

**E2SSB 6489** - H COMM AMD

By Committee on Criminal Justice & Corrections

1           Strike everything after the enacting clause and insert the  
2 following:

3           "**Sec. 1.** RCW 72.09.070 and 1994 sp.s. c 7 s 535 are each  
4 amended to read as follows:

5           (1) There is created a correctional industries board of  
6 directors which shall have the composition provided in RCW  
7 72.09.080.

8           (2) Consistent with general department of corrections policies  
9 and procedures pertaining to the general administration of  
10 correctional facilities, the board shall establish and implement  
11 policy for correctional industries programs designed to:

12           (a) Offer inmates meaningful employment, work experience, and  
13 training in vocations that are specifically designed to reduce  
14 recidivism and thereby enhance public safety by providing  
15 opportunities for legitimate means of livelihood upon their release  
16 from custody;

17           (b) Provide industries which will reduce the tax burden of  
18 corrections and save taxpayers money through production of goods  
19 and services for sale and use;

20           (c) Operate correctional work programs in an effective and  
21 efficient manner which are as similar as possible to those provided  
22 by the private sector;

23           (d) Encourage the development of and provide for selection of,  
24 contracting for, and supervision of work programs with  
25 participating private enterprise firms;

26           (e) Develop and (~~design~~) select correctional industries work  
27 programs that do not unfairly compete with Washington businesses;

28           (f) Invest available funds in correctional industries  
29 enterprises and meaningful work programs that minimize the impact  
30 on in-state jobs and businesses.

1 (3) The board of directors shall at least annually review the  
2 work performance of the director of correctional industries  
3 division with the secretary.

4 (4) The director of correctional industries division shall  
5 review and evaluate the productivity, funding, and appropriateness  
6 of all correctional work programs and report on their effectiveness  
7 to the board and to the secretary.

8 (5) The board of directors shall have the authority to identify  
9 and establish trade advisory or apprenticeship committees to advise  
10 them on correctional industries work programs. The secretary shall  
11 appoint the members of the committees.

12 Where a labor management trade advisory and apprenticeship  
13 committee has already been established by the department pursuant  
14 to RCW 72.62.050 the existing committee shall also advise the board  
15 of directors.

16 (6) The board shall develop a strategic yearly marketing plan  
17 that shall be consistent with and work towards achieving the goals  
18 established in the six-year phased expansion of class I and class  
19 II correctional industries established in RCW 72.09.111. This  
20 marketing plan shall be presented to the appropriate committees of  
21 the legislature by January 17 of each calendar year until the goals  
22 set forth in RCW 72.09.111 are achieved.

23 **Sec. 2.** RCW 72.09.100 and 2002 c 175 s 49 are each amended to  
24 read as follows:

25 It is the intent of the legislature to vest in the department  
26 the power to provide for a comprehensive inmate work program and to  
27 remove statutory and other restrictions which have limited work  
28 programs in the past. It is also the intent of the legislature to  
29 ensure that the correctional industries board of directors, in  
30 developing and selecting correctional industries work programs,  
31 does not encourage the development of, or provide for selection of  
32 or contracting for, or the significant expansion of, any new or  
33 existing class I correctional industries work programs that  
34 unfairly compete with Washington businesses. The legislature  
35 intends that the requirements relating to fair competition in the  
36 correctional industries work programs be liberally construed by the  
37 correctional industries board of directors to protect Washington  
38 businesses from unfair competition.

1 For purposes of establishing such a comprehensive program, the  
2 legislature recommends that the department consider adopting any or  
3 all, or any variation of, the following classes of work programs:

4 (1) CLASS I: FREE VENTURE INDUSTRIES.

5 (a) The employer model industries in this class shall be  
6 operated and managed in total or in part by any profit or nonprofit  
7 organization pursuant to an agreement between the organization and  
8 the department. The organization shall produce goods or services  
9 for sale to both the public and private sector.

10 (b) The customer model industries in this class shall be  
11 operated and managed by the department to provide Washington state  
12 manufacturers or businesses with products or services currently  
13 produced or provided by out-of-state or foreign suppliers.

14 (c) The correctional industries board of directors shall review  
15 these proposed industries, including any potential new class I  
16 industries work program or the significant expansion of an existing  
17 class I industries work program, before the department contracts to  
18 provide such products or services. The review shall include ((an))  
19 the analysis ((of the potential impact of the proposed products and  
20 services on the Washington state business community and labor  
21 market)) required under section 4 of this act to determine if the  
22 proposed correctional industries work program will compete with any  
23 Washington business. An agreement for a new class I correctional  
24 industries work program, or an agreement for a significant  
25 expansion of an existing class I correctional industries work  
26 program, that unfairly competes with any Washington business is  
27 prohibited.

28 (d) The department of corrections shall supply appropriate  
29 security and custody services without charge to the participating  
30 firms.

31 (e) Inmates who work in free venture industries shall do so at  
32 their own choice. They shall be paid a wage comparable to the wage  
33 paid for work of a similar nature in the locality in which the  
34 industry is located, as determined by the director of correctional  
35 industries. If the director cannot reasonably determine the  
36 comparable wage, then the pay shall not be less than the federal  
37 minimum wage.

38 (f) An inmate who is employed in the class I program of  
39 correctional industries shall not be eligible for unemployment

1 compensation benefits pursuant to any of the provisions of Title 50  
2 RCW until released on parole or discharged.

3 (2) CLASS II: TAX REDUCTION INDUSTRIES.

4 (a) Industries in this class shall be state-owned and operated  
5 enterprises designed to reduce the costs for goods and services for  
6 tax-supported agencies and for nonprofit organizations.

