

2 **E2SHB 2010 - H AMD 936**

3 By Representative Ballisiotes

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds the increasing number  
8 of inmates incarcerated in state correctional institutions, and the  
9 expenses associated with their incarceration, require expanded efforts  
10 to contain corrections costs. Cost containment requires improved  
11 planning and oversight, and increased accountability and responsibility  
12 on the part of inmates and the department.

13 The legislature further finds motivating inmates to participate in  
14 meaningful education and work programs in order to learn transferable  
15 skills and earn basic privileges is an effective and efficient way to  
16 meet the penological objectives of the corrections system.

17 The purpose of this act is to assure that the department fulfills  
18 its mission to reduce offender recidivism, to mirror the values of the  
19 community by clearly linking inmate behavior to receipt of privileges,  
20 and to prudently manage the resources it receives through tax dollars.  
21 This purpose is accomplished through the implementation of specific  
22 cost-control measures and creation of a planning and oversight process  
23 that will improve the department's effectiveness and efficiencies.

24 **Sec. 2.** RCW 72.09.010 and 1981 c 136 s 2 are each amended to read  
25 as follows:

26 It is the intent of the legislature to establish a comprehensive  
27 system of corrections for convicted law violators within the state of  
28 Washington to accomplish the following objectives.

29 (1) The system should ensure the public safety. The system should  
30 be designed and managed to provide the maximum feasible safety for the  
31 persons and property of the general public, the staff, and the inmates.

32 (2) The system should punish the offender for violating the laws of  
33 the state of Washington. This punishment should generally be limited  
34 to the denial of liberty of the offender.

1       (3) The system should positively impact offenders by stressing  
2 personal responsibility and accountability and by discouraging  
3 recidivism.

4       (4) The system should treat all offenders fairly and equitably  
5 without regard to race, religion, sex, national origin, residence, or  
6 social condition.

7       (~~(4)~~) (5) The system, as much as possible, should reflect the  
8 values of the community including:

9       (a) Avoiding idleness. Idleness is not only wasteful but  
10 destructive to the individual and to the community.

11       (b) Adoption of the work ethic. It is the community expectation  
12 that all (~~citizens~~) individuals should work and through their efforts  
13 benefit both themselves and the community.

14       (c) Providing opportunities for self improvement. All individuals  
15 should have opportunities to grow and expand their skills and abilities  
16 so as to fulfill their role in the community.

17       (d) (~~Providing tangible rewards for accomplishment.~~) Linking the  
18 receipt or denial of privileges to responsible behavior and  
19 accomplishments. The individual who works to improve himself or  
20 herself and the community should be rewarded for these efforts. As a  
21 corollary, there should be no rewards for no effort.

22       (e) Sharing in the obligations of the community. All citizens, the  
23 public and inmates alike, have a personal and fiscal obligation in the  
24 corrections system. All communities must share in the responsibility  
25 of the corrections system.

26       (~~(5)~~) (6) The system should provide for prudent management of  
27 resources. The avoidance of unnecessary or inefficient public  
28 expenditures on the part of offenders and the department is essential.  
29 Offenders must be accountable to the department, and the department to  
30 the public and the legislature. The human and fiscal resources of the  
31 community are limited. The management and use of these resources can  
32 be enhanced by wise investment, productive programs, the reduction of  
33 duplication and waste, and the joining together of all involved parties  
34 in a common endeavor. Since (~~virtually all~~) most offenders return to  
35 the community, it is wise for the state and the communities to make an  
36 investment in effective rehabilitation programs for offenders and the  
37 wise use of resources.

1       (~~(6)~~) (7) The system should provide for restitution. Those who  
2 have damaged others, persons or property, have a responsibility to make  
3 restitution for these damages.

4       (~~(7)~~) (8) The system should be accountable to the citizens of the  
5 state. In return, the individual citizens and local units of  
6 government must meet their responsibilities to make the corrections  
7 system effective.

8       (~~(8)~~) (9) The system should meet those national standards which  
9 the state determines to be appropriate.

10       **Sec. 3.** RCW 72.09.015 and 1987 c 312 s 2 are each amended to read  
11 as follows:

12       The definitions in this section apply throughout this chapter.

13       (1) (~~("Department" means the department of corrections.~~

14       ~~(2) "Secretary" means the secretary of corrections.~~

15       ~~(3) "County" refers to a county or combination of counties.~~

16       ~~(4))~~ "Base level of correctional services" means the minimum level  
17 of field services the department of corrections is required by statute  
18 to provide for the supervision and monitoring of offenders.

19       (2) "Contraband" means any object or communication the secretary  
20 determines shall not be allowed to be: (a) Brought into; (b) possessed  
21 while on the grounds of; or (c) sent from any institution under the  
22 control of the secretary.

23       (3) "County" means a county or combination of counties.

24       (4) "Department" means the department of corrections.

25       (5) "Earned early release" means earned early release as authorized  
26 by RCW 9.94A.150.

27       (6) "Extended family visit" means an authorized visit between an  
28 inmate and a member of his or her immediate family that occurs in a  
29 private visiting unit located at the correctional facility where the  
30 inmate is confined.

31       (7) "Good conduct" means compliance with department rules and  
32 policies.

33       (8) "Good performance" means successful completion of a program  
34 required by the department, including an education, work, or other  
35 program.

36       (9) "Immediate family" means the inmate's children, stepchildren,  
37 grandchildren, great grandchildren, parents, stepparents, grandparents,  
38 great grandparents, siblings, and a person legally married to an

1 inmate. "Immediate family" does not include an inmate adopted by  
2 another inmate or the immediate family of the adopted or adopting  
3 inmate.

4 (10) "Indigent inmate," "indigent," and "indigency" mean an inmate  
5 who has less than a ten-dollar balance of disposable income in his or  
6 her institutional account on the day a request is made to utilize funds  
7 and during the thirty days previous to the request.

8 (11) "Inmate" means a person committed to the custody of the  
9 department, including but not limited to persons residing in a  
10 correctional institution or facility and persons released on furlough,  
11 work release, or community custody, and persons received from another  
12 state, state agency, county, or federal jurisdiction.

13 (12) "Privilege" means any goods or services, education or work  
14 programs, or earned early release days, the receipt of which are  
15 directly linked to an inmate's (a) good conduct; and (b) good  
16 performance. Privileges do not include any goods or services the  
17 department is required to provide under the state or federal  
18 Constitution or under state or federal law.

19 (13) "Secretary" means the secretary of corrections or his or her  
20 designee.

21 (14) "Superintendent" means the superintendent of a correctional  
22 facility under the jurisdiction of the Washington state department of  
23 corrections, or his or her designee.

24 (15) "Work programs" means all classes of correctional industries  
25 jobs authorized under RCW 72.09.100.

26 NEW SECTION. Sec. 4. A new section is added to chapter 72.09 RCW  
27 to read as follows:

28 (1) An inmate shall not be denied access to services or supplies  
29 required by state or federal law solely on the basis of his or her  
30 inability to pay for them.

31 (2) The department shall record all lawfully authorized assessments  
32 for services or supplies as a debt to the department and shall recoup  
33 the assessments when the inmate's institutional account exceeds the  
34 indigency standard.

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

1 (1) The legislature intends that all inmates be required to  
2 participate in department-approved education programs, work programs,  
3 or both, unless exempted under subsection (3) of this section.  
4 Eligible inmates who refuse to participate in available education or  
5 work programs available at no charge to the inmates shall lose  
6 privileges according to the system established under RCW 72.09.130.  
7 Eligible inmates who are required to contribute financially to an  
8 education or work program and refuse to contribute shall be placed in  
9 another work program. Refusal to contribute shall not result in a loss  
10 of privileges. The legislature recognizes more inmates may agree to  
11 participate in education and work programs than are available. The  
12 department must make every effort to achieve maximum public benefit by  
13 placing inmates in available and appropriate education and work  
14 programs.

