

HOUSE BILL REPORT

E2SHB 1143

As Passed Legislature

Title: An act relating to deductions from inmate funds.

Brief Description: Authorizing deductions from inmate funds.

Sponsors: By House Committee on Criminal Justice & Corrections (Originally sponsored by Representatives O'Brien, Ballasiotes, Tokuda, Cairnes, Lovick, Kagi, Koster, Constantine, K. Schmidt, Kastama, Fisher, Quall, Kenney, Veloria, Eickmeyer, Kessler, Lantz, Ogden, Murray, Lambert, Dunn, Rockefeller and Conway).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/9/99, 2/17/99 [DPS];
Appropriations: 3/1/99, 3/3/99 [DP2S(w/o sub CJC)].

Floor Activity:

Passed House: 3/16/99, 94-1.
Senate Amended.
Passed Senate: 4/13/99, 43-0.
House Concurred.
Passed Legislature.

Brief Summary of Engrossed Second Substitute Bill

- Authorizes counties and municipalities to charge \$10 booking fees.
- Funds received from outside of the prison by an inmate sentenced to life imprisonment or the death penalty is subject to a 25 percent deduction.
- Continues to direct revenue from the cost of incarceration deduction to offender employment programs.
- Funds received by an inmate from outside the prison for postage services are exempt from any deductions.
- The Department of Corrections must submit a plan for depositing inmate savings into an interest bearing account.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Yvonne Walker (786-7841).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Criminal Justice & Corrections. Signed by 30 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Sullivan; Tokuda and Wensman.

Minority Report: Do not pass. Signed by 2 members: Representatives Lambert and Ruderman.

Staff: Dave Johnson (786-7154).

Background:

Local Jail Booking Fee. Although municipalities and counties are authorized to establish inmate fines and require reimbursement for the cost of incarceration; they are not authorized to require any person who is booked in a county or municipal jail to pay a booking fee to the sheriff's department or police chief's department.

Inmate Funds. The Department of Corrections (DOC) 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. For example, a 35 percent deduction is withdrawn from the wages of inmates participating in a class I Correctional Industry program (private sector businesses operated in the DOC). The deduction is then distributed as follows:

- 5 percent to the Crime Victims' Compensation program;
- 10 percent to the inmate's savings account; and
- 20 percent to the cost of the inmate's incarceration.

All money received by an inmate from outside of the prison (regardless of the inmate's custody level), including money used solely for postage purposes, is subject to the same mandatory deductions as class I industry wages and is deposited into a non-interest bearing account.

Under current law, inmates' wages and outside contributions are subject to a mandatory deduction for costs of incarceration. These funds are currently deposited into an account to support correctional industries but only until December 31, 2000. After that date they would be deposited into the general fund.

Summary of Bill:

Local Jail Booking Fee. Municipalities and counties are authorized to require any person who is booked in a county or municipal jail to pay a \$10 booking fee to the sheriff's department or police chief's department where the jail is located. The person may pay the booking fee from any money he currently has in his possession. If the person does not have any money in his current possession then the sheriff must notify the court for assessment of the fee. If the defendant is acquitted, not charged, or if the charges are dismissed, then the sheriff or police chief must return the booking fee to the defendant at the last known address in the booking records.

Inmate Funds. Any funds received from outside of the prison by an offender who is sentenced to life imprisonment without parole or the death penalty are subject to a 25 percent deduction: 5 percent to the Crime Victims' Compensation program and 20 percent to the cost of the inmate's incarceration.

Any money sent to an inmate from outside sources and designated solely to pay for postage is exempt from the mandatory 35 percent deduction. These funds cannot be transferred for any other use and any unused postage funds at the time of the offender's release will be subject to the mandatory deductions.

The secretary of the department of corrections must prepare a plan for depositing inmate savings account funds into an interest bearing account. The plan must assume that the funds are to be deposited into a commingled account for all inmates and that the interest shall be paid in a manner pro rata to the inmate's share of the total deposits at a rate not less than the passbook savings rate. The plan must be presented to the governor and the legislature not later than December 1, 1999.

The deductions for the cost of incarceration will continue to support correctional industries after December 31, 2000.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Criminal Justice & Corrections) (Original bill and Substitute bill) This bill is to be commended for the sections that exempt educational funds from the mandatory deduction. This will be an incentive to help inmates further their education. However, the exemptions that this bill makes for funds received for an inmate's education and health-related costs may cause the Department of Corrections to have to devise a new accounting system in the prisons for inmate funds. There may be a slight fiscal impact due to the implementation of the new substitute bill.

(Appropriations) (Substitute bill) Under this bill, individuals sentenced to life without parole or death are exempt from the savings account provision. They won't get out to spend the money and they need it inside for toiletries and similar items. It is a burden on families, mostly low income, to maintain contact with offenders. Inmates have many expenses such as personal hygiene items, mail costs, medical co-pays, TV fees, hobby fees and gym fees. Most families view the mandatory deductions on outside contributions as double taxation. This bill removes a disincentive for offenders to become educated. Education helps reduce recidivism.

Testimony Against: (Criminal Justice & Corrections) (Original bill and Substitute bill) The sections of both the original bill and the substitute bill which continue to authorize the Department of Corrections to deduct 20 percent from all money received by an inmate from outside of the prison is still a problem. Inmates complain about this particular deduction on a regular basis.

All money received by an inmate from outside of the prison is essential to their needs while they are incarcerated. Approximately 30 percent of all inmates have no ability to make money even though they are still required to pay for their own personal hygiene items, recreation, and television use.

Since all money received by an inmate from outside of the prison is subject to the 20 percent deduction (for the cost of incarceration), many have wondered if it is right for the state to punish the families of the offender by taking a portion of all incoming funds to be used to pay for that inmate's cost of incarceration. This is an additional strain on many families.

(Appropriations) None.

Testified: (Criminal Justice & Corrections) (In support) Dave Savage, Department of Corrections.

(Criminal Justice & Corrections) (In support with concerns) Sara Fleming, Washington Association of Churches.

(Criminal Justice & Corrections) (Opposed with concerns) Jack Roos; Bill Jeske, Interaction/Transition; and Jon Nelson, Outside Chance.

(Appropriations) (In support) Representative O'Brien, prime sponsor; Sara Fleming, Washington Association of Churches; and Eric Paige, Washington State Catholic Conference.