

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1929

54th Legislature
1995 Regular Session

Passed by the House March 8, 1995
Yeas 98 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 13, 1995
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1929** 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**

SUBSTITUTE HOUSE BILL 1929

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By House Committee on Corrections (originally sponsored by Representatives Brumsickle and Morris)

Read first time 03/01/95.

1 AN ACT Relating to jail industries; amending RCW 36.110.020,
2 36.110.120, and 36.110.130; adding new sections to chapter 36.110 RCW;
3 and repealing RCW 36.110.040.

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

5 **Sec. 1.** RCW 36.110.020 and 1993 c 285 s 2 are each amended to read
6 as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

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

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

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

15 (4) "Court-ordered legal financial obligation" means a sum of money
16 that is ordered by a superior, district, or municipal court of the
17 state of Washington for payment of restitution to a victim, a
18 statutorily imposed crime victims compensation fee, court costs, a
19 county or interlocal drug fund, court appointed attorneys' fees and

1 costs of defense, fines, and other legal financial obligations that are
2 assessed as a result of a felony or misdemeanor conviction.

3 (5) "Free venture employer model industries" means (~~((types of~~
4 ~~industries which produce products, goods, or services through two~~
5 ~~modalities:—(a) Employer model:))~~) an agreement between a city or
6 county and a private sector business or industry or nonprofit
7 organization to produce goods or services to both public and private
8 sectors(~~(;—(b))~~) utilizing jail inmates whose compensation and
9 supervision are provided by the private sector business or entity.

10 "Free venture customer model(~~(;—An industry operated and managed))~~)
11 industries" means an agreement between a city or county and a private
12 sector business or industry, or nonprofit organization to provide
13 Washington state manufacturers or businesses with products or services
14 currently produced, provided, (~~(and))~~ or assembled by out-of-state or
15 foreign suppliers utilizing jail inmates whose compensation and
16 supervision are provided by the incarcerating facility or local
17 jurisdiction.

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

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

25 (8) "Tax reduction industries" means those industries as designated
26 by a city or county owning and operating such an industry to provide
27 work training and employment opportunities for jail inmates, in total
28 confinement, which reduce public support costs. The goods and services
29 of these industries may be sold to public agencies, nonprofit
30 organizations, and private contractors when the goods purchased will be
31 ultimately used by a public agency or nonprofit organization. Surplus
32 goods from these operations may be donated to government and nonprofit
33 organizations.

34 **Sec. 2.** RCW 36.110.120 and 1993 c 285 s 12 are each amended to
35 read as follows:

36 (1) A jail inmate who works in a free venture industry or a tax
37 reduction industry shall be considered an employee of that industry
38 only for the purpose of the Washington industrial safety and health

1 act, chapter 49.17 RCW, as long as the public safety is not
2 compromised, and for eligibility for industrial insurance benefits
3 under Title 51 RCW, as provided in this section. (~~However,~~)

4 (2) For jail inmates participating in free venture employer model
5 industries, the private sector business or industry or the nonprofit
6 organization that is party to the agreement, shall provide industrial
7 insurance coverage under Title 51 RCW. Local jurisdictions shall not
8 be responsible for obligations under Title 51 RCW in a free venture
9 employer model industry except as provided in RCW 36.110.130.

10 (3) For jail inmates participating in free venture customer model
11 industries, the incarcerating entity or jurisdiction, the private
12 sector business or industry, or the nonprofit organization that is
13 party to the agreement, shall provide industrial insurance coverage
14 under Title 51 RCW dependent upon how the parties to the agreement
15 choose to finalize the agreement.

16 (4) For jail inmates incarcerated and participating in tax
17 reduction industries:

18 (a) Local jurisdictions that are self-insured may elect to provide
19 medical aid benefits coverage only under chapter 51.36 RCW through the
20 state fund.

21 (b) Local jurisdictions, to include self-insured jurisdictions, may
22 elect to provide industrial insurance coverage under Title 51 RCW
23 through the state fund.

24 (5) If industrial insurance coverage under Title 51 RCW is provided
25 for inmates under this section, eligibility for benefits for either the
26 inmate or the inmate's dependents or beneficiaries for temporary total
27 disability or permanent total disability under RCW 51.32.090 or
28 51.32.060, respectively, shall not take effect until the inmate is
29 discharged from custody by order of a court of appropriate
30 jurisdiction. Nothing in this section shall be construed to confer
31 eligibility for any industrial insurance benefits to any jail inmate
32 who is not employed in a (~~(nonfree)) free venture industry or a tax~~
33 reduction industry.

34 **Sec. 3.** RCW 36.110.130 and 1993 c 285 s 13 are each amended to
35 read as follows:

36 In the event of a failure (~~(or discontinuance)) such as a~~
37 bankruptcy or dissolution, of a private sector business, industry, or
38 nonprofit organization engaged in a free venture industry agreement,

1 responsibility for obligations under Title 51 RCW shall be borne by the
2 city or county responsible for establishment of ~~((such))~~ the free
3 venture industry agreement, as if the city or county had been the
4 employing agency. To ensure that this obligation can be clearly
5 identified and accomplished, and to provide accountability for purposes
6 of the department of labor and industries, a free venture jail industry
7 agreement entered into by a city or county and private sector business,
8 industry, or nonprofit organization should be filed under a separate
9 master business application, establishing a new and separate account
10 with the department of labor and industries, and not be reported under
11 an existing account for parties to the agreement.

12 NEW SECTION. Sec. 4. A new section is added to chapter 36.110 RCW
13 to read as follows:

14 Technical training assistance shall be provided to local
15 jurisdictions by the board at the jurisdiction's request. To
16 facilitate and promote the development of local jail industries
17 programs, this training and technical assistance may include the
18 following: (1) Delivery of state-wide jail industry implementation
19 workshops for administrators of jail industries programs; (2)
20 development of recruitment and education programs for local business
21 and labor to gain their participation; (3) ongoing staff assistance
22 regarding local jail industries issues, such as sound business
23 management skills, development of a professional business plan,
24 responding to questions regarding risk management, industrial
25 insurance, and similar matters; and (4) provision of guidelines and
26 assistance for the coordination of basic educational programs and jail
27 industries as well as other technical skills required by local jails in
28 the implementation of safe, productive, and effective jail industries
29 programs.

30 NEW SECTION. Sec. 5. A new section is added to chapter 36.110 RCW
31 to read as follows:

32 Any member serving in their official capacity on the Washington
33 state jail industries board, in either an appointed or advisory
34 capacity, or either their employer or employers, or other entity that
35 selected the members to serve, are immune from a civil action based
36 upon an act performed in good faith.

1 NEW SECTION. **Sec. 6.** RCW 36.110.040 and 1993 c 285 s 4 are each
2 repealed.

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