15 (2) The department shall, to the extent possible and considering  
16 all available funds, prioritize its resources to meet the following  
17 goals for inmates in the order listed:

18 (a) Achievement of basic academic skills through obtaining a high  
19 school diploma or its equivalent and achievement of vocational skills  
20 necessary for purposes of work programs and for an inmate to qualify  
21 for work upon release;

22 (b) Additional work and education programs based on assessments and  
23 placements under subsection (4) of this section; and

24 (c) Other work and education programs as appropriate.

25 (3) The department shall establish, by rule, objective medical  
26 standards to determine when an inmate is physically or mentally unable  
27 to participate in available education or work programs. When the  
28 department determines an inmate is permanently unable to participate in  
29 any available education or work program due to a medical condition, the  
30 inmate is exempt from the requirement under subsection (1) of this  
31 section. When the department determines an inmate is temporarily  
32 unable to participate in an education or work program due to a medical  
33 condition, the inmate is exempt from the requirement of subsection (1)  
34 of this section for the period of time he or she is temporarily  
35 disabled. The department shall periodically review the medical  
36 condition of all temporarily disabled inmates to ensure the earliest  
37 possible entry or reentry by inmates into available programming.

1 (4) The department shall establish, by rule, standards for  
2 participation in department-approved education and work programs. The  
3 standards shall address the following areas:

4 (a) Assessment. The department shall assess all inmates for their  
5 basic academic skill levels using a professionally accepted method of  
6 scoring reading, math, and language skills as grade level equivalents.  
7 The department shall determine an inmate's education history, work  
8 history, and vocational or work skills. The initial assessment shall  
9 be conducted, whenever possible, within the first thirty days of an  
10 inmate's entry into the correctional system, except that initial  
11 assessments are not required for inmates who are sentenced to life  
12 without the possibility of release, assigned to an intensive management  
13 unit within the first thirty days after entry into the correctional  
14 system, are returning to the correctional system within one year of a  
15 prior release, or whose physical or mental condition renders them  
16 unable to complete the assessment process. The department shall track  
17 and record changes in the basic academic skill levels of all inmates  
18 reflected in any testing or assessment performed as part of their  
19 education programming;

20 (b) Placement. The department shall follow the policies set forth  
21 in subsection (1) of this section in establishing criteria for placing  
22 inmates in education and work programs. The department shall, to the  
23 extent possible, place all inmates whose composite grade level score  
24 for basic academic skills is below the eighth grade level in a combined  
25 education and work program. The placement criteria shall include at  
26 least the following factors:

27 (i) An inmate's release date and custody level, except an inmate  
28 shall not be precluded from participating in an education or work  
29 program solely on the basis of his or her release date;

30 (ii) An inmate's education history and basic academic skills;

31 (iii) An inmate's work history and vocational or work skills;

32 (iv) An inmate's economic circumstances, including but not limited  
33 to an inmate's family support obligations; and

34 (v) Where applicable, an inmate's prior performance in department-  
35 approved education or work programs;

36 (c) Performance and goals. The department shall establish, and  
37 periodically review, inmate behavior standards and program goals for  
38 all education and work programs. Inmates shall be notified of  
39 applicable behavior standards and program goals prior to placement in

1 an education or work program and shall be removed from the education or  
2 work program if they consistently fail to meet the standards or goals;

3 (d) Financial responsibility. (i) The department shall establish  
4 a formula by which inmates, based on their ability to pay, shall pay  
5 all or a portion of the costs or tuition of certain programs. Inmates  
6 shall, based on the formula, pay a portion of the costs or tuition of  
7 participation in:

8 (A) Second and subsequent vocational programs associated with an  
9 inmate's work programs; and

10 (B) An associate of arts or baccalaureate degree program when  
11 placement in a degree program is the result of a placement made under  
12 this subsection;

13 (ii) Inmates shall pay all costs and tuition for participation in:

14 (A) Any postsecondary academic degree program which is entered  
15 independently of a placement decision made under this subsection; and

16 (B) Second and subsequent vocational programs not associated with  
17 an inmate's work program.

18 Enrollment in any program specified in (d)(ii) of this subsection  
19 shall only be allowed by correspondence or if there is an opening in an  
20 education or work program at the institution where an inmate is  
21 incarcerated and no other inmate who is placed in a program under this  
22 subsection will be displaced; and

23 (e) Notwithstanding any other provision in this section, an inmate  
24 sentenced to life without the possibility of release:

25 (i) Shall not be required to participate in education programming;  
26 and

27 (ii) May receive not more than one postsecondary academic degree in  
28 a program offered by the department or its contracted providers.

29 If an inmate sentenced to life without the possibility of release  
30 requires prevocational or vocational training for a work program, he or  
31 she may participate in the training subject to this section.

32 (5) The department shall coordinate education and work programs  
33 among its institutions, to the greatest extent possible, to facilitate  
34 continuity of programming among inmates transferred between  
35 institutions. Before transferring an inmate enrolled in a program, the  
36 department shall consider the effect the transfer will have on the  
37 inmate's ability to continue or complete a program. This subsection  
38 shall not be used to delay or prohibit a transfer necessary for  
39 legitimate safety or security concerns.

1 (6) Before construction of a new correctional institution or  
2 expansion of an existing correctional institution, the department shall  
3 adopt a plan demonstrating how cable, closed-circuit, and satellite  
4 television will be used for education and training purposes in the  
5 institution. The plan shall specify how the use of television in the  
6 education and training programs will improve inmates' preparedness for  
7 available work programs and job opportunities for which inmates may  
8 qualify upon release.

9 (7) The department shall adopt a plan to reduce the per-pupil cost  
10 of instruction by, among other methods, increasing the use of volunteer  
11 instructors and implementing technological efficiencies. The plan  
12 shall be adopted by December 1996 and shall be transmitted to the  
13 legislature upon adoption. The department shall, in adoption of the  
14 plan, consider distance learning, satellite instruction, video tape  
15 usage, computer-aided instruction, and flexible scheduling of offender  
16 instruction.

17 (8) Following completion of the review required by section 27(3) of  
18 this act the department shall take all necessary steps to assure the  
19 vocation and education programs are relevant to work programs and  
20 skills necessary to enhance the employability of inmates upon release.

21 **Sec. 6.** RCW 72.09.130 and 1981 c 136 s 17 are each amended to read  
22 as follows:

23 (1) The department shall adopt, by rule, a system (~~((providing~~  
24 ~~incentives for good conduct and disincentives for poor conduct))~~ that  
25 clearly links an inmate's behavior and participation in available  
26 education and work programs with the receipt or denial of earned early  
27 release days and other privileges. The system (~~((may))~~) shall include  
28 increases or decreases in the degree of liberty granted the inmate  
29 within the programs operated by the department, access to or  
30 withholding of privileges available within correctional institutions,  
31 and recommended increases or decreases in the number of earned early  
32 release days that an inmate can earn for good conduct and good  
33 performance.

34 (2) Earned early release days shall be recommended by the  
35 department as a (~~((form of tangible))~~) reward for accomplishment. The  
36 system shall be fair, measurable, and understandable to offenders,  
37 staff, and the public. At least once in each twelve-month period, the  
38 department shall inform the offender in writing as to his or her



1 conduct and performance. This written evaluation shall include reasons  
2 for awarding or not awarding recommended earned early release days for  
3 good conduct and good performance. (~~The term "good performance" as~~  
4 ~~used in this section means successfully performing a work, work~~  
5 ~~training, or educational task to levels of expectation as specified in~~  
6 ~~writing by the department. The term "good conduct" as used in this~~  
7 ~~section refers to compliance with department rules.~~

8 Within one year after July 1, 1981, the department shall adopt, and  
9 provide a written description of, the system.)) An inmate is not  
10 eligible to receive earned early release days during any time in which  
11 he or she refuses to participate in an available education or work  
12 program into which he or she has been placed under section 5 of this  
13 act.

