
HOUSE BILL 1765

State of Washington 58th Legislature 2003 Regular Session

By Representatives O'Brien, Campbell, Voloria, Cooper and Bush

Read first time 02/07/2003. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to inmate labor; amending RCW 72.01.150, 72.09.070,
2 72.09.100, 72.60.110, and 72.09.010; reenacting and amending RCW
3 72.09.100; adding a new section to chapter 72.09 RCW; repealing RCW
4 43.19.535; providing an effective date; and providing an expiration
5 date.

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

7 **Sec. 1.** RCW 72.01.150 and 1979 c 141 s 150 are each amended to
8 read as follows:

9 The secretary shall:

10 (1) Establish, install and operate, at the several state
11 institutions under his control, such industries and industrial plants
12 as may be most suitable and beneficial to the inmates thereof, and as
13 can be operated at the least relative cost and the greatest relative
14 benefit to the state, taking into consideration the needs of the state
15 institutions for industrial products, and the amount and character of
16 labor of inmates available at the several institutions;

17 (2) Authorize the installment and operation only of industries and
18 businesses whose manufactured goods or services are solely produced or
19 provided by out-of-state or foreign suppliers;

1 (3) Supply the several institutions with the necessary industrial
2 products produced thereat;
3 ~~((3))~~ (4) Exchange with, or furnish to, other state institutions
4 industrial products at prices to be fixed by the department, not to
5 exceed in any case the price of such products in the open market;
6 ~~((4))~~ (5) Sell and dispose of surplus industrial products
7 produced, to such persons and under such rules, regulations, terms, and
8 prices as may be in his judgment for the best interest of the state;
9 ~~((5))~~ (6) Sell products of the plate mill to any department, to
10 any state, county, or other public institution and to any governmental
11 agency, of this or any other state under such rules, regulations,
12 terms, and prices as may be in his judgment for the best interests of
13 the state.

14 **Sec. 2.** RCW 72.09.070 and 1994 sp.s. c 7 s 535 are each amended to
15 read as follows:

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

18 (2) Consistent with general department of corrections policies and
19 procedures pertaining to the general administration of correctional
20 facilities, the board shall establish and implement policy for
21 correctional industries programs, work crews provided under RCW
22 9.94A.725, labor camps as authorized under RCW 72.64.060, and work
23 camps provided in RCW 72.64.050 designed to:

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

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

31 (c) Provide manufactured goods or services that are solely produced
32 or provided by out-of-state or foreign suppliers;

33 (d) Operate correctional work programs in an effective and
34 efficient manner which are as similar as possible to those provided by
35 the private sector outside of the state;

36 ~~((d))~~ (e) Encourage the development of and provide for selection

1 of, contracting for, and supervision of work programs with
2 participating private enterprise firms;

3 ~~((e))~~ (f) Develop and design correctional industries work
4 programs whose primary function is to replace goods manufactured or
5 services obtained from outside the state or from a foreign supplier;

6 ~~((f))~~ (g) Invest available funds in correctional industries
7 enterprises and meaningful work programs that minimize the impact on
8 in-state jobs and businesses.

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

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

16 (5) The board of directors shall have the authority to identify and
17 establish trade advisory or apprenticeship committees to advise them on
18 correctional industries work programs. The secretary shall appoint the
19 members of the committees.

20 Where a labor management trade advisory and apprenticeship
21 committee has already been established by the department pursuant to
22 RCW 72.62.050 the existing committee shall also advise the board of
23 directors.

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

31 **Sec. 3.** RCW 72.09.100 and 2002 c 175 s 49 are each amended to read
32 as follows:

33 It is the intent of the legislature to vest in the department the
34 power to provide for a comprehensive inmate work program and to remove
35 statutory and other restrictions which have limited work programs in
36 the past. For purposes of establishing such a comprehensive program,

1 the legislature recommends that the department consider adopting any or
2 all, or any variation of, the following classes of work programs:

3 (1) CLASS I: FREE VENTURE INDUSTRIES. (~~The employer model~~
4 ~~industries in this class shall be operated and managed in total or in~~
5 ~~part by any profit or nonprofit organization pursuant to an agreement~~
6 ~~between the organization and the department. The organization shall~~
7 ~~produce goods or services for sale to both the public and private~~
8 ~~sector.))~~

9 The customer model industries in this class shall be operated and
10 managed by the department to provide Washington state manufacturers or
11 businesses with products or services currently produced or provided by
12 out-of-state or foreign suppliers. The correctional industries board
13 of directors shall review these proposed industries before the
14 department contracts to provide such products or services. The review
15 shall include an analysis of the potential impact of the proposed
16 products and services on the Washington state business community and
17 labor market.

