

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5989

53rd Legislature
1993 First Special Session

Passed by the Senate April 30, 1993
YEAS 41 NAYS 3

President of the Senate

Passed by the House May 4, 1993
YEAS 92 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5989** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5989

Passed Legislature - 1993 First Special Session

State of Washington 53rd Legislature 1993 1st Special Session

By Senators Hargrove and Rinehart

Read first time 4/28/93.

1 AN ACT Relating to a six-year phased expansion of class I and class
2 II correctional industries while revising the deductions from inmate
3 wages; amending RCW 43.19.534, 72.09.070, 72.09.080, and 72.09.110;
4 adding a new section to chapter 72.09 RCW; creating new sections;
5 repealing RCW 72.09.102 and 72.60.190; and providing an effective date.

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

7 **Sec. 1.** RCW 43.19.534 and 1986 c 94 s 2 are each amended to read
8 as follows:

9 State agencies, the legislature, and departments shall purchase for
10 their use all (~~(articles or products)~~) goods and services required by
11 the legislature, agencies, or departments (~~(which)~~) that are produced
12 or provided in whole or in part from class II inmate work programs
13 operated by the department of corrections through state contract.
14 These (~~(articles and products)~~) goods and services shall not be
15 purchased from any other source unless, upon application by the
16 department or agency: (1) The department of general administration
17 finds that the articles or products do not meet the reasonable
18 requirements of the agency or department, (2) are not of equal or
19 better quality, or (3) the price of the product or service is higher

1 than that produced by the private sector. However, the criteria
2 contained in (1), (2), and (3) of this section for purchasing goods and
3 services from sources other than correctional industries do not apply
4 to goods and services produced by correctional industries that
5 primarily replace goods manufactured or services obtained from outside
6 the state. The department of corrections and department of general
7 administration shall adopt administrative rules that implement this
8 section.

9 NEW SECTION. Sec. 2. A new section is added to chapter 72.09 RCW
10 to read as follows:

11 (1) The secretary shall deduct from the gross wages or gratuities
12 of each inmate working in class I or class II correctional industries
13 work programs, or of any inmate earning more than the state minimum
14 wage, other than an inmate under the jurisdiction of the division of
15 community corrections, taxes and legal financial obligations.
16 Following the deductions for legal financial obligations and taxes,
17 deductions from the remaining wages or gratuities shall be:

18 (a) Ten percent to the public safety and education account for the
19 purpose of crime victims' compensation;

20 (b) Ten percent to a department personal inmate savings account
21 until such account has a balance of at least nine hundred fifty
22 dollars; and

23 (c) Thirty percent to the department to contribute to the cost of
24 incarceration.

25 Any person sentenced to life imprisonment without possibility of
26 release or parole under chapter 10.95 RCW shall be exempt from the
27 requirement under (b) of this subsection, but shall have a forty
28 percent deduction taken under (c) of this subsection.

29 The department personal inmate savings account, together with any
30 accrued interest, shall only be available to an inmate at the time of
31 his or her release from confinement. Once the department personal
32 inmate savings account for an inmate has a balance of at least nine
33 hundred fifty dollars, the ten percent deduction shall continue to be
34 taken and be used to contribute to the cost of incarceration.

35 (2) The department shall explore other methods of recovering a
36 portion of the cost of the inmate's incarceration and for encouraging
37 participation in work programs, including development of incentive

1 programs that offer inmates benefits and amenities paid for only from
2 wages earned while working in a correctional industries work program.

3 (3) The department shall develop the necessary administrative
4 structure to recover inmates' wages and keep records of the amount
5 inmates pay for the costs of incarceration and amenities. All funds
6 deducted from inmate wages under subsection (1) of this section for the
7 purpose of contributions to the cost of incarceration under subsection
8 (1)(c) of this section shall be deposited in a dedicated fund with the
9 department and shall be used only for the purpose of enhancing and
10 maintaining correctional industries work programs until December 31,
11 2000, and thereafter all such funds shall be deposited in the general
12 fund.

13 (4) The expansion of inmate employment in class I and class II
14 correctional industries shall be implemented according to the following
15 schedule:

16 (a) Not later than June 30, 1995, the secretary shall achieve a net
17 increase of at least two hundred in the number of inmates employed in
18 class I or class II correctional industries work programs above the
19 number so employed on the effective date of this act;

20 (b) Not later than June 30, 1996, the secretary shall achieve a net
21 increase of at least four hundred in the number of inmates employed in
22 class I or class II correctional industries work programs above the
23 number so employed on the effective date of this act;

24 (c) Not later than June 30, 1997, the secretary shall achieve a net
25 increase of at least six hundred in the number of inmates employed in
26 class I or class II correctional industries work programs above the
27 number so employed on the effective date of this act;

28 (d) Not later than June 30, 1998, the secretary shall achieve a net
29 increase of at least nine hundred in the number of inmates employed in
30 class I or class II correctional industries work programs above the
31 number so employed on the effective date of this act;

32 (e) Not later than June 30, 1999, the secretary shall achieve a net
33 increase of at least one thousand two hundred in the number of inmates
34 employed in class I or class II correctional industries work programs
35 above the number so employed on the effective date of this act;

36 (f) Not later than June 30, 2000, the secretary shall achieve a net
37 increase of at least one thousand five hundred in the number of inmates
38 employed in class I or class II correctional industries work programs
39 above the number so employed on the effective date of this act.

1 (5) It shall be in the discretion of the secretary to apportion the
2 inmates between class I and class II depending on available contracts
3 and resources.