14 (3) The department shall provide (~~a copy of this description to~~)  
15 each offender in its custody a written description of the system  
16 created under this section.

17 NEW SECTION. Sec. 7. A new section is added to chapter 72.09 RCW  
18 to read as follows:

19 To the greatest extent practical, all inmates shall contribute to  
20 the cost of privileges. The department shall establish standards by  
21 which inmates shall contribute a portion of the department's capital  
22 costs of providing privileges, including television cable access,  
23 extended family visitation, weight lifting, and other recreational  
24 sports equipment and supplies. The standards shall also require  
25 inmates to contribute a significant portion of the department's  
26 operating costs directly associated with providing privileges,  
27 including staff and supplies. Inmate contributions may be in the form  
28 of individual user fees assessed against an inmate's institution  
29 account, deductions from an inmate's gross wages or gratuities, or  
30 inmates' collective contributions to the institutional  
31 welfare/betterment fund. The department shall make every effort to  
32 maximize individual inmate contributions to payment for privileges.  
33 The department shall not limit inmates' financial support for  
34 privileges to contributions from the institutional welfare/betterment  
35 fund. The standards shall consider the assets available to the  
36 inmates, the cost of administering compliance with the contribution  
37 requirements, and shall promote a responsible work ethic.

1        NEW SECTION.    **Sec. 8.**    A new section is added to chapter 72.09 RCW  
2 to read as follows:

3        When an inmate receives any funds in addition to his or her wages  
4 or gratuities, the additional funds shall be subject to the deductions  
5 in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11  
6 RCW.

7        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 72.09 RCW  
8 to read as follows:

9        (1) The department shall establish a uniform policy on the  
10 privilege of extended family visitation. Not fewer than sixty days  
11 before making any changes in any policy on extended family visitation,  
12 the department shall:    (a) Notify the appropriate legislative  
13 committees of the proposed change; and (b) notify the committee created  
14 under section 23 of this act of the proposed change. The department  
15 shall seek the advice of the committee established under section 23 of  
16 this act and other appropriate committees on all proposed changes and  
17 shall, before the effective date of any change, offer the committees an  
18 opportunity to provide input on proposed changes.

19        (2) In addition to its duties under chapter 34.05 RCW, the  
20 department shall provide the committee established under section 23 of  
21 this act and other appropriate committees of the legislature a written  
22 copy of any proposed adoption, revision, or repeal of any rule relating  
23 to extended family visitation. Except for adoption, revision, or  
24 repeal of a rule on an emergency basis, the copy shall be provided not  
25 fewer than thirty days before any public hearing scheduled on the rule.

26        NEW SECTION.    **Sec. 10.**    A new section is added to chapter 72.09 RCW  
27 to read as follows:

28        An inmate found by the superintendent in the institution in which  
29 the inmate is incarcerated to have committed an aggravated assault  
30 against another person, under rules adopted by the department, is  
31 prohibited from participating in weight lifting for a period of two  
32 years from the date the finding is made. At the conclusion of the two-  
33 year period the superintendent shall review the inmate's infraction  
34 record to determine if additional weight-lifting prohibitions are  
35 appropriate. If, based on the review, it is determined by the  
36 superintendent that the inmate poses a threat to the safety of others  
37 or the order of the facility, or otherwise does not meet requirements

1 for the weight-lifting privilege, the superintendent may impose an  
2 additional reasonable restriction period.

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 72.09 RCW  
4 to read as follows:

5 Purchases of recreational equipment following the effective date of  
6 this act shall be cost-effective and, to the extent possible, minimize  
7 an inmate's ability to substantially increase muscle mass. Dietary  
8 supplements made for the sole purpose of increasing muscle mass shall  
9 not be available for purchase by inmates unless prescribed by a  
10 physician for medical purposes or for inmates officially competing in  
11 department-sanctioned competitive weight lifting.

12 NEW SECTION. **Sec. 12.** A new section is added to chapter 72.09 RCW  
13 to read as follows:

14 No inmate may acquire or possess a television for personal use for  
15 at least sixty days following completion of his or her intake and  
16 evaluation process at the Washington Corrections Center or the  
17 Washington Corrections Center for Women.

18 NEW SECTION. **Sec. 13.** A new section is added to chapter 72.09 RCW  
19 to read as follows:

20 The secretary shall, in consultation with the attorney general,  
21 adopt by rule a uniform policy that prohibits receipt or possession of  
22 anything that is determined to be contraband. The rule shall provide  
23 consistent maximum protection of legitimate penological interests,  
24 including prison security and order and deterrence of criminal  
25 activity. The rule shall protect the legitimate interests of the  
26 public and inmates in the exchange of ideas. The secretary shall  
27 establish a method of reviewing all incoming and outgoing material,  
28 consistent with constitutional constraints, for the purpose of  
29 confiscating anything determined to be contraband. The secretary shall  
30 consult regularly with the committee created under section 23 of this  
31 act on the development of the policy and implementation of the rule.

32 **Sec. 14.** RCW 4.24.130 and 1995 c 246 s 34 are each amended to read  
33 as follows:

34 (1) Any person desiring a change of his or her name or that of his  
35 or her child or ward, may apply therefor to the district court of the

1 judicial district in which he or she resides, by petition setting forth  
2 the reasons for such change; thereupon such court in its discretion may  
3 order a change of the name and thenceforth the new name shall be in  
4 place of the former.

5 (2) An offender under the jurisdiction of the department of  
6 corrections who applies to change his or her name under subsection (1)  
7 of this section shall submit a copy of the application to the  
8 department of corrections not fewer than five days before the entry of  
9 an order granting the name change. No offender under the jurisdiction  
10 of the department of corrections at the time of application shall be  
11 granted an order changing his or her name if the court finds that doing  
12 so will interfere with legitimate penological interests, except that no  
13 order shall be denied when the name change is requested for religious  
14 or legitimate cultural reasons or in recognition of marriage or  
15 dissolution of marriage. An offender under the jurisdiction of the  
16 department of corrections who receives an order changing his or her  
17 name shall submit a copy of the order to the department of corrections  
18 within five days of the entry of the order. Violation of this  
19 subsection is a misdemeanor.

20 (3) The district court shall collect the fees authorized by RCW  
21 36.18.010 for filing and recording a name change order, and transmit  
22 the fee and the order to the county auditor. The court may collect a  
23 reasonable fee to cover the cost of transmitting the order to the  
24 county auditor.

25 ~~((+2))~~ (4) Name change petitions may be filed and shall be heard  
26 in superior court when the person desiring a change of his or her name  
27 or that of his or her child or ward is a victim of domestic violence as  
28 defined in RCW 26.50.010(1) and the person seeks to have the name  
29 change file sealed due to reasonable fear for his or her safety or that  
30 of his or her child or ward. Upon granting the name change, the  
31 superior court shall seal the file if the court finds that the safety  
32 of the person seeking the name change or his or her child or ward  
33 warrants sealing the file. In all cases filed under this subsection,  
34 whether or not the name change petition is granted, there shall be no  
35 public access to any court record of the name change filing,  
36 proceeding, or order, unless the name change is granted but the file is  
37 not sealed.

1        NEW SECTION.    **Sec. 15.**    A new section is added to chapter 72.09 RCW  
2 to read as follows:

3        The department may require an offender who obtains an order under  
4 RCW 4.24.130 to use the name under which he or she was committed to the  
5 department during all official communications with department personnel  
6 and in all matters relating to the offender's incarceration or  
7 community supervision. An offender officially communicating with the  
8 department may also use his or her new name in addition to the name  
9 under which he or she was committed. Violation of this section is a  
10 misdemeanor.

