

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1033

53rd Legislature
1993 Regular Session

Passed by the House April 19, 1993
Yeas 96 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 6, 1993
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1033** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1033

AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Representatives H. Myers, Bray, Edmondson, Rayburn, Chappell, Ludwig, Kessler, Flemming, Brough, Campbell, L. Johnson, Dunshee and Ogden

Read first time 01/12/93. Referred to Committee on Corrections.

1 AN ACT Relating to city and county jail industries; and adding a
2 new chapter to Title 36 RCW.

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

4 NEW SECTION. **Sec. 1.** Cities and counties have a significant
5 interest in ensuring that inmates in their jails are productive
6 citizens after their release in the community. The legislature finds
7 that there is an expressed need for cities and counties to uniformly
8 develop and coordinate jail industries technical information and
9 program and public safety standards state-wide. It further finds that
10 meaningful jail work industries programs that are linked to formal
11 education and adult literacy training can significantly reduce
12 recidivism, the rising costs of corrections, and criminal activities.
13 It is the purpose and intent of the legislature, through this chapter,
14 to establish a state-wide jail industries program designed to promote
15 inmate rehabilitation through meaningful work experience and reduce the
16 costs of incarceration. The legislature recognizes that inmates should
17 have the responsibility for contributing to the cost of their crime
18 through the wages earned while working in jail industries programs and
19 that such income shall be used to offset the costs of implementing and

1 maintaining local jail industries programs and the costs of
2 incarceration.

3 NEW SECTION. **Sec. 2.** Unless the context clearly requires
4 otherwise, the definitions in this section apply throughout this
5 chapter.

6 (1) "Board" means the state-wide jail industries board of
7 directors.

8 (2) "City" means any city, town, or code city.

9 (3) "Cost accounting center" means a specific industry program
10 operated under the private sector prison industry enhancement
11 certification program as specified in 18 U.S.C. Sec. 1761.

12 (4) "Court-ordered legal financial obligation" means a sum of money
13 that is ordered by a superior, district, or municipal court of the
14 state of Washington for payment of restitution to a victim, a
15 statutorily imposed crime victims compensation fee, court costs, a
16 county or interlocal drug fund, court appointed attorneys' fees and
17 costs of defense, fines, and other legal financial obligations that are
18 assessed as a result of a felony or misdemeanor conviction.

19 (5) "Free venture industries" means types of industries which
20 produce products, goods, or services through two modalities: (a)
21 Employer model: An agreement between city or county and a private
22 sector business or industry or nonprofit organization to produce goods
23 or services to both public and private sectors; (b) customer model: An
24 industry operated and managed to provide Washington state manufacturers
25 or businesses with products or services currently produced, provided,
26 and assembled by out-of-state or foreign suppliers.

27 (6) "Jail inmate" means a preconviction or postconviction resident
28 of a city or county jail who is determined to be eligible to
29 participate in jail inmate work programs according to the eligibility
30 criteria of the work program.

31 (7) "Private sector prison industry enhancement certification
32 program" means that program authorized by the United States justice
33 assistance act of 1984, 18 U.S.C. Sec. 1761.

34 NEW SECTION. **Sec. 3.** A state-wide jail industries board of
35 directors is established. The board shall consist of the following
36 members:

- 1 (1) One sheriff and one police chief, to be selected by the
2 Washington association of sheriffs and police chiefs;
- 3 (2) One county commissioner or one county councilmember to be
4 selected by the Washington state association of counties;
- 5 (3) One city official to be selected by the association of
6 Washington cities;
- 7 (4) Two jail administrators to be selected by the Washington state
8 jail association, one of whom shall be from a county or a city with an
9 established jail industries program;
- 10 (5) One prosecuting attorney to be selected by the Washington
11 association of prosecuting attorneys;
- 12 (6) One administrator from a city or county corrections department
13 to be selected by the Washington correctional association;
- 14 (7) One county clerk to be selected by the Washington association
15 of county clerks;
- 16 (8) Three representatives from labor to be selected by the
17 governor. The representatives may be chosen from a list of nominations
18 provided by state-wide labor organizations representing a cross-section
19 of trade organizations;
- 20 (9) Three representatives from business to be selected by the
21 governor. The representatives may be chosen from a list of nominations
22 provided by state-wide business organizations representing a cross-
23 section of businesses, industries, and all sizes of employers;
- 24 (10) The governor's representative from the employment security
25 department;
- 26 (11) One member representing crime victims, to be selected by the
27 governor;
- 28 (12) One member representing on-line law enforcement officers, to
29 be selected by the governor;
- 30 (13) One member from the department of trade and economic
31 development to be selected by the governor;
- 32 (14) One member representing higher education, vocational
33 education, or adult basic education to be selected by the governor; and
- 34 (15) The governor's representative from the correctional industries
35 division of the state department of corrections shall be an ex officio
36 member for the purpose of coordination and cooperation between prison
37 and jail industries and to further a positive relationship between
38 state and local government offender programs.

1 NEW SECTION. **Sec. 4.** The board shall, at the request of a city or
2 county, offer advice in developing, promoting, and implementing
3 consistent, safe, and efficient offender work programs.

4 The board may also develop guidelines and provide technical
5 assistance for the coordination of jail industries programs with basic
6 educational programs.

7 NEW SECTION. **Sec. 5.** The board shall require a city or a county
8 that establishes a jail industries program to develop a local advisory
9 group, or to use an existing advisory group of the appropriate
10 composition, to advise and guide jail industries program operations.
11 Such an advisory group shall include an equal number of representatives
12 from labor and business. Representation from a sheltered workshop, as
13 defined in RCW 82.04.385, and a crime victim advocacy group, if
14 existing in the local area, should also be included.

