
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.

28 (2) Jointly develop an annual report on the purchase of all
29 correctional industries goods and services through state contracts
30 during the prior fiscal year and establish a tracking mechanism for
31 identifying offenders working in class I and class II jobs in the prior
32 year. The report shall be provided to the chairs of the appropriate
33 committees of the legislature by December 12 of each year.

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

36 State agencies, the legislature, and departments shall purchase for
37 their use all ((articles or products required by the agencies or

1 ~~departments which~~) goods and services that are produced or provided in
2 whole or in part from class II inmate work programs operated by the
3 department of corrections through state contract insofar as those
4 industries are able to meet demands of quantity and quality. These
5 ~~((articles and products))~~ goods and services shall not be purchased
6 from any other source ~~((unless, upon application by the department or~~
7 ~~agency: (1) The department of general administration finds that the~~
8 ~~articles or products do not meet the reasonable requirements of the~~
9 ~~agency or department, (2) are not of equal or better quality, or (3)~~
10 ~~the price of the product or service is higher than that produced by the~~
11 ~~private sector))~~ except as allowed in rules as authorized in RCW
12 72.09.102. Goods and services shall include, but not be limited to,
13 asbestos removal and the cleanup of leaking underground storage tanks
14 on state-owned properties.

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

17 The legislature intends to reduce taxpayers' expenses for asbestos
18 removal and underground storage tank removal on state property. To
19 that end the correctional industries board of directors shall expand
20 class II offender work teams for asbestos abatement and underground
21 storage tank removal. The correctional industries board of directors
22 will base the extent of expansion in these industry programs based on
23 business case analysis prepared by the director of correctional
24 industries and other relevant information. To the extent the newly
25 expanded teams can meet demand, all state agencies shall give priority
26 to contracting industries for asbestos removal and underground storage
27 tank cleanup projects authorized in the state capital budget.

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

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

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

1 All inmates working in prison industries shall participate in the
2 cost of corrections, including costs to develop and implement
3 correctional industries programs. (~~The secretary shall develop a~~
4 ~~formula which can be used to determine the extent to which the wages of~~
5 ~~these inmates will be deducted for this purpose. The amount so~~
6 ~~deducted shall be placed in the general fund and shall be a reasonable~~
7 ~~amount which will not unduly discourage the incentive to work.)) The
8 secretary shall develop a formula which can be used to determine the
9 extent to which the wages or gratuities of offender workers will be
10 deducted to cover the cost of incarceration. The amount so deducted
11 shall be a reasonable amount which will not unduly discourage the
12 incentive to work. The minimum amount deducted from the class I
13 offender worker's wage payment shall be twenty percent of gross wages
14 to reimburse the department for costs of incarceration and ten percent
15 of gross wages to be deposited in the offender's account until it
16 reaches a total of one thousand five hundred dollars.~~

17 The department shall develop the necessary administrative structure
18 to recover offenders' wages and gratuities and keep records of the
19 amount offenders pay for the costs of incarceration. All funds gained
20 from deductions for costs of incarceration shall be deposited in a
21 dedicated fund with the department and shall be used only for the
22 purpose of enhancing and maintaining the correctional industries
23 program until December 31, 2010, and thereafter all funds shall be
24 deposited in the general fund.

25 Consistent with current law regarding offenders' legal financial
26 obligations, an amount shall be deducted from each offender's wage or
27 gratuity payments to satisfy court-ordered legal and financial
28 obligations, and other offender debt. The level of deduction will be
29 set by the secretary.

30 Consistent with federal law, an amount no less than five percent
31 and no greater than twenty percent of gross wages of each class I
32 employee shall be deducted and transmitted to the state crime victims
33 compensation account. The secretary may direct the state treasurer to
34 deposit a portion of these moneys in the crime victims compensation
35 account. (~~Except~~) The secretary shall direct that all moneys
36 received by an inmate(~~(7)~~) for testifying in any judicial proceeding(~~(7~~
37 90)) shall be deposited into the crime victims compensation account.

38 When the secretary finds it appropriate and consistent with current
39 laws regarding offenders' legal financial obligations and not unduly

1 destructive of the work incentive, the secretary shall also provide
2 deductions for (~~restitution~~) savings(~~(7)~~) and family support.

3 NEW SECTION. **Sec. 8.** By January 1, 1994, the secretary of
4 corrections shall submit a report to the chief clerk of the house of
5 representatives and secretary of the senate containing an
6 identification and description of any impediments that the secretary
7 believes might prevent the department from achieving compliance with
8 the inmate work participation percentages specified in section 6 of
9 this act. The secretary also shall include in the report alternative
10 ways to remove any identified impediments. The chief clerk and
11 secretary shall distribute the report to the appropriate standing
12 committees.

13 NEW SECTION. **Sec. 9.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

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