18 The department of corrections shall supply appropriate security and
19 custody services without charge to the participating firms.

20 Inmates who work in free venture industries shall do so at their
21 own choice. They shall be paid a wage comparable to the wage paid for
22 work of a similar nature in the locality in which the industry is
23 located, as determined by the director of correctional industries. If
24 the director cannot reasonably determine the comparable wage, then the
25 pay shall not be less than the federal minimum wage.

26 An inmate who is employed in the class I program of correctional
27 industries shall not be eligible for unemployment compensation benefits
28 pursuant to any of the provisions of Title 50 RCW until released on
29 parole or discharged.

30 (2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class
31 shall be state-owned and operated enterprises designed to reduce the
32 costs for goods and services for tax-supported agencies and for
33 nonprofit organizations. The industries selected for development
34 within this class shall, as much as possible, match the available pool
35 of inmate work skills and aptitudes with the work opportunities in the
36 free community. The industries shall be closely patterned after
37 private sector industries but with the objective of reducing public
38 support costs rather than making a profit. The products and services

1 of this industry, including purchased products and services necessary
2 for a complete product line, may be sold to public agencies, to
3 nonprofit organizations, and to private contractors when the goods
4 purchased will be ultimately used by a public agency or a nonprofit
5 organization. Clothing manufactured by an industry in this class may
6 be donated to nonprofit organizations that provide clothing free of
7 charge to low-income persons. Correctional industries products and
8 services shall be reviewed by the correctional industries board of
9 directors before offering such products and services for sale to
10 private contractors. The board of directors shall conduct a yearly
11 marketing review of the products and services offered under this
12 subsection. Such review shall include an analysis of the potential
13 impact of the proposed products and services on the Washington state
14 business community. To avoid waste or spoilage and consequent loss to
15 the state, when there is no public sector market for such goods,
16 byproducts and surpluses of timber, agricultural, and animal husbandry
17 enterprises may be sold to private persons, at private sale. Surplus
18 byproducts and surpluses of timber, agricultural and animal husbandry
19 enterprises that cannot be sold to public agencies or to private
20 persons may be donated to nonprofit organizations. All sales of
21 surplus products shall be carried out in accordance with rules
22 prescribed by the secretary.

23 Security and custody services shall be provided without charge by
24 the department of corrections.

25 Inmates working in this class of industries shall do so at their
26 own choice and shall be paid for their work on a gratuity scale which
27 shall not exceed the wage paid for work of a similar nature in the
28 locality in which the industry is located and which is approved by the
29 director of correctional industries.

30 Subject to approval of the correctional industries board,
31 provisions of RCW 41.06.380 prohibiting contracting out work performed
32 by classified employees shall not apply to contracts with Washington
33 state businesses entered into by the department of corrections through
34 class II industries.

35 (3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in
36 this class shall be operated by the department of corrections. They
37 shall be designed and managed to accomplish the following objectives:

1 (a) Whenever possible, to provide basic work training and
2 experience so that the inmate will be able to qualify for better work
3 both within correctional industries and the free community. It is not
4 intended that an inmate's work within this class of industries should
5 be his or her final and total work experience as an inmate.

6 (b) Whenever possible, to provide forty hours of work or work
7 training per week.

8 (c) Whenever possible, to offset tax and other public support
9 costs.

10 Supervising, management, and custody staff shall be employees of
11 the department.

12 All able and eligible inmates who are assigned work and who are not
13 working in other classes of industries shall work in this class.

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

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

24 Inmates in this program shall reside in facilities owned by,
25 contracted for, or licensed by the department of corrections. A unit
26 of local government shall provide work supervision services without
27 charge to the state and shall pay the inmate's wage.

28 The department of corrections shall reimburse participating units
29 of local government for liability and workers compensation insurance
30 costs.

31 Inmates who work in this class of industries shall do so at their
32 own choice and shall receive a gratuity which shall not exceed the wage
33 paid for work of a similar nature in the locality in which the industry
34 is located.

35 (5) CLASS V: COMMUNITY RESTITUTION PROGRAMS. Programs in this
36 class shall be subject to supervision by the department of corrections.
37 The purpose of this class of industries is to enable an inmate, placed

1 on community supervision, to work off all or part of a community
2 restitution order as ordered by the sentencing court.

3 Employment shall be in a community restitution program operated by
4 the state, local units of government, or a nonprofit agency.

5 To the extent that funds are specifically made available for such
6 purposes, the department of corrections shall reimburse nonprofit
7 agencies for workers compensation insurance costs.

