
ENGROSSED SECOND SUBSTITUTE SENATE BILL 6504

State of Washington

61st Legislature

2010 Regular Session

By Senate Ways & Means (originally sponsored by Senator Hargrove; by request of Department of Labor & Industries)

READ FIRST TIME 02/09/10.

1 AN ACT Relating to the crime victims' compensation program;
2 amending RCW 7.68.070, 7.68.085, 9A.82.110, 72.09.111, and 72.09.480;
3 adding a new section to chapter 7.68 RCW; providing an effective date;
4 providing an expiration date; and declaring an emergency.

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

6 **Sec. 1.** RCW 7.68.070 and 2009 c 38 s 1 are each amended to read as
7 follows:

8 The right to benefits under this chapter and the amount thereof
9 will be governed insofar as is applicable by the provisions contained
10 in chapter 51.32 RCW except as provided in this section, provided that
11 no more than fifty thousand dollars shall be paid per claim:

12 (1) The provisions contained in RCW 51.32.015, 51.32.030,
13 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 are not
14 applicable to this chapter.

15 (2) Each victim injured as a result of a criminal act, including
16 criminal acts committed between July 1, 1981, and January 1, 1983, or
17 the victim's family or dependents in case of death of the victim, are
18 entitled to benefits in accordance with this chapter, subject to the

1 limitations under RCW 7.68.015. The rights, duties, responsibilities,
2 limitations, and procedures applicable to a worker as contained in RCW
3 51.32.010 are applicable to this chapter.

4 (3) The limitations contained in RCW 51.32.020 are applicable to
5 claims under this chapter. In addition thereto, no person or spouse,
6 child, or dependent of such person is entitled to benefits under this
7 chapter when the injury for which benefits are sought, was:

8 (a) The result of consent, provocation, or incitement by the
9 victim, unless an injury resulting from a criminal act caused the death
10 of the victim;

11 (b) Sustained while the crime victim was engaged in the attempt to
12 commit, or the commission of, a felony; or

13 (c) Sustained while the victim was confined in any county or city
14 jail, federal jail or prison or in any other federal institution, or
15 any state correctional institution maintained and operated by the
16 department of social and health services or the department of
17 corrections, prior to release from lawful custody; or confined or
18 living in any other institution maintained and operated by the
19 department of social and health services or the department of
20 corrections.

21 (4) The benefits established upon the death of a worker and
22 contained in RCW 51.32.050 shall be the benefits obtainable under this
23 chapter and provisions relating to payment contained in that section
24 shall equally apply under this chapter(~~(:—PROVIDED)~~), except that
25 benefits for burial expenses shall not exceed (~~(the amount paid by the~~
26 ~~department in case of the death of a worker as provided in chapter~~
27 ~~51.32 RCW in any claim:—PROVIDED FURTHER, That if the criminal act~~
28 ~~results in the death of a victim who was not gainfully employed at the~~
29 ~~time of the criminal act, and who was not so employed for at least~~
30 ~~three consecutive months of the twelve months immediately preceding the~~
31 ~~criminal act;~~

32 ~~(a) Benefits payable to an eligible surviving spouse, where there~~
33 ~~are no children of the victim at the time of the criminal act who have~~
34 ~~survived the victim or where such spouse has legal custody of all of~~
35 ~~his or her children, shall be limited to burial expenses and a lump sum~~
36 ~~payment of seven thousand five hundred dollars without reference to~~
37 ~~number of children, if any;~~

1 ~~(b) Where any such spouse has legal custody of one or more but not~~
2 ~~all of such children, then such burial expenses shall be paid, and such~~
3 ~~spouse shall receive a lump sum payment of three thousand seven hundred~~
4 ~~fifty dollars and any such child or children not in the legal custody~~
5 ~~of such spouse shall receive a lump sum of three thousand seven hundred~~
6 ~~fifty dollars to be divided equally among such child or children;~~