7 (b) The industries selected for development within this class  
8 shall, as much as possible, match the available pool of inmate work  
9 skills and aptitudes with the work opportunities in the free  
10 community. The industries shall be closely patterned after private  
11 sector industries but with the objective of reducing public support  
12 costs rather than making a profit. The products and services of  
13 this industry, including purchased products and services necessary  
14 for a complete product line, may be sold to public agencies, to  
15 nonprofit organizations, and to private contractors when the goods  
16 purchased will be ultimately used by a public agency or a nonprofit  
17 organization. Clothing manufactured by an industry in this class  
18 may be donated to nonprofit organizations that provide clothing  
19 free of charge to low- income persons.

20 (c)(i) Class II correctional industries products and services  
21 shall be reviewed by the correctional industries board of directors  
22 before offering such products and services for sale to private  
23 contractors.

24 (ii) The board of directors shall conduct a yearly marketing  
25 review of the products and services offered under this subsection.  
26 Such review shall include an analysis of the potential impact of  
27 the proposed products and services on the Washington state business  
28 community. To avoid waste or spoilage and consequent loss to the  
29 state((7)) when there is no public sector market for such goods,  
30 byproducts and surpluses of timber, agricultural, and animal  
31 husbandry enterprises may be sold to private persons, at private  
32 sale. Surplus byproducts and surpluses of timber, agricultural and  
33 animal husbandry enterprises that cannot be sold to public agencies  
34 or to private persons may be donated to nonprofit organizations.  
35 All sales of surplus products shall be carried out in accordance  
36 with rules prescribed by the secretary.

37 (d) Security and custody services shall be provided without  
38 charge by the department of corrections.

1           (e) Inmates working in this class of industries shall do so at  
2 their own choice and shall be paid for their work on a gratuity  
3 scale which shall not exceed the wage paid for work of a similar  
4 nature in the locality in which the industry is located and which  
5 is approved by the director of correctional industries.

6           (f) Subject to approval of the correctional industries board,  
7 provisions of RCW 41.06.380 prohibiting contracting out work  
8 performed by classified employees shall not apply to contracts with  
9 Washington state businesses entered into by the department of  
10 corrections through class II industries.

11           (3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

12           (a) Industries in this class shall be operated by the  
13 department of corrections. They shall be designed and managed to  
14 accomplish the following objectives:

15           ~~((+a))~~ (i) Whenever possible, to provide basic work training  
16 and experience so that the inmate will be able to qualify for  
17 better work both within correctional industries and the free  
18 community. It is not intended that an inmate's work within this  
19 class of industries should be his or her final and total work  
20 experience as an inmate.

21           ~~((+b))~~ (ii) Whenever possible, to provide forty hours of work  
22 or work training per week.

23           ~~((+c))~~ (iii) Whenever possible, to offset tax and other public  
24 support costs.

25           (b) Class III correctional industries shall be reviewed by the  
26 correctional industries board of directors to set policy for work  
27 crews. The department shall present to the board of directors  
28 quarterly detail statements showing where work crews worked, what  
29 correctional industry class, and the hours worked. The board of  
30 directors may review any class III program at its discretion.

31           (c) Supervising, management, and custody staff shall be  
32 employees of the department.

33           (d) All able and eligible inmates who are assigned work and who  
34 are not working in other classes of industries shall work in this  
35 class.

36           (e) Except for inmates who work in work training programs,  
37 inmates in this class shall be paid for their work in accordance  
38 with an inmate gratuity scale. The scale shall be adopted by the  
39 secretary of corrections.

1 (4) CLASS IV: COMMUNITY WORK INDUSTRIES.

2 (a) Industries in this class shall be operated by the  
3 department of corrections. They shall be designed and managed to  
4 provide services in the inmate's resident community at a reduced  
5 cost. The services shall be provided to public agencies, to  
6 persons who are poor or infirm, or to nonprofit organizations.

7 (b) Class IV correctional industries shall be reviewed by the  
8 correctional industries board of directors to set policy for work  
9 crews. The department shall present to the board of directors  
10 quarterly detail statements showing where work crews worked, what  
11 correctional industry class, and the hours worked. The board of  
12 directors may review any class IV program at its discretion. Class  
13 IV correctional industries operated in work camps established  
14 pursuant to RCW 72.64.050 are exempt from the requirements of this  
15 subsection (4)(b).

16 (c) Inmates in this program shall reside in facilities owned  
17 by, contracted for, or licensed by the department of corrections.  
18 A unit of local government shall provide work supervision services  
19 without charge to the state and shall pay the inmate's wage.

20 (d) The department of corrections shall reimburse participating  
21 units of local government for liability and workers compensation  
22 insurance costs.

23 (e) Inmates who work in this class of industries shall do so at  
24 their own choice and shall receive a gratuity which shall not  
25 exceed the wage paid for work of a similar nature in the locality  
26 in which the industry is located.

27 (5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

28 (a) Programs in this class shall be subject to supervision by  
29 the department of corrections. The purpose of this class of  
30 industries is to enable an inmate, placed on community supervision,  
31 to work off all or part of a community restitution order as ordered  
32 by the sentencing court.

33 (b) Employment shall be in a community restitution program  
34 operated by the state, local units of government, or a nonprofit  
35 agency.

36 (c) To the extent that funds are specifically made available  
37 for such purposes, the department of corrections shall reimburse  
38 nonprofit agencies for workers compensation insurance costs.