8 **Sec. 4.** RCW 72.09.100 and 2002 c 354 s 238 and 2002 c 175 s 49 are
9 each reenacted and amended to read as follows:

10 It is the intent of the legislature to vest in the department the
11 power to provide for a comprehensive inmate work program and to remove
12 statutory and other restrictions which have limited work programs in
13 the past. For purposes of establishing such a comprehensive program,
14 the legislature recommends that the department consider adopting any or
15 all, or any variation of, the following classes of work programs:

16 (1) CLASS I: FREE VENTURE INDUSTRIES. ~~((The employer model
17 industries in this class shall be operated and managed in total or in
18 part by any profit or nonprofit organization pursuant to an agreement
19 between the organization and the department. The organization shall
20 produce goods or services for sale to both the public and private
21 sector.))~~

22 The customer model industries in this class shall be operated and
23 managed by the department to provide Washington state manufacturers or
24 businesses with products or services currently produced or provided by
25 out-of-state or foreign suppliers. The correctional industries board
26 of directors shall review these proposed industries before the
27 department contracts to provide such products or services. The review
28 shall include an analysis of the potential impact of the proposed
29 products and services on the Washington state business community and
30 labor market.

31 The department of corrections shall supply appropriate security and
32 custody services without charge to the participating firms.

33 Inmates who work in free venture industries shall do so at their
34 own choice. They shall be paid a wage comparable to the wage paid for
35 work of a similar nature in the locality in which the industry is
36 located, as determined by the director of correctional industries. If

1 the director cannot reasonably determine the comparable wage, then the
2 pay shall not be less than the federal minimum wage.

3 An inmate who is employed in the class I program of correctional
4 industries shall not be eligible for unemployment compensation benefits
5 pursuant to any of the provisions of Title 50 RCW until released on
6 parole or discharged.

7 (2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class
8 shall be state-owned and operated enterprises designed to reduce the
9 costs for goods and services for tax-supported agencies and for
10 nonprofit organizations. The industries selected for development
11 within this class shall, as much as possible, match the available pool
12 of inmate work skills and aptitudes with the work opportunities in the
13 free community. The industries shall be closely patterned after
14 private sector industries but with the objective of reducing public
15 support costs rather than making a profit. The products and services
16 of this industry, including purchased products and services necessary
17 for a complete product line, may be sold to public agencies, to
18 nonprofit organizations, and to private contractors when the goods
19 purchased will be ultimately used by a public agency or a nonprofit
20 organization. Clothing manufactured by an industry in this class may
21 be donated to nonprofit organizations that provide clothing free of
22 charge to low-income persons. Correctional industries products and
23 services shall be reviewed by the correctional industries board of
24 directors before offering such products and services for sale to
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26 marketing review of the products and services offered under this
27 subsection. Such review shall include an analysis of the potential
28 impact of the proposed products and services on the Washington state
29 business community. To avoid waste or spoilage and consequent loss to
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32 enterprises may be sold to private persons, at private sale. Surplus
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36 surplus products shall be carried out in accordance with rules
37 prescribed by the secretary.

1 Security and custody services shall be provided without charge by
2 the department of corrections.

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

8 Subject to approval of the correctional industries board,
9 provisions of RCW 41.06.142 shall not apply to contracts with
10 Washington state businesses entered into by the department of
11 corrections through class II industries.

12 (3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in
13 this class shall be operated by the department of corrections. They
14 shall be designed and managed to accomplish the following objectives:

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

20 (b) Whenever possible, to provide forty hours of work or work
21 training per week.

22 (c) Whenever possible, to offset tax and other public support
23 costs.

24 Supervising, management, and custody staff shall be employees of
25 the department.

26 All able and eligible inmates who are assigned work and who are not
27 working in other classes of industries shall work in this class.

28 Except for inmates who work in work training programs, inmates in
29 this class shall be paid for their work in accordance with an inmate
30 gratuity scale. The scale shall be adopted by the secretary of
31 corrections.

32 (4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class
33 shall be operated by the department of corrections. They shall be
34 designed and managed to provide services in the inmate's resident
35 community at a reduced cost. The services shall be provided to public
36 agencies, to persons who are poor or infirm, or to nonprofit
37 organizations.

1 Inmates in this program shall reside in facilities owned by,
2 contracted for, or licensed by the department of corrections. A unit
3 of local government shall provide work supervision services without
4 charge to the state and shall pay the inmate's wage.

5 The department of corrections shall reimburse participating units
6 of local government for liability and workers compensation insurance
7 costs.

8 Inmates who work in this class of industries shall do so at their
9 own choice and shall receive a gratuity which shall not exceed the wage
10 paid for work of a similar nature in the locality in which the industry
11 is located.

12 (5) CLASS V: COMMUNITY RESTITUTION PROGRAMS. Programs in this
13 class shall be subject to supervision by the department of corrections.
14 The purpose of this class of industries is to enable an inmate, placed
15 on community supervision, to work off all or part of a community
16 restitution order as ordered by the sentencing court.

