
HOUSE BILL 2599

State of Washington

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By Representatives Orcutt, O'Brien, Ahern, Kagi, Doumit, Chandler, Sump, Benson, Barlean, Nixon, Carrell, Roach, Talcott, Lisk, Mulliken, Lysen, Kirby, Pearson and Casada

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1 AN ACT Relating to offender work programs; and amending RCW
2 9.94A.725, 9.94A.731, 70.48.210, and 72.65.020.

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

4 **Sec. 1.** RCW 9.94A.725 and 2000 c 28 s 27 are each amended to read
5 as follows:

6 Participation in a work crew is conditioned upon the offender's
7 acceptance into the program, abstinence from alcohol and controlled
8 substances as demonstrated by urinalysis and breathalyzer monitoring,
9 with the cost of monitoring to be paid by the offender, unless
10 indigent; and upon compliance with the rules of the program, which
11 rules require the offender to work to the best of his or her abilities
12 and provide the program with accurate, verified residence information.
13 Work crew may be imposed simultaneously with electronic home detention.

14 Offenders convicted of any sex offense or any crime against a
15 minor, or having any other court imposed restriction denying them
16 access to minors, may not participate in any project or program under
17 this section in or near the buildings, grounds, or facilities of
18 schools during hours when minor children are present. No state or
19 local corrections agency may allow an offender to participate in any

1 project or program under this section in or near the buildings,
2 grounds, or facilities of schools during hours when minor children are
3 present unless the agency performed a complete and thorough criminal
4 background check on the offender.

5 Where work crew is imposed as part of a sentence of nine months or
6 more, the offender must serve a minimum of thirty days of total
7 confinement before being eligible for work crew.

8 Work crew tasks shall be performed for a minimum of thirty-five
9 hours per week. Only those offenders sentenced to a facility operated
10 or utilized under contract by a county or the state, or sanctioned
11 under RCW 9.94A.737, are eligible to participate on a work crew.
12 Offenders sentenced for a sex offense are not eligible for the work
13 crew program.

14 An offender who has successfully completed four weeks of work crew
15 at thirty-five hours per week shall thereafter receive credit toward
16 the work crew sentence for hours worked at approved, verified
17 employment. Such employment credit may be earned for up to twenty-four
18 hours actual employment per week provided, however, that every such
19 offender shall continue active participation in work crew projects
20 according to a schedule approved by a work crew supervisor until the
21 work crew sentence has been served.

22 The hours served as part of a work crew sentence may include
23 substance abuse counseling and/or job skills training.

24 The civic improvement tasks performed by offenders on work crew
25 shall be unskilled labor for the benefit of the community as determined
26 by the head of the county executive branch or his or her designee.
27 Civic improvement tasks shall not be done on private property unless it
28 is owned or operated by a nonprofit entity, except that, for emergency
29 purposes only, work crews may perform snow removal on any private
30 property. The civic improvement tasks shall have minimal negative
31 impact on existing private industries or the labor force in the county
32 where the service or labor is performed. The civic improvement tasks
33 shall not affect employment opportunities for people with developmental
34 disabilities contracted through sheltered workshops as defined in RCW
35 82.04.385. In case any dispute arises as to a civic improvement task
36 having more than minimum negative impact on existing private industries
37 or labor force in the county where their service or labor is performed,
38 the matter shall be referred by an interested party, as defined in RCW

1 39.12.010(4), for arbitration to the director of the department of
2 labor and industries of the state.

3 Whenever an offender receives credit against a work crew sentence
4 for hours of approved, verified employment, the offender shall pay to
5 the agency administering the program the monthly assessment of an
6 amount not less than ten dollars per month nor more than fifty dollars
7 per month. This assessment shall be considered payment of the costs of
8 providing the work crew program to an offender. The court may exempt
9 a person from the payment of all or any part of the assessment based
10 upon any of the following factors:

11 (1) The offender has diligently attempted but has been unable to
12 obtain employment that provides the offender sufficient income to make
13 such payment.

14 (2) The offender is a student in a school, college, university, or
15 a course of vocational or technical training designed to fit the
16 student for gainful employment.

17 (3) The offender has an employment handicap, as determined by an
18 examination acceptable to or ordered by the court.

19 (4) The offender is responsible for the support of dependents and
20 the payment of the assessment constitutes an undue hardship.