1           **Sec. 3.** RCW 72.09.100 and 2002 c 354 s 238 and 2002 c 175 s 49  
2 are each reenacted and amended to read as follows:

3           It is the intent of the legislature to vest in the department  
4 the power to provide for a comprehensive inmate work program and to  
5 remove statutory and other restrictions which have limited work  
6 programs in the past. It is also the intent of the legislature to  
7 ensure that the correctional industries board of directors, in  
8 developing and selecting correctional industries work programs,  
9 does not encourage the development of, or provide for selection of  
10 or contracting for, or the significant expansion of, any new or  
11 existing class I correctional industries work programs that  
12 unfairly compete with Washington businesses. The legislature  
13 intends that the requirements relating to fair competition in the  
14 correctional industries work programs be liberally construed by the  
15 correctional industries board of directors to protect Washington  
16 businesses from unfair competition. For purposes of establishing  
17 such a comprehensive program, the legislature recommends that the  
18 department consider adopting any or all, or any variation of, the  
19 following classes of work programs:

20           (1) CLASS I: FREE VENTURE INDUSTRIES.

21           (a) The employer model industries in this class shall be  
22 operated and managed in total or in part by any profit or nonprofit  
23 organization pursuant to an agreement between the organization and  
24 the department. The organization shall produce goods or services  
25 for sale to both the public and private sector.

26           (b) The customer model industries in this class shall be  
27 operated and managed by the department to provide Washington state  
28 manufacturers or businesses with products or services currently  
29 produced or provided by out-of-state or foreign suppliers.

30           (c) The correctional industries board of directors shall review  
31 these proposed industries, including any potential new class I  
32 industries work program or the significant expansion of an existing  
33 class I industries work program, before the department contracts to  
34 provide such products or services. The review shall include ((an))  
35 the analysis ((of the potential impact of the proposed products and  
36 services on the Washington state business community and labor  
37 market)) required under section 4 of this act to determine if the  
38 proposed correctional industries work program will compete with any  
39 Washington business. An agreement for a new class I correctional

1 industries work program, or an agreement for a significant  
2 expansion of an existing class I correctional industries work  
3 program, that unfairly competes with any Washington business is  
4 prohibited.

5 (d) The department of corrections shall supply appropriate  
6 security and custody services without charge to the participating  
7 firms.

8 (e) Inmates who work in free venture industries shall do so at  
9 their own choice. They shall be paid a wage comparable to the wage  
10 paid for work of a similar nature in the locality in which the  
11 industry is located, as determined by the director of correctional  
12 industries. If the director cannot reasonably determine the  
13 comparable wage, then the pay shall not be less than the federal  
14 minimum wage.

15 (f) An inmate who is employed in the class I program of  
16 correctional industries shall not be eligible for unemployment  
17 compensation benefits pursuant to any of the provisions of Title 50  
18 RCW until released on parole or discharged.

19 (2) CLASS II: TAX REDUCTION INDUSTRIES.

20 (a) Industries in this class shall be state-owned and operated  
21 enterprises designed to reduce the costs for goods and services for  
22 tax-supported agencies and for nonprofit organizations.

23 (b) The industries selected for development within this class  
24 shall, as much as possible, match the available pool of inmate work  
25 skills and aptitudes with the work opportunities in the free  
26 community. The industries shall be closely patterned after private  
27 sector industries but with the objective of reducing public support  
28 costs rather than making a profit. The products and services of  
29 this industry, including purchased products and services necessary  
30 for a complete product line, may be sold to public agencies, to  
31 nonprofit organizations, and to private contractors when the goods  
32 purchased will be ultimately used by a public agency or a nonprofit  
33 organization. Clothing manufactured by an industry in this class  
34 may be donated to nonprofit organizations that provide clothing  
35 free of charge to low- income persons.

36 (c)(i) Class II correctional industries products and services  
37 shall be reviewed by the correctional industries board of directors  
38 before offering such products and services for sale to private  
39 contractors.



1           (ii) The board of directors shall conduct a yearly marketing  
2 review of the products and services offered under this subsection.  
3 Such review shall include an analysis of the potential impact of  
4 the proposed products and services on the Washington state business  
5 community. To avoid waste or spoilage and consequent loss to the  
6 state, when there is no public sector market for such goods,  
7 byproducts and surpluses of timber, agricultural, and animal  
8 husbandry enterprises may be sold to private persons, at private  
9 sale. Surplus byproducts and surpluses of timber, agricultural and  
10 animal husbandry enterprises that cannot be sold to public agencies  
11 or to private persons may be donated to nonprofit organizations.  
12 All sales of surplus products shall be carried out in accordance  
13 with rules prescribed by the secretary.

14           (d) Security and custody services shall be provided without  
15 charge by the department of corrections.

16           (e) Inmates working in this class of industries shall do so at  
17 their own choice and shall be paid for their work on a gratuity  
18 scale which shall not exceed the wage paid for work of a similar  
19 nature in the locality in which the industry is located and which  
20 is approved by the director of correctional industries.

21           (f) Subject to approval of the correctional industries board,  
22 provisions of RCW 41.06.142 shall not apply to contracts with  
23 Washington state businesses entered into by the department of  
24 corrections through class II industries.

25           (3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

26           (a) Industries in this class shall be operated by the  
27 department of corrections. They shall be designed and managed to  
28 accomplish the following objectives:

29           ~~((a))~~ (i) Whenever possible, to provide basic work training  
30 and experience so that the inmate will be able to qualify for  
31 better work both within correctional industries and the free  
32 community. It is not intended that an inmate's work within this  
33 class of industries should be his or her final and total work  
34 experience as an inmate.

35           ~~((b))~~ (ii) Whenever possible, to provide forty hours of work  
36 or work training per week.

37           ~~((c))~~ (iii) Whenever possible, to offset tax and other public  
38 support costs.

1       (b) Class III correctional industries shall be reviewed by the  
2 correctional industries board of directors to set policy for work  
3 crews. The department shall present to the board of directors  
4 quarterly detail statements showing where work crews worked, what  
5 correctional industry class, and the hours worked. The board of  
6 directors may review any class III program at its discretion.

7       (c) Supervising, management, and custody staff shall be  
8 employees of the department.