7 ~~(c) If any such spouse does not have legal custody of any of the~~
8 ~~children, the burial expenses shall be paid and the spouse shall~~
9 ~~receive a lump sum payment of up to three thousand seven hundred fifty~~
10 ~~dollars and any such child or children not in the legal custody of the~~
11 ~~spouse shall receive a lump sum payment of up to three thousand seven~~
12 ~~hundred fifty dollars to be divided equally among the child or~~
13 ~~children;~~

14 ~~(d) If no such spouse survives, then such burial expenses shall be~~
15 ~~paid, and each surviving child of the victim at the time of the~~
16 ~~criminal act shall receive a lump sum payment of three thousand seven~~
17 ~~hundred fifty dollars up to a total of two such children and where~~
18 ~~there are more than two such children the sum of seven thousand five~~
19 ~~hundred dollars shall be divided equally among such children.~~

20 ~~No other benefits may be paid or payable under these~~
21 ~~circumstances)) six thousand five hundred dollars per claim.~~

22 (5) The benefits established in RCW 51.32.060 for permanent total
23 disability proximately caused by the criminal act shall be the benefits
24 obtainable under this chapter, and provisions relating to payment
25 contained in that section apply under this chapter(~~(:—PROVIDED)~~),
26 except that if a victim becomes permanently and totally disabled as a
27 proximate result of the criminal act (~~(and was not gainfully employed~~
28 ~~at the time of the criminal act)~~), the victim shall receive monthly
29 during the period of the disability the following percentages, where
30 applicable, of the average monthly wage determined as of the date of
31 the criminal act pursuant to RCW 51.08.018:

32 (a) If married at the time of the criminal act, twenty-nine percent
33 of the average monthly wage.

34 (b) If married with one child at the time of the criminal act,
35 thirty-four percent of the average monthly wage.

36 (c) If married with two children at the time of the criminal act,
37 thirty-eight percent of the average monthly wage.

1 (d) If married with three children at the time of the criminal act,
2 forty-one percent of the average monthly wage.

3 (e) If married with four children at the time of the criminal act,
4 forty-four percent of the average monthly wage.

5 (f) If married with five or more children at the time of the
6 criminal act, forty-seven percent of the average monthly wage.

7 (g) If unmarried at the time of the criminal act, twenty-five
8 percent of the average monthly wage.

9 (h) If unmarried with one child at the time of the criminal act,
10 thirty percent of the average monthly wage.

11 (i) If unmarried with two children at the time of the criminal act,
12 thirty-four percent of the average monthly wage.

13 (j) If unmarried with three children at the time of the criminal
14 act, thirty-seven percent of the average monthly wage.

15 (k) If unmarried with four children at the time of the criminal
16 act, forty percent of the average monthly wage.

17 (l) If unmarried with five or more children at the time of the
18 criminal act, forty-three percent of the average monthly wage.

19 (6) The benefits established in RCW 51.32.080 for permanent partial
20 disability shall be the benefits obtainable under this chapter, and
21 provisions relating to payment contained in that section equally apply
22 under this chapter, but shall not exceed seven thousand dollars per
23 claim.

24 (7) The benefits established in RCW 51.32.090 for temporary total
25 disability shall be the benefits obtainable under this chapter, and
26 provisions relating to payment contained in that section apply under
27 this chapter(~~(:—PROVIDED)~~), except that no person is eligible for
28 temporary total disability benefits under this chapter if such person
29 was not gainfully employed at the time of the criminal act(~~(, and was~~
30 ~~not so employed for at least three consecutive months of the twelve~~
31 ~~months immediately preceding the criminal act)~~)).

32 (8) The benefits established in RCW 51.32.095 for continuation of
33 benefits during vocational rehabilitation shall be benefits obtainable
34 under this chapter, and provisions relating to payment contained in
35 that section apply under this chapter(~~(:—PROVIDED)~~), except that
36 benefits shall not exceed five thousand dollars for any single injury.

