
SENATE BILL 5269

State of Washington

59th Legislature

2005 Regular Session

By Senators Kohl-Welles, Hargrove, Stevens, Regala and Oke

Read first time 01/19/2005. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to maintaining the residential parenting program at
2 the women's correctional center; amending RCW 72.09.010, 72.09.015, and
3 72.09.450; adding new sections to chapter 72.09 RCW; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that a child's early
7 attachment to his or her parent influences physical and intellectual
8 development, forms the foundation for psychological development, and
9 becomes the prototype for subsequent interpersonal relationships. The
10 legislature also finds that the late stages of gestation, birth, and
11 first two years of life are critical in an infant's development of
12 conscience, and his or her ability to trust and relate to others, and
13 establish the foundation for key protective factors such as
14 intelligence, trust, and empathy. The legislature finds that when
15 these are depressed or when an infant is mistreated, it may lead to
16 early aggression, impulsive temperament, and violent behavior which are
17 the strongest developmental predictors of future involvement in violent
18 behavior. The legislature finds persuasive research that strongly

1 indicates that the best way to improve later developmental outcomes is
2 to improve mother-child interaction and prevent early loss of primary
3 relationships or breaks in caregiving.

4 The legislature also finds persuasive national statistics that
5 demonstrate that incarcerated mothers who develop strong parenting
6 skills and bond with their children are less likely to reoffend.
7 Consequently, the legislature finds that the residential parenting
8 program at the women's correctional center protects public safety and
9 promotes outcomes that are socially and fiscally responsible by
10 reducing recidivism and reducing the likelihood that a child of an
11 incarcerated mother will become at-risk for committing criminal
12 offenses as a juvenile or adult.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.09 RCW
14 to read as follows:

15 The department shall maintain a residential parenting program at
16 its major correctional institution for women to allow those inmates who
17 meet eligibility requirements to keep their infants with them during
18 their incarceration. The program shall provide an appropriate living
19 situation for the infants, promote positive parenting skills, and
20 facilitate transition services back into the community.

21 **Sec. 3.** RCW 72.09.010 and 1995 1st sp.s. c 19 s 2 are each amended
22 to read as follows:

23 It is the intent of the legislature to establish a comprehensive
24 system of corrections for convicted law violators within the state of
25 Washington to accomplish the following objectives.

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

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

32 (3) The system should positively impact offenders by stressing
33 personal responsibility and accountability and by discouraging
34 recidivism.

35 (4) The system should treat all offenders fairly and equitably

1 without regard to race, religion, sex, national origin, residence, or
2 social condition.

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

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

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

10 (c) Maintaining, to the extent appropriate, any existing parent-
11 child relationship with their children. The community expects parents
12 to be responsible for their children and for their parenting decisions.
13 Where the court and/or the department has not prohibited contact or
14 terminated parental rights, and where the inmate's parental role will
15 continue on release, incarceration should not provide an excuse to
16 avoid this responsibility.

17 (d) Providing opportunities for self improvement. All individuals
18 should have opportunities to grow and expand their skills and abilities
19 so as to fulfill their role in the community.

20 ((+d)) (e) Linking the receipt or denial of privileges to
21 responsible behavior and accomplishments. The individual who works to
22 improve himself or herself and the community should be rewarded for
23 these efforts. As a corollary, there should be no rewards for no
24 effort.

25 ((+e)) (f) Sharing in the obligations of the community. All
26 citizens, the public and inmates alike, have a personal and fiscal
27 obligation in the corrections system. All communities must share in
28 the responsibility of the corrections system.

29 (6) The system should provide for prudent management of resources.
30 The avoidance of unnecessary or inefficient public expenditures on the
31 part of offenders and the department is essential. Offenders must be
32 accountable to the department, and the department to the public and the
33 legislature. The human and fiscal resources of the community are
34 limited. The management and use of these resources can be enhanced by
35 wise investment, productive programs, the reduction of duplication and
36 waste, and the joining together of all involved parties in a common
37 endeavor. Since most offenders return to the community, it is wise for

1 the state and the communities to make an investment in effective
2 rehabilitation programs for offenders and the wise use of resources.

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

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

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

11 **Sec. 4.** RCW 72.09.015 and 2004 c 167 s 6 are each amended to read
12 as follows:

13 The definitions in this section apply throughout this chapter.

14 (1) "Base level of correctional services" means the minimum level
15 of field services the department of corrections is required by statute
16 to provide for the supervision and monitoring of offenders.

17 (2) "Contraband" means any object or communication the secretary
18 determines shall not be allowed to be: (a) Brought into; (b) possessed
19 while on the grounds of; or (c) sent from any institution under the
20 control of the secretary.

21 (3) "County" means a county or combination of counties.

22 (4) "Department" means the department of corrections.

23 (5) "Earned early release" means earned release as authorized by
24 RCW 9.94A.728.

25 (6) "Extended family visit" means an authorized visit between an
26 inmate and a member of his or her immediate family that occurs in a
27 private visiting unit located at the correctional facility where the
28 inmate is confined.

29 (7) "Good conduct" means compliance with department rules and
30 policies.

31 (8) "Good performance" means successful completion of a program
32 required by the department, including an education, work, or other
33 program.

34 (9) "Immediate family" means the inmate's children, stepchildren,
35 grandchildren, great grandchildren, parents, stepparents, grandparents,
36 great grandparents, siblings, and a person legally married to an

1 inmate. "Immediate family" does not include an inmate adopted by
2 another inmate or the immediate family of the adopted or adopting
3 inmate.

