
Criminal Justice & Corrections
Committee

HB 1765

Brief Description: Revising provisions for inmate labor.

Sponsors: Representatives O'Brien, Campbell, Veloria, Cooper and Bush.

Brief Summary of Bill

- Expands the duties of the Correctional Industries Board to include overseeing labor camps, work camps, and work crews.
- Requires the Department of Corrections to limit the types goods and services produced by inmates working in correctional industry-types of jobs to those goods and services that are currently only available from foreign producers located outside of the state.

Hearing Date: 2/18/03

Staff: Yvonne Walker (786-7841).

Background:

Objectives of the correctional system: The corrections system in Washington is designed to accomplish several stated objectives, such as to punish offenders, discourage recidivism, reflect the values of the community, avoid idleness, provide opportunities for self improvement, and provide for restitution.

Correctional Industries Board: The Department of Corrections (Department) provides inmate work programs through the Correctional Industries Board of Directors (Board). The Board develops and implements programs that offer inmates employment, work experience and training, and that reduce the cost of housing inmates. To achieve these goals, the Board operates five classes of work programs.

- *Class I Industries:* Inmates working in Class I ("free venture") industries are paid according to the prevailing wage for comparable work in that locality, as determined by the director of correctional industries or if the director is unable to make this determination, at least the federal minimum wage rate. There are two models for

Class I industries authorized under state law an employer model and a customer model. Employer model Class I industries are operated and managed by for-profit or nonprofit organizations under contract with the Department. They produce goods and services for sale to both the public and private sector. The Department is responsible for supplying security and custody services to these industries without charge. Customer model Class I industries are operated and managed by the Department to produce and provide Washington businesses with products or services currently available only from out-of-state or foreign suppliers. There are no customer model Class I industries currently operating in the state.

- *Class II Industries:* Class II ("tax reduction") industries are state-owned and operated industries designed to reduce the costs for goods and services for public agencies and nonprofit organizations. Products and services generated by Class II industries may generally only be sold to public agencies and nonprofit organizations.
- *Class III Industries:* Class III ("institutional support") industries are operated by the department and are designed to give the inmate basic work training and experience and to offset public support costs. Except for inmates in a training program, inmates in this class are compensated in accordance with an inmate gratuity scale adopted by the Secretary of Corrections.
- *Class IV Industries:* Class IV ("community work") industries are operated by the Department and provide services at reduced cost to public agencies, persons who are poor or infirm, and nonprofit organizations in the local community. Local government agencies utilizing this service must pay the inmate's wage and provide work supervision services without charge. Inmates in this class are paid a gratuity not to exceed the wage paid for comparable work in that locality.
- *Class V Industries:* Class V ("community service") jobs are court ordered community work that is performed for the benefit of the community without financial compensation.

Work crews, labor camps, and work camps do not fall under the jurisdiction of the Board. Work crews are programs of partial confinement consisting of civic improvement tasks for the benefit of the community and are required to limit jobs to unskilled labor on public lands, on private land owned or operated by a nonprofit entity, or on private property to conduct emergency snow removal only. Labor and work camps provide state prisoners with such jobs as farming, reforestation, wood-cutting, land clearing, processing of foods in state canneries, forest fire fighting, forest fire suppression and prevention, stream clearance, watershed improvement, development of parks and recreational areas, and other work to conserve the natural resources and protect and improve the public domain and construction of water supply facilities to state institutions.

Purchasing Goods and Services from Inmate Work Programs: State law authorizes that any person or entity that makes a bid to provide any goods or any services to any state agency is to be granted a preference over other bidders if: (1) the goods or services have been or will be produced or provided in whole or in part by an inmate work program of the Department; and (2) an amount equal to at least 15 percent of the total bid amount has been paid or will

be paid by the person, firm, or organization to inmates as wages.

Summary of Bill:

The duties of the Board is expanded. In addition, the Department is required to limit the types goods and services produced by inmates working in correctional industry-types of jobs to those goods and services that are currently only available from foreign producers located outside of the state.

Objectives of the correctional system: The system should not damage the interests of law-abiding residents of the state of Washington and should hold their interests above the interests of inmates when those interests are in conflict.

Correctional Industries Board: In addition to its current duties, the Board must oversee and implement polices to administer all work crews, labor camps, and work camps which employ state prisoners. The Board must also develop and design inmate work programs whose primary function is to replace goods or services that are solely obtained from outside of the state or from some other foreign supplier. Inmates that do work in a work crew, labor camp, or work camp, or provide inmate labor as part of a Department interlocal cooperation agreement, may only work on a project that is owned by a governmental entity.

- *Class I Industries:* The Class I employer model correctional industry program is eliminated. Inmates are limited to only working in industries that produced goods or services that are solely obtainable from outside of the state.
- *Class II , III, IV, & V Industries:* The Class II - V industry work programs will remain the same.

Purchasing Goods and Services from Inmate Work Programs: The provision that gives a person preference over other bidders if the goods or services are produced by an inmate work program of the Department, is eliminated.

Appropriation: None.

Fiscal Note: Requested on February 11, 2003.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.