37 (9) The provisions for lump sum payment of benefits upon death or

1 permanent total disability as contained in RCW 51.32.130 apply under
2 this chapter.

3 (10) The provisions relating to payment of benefits to, for or on
4 behalf of workers contained in RCW 51.32.040, 51.32.055, 51.32.100,
5 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and
6 51.32.210 are applicable to payment of benefits to, for or on behalf of
7 victims under this chapter.

8 (11) No person or spouse, child, or dependent of such person is
9 entitled to benefits under this chapter where the person making a claim
10 for such benefits has refused to give reasonable cooperation to state
11 or local law enforcement agencies in their efforts to apprehend and
12 convict the perpetrator(s) of the criminal act which gave rise to the
13 claim.

14 (12) In addition to other benefits provided under this chapter,
15 victims of sexual assault are entitled to receive appropriate
16 counseling. Fees for such counseling shall be determined by the
17 department in accordance with RCW 51.04.030, subject to the limitations
18 of RCW 7.68.080. Counseling services may include, if determined
19 appropriate by the department, counseling of members of the victim's
20 immediate family, other than the perpetrator of the assault.

21 ~~(13) ((Except for medical benefits authorized under RCW 7.68.080,~~
22 ~~no more than thirty thousand dollars shall be granted as a result of a~~
23 ~~single injury or death, except that benefits granted as the result of~~
24 ~~total permanent disability or death shall not exceed forty thousand~~
25 ~~dollars.~~

26 ~~(14))~~ Notwithstanding other provisions of this chapter and Title
27 51 RCW, benefits payable for total temporary disability under
28 subsection (7) of this section, shall be limited to fifteen thousand
29 dollars.

30 ~~((15))~~ (14) Any person who is responsible for the victim's
31 injuries, or who would otherwise be unjustly enriched as a result of
32 the victim's injuries, shall not be a beneficiary under this chapter.

33 ~~((16))~~ (15) Crime victims' compensation is not available to pay
34 for services covered under chapter 74.09 RCW or Title XIX of the
35 federal social security act, except to the extent that the costs for
36 such services exceed service limits established by the department of
37 social and health services or, during the 1993-95 fiscal biennium, to

1 the extent necessary to provide matching funds for federal medicaid
2 reimbursement.

3 ~~((+17+))~~ (16) In addition to other benefits provided under this
4 chapter, immediate family members of a homicide victim may receive
5 appropriate counseling to assist in dealing with the immediate, near-
6 term consequences of the related effects of the homicide. Fees for
7 counseling shall be determined by the department in accordance with RCW
8 51.04.030, subject to the limitations of RCW 7.68.080. Payment of
9 counseling benefits under this section may not be provided to the
10 perpetrator of the homicide. The benefits under this subsection may be
11 provided only with respect to homicides committed on or after July 1,
12 1992.

13 ~~((+18+))~~ (17) A dependent mother, father, stepmother, or
14 stepfather, as defined in RCW 51.08.050, who is a survivor of her or
15 his child's homicide, who has been requested by a law enforcement
16 agency or a prosecutor to assist in the judicial proceedings related to
17 the death of the victim, and who is not domiciled in Washington state
18 at the time of the request, may receive a lump-sum payment upon arrival
19 in this state. Total benefits under this subsection may not exceed
20 seven thousand five hundred dollars. If more than one dependent parent
21 is eligible for this benefit, the lump-sum payment of seven thousand
22 five hundred dollars shall be divided equally among the dependent
23 parents.

24 ~~((+19+))~~ (18) A victim whose crime occurred in another state who
25 qualifies for benefits under RCW 7.68.060(4) may receive appropriate
26 mental health counseling to address distress arising from participation
27 in the civil commitment proceedings. Fees for counseling shall be
28 determined by the department in accordance with RCW 51.04.030, subject
29 to the limitations of RCW 7.68.080.

30 (19) A victim who has been convicted of a felony within five years
31 preceding the criminal act for which they are applying which is a
32 violent offense under RCW 9.94A.030 or a crime against persons under
33 RCW 9.94A.411, or who is convicted of such a felony after applying, is
34 not eligible for benefits under this act.