11        **Sec. 16.**    RCW 72.10.010 and 1989 c 157 s 2 are each amended to read  
12 as follows:

13        As used in this chapter:

14        (1) "Department" means the department of corrections.

15        (2) "Health care practitioner" means an individual or firm licensed  
16 or certified to actively engage in a regulated health profession.

17        (3) "Health profession" means ~~((and includes))~~ those licensed or  
18 regulated professions set forth in RCW 18.120.020(4).

19        (4) "Health care facility" means any hospital, hospice care center,  
20 licensed or certified health care facility, health maintenance  
21 organization regulated under chapter 48.46 RCW, federally qualified  
22 health maintenance organization, federally approved renal dialysis  
23 center or facility ~~((federally approved under 42 CFR 405.2100))~~, or  
24 federally approved blood bank ~~((federally licensed under 21 CFR 607))~~.

25        (5) "Health care services" means ~~((and includes))~~ medical, dental,  
26 and mental health care services.

27        (6) "Secretary" means the secretary of the department ~~((of~~  
28 ~~corrections))~~.

29        (7) "Superintendent" means the superintendent of a correctional  
30 facility under the jurisdiction of the department, or his or her  
31 designee.

32        **Sec. 17.**    RCW 72.10.020 and 1989 c 157 s 3 are each amended to read  
33 as follows:

34        (1) Upon entry into the correctional system, offenders shall  
35 receive an initial medical examination. The department shall prepare  
36 a health profile for each offender that includes at least the following  
37 information: (a) An identification of the offender's serious medical

1 and dental needs; (b) an evaluation of the offender's capacity for work  
2 and recreation; and (c) a financial assessment of the offender's  
3 ability to pay for all or a portion of his or her health care services  
4 from personal resources or private insurance.

5 (2)(a) The department may develop and implement a ((health  
6 services)) plan for the delivery of health care services and personal  
7 hygiene items to ((inmates)) offenders in the department's ((custody))  
8 correctional facilities, at the discretion of the secretary, and in  
9 conformity with federal law.

10 (b) To discourage unwarranted use of health care services caused by  
11 unnecessary visits to health care providers, offenders shall  
12 participate in the costs of their health care services by paying a  
13 nominal amount of no less than three dollars per visit, as determined  
14 by the secretary. Under the authority granted in RCW 72.01.050(2), the  
15 secretary may authorize the superintendent to collect this amount  
16 directly from an offender's institution account. All copayments  
17 collected from offenders' institution accounts shall be deposited into  
18 the general fund.

19 (c) Offenders are required to make copayments for initial health  
20 care visits that are offender initiated and, by rule adopted by the  
21 department, may be charged a copayment for subsequent visits related to  
22 the medical condition which caused the initial visit. Offenders are  
23 not required to pay for emergency treatment or for visits initiated by  
24 health care staff or treatment of those conditions that constitute a  
25 serious health care need.

26 (d) No offender may be refused any health care service because of  
27 indigence.

28 (e) At no time shall the withdrawal of funds for the payment of a  
29 medical service copayment result in reducing an offender's institution  
30 account to an amount less than the level of indigency as defined in  
31 chapter 72.09 RCW.

32 (3)(a) The department shall report annually to the legislature the  
33 following information for the fiscal year preceding the report: (i)  
34 The total number of health care visits made by offenders; (ii) the  
35 total number of copayments assessed; (iii) the total dollar amount of  
36 copayments collected; (iv) the total number of copayments not collected  
37 due to an offender's indigency; and (v) the total number of copayments  
38 not assessed due to the serious or emergent nature of the health care  
39 treatment or because the health care visit was not offender initiated.

1       (b) The first report required under this section shall be submitted  
2 not later than October 1, 1996, and shall include, at a minimum, all  
3 available information collected through the second half of fiscal year  
4 1996. This subsection (3)(b) shall expire December 1, 1996.

5       (4)(a) The secretary shall adopt, by rule, a uniform policy  
6 relating to the distribution and replenishment of personal hygiene  
7 items for inmates incarcerated in all department institutions. The  
8 policy shall provide for the initial distribution of adequate personal  
9 hygiene items to inmates upon their arrival at an institution.

10       (b) The acquisition of replenishment personal hygiene items is the  
11 responsibility of inmates, except that indigent inmates shall not be  
12 denied adequate personal hygiene items based on their inability to pay  
13 for them.

14       (c) The policy shall provide that the replenishment personal  
15 hygiene items be distributed to inmates only in authorized quantities  
16 and at intervals that reflect prudent use and customary wear and  
17 consumption of the items.

18       (5) The following become a debt and are subject to section 4 of  
19 this act:

20       (a) All copayments under subsection (2) of this section that are  
21 not collected when the visit occurs; and

22       (b) All charges for replenishment personal hygiene items that are  
23 not collected when the item is distributed.

24       NEW SECTION. Sec. 18. The department shall adopt rules to  
25 implement RCW 72.10.020.

26       NEW SECTION. Sec. 19. The office of financial management shall  
27 contract with a private research company to conduct a review of the  
28 department of corrections health services delivery and administration  
29 to determine whether alternative methods, including other  
30 organizational models of service delivery and administration, could be  
31 more efficiently achieved by contracting with private vendors and  
32 whether there are more cost-efficient methods of providing  
33 nonprescription medications. The study shall include an analysis of  
34 the impact expanded privatization of administration or delivery of the  
35 services would have on the quality of health services and on critical  
36 components of the system including but not limited to eye and dental  
37 care and laboratory services. The study shall be submitted to the

1 legislature by December 1, 1996. The decision to implement any  
2 recommendations made in the report shall be made by the legislature.

3 **Sec. 20.** RCW 9.94A.137 and 1993 c 338 s 4 are each amended to read  
4 as follows:

5 (1)(a) An offender is eligible to be sentenced to a work ethic camp  
6 if the offender:

7 ~~((a))~~ (i) Is sentenced to a term of total confinement of not less  
8 than ~~((twenty-two))~~ sixteen months or more than thirty-six months(~~(+~~

9 ~~(b) Is between the ages of eighteen and twenty-eight years))~~; and

10 ~~((e))~~ (ii) Has no current or prior convictions for any sex  
11 offenses or for violent offenses other than drug offenses for  
12 manufacturing, possession, delivery, or intent to deliver a controlled  
13 substance.

14 (b) The length of the work ethic camp shall be at least one hundred  
15 twenty days and not more than one hundred eighty days. Because of the  
16 conversion ratio, earned early release time shall not accrue to  
17 offenders who successfully complete the program.

18 (2) If the sentencing judge determines that the offender is  
19 eligible for the work ethic camp and is likely to qualify under  
20 subsection (3) of this section, the judge shall impose a sentence  
21 within the standard range and may recommend that the offender serve the  
22 sentence at a work ethic camp. The sentence shall provide that if the  
23 offender successfully completes the program, the department shall  
24 convert the period of work ethic camp confinement at the rate of one  
25 day of work ethic camp confinement to three days of total standard  
26 confinement. ~~((The court shall also provide that upon completion of~~  
27 ~~the work ethic camp program, the offender shall be released on~~  
28 ~~community custody for any remaining time of total confinement.)) In  
29 sentencing an offender to the work ethic camp, the court shall specify:~~

30 (a) That upon completion of the work ethic camp the offender shall be  
31 released on community custody for any remaining time of total  
32 confinement; (b) the applicable conditions of supervision on community  
33 custody status as required by RCW 9.94A.120(9)(b) and authorized by RCW  
34 9.94A.120(9)(c); and (c) that violation of the conditions may result in  
35 a return to total confinement for the balance of the offender's  
36 remaining time of confinement.

