
ENGROSSED SUBSTITUTE HOUSE BILL 2004

State of Washington 53rd Legislature 1993 Regular Session

By House Committee on Corrections (originally sponsored by
Representatives Morris, Long and Springer)

Read first time 03/03/93.

1 AN ACT Relating to criminal sentencing and correctional industries;
2 amending RCW 72.09.080, 72.09.102, 43.19.534, and 72.09.110; adding new
3 sections to chapter 72.09 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes the need to
6 comprehensively develop ways to reduce prison costs, conserve and
7 manage scarce prison cell space, maintain a safe working environment
8 for correctional employees, require a productive incarceration
9 experience for offenders, and effectively reduce recidivism.

10 The legislature finds that the corrections system is an appropriate
11 place for criminals to learn the rules of responsibility by paying for
12 their criminal acts, not just through the loss of their freedom, but
13 also by working while in prison and contributing an appropriate portion
14 of their earnings to the cost of their incarceration. Currently, only
15 a fraction of our state's prison inmates participate in class I or
16 class II jobs. By creating meaningful prison work opportunities,
17 offenders' earnings can be directed towards paying for their cost of
18 incarceration and offenders can be taught marketable skills and work

1 habits, contribute more towards victims' compensation, and help support
2 their families.

3 The legislature finds that national studies indicate that offender
4 work programs can significantly reduce recidivism, lower the cost of
5 incarceration, and reduce the amount of criminal activity in our
6 communities. These same studies stress that correctional industries
7 programs require the appropriate marketing flexibility to develop cost
8 savings, and to become productive and socially beneficial offender job
9 programs that meet the goals set forth in this act.

10 The legislature further finds that opportunities exist for state
11 agencies to save significant taxpayer dollars and at the same time
12 expand work requirements for offenders by buying, when available and
13 comparable in quality and cost-effective, goods and services made by
14 correctional industries.

15 It is the purpose and intent of this act to systematically increase
16 offender participation in prison work programs, reduce what it is
17 costing taxpayers to keep offenders in prison and continually build new
18 ones, and enhance the employability of offenders when they finish their
19 sentence.

20 **Sec. 2.** RCW 72.09.080 and 1989 c 185 s 5 are each amended to read
21 as follows:

22 (1) The correctional industries board of directors shall consist of
23 nine voting members, appointed by the governor upon recommendation by
24 the secretary. Each member shall serve a three-year staggered term.
25 Initially, the governor shall appoint three members to one-year terms,
26 three members to two-year terms, and three members to three-year terms.
27 The speaker of the house of representatives and the president of the
28 senate shall each appoint one member from each of the two largest
29 caucuses in their respective houses. The legislators so appointed
30 shall be nonvoting members and shall serve two-year terms, or until
31 they cease to be members of the house from which they were appointed,
32 whichever occurs first. The nine members appointed by the governor
33 shall include representatives from both labor and industry. The
34 business representatives shall be chosen from a list of nominations
35 provided by state-wide business organizations representing cross-
36 sections of industries and all sizes of employers.

37 (2) The board of directors shall elect a chair and such other
38 officers as it deems appropriate from among the voting members.

1 (3) The voting members of the board of directors shall serve with
2 compensation pursuant to RCW 43.03.240 and shall be reimbursed by the
3 department for travel expenses and per diem under RCW 43.03.050 and
4 43.03.060, as now or hereafter amended. Legislative members shall be
5 reimbursed under RCW 44.04.120, as now or hereafter amended.

6 (4) The secretary shall provide such staff services, facilities,
7 and equipment as the board shall require to carry out its duties.

8 **Sec. 3.** RCW 72.09.102 and 1986 c 94 s 1 are each amended to read
9 as follows:

10 The department of corrections and department of general
11 administration shall ~~((develop the following for legislative review:~~
12 ~~(1) A plan for production within the department of corrections of one~~
13 ~~or more commodities not currently being produced within the department~~
14 ~~for use within all state institutions and which may be sold to state~~
15 ~~correctional systems in other states; (2) a plan for purchasing~~
16 ~~commodities produced by correctional systems located in other states to~~
17 ~~the degree the plan would be cost effective and would involve~~
18 ~~reciprocal marketing agreements between the several states represented;~~
19 ~~and (3) a plan to purchase, where cost effective, materials used in the~~
20 ~~production of prison made goods jointly with prison industry programs~~
21 ~~in other states. The plans shall be submitted to the legislature by~~
22 ~~March, 1987))):~~

23 (1) Adopt administrative rules as approved by the correctional
24 industries board of directors, that assure the preferential purchase of
25 goods and services provided by class II inmate work programs required
26 through state contracts to the maximum extent feasible as provided in
27 RCW 43.19.534. The rules must reference the following: Goods and
28 services purchased from correctional industries must meet the
29 reasonable requirements of the purchaser including timeliness of
30 delivery, equal or better quality compared to goods or services
31 provided by the private sector, and cost-effectiveness based on fair
32 market value. The preference assured under the rules must be no more
33 than ten percent of the total bid amount.

34 (2) Jointly develop an annual report on the purchase of all
35 correctional industries goods and services through state contracts
36 during the prior fiscal year and establish a tracking mechanism for
37 identifying offenders working in class I and class II jobs in the prior

1 year. The report shall be provided to the chairs of the appropriate
2 committees of the legislature by December 12 of each year.

