

---

**SUBSTITUTE HOUSE BILL 1941**

---

**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Mielke, Darneille, Pearson, Ahern, Lovick, Edwards and McMahan)

READ FIRST TIME 03/04/03.

1 AN ACT Relating to providing for financial restitution to sexual  
2 assault programs from inmate funds and wages; and amending RCW  
3 72.09.111.

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

5 **Sec. 1.** RCW 72.09.111 and 2002 c 126 s 2 are each amended to read  
6 as follows:

7 (1) The secretary shall deduct from the gross wages or gratuities  
8 of each inmate working in correctional industries work programs, taxes  
9 and legal financial obligations. The secretary shall develop a formula  
10 for the distribution of offender wages and gratuities.

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

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

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

16 (iii) Twenty percent to the department to contribute to the cost of  
17 incarceration; and

18 (iv) Twenty percent for payment of legal financial obligations for

1 all inmates who have legal financial obligations owing in any  
2 Washington state superior court.

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

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) Fifteen percent to the department to contribute to the cost  
9 of incarceration; and

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

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

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

19 (2) With the exception of any inmate working in a class I industry,  
20 an additional five percent shall be deducted from the gross wages or  
21 gratuities of each inmate working in correctional industries work  
22 programs if such inmate has been convicted of a sex offense as defined  
23 in RCW 9.94A.030. The funds shall be deposited in the public safety  
24 and education account and shall be appropriated to the office of crime  
25 victims advocacy.

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

30 (4) The department personal inmate savings account, together with  
31 any accrued interest, shall only be available to an inmate at the time  
32 of his or her release from confinement, unless the secretary determines  
33 that an emergency exists for the inmate, at which time the funds can be  
34 made available to the inmate in an amount determined by the secretary.  
35 The management of classes I, II, and IV correctional industries may  
36 establish an incentive payment for offender workers based on  
37 productivity criteria. This incentive shall be paid separately from

1 the hourly wage/gratuity rate and shall not be subject to the specified  
2 deduction for cost of incarceration.

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

8 ~~((+2))~~ (6) The department shall explore other methods of  
9 recovering a portion of the cost of the inmate's incarceration and for  
10 encouraging participation in work programs, including development of  
11 incentive programs that offer inmates benefits and amenities paid for  
12 only from wages earned while working in a correctional industries work  
13 program.

14 ~~((+3))~~ (7) The department shall develop the necessary  
15 administrative structure to recover inmates' wages and keep records of  
16 the amount inmates pay for the costs of incarceration and amenities.  
17 All funds deducted from inmate wages under subsection (1) of this  
18 section for the purpose of contributions to the cost of incarceration  
19 shall be deposited in a dedicated fund with the department and shall be  
20 used only for the purpose of enhancing and maintaining correctional  
21 industries work programs.

22 ~~((+4))~~ (8) The expansion of inmate employment in class I and class  
23 II correctional industries shall be implemented according to the  
24 following schedule:

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

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

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

37 (d) Not later than June 30, 1998, the secretary shall achieve a net

1 increase of at least nine hundred in the number of inmates employed in  
2 class I or class II correctional industries work programs above the  
3 number so employed on June 30, 1994;

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

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

12 ((+5)) (9) It shall be in the discretion of the secretary to  
13 apportion the inmates between class I and class II depending on  
14 available contracts and resources.

--- END ---