
**Criminal Justice & Corrections
Committee**

SJR 8206

Brief Description: Revising limitations on use of inmate labor.

Sponsors: Senators Hargrove, Stevens, Regala, Kline, Esser, Zarelli, Carrell, Finkbeiner, Johnson, Delvin, Fairley, Swecker, Sheldon, McAuliffe, Franklin, Prentice, Shin, Spanel, Kohl-Welles, Brown, Roach and Mulliken.

Brief Summary of Bill

- Amends the Washington Constitution to authorize the labor of inmates to be let out by contract, if it is allowed by statute.
- Requires that inmate labor programs be operated so that they do not unfairly compete with Washington businesses as determined by law.

Hearing Date: 3/24/05

Staff: Yvonne Walker (786-7841).

Background:

The Department of Corrections (DOC) operates five classes of correctional industry work programs. All inmates working in class I - IV employment receive financial compensation for their work. Class V jobs are court ordered community work that is preformed for the benefit of the community without financial compensation.

Class I Industries. Inmates working in class I ("free venture") industries are paid according to the prevailing wage for comparable work in that locality. There are two models for class I industries authorized under state law — an employer model and a customer model.

Employer model industries are operated and managed by for-profit or nonprofit organizations under contract with the DOC. They produce goods and services for sale to both the public and private sector. Customer model class I industries are operated and managed by the DOC to produce and provide Washington businesses with products or services currently produced only by out-of-state or foreign suppliers. There are currently no customer model class I industries operating in the state.

Inmates working in free venture industries do so at their own choice and are paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located (ranging from \$7.16 to \$14.76 per hour).

Court Decision. The Washington Supreme Court decision of August 18, 2004, reaffirmed the initial opinion issued on May 9, 2004, that determined class I "free venture" industries were unconstitutional. The Washington Supreme Court determined that the law authorizing class I industries conflicts with article II, section 29 of the Washington Constitution (Constitution), that states, "After the first day of January eighteen hundred and ninety the labor of convicts of this state shall not be let out by contract to any person, copartnership, company or corporation, and the Legislature shall by law provide for the working of convicts for the benefit of the state."

Since the supreme court's decision in May 2004, nine businesses have stopped employing class I industries workers at three correctional institutions in the state. Approximately 270 class I jobs have been lost.

Summary of Bill:

The Constitution is amended to allow the state to let out the labor of inmates in the state by contract to any person, copartnership, company, or corporation, if it is allowed by statute. The constitutional provision requiring the Legislature to provide for the working of inmates for the benefit of the state is amended to include the working of inmates in state-run inmate labor programs so long as they do not unfairly compete with Washington businesses as determined by law.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.