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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1143

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State of Washington

56th Legislature

1999 Regular Session

By House Committee on Appropriations (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)

Read first time 03/05/1999.

1 AN ACT Relating to deductions from inmate funds; and amending RCW  
2 72.09.480 and 72.09.111.

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

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

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

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

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

18 (2) When an inmate, except as provided in subsection (6) of this  
19 section, receives any funds in addition to his or her wages or

1 gratuities, the additional funds shall be subject to the deductions in  
2 RCW 72.09.111(1)(a) and the priorities established in chapter 72.11  
3 RCW.

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

8 (4) The deductions required under subsection (2) of this section  
9 shall not apply to ~~((funds received))~~ the first one hundred dollars  
10 received each month by the department on behalf of an offender for  
11 payment of ~~((one))~~ fee-based education or vocational ~~((program that~~  
12 ~~is))~~ programs or related educational materials that are associated with  
13 an inmate's work program or a placement decision made by the department  
14 under RCW 72.09.460 to prepare an inmate for work upon release. Any  
15 funds received by the department on behalf of an offender's education  
16 that are requested by that offender to be used for purposes other than  
17 education or vocational programming shall be subject to the deductions  
18 in subsection (2) of this section.

19 (5) The deductions required under subsection (2) of this section  
20 shall not apply to the first one hundred dollars received each month by  
21 the department from family or other outside sources for the payment of  
22 expenses for elective, offender paid health care, as defined by  
23 department policy. In order for these deductions not to apply, the  
24 offender must have already received department approval of a formal  
25 request for offender paid health care. The funds for which deductions  
26 shall not apply under this provision can be used only in payment for  
27 the elective, offender paid health care and for related expenses  
28 including, but not limited to, transportation and custody escorting of  
29 the offender. Any funds received by the department on behalf of an  
30 offender for his or her elective, offender paid health care that are  
31 requested by that offender to be used for purposes other than the  
32 offender's elective, offender paid health care shall be subject to the  
33 deductions in subsection (2) of this section.

34 (6) When an inmate sentenced to life imprisonment without  
35 possibility of release or parole, or to death under chapter 10.95 RCW,  
36 receives any funds in addition to his or her gratuities, the additional  
37 funds shall be subject to: Deductions of five percent to the public  
38 safety and education account for the purpose of crime victims'

1 compensation and twenty percent to the department to contribute to the  
2 cost of incarceration.

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

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

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

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

13 (ii) Ten percent to a department personal inmate savings account;  
14 and

15 (iii) Twenty percent to the department to contribute to the cost of  
16 incarceration.

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

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

21 (ii) Ten percent to a department personal inmate savings account;  
22 and

23 (iii) Fifteen percent to the department to contribute to the cost  
24 of incarceration.

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

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

31 Any person sentenced to life imprisonment without possibility of  
32 release or parole under chapter 10.95 RCW shall be exempt from the  
33 requirement under (a)(ii) or (b)(ii) of this subsection.

34 The department personal inmate savings account, together with any  
35 accrued interest, shall only be available to an inmate at the time of  
36 his or her release from confinement, unless the secretary determines  
37 that an emergency exists for the inmate, at which time the funds can be  
38 made available to the inmate in an amount determined by the secretary.

1 The management of classes I, II, and IV correctional industries may  
2 establish an incentive payment for offender workers based on  
3 productivity criteria. This incentive shall be paid separately from  
4 the hourly wage/gratuity rate and shall not be subject to the specified  
5 deduction for cost of incarceration.

6 In the event that the offender worker's wages or gratuity is  
7 subject to garnishment for support enforcement, the crime victims'  
8 compensation, savings, and cost of incarceration deductions shall be  
9 calculated on the net wages after taxes, legal financial obligations,  
10 and garnishment.

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

16 (3) The department shall develop the necessary administrative  
17 structure to recover inmates' wages and keep records of the amount  
18 inmates pay for the costs of incarceration and amenities. All funds  
19 deducted from inmate wages under subsection (1) of this section for the  
20 purpose of contributions to the cost of incarceration shall be  
21 deposited in a dedicated fund with the department and shall be used  
22 only for the purpose of enhancing and maintaining correctional  
23 industries work programs (~~((until December 31, 2000, and thereafter all  
24 such funds shall be deposited in the general fund))~~).

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

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

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

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

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

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

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

13 (5) It shall be in the discretion of the secretary to apportion the  
14 inmates between class I and class II depending on available contracts  
15 and resources.

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