

# HOUSE BILL REPORT

## EHB 1033

---

As Amended by the Senate

**Title:** An act relating to city and county jail industries.

**Brief Description:** Establishing a procedure for developing local jail industries programs.

**Sponsors:** Representatives H. Myers, Bray, Edmondson, Rayburn, Chappell, Ludwig, Kessler, Flemming, Brough, Campbell, L. Johnson, Dunshee and Ogden.

**Brief History:**

Reported by House Committee on:  
Corrections, January 28, 1993, DP;  
Passed House, February 8, 1993, 96-0;  
Amended by Senate.

---

### HOUSE COMMITTEE ON CORRECTIONS

**Majority Report:** Do pass. Signed by 7 members:  
Representatives Morris, Chair; L. Johnson, Vice Chair; Long,  
Ranking Minority Member; G. Cole; Mastin; Ogden; and Riley.

**Minority Report:** Do not pass. Signed by 2 members:  
Representatives Edmondson, Assistant Ranking Minority Member  
and Padden.

**Staff:** Antonio Sanchez (786-7383)

**Background:** Local city and county jails currently offer a limited variety of work programs for inmates. One of the most frequently used work programs in the jail system is inmate work crews. Under this program, inmate work crews provide labor in low skilled and labor intensive projects such as picking up litter in parks and along roadways or providing non-professional landscaping for county or city parks. Other jail work programs include small inmate work projects such as filling up bottles with bleach to be used in needle exchange programs. In addition, many jails conduct janitorial and kitchen operations with inmate labor.

Local jails can require convicted inmates to work while they are incarcerated. Currently there are very few jail work programs available. Jail programs that are now offered have been developed independently by local administrators. Although jail administrators statewide have expressed

interest in increasing the availability of meaningful jail work programs, and in sharing their experience and expertise with their peers in other communities, there is no statewide board, organization, or administrative body, that provides local jails with technical assistance, accreditation, or ongoing monitoring of local jail work programs and their products or services.

Currently offenders in jail can be required, if stipulated at the time of sentencing, to pay for the cost of their incarceration.

A federal assistance program for local jail work programs was developed by the Justice Assistance Act, signed on October 13, 1984. The act continues the Prison Industry Enhancement Certification Program originally authorized within the Justice System Improvement Act of 1979. This federal legislation provides exemption from federal constraints on the marketability of prisoner-made goods, by permitting the sale of these products in interstate commerce. A limited number of jail industry projects may be certified for this exemption. The Bureau of Justice Assistance must determine that projects meet statutory and guideline requirements. As a prerequisite for participation in this federal program, local jail industries programs must have statutory authority to administer jail industry programs. Currently, this statutory authority is not clearly stipulated.

**Summary of Bill:** A 21 member Jail Industries Board is created. Membership for the Jail Industries Board includes county and city officials, jail administrators, and governor's appointees from the Department of Corrections-Correctional Industries Division, Employment Security Department, Department of Trade and Economic Development, business, labor, education, an on-line law enforcement officer, and a member of a crime victims group. The purpose of the board is to provide a statutorily defined structure and process, to uniformly assist local jail programs in developing, implementing, and maintaining safe and productive jail work programs, that offer inmates meaningful work experiences and education and training in employable vocations.

The board is required to provide the following:

- 1) technical assistance, standards for safe and efficient program operations that lead to program accreditation for jail industries programs;
- 2) guidelines for the coordination of jail industries programs with basic adult education programs, pre-

release programs, post-release placement, and substance abuse evaluation programs;

- 3) procedures for determining and maintaining program compliance with federal regulations;
- 4) determination of the program's cost accounting status required for participation in the federal assistance program;
- 5) exploration, assessment, and approval of new products and services for work program contracts based on the impact they will have on the business and labor community;
- 6) review and recommendations regarding jail industries wage scales;
- 7) an arbitration process for resolving conflicts among the local business and labor communities; and
- 8) technical assistance leading to collection of jail industries data, especially as they relate to recidivism.

The board is required to establish, or use, existing local advisory groups that include individuals representing business, labor, crime victims advocates, and the developmentally disabled community. These local advisory boards work on behalf of the needs of the local community, in conjunction with the state Jail Industries Board. In addition, both the local advisory and the state board are required to review all jail work programs to ensure that a jail work program will not negatively impact local businesses or the labor community.

Both pre-sentence and pre-conviction inmates are allowed to participate in jail work programs. Jail work programs are authorized to recover an appropriate portion of inmate wages to pay for their cost of corrections and to maintain the jail industries program. In addition, all offenders who receive a monetary wage while working in a jail industry program are required to contribute a reasonable portion of their wages toward; crime victims compensation, program fees, restitution, court fines and other legal financial obligations, family support, and/or savings.

Inmates working in free venture work programs are not eligible for any temporary total disability or permanent total disability.

Funding for the board is generated through the establishment of fees charged to participating programs and the procurement of other local, state, and federal funds. Basic staffing for the board is provided by the Department of Corrections until a source of funding can be obtained.

**EFFECT OF SENATE AMENDMENT(S):** The governor may choose the three labor representatives and the three business representatives on the board from a list of nominations provided by statewide business and labor organizations. Cities and counties are required to use the arbitration process established by the bill in the event a conflict arises with local business or labor. Upon failure of discontinuance of a free venture industry agreement, the city or county that established the agreement is responsible for any remaining industrial insurance obligations.

**Fiscal Note:** Requested January 19, 1993.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The advisory board will provide the needed technical assistance to local jails so they can develop inmate work programs. These work programs can, in turn, help the local communities by requiring inmates to pay back some of the cost of their incarceration and other legal financial obligations through the inmates wages. Work and education programs for inmates will reduce recidivism.

**Testimony Against:** Small businesses have concerns about unfair competition. A cost benefit ratio study is needed to show if work programs are beneficial.

**Witnesses:** Jane Johnson, Clark County (Pro); Joe Dunegan, Clark County (Pro); Doug Jacques, Employment Security (Pro); Donna Karvia, Lewis County Clerk; Ray Coleman, King County Jail (Pro), Julia Porter, Association of WA Businesses (Supported concept); Jim King, RESTEC Contractors Inc. (Supported concept); and Bob Dilger, WA St. Building Council, (Supported Concept).

**VOTE ON FINAL PASSAGE:**

Yeas 96; Excused 2

Excused: Representatives Appelwick, Scott