4 **Sec. 3.** RCW 72.09.070 and 1989 c 185 s 4 are each amended to read
5 as follows:

6 (1) There is created a correctional industries board of directors
7 which shall have the composition provided in RCW 72.09.080.

8 (2) Consistent with general department of corrections policies and
9 procedures pertaining to the general administration of correctional
10 facilities, the board shall establish and implement policy for
11 correctional industries programs designed to:

12 (a) Offer inmates meaningful employment, work experience, and
13 training in vocations (~~which may provide~~) that are specifically
14 designed to reduce recidivism and thereby enhance public safety by
15 providing opportunities for legitimate means of livelihood upon their
16 release from custody;

17 (b) Provide industries which will reduce the tax burden of
18 corrections and save taxpayers money through production of goods and
19 services for sale and use;

20 (c) Operate correctional work programs in an effective and
21 efficient manner which are as similar as possible to those provided by
22 the private sector;

23 (d) Encourage the development of and provide for selection of,
24 contracting for, and supervision of work programs with participating
25 private enterprise firms;

26 (e) Develop and design correctional industries work programs;

27 (f) Invest available funds in correctional industries enterprises
28 and meaningful work programs that minimize the impact on in-state jobs
29 and businesses.

30 (3) The board of directors shall at least annually review the work
31 performance of the director of correctional industries division with
32 the secretary.

33 (4) The director of correctional industries division shall review
34 and evaluate the productivity, funding, and appropriateness of all
35 correctional work programs and report on their effectiveness to the
36 board and to the secretary.

37 (5) The board of directors shall have the authority to identify and
38 establish trade advisory or apprenticeship committees to advise them on

1 correctional industries work programs. The secretary shall appoint the
2 members of the committees.

3 Where a labor management trade advisory and apprenticeship
4 committee has already been established by the department pursuant to
5 RCW 72.62.050 the existing committee shall also advise the board of
6 directors.

7 **Sec. 4.** RCW 72.09.080 and 1989 c 185 s 5 are each amended to read
8 as follows:

9 (1) The correctional industries board of directors shall consist of
10 nine voting members, appointed by the governor (~~(upon recommendation by~~
11 ~~the secretary)~~). Each member shall serve a three-year staggered term.
12 Initially, the governor shall appoint three members to one-year terms,
13 three members to two-year terms, and three members to three-year terms.
14 The speaker of the house of representatives and the president of the
15 senate shall each appoint one member from each of the two largest
16 caucuses in their respective houses. The legislators so appointed
17 shall be nonvoting members and shall serve two-year terms, or until
18 they cease to be members of the house from which they were appointed,
19 whichever occurs first. The nine members appointed by the governor
20 shall include three representatives from ~~((both))~~ labor ~~((and~~
21 ~~industry))~~, three representatives from business representing cross-
22 sections of industries and all sizes of employers, and three members
23 from the general public.

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

26 (3) The voting members of the board of directors shall serve with
27 compensation pursuant to RCW 43.03.240 and shall be reimbursed by the
28 department for travel expenses and per diem under RCW 43.03.050 and
29 43.03.060, as now or hereafter amended. Legislative members shall be
30 reimbursed under RCW 44.04.120, as now or hereafter amended.

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

33 **Sec. 5.** RCW 72.09.110 and 1991 c 133 s 1 are each amended to read
34 as follows:

35 All inmates working in prison industries shall participate in the
36 cost of corrections, including costs to develop and implement
37 correctional industries programs(~~(. The secretary shall develop a~~

1 formula which can be used to determine the extent to which the wages of
2 these inmates will be deducted for this purpose. The amount so
3 deducted shall be placed in the general fund and shall be a reasonable
4 amount which will not unduly discourage the incentive to work)), by
5 means of deductions from their gross wages. The secretary may direct
6 the state treasurer to deposit a portion of these moneys in the crime
7 victims compensation account. ((Except)) The secretary shall direct
8 that all moneys received by an inmate((7)) for testifying in any
9 judicial proceeding((7-90)) shall be deposited into the crime victims
10 compensation account.

11 When the secretary finds it appropriate and not unduly destructive
12 of the work incentive, the secretary ((shall)) may also provide
13 deductions for ((restitution7)) savings((7)) and family support.

14 NEW SECTION. Sec. 6. The secretary of corrections shall submit to
15 the legislature by January 1, 1994, an implementation plan for this
16 act. The plan shall assume a level of funding based on revenue
17 received from inmate wages under section 2 of this act to accomplish
18 expansion of class I and class II correctional industries work
19 programs. The plan shall consider, but not be limited to, the
20 following:

- 21 (1) Maximizing the use of existing facilities and any facilities
22 authorized in the 1993-1995 capital and operating budgets;
23 (2) The appropriate number of work shifts at each facility; and
24 (3) Appropriate inmate housing arrangements.

25 NEW SECTION. Sec. 7. By January 1, 1994, the secretary of
26 corrections shall submit a report to the appropriate standing
27 committees of the legislature containing an identification and
28 description of any impediments which the secretary believes might
29 prevent the department from achieving compliance with section 2 of this
30 act. The secretary also shall include, in the report, alternative ways
31 to remove any identified impediments.

32 NEW SECTION. Sec. 8. The following acts or parts of acts are each
33 repealed:

- 34 (1) RCW 72.09.102 and 1986 c 94 s 1; and
35 (2) RCW 72.60.190 and 1981 c 136 s 104, 1979 ex.s. c 160 s 4, &
36 1959 c 28 s 72.60.190.

1 NEW SECTION. **Sec. 9.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 10.** Section 2 of this act shall take effect
6 June 30, 1994.

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