35 **Sec. 2.** RCW 7.68.085 and 2009 c 479 s 9 are each amended to read
36 as follows:

1 (1) This section has no force or effect from the effective date of
2 this section until July 1, 2013.

3 (2) The director of labor and industries shall institute a cap on
4 medical benefits of one hundred fifty thousand dollars per injury or
5 death. Payment for medical services in excess of the cap shall be made
6 available to any innocent victim under the same conditions as other
7 medical services and if the medical services are:

8 ~~((1))~~ (a) Necessary for a previously accepted condition;

9 ~~((2))~~ (b) Necessary to protect the victim's life or prevent
10 deterioration of the victim's previously accepted condition; and

11 ~~((3))~~ (c) Not available from an alternative source.

12 For the purposes of this section, an individual will not be
13 required to use his or her assets other than funds recovered as a
14 result of a civil action or criminal restitution, for medical expenses
15 or pain and suffering, in order to qualify for an alternative source of
16 payment.

17 The director shall, in cooperation with the department of social
18 and health services, establish by October 1, 1989, a process to aid
19 crime victims in identifying and applying for appropriate alternative
20 benefit programs, if any, administered by the department of social and
21 health services.

22 NEW SECTION. Sec. 3. A new section is added to chapter 7.68 RCW
23 to read as follows:

24 The crime victims' compensation account is created in the custody
25 of the state treasurer. Expenditures from the account may be used only
26 for the crime victims' compensation program under this chapter. Only
27 the director of the department or the director's designee may authorize
28 expenditures from the account. The account is subject to allotment
29 procedures under chapter 43.88 RCW, but an appropriation is not
30 required for expenditures.

31 **Sec. 4.** RCW 9A.82.110 and 2009 c 479 s 11 are each amended to read
32 as follows:

33 (1) In an action brought by the attorney general on behalf of the
34 state under RCW 9A.82.100(1)(b)(i) in which the state prevails, any
35 payments ordered in excess of the actual damages sustained shall be

1 deposited in the ((state-general-fund)) crime victims' compensation
2 account provided in section 3 of this act.

3 (2)(a) The county legislative authority may establish an
4 antiprofitereering revolving fund to be administered by the county
5 prosecuting attorney under the conditions and for the purposes provided
6 by this subsection. Disbursements from the fund shall be on
7 authorization of the county prosecuting attorney. No appropriation is
8 required for disbursements.

9 (b) Any prosecution and investigation costs, including attorney's
10 fees, recovered for the state by the county prosecuting attorney as a
11 result of enforcement of civil and criminal statutes pertaining to any
12 offense included in the definition of criminal profiteering, whether by
13 final judgment, settlement, or otherwise, shall be deposited, as
14 directed by a court of competent jurisdiction, in the fund established
15 by this subsection. In an action brought by a prosecuting attorney on
16 behalf of the county under RCW 9A.82.100(1)(b)(i) in which the county
17 prevails, any payments ordered in excess of the actual damages
18 sustained shall be deposited in the ((state-general-fund)) crime
19 victims' compensation account provided in section 3 of this act.

20 (c) The county legislative authority may prescribe a maximum level
21 of moneys in the antiprofitereering revolving fund. Moneys exceeding the
22 prescribed maximum shall be transferred to the county current expense
23 fund.

24 (d) The moneys in the fund shall be used by the county prosecuting
25 attorney for the investigation and prosecution of any offense, within
26 the jurisdiction of the county prosecuting attorney, included in the
27 definition of criminal profiteering, including civil enforcement.

28 (e) If a county has not established an antiprofitereering revolving
29 fund, any payments or forfeitures ordered to the county under this
30 chapter shall be deposited to the county current expense fund.

