

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5429**

60th Legislature  
2007 Regular Session

Passed by the Senate April 16, 2007  
YEAS 45 NAYS 0

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**President of the Senate**

Passed by the House April 4, 2007  
YEAS 96 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5429** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SENATE BILL 5429**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

**State of Washington                      60th Legislature                      2007 Regular Session**

**By** Senators Franklin and Kohl-Welles

Read first time 01/19/2007. Referred to Committee on Human Services & Corrections.

1            AN ACT Relating to deductions from moneys received by an inmate;  
2 and amending RCW 72.09.480.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 72.09.480 and 2003 c 271 s 3 are each amended to read  
5 as follows:

6            (1) Unless the context clearly requires otherwise, the definitions  
7 in this section apply to this section.

8            (a) "Cost of incarceration" means the cost of providing an inmate  
9 with shelter, food, clothing, transportation, supervision, and other  
10 services and supplies as may be necessary for the maintenance and  
11 support of the inmate while in the custody of the department, based on  
12 the average per inmate costs established by the department and the  
13 office of financial management.

14            (b) "Minimum term of confinement" means the minimum amount of time  
15 an inmate will be confined in the custody of the department,  
16 considering the sentence imposed and adjusted for the total potential  
17 earned early release time available to the inmate.

18            (c) "Program" means any series of courses or classes necessary to  
19 achieve a proficiency standard, certificate, or postsecondary degree.

1 (2) When an inmate, except as provided in subsections ~~((+7+))~~ (4)  
2 and (8) of this section, receives any funds in addition to his or her  
3 wages or gratuities, except settlements or awards resulting from legal  
4 action, the additional funds shall be subject to the following  
5 deductions and the priorities established in chapter 72.11 RCW:

6 (a) Five percent to the public safety and education account for the  
7 purpose of crime victims' compensation;

8 (b) Ten percent to a department personal inmate savings account;

9 ~~((Twenty percent to the department to contribute to the cost of  
10 incarceration;~~

11 ~~(d+))~~ Twenty percent for payment of legal financial obligations for  
12 all inmates who have legal financial obligations owing in any  
13 Washington state superior court; ((and

14 ~~(e) Fifteen))~~ (d) Twenty percent for any child support owed under  
15 a support order; and

16 (e) Twenty percent to the department to contribute to the cost of  
17 incarceration.

18 (3) When an inmate, except as provided in subsection ~~((+7+))~~ (8) of  
19 this section, receives any funds from a settlement or award resulting  
20 from a legal action, the additional funds shall be subject to the  
21 deductions in RCW 72.09.111(1)(a) and the priorities established in  
22 chapter 72.11 RCW.

23 (4) When an inmate who is subject to a child support order receives  
24 funds from an inheritance, the deduction required under subsection  
25 (2)(e) of this section shall only apply after the child support  
26 obligation has been paid in full.

27 (5) The amount deducted from an inmate's funds under subsection (2)  
28 of this section shall not exceed the department's total cost of  
29 incarceration for the inmate incurred during the inmate's minimum or  
30 actual term of confinement, whichever is longer.

31 ~~((+5+))~~ (6) The deductions required under subsection (2) of this  
32 section shall not apply to funds received by the department on behalf  
33 of an offender for payment of one fee-based education or vocational  
34 program that is associated with an inmate's work program or a placement  
35 decision made by the department under RCW 72.09.460 to prepare an  
36 inmate for work upon release.

37 An inmate may, prior to the completion of the fee-based education  
38 or vocational program authorized under this subsection, apply to a

1 person designated by the secretary for permission to make a change in  
2 his or her program. The secretary, or his or her designee, may approve  
3 the application based solely on the following criteria: (a) The inmate  
4 has been transferred to another institution by the department for  
5 reasons unrelated to education or a change to a higher security  
6 classification and the offender's current program is unavailable in the  
7 offender's new placement; (b) the inmate entered an academic program as  
8 an undeclared major and wishes to declare a major. No inmate may apply  
9 for more than one change to his or her major and receive the exemption  
10 from deductions specified in this subsection; (c) the educational or  
11 vocational institution is terminating the inmate's current program; or  
12 (d) the offender's training or education has demonstrated that the  
13 current program is not the appropriate program to assist the offender  
14 to achieve a placement decision made by the department under RCW  
15 72.09.460 to prepare the inmate for work upon release.

16 ~~((+6))~~ (7) The deductions required under subsection (2) of this  
17 section shall not apply to any money received by the department, on  
18 behalf of an inmate, from family or other outside sources for the  
19 payment of postage expenses. Money received under this subsection may  
20 only be used for the payment of postage expenses and may not be  
21 transferred to any other account or purpose. Money that remains unused  
22 in the inmate's postage fund at the time of release shall be subject to  
23 the deductions outlined in subsection (2) of this section.

24 ~~((+7))~~ (8) When an inmate sentenced to life imprisonment without  
25 possibility of release or parole, or to death under chapter 10.95 RCW,  
26 receives any funds in addition to his or her gratuities, except  
27 settlements or awards resulting from legal action, the additional funds  
28 shall be subject to: Deductions of five percent to the public safety  
29 and education account for the purpose of crime victims' compensation,  
30 twenty percent to the department to contribute to the cost of  
31 incarceration, and fifteen percent to child support payments.

32 ~~((+8))~~ (9) When an inmate sentenced to life imprisonment without  
33 possibility of release or parole, or to death under chapter 10.95 RCW,  
34 receives any funds from a settlement or award resulting from a legal  
35 action in addition to his or her gratuities, the additional funds shall  
36 be subject to: Deductions of five percent to the public safety and  
37 education account for the purpose of crime victims' compensation and

1 twenty percent to the department to contribute to the cost of  
2 incarceration.

3 ~~((+9))~~ (10) The interest earned on an inmate savings account  
4 created as a result of the plan in section 4, chapter 325, Laws of 1999  
5 shall be exempt from the mandatory deductions under this section and  
6 RCW 72.09.111.

7 ~~((+10))~~ (11) Nothing in this section shall limit the authority of  
8 the department of social and health services division of child support  
9 from taking collection action against an inmate's moneys, assets, or  
10 property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but  
11 not limited to, the collection of moneys received by the inmate from  
12 settlements or awards resulting from legal action.

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