4 (10) "Indigent inmate," "indigent," and "indigency" mean an inmate
5 who has less than a ten-dollar balance of disposable income in his or
6 her institutional account on the day a request is made to utilize funds
7 and during the thirty days previous to the request.

8 (11) "Inmate" means a person committed to the custody of the
9 department, including but not limited to persons residing in a
10 correctional institution or facility and persons released on furlough,
11 work release, or community custody, and persons received from another
12 state, state agency, county, or federal jurisdiction.

13 (12) "Privilege" means any goods or services, education or work
14 programs, or earned early release days, the receipt of which are
15 directly linked to an inmate's (a) good conduct; and (b) good
16 performance. Privileges do not include any goods or services the
17 department is required to provide under the state or federal
18 Constitution or under state or federal law.

19 (13) "Residential parenting program" means a program for infants
20 born of eligible inmates to develop a parent-child relationship with
21 their inmate mothers through the mother's participation in a
22 residential program that permits her to actively parent her child.

23 (14) "Secretary" means the secretary of corrections or his or her
24 designee.

25 ((+14)) (15) "Significant expansion" includes any expansion into
26 a new product line or service to the class I business that results from
27 an increase in benefits provided by the department, including a
28 decrease in labor costs, rent, or utility rates (for water, sewer,
29 electricity, and disposal), an increase in work program space, tax
30 advantages, or other overhead costs.

31 ((+15)) (16) "Superintendent" means the superintendent of a
32 correctional facility under the jurisdiction of the Washington state
33 department of corrections, or his or her designee.

34 ((+16)) (17) "Unfair competition" means any net competitive
35 advantage that a business may acquire as a result of a correctional
36 industries contract, including labor costs, rent, tax advantages,
37 utility rates (water, sewer, electricity, and disposal), and other

1 overhead costs. To determine net competitive advantage, the
2 correctional industries board shall review and quantify any expenses
3 unique to operating a for-profit business inside a prison.

4 ~~((+17))~~ (18) "Washington business" means an in-state manufacturer
5 or service provider subject to chapter 82.04 RCW existing on June 10,
6 2004.

7 ~~((+18))~~ (19) "Work programs" means all classes of correctional
8 industries jobs authorized under RCW 72.09.100.

9 **Sec. 5.** RCW 72.09.450 and 1996 c 277 s 1 are each amended to read
10 as follows:

11 (1) An inmate shall not be denied access to services or supplies
12 required by state or federal law solely on the basis of his or her
13 inability to pay for them.

14 (2) An eligible inmate mother shall not be denied entrance into the
15 residential parenting program on the basis of indigence.

16 (3) The department shall record all lawfully authorized assessments
17 for services or supplies as a debt to the department. The department
18 shall recoup the assessments when the inmate's institutional account
19 exceeds the indigency standard, and may pursue other remedies to recoup
20 the assessments after the period of incarceration.

21 ~~((+3))~~ (4) The department shall record as a debt any costs
22 assessed by a court against an inmate plaintiff where the state is
23 providing defense pursuant to chapter 4.92 RCW. The department shall
24 recoup the debt when the inmate's institutional account exceeds the
25 indigency standard and may pursue other remedies to recoup the debt
26 after the period of incarceration.

27 ~~((+4))~~ (5) In order to maximize the cost-efficient collection of
28 unpaid offender debt existing after the period of an offender's
29 incarceration, the department is authorized to use the following
30 nonexclusive options: (a) Use the collection services available
31 through the department of general administration, or (b)
32 notwithstanding any provision of chapter 41.06 RCW, contract with
33 collection agencies for collection of the debts. The costs for general
34 administration or collection agency services shall be paid by the
35 debtor. Any contract with a collection agency shall only be awarded
36 after competitive bidding. Factors the department shall consider in
37 awarding a collection contract include but are not limited to a

1 collection agency's history and reputation in the community; and the
2 agency's access to a local data base that may increase the efficiency
3 of its collections. The servicing of an unpaid obligation to the
4 department does not constitute assignment of a debt, and no contract
5 with a collection agency may remove the department's control over
6 unpaid obligations owed to the department.

7 NEW SECTION. **Sec. 6.** A new section is added to chapter 72.09 RCW
8 to read as follows:

9 Participation in the residential parenting program is not a right
10 and decisions about admission to the program shall be made on a case-
11 by-case basis.

12 (1) No inmate who is the subject of a no contact order which
13 prohibits contact with minor children or has a documented history of
14 sex offenses against children is eligible to participate.

15 (2) The department shall maintain published procedures including
16 notice provisions for application and approval of the application.

17 NEW SECTION. **Sec. 7.** A new section is added to chapter 72.09 RCW
18 to read as follows:

19 (1) The department shall maintain a separate financial account for
20 infant participants in the residential parenting program. Funds
21 deposited to the infant's account are not subject to the mandatory
22 inmate deductions required by RCW 72.09.111.

23 (2) Infant participants are eligible for temporary assistance for
24 needy families grants and women infants children funds for child-
25 related expenses. The department shall hold these funds in the
26 infant's account.

27 (3) Child support payments made for the support of the infant and
28 not subject to an assignment pursuant to Title IV-D of the federal
29 social security act shall be held in the infant's account.

30 (4) Funds in the infant's account may be used only for the infant's
31 needs and expenses and equipment needed for proper infant care. Such
32 funds may not be used to pay for maternal expenses and may not be
33 applied to the mother's legal financial obligations.

34 NEW SECTION. **Sec. 8.** If any provision of this act or its

1 application to any person or circumstance is held invalid, the
2 remainder of the act or the application of the provision to other
3 persons or circumstances is not affected.

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