

# HOUSE BILL REPORT

## E2SHB 1143

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### As Amended by the Senate

**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.

**Brief Summary of Engrossed Second Substitute Bill**

- Changes the mandatory deduction on all money received by an inmate from outside of the prison.
- Continues to direct revenue from the cost of incarceration deduction to offender employment programs.

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### 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**

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**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:**

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 is subject to the same mandatory deductions as class I industry wages.

Under current law, inmate wage 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.

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**Summary of Bill:**

The Department of Corrections is prohibited from taking any of the mandatory 35 percent deduction from the first \$100 an inmate receives from outside of the prison when it is to be used solely for the intention of offender-paid educational purposes or for any

offender-paid health care or related expenses (i.e., transportation and custody escorting to a health care facility outside the prison). Any funds received by the department on behalf of an offender's education or health care that are requested by that offender to be used for purposes other than the original intention will be subject to the usual mandated 35 percent statutory deduction.

In addition, 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.

The current law provision which would have transferred the revenue from the deductions to the general fund is eliminated. Consequently, the deduction for the cost of incarceration would continue to support correctional industries, even after December 31, 2000.

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**EFFECT OF SENATE AMENDMENT(S):** Local Jail Booking Fee. A provision is added to authorize municipalities and counties 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. The provision is eliminated that prohibited the Department of Corrections from taking any of the mandatory 35 percent deduction from the first \$100 an inmate receives from outside of the prison when it is to be used solely for the intention of offender-paid educational purposes or for any offender-paid health care or related expenses. As a result the Department of Corrections is required to continue deducting the entire statutory 35 percent deduction from any funds received from outside of the prison for an inmate who is not subject to a death or life sentence.

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.

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

Postage Charges. A provision is included to exempt any money sent to an inmate and designated solely to pay for postage from the mandatory 35 percent deductions. 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.

Interest Bearing Account. 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.

**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.