31 **Sec. 5.** RCW 72.09.111 and 2009 c 479 s 60 are each amended to read
32 as follows:

33 (1) The secretary shall deduct taxes and legal financial
34 obligations from the gross wages, gratuities, or workers' compensation
35 benefits payable directly to the inmate under chapter 51.32 RCW, of
36 each inmate working in correctional industries work programs, or
37 otherwise receiving such wages, gratuities, or benefits. The secretary

1 shall also deduct child support payments from the gratuities of each
2 inmate working in class II through class IV correctional industries
3 work programs. The secretary shall develop a formula for the
4 distribution of offender wages, gratuities, and benefits. The formula
5 shall not reduce the inmate account below the indigency level, as
6 defined in RCW 72.09.015.

7 (a) The formula shall include the following minimum deductions from
8 class I gross wages and from all others earning at least minimum wage:

9 (i) Five percent to the (~~state-general-fund~~) crime victims'
10 compensation account provided in section 3 of this act;

11 (ii) Ten percent to a department personal inmate savings account;

12 (iii) Twenty percent to the department to contribute to the cost of
13 incarceration; and

14 (iv) Twenty percent for payment of legal financial obligations for
15 all inmates who have legal financial obligations owing in any
16 Washington state superior court.

17 (b) The formula shall include the following minimum deductions from
18 class II gross gratuities:

19 (i) Five percent to the (~~state-general-fund~~) crime victims'
20 compensation account provided in section 3 of this act;

21 (ii) Ten percent to a department personal inmate savings account;

22 (iii) Fifteen percent to the department to contribute to the cost
23 of incarceration;

24 (iv) Twenty percent for payment of legal financial obligations for
25 all inmates who have legal financial obligations owing in any
26 Washington state superior court; and

27 (v) Fifteen percent for any child support owed under a support
28 order.

29 (c) The formula shall include the following minimum deductions from
30 any workers' compensation benefits paid pursuant to RCW 51.32.080:

31 (i) Five percent to the (~~state-general-fund~~) crime victims'
32 compensation account provided in section 3 of this act;

33 (ii) Ten percent to a department personal inmate savings account;

34 (iii) Twenty percent to the department to contribute to the cost of
35 incarceration; and

36 (iv) An amount equal to any legal financial obligations owed by the
37 inmate established by an order of any Washington state superior court
38 up to the total amount of the award.

1 (d) The formula shall include the following minimum deductions from
2 class III gratuities:

3 (i) Five percent for the (~~state-general-fund~~) crime victims'
4 compensation account provided in section 3 of this act; and

5 (ii) Fifteen percent for any child support owed under a support
6 order.

7 (e) The formula shall include the following minimum deduction from
8 class IV gross gratuities:

9 (i) Five percent to the department to contribute to the cost of
10 incarceration; and

11 (ii) Fifteen percent for any child support owed under a support
12 order.

13 (2) Any person sentenced to life imprisonment without possibility
14 of release or parole under chapter 10.95 RCW or sentenced to death
15 shall be exempt from the requirement under subsection (1)(a)(ii),
16 (b)(ii), or (c)(ii).

17 (3)(a) The department personal inmate savings account, together
18 with any accrued interest, shall only be available to an inmate at the
19 following times:

20 (i) The time of his or her release from confinement;

21 (ii) Prior to his or her release from confinement in order to
22 secure approved housing; or

23 (iii) When the secretary determines that an emergency exists for
24 the inmate.

25 (b) If funds are made available pursuant to (a)(ii) or (iii) of
26 this subsection, the funds shall be made available to the inmate in an
27 amount determined by the secretary.

28 (c) The management of classes I, II, and IV correctional industries
29 may establish an incentive payment for offender workers based on
30 productivity criteria. This incentive shall be paid separately from
31 the hourly wage/gratuity rate and shall not be subject to the specified
32 deduction for cost of incarceration.

