
SENATE BILL 5949

State of Washington

52nd Legislature

1991 Regular Session

By Senator Bailey.

Read first time March 22, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to subsistence payments for offenders upon release
2 from confinement; amending RCW 72.02.100 and 72.02.110; adding a new
3 section to chapter 72.02 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that reintegration
6 of an offender into the community is crucial to preventing recidivism
7 of the offender. The legislature further finds that the acquisition
8 and retention of gainful employment is of paramount importance in
9 reintegrating the offender by reducing opportunities to commit criminal
10 acts. The legislature further finds that an offender requires a
11 minimum amount of subsistence in order to cover personal and living
12 expenses while such person is actively seeking employment.
13 Accordingly, the legislature finds that each person serving a term of
14 confinement in a state correctional facility should assume
15 responsibility for saving a portion of any earnings accumulated from

1 the labor or employment of such person while confined for purposes of
2 paying his or her immediate personal and living expenses upon release
3 from confinement.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.02 RCW
5 to read as follows:

6 (1) Any person serving a sentence for a term of confinement in a
7 state correctional facility for convicted felons shall be required to
8 allocate a portion of any earnings accumulated through the labor or
9 employment of the inmate towards a subsistence account for use by the
10 inmate upon his or her release from confinement.

11 For each inmate earning at least fifty dollars per month, the
12 department of corrections shall automatically deduct ten percent of
13 such earnings for deposit into the inmate's subsistence account. Each
14 inmate earning less than fifty dollars per month shall have three
15 percent of such earnings deducted for deposit into the inmate's
16 subsistence account. Inmates who provide financial support to their
17 families through such earnings shall be exempt from the requirements of
18 this subsection.

19 (2) The department of corrections shall establish a separate
20 subsistence account for each inmate within the existing institutional
21 resident deposit account as established by the office of financial
22 management pursuant to RCW 43.88.195.

23 (3) Those inmates who are unable to work due to medical reasons
24 shall be entitled to and shall be supplied by the superintendent of the
25 state correctional facility with the sum of forty dollars upon release
26 from confinement. Up to sixty additional dollars may be made available
27 to the parolee for necessary personal and living expenses upon
28 application to and approval by such inmate's community corrections
29 officer.

1 (4) For purposes of this section, "subsistence account" means an
2 account established by the department of corrections on behalf of and
3 for the use and benefit of each inmate upon the inmate's release from
4 confinement.

5 **Sec. 3.** RCW 72.02.100 and 1988 c 143 s 5 are each amended to read
6 as follows:

7 Any person serving a sentence for a term of confinement in a state
8 correctional facility for convicted felons, pursuant to court
9 commitment, who is thereafter released upon an order of parole of the
10 indeterminate ~~((sentencing))~~ sentence review board, or who is
11 discharged from custody upon expiration of sentence, or who is ordered
12 discharged from custody by a court of appropriate jurisdiction, shall
13 be entitled to retain his or her earnings from labor or employment
14 while in confinement and shall be supplied by the superintendent of the
15 state correctional facility with suitable and presentable clothing(~~(7~~
16 ~~the sum of forty dollars for subsistence,~~) and transportation by the
17 least expensive method of public transportation not to exceed the cost
18 of one hundred dollars to his or her place of residence or the place
19 designated in his or her parole plan, or to the place from which
20 committed if such person is being discharged on expiration of sentence,
21 or discharged from custody by a court of appropriate jurisdiction(~~(7~~
22 ~~PROVIDED, That up to sixty additional dollars may be made available to~~
23 ~~the parolee for necessary personal and living expenses upon application~~
24 ~~to and approval by such person's community corrections officer)). If
25 in the opinion of the superintendent suitable arrangements have been
26 made to provide the person to be released with suitable clothing and/or
27 the expenses of transportation, the superintendent may consent to such
28 arrangement. If the superintendent has reasonable cause to believe
29 that the person to be released has ample funds, with the exception of~~

1 earnings from labor or employment while in confinement, to assume the
2 expenses of clothing(~~(7)~~) and transportation, (~~or the expenses for~~
3 ~~which payments made pursuant to RCW 72.02.100 or 72.02.110 or any one~~
4 ~~or more of such expenses,7)~~) the person released shall be required to
5 assume such expenses.

6 **Sec. 4.** RCW 72.02.110 and 1988 c 143 s 6 are each amended to read
7 as follows:

8 As state, federal, or other funds are available, the secretary of
9 corrections or his or her designee is authorized, in his or her
10 discretion, (~~not to provide the forty dollars subsistence money or the~~
11 ~~optional sixty dollars to a person or persons released as described in~~
12 ~~RCW 72.02.100, and instead)) to utilize the authorization and procedure
13 contained in this section relative to such person or persons.~~

14 Any person designated by the secretary serving a sentence for a
15 term of confinement in a state correctional facility for convicted
16 felons, pursuant to court commitment, who is thereafter released upon
17 an order of parole of the indeterminate (~~(sentencing)~~) sentence review
18 board, or is discharged from custody upon expiration of sentence, or is
19 ordered discharged from custody by a court of appropriate jurisdiction,
20 shall receive the sum of fifty-five dollars per week for a period of up
21 to six weeks. The initial weekly payment shall be made to such person
22 upon his or her release or parole by the superintendent of the
23 institution. Subsequent weekly payments shall be made to such person
24 by the community corrections officer at the office of such officer. In
25 addition to the initial six weekly payments provided for in this
26 section, a community corrections officer and his or her supervisor may,
27 at (~~(their)~~) his or her discretion, continue such payments up to a
28 maximum of twenty additional weeks when they are satisfied that such
29 person is actively seeking employment and that such payments are

1 necessary to continue the efforts of such person to gain employment:
2 PROVIDED, That if, at the time of release or parole, in the opinion of
3 the superintendent funds are otherwise available to such person, with
4 the exception of earnings from labor or employment while in
5 confinement, such weekly sums of money or part thereof shall not be
6 provided to such person.

7 When a person receiving such payments provided for in this section
8 becomes employed, he or she may continue to receive payments for two
9 weeks after the date he or she becomes employed but payments made after
10 he or she becomes employed shall be discontinued as of the date he or
11 she is first paid for such employment: PROVIDED, That no person shall
12 receive payments for a period exceeding the twenty-six week maximum as
13 established in this section.

14 The secretary of corrections may annually adjust the amount of
15 weekly payment provided for in this section to reflect changes in the
16 cost of living and the purchasing power of the sum set for the previous
17 year.