

HOUSE BILL REPORT

ESHB 1686

As Amended by the Senate

Title: An act relating to correctional industries.

Brief Description: Creating an incentive program for inmates.

Sponsor(s): By House Committee on Human Services (originally sponsored by Representatives Hargrove, Riley, Tate, Prentice, Padden, H. Myers, Kremen, Dorn, Morris, Jacobsen, Roland, Pruitt, Valle, Betrozoff, Brekke, Paris, Scott, Inslee, Basich, Sheldon and Wineberry).

Brief History:

Reported by House Committee on:

Human Services, February 27, 1991, DPS;

Capital Fac. & Financing, March 8, 1991, DPS(HS)-A;

Passed House, March 19, 1991, 98-0;

Amended by Senate.

**HOUSE COMMITTEE ON
HUMAN SERVICES**

Majority Report: That Substitute House Bill No. 1686 be substituted therefor, and the substitute bill do pass.

Signed by 11 members: Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; R. King; and H. Myers.

Staff: Antonio Sanchez (786-7383).

**HOUSE COMMITTEE ON
CAPITAL FACILITIES & FINANCING**

Majority Report: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill as amended by Committee on Capital Facilities & Financing do pass.

Signed by 15 members: Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schmidt, Ranking Minority Member; Neher, Assistant Ranking Minority Member; Beck; Braddock; Brough; Casada; Fraser; Heavey; Jacobsen; Ogden; Peery; Silver; and Wang.

Staff: Victor Moore (786-7143).

Background: The Department of Corrections six year plan reflects a significant need to build additional prisons. The design and construction of these new facilities can take into consideration an inmate work force that could be productively expanded beyond the numbers currently working.

The Department of Corrections provides inmates work programs through the Division of Correctional Industries. The Division of Correctional Industries develops and implements programs that offer inmates employment, work experience and training and reduces cost of administering and housing inmates. To achieve these goals, Correctional Industries operates five classes of work programs. These program are referred to as Class I through Class V programs.

All inmates working in Class I through IV employment, receive financial compensation for their work that ranges from \$30 per month for Class IV work, to the prevailing wage for offenders employed in Class I jobs. Offenders working in Class V correctional jobs receive no financial compensation. Class V jobs are court ordered community work that is preformed for the benefit of the community without financial compensation. Competition among inmates for class I and Class II jobs, motivates inmates to keep their jobs and serves as an incentive for inmates to produce high quality products. Class I employees currently must pay 15 percent of their wages toward their incarceration costs. All funds collected from an inmate's wages go in the general fund.

Correctional Industries job programs do not allow offenders to use their wages to pay for cells containing enhanced modular amenities, or other amenities provided as behavioral or production incentives. In addition proposed prison capital constructions plans do not include the construction of prison cells that can accommodate an incentive program.

Lack of adequate space for correctional industries programs seriously limits the number of inmates that can work in skills oriented jobs.

Summary of Bill: The Department of Corrections must develop an implementation plan for prison industry space at Clallam Bay Corrections Center, McNeil Island Corrections Center, and the proposed 1024-bed medium security prison. The implementation plan will include sufficient space and design elements for meaningful and productive employment opportunities in Class I, Class II, and Class IV programs.

The plan must also include an incentive program for inmates working in Class I and II jobs. Inmates working in the program will be able to earn higher wages based on

performance and production. The department must develop rules for recovering a specified amount from inmate wages to be returned to the department to pay for the cost of prison operations. Special program criteria for inmates with handicaps will also be considered in the incentives program.

The plan will specify any legal or operations obstacles in implementing the design and incentive components of the plan and suggest possible strategies for overcoming the obstacles. The plan must be submitted to the appropriate fiscal committees of the Legislature and to the governor by October 1, 1991.

EFFECT OF SENATE AMENDMENT(S): The established goal of providing enough design space in the planned prison facilities to employ 50 percent of the total employable inmates in Class I, II, and IV programs is further specified to include enough design space for 25 percent inmate employees in Class I and 25 percent in Class II programs. The plan must take into consideration the need to maintain an adequate inmate workforce to operate the day to day operations of the prison. The prison design plans for Clallam Bay, McNeal Island, and the 1,024 bed prison are required to be consistent with the incentives implementation plan, however, will have to be adopted by the department and cannot postpone or delay the construction of the prisons. All references to amenities are eliminated and replaced with the term incentives.

Fiscal Note: Available. New fiscal note requested on March 8, 1991.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: (Human Services) Correctional programs that enhance the quality of life, provide educational opportunities, and reduce idleness in the prison will benefit the overall prison environment and are productive for inmates. Paying inmates a reasonable wage in order to encourage obtaining job skills, and charging inmates some of their own housing costs, will allow the inmate to gain marketable skills and keep some earnings. Improving living conditions in the state's prisons will contribute to less recidivism and be more likely to have positive results than the often brutal situation which exists in some facilities.

(Capital Facilities & Financing) Same as Committee on Human Services.

Testimony Against: (Human Services) None.

(Capital Facilities & Financing) The state should be mindful of Class I prison industries competing against the private sector for jobs.

Witnesses: (Human Services) Lynn Lodmell, David Burt, Phyllis Hutcheson, Jill Will and John Cusick, Department of Corrections; Mike Redman, Washington State Prosecuting Attorneys Association; and Bob Stalker, Evergreen Legal Services.

(Capital Facilities & Financing) Representative James Hargrove; Robert Dilger, Washington State Building & Construction Trades Council; and Jill Will, Department of Corrections.

VOTE ON FINAL PASSAGE:

Yeas 98; Nays 0; Excused 0