9       (d) All able and eligible inmates who are assigned work and who  
10 are not working in other classes of industries shall work in this  
11 class.

12       (e) Except for inmates who work in work training programs,  
13 inmates in this class shall be paid for their work in accordance  
14 with an inmate gratuity scale. The scale shall be adopted by the  
15 secretary of corrections.

16       (4) CLASS IV: COMMUNITY WORK INDUSTRIES.

17       (a) Industries in this class shall be operated by the  
18 department of corrections. They shall be designed and managed to  
19 provide services in the inmate's resident community at a reduced  
20 cost. The services shall be provided to public agencies, to  
21 persons who are poor or infirm, or to nonprofit organizations.

22       **(b) Class IV correctional industries shall be reviewed by the**  
23 **correctional industries board of directors to set policy for work**  
24 **crews. The department shall present to the board of directors**  
25 **quarterly detail statements showing where work crews worked, what**  
26 **correctional industry class, and the hours worked. The board of**  
27 **directors may review any class IV program at its discretion. Class**  
28 **IV correctional industries operated in work camps established**  
29 **pursuant to RCW 72.64.050 are exempt from the requirements of this**  
30 **subsection (4)(b).**

31       (c) Inmates in this program shall reside in facilities owned  
32 by, contracted for, or licensed by the department of corrections.  
33 A unit of local government shall provide work supervision services  
34 without charge to the state and shall pay the inmate's wage.

35       (d) The department of corrections shall reimburse participating  
36 units of local government for liability and workers compensation  
37 insurance costs.

38       (e) Inmates who work in this class of industries shall do so at  
39 their own choice and shall receive a gratuity which shall not

1 exceed the wage paid for work of a similar nature in the locality  
2 in which the industry is located.

3 (5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

4 (a) Programs in this class shall be subject to supervision by  
5 the department of corrections. The purpose of this class of  
6 industries is to enable an inmate, placed on community supervision,  
7 to work off all or part of a community restitution order as ordered  
8 by the sentencing court.

9 (b) Employment shall be in a community restitution program  
10 operated by the state, local units of government, or a nonprofit  
11 agency.

12 (c) To the extent that funds are specifically made available  
13 for such purposes, the department of corrections shall reimburse  
14 nonprofit agencies for workers compensation insurance costs.

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 72.09  
16 RCW to read as follows:

17 (1) The department must prepare a threshold analysis for any  
18 proposed new class I correctional industries work program or the  
19 significant expansion of an existing class I correctional  
20 industries work program before the department enters into an  
21 agreement to provide such products or services. The analysis must  
22 state whether the proposed new or expanded program will impact any  
23 Washington business and must be based on information sufficient to  
24 evaluate the impact on Washington business.

25 (2) If the threshold analysis determines that a proposed new or  
26 expanded class I correctional industries work program will impact  
27 a Washington business, the department must complete a business  
28 impact analysis before the department enters into an agreement to  
29 provide such products or services. The business impact analysis  
30 must include:

31 (a) A detailed statement identifying the scope and types of  
32 impacts caused by the proposed new or expanded correctional  
33 industries work program on Washington businesses; and

34 (b) A detailed statement of the business costs of the proposed  
35 correctional industries work program compared to the business costs  
36 of the Washington businesses that may be impacted by the proposed  
37 class I correctional industries work program. Business costs of  
38 the proposed correctional industries work program include rent,

1 water, sewer, electricity, disposal, labor costs, and any other  
2 quantifiable expense unique to operating in a prison. Business  
3 costs of the impacted Washington business include rent, water,  
4 sewer, electricity, disposal, property taxes, and labor costs  
5 including employee taxes, unemployment insurance, and workers'  
6 compensation.

7 (3) The completed threshold analysis and any completed business  
8 impact analysis with all supporting documents must be shared in a  
9 meaningful and timely manner with local chambers of commerce, trade  
10 or business associations, local and state labor union  
11 organizations, and government entities before a finding required  
12 under subsection (4) of this section is made on the proposed new or  
13 expanded class I correctional industries work program.

14 (4) If a business impact analysis is completed, the department  
15 must conduct a public hearing to take public testimony on the  
16 business impact analysis. The department must, at a minimum,  
17 establish a publicly accessible web site containing information  
18 reasonably calculated to provide notice to each Washington business  
19 assigned the same three-digit standard industrial classification  
20 code, or the corresponding North American industry classification  
21 system code, as the organization seeking the class I correctional  
22 industries work program agreement of the date, time, and place of  
23 the hearing. Notice of the hearing shall be posted at least thirty  
24 days prior to the hearing.

25 (5) Following the public hearing, the department shall adopt a  
26 finding that the proposed new or expanded class I correctional  
27 industries work program: (a) Will not compete with any Washington  
28 business; (b) will not compete unfairly with any Washington  
29 business; or (c) will compete unfairly with any Washington business  
30 and is therefore prohibited under this act.

31 **Sec. 5.** RCW 72.09.460 and 1998 c 244 s 10 are each amended to  
32 read as follows:

33 (1) The legislature intends that all inmates be required to  
34 participate in department-approved education programs, work  
35 programs, or both, unless exempted under subsection (4) of this  
36 section. Eligible inmates who refuse to participate in available  
37 education or work programs available at no charge to the inmates  
38 shall lose privileges according to the system established under RCW

1 72.09.130. Eligible inmates who are required to contribute  
2 financially to an education or work program and refuse to  
3 contribute shall be placed in another work program. Refusal to  
4 contribute shall not result in a loss of privileges. The  
5 legislature recognizes more inmates may agree to participate in  
6 education and work programs than are available. The department  
7 must make every effort to achieve maximum public benefit by placing  
8 inmates in available and appropriate education and work programs.

