
HOUSE BILL 2300

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Morris, Padden, Long, King and Brough; by request of Department of Corrections and Employment Security Department

Read first time 01/12/94. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to offender work programs; and amending RCW
2 72.09.100.

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

4 **Sec. 1.** RCW 72.09.100 and 1992 c 123 s 1 are each amended to read
5 as follows:

6 It is the intent of the legislature to vest in the department the
7 power to provide for a comprehensive (~~inmate~~) offender work program
8 and to remove statutory and other restrictions which have limited work
9 programs in the past. For purposes of establishing such a
10 comprehensive program, the legislature recommends that the department
11 consider adopting any or all, or any variation of, the following
12 classes of work programs:

13 (1) CLASS I: FREE VENTURE INDUSTRIES. The employer model
14 industries in this class shall be operated and managed in total or in
15 part by any profit or nonprofit organization pursuant to an agreement
16 between the organization and the department. The organization shall
17 produce goods or services for sale to both the public and private
18 sector.

1 The customer model industries in this class shall be operated and
2 managed by the department to provide Washington state manufacturers or
3 businesses with products or services currently produced or provided by
4 out-of-state or foreign suppliers. The correctional industries board
5 of directors shall review these proposed industries before the
6 department contracts to provide such products or services. The review
7 shall include an analysis of the potential impact of the proposed
8 products and services on the Washington state business community and
9 labor market.

10 The department of corrections shall supply appropriate security and
11 custody services without charge to the participating firms.

12 (~~Inmates~~) Offenders who work in free venture industries shall do
13 so at their own choice. They shall be paid a wage comparable to the
14 wage paid for work of a similar nature in the locality in which the
15 industry is located, as determined by the director of correctional
16 industries. If the director cannot reasonably determine the comparable
17 wage, then the pay shall not be less than the federal minimum wage.

18 An offender who is employed in the class I program of correctional
19 industries shall not be eligible for unemployment compensation benefits
20 pursuant to any of the provisions of Title 50 RCW until released on
21 parole or discharged.

22 (2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class
23 shall be state-owned and operated enterprises designed to reduce the
24 costs for goods and services for tax-supported agencies and for
25 nonprofit organizations. The industries selected for development
26 within this class shall, as much as possible, match the available pool
27 of (~~inmate~~) offender work skills and aptitudes with the work
28 opportunities in the free community. The industries shall be closely
29 patterned after private sector industries but with the objective of
30 reducing public support costs rather than making a profit. The
31 products and services of this industry, including purchased products
32 and services necessary for a complete product line, may be sold to
33 public agencies, to nonprofit organizations, and to private contractors
34 when the goods purchased will be ultimately used by a public agency or
35 a nonprofit organization. Clothing manufactured by an industry in this
36 class may be donated to nonprofit organizations that provide clothing
37 free of charge to low-income persons. Correctional industries products
38 and services shall be reviewed by the correctional industries board of
39 directors before offering such products and services for sale to

1 private contractors. The board of directors shall conduct a yearly
2 marketing review of the products and services offered under this
3 subsection. Such review shall include an analysis of the potential
4 impact of the proposed products and services on the Washington state
5 business community. To avoid waste or spoilage and consequent loss to
6 the state, when there is no public sector market for such goods,
7 byproducts and surpluses of timber, agricultural, and animal husbandry
8 enterprises may be sold to private persons, at private sale. Surplus
9 byproducts and surpluses of timber, agricultural and animal husbandry
10 enterprises that cannot be sold to public agencies or to private
11 persons may be donated to nonprofit organizations. All sales of
12 surplus products shall be carried out in accordance with rules
13 prescribed by the secretary.

14 Security and custody services shall be provided without charge by
15 the department of corrections.

16 ((Inmates)) Offenders working in this class of industries shall do
17 so at their own choice and shall be paid for their work on a gratuity
18 scale which shall not exceed the wage paid for work of a similar nature
19 in the locality in which the industry is located and which is approved
20 by the director of correctional industries.

21 (3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in
22 this class shall be operated by the department of corrections. They
23 shall be designed and managed to accomplish the following objectives:

24 (a) Whenever possible, to provide basic work training and
25 experience so that the ((inmate)) offender will be able to qualify for
26 better work both within correctional industries and the free community.
27 It is not intended that an ((inmate's)) offender's work within this
28 class of industries should be his or her final and total work
29 experience as an ((inmate)) offender.

30 (b) Whenever possible, to provide forty hours of work or work
31 training per week.

32 (c) Whenever possible, to offset tax and other public support
33 costs.

34 Supervising, management, and custody staff shall be employees of
35 the department.

36 All able and eligible ((inmates)) offenders who are assigned work
37 and who are not working in other classes of industries shall work in
38 this class.

1 Except for (~~inmates~~) offenders who work in work training
2 programs, (~~inmates~~) offenders in this class shall be paid for their
3 work in accordance with an (~~inmate~~) offender gratuity scale. The
4 scale shall be adopted by the secretary of corrections.

5 (4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class
6 shall be operated by the department of corrections. They shall be
7 designed and managed to provide services in the (~~inmate's~~) offender's
8 resident community at a reduced cost. The services shall be provided
9 to public agencies, to persons who are poor or infirm, or to nonprofit
10 organizations.

11 (~~Inmates~~) Offenders in this program shall reside in facilities
12 owned by, contracted for, or licensed by the department of corrections.
13 A unit of local government shall provide work supervision services
14 without charge to the state and shall pay the (~~inmate's~~) offender's
15 wage.

16 The department of corrections shall reimburse participating units
17 of local government for liability and workers compensation insurance
18 costs.

19 (~~Inmates~~) Offenders who work in this class of industries shall do
20 so at their own choice and shall receive a gratuity which shall not
21 exceed the wage paid for work of a similar nature in the locality in
22 which the industry is located.

23 (5) CLASS V: COMMUNITY SERVICE PROGRAMS. Programs in this class
24 shall be subject to supervision by the department of corrections. The
25 purpose of this class of industries is to enable an offender, placed on
26 community supervision, to work off all or part of a community service
27 order as ordered by the sentencing court.

28 Employment shall be in a community service program operated by the
29 state, local units of government, or a nonprofit agency.

30 To the extent that funds are specifically made available for such
31 purposes, the department of corrections shall reimburse nonprofit
32 agencies for workers compensation insurance costs.

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