

SENATE BILL REPORT

EHB 1033

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, MARCH 23, 1993

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

HOUSE COMMITTEE ON CORRECTIONS

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Staff: Susan Carlson (786-7418)

Hearing Dates: March 18, 1993; March 23, 1993

BACKGROUND:

Local city and county jails currently offer a limited number and variety of work programs for inmates. Jail work programs include work crews which provide labor in low skilled and labor intensive projects such as picking up litter in parks and along roadways or providing maintenance for county or city parks. Many jails also use inmate labor to assist in janitorial and kitchen operations.

The jail work programs currently in existence have been developed independently by local jail administrators. There is no statewide organization to provide assistance to local jails in developing these programs.

The Prison Industry Enhancement Certification Program is a federal assistance program for prison and jail work programs. The program provides exemption from federal constraints on the marketability of inmate-made goods, by permitting the sale of these products in interstate commerce. The Bureau of Justice Assistance is allowed to certify for exemption a limited number of jail industry projects that meet statutory and guideline requirements.

SUMMARY:

A 21-member Jail Industries Board is created with membership representing county and city officials, jail administrators, Department of Corrections, Employment Security Department, Department of Trade and Economic Development, business, labor,

education, law enforcement and crime victims. The purpose of the board is to provide advice in developing, promoting, and implementing safe and efficient offender work programs. The board may also develop guidelines and provide assistance for the coordination of jail industries programs with basic educational programs.

The board is also required to (1) establish an arbitration process for resolving conflicts among local business and labor concerning industries programs; (2) encourage collection and analysis of jail industries program data; (3) determine whether a local program complies with the federal certification program; and (4) provide technical assistance with product marketing.

The board must require a city or county that establishes a jail industries program to have a local advisory group. The advisory group must include an equal number of representatives from labor and business. The group is responsible for ensuring that jail industry has minimal negative impact on local businesses and the labor community.

Cities and counties participating in jail industries are authorized to provide work programs for jail inmates at worksites within jail facilities or other places in the city or county. If an offender is employed by jail industries and receives pay, deductions may be made for court-ordered legal financial obligations as directed by the court. Inmates working in jail industries must also contribute toward the costs to develop and operate the jail industries program.

Funding for the board may come from local, county, state, or federal sources, including grants. The board may also establish a reasonable schedule of suggested fees to support state-wide efforts to promote jail industries. Members of the board serve without compensation but may be reimbursed for travel expenses.

Inmates employed in industries which produce products, goods, or services are considered employee's of the industry for purposes of the industrial safety and health act and eligibility for industrial insurance benefits. However, these inmates are not eligible for temporary or permanent total disability benefits until discharged from custody.

SUMMARY OF PROPOSED SENATE AMENDMENT:

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 or discontinuance of a free venture industry agreement, the city or county that established the agreement is responsible for any remaining industrial insurance obligations.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

The establishment of a jail industries board will assist city and county jails to establish inmate work programs. These programs benefit the community by developing inmate work skills and ethics, and can reduce recidivism. The bill requires local advisory groups to ensure a minimal impact on local business and labor.

TESTIMONY AGAINST:

Small businesses have concerns about competition with inmate work programs.

TESTIFIED: PRO: Representative Holly Myers, prime sponsor; Doug Jacques, Employment Security Dept.; Kurt Sharar, WA State Assn. of Counties; Karen Daniels, Thurston County Sheriff's Office; Jane Johnson, Clark County Corrections; Jackie McFayden, Assn. of WA Cities; Janeen Wadsworth, Dept. of Corrections; Donna Karvia, Lewis County Clerk; Ray Coleman, King County Adult Detention; CON: Randy Ray, Foss Environmental Services; Julia Porter, Assn. of WA Business; Jim King, RESTEC Contractors, Inc.; Concerned: Rick Slunaker, Assn. General Contractors of WA