

2 **E2SHB 1143** - S COMM AMD

3 By Committee on Human Services & Corrections

4 ADOPTED 4/13/99

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

7 "**Sec. 1.** RCW 72.09.480 and 1998 c 261 s 2 are each amended to read  
8 as follows:

9 (1) Unless the context clearly requires otherwise, the definitions  
10 in this section apply to this section.

11 (a) "Cost of incarceration" means the cost of providing an inmate  
12 with shelter, food, clothing, transportation, supervision, and other  
13 services and supplies as may be necessary for the maintenance and  
14 support of the inmate while in the custody of the department, based on  
15 the average per inmate costs established by the department and the  
16 office of financial management.

17 (b) "Minimum term of confinement" means the minimum amount of time  
18 an inmate will be confined in the custody of the department,  
19 considering the sentence imposed and adjusted for the total potential  
20 earned early release time available to the inmate.

21 (2) When an inmate, except as provided in subsection (6) of this  
22 section, receives any funds in addition to his or her wages or  
23 gratuities, the additional funds shall be subject to the deductions in  
24 RCW 72.09.111(1)(a) and the priorities established in chapter 72.11  
25 RCW.

26 (3) The amount deducted from an inmate's funds under subsection (2)  
27 of this section shall not exceed the department's total cost of  
28 incarceration for the inmate incurred during the inmate's minimum or  
29 actual term of confinement, whichever is longer.

30 (4) The deductions required under subsection (2) of this section  
31 shall not apply to funds received by the department on behalf of an  
32 offender for payment of one fee-based education or vocational program  
33 that is associated with an inmate's work program or a placement  
34 decision made by the department under RCW 72.09.460 to prepare an  
35 inmate for work upon release.

1       (5) The deductions required under subsection (2) of this section  
2 shall not apply to any money received by the department, on behalf of  
3 an inmate, from family or other outside sources for the payment of  
4 postage expenses. Money received under this subsection may only be  
5 used for the payment of postage expenses and may not be transferred to  
6 any other account or purpose. Money that remains unused in the  
7 inmate's postage fund at the time of release shall be subject to the  
8 deductions outlined in subsection (2) of this section.

9       (6) When an inmate sentenced to life imprisonment without  
10 possibility of release or parole, or to death under chapter 10.95 RCW,  
11 receives any funds in addition to his or her gratuities, the additional  
12 funds shall be subject to: Deductions of five percent to the public  
13 safety and education account for the purpose of crime victims'  
14 compensation and twenty percent to the department to contribute to the  
15 cost of incarceration.

16       (7) The secretary shall deposit inmate savings account funds  
17 deducted pursuant to this section and RCW 72.09.111 into an interest  
18 bearing account and each inmate shall receive the interest on his or  
19 her account at a rate not less than the passbook savings rate. The  
20 interest earned on an inmate savings account shall be exempt from the  
21 mandatory deductions under this section and RCW 72.09.111.

22       **Sec. 2.** RCW 72.09.111 and 1994 sp.s. c 7 s 534 are each amended to  
23 read as follows:

24       (1) The secretary shall deduct from the gross wages or gratuities  
25 of each inmate working in correctional industries work programs, taxes  
26 and legal financial obligations. The secretary shall develop a formula  
27 for the distribution of offender wages and gratuities.

28       (a) The formula shall include the following minimum deductions from  
29 class I gross wages and from all others earning at least minimum wage:

30       (i) Five percent to the public safety and education account for the  
31 purpose of crime victims' compensation;

32       (ii) Ten percent to a department personal inmate savings account;  
33 and

34       (iii) Twenty percent to the department to contribute to the cost of  
35 incarceration.

36       (b) The formula shall include the following minimum deductions from  
37 class II gross gratuities:

1 (i) Five percent to the public safety and education account for the  
2 purpose of crime victims' compensation;

3 (ii) Ten percent to a department personal inmate savings account;  
4 and

5 (iii) Fifteen percent to the department to contribute to the cost  
6 of incarceration.