17 Employment shall be in a community restitution program operated by
18 the state, local units of government, or a nonprofit agency.

19 To the extent that funds are specifically made available for such
20 purposes, the department of corrections shall reimburse nonprofit
21 agencies for workers compensation insurance costs.

22 **Sec. 5.** RCW 72.60.110 and 1959 c 28 s 72.60.110 are each amended
23 to read as follows:

24 The department is hereby authorized and empowered to cause the
25 inmates in the state institutions of this state to be employed in the
26 rendering of such services and in the production and manufacture of
27 such articles, materials, and supplies as are now, or may hereafter be,
28 needed by the state, or any political subdivision thereof, or that may
29 be needed by any public institution of the state or of any political
30 subdivision thereof. The products and services manufactured or
31 supplied by inmates must be such articles, materials, supplies, and
32 services that are solely produced or provided by out-of-state or
33 foreign suppliers.

34 **Sec. 6.** RCW 72.09.010 and 1995 1st sp.s. c 19 s 2 are each amended
35 to read as follows:

1 It is the intent of the legislature to establish a comprehensive
2 system of corrections for convicted law violators within the state of
3 Washington to accomplish the following objectives.

4 (1) The system should ensure the public safety. The system should
5 be designed and managed to provide the maximum feasible safety for the
6 persons and property of the general public, the staff, and the inmates.

7 (2) The system should punish the offender for violating the laws of
8 the state of Washington. This punishment should generally be limited
9 to the denial of liberty of the offender.

10 (3) The system should positively impact offenders by stressing
11 personal responsibility and accountability and by discouraging
12 recidivism.

13 (4) The system should treat all offenders fairly and equitably
14 without regard to race, religion, sex, national origin, residence, or
15 social condition.

16 (5) The system, as much as possible, should reflect the values of
17 the community including:

18 (a) Avoiding idleness. Idleness is not only wasteful but
19 destructive to the individual and to the community.

20 (b) Adoption of the work ethic. It is the community expectation
21 that all individuals should work and through their efforts benefit both
22 themselves and the community.

23 (c) Providing opportunities for self improvement. All individuals
24 should have opportunities to grow and expand their skills and abilities
25 so as to fulfill their role in the community.

26 (d) Linking the receipt or denial of privileges to responsible
27 behavior and accomplishments. The individual who works to improve
28 himself or herself and the community should be rewarded for these
29 efforts. As a corollary, there should be no rewards for no effort.

30 (e) Sharing in the obligations of the community. All citizens, the
31 public and inmates alike, have a personal and fiscal obligation in the
32 corrections system. All communities must share in the responsibility
33 of the corrections system.

34 (6) The system should provide for prudent management of resources.
35 The avoidance of unnecessary or inefficient public expenditures on the
36 part of offenders and the department is essential. Offenders must be
37 accountable to the department, and the department to the public and the
38 legislature. The human and fiscal resources of the community are

1 limited. The management and use of these resources can be enhanced by
2 wise investment, productive programs, the reduction of duplication and
3 waste, and the joining together of all involved parties in a common
4 endeavor. Since most offenders return to the community, it is wise for
5 the state and the communities to make an investment in effective
6 rehabilitation programs for offenders and the wise use of resources.

7 (7) The system should provide for restitution. Those who have
8 damaged others, persons or property, have a responsibility to make
9 restitution for these damages.

10 (8) The system should be accountable to the citizens of the state.
11 In return, the individual citizens and local units of government must
12 meet their responsibilities to make the corrections system effective.

13 (9) The system should not damage the interests of law-abiding
14 residents of the state of Washington and should hold their interests
15 above the interests of inmates when those interests are in conflict.

16 (10) The system should meet those national standards which the
17 state determines to be appropriate.

18 NEW SECTION. Sec. 7. RCW 43.19.535 (Purchase of goods and
19 services from inmate work programs) and 1981 c 136 s 15 are each
20 repealed.

21 NEW SECTION. Sec. 8. A new section is added to chapter 72.09 RCW
22 to read as follows:

23 Inmates currently under the custody of the department, who
24 participate in a work crew as provided under RCW 9.94A.725, labor camp
25 as authorized under RCW 72.64.060, work camp as provided in RCW
26 72.64.050, or provide any inmate labor as part of a department
27 interlocal cooperation agreement as provided in chapter 39.34 RCW, are
28 prohibited from providing services to or working on any project that is
29 not owned by a governmental entity.

30 NEW SECTION. Sec. 9. Section 3 of this act expires July 1, 2005.

31 NEW SECTION. Sec. 10. Section 4 of this act takes effect July 1,
32 2005.

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