
Human Services Committee

HB 3008

Brief Description: Authorizing civil judgements for assault.

Sponsors: Representatives Nealey, O'Brien, Ericks, Klippert, Walsh, Kretz, Haler, Kristiansen, Hurst, Warnick, Pearson, Dammeier, Hinkle, Schmick, McCune and Wallace.

Brief Summary of Bill

- Authorizes the Department of Corrections (DOC) to deduct 15 - 20 percent of an inmate's wages and gratuities obtained through the correctional industries for payment of a civil judgment resulting an inmate's assault on a correctional officer or a DOC employee; this amount would be in addition to the current deductions authorized in statute.

Hearing Date: 2/10/10

Staff: Linda Merelle (786-7092).

Background:

The Department of Corrections (DOC) has been authorized to develop a comprehensive correctional industries work program for the participation of inmates. The statute outlines several classes of correctional industries, Class I through Class IV.

Class I.

Employer model "free venture" industries in this class would be operated and managed by for-profit or nonprofit organizations under contract with the DOC, using inmates as employees to produce goods and services for sale to the public and private sector. "Customer model" industries in this class would be 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 supplies. In 2004 the Washington State Supreme Court held that Class I "free venture"

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industries were unconstitutional because they conflicted with Article II, Section 29 of the Washington Constitution.

Class II.

Sometimes referred to as "tax reduction" industries, these are state-owned and operated industries designed to reduce the costs for goods and services for public agencies and nonprofit organizations. Industries in this class must be closely patterned after private sector industries with the objective of reducing public support costs. The products and services of this industry may only be sold to public agencies, nonprofit organizations, and to private contractors when the goods purchased will ultimately be used by a public agency or a nonprofit organization. Wages range from \$0.45 per hour at the entry level to minimum wage at the highest level.

Class III.

The "institutional support" industries are operated by the DOC. They are designed and managed to provide basic work training and experience so that the offender will be able to qualify for better work within the correctional industries and the community upon release. Wages are not to exceed \$55.00 per month, and there is no overtime pay.

Class IV.

These are "community work" industries designed and managed to provide services in the inmate's resident community at a reduced cost. Inmates may be a part of outside work crews, but they are not allowed to displace public employees. The inmates who choose to work in this class of industries receive a gratuity which must not exceed the wage paid for similar work in the place where the industry is located.

Deductions from Inmate Earnings.

Pursuant to statute, the DOC has developed a formula for the distribution of offender wages. The formula, however, must not reduce the inmate account below the indigency level, which is defined as \$10.00. Under the formula, the minimum deductions for Class II gratuities totals total of 65 percent with 5 percent percent to the State General Fund; 10 percent to the personal inmate savings account; 15 percent to the DOC to contribute to the inmate's cost of incarceration; 20 percent for the payment of legal financial obligations owing in any Washington superior court; and 15 percent for any child support payments owed under a child support order. For Class III and IV gratuities, a minimum of 5 percent is deducted for the State General Fund and 15 percent for any child support owed pursuant to a court order.

Summary of Bill:

The DOC would include in its formula for distribution of offender wages a deduction for payment of any civil judgment issued by a Washington state or federal court against an inmate for an assault against a correctional officer or DOC employee. Under the formula authorized by this bill, the minimum deduction would be 15 percent of Class II, III, and IV gratuities. Under this bill, the total deductions, not to exceed the indigency rate, would be 80 percent of Class II gratuities and 35 percent of Class III and IV gratuities.

Appropriation: None.

Fiscal Note: Not requested.

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