

SENATE BILL REPORT

SB 6557

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 2, 1994

Brief Description: Revising provisions relating to correctional industries work programs.

SPONSORS: Senator Hargrove

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6557 be substituted therefor, and the substitute bill do pass.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Staff: Susan Carlson (786-7418)

Hearing Dates: February 2, 1994

BACKGROUND:

The Department of Corrections (DOC), Division of Correctional Industries, operates five classes of work programs which provide jobs, training and work experience for inmates. The inmates receive wages for their work ranging from \$30 per month for Class IV work programs to the prevailing wage for offenders employed in Class I jobs. In 1993, the Legislature required DOC to increase inmate participation in Class I and Class II industries by 1500 inmates over the next six years.

Under current law, the department is responsible for establishing deductions to be made from the inmate's wages to contribute to the cost of incarceration and the development of the correctional industries program. In 1993, the provisions on deductions from inmates' wages were amended, effective June 30, 1994. This legislation requires the department to take deductions from the wages of inmates working in Class I or Class II jobs, and any other inmate earning more than minimum wage. After deductions for legal financial obligations and taxes, the department must deduct 10 percent for the crime victim compensation account; 10 percent for a personal inmate savings account, until the account has a balance of \$950; and 30 percent for the cost of incarceration. A person sentenced to life imprisonment is exempt from the personal inmates savings account deduction, but subject to a 40 percent deduction for the cost of incarceration.

The department has expressed concern that the deductions required by the 1993 legislation may discourage inmates from working in correctional industries. There is also a concern that the department will not be able to accomplish the required increases in inmate participation in work programs.

SUMMARY:

The original bill was not considered.

EFFECT OF PROPOSED SUBSTITUTE:

The department must develop a formula for deductions from offender wages. For class I work programs and inmates earning at least minimum wage, the formula must include minimum deductions of 5 percent for the crime victims compensation account, 10 percent to a department personal inmate savings account, and 20 percent for the cost of incarceration. For class II work programs, the deductions are the same except that the minimum deduction for the cost of incarceration is 15 percent. For class IV work programs, the formula must include a 5 percent deduction for the cost of incarceration.

Funds in the department personal inmate savings account may be made available to the inmate prior to release only if the secretary determines that an emergency exists for the inmate.

The management of class I, II, and IV industries may establish an incentive payment for offender workers based on productivity. The incentive is to be paid separately from wages or gratuities, and is not subject to the deduction for cost of incarceration.

If the offender's earnings are subject to garnishment for support enforcement, the deductions for crime victims' compensation, savings, and the cost of incarceration are calculated on the net wages after taxes, legal financial obligations and the amount subject to garnishment are taken out.

The correctional industries board of directors is required to develop a strategic yearly marketing plan that is consistent with and works toward the goals established in the six-year phased expansion of class I and class II industries established by statute. The plan is to be presented to the appropriate legislative committees by January 17 of each year until the correctional industries expansion goals have been achieved.

Appropriation: none

Revenue: none

Fiscal Note: requested January 31, 1994

Effective Date: Section 1 is effective June 30, 1994 (the provisions on deductions from inmate wages).

TESTIMONY FOR:

The bill attempts to balance appropriate deductions from the earnings of inmates working in correctional industries, with the need to have an incentive for inmates to be involved in the work programs.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Senator Jim Hargrove, prime sponsor; Janeen Wadsworth, DOC Division of Correctional Industries; Jim King, RESTEC Contractors/Coalition on Inmate Labor