7 (c) The formula shall include the following minimum deduction from  
8 class IV gross gratuities: Five percent to the department to  
9 contribute to the cost of incarceration.

10 (d) The formula shall include the following minimum deductions from  
11 class III gratuities: Five percent for the purpose of crime victims'  
12 compensation.

13 Any person sentenced to life imprisonment without possibility of  
14 release or parole under chapter 10.95 RCW or sentenced to death shall  
15 be exempt from the requirement under (a)(ii) or (b)(ii) of this  
16 subsection.

17 The department personal inmate savings account, together with any  
18 accrued interest, shall only be available to an inmate at the time of  
19 his or her release from confinement, unless the secretary determines  
20 that an emergency exists for the inmate, at which time the funds can be  
21 made available to the inmate in an amount determined by the secretary.  
22 The management of classes I, II, and IV correctional industries may  
23 establish an incentive payment for offender workers based on  
24 productivity criteria. This incentive shall be paid separately from  
25 the hourly wage/gratuity rate and shall not be subject to the specified  
26 deduction for cost of incarceration.

27 In the event that the offender worker's wages or gratuity is  
28 subject to garnishment for support enforcement, the crime victims'  
29 compensation, savings, and cost of incarceration deductions shall be  
30 calculated on the net wages after taxes, legal financial obligations,  
31 and garnishment.

32 (2) The department shall explore other methods of recovering a  
33 portion of the cost of the inmate's incarceration and for encouraging  
34 participation in work programs, including development of incentive  
35 programs that offer inmates benefits and amenities paid for only from  
36 wages earned while working in a correctional industries work program.

37 (3) The department shall develop the necessary administrative  
38 structure to recover inmates' wages and keep records of the amount  
39 inmates pay for the costs of incarceration and amenities. All funds

1 deducted from inmate wages under subsection (1) of this section for the  
2 purpose of contributions to the cost of incarceration shall be  
3 deposited in a dedicated fund with the department and shall be used  
4 only for the purpose of enhancing and maintaining correctional  
5 industries work programs (~~((until December 31, 2000, and thereafter all  
6 such funds shall be deposited in the general fund))~~).

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

10 (a) Not later than June 30, 1995, the secretary shall achieve a net  
11 increase of at least two hundred in the number of inmates employed in  
12 class I or class II correctional industries work programs above the  
13 number so employed on June 30, 1994;

14 (b) Not later than June 30, 1996, the secretary shall achieve a net  
15 increase of at least four hundred in the number of inmates employed in  
16 class I or class II correctional industries work programs above the  
17 number so employed on June 30, 1994;

18 (c) Not later than June 30, 1997, the secretary shall achieve a net  
19 increase of at least six hundred in the number of inmates employed in  
20 class I or class II correctional industries work programs above the  
21 number so employed on June 30, 1994;

22 (d) Not later than June 30, 1998, the secretary shall achieve a net  
23 increase of at least nine hundred in the number of inmates employed in  
24 class I or class II correctional industries work programs above the  
25 number so employed on June 30, 1994;

26 (e) Not later than June 30, 1999, the secretary shall achieve a net  
27 increase of at least one thousand two hundred in the number of inmates  
28 employed in class I or class II correctional industries work programs  
29 above the number so employed on June 30, 1994;

30 (f) Not later than June 30, 2000, the secretary shall achieve a net  
31 increase of at least one thousand five hundred in the number of inmates  
32 employed in class I or class II correctional industries work programs  
33 above the number so employed on June 30, 1994.

34 (5) It shall be in the discretion of the secretary to apportion the  
35 inmates between class I and class II depending on available contracts  
36 and resources."

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4 On page 1, line 1 of the title, after "funds;" strike the remainder  
5 of the title and insert "and amending RCW 72.09.480 and 72.09.111."

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