21 (5) Other extenuating circumstances as determined by the court.

22 **Sec. 2.** RCW 9.94A.731 and 2000 c 28 s 29 are each amended to read
23 as follows:

24 (1) An offender sentenced to a term of partial confinement shall be
25 confined in the facility for at least eight hours per day or, if
26 serving a work crew sentence shall comply with the conditions of that
27 sentence as set forth in RCW 9.94A.030(30) and 9.94A.725. The offender
28 shall be required as a condition of partial confinement to report to
29 the facility at designated times. During the period of partial
30 confinement, an offender may be required to comply with crime-related
31 prohibitions and affirmative conditions imposed by the court or the
32 department pursuant to this chapter.

33 (2) An offender in a county jail ordered to serve all or part of a
34 term of less than one year in work release, work crew, or a program of
35 home detention who violates the rules of the work release facility,
36 work crew, or program of home detention or fails to remain employed or
37 enrolled in school may be transferred to the appropriate county
38 detention facility without further court order but shall, upon request,

1 be notified of the right to request an administrative hearing on the
2 issue of whether or not the offender failed to comply with the order
3 and relevant conditions. Pending such hearing, or in the absence of a
4 request for the hearing, the offender shall serve the remainder of the
5 term of confinement as total confinement. This subsection shall not
6 affect transfer or placement of offenders committed to the department.

7 (3) Participation in work release shall be conditioned upon the
8 offender attending work or school at regularly defined hours and
9 abiding by the rules of the work release facility.

10 Offenders convicted of any sex offense or any crime against a
11 minor, or having any other court imposed restriction denying them
12 access to minors, may not participate in any project or program under
13 this section in or near the buildings, grounds, or facilities of
14 schools during hours when minor children are present. No state or
15 local corrections agency may allow an offender to participate in any
16 project or program under this section in or near the buildings,
17 grounds, or facilities of schools during hours when minor children are
18 present unless the agency performed a complete and thorough criminal
19 background check on the offender.

20 **Sec. 3.** RCW 70.48.210 and 1990 c 3 s 203 are each amended to read
21 as follows:

22 (1) All cities and counties are authorized to establish and
23 maintain farms, camps, and work release programs and facilities, as
24 well as special detention facilities. The facilities shall meet the
25 requirements of chapter 70.48 RCW and any rules adopted thereunder.

26 (2) Farms and camps may be established either inside or outside the
27 territorial limits of a city or county. A sentence of confinement in
28 a city or county jail may include placement in a farm or camp. Unless
29 directed otherwise by court order, the chief law enforcement officer or
30 department of corrections, may transfer the prisoner to a farm or camp.
31 The sentencing court, chief law enforcement officer, or department of
32 corrections may not transfer to a farm or camp a greater number of
33 prisoners than can be furnished with constructive employment and can be
34 reasonably accommodated.

35 (3) The city or county may establish a city or county work release
36 program and housing facilities for the prisoners in the program. In
37 such regard, factors such as employment conditions and the condition of

1 jail facilities should be considered. When a work release program is
2 established the following provisions apply:

3 (a) A person convicted of a felony and placed in a city or county
4 jail is eligible for the work release program. A person sentenced to
5 a city or county jail is eligible for the work release program. The
6 program may be used as a condition of probation for a criminal offense.
7 Good conduct is a condition of participation in the program.

8 (b) The court may permit a person who is currently, regularly
9 employed to continue his or her employment. The chief law enforcement
10 officer or department of corrections shall make all necessary
11 arrangements if possible. The court may authorize the person to seek
12 suitable employment and may authorize the chief law enforcement officer
13 or department of corrections to make reasonable efforts to find
14 suitable employment for the person. A person participating in the work
15 release program may not work in an establishment where there is a labor
16 dispute.

17 (c) The work release prisoner shall be confined in a work release
18 facility or jail unless authorized to be absent from the facility for
19 program-related purposes, unless the court directs otherwise.

20 (d) Each work release prisoner's earnings may be collected by the
21 chief law enforcement officer or a designee. The chief law enforcement
22 officer or a designee may deduct from the earnings moneys for the
23 payments for the prisoner's board, personal expenses inside and outside
24 the jail, a share of the administrative expenses of this section,
25 court-ordered victim compensation, and court-ordered restitution.
26 Support payments for the prisoner's dependents, if any, shall be made
27 as directed by the court. With the prisoner's consent, the remaining
28 funds may be used to pay the prisoner's preexisting debts. Any
29 remaining balance shall be returned to the prisoner.

