

FINAL BILL REPORT

SHB 1571

PARTIAL VETO

C 271 L 03

Synopsis as Enacted

Brief Description: Enhancing enforcement of child support obligations.

Sponsors: By House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Holmquist, Dickerson, Delvin, Upthegrove, Pettigrew, Hinkle, Priest, Condotta, Kristiansen, Orcutt, Rockefeller, Bush, McCoy and Clements).

House Committee on Juvenile Justice & Family Law
Senate Committee on Children & Family Services & Corrections

Background:

Some inmates in the Department of Corrections (DOC) facilities are employed in work programs. These programs are categorized into five classes:

Class I industries are generally operated and managed by for-profit or nonprofit organizations under contract with the DOC. Inmates in this classification earn wages for their work.

Class II industries are state-owned and operated industries that produce products and services that are only sold to public agencies and nonprofit organizations. Inmates in this classification earn "gratuities" rather than wages.

Class III industries are institutional support industries.

Class IV industries are community work industries where the inmate provides services to his or her resident community.

Class V programs are designed for the inmate to work off restitution which he or she owes to a victim.

The DOC is currently responsible for taking deductions from the gross wages and gratuities of each inmate working in class I through class IV correctional industry programs. The DOC is required by statute to take certain mandatory deductions:

For inmates working in class I industries (and others earning at least minimum wage), the DOC takes 55 percent of the inmates' income. The 55 percent is divided into:

- 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) which can also include restitution for the victim.

For inmates working in class II industries, the DOC takes 50 percent of the inmate's income. The 50 percent is divided into:

- 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.

For inmates working in class III industries, the DOC takes 5 percent of the inmate's income for the purpose of crime victim's compensation.

For inmates working in class IV industries, the DOC takes 5 percent of the inmate's income to contribute to the cost of incarceration.

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, and the funds are divided into the same categories.

Child support payments may be deducted from an inmate's wages and from the inmate's DOC savings account, in two ways:

- In instances where an offender works for a class I industry, the Division of Child Support (DCS) has the authority to send a payroll deduction notice directly through the employer to have child support payments withdrawn from the inmate's paycheck each pay period prior to the inmate receiving the paycheck; or
- The DCS may issue an order to withhold and deliver child support payments from any inmate who owes child support. Once the DOC receives the order, the funds in the inmate's savings account are sent to the DCS.

Summary:

The DOC is required to deduct 15 percent from class II through IV gratuities earned by an inmate working in a correctional facility work program. The DOC is also required to deduct 15 percent from any funds an inmate receives other than from wages or gratuities, except for funds received as a result of a settlement or award resulting from legal action. Inmates who have been sentenced to life imprisonment without the possibility of parole, or death, are also subject to the 15 percent deduction from money received by an inmate,

except for funds received as a result of a settlement or award resulting from legal action.

The Legislature intends that, unless proscribed by federal law or court order, child support deductions go directly to the person or persons in whose custody the child is and who is responsible for the daily support of the child.

Nothing in the act limits the DCS from taking collection action against an inmate's moneys, assets, or property which it is otherwise authorized to do by statute, including the collection of moneys received as a result of a settlement or awards resulting from legal action.

Votes on Final Passage:

House 93 0
Senate 47 0 (Senate amended)
House (House refused to concur)
Senate 46 0 (Senate amended)
House 98 0 (House concurred)

Effective: July 27, 2003

Partial Veto Summary: The Governor vetoed the intent section.