

# HOUSE BILL REPORT

## SHB 1260

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### As Reported by House Committee On:

Criminal Justice & Corrections

**Title:** An act relating to postsecondary courses for inmates.

**Brief Description:** Establishing a postsecondary education program for inmates.

**Sponsors:** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lovick, Ballasiotes, O'Brien, Kagi and Haigh).

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 1/16/02 [DP2S].

#### Brief Summary of Second Substitute Bill

- Requires the Department of Corrections (DOC) to implement a one-year pilot post-secondary educational program for inmates.
- Requires the DOC to offer, through a request for proposal process, an opportunity for community and four-year colleges to provide post-secondary educational courses to inmates on a self-pay system.
- Requires the DOC to prepare a report to the Legislature by January 1, 2003, evaluating the pilot post-secondary educational program.
- Prohibits the DOC from taking a deduction from any money an inmate receives from outside of the prison when it is solely used for educational purposes.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 6 members: Representatives O'Brien, Chair; Lovick, Vice Chair; Ballasiotes, Kagi, Kirby and Morell.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Ahern.

**Staff:** Yvonne Walker (786-7841).

**Background:**

In 1995 the Legislature adopted a law requiring the DOC to prioritize its available resources to meet the following educational goals, specified in order of priority (HB 2010):

- (1) Achievement of basic academic skills through obtaining a high school diploma or its equivalent, and achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release;
- (2) Additional work and education programs that are compatible with an offender's case management plan; and
- (3) Other work and education programs as appropriate.

The 1995 legislation required the DOC to develop a formula by which inmates would contribute to the cost of certain educational and vocational programs based on their ability to pay. The formula requires offenders to pay a portion of the costs or tuition for any second or subsequent vocational program associated with their work programs and any A.A. or B.A. programs that are part of their case management plans. The formula also requires offenders to pay all costs and tuition of any post-secondary academic program and any second or subsequent vocational program that is not part of their case management plan.

As a result of these statutory priorities, which were implemented in the context of a 5 percent reduction in the department's education budget, many post-secondary academic programs and vocational programs were eliminated from state correctional institutions.

In addition, as part of the 1995 legislation, funds that an inmate receives from sources outside the institution became subject to a 35 percent deduction. The deductions that are taken are distributed as follows: 20 percent for costs of incarceration; 10 percent for mandatory savings to be distributed to offenders upon release; and 5 percent for crime victims' compensation.

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**Summary of Second Substitute Bill:**

The DOC must select one prison for females and one prison for males to implement a one year pilot post-secondary educational program for inmates. The department must ensure that the pilot program tries to address all modes of instruction that inmates are eligible to use including distance learning and other technologies.

The department must offer, through a request for proposal (RFP) process, an opportunity for community and four-year colleges to provide post-secondary educational courses to inmates on a self-pay system. Although the department must provide any necessary space and administrative support to any college or university providing classes, each individual inmate is responsible for paying all costs and tuition associated with participating in the

courses.

Inmates may use their own funds and funds deducted by the DOC from their personal inmate savings account for the sole purposes of their post-secondary educational classes. In addition, the DOC is prohibited from taking any of the mandatory 35 percent deduction from money an inmate receives from outside of the prison when it is to be used solely for educational purposes. Any funds received by the department on behalf of an offender's education 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.

The DOC must submit a report to the Legislature by January 1, 2002. The report must include recommendations regarding whether the pilot post-secondary educational program should be extended and stating the number of inmates who participated in the program.

**Second Substitute Bill Compared to Substitute Bill:**

The provision that requires the DOC to allow any inmate to participate in a post-secondary education course irrespective of the offender's release date or custody level is deleted.

A provision is added that prohibits the DOC from taking any of the mandatory 35 percent deduction from money an inmate receives from outside of the prison when it is to be used solely for educational purposes. Any funds received by the department on behalf of an offender's education 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.

The provision that required the DOC to prepare and submit an evaluation report to the Legislature by January 2002 is changed to January 2003.

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**Appropriation:** None.

**Fiscal Note:** Requested on substitute January 17, 2002.

**Effective Date of Second Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** None.

**Testimony Against:** None.

**Testified:** None.