

HOUSE BILL REPORT

HB 2039

As Reported By House Committee On:
Criminal Justice & Corrections

Title: An act relating to inmate fees.

Brief Description: Making an inmate liable for the costs of the incarceration.

Sponsors: Representatives Johnson, Ballasiotes, Bush, Koster, Sump, Clements, Mielke, Dunn, Hickel, D. Schmidt, McMorris, Mulliken, Benson, D. Sommers, Smith, Mitchell, Boldt, Sheahan, Pennington, Delvin, Talcott, Sheldon, Wensman, Schoesler and Honeyford.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/23/98; 1/28/98 [DPS].

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Koster, Vice Chairman; Quall, Ranking Minority Member; O'Brien, Assistant Ranking Minority Member; Cairnes; Dickerson; McCune; Mitchell; Radcliff and Sullivan.

Staff: Yvonne Walker (786-7841).

Background: The Department of Corrections is responsible for establishing deductions to be made from an inmate's wages to contribute to the cost of incarceration and the development of the Correctional Industries Program. Inmates incarcerated in a state prison are subject to deductions ranging anywhere from 5 percent to 35 percent of their wages. Funds received by inmates from outside of the prison are also subject to the 35 percent deduction. Municipalities and counties may also establish inmate fines and require reimbursement for the cost of incarceration from inmates with the means to pay. These fines can range up to a maximum of \$50 per day for offenders convicted of a misdemeanor or gross misdemeanor and sentenced to a local jail. All funds received by inmates for the cost of incarceration in a county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the offender's jail costs. Article I Section 17 of the Washington State Constitution prohibits imprisoning a person for failing to pay a debt, except in cases of absconding debtors.

Summary of Substitute Bill: Municipalities, counties, and the state may require incarcerated offenders to pay a community restoration fee, by virtue of a court decree, from those inmates with the ability to pay for the incarceration fee. The community restoration fee will be used to reimburse correctional institutions for the average daily cost of incarceration from inmates under their jurisdiction. Demand for payment, with a reasonable date set for restitution to be made, must be given to each inmate at the time of release from confinement. The demand for payment must be in writing from the appropriate authority that incurred the costs. Counties and municipalities may also recoup any costs that they may have incurred while one of their inmates may have housed at another facility due to lack of bed space within their own facility. All community restoration payments must be made to the municipality, county, or state on the date specified, or suitable arrangements for payment must be made. Failure to pay the amount demanded or failure to adhere to payment arrangements is a class 2 civil infraction.

This act takes effect July 1, 1998.

Substitute Bill Compared to Original Bill: The substitute bill requires municipalities and counties to specifically charge only those inmates with the ability to pay a fee for incarceration as opposed to all inmates. Some municipalities and counties send their inmates to other neighboring municipalities and counties and reimburse them for their time and bed space. The amendment will allow counties and municipalities to collect a community restoration fee for charges they may have incurred in the other- neighboring counties or municipalities outside of their own. The penalty for failure to pay the community restoration fee is reduced from a gross misdemeanor to a civil infraction. A technical amendment is added to amend the effective date of the bill from 1997 to 1998.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect on July 1, 1998.

Testimony For: Due to the passage of the DWI (driving while intoxicated) and the DUI (driving under the influence) laws last year several counties and municipalities are experiencing large increases in their jail populations which in turn are resulting in daily unfunded incarceration costs. This bill will allow many counties to recoup some, if not all, of their costs from the inmates. However, to avoid making the bill extremely costly to implement, an amendment should be made to change the penalty for failure to pay the amount demanded or failure to adhere to payment arrangements from a gross misdemeanor to a civil infraction.

Testimony Against: None.

Testified: Representative Peggy Johnson, prime sponsor; John McCroskey, Lewis County Sheriff (pro); and David Savidge, Department of Corrections (pro).