9 (2) The department shall provide access to a program of  
10 education to all offenders who are under the age of eighteen and  
11 who have not met high school graduation or general equivalency  
12 diploma requirements in accordance with chapter 28A.193 RCW. The  
13 program of education established by the department and education  
14 provider under RCW 28A.193.020 for offenders under the age of  
15 eighteen must provide each offender a choice of curriculum that  
16 will assist the inmate in achieving a high school diploma or  
17 general equivalency diploma. The program of education may include  
18 but not be limited to basic education, prevocational training, work  
19 ethic skills, conflict resolution counseling, substance abuse  
20 intervention, and anger management counseling. The curriculum may  
21 balance these and other rehabilitation, work, and training  
22 components.

23 (3) The department shall, to the extent possible and  
24 considering all available funds, prioritize its resources to meet  
25 the following goals for inmates in the order listed:

26 (a) Achievement of basic academic skills through obtaining a  
27 high school diploma or its equivalent and achievement of vocational  
28 skills necessary for purposes of work programs and for an inmate to  
29 qualify for work upon release;

30 (b) Additional work and education programs based on assessments  
31 and placements under subsection (5) of this section; and

32 (c) Other work and education programs as appropriate.

33 (4) The department shall establish, by rule, objective medical  
34 standards to determine when an inmate is physically or mentally  
35 unable to participate in available education or work programs.  
36 When the department determines an inmate is permanently unable to  
37 participate in any available education or work program due to a  
38 medical condition, the inmate is exempt from the requirement under  
39 subsection (1) of this section. When the department determines an

1 inmate is temporarily unable to participate in an education or work  
2 program due to a medical condition, the inmate is exempt from the  
3 requirement of subsection (1) of this section for the period of  
4 time he or she is temporarily disabled. The department shall  
5 periodically review the medical condition of all temporarily  
6 disabled inmates to ensure the earliest possible entry or reentry  
7 by inmates into available programming.

8 (5) The department shall establish, by rule, standards for  
9 participation in department-approved education and work programs.  
10 The standards shall address the following areas:

11 (a) Assessment. The department shall assess all inmates for  
12 their basic academic skill levels using a professionally accepted  
13 method of scoring reading, math, and language skills as grade level  
14 equivalents. The department shall determine an inmate's education  
15 history, work history, and vocational or work skills. The initial  
16 assessment shall be conducted, whenever possible, within the first  
17 thirty days of an inmate's entry into the correctional system,  
18 except that initial assessments are not required for inmates who  
19 are sentenced to life without the possibility of release, assigned  
20 to an intensive management unit within the first thirty days after  
21 entry into the correctional system, are returning to the  
22 correctional system within one year of a prior release, or whose  
23 physical or mental condition renders them unable to complete the  
24 assessment process. The department shall track and record changes  
25 in the basic academic skill levels of all inmates reflected in any  
26 testing or assessment performed as part of their education  
27 programming;

28 (b) Placement. The department shall follow the policies set  
29 forth in subsection (1) of this section in establishing criteria  
30 for placing inmates in education and work programs. The department  
31 shall, to the extent possible, place all inmates whose composite  
32 grade level score for basic academic skills is below the eighth  
33 grade level in a combined education and work program. The  
34 placement criteria shall include at least the following factors:

35 (i) An inmate's release date and custody level(~~(, except)~~). An  
36 inmate shall not be precluded from participating in an education or  
37 work program solely on the basis of his or her release date, ~~except~~  
38 that inmates with a release date of more than one hundred twenty  
39 months in the future shall not comprise more than ten percent of

1 inmates participating in a new class I correctional industry not in  
2 existence on the effective date of this section;

3 (ii) An inmate's education history and basic academic skills;

4 (iii) An inmate's work history and vocational or work skills;

5 (iv) An inmate's economic circumstances, including but not  
6 limited to an inmate's family support obligations; and

7 (v) Where applicable, an inmate's prior performance in  
8 department- approved education or work programs;

9 (c) Performance and goals. The department shall establish, and  
10 periodically review, inmate behavior standards and program goals  
11 for all education and work programs. Inmates shall be notified of  
12 applicable behavior standards and program goals prior to placement  
13 in an education or work program and shall be removed from the  
14 education or work program if they consistently fail to meet the  
15 standards or goals;

16 (d) Financial responsibility. (i) The department shall  
17 establish a formula by which inmates, based on their ability to  
18 pay, shall pay all or a portion of the costs or tuition of certain  
19 programs. Inmates shall, based on the formula, pay a portion of  
20 the costs or tuition of participation in:

21 (A) Second and subsequent vocational programs associated with  
22 an inmate's work programs; and

23 (B) An associate of arts or baccalaureate degree program when  
24 placement in a degree program is the result of a placement made  
25 under this subsection;

26 (ii) Inmates shall pay all costs and tuition for participation  
27 in:

28 (A) Any postsecondary academic degree program which is entered  
29 independently of a placement decision made under this subsection;  
30 and

31 (B) Second and subsequent vocational programs not associated  
32 with an inmate's work program.

33 Enrollment in any program specified in (d)(ii) of this  
34 subsection shall only be allowed by correspondence or if there is  
35 an opening in an education or work program at the institution where  
36 an inmate is incarcerated and no other inmate who is placed in a  
37 program under this subsection will be displaced; and

38 (e) Notwithstanding any other provision in this section, an  
39 inmate sentenced to life without the possibility of release:

1 (i) Shall not be required to participate in education  
2 programming; and

3 (ii) May receive not more than one postsecondary academic  
4 degree in a program offered by the department or its contracted  
5 providers.

6 If an inmate sentenced to life without the possibility of  
7 release requires prevocational or vocational training for a work  
8 program, he or she may participate in the training subject to this  
9 section.