3 **Sec. 4.** RCW 43.19.534 and 1986 c 94 s 2 are each amended to read
4 as follows:

5 State agencies, the legislature, and departments shall purchase for
6 their use all ~~((articles or products required by the agencies or~~
7 ~~departments which))~~ goods and services that are produced or provided in
8 whole or in part from class II inmate work programs operated by the
9 department of corrections through state contract insofar as those
10 industries are able to meet demands of quantity, cost, and quality.
11 These ~~((articles and products))~~ goods and services shall not be
12 purchased from any other source ~~((unless, upon application by the~~
13 ~~department or agency: (1) The department of general administration~~
14 ~~finds that the articles or products do not meet the reasonable~~
15 ~~requirements of the agency or department, (2) are not of equal or~~
16 ~~better quality, or (3) the price of the product or service is higher~~
17 ~~than that produced by the private sector))~~ except as allowed in rules
18 as authorized in RCW 72.09.102.

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 72.09 RCW
20 to read as follows:

21 The legislature intends to reduce taxpayers' expenses for asbestos
22 abatement and underground storage tank removal, replacement, and
23 cleanup on state property. To that end the correctional industries
24 board of directors shall expand class II offender work teams for
25 asbestos abatement and underground storage tank removal, replacement,
26 and cleanup, up to a maximum of ten offender teams. The correctional
27 industries board of directors will base the extent of expansion in
28 these industry programs on a business case analysis prepared by the
29 director of correctional industries and other relevant information.
30 The teams must be available to contract for work with state agencies.
31 To the extent the newly expanded teams can meet demand, all state
32 agencies shall give priority to contracting with correctional
33 industries for asbestos abatement and underground storage tank removal,
34 replacement, and cleanup projects authorized in the state capital
35 budget. When contracting for asbestos abatement and underground
36 storage tank removal, replacement, and cleanup projects state agencies
37 shall consider factors including the cost and complexity of the

1 project, the qualifications of bidders, project time constraints, and
2 the availability of work crews. Asbestos removal and underground
3 storage tank cleanup projects conducted by class II offender work teams
4 shall not be conducted on private property.

5 NEW SECTION. **Sec. 6.** A new section is added to chapter 72.09 RCW
6 to read as follows:

7 The secretary shall increase offender participation in class I and
8 class II correctional industries work programs, incrementally, based on
9 the ending of fiscal year 1993 combined participation levels, until a
10 twenty percent increase is achieved by December 30, 1997, and a thirty
11 percent increase is achieved by December 30, 2000.

12 **Sec. 7.** RCW 72.09.110 and 1991 c 133 s 1 are each amended to read
13 as follows:

14 All inmates working in prison industries shall participate in the
15 cost of corrections, including costs to develop and implement
16 correctional industries programs. ~~((The secretary shall develop a
17 formula which can be used to determine the extent to which the wages of
18 these inmates will be deducted for this purpose. The amount so
19 deducted shall be placed in the general fund and shall be a reasonable
20 amount which will not unduly discourage the incentive to work.))~~ The
21 secretary shall develop a formula for the distribution of offender
22 wages and gratuities. The formula shall include a minimum deduction of
23 twenty percent of gross wages for class I offender employees and all
24 other offender employees who make at least minimum wage, to cover the
25 cost of incarceration; ten percent to be deposited in the offenders
26 account until it reaches a total of one thousand five hundred dollars;
27 and ten percent to be deducted and transmitted to the state crime
28 victims compensation account.

29 Ten percent of class II offenders wages or gratuity and five
30 percent of class III and class IV offenders wages or gratuity shall be
31 deducted and transmitted to the crime victims compensation account. In
32 addition, the formula shall include deductions from each offender's
33 wage or gratuity payments to satisfy court-ordered legal and financial
34 obligations, and other offender debts.

35 All funds gained from deductions for the cost of incarceration
36 shall be deposited in a dedicated fund with the department and shall be
37 used only for the purpose of enhancing and maintaining the correctional

1 industries program until December 31, 2010. Thereafter, all funds
2 shall be deposited in the general fund. The department shall develop
3 the necessary administrative structure to recover offenders' wages and
4 gratuities and keep records of the amount offenders pay for the cost of
5 incarceration. The amount deducted for the cost of incarceration
6 should not unduly discourage the incentive to work. The secretary may
7 direct the state treasurer to deposit a portion of these moneys in the
8 crime victims compensation account. ~~((Except))~~ The secretary shall
9 direct that all moneys received by an inmate((~~7~~)) for testifying in any
10 judicial proceeding((~~7-90~~)) shall be deposited into the crime victims
11 compensation account.

12 When the secretary finds it appropriate and consistent with current
13 laws regarding offenders' legal financial obligations and not unduly
14 destructive of the work incentive, the secretary shall also provide
15 deductions for ~~((restitution~~7~~))~~ savings((~~7~~)) and family support.

16 NEW SECTION. Sec. 8. By January 1, 1994, the secretary of
17 corrections shall submit a report to the chief clerk of the house of
18 representatives and secretary of the senate containing an
19 identification and description of any impediments that the secretary
20 believes might prevent the department from achieving compliance with
21 the inmate work participation percentages specified in section 6 of
22 this act. The secretary also shall include in the report alternative
23 ways to remove any identified impediments. The chief clerk and
24 secretary shall distribute the report to the appropriate standing
25 committees.

26 NEW SECTION. Sec. 9. If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

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