

SENATE BILL REPORT

SJR 8212

As Passed Senate, March 12, 2007

Brief Description: Revising limitations on use of inmate labor.

Sponsors: Senators Hargrove, Carrell, Regala and Stevens.

Brief History:

Committee Activity: Human Services & Corrections: 1/11/07, 2/16/07 [DP].

Passed Senate: 3/12/07, 49-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell and McAuliffe.

Staff: Shani Bauer (786-7468)

Background: The State Statute Authorizing a Comprehensive Inmate Work Program. The Legislature has authorized the Department of Corrections (DOC) to establish and operate a comprehensive work program for inmates. Five classes of industries are contemplated by the statute setting up the DOC's authority to establish and operate this program. Under the statute, Class I or "free venture" industries may be set up using an "employer model" or a "customer model." Under the employer model, profit-making or non-profit organizations under contract with the DOC manage industries that produce goods and services for sale to the public and private sectors. Under the customer model, the DOC manages and operates industries to produce the kinds of goods and services for Washington businesses that could otherwise only be obtained out of state.

The statute setting up the DOC's authority to establish and operate a comprehensive inmate work program allows inmates working in Class I industries to opt into the program. Under that statute, the wages of Class I industries workers are comparable to wages for similar work in the same geographic area, as determined by the director of the DOC. The DOC must take 5 percent of a Class I worker's income for crime victims' compensation, 10 percent for the inmate's savings account, 20 percent for the cost of the inmate's incarceration, and 20 percent for any legal financial obligations that the inmate owes, including victim restitution.

The 2004 State Supreme Court Decision Concerning the Law Authorizing Class I Industries. In May 2004, the Supreme Court of Washington determined that the law authorizing Class I industries conflicts with article II, section 29 of the state constitution, which states, "[a]fter the

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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."

Summary of Bill: The constitution is amended to allow the state to let out the labor of inmates in the state by contract, 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. The constitutional amendment requires that inmate labor programs be operated so that they do not unfairly compete with Washington businesses as determined by law.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Inmate labor programs should be required to include worker training elements that are beneficial to the offender upon release from prison. We need to make sure that vocational training is tied to anything we do with regard to correctional industries. An amendment should be included to provide the protections that labor should be voluntary and consistent with all applicable health and safety laws.

Persons Testifying: PRO: Rick Slunaker, Association of General Contractors of Washington; John Little, Northwest Carpenters Union; Daniel Clark, Friends Committee on Washington Public Policy.