10 (6) The department shall coordinate education and work programs  
11 among its institutions, to the greatest extent possible, to  
12 facilitate continuity of programming among inmates transferred  
13 between institutions. Before transferring an inmate enrolled in a  
14 program, the department shall consider the effect the transfer will  
15 have on the inmate's ability to continue or complete a program.  
16 This subsection shall not be used to delay or prohibit a transfer  
17 necessary for legitimate safety or security concerns.

18 (7) Before construction of a new correctional institution or  
19 expansion of an existing correctional institution, the department  
20 shall adopt a plan demonstrating how cable, closed-circuit, and  
21 satellite television will be used for education and training  
22 purposes in the institution. The plan shall specify how the use of  
23 television in the education and training programs will improve  
24 inmates' preparedness for available work programs and job  
25 opportunities for which inmates may qualify upon release.

26 (8) The department shall adopt a plan to reduce the per-pupil  
27 cost of instruction by, among other methods, increasing the use of  
28 volunteer instructors and implementing technological efficiencies.  
29 The plan shall be adopted by December 1996 and shall be transmitted  
30 to the legislature upon adoption. The department shall, in  
31 adoption of the plan, consider distance learning, satellite  
32 instruction, video tape usage, computer-aided instruction, and  
33 flexible scheduling of offender instruction.

34 (9) Following completion of the review required by section  
35 27(3), chapter 19, Laws of 1995 1st sp. sess. the department shall  
36 take all necessary steps to assure the vocation and education  
37 programs are relevant to work programs and skills necessary to  
38 enhance the employability of inmates upon release.



1           **Sec. 6.** RCW 72.09.015 and 1995 1st sp.s. c 19 s 3 are each  
2 amended to read as follows:

3           The definitions in this section apply throughout this chapter.

4           (1) "Base level of correctional services" means the minimum  
5 level of field services the department of corrections is required  
6 by statute to provide for the supervision and monitoring of  
7 offenders.

8           (2) "Contraband" means any object or communication the  
9 secretary determines shall not be allowed to be: (a) Brought into;  
10 (b) possessed while on the grounds of; or (c) sent from any  
11 institution under the control of the secretary.

12           (3) "County" means a county or combination of counties.

13           (4) "Department" means the department of corrections.

14           (5) "Earned early release" means earned ((early)) release as  
15 authorized by RCW 9.94A.728.

16           (6) "Extended family visit" means an authorized visit between  
17 an inmate and a member of his or her immediate family that occurs  
18 in a private visiting unit located at the correctional facility  
19 where the inmate is confined.

20           (7) "Good conduct" means compliance with department rules and  
21 policies.

22           (8) "Good performance" means successful completion of a program  
23 required by the department, including an education, work, or other  
24 program.

25           (9) "Immediate family" means the inmate's children,  
26 stepchildren, grandchildren, great grandchildren, parents,  
27 stepparents, grandparents, great grandparents, siblings, and a  
28 person legally married to an inmate. "Immediate family" does not  
29 include an inmate adopted by another inmate or the immediate family  
30 of the adopted or adopting inmate.

31           (10) "Indigent inmate," "indigent," and "indigency" mean an  
32 inmate who has less than a ten-dollar balance of disposable income  
33 in his or her institutional account on the day a request is made to  
34 utilize funds and during the thirty days previous to the request.

35           (11) "Inmate" means a person committed to the custody of the  
36 department, including but not limited to persons residing in a  
37 correctional institution or facility and persons released on  
38 furlough, work release, or community custody, and persons received  
39 from another state, state agency, county, or federal jurisdiction.

1 (12) "Privilege" means any goods or services, education or work  
2 programs, or earned early release days, the receipt of which are  
3 directly linked to an inmate's (a) good conduct; and (b) good  
4 performance. Privileges do not include any goods or services the  
5 department is required to provide under the state or federal  
6 Constitution or under state or federal law.

7 (13) "Secretary" means the secretary of corrections or his or  
8 her designee.

9 (14) "Significant expansion" includes any expansion into a new  
10 product line or service to the class I business that results from  
11 an increase in benefits provided by the department, including a  
12 decrease in labor costs, rent, or utility rates (for water, sewer,  
13 electricity, and disposal), an increase in work program space, tax  
14 advantages, or other overhead costs.

15 (15) "Superintendent" means the superintendent of a  
16 correctional facility under the jurisdiction of the Washington  
17 state department of corrections, or his or her designee.

18 ((+15)) (16) "Unfair competition" means any net competitive  
19 advantage that a business may acquire as a result of a correctional  
20 industries contract, including labor costs, rent, tax advantages,  
21 utility rates (water, sewer, electricity, and disposal), and other  
22 overhead costs. To determine net competitive advantage, the  
23 correctional industries board shall review and quantify any  
24 expenses unique to operating a for-profit business inside a prison.

25 (17) "Washington business" means an in-state manufacturer or  
26 service provider subject to chapter 82.04 RCW existing on the  
27 effective date of this section.

28 (18) "Work programs" means all classes of correctional  
29 industries jobs authorized under RCW 72.09.100.

30 **Sec. 7.** RCW 72.09.111 and 2003 c 379 s 25 and 2003 c 271 s 2  
31 are each reenacted and amended to read as follows:

32 (1) The secretary shall deduct taxes and legal financial  
33 obligations from the gross wages, gratuities, or workers'  
34 compensation benefits payable directly to the inmate under chapter  
35 51.32 RCW, of each inmate working in correctional industries work  
36 programs, or otherwise receiving such wages, gratuities, or  
37 benefits. The secretary shall also deduct child support payments  
38 from the gratuities of each inmate working in class II through

1 class IV correctional industries work programs. The secretary  
2 shall develop a formula for the distribution of offender wages,  
3 gratuities, and benefits. The formula shall not reduce the inmate  
4 account below the indigency level, as defined in RCW 72.09.015.