37 (3) The department shall place the offender in the work ethic camp  
38 program, subject to capacity, unless: (a) The department determines



1 that the offender has physical or mental impairments that would prevent  
2 participation and completion of the program~~((7))~~; (b) the department  
3 determines that the offender's custody level prevents placement in the  
4 program; or (c) the offender refuses to agree to the terms and  
5 conditions of the program.

6 (4) An ~~((inmate))~~ offender who fails to complete the work ethic  
7 camp program, who is administratively terminated from the program, or  
8 who otherwise violates any conditions of supervision, as defined by the  
9 department, shall be reclassified to serve the unexpired term of his or  
10 her sentence as ordered by the sentencing judge and shall be subject to  
11 all rules relating to earned early release time.

12 ~~((The length of the work ethic camp program shall be at least~~  
13 ~~one hundred twenty days and not more than one hundred eighty days.~~  
14 ~~Because of the conversion ratio, earned early release time shall not~~  
15 ~~accrue to offenders who successfully complete the program.~~

16 ~~((6))~~ During the last two weeks prior to release from the work  
17 ethic camp program the department shall provide the offender with  
18 comprehensive transition training.

19 NEW SECTION. Sec. 21. A new section is added to chapter 72.09 RCW  
20 to read as follows:

21 (1) The department is authorized to establish a camp for alien  
22 offenders and shall be ready to assign offenders to the camp not later  
23 than January 1, 1997. The secretary shall locate the camp within the  
24 boundaries of an existing department facility.

25 (2) The secretary, in consultation with the committee established  
26 in section 23 of this act, shall prepare a report to the legislature by  
27 December 1, 1995, on an implementation plan for the camp. The plan  
28 shall include recommendations on meeting the following goals: (a)  
29 Expedited deportation of alien offenders; (b) reduced daily costs of  
30 incarceration; (c) enhanced public benefit through an emphasis on  
31 inmate work and exemption from education programs other than those  
32 programs necessary for offenders to understand and follow directions;  
33 (d) minimum access to privileges; and (e) maximized use of nonstate  
34 resources for the costs of incarceration.

35 (3) In preparing the plan, the secretary shall address at least the  
36 following: (a) Eligibility criteria for prompt admission to the camp;  
37 (b) whether to have a minimum and maximum length of stay in the camp;  
38 (c) operational elements including residential arrangements, inmate

1 conduct and programming standards, and achieving maximum cooperation  
2 with the United States government to expedite deportation of alien  
3 offenders and reduce the likelihood that alien offenders who complete  
4 the camp will avoid deportation; (d) mitigating adverse impacts the  
5 camp may have on other offender programs; (e) meeting the goals set  
6 forth in this section; and (f) any state law and fiscal issues that are  
7 necessary for implementation of the camp.

8 (4) The department shall consult with all appropriate public safety  
9 organizations and the committee created under section 23 of this act in  
10 developing the plan.

11 NEW SECTION. **Sec. 22.** A new section is added to chapter 72.09 RCW  
12 to read as follows:

13 (1) The secretary shall establish, at each institution with an  
14 inmate population of more than one hundred, a corrections advisory  
15 team. The team shall consist of two representatives from management  
16 personnel, two representatives from personnel represented by an  
17 exclusive bargaining unit selected by those personnel, and not more  
18 than three persons from among the education or work programs operating  
19 within the institution. The secretary shall invite other groups to  
20 select a representative to serve on the team, including but not limited  
21 to, the following:

22 (a) The superior court judges in the county in which the  
23 institution is located;

24 (b) The prosecuting attorney for the county in which the  
25 institution is located;

26 (c) An organization whose primary purpose is legal representation  
27 of persons accused or convicted of crimes;

28 (d) A sheriff or police chief whose jurisdiction includes, or is in  
29 close proximity to the institution; and

30 (e) An organization whose primary purpose is advocacy of the  
31 interests of crime victims.

32 (2) The teams shall meet at least quarterly and have the following  
33 duties:

34 (a) Review existing or proposed work and education programs for the  
35 purpose of commenting on the program's cost-effectiveness and impact on  
36 recidivism;

37 (b) Suggest revisions in existing, or addition of new, programs in  
38 the institution; and

1 (c) Identify cost-saving opportunities in institution operations.  
2 (3) The superintendent of each institution that meets the criteria  
3 in this section shall annually prepare a report to the secretary on the  
4 work of the team in his or her institution. The report shall include  
5 the superintendent's response to recommendations made by the team. The  
6 secretary shall collect and forward the reports to the legislature not  
7 later than December 1 of each year, together with such recommendations  
8 as the secretary finds appropriate.

9 (4) The secretary shall provide reasonably necessary support,  
10 within available funds, for the teams to carry out their duties under  
11 this section.

12 (5) Members of a team shall be eligible for travel expenses and per  
13 diem under RCW 43.03.050 and 43.03.060.

14 NEW SECTION. Sec. 23. A new section is added to chapter 72.09 RCW  
15 to read as follows:

16 (1) There is created a joint committee on corrections cost-  
17 efficiencies oversight. The committee shall consist of: (a) Three  
18 members of the senate appointed by the president of the senate, two of  
19 whom shall be members of the majority party and one of whom shall be a  
20 member of the minority party; and (b) three members of the house of  
21 representatives, appointed by the speaker of the house of  
22 representatives, two of whom shall be members of the majority party and  
23 one of whom shall be a member of the minority party.

24 (2) The committee shall elect a chair and vice-chair. The chair  
25 shall be a member of the senate in even-numbered years and a member of  
26 the house of representatives in odd-numbered years.

27 (3) The committee shall:

28 (a) Review all reports required under sections 25 and 26 of this  
29 act;

30 (b) Review all reports required and recommendations submitted by  
31 the teams under section 22 of this act;

32 (c) Initiate or review studies relevant to the issues of  
33 corrections cost-efficiencies and programmatic improvements;

34 (d) Review all rules proposed by the department to ensure  
35 consistency with the purpose of chapter..., Laws of 1995 (this act);

36 (e) Periodically make recommendations to the legislature regarding  
37 corrections cost-efficiencies and programmatic improvements; and

1 (f) By December 1, 1996, report to the legislature the amount of  
2 actual and projected cost savings within the department during the  
3 1995-97 biennium and report its further recommendations to address  
4 expenditure growth in the department.

5 (4) This section expires July 1, 1997.

6 NEW SECTION. **Sec. 24.** A new section is added to chapter 43.17 RCW  
7 to read as follows:

8 (1) Through June 30, 1997, moneys shall not be appropriated or  
9 expended for acquisition of works of art under this chapter to be  
10 placed integral to, attached to, or detached within or outside a  
11 building or structure owned or operated by the department of  
12 corrections if the building or structure is not in existence or under  
13 construction as of the effective date of this act.

14 (2) The Washington state arts commission and the department of  
15 corrections shall prepare and deliver a report to the legislature by  
16 July 1, 1996, on the feasibility of creating class I or class II  
17 correctional industries for the creation of works of art created by  
18 resident Washington state artists and funded under this chapter for  
19 placement integral to, attached to, or detached within or outside  
20 buildings and structures owned or operated by the department of  
21 corrections.

22 (3) The report shall include, but not be limited to, a review of  
23 and recommendations on: (a) Whether to provide preferences or  
24 incentives to units of government other than the state to acquire works  
25 of art created by artists and produced in the department of  
26 corrections; (b) the size of a market for public and private sales of  
27 art produced in the department of corrections; (c) the appropriate  
28 process for selection of works of art to be produced in the department  
29 of corrections; and (d) the appropriate work and education skills that  
30 would be achieved by inmates engaged in the production of art.

31 (4) This section expires June 30, 1997.

