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HOUSE BILL 1571

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State of Washington

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By Representatives Holmquist, Dickerson, Delvin, Upthegrove,  
Pettigrew, Hinkle, Priest, Condotta, Kristiansen, Orcutt,  
Rockefeller, Bush, McCoy and Clements

Read first time 01/30/2003. Referred to Committee on Juvenile  
Justice & Family Law.

1 AN ACT Relating to enhancing necessary child support payments;  
2 amending RCW 72.09.111; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that there is an  
5 urgent need for vigorous enforcement of child support obligations. The  
6 legislature further finds that the duty of child support to provide for  
7 the needs of dependent children, including their necessary food,  
8 clothing, shelter, education, and health care, should not be avoided  
9 because of where an obligor resides. A person owing a duty of child  
10 support who chooses to engage in behaviors that result in the person  
11 becoming incarcerated should not be able to avoid child support  
12 obligations.

13 **Sec. 2.** RCW 72.09.111 and 2002 c 126 s 2 are each amended to read  
14 as follows:

15 (1) The secretary shall deduct from the gross wages or gratuities  
16 of each inmate working in correctional industries work programs, taxes,  
17 child support payments, and legal financial obligations. The secretary

1 shall develop a formula for the distribution of offender wages and  
2 gratuities.

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

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

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

8 (iii) Twenty percent to the department to contribute to the cost of  
9 incarceration; and

10 (iv) Twenty percent for payment of legal financial obligations and  
11 child support payments for all inmates who have (~~legal financial~~)  
12 such obligations owing in any Washington state (~~superior~~) court.

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

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

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

18 (iii) Fifteen percent to the department to contribute to the cost  
19 of incarceration; and

20 (iv) Twenty percent for payment of legal financial obligations and  
21 child support payments for all inmates who have (~~legal financial~~)  
22 such obligations owing in any Washington state (~~superior~~) court.

23 (c) The formula shall include the following minimum deduction from  
24 class IV gross gratuities: Five percent to the department to  
25 contribute to the cost of incarceration.

26 (d) The formula shall include the following minimum deductions from  
27 class III gratuities: Five percent for the purpose of crime victims'  
28 compensation.

29 Any person sentenced to life imprisonment without possibility of  
30 release or parole under chapter 10.95 RCW or sentenced to death shall  
31 be exempt from the requirement under (a)(ii) or (b)(ii) of this  
32 subsection.

33 The department personal inmate savings account, together with any  
34 accrued interest, shall only be available to an inmate at the time of  
35 his or her release from confinement, unless the secretary determines  
36 that an emergency exists for the inmate, at which time the funds can be  
37 made available to the inmate in an amount determined by the secretary.  
38 The management of classes I, II, and IV correctional industries may

1 establish an incentive payment for offender workers based on  
2 productivity criteria. This incentive shall be paid separately from  
3 the hourly wage/gratuity rate and shall not be subject to the specified  
4 deduction for cost of incarceration.

5 In the event that the offender worker's wages or gratuity is  
6 subject to garnishment for support enforcement, the crime victims'  
7 compensation, savings, and cost of incarceration deductions shall be  
8 calculated on the net wages after taxes, legal financial obligations,  
9 and garnishment.

10 (2) The department shall explore other methods of recovering a  
11 portion of the cost of the inmate's incarceration and for encouraging  
12 participation in work programs, including development of incentive  
13 programs that offer inmates benefits and amenities paid for only from  
14 wages earned while working in a correctional industries work program.

15 (3) The department shall develop the necessary administrative  
16 structure to recover inmates' wages and keep records of the amount  
17 inmates pay for the costs of incarceration and amenities. All funds  
18 deducted from inmate wages under subsection (1) of this section for the  
19 purpose of contributions to the cost of incarceration shall be  
20 deposited in a dedicated fund with the department and shall be used  
21 only for the purpose of enhancing and maintaining correctional  
22 industries work programs.

23 (4) The expansion of inmate employment in class I and class II  
24 correctional industries shall be implemented according to the following  
25 schedule:

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

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

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

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

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

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

13           (5) It shall be in the discretion of the secretary to apportion the  
14 inmates between class I and class II depending on available contracts  
15 and resources.

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