

# SENATE BILL REPORT

## SB 6253

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As of January 16, 2006

**Title:** An act relating to institutional chaplains.

**Brief Description:** Regarding institutional chaplains.

**Sponsors:** Senator Jacobsen.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 1/16/06.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Staff:** Cindy Fazio (786-7405)

**Background:** The appointment of chaplains for duties at state correctional institutions for adults and juveniles is shared by the secretaries of the Departments of Corrections and Social and Health Services. The secretary of the Department of Corrections appoints chaplains for state institutions; the secretary of Social and Health Services appoints chaplains for juvenile institutions; and the secretaries jointly appoint chaplains for any other custodial, correctional, and mental institutions under their control. The secretaries make wage recommendations for the chaplain positions for approval by the Washington Personnel Resources Board.

The chaplains conduct religious services and give religious and moral instruction to the inmates, and attend to their spiritual wants. They counsel with and interview the inmates about the inmates' social and family problems, and give assistance to the inmates and their families in regard to those problems.

**Summary of Bill:** The Secretary of the Department of Corrections must appoint full- and part-time chaplains as necessary to meet the religious needs of inmates at the custodial and correctional institutions under the secretary's control. Part-time chaplains will be considered employees of the Department of Corrections with all the rights and responsibilities accorded employees under the state's public employment law, as they relate to the indemnification and defense of an employee's actions while they are acting within the scope of their duties. The chaplains are under the authority of a chaplain-manager in the Department of Corrections. Chaplains' qualifications must be consistent with the community standards of the chaplains' given faith groups. The chaplains are required to participate in any training necessary and appropriate to help them fulfill their duties.

Grammatical changes are made to existing statutory language, and word choice changes are made to reflect gender parity.

**Appropriation:** None.

**Fiscal Note:** Requested January 10, 2006.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Inmates have instituted lawsuits against religious counselors and these counselors are often volunteers who do not have insurance and cannot afford to pay the legal expenses for their defense. The Attorney General's office has settled some of the cases and so more inmates are looking for this kind of easy settlement money. Many inmates use proclamations of faith to get preferences in food or time spent in observing a faith. It is difficult to challenge a person's claim of faith. The Department of Corrections has increased their training requirements which can be a burden to volunteers and part-time chaplains. In some areas of the state, it is difficult to get enough minority faith advisers. Heavy training requirements and fear of being sued can scare away potential counselors.

**Testimony Against:** This proposed bill has the potential to dictate how the Department of Corrections uses contract providers. This has a huge potential fiscal impact. The inmates can be very manipulative and one of the reasons for our training programs is to provide volunteers and contract people with the resources to avoid being manipulated. The Department's ability to challenge an inmate's proclamation of faith is regulated at the federal level. The Department feels that training is very important because of the potential risk of being in contact with offenders. However, the Department does make exceptions to their training requirements. The Department's ability to hire contract religious workers and use volunteers is very flexible and the system works to meet our needs. We currently have a manager for the religious program. To change that structure would impede the process. The proposed process would use more staff and time to address issues that are now being effectively handled at the local level.

**Who Testified:** PRO: Senator Ken Jacobsen, Prime Sponsor, Chaplain Gary Friedman, Chaplain Charles Akes, Rev. Robert Lynn. CON: Lynne DeLano, Washington Department of Corrections, Doreen Geiger, Washington Department of Corrections.