32 NEW SECTION. **Sec. 25.** The department of corrections shall conduct  
33 the following reviews and prepare the following reports:

34 (1) The secretary shall seek federal funding for the incarceration  
35 of undocumented felons. The secretary shall pursue amendments to the  
36 federal transfer treaty program to facilitate deportation of  
37 undocumented alien offenders, specifically current treaties that

1 require voluntary participation by the offender and loss of  
2 jurisdiction by the sending agency. The secretary shall seek  
3 enforcement of, and pursue amendments to, current federal sanctions for  
4 alien reentry, specifically amendments to the allowance of at least two  
5 prior felony convictions and at least two prior deportations before  
6 indictment for reentry is considered. By December 1, 1995, the  
7 secretary shall submit a report on progress on these matters to the  
8 legislature and the committee created under section 23 of this act.

9 (2) The secretary shall review current perimeter security  
10 technologies and designs that could minimize or eliminate the need for  
11 staffed perimeter guard towers at medium, close, and maximum custody  
12 correctional institutions. By December 1, 1995, the secretary shall  
13 complete the review and submit a report, including recommendations, to  
14 the legislature and the committee created under section 23 of this act.

15 (3) The secretary shall review the feasibility and desirability of  
16 implementing a system to allow prison beds to be used on a rotational  
17 basis. The review shall include at least the following: (a) A fiscal  
18 analysis of the capital and operating costs of implementing a twelve-  
19 hour scheduled rotation in which each prison cell and bed could be used  
20 by multiple inmates; and (b) an analysis of how the department would  
21 address safety issues that might arise from a rotation system that  
22 increases the amount of time inmates would spend out of their cells.  
23 By December 1, 1995, the secretary shall submit a report, including  
24 recommendations, to the legislature and the committee created under  
25 section 23 of this act.

26 (4) The secretary shall prepare and provide to the legislature by  
27 July 1, 1996, a report on the implementation of the administrative and  
28 programmatic changes required by sections 5 through 8, 17, and 22 of  
29 this act. The report shall provide a comparative measure of the total  
30 number and percentages of inmates who obtain a composite eighth grade  
31 level of basic academic skills after implementation of chapter . . . ,  
32 Laws of 1995 (this act).

33 NEW SECTION. **Sec. 26.** The department of corrections shall  
34 cooperate in the preparation of the following reviews and reports:

35 (1) The office of the state auditor shall review the department's  
36 budgeting process and operating budget request to the governor for the  
37 1995-97 biennium. By December 1, 1995, the office of the state auditor

1 shall submit a report of its findings and recommendations to the  
2 legislature and the secretary of corrections.

3 (2) The department of transportation shall review the feasibility  
4 and desirability of privatizing the department of corrections marine  
5 fleet, operation, or both. The review shall include a comparison of  
6 department of corrections employee salaries with equivalent private  
7 marine positions salaries. By December 1, 1995, the department of  
8 transportation shall submit its report, including recommendations, to  
9 the secretary of corrections, the legislature, and the committee  
10 created under section 23 of this act.

11 (3) The office of financial management and the department of  
12 general administration shall jointly review the food planning model  
13 developed by the department of corrections for possible expansion to a  
14 uniform, state-wide planning, purchasing, and distribution of food  
15 products for state institutions, including but not limited to prisons,  
16 juvenile correctional institutions, and state hospitals. By December  
17 1, 1995, the office of financial management and the department of  
18 general administration shall submit their report, including  
19 recommendations, to the secretary of corrections, the legislature, and  
20 the committee created under section 23 of this act.

21 (4) The printing and duplicating management center in the  
22 department of general administration shall review the feasibility and  
23 desirability of establishing a class II correctional industry within  
24 one or more correctional institutions, a print shop, and printers  
25 apprentice program. By December 1, 1995, the center shall submit its  
26 report, including recommendations, to the secretary of corrections, the  
27 legislature, and the committee created by section 23 of this act.

28 NEW SECTION. **Sec. 27.** (1)(a) In addition to the requirements of  
29 section 24 of this act, the correctional industries board of directors  
30 shall review the following options for expanding work programs, as  
31 defined in section 3 of this act: (i) Recycling of inorganic materials  
32 within or without the facilities; (ii) redesigning and refabrication of  
33 industrial products; (iii) data management services; (iv) industrial  
34 food services; (v) expanded opportunities for construction and  
35 maintenance of state adult and juvenile correctional institutions; (vi)  
36 construction of migrant farmworker housing using state and federal  
37 housing funds; (vii) opportunities for support staffing in recreation  
38 and fitness programs within institutions; (viii) use of the Airway

1 Heights prison kitchen to prepare kosher meals for correctional  
2 facilities inside and outside Washington state; and (ix) horticulture  
3 specialty crops. The board shall consider the cost of the studies in  
4 determining the order of conducting the studies.

5 (b) The board shall examine at least the following in preparing its  
6 report: (i) The existence and sustainability of a public and private  
7 market for the item; (ii) the impact development of an option would  
8 have on private and public competitors producing the same item; (iii)  
9 demands on the resources of the department, including transportation  
10 and security costs; (iv) the number of job opportunities likely to be  
11 created; (v) requirements for staff training; and (vi) the costs and  
12 benefits of each option.

13 (2) The board shall report its findings and recommendations to the  
14 secretary and the committee created under section 23 of this act by  
15 June 30, 1996.

16 (3) The correctional industries board of directors and the  
17 secretary of corrections shall jointly review all current and proposed  
18 education and vocational training programs. The review shall identify  
19 whether the curriculum corresponds to current and proposed correctional  
20 industries jobs and whether the curriculum teaches skills relevant to  
21 employment opportunities inmates may qualify for after they are  
22 released. Upon completion of the review, the board and the secretary  
23 shall submit a joint report of their findings and recommendations to  
24 the legislature by December 1, 1995.

25 NEW SECTION. **Sec. 28.** (1) The secretary of corrections shall seek  
26 to expand the use of, and opportunities at, the correctional facility  
27 at McNeil Island. To accomplish this the secretary shall, among other  
28 things, make a formal request to the appropriate federal agencies for  
29 a waiver of environmental impact restrictions in order to increase the  
30 agricultural yield on McNeil Island. Additionally, the secretary shall  
31 seek authorization from the appropriate federal agencies to expand the  
32 acreage available for use at McNeil Island. The secretary shall  
33 initiate the request for waivers by August 1, 1995, and shall advise  
34 the committee created under section 23 of this act of the waiver  
35 request and any response to the request.

36 (2) If there are state statutory or regulatory constraints which  
37 operate to impede expanding the opportunities at, or size of, the

1 facility at McNeil Island, the secretary shall inform the legislature  
2 and recommend any appropriate revisions.

3 **Sec. 29.** RCW 9.95.210 and 1995 c 33 s 6 are each amended to read  
4 as follows:

5 (1) In granting probation, the court may suspend the imposition or  
6 the execution of the sentence and may direct that the suspension may  
7 continue upon such conditions and for such time as it shall designate,  
8 not exceeding the maximum term of sentence or two years, whichever is  
9 longer.

10 (2) In the order granting probation and as a condition thereof, the  
11 court may in its discretion imprison the defendant in the county jail  
12 for a period not exceeding one year and may fine the defendant any sum  
13 not exceeding the statutory limit for the offense committed, and court  
14 costs. As a condition of probation, the court shall require the  
15 payment of the penalty assessment required by RCW 7.68.035. The court  
16 may also require the defendant to make such monetary payments, on such  
17 terms as it deems appropriate under the circumstances, as are  
18 necessary: ~~((+1))~~ (a) To comply with any order of the court for the  
19 payment of family support ~~((,-(2))~~); (b) to make restitution to any  
20 person or persons who may have suffered loss or damage by reason of the  
21 commission of the crime in question or when the offender pleads guilty  
22 to a lesser offense or fewer offenses and agrees with the prosecutor's  
23 recommendation that the offender be required to pay restitution to a  
24 victim of an offense or offenses which are not prosecuted pursuant to  
25 a plea agreement ~~((,-(3))~~); (c) to pay such fine as may be imposed and  
26 court costs, including reimbursement of the state for costs of  
27 extradition if return to this state by extradition was required ~~((,-~~  
28 ~~(4))~~); (d) following consideration of the financial condition of the  
29 person subject to possible electronic monitoring, to pay for the costs  
30 of electronic monitoring if that monitoring was required by the court  
31 as a condition of release from custody or as a condition of  
32 probation ~~((,-(5))~~); (e) to contribute to a county or interlocal drug  
33 fund ~~((,-)~~); and ~~((+6))~~ (f) to make restitution to a public agency for  
34 the costs of an emergency response under RCW 38.52.430, and may require  
35 bonds for the faithful observance of any and all conditions imposed in  
36 the probation.