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

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

10 (ii) Ten percent to a department personal inmate savings  
11 account;

12 (iii) Twenty percent to the department to contribute to the  
13 cost of incarceration; and

14 (iv) Twenty percent for payment of legal financial obligations  
15 for all inmates who have legal financial obligations owing in any  
16 Washington state superior court.

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

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

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

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

25 (iv) Twenty percent for payment of legal financial obligations  
26 for all inmates who have legal financial obligations owing in any  
27 Washington state superior court; and

28 (v) Fifteen percent for any child support owed under a support  
29 order.

30 (c) The formula shall include the following minimum deductions  
31 from any workers' compensation benefits paid pursuant to RCW  
32 51.32.080:

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

35 (ii) Ten percent to a department personal inmate savings  
36 account;

37 (iii) Twenty percent to the department to contribute to the  
38 cost of incarceration; and

1 (iv) An amount equal to any legal financial obligations owed by  
2 the inmate established by an order of any Washington state superior  
3 court up to the total amount of the award.

4 (d) The formula shall include the following minimum deductions  
5 from class III gratuities:

6 (i) Five percent for the purpose of crime victims'  
7 compensation; and

8 (ii) Fifteen percent for any child support owed under a support  
9 order.

10 (e) The formula shall include the following minimum deduction  
11 from class IV gross gratuities:

12 (i) Five percent to the department to contribute to the cost of  
13 incarceration; and

14 (ii) Fifteen percent for any child support owed under a support  
15 order.

16 (2) Any person sentenced to life imprisonment without  
17 possibility of release or parole under chapter 10.95 RCW or  
18 sentenced to death shall be exempt from the requirement under  
19 subsection (1)(a)(ii), (b)(ii), or (c)(ii).

20 (3) The department personal inmate savings account, together  
21 with any accrued interest, shall only be available to an inmate at  
22 the time of his or her release from confinement, unless the  
23 secretary determines that an emergency exists for the inmate, at  
24 which time the funds can be made available to the inmate in an  
25 amount determined by the secretary. The management of classes I,  
26 II, and IV correctional industries may establish an incentive  
27 payment for offender workers based on productivity criteria. This  
28 incentive shall be paid separately from the hourly wage/gratuity  
29 rate and shall not be subject to the specified deduction for cost  
30 of incarceration.

31 (4)(a) Subject to availability of funds for the correctional  
32 industries program, the expansion of inmate employment in class I  
33 and class II correctional industries shall be implemented according  
34 to the following schedule:

35 (i) Not later than June 30, 2005, the secretary shall achieve  
36 a net increase of at least two hundred in the number of inmates  
37 employed in class I or class II correctional industries work  
38 programs above the number so employed on June 30, 2003;

1        (ii) Not later than June 30, 2006, the secretary shall achieve  
2 a net increase of at least four hundred in the number of inmates  
3 employed in class I or class II correctional industries work  
4 programs above the number so employed on June 30, 2003;

5        (iii) Not later than June 30, 2007, the secretary shall achieve  
6 a net increase of at least six hundred in the number of inmates  
7 employed in class I or class II correctional industries work  
8 programs above the number so employed on June 30, 2003;

9        (iv) Not later than June 30, 2008, the secretary shall achieve  
10 a net increase of at least nine hundred in the number of inmates  
11 employed in class I or class II correctional industries work  
12 programs above the number so employed on June 30, 2003;

13        (v) Not later than June 30, 2009, the secretary shall achieve  
14 a net increase of at least one thousand two hundred in the number  
15 of inmates employed in class I or class II correctional industries  
16 work programs above the number so employed on June 30, 2003;

17        (vi) Not later than June 30, 2010, the secretary shall achieve  
18 a net increase of at least one thousand five hundred in the number  
19 of inmates employed in class I or class II correctional industries  
20 work programs above the number so employed on June 30, 2003.

21        (b) Failure to comply with the schedule in this subsection does  
22 not create a private right of action.

23        (5) In the event that the offender worker's wages, gratuity, or  
24 workers' compensation benefit is subject to garnishment for support  
25 enforcement, the crime victims' compensation, savings, and cost of  
26 incarceration deductions shall be calculated on the net wages after  
27 taxes, legal financial obligations, and garnishment.

28        ~~((+5))~~ (6) The department shall explore other methods of  
29 recovering a portion of the cost of the inmate's incarceration and  
30 for encouraging participation in work programs, including  
31 development of incentive programs that offer inmates benefits and  
32 amenities paid for only from wages earned while working in a  
33 correctional industries work program.

34        ~~((+6))~~ (7) The department shall develop the necessary  
35 administrative structure to recover inmates' wages and keep records  
36 of the amount inmates pay for the costs of incarceration and  
37 amenities. All funds deducted from inmate wages under subsection  
38 (1) of this section for the purpose of contributions to the cost of  
39 incarceration shall be deposited in a dedicated fund with the

1 department and shall be used only for the purpose of enhancing and  
2 maintaining correctional industries work programs.

3 ~~((7) The expansion of inmate employment in class I and class  
4 II correctional industries shall be implemented according to the  
5 following schedule:~~

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

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

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

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

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

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

30 (8) It shall be in the discretion of the secretary to apportion  
31 the inmates between class I and class II depending on available  
32 contracts and resources.

33 (9) Nothing in this section shall limit the authority of the  
34 department of social and health services division of child support  
35 from taking collection action against an inmate's moneys, assets,  
36 or property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

37 NEW SECTION. **Sec. 8.** A new section is added to chapter 72.09  
38 RCW to read as follows:

1 All records, documents, data, and other materials obtained  
2 under the requirements of section 4 of this act from an existing  
3 correctional industries class I work program participant or an  
4 applicant for a proposed new or expanded class I correctional  
5 industries work program are exempt from public disclosure under  
6 chapter 42.17 RCW.

