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HOUSE BILL 2455

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State of Washington

56th Legislature

2000 Regular Session

By Representatives B. Chandler, Ballasiotes, Cairnes, Koster, Lisk, Schoesler, Talcott, Huff, Pflug and Benson

Read first time 01/17/2000. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to limiting the authority of the department of  
2 corrections to contract with attorneys for the provision of legal  
3 services in correctional facilities; and amending RCW 72.09.190.

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

5 **Sec. 1.** RCW 72.09.190 and 1981 c 136 s 23 are each amended to read  
6 as follows:

7 (1) It is the intent of the legislature that reasonable legal  
8 services be provided to persons committed to the custody of the  
9 department of corrections. Except as provided in subsection (5) of  
10 this section, the department shall contract with persons or  
11 organizations to provide legal services. The secretary shall adopt  
12 procedures designed to minimize any conflict of interest, or appearance  
13 thereof, in respect to the provision of legal services and the  
14 department's administration of such contracts.

15 (2) Persons who contract to provide legal services are expressly  
16 forbidden to solicit plaintiffs or promote litigation which has not  
17 been pursued initially by a person entitled to such services under this  
18 section.

1 (3) Persons who contract to provide legal services shall exhaust  
2 all informal means of resolving a legal complaint or dispute prior to  
3 the filing of any court proceeding.

4 (4) Nothing in this section forbids the secretary to supplement  
5 contracted legal services with any of the following: (a) Law  
6 libraries, (b) law student interns, and (c) volunteer attorneys.

7 (5) The secretary may not contract with attorneys to provide legal  
8 services at a correctional facility if any of the services specified in  
9 subsection (4) of this section are available at that facility.

10 (6) The total due a contractor as compensation, fees, or  
11 reimbursement under the terms of the contract shall be reduced by the  
12 total of any other compensation, fees, or reimbursement received by or  
13 due the contractor for the performance of any legal service to inmates  
14 during the contract period. Any amount received by a contractor under  
15 contract which is not due under this section shall be immediately  
16 returned by the contractor.

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