37 (3) The court shall order restitution in all cases where the victim  
38 is entitled to benefits under the crime victims' compensation act,



1 chapter 7.68 RCW. If the court does not order restitution and the  
2 victim of the crime has been determined to be entitled to benefits  
3 under the crime victims' compensation act, the department of labor and  
4 industries, as administrator of the crime victims' compensation  
5 program, may petition the court within one year of imposition of the  
6 sentence for entry of a restitution order. Upon receipt of a petition  
7 from the department of labor and industries, the court shall hold a  
8 restitution hearing and shall enter a restitution order.

9 (4) In granting probation, the court (~~shall~~) may order the  
10 probationer to report to the secretary of corrections or such officer  
11 as the secretary may designate and as a condition of the probation to  
12 follow (~~implicitly~~) the instructions of the secretary.

13 (5) If the probationer has been ordered to make restitution and the  
14 court has ordered supervision, the officer supervising the probationer  
15 shall make a reasonable effort to ascertain whether restitution has  
16 been made. If the court has ordered supervision and restitution has  
17 not been made as ordered, the officer shall inform the prosecutor of  
18 that violation of the terms of probation not less than three months  
19 prior to the termination of the probation period. The secretary of  
20 corrections will promulgate rules and regulations for the conduct of  
21 the person during the term of probation. For defendants found guilty  
22 in district court, like functions as the secretary performs in regard  
23 to probation may be performed by probation officers employed for that  
24 purpose by the county legislative authority of the county wherein the  
25 court is located.

26 **Sec. 30.** RCW 9.92.060 and 1987 c 202 s 142 are each amended to  
27 read as follows:

28 (1) Whenever any person (~~shall be~~) is convicted of any crime  
29 except murder, burglary in the first degree, arson in the first degree,  
30 robbery, (~~carneal knowledge~~) rape of a (~~female~~) child (~~under the~~  
31 ~~age of ten years~~), or rape, the court may in its discretion, at the  
32 time of imposing sentence upon such person, direct that such sentence  
33 be stayed and suspended until otherwise ordered by such court, and that  
34 the sentenced person be placed under the charge of a (~~parole or peace~~  
35 ~~officer during the term of such suspension,~~) community corrections  
36 officer employed by the department of corrections upon such terms as  
37 the court may determine(~~:- PROVIDED, That~~).

1       (2) As a condition to suspension of sentence, the court shall  
2 require the payment of the penalty assessment required by RCW  
3 7.68.035(~~PROVIDED FURTHER, That as a condition to suspension of~~  
4 ~~sentence)~~. In addition, the court may require the convicted person to  
5 make such monetary payments, on such terms as the court deems  
6 appropriate under the circumstances, as are necessary ((+1)): (a) To  
7 comply with any order of the court for the payment of family support((~~7~~  
8 ~~+2))~~); (b) to make restitution to any person or persons who may have  
9 suffered loss or damage by reason of the commission of the crime in  
10 question or when the offender pleads guilty to a lesser offense or  
11 fewer offenses and agrees with the prosecutor's recommendation that the  
12 offender be required to pay restitution to a victim of an offense or  
13 offenses which are not prosecuted pursuant to a plea agreement((~~7~~  
14 ~~+3))~~); (c) to pay any fine imposed and not suspended and the court or  
15 other costs incurred in the prosecution of the case, including  
16 reimbursement of the state for costs of extradition if return to this  
17 state by extradition was required((~~7~~)); and ((+4)) (d) to contribute  
18 to a county or interlocal drug fund. ((In no case shall a sentence be  
19 suspended under the provisions of this section unless the person if  
20 sentenced to confinement in a penal institution be placed under the  
21 charge of a parole officer, who is a duly appointed and acting officer  
22 of the institution to which the person is sentenced: ~~PROVIDED, That~~  
23 ~~persons convicted in district court may be placed under supervision of~~  
24 ~~a probation officer employed for that purpose.))~~

25       (3) As a condition of the suspended sentence, the court may order  
26 the probationer to report to the secretary of corrections or such  
27 officer as the secretary may designate and as a condition of the  
28 probation to follow the instructions of the secretary.

29       (4) If restitution to the victim has been ordered under subsection  
30 (2)(b) of this section and the court has ordered supervision, the  
31 officer supervising the probationer shall make a reasonable effort to  
32 ascertain whether restitution has been made as ordered. If the court  
33 has ordered supervision and restitution has not been made, the officer  
34 shall inform the prosecutor of that violation of the terms of the  
35 suspended sentence not less than three months prior to the termination  
36 of the suspended sentence.

37       NEW SECTION. Sec. 31. A new section is added to chapter 9.95 RCW  
38 to read as follows:

1 (1) The Washington state law and justice advisory council,  
2 appointed under RCW 72.09.300(7), shall by October 1, 1995, develop  
3 proposed standards for the supervision of misdemeanor probationers  
4 sentenced by superior courts under RCW 9.92.060 or 9.95.210. In  
5 developing the standards, the council shall consider realistic current  
6 funding levels or reasonable expansions thereof, the recommendations of  
7 the department of corrections, county probation departments, superior  
8 and district court judges, and the misdemeanor corrections  
9 association. The supervision standards shall establish classifications  
10 of misdemeanor probationers based upon the seriousness of the offense,  
11 the perceived risks to the community, and other relevant factors. The  
12 standards may provide discretion to officials supervising misdemeanor  
13 probationers to adjust the supervision standards, for good cause, based  
14 upon individual circumstances surrounding the probationer. The  
15 supervision standards shall include provisions for reciprocal  
16 supervision of offenders who are sentenced in counties other than their  
17 counties of residence.

18 (2) The department of corrections shall report to the legislature  
19 by December 1, 1995, the estimated cost of fully implementing the  
20 proposed standards. The report shall rank by relative costs each of  
21 the elements of the proposed standards and shall identify the total  
22 daily supervision cost per offender. The report shall also include an  
23 accounting of the amount of supervision fees assessed and collected by  
24 the department under section 32 of this act.

25 NEW SECTION. **Sec. 32.** A new section is added to chapter 9.95 RCW  
26 to read as follows:

27 Whenever a defendant convicted of a misdemeanor or gross  
28 misdemeanor is placed on probation under RCW 9.92.060 or 9.95.210, and  
29 the defendant is supervised by the department of corrections, the  
30 department may assess and collect from the defendant for the duration  
31 of the term of supervision a monthly assessment not to exceed one  
32 hundred dollars per month. This assessment shall be paid to the  
33 department and shall be applied, along with funds appropriated by the  
34 legislature, toward the payment or part payment of the cost of  
35 supervising the defendant.