30 (e) The prisoner's sentence may be reduced by earned early release
31 time in accordance with procedures that shall be developed and
32 promulgated by the work release facility. The earned early release
33 time shall be for good behavior and good performance as determined by
34 the facility. The facility shall not credit the offender with earned
35 early release credits in advance of the offender actually earning the
36 credits. In the case of an offender convicted of a serious violent
37 offense or a sex offense that is a class A felony committed on or after
38 July 1, 1990, the aggregate earned early release time may not exceed

1 fifteen percent of the sentence. In no other case may the aggregate
2 earned early release time exceed one-third of the total sentence.

3 (f) If the work release prisoner violates the conditions of custody
4 or employment, the prisoner shall be returned to the sentencing court.
5 The sentencing court may require the prisoner to spend the remainder of
6 the sentence in actual confinement and may cancel any earned reduction
7 of the sentence.

8 (g) Offenders convicted of any sex offense or any crime against a
9 minor, or having any other court imposed restriction denying them
10 access to minors, may not participate in any project or program under
11 this section in or near the buildings, grounds, or facilities of
12 schools during hours when minor children are present. No state or
13 local corrections agency may allow an offender to participate in any
14 project or program under this section in or near the buildings,
15 grounds, or facilities of schools during hours when minor children are
16 present unless the agency performed a complete and thorough criminal
17 background check on the offender.

18 (4) A special detention facility may be operated by a
19 noncorrectional agency or by noncorrectional personnel by contract with
20 the governing unit. The employees shall meet the standards of training
21 and education established by the criminal justice training commission
22 as authorized by RCW 43.101.080. The special detention facility may
23 use combinations of features including, but not limited to, low-
24 security or honor prisoner status, work farm, work release, community
25 review, prisoner facility maintenance and food preparation, training
26 programs, or alcohol or drug rehabilitation programs. Special
27 detention facilities may establish a reasonable fee schedule to cover
28 the cost of facility housing and programs. The schedule shall be on a
29 sliding basis that reflects the person's ability to pay.

30 **Sec. 4.** RCW 72.65.020 and 1984 c 209 s 28 are each amended to read
31 as follows:

32 (1) The secretary is authorized to extend the limits of the place
33 of confinement and treatment within the state of any prisoner convicted
34 of a felony, sentenced to a term of confinement and treatment by the
35 superior court, and serving such sentence in a state correctional
36 institution under the jurisdiction of the department, by authorizing a
37 work release plan for such prisoner, permitting him, under prescribed
38 conditions, to do any of the following:

1 (a) Work at paid employment.

2 (b) Participate in a vocational training program: PROVIDED, That
3 the tuition and other expenses of such a vocational training program
4 shall be paid by the prisoner, by someone in his behalf, or by the
5 department: PROVIDED FURTHER, That any expenses paid by the department
6 shall be recovered by the department pursuant to the terms of RCW
7 72.65.050.

8 (c) Interview or make application to a prospective employer or
9 employers, or enroll in a suitable vocational training program.

10 Such work release plan of any prison shall require that he be
11 confined during the hours not reasonably necessary to implement the
12 plan, in ~~((+1))~~ (i) a state correctional institution, ~~((+2))~~ (ii) a
13 county or city jail, which jail has been approved after inspection
14 pursuant to RCW 70.48.050, or ~~((+3))~~ (iii) any other appropriate,
15 supervised facility, after an agreement has been entered into between
16 the department and the appropriate authorities of the facility for the
17 housing of work release prisoners.

18 (2) Offenders convicted of any sex offense or any crime against a
19 minor, or having any other court imposed restriction denying them
20 access to minors, may not participate in any project or program under
21 this section in or near the buildings, grounds, or facilities of
22 schools during hours when minor children are present. No state or
23 local corrections agency may allow an offender to participate in any
24 project or program under this section in or near the buildings,
25 grounds, or facilities of schools during hours when minor children are
26 present unless the agency performed a complete and thorough criminal
27 background check on the offender.

28 (3) This section applies only to persons sentenced for crimes that
29 were committed before July 1, 1984.

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