7 NEW SECTION. **Sec. 9.** A new section is added to chapter 42.17  
8 RCW to read as follows:

9 All records, documents, data, and other materials obtained  
10 under the requirements of section 4 of this act from an existing  
11 correctional industries class I work program participant or an  
12 applicant for a proposed new or expanded class I correctional  
13 industries work program are exempt from public disclosure under  
14 this chapter.

15 **Sec. 10.** RCW 28B.10.029 and 1998 c 344 s 5 and 1998 c 111 s 2  
16 are each reenacted and amended to read as follows:

17 (1) An institution of higher education may exercise  
18 independently those powers otherwise granted to the director of  
19 general administration in chapter 43.19 RCW in connection with the  
20 purchase and disposition of all material, supplies, services, and  
21 equipment needed for the support, maintenance, and use of the  
22 respective institution of higher education. Property disposition  
23 policies followed by institutions of higher education shall be  
24 consistent with policies followed by the department of general  
25 administration. Purchasing policies and procedures followed by  
26 institutions of higher education shall be in compliance with  
27 chapters 39.19, 39.29, and 43.03 RCW, and RCW 43.19.1901,  
28 43.19.1906, 43.19.1911, 43.19.1917, 43.19.1937, 43.19.534,  
29 43.19.685, 43.19.700 through 43.19.704, and 43.19.560 through  
30 43.19.637. The community and technical colleges shall comply with  
31 RCW 43.19.450. Except for the University of Washington,  
32 institutions of higher education shall comply with RCW  
33 ((~~43.19.1935, 43.19.19363, and 43.19.19368~~)) 43.41.310, 43.41.290,  
34 and 43.41.350. If an institution of higher education can  
35 satisfactorily demonstrate to the director of the office of  
36 financial management that the cost of compliance is greater than  
37 the value of benefits from any of the following statutes, then it

1 shall be exempt from them: RCW 43.19.685; 43.19.534; and  
2 43.19.637. Any institution of higher education that chooses to  
3 exercise independent purchasing authority for a commodity or group  
4 of commodities shall notify the director of general administration.  
5 Thereafter the director of general administration shall not be  
6 required to provide those services for that institution for the  
7 duration of the general administration contract term for that  
8 commodity or group of commodities.

9 (2) The council of presidents and the state board for community  
10 and technical colleges shall convene its correctional industries  
11 business development advisory committee, and work collaboratively  
12 with correctional industries, to:

13 (a) Reaffirm purchasing criteria and ensure that quality,  
14 service, and timely delivery result in the best value for  
15 expenditure of state dollars;

16 (b) Update the approved list of correctional industries  
17 products from which higher education shall purchase; and

18 (c) Develop recommendations on ways to continue to build  
19 correctional industries' business with institutions of higher  
20 education.

21 (3) Higher education and correctional industries shall develop  
22 a plan to build higher education business with correctional  
23 industries to increase higher education purchases of correctional  
24 industries products, based upon the criteria established in  
25 subsection (2) of this section. The plan shall include the  
26 correctional industries' production and sales goals for higher  
27 education and an approved list of products from which higher  
28 education institutions shall purchase, based on the criteria  
29 established in subsection (2) of this section. Higher education  
30 and correctional industries shall report to the legislature  
31 regarding the plan and its implementation no later than January 30,  
32 2005.

33 (4) Institutions of higher education shall set as a target to  
34 contract, beginning not later than June 30, 2006, to purchase one  
35 percent of the total goods and services required by the  
36 institutions each year produced or provided in whole or in part  
37 from class II inmate work programs operated by the department of  
38 corrections. Institutions of higher education shall set as a  
39 target to contract, beginning not later than June 30, 2008, to



1 purchase two percent of the total goods and services required by  
2 the institutions each year produced or provided in whole or in part  
3 from class II inmate work programs operated by the department of  
4 corrections.

5 (5) An institution of higher education may exercise  
6 independently those powers otherwise granted to the public printer  
7 in chapter 43.78 RCW in connection with the production or purchase  
8 of any printing and binding needed by the respective institution of  
9 higher education. Purchasing policies and procedures followed by  
10 institutions of higher education shall be in compliance with  
11 chapter 39.19 RCW. Any institution of higher education that  
12 chooses to exercise independent printing production or purchasing  
13 authority shall notify the public printer. Thereafter the public  
14 printer shall not be required to provide those services for that  
15 institution.

16 NEW SECTION. Sec. 11. Section 3 of this act takes effect July  
17 1, 2005.

18 NEW SECTION. Sec. 12. Section 2 of this act expires July 1,  
19 2005."

20 Correct the title.

**EFFECT:**

- ∅ The provision that stated that the DOC must, within available funds, expand its class I and II work programs is changed from "within available funds" to "subject to available funds"
- ∅ The definition for "significant expansion" and "unfair competition" are made the same as the version that the House passed. Defines "significant expansion" to include any expansion into a new product line or service to the class I business that results from an increase in benefits provided by the department, including a decrease in labor costs, rent, or utility rates (for water, sewer, electricity, and disposal), an increase in work program space, tax advantages, or other overhead costs. Defines "unfair competition" to mean any net

competitive advantage that a business may acquire as a result of a correctional industries contract, including labor costs, rent, tax advantages, utility rates (water, sewer, electricity, and disposal), and other overhead costs. To determine net competitive advantage, the correctional industries board shall review and quantify any expenses unique to operating a for-profit business inside a prison.

- ∅ Redefines "Washington business" to mean an in-state manufacturer or service provider existing on the effective date of the act.
- ∅ Makes other technical and clarifying amendments.