36 **Sec. 33.** RCW 72.09.100 and 1994 c 224 s 1 are each amended to read  
37 as follows:

1       It is the intent of the legislature to vest in the department the  
2 power to provide for a comprehensive inmate work program and to remove  
3 statutory and other restrictions which have limited work programs in  
4 the past. For purposes of establishing such a comprehensive program,  
5 the legislature recommends that the department consider adopting any or  
6 all, or any variation of, the following classes of work programs:

7       (1) CLASS I: FREE VENTURE INDUSTRIES. The employer model  
8 industries in this class shall be operated and managed in total or in  
9 part by any profit or nonprofit organization pursuant to an agreement  
10 between the organization and the department. The organization shall  
11 produce goods or services for sale to both the public and private  
12 sector.

13       The customer model industries in this class shall be operated and  
14 managed by the department to provide Washington state manufacturers or  
15 businesses with products or services currently produced or provided by  
16 out-of-state or foreign suppliers. The correctional industries board  
17 of directors shall review these proposed industries before the  
18 department contracts to provide such products or services. The review  
19 shall include an analysis of the potential impact of the proposed  
20 products and services on the Washington state business community and  
21 labor market.

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

24       Inmates who work in free venture industries shall do so at their  
25 own choice. They shall be paid a wage comparable to the wage paid for  
26 work of a similar nature in the locality in which the industry is  
27 located, as determined by the director of correctional industries. If  
28 the director cannot reasonably determine the comparable wage, then the  
29 pay shall not be less than the federal minimum wage.

30       An inmate who is employed in the class I program of correctional  
31 industries shall not be eligible for unemployment compensation benefits  
32 pursuant to any of the provisions of Title 50 RCW until released on  
33 parole or discharged.

34       (2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class  
35 shall be state-owned and operated enterprises designed to reduce the  
36 costs for goods and services for tax-supported agencies and for  
37 nonprofit organizations. The industries selected for development  
38 within this class shall, as much as possible, match the available pool  
39 of inmate work skills and aptitudes with the work opportunities in the

1 free community. The industries shall be closely patterned after  
2 private sector industries but with the objective of reducing public  
3 support costs rather than making a profit. The products and services  
4 of this industry, including purchased products and services necessary  
5 for a complete product line, may be sold to public agencies, to  
6 nonprofit organizations, and to private contractors when the goods  
7 purchased will be ultimately used by a public agency or a nonprofit  
8 organization. Clothing manufactured by an industry in this class may  
9 be donated to nonprofit organizations that provide clothing free of  
10 charge to low-income persons. Correctional industries products and  
11 services shall be reviewed by the correctional industries board of  
12 directors before offering such products and services for sale to  
13 private contractors. The board of directors shall conduct a yearly  
14 marketing review of the products and services offered under this  
15 subsection. Such review shall include an analysis of the potential  
16 impact of the proposed products and services on the Washington state  
17 business community. To avoid waste or spoilage and consequent loss to  
18 the state, when there is no public sector market for such goods,  
19 byproducts and surpluses of timber, agricultural, and animal husbandry  
20 enterprises may be sold to private persons, at private sale. Surplus  
21 byproducts and surpluses of timber, agricultural and animal husbandry  
22 enterprises that cannot be sold to public agencies or to private  
23 persons may be donated to nonprofit organizations. All sales of  
24 surplus products shall be carried out in accordance with rules  
25 prescribed by the secretary.

26 Security and custody services shall be provided without charge by  
27 the department of corrections.

28 Inmates working in this class of industries shall do so at their  
29 own choice and shall be paid for their work on a gratuity scale which  
30 shall not exceed the wage paid for work of a similar nature in the  
31 locality in which the industry is located and which is approved by the  
32 director of correctional industries.

33 Subject to approval of the correctional industries board,  
34 provisions of RCW 41.06.380 prohibiting contracting out work performed  
35 by classified employees shall not apply to contracts with Washington  
36 state businesses entered into by the department of corrections through  
37 class II industries.

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

4 (a) Whenever possible, to provide basic work training and  
5 experience so that the inmate will be able to qualify for better work  
6 both within correctional industries and the free community. It is not  
7 intended that an inmate's work within this class of industries should  
8 be his or her final and total work experience as an inmate.

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

11 (c) Whenever possible, to offset tax and other public support  
12 costs.

13 Supervising, management, and custody staff shall be employees of  
14 the department.

15 All able and eligible inmates who are assigned work and who are not  
16 working in other classes of industries shall work in this class.

17 Except for inmates who work in work training programs, inmates in  
18 this class shall be paid for their work in accordance with an inmate  
19 gratuity scale. The scale shall be adopted by the secretary of  
20 corrections.

21 (4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class  
22 shall be operated by the department of corrections. They shall be  
23 designed and managed to provide services in the inmate's resident  
24 community at a reduced cost. The services shall be provided to public  
25 agencies, to persons who are poor or infirm, or to nonprofit  
26 organizations.

27 Inmates in this program shall reside in facilities owned by,  
28 contracted for, or licensed by the department of corrections. A unit  
29 of local government shall provide work supervision services without  
30 charge to the state and shall pay the inmate's wage.

31 The department of corrections shall reimburse participating units  
32 of local government for liability and workers compensation insurance  
33 costs.

34 Inmates who work in this class of industries shall do so at their  
35 own choice and shall receive a gratuity which shall not exceed the wage  
36 paid for work of a similar nature in the locality in which the industry  
37 is located.

38 (5) CLASS V: COMMUNITY SERVICE PROGRAMS. Programs in this class  
39 shall be subject to supervision by the department of corrections. The

1 purpose of this class of industries is to enable an inmate, placed on  
2 community supervision, to work off all or part of a community service  
3 order as ordered by the sentencing court.

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

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

9 NEW SECTION. **Sec. 34.** The legislature requires reductions in  
10 department of corrections staffing levels appropriated by the 1995-97  
11 omnibus appropriations act be implemented so as to preserve the safe  
12 and orderly operation of the institutions, including the safety of  
13 staff, visitors, and inmates and to protect public safety. To  
14 accomplish this, the department shall target staff reductions in: (1)  
15 Exempt positions within the department's headquarters and division of  
16 prisons such as assistant secretaries, assistants to the secretary,  
17 superintendents, associate superintendents, and federal and state  
18 liaisons; and (2) management positions of lieutenant and above as  
19 classified by the department of personnel.

20 NEW SECTION. **Sec. 35.** A new section is added to chapter 72.09 RCW  
21 to read as follows:

22 The ratio of recreational leader positions 2, 3, and 4 to average  
23 daily inmate population within the department shall be maintained as  
24 established pursuant to the 1995 omnibus appropriations act.

25 NEW SECTION. **Sec. 36.** RCW 72.09.020 and 1988 c 153 s 7 & 1981 c  
26 136 s 7 are each repealed.

27 NEW SECTION. **Sec. 37.** This act shall be known as the department  
28 of corrections cost-efficiency and inmate responsibility omnibus act.

29 NEW SECTION. **Sec. 38.** If any provision of this act or its  
30 application to any person or circumstance is held invalid, the  
31 remainder of the act or the application of the provision to other  
32 persons or circumstances is not affected.

1        NEW SECTION.    **Sec. 39.** If specific funding for the purpose of this  
2 act, referencing this act by bill number, is not provided by June 30,  
3 1995, in the omnibus appropriations act, this act shall be null and  
4 void.

5        NEW SECTION.    **Sec. 40.** This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and shall take  
8 effect immediately."

9        **E2SHB 2010** - H AMD  
10        By Representative

11  
12        On page 1, line 1 of the title, after "corrections;" strike the  
13 remainder of the title and insert "amending RCW 72.09.010, 72.09.015,  
14 72.09.130, 4.24.130, 72.10.010, 72.10.020, 9.94A.137, 9.95.210,  
15 9.92.060, and 72.09.100; adding new sections to chapter 72.09 RCW;  
16 adding a new section to chapter 43.17 RCW; adding new sections to  
17 chapter 9.95 RCW; creating new sections; repealing RCW 72.09.020;  
18 prescribing penalties; and declaring an emergency."

--- END ---