

HOUSE BILL REPORT

SJR 8212

As Reported by House Committee On:
Human Services

Brief Description: Revising limitations on use of inmate labor.

Sponsors: Senators Hargrove, Carrell, Regala and Stevens.

Brief History:

Committee Activity:

Human Services: 3/22/07, 3/26/07 [DP].

Brief Summary of Bill

- Proposes an amendment to the Washington Constitution that would permit the Legislature to authorize prison inmates to be let out by contract to any person, copartnership, company or corporation provided that the inmate labor programs do not unfairly compete with Washington businesses.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass. Signed by 7 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Walsh, Assistant Ranking Minority Member; Bailey, Darneille, McCoy and O'Brien.

Staff: Sonja Hallum (786-7092).

Background:

Class I Industries

The Legislature has authorized the Department of Corrections (DOC) to provide for a comprehensive inmate work program. Under this statutory authority, the DOC has operated five classes of correctional industry work programs. One of these programs was Class I industries.

The statute provides that Class I industries, or "free venture" industries, may be set up using an "employer model" or a "customer model." Employer model industries are operated and managed by for-profit or nonprofit organizations under contract with the DOC. They produce

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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.

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. Security and custody services are supplied to the participating firm without charge.

In 2004, the Washington State Supreme Court determined that the law authorizing Class I industries conflicts with article II, section 29 of the Washington Constitution, which states, "[a]fter 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."

As a result of this decision, all Class I industries were eliminated in 2004.

Constitutional Amendment

In order to amend the Washington Constitution, a joint resolution must be passed by a two-thirds majority of both houses of the Legislature. To be enacted, the proposed amendment must be placed on the next general election ballot and must be approved by a simple majority of the voters.

Summary of Bill:

At the next general election, an amendment to the Washington Constitution will be submitted to the voters authorizing the state to let out the labor of inmates in the state by contract as provided by statute so long as the inmate labor programs are operated so that they do not unfairly compete with Washington businesses as determined by law.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect upon approval by voters at the next general election.

Staff Summary of Public Testimony:

(In support) Class I industry programs are provided in the DOC facilities. The state provides the space, but the industry employer must deal with the greater costs of operating in an institution and other issues associated with working with offenders. These programs provide a benefit in that these inmates receive training and skills which result in reduced recidivism. These offenders also earn more income, so victims are repaid. The State Constitution has a prohibition against indentured servants and this was the basis of the court decision. But, these

are highly desired positions. The language of the amendment deals with the issue of unfair competition with other businesses. This issue should go to the voters. This program works and is good public policy. Research shows offenders with skills are less likely to reoffend, are more likely to find employment, and get higher wage jobs when released. The program does not cost any money to the State General Fund.

(Opposed) None.

Persons Testifying: Senator Hargrove, prime sponsor; and Howard Yarbrough, Department of Corrections.

Persons Signed In To Testify But Not Testifying: None.