmates at the Washington Corrections Center will not receive packages while assigned to the reception center.