

# HOUSE BILL REPORT

## HB 1941

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### As Reported by House Committee On:

Criminal Justice & Corrections

**Title:** An act relating to providing for financial restitution to sexual assault programs from inmate funds and wages.

**Brief Description:** Providing for financial restitution to sexual assault programs from inmate funds and wages.

**Sponsors:** Representatives O'Brien, Mielke, Darneille, Pearson, Ahern, Lovick, Edwards and McMahan.

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 2/26/03, 2/28/03 [DPS].

#### Brief Summary of Substitute Bill

- Requires an additional 5 percent to be deducted from the paychecks of inmates that have been convicted of a sex offense.
- Requires the additional funds to be appropriated to the Office of Crime Victims Advocacy.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Lovick and Pearson.

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

### Background:

The Department of Corrections (DOC) is currently responsible for deducting taxes from the gross wages and gratuities of each inmate working in a correctional industry program. Aside from taxes, the DOC is required to develop a formula to take other specific deductions from the wages and gratuities earned by inmates. The formula must include

the following mandatory deductions:

- **55 percent from inmates working in Class I Industries** (and others earning at least minimum wage): 5 percent for crime victims' compensation; 10 percent for an inmate savings account; 20 percent to the DOC for costs of incarceration; and 20 percent for any owed legal financial obligations (LFOs). (Class I Industries, also known as "free venture" industries, are generally operated and managed by for-profit or nonprofit organizations under contract with the DOC.)
- **50 percent from inmates working in Class II Industries:** 5 percent for crime victims' compensation; 10 percent for an inmate savings account; 15 percent to the DOC for costs of incarceration; and 20 percent for any owed LFOs. (Class II Industries, also known as "tax reduction" industries, are state-owned and operated industries that produce products and services that are only sold to public agencies and nonprofit organizations.)
- **5 percent from inmates working in Class III Industries:** 5 percent for crime victims' compensation.
- **5 percent from inmates working in Class IV Industries:** 5 percent to the DOC for costs of incarceration.

Also, when an inmate receives any funds in addition to his or her wages or gratuities (such as when a family member or friend sends a check to the inmate directly through the mail or the inmate wins a monetary lawsuit) then the additional funds are subject to the same 55 percent deduction as those inmates working in Class I Industries.

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### **Summary of Substitute Bill:**

The DOC is required to deduct an additional 5 percent from the gross wages or gratuities of each inmate working in a Class II-IV Correctional Industry work program if such inmate has been convicted of a sex offense. The funds collected must be deposited in the public safety and education account and appropriated solely to the Office of Crime Victims Advocacy.

### **Substitute Bill Compared to Original Bill:**

Federal statute (the Prison Industry Enhancement Program statute) limits the maximum amount of money that can be deducted from any inmate working in a Class I Industry to 55 percent. As a result, the bill was limited to only allow the DOC to take the additional 5 percent from the paychecks of sex offenders working in Class II-IV Industries.

The provision that required the Office of Crime Victims Advocacy to only use the extra

funds for sexual assault programs is eliminated.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** This bill would support survivors of sexual assault and would hold offenders accountable for their actions. It is hoped that the enactment of this legislation will not deteriorate from the current aggressive pursuit of the collection of restitution for victims of crime.

One recommendation that would help reduce the fiscal note on the bill, is to require a 5 percent deduction from the pay of all inmates incarcerated in prison instead of just the sex offenders. It is believed that a majority of the fiscal costs associated with this bill is due to the DOC trying to extrapolate the sex offenders from the rest of the population. In addition, the money collected should be given to all crime victims instead of funding sexual assault programs.

The Office of Crime Victims Advocacy currently administers the state and federal funding and programs for sexual assault services. Therefore, the revenue for this bill would be added to current contracts, and thus, would result in no additional administrative cost to the agency.

**Testimony Against:** None.

**Testified:** Representative O'Brien, prime sponsor; Christi Hurt, Washington Coalition of Sexual Assault Programs; and Bev Emery, Office of Crime Victims Advocacy.