15 A local advisory group shall have among its tasks the
16 responsibility of ensuring that a jail industry has minimal negative
17 impact on existing private industries or the labor force in the locale
18 where the industry operates and that a jail industry does not
19 negatively affect employment opportunities for people with
20 developmental disabilities contracted through the operation of
21 sheltered workshops as defined in RCW 82.04.385. In the event a
22 conflict arises between the local business community or labor
23 organizations concerning new jail industries programs, products,
24 services, or wages, the city or county must use the arbitration process
25 established pursuant to section 6 of this act.

26 NEW SECTION. **Sec. 6.** The board, in accordance with chapter 34.05
27 RCW, shall:

28 (1) Establish an arbitration process for resolving conflicts
29 arising among the local business community and labor organizations
30 concerning new industries programs, products, services, or wages;

31 (2) Encourage the development of the collection and analysis of
32 jail industries program data, including long-term tracking information
33 on offender recidivism;

34 (3) Determine, by applying established federal guidelines and
35 criteria, whether a city or a county jail free venture industries
36 program complies with the private sector prison industry enhancement
37 certification program. In so doing, also determine if that industry

1 should be designated as a cost accounting center for the purposes of
2 the federal certification program; and

3 (4) Provide technical assistance with product marketing.

4 NEW SECTION. **Sec. 7.** The board may receive funds from local,
5 county, state, or federal sources and may receive grants to support its
6 activities. The board may establish a reasonable schedule of suggested
7 fees that will support state-wide efforts to promote and facilitate
8 jail industries that would be presented to cities and counties that
9 have established jail industries programs.

10 NEW SECTION. **Sec. 8.** The board shall initially convene at the
11 call of the representative of the correctional industries division of
12 the state department of corrections, together with the jail
13 administrator selected from a city or a county with an established jail
14 industries program, no later than six months after the effective date
15 of this act. Subsequent meetings of the board shall be at the call of
16 the board chairperson. The board shall meet at least twice a year.

17 The board shall elect a chairperson and other such officers as it
18 deems appropriate. However, the chairperson may not be the
19 representative of the correctional industries division of the state
20 department of corrections nor any representative from a state executive
21 branch agency.

22 Members of the board shall serve terms of three years each on a
23 staggered schedule to be established by the first board. For purposes
24 of initiating a staggered schedule of terms, some members of the first
25 board may initially serve two years and some members may initially
26 serve four years.

27 The members of the board shall serve without compensation but may
28 be reimbursed for travel expenses from funds acquired under this
29 chapter.

30 NEW SECTION. **Sec. 9.** A city or a county that implements a jail
31 industries program may establish a separate fund for the operation of
32 the program. This fund shall be a special revenue fund with continuing
33 authority to receive income and pay expenses associated with the jail
34 industries program.

1 NEW SECTION. **Sec. 10.** Cities and counties participating in jail
2 industries are authorized to provide for comprehensive work programs
3 using jail inmate workers at worksites within jail facilities or at
4 such places within the city or county as may be directed by the
5 legislative authority of the city or county, as similarly provided
6 under RCW 36.28.100.

7 NEW SECTION. **Sec. 11.** When an offender is employed in a jail
8 industries program for which pay is allowed, deductions may be made
9 from these earnings for court-ordered legal financial obligations as
10 directed by the court in reasonable amounts that do not unduly
11 discourage the incentive to work. These deductions shall be disbursed
12 as directed in RCW 9.94A.145.

13 In addition, inmates working in jail industries programs shall
14 contribute toward costs to develop, implement, and operate jail
15 industries programs. This amount shall be a reasonable amount that
16 does not unduly discourage the incentive to work. The amount so
17 deducted shall be deposited in the jail industries special revenue
18 fund.

19 Upon request of the offender, family support may also be deducted
20 and disbursed to a designated family member.

21 NEW SECTION. **Sec. 12.** A jail inmate who works in a free venture
22 industry shall be considered an employee of that industry only for the
23 purpose of the Washington industrial safety and health act, chapter
24 49.17 RCW, as long as the public safety is not compromised, and for
25 eligibility for industrial insurance benefits under Title 51 RCW.
26 However, eligibility for benefits for either the inmate or the inmate's
27 dependents or beneficiaries for temporary total disability or permanent
28 total disability under RCW 51.32.090 or 51.32.060, respectively, shall
29 not take effect until the inmate is discharged from custody by order of
30 a court of appropriate jurisdiction. Nothing in this section shall be
31 construed to confer eligibility for any industrial insurance benefits
32 to any jail inmate who is employed in a nonfree venture industry.

33 NEW SECTION. **Sec. 13.** In the event of failure or discontinuance
34 of a free venture industry agreement, responsibility for obligations
35 under Title 51 RCW shall be borne by the city or county responsible for

1 establishment of such free venture industry, as if the city or county
2 had been the employing agency.

3 NEW SECTION. **Sec. 14.** To the extent possible, jail industries
4 programs shall be augmented by education and training to improve worker
5 literacy and employability skills. Such education and training may
6 include, but is not limited to, basic adult education, work towards a
7 certificate of educational competence following successful completion
8 of the general educational development test, vocational and
9 preemployment work maturity skills training, and apprenticeship
10 classes.

11 NEW SECTION. **Sec. 15.** Until sufficient funding is secured by the
12 board to adequately provide staffing, basic staff assistance shall be
13 provided, to the extent possible, by the department of corrections.

14 NEW SECTION. **Sec. 16.** Sections 1 through 15 of this act shall
15 constitute a new chapter in Title 36 RCW.

16 NEW SECTION. **Sec. 17.** If any provision of this act or its
17 application to any person or circumstance is held invalid, the
18 remainder of the act or the application of the provision to other
19 persons or circumstances is not affected.

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