

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1143

Chapter 325, Laws of 1999

56th Legislature
1999 Regular Session

INMATE FUNDS--DEDUCTIONS AND INTEREST

EFFECTIVE DATE: 7/25/99

Passed by the House April 23, 1999
Yeas 94 Nays 2

CLYDE BALLARD
Speaker of the House of Representatives

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate April 13, 1999
Yeas 43 Nays 0

BRAD OWEN
President of the Senate

Approved May 14, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1143** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 14, 1999 - 6:35 p.m.

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1143

AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

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; amending RCW
2 72.09.480 and 72.09.111; adding a new section to chapter 70.48.RCW; and
3 creating a new section.

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

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

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

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

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

1 (c) "Program" means any series of courses or classes necessary to
2 achieve a proficiency standard, certificate, or postsecondary degree.

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

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

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

18 An inmate may, prior to the completion of the fee-based education
19 or vocational program authorized under this subsection, apply to a
20 person designated by the secretary for permission to make a change in
21 his or her program. The secretary, or his or her designee, may approve
22 the application based solely on the following criteria: (a) The inmate
23 has been transferred to another institution by the department for
24 reasons unrelated to education or a change to a higher security
25 classification and the offender's current program is unavailable in the
26 offender's new placement; (b) the inmate entered an academic program as
27 an undeclared major and wishes to declare a major. No inmate may apply
28 for more than one change to his or her major and receive the exemption
29 from deductions specified in this subsection; (c) the educational or
30 vocational institution is terminating the inmate's current program; or
31 (d) the offender's training or education has demonstrated that the
32 current program is not the appropriate program to assist the offender
33 to achieve a placement decision made by the department under RCW
34 72.09.460 to prepare the inmate for work upon release.

35 (5) The deductions required under subsection (2) of this section
36 shall not apply to any money received by the department, on behalf of
37 an inmate, from family or other outside sources for the payment of
38 postage expenses. Money received under this subsection may only be
39 used for the payment of postage expenses and may not be transferred to

1 any other account or purpose. Money that remains unused in the
2 inmate's postage fund at the time of release shall be subject to the
3 deductions outlined in subsection (2) of this section.

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

11 (7) The interest earned on an inmate savings account created as a
12 result of the plan in section 4 of this act shall be exempt from the
13 mandatory deductions under this section and RCW 72.09.111.

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

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

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

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

24 (ii) Ten percent to a department personal inmate savings account;
25 and

26 (iii) Twenty percent to the department to contribute to the cost of
27 incarceration.

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

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) Fifteen percent to the department to contribute to the cost
35 of incarceration.

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

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

4 Any person sentenced to life imprisonment without possibility of
5 release or parole under chapter 10.95 RCW or sentenced to death shall
6 be exempt from the requirement under (a)(ii) or (b)(ii) of this
7 subsection.

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

18 In the event that the offender worker's wages or gratuity is
19 subject to garnishment for support enforcement, the crime victims'
20 compensation, savings, and cost of incarceration deductions shall be
21 calculated on the net wages after taxes, legal financial obligations,
22 and garnishment.

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

28 (3) The department shall develop the necessary administrative
29 structure to recover inmates' wages and keep records of the amount
30 inmates pay for the costs of incarceration and amenities. All funds
31 deducted from inmate wages under subsection (1) of this section for the
32 purpose of contributions to the cost of incarceration shall be
33 deposited in a dedicated fund with the department and shall be used
34 only for the purpose of enhancing and maintaining correctional
35 industries work programs (~~((until December 31, 2000, and thereafter all
36 such funds shall be deposited in the general fund))~~).

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

1 (a) Not later than June 30, 1995, the secretary shall achieve a net
2 increase of at least two 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 (b) Not later than June 30, 1996, the secretary shall achieve a net
6 increase of at least four hundred in the number of inmates employed in
7 class I or class II correctional industries work programs above the
8 number so employed on June 30, 1994;

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

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

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

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

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

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.48 RCW
29 to read as follows:

30 A governing unit may require that each person who is booked at a
31 city, county, or regional jail pay a fee of ten dollars to the
32 sheriff's department of the county or police chief of the city in which
33 the jail is located. The fee is payable immediately from any money
34 then possessed by the person being booked, or any money deposited with
35 the sheriff's department or city jail administration on the person's
36 behalf. If the person has no funds at the time of booking or during
37 the period of incarceration, the sheriff or police chief may notify the
38 court in the county or city where the charges related to the booking

1 are pending, and may request the assessment of the fee. Unless the
2 person is held on other criminal matters, if the person is not charged,
3 is acquitted, or if all charges are dismissed, the sheriff or police
4 chief shall return the fee to the person at the last known address
5 listed in the booking records.

6 NEW SECTION. **Sec. 4.** The secretary of corrections shall prepare
7 a plan for depositing inmate savings account funds into an interest
8 bearing account. The plan shall assume that the funds shall be
9 deposited into a commingled account for all inmates and that the
10 interest shall be paid in a manner pro rata to the inmate's share of
11 the total deposits. The secretary shall present the plan to the
12 governor and the legislature not later than December 1, 1999. The plan
13 shall minimize the costs of administering the account and the inmates
14 shall receive interest at a rate not less than the passbook savings
15 rate.

Passed the House April 23, 1999.

Passed the Senate April 13, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.