33 (4)(a) Subject to availability of funds for the correctional
34 industries program, the expansion of inmate employment in class I and
35 class II correctional industries shall be implemented according to the
36 following schedule:

37 (i) Not later than June 30, 2005, the secretary shall achieve a net

1 increase of at least two hundred in the number of inmates employed in
2 class I or class II correctional industries work programs above the
3 number so employed on June 30, 2003;

4 (ii) Not later than June 30, 2006, the secretary shall achieve a
5 net increase of at least four hundred in the number of inmates employed
6 in class I or class II correctional industries work programs above the
7 number so employed on June 30, 2003;

8 (iii) Not later than June 30, 2007, the secretary shall achieve a
9 net increase of at least six hundred in the number of inmates employed
10 in class I or class II correctional industries work programs above the
11 number so employed on June 30, 2003;

12 (iv) Not later than June 30, 2008, the secretary shall achieve a
13 net increase of at least nine hundred in the number of inmates employed
14 in class I or class II correctional industries work programs above the
15 number so employed on June 30, 2003;

16 (v) Not later than June 30, 2009, the secretary shall achieve a net
17 increase of at least one thousand two hundred in the number of inmates
18 employed in class I or class II correctional industries work programs
19 above the number so employed on June 30, 2003;

20 (vi) Not later than June 30, 2010, the secretary shall achieve a
21 net increase of at least one thousand five hundred in the number of
22 inmates employed in class I or class II correctional industries work
23 programs above the number so employed on June 30, 2003.

24 (b) Failure to comply with the schedule in this subsection does not
25 create a private right of action.

26 (5) In the event that the offender worker's wages, gratuity, or
27 workers' compensation benefit is subject to garnishment for support
28 enforcement, the (~~state-general-fund~~) crime victims' compensation
29 account, savings, and cost of incarceration deductions shall be
30 calculated on the net wages after taxes, legal financial obligations,
31 and garnishment.

32 (6) The department shall explore other methods of recovering a
33 portion of the cost of the inmate's incarceration and for encouraging
34 participation in work programs, including development of incentive
35 programs that offer inmates benefits and amenities paid for only from
36 wages earned while working in a correctional industries work program.

37 (7) The department shall develop the necessary administrative
38 structure to recover inmates' wages and keep records of the amount

1 inmates pay for the costs of incarceration and amenities. All funds
2 deducted from inmate wages under subsection (1) of this section for the
3 purpose of contributions to the cost of incarceration shall be
4 deposited in a dedicated fund with the department and shall be used
5 only for the purpose of enhancing and maintaining correctional
6 industries work programs.

7 (8) It shall be in the discretion of the secretary to apportion the
8 inmates between class I and class II depending on available contracts
9 and resources.

10 (9) Nothing in this section shall limit the authority of the
11 department of social and health services division of child support from
12 taking collection action against an inmate's moneys, assets, or
13 property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

14 **Sec. 6.** RCW 72.09.480 and 2009 c 479 s 61 are each amended to read
15 as follows:

16 (1) Unless the context clearly requires otherwise, the definitions
17 in this section apply to this section.

18 (a) "Cost of incarceration" means the cost of providing an inmate
19 with shelter, food, clothing, transportation, supervision, and other
20 services and supplies as may be necessary for the maintenance and
21 support of the inmate while in the custody of the department, based on
22 the average per inmate costs established by the department and the
23 office of financial management.

24 (b) "Minimum term of confinement" means the minimum amount of time
25 an inmate will be confined in the custody of the department,
26 considering the sentence imposed and adjusted for the total potential
27 earned early release time available to the inmate.

28 (c) "Program" means any series of courses or classes necessary to
29 achieve a proficiency standard, certificate, or postsecondary degree.

30 (2) When an inmate, except as provided in subsections (4) and (8)
31 of this section, receives any funds in addition to his or her wages or
32 gratuities, except settlements or awards resulting from legal action,
33 the additional funds shall be subject to the following deductions and
34 the priorities established in chapter 72.11 RCW:

35 (a) Five percent to the (~~state-general-fund~~) crime victims'
36 compensation account provided in section 3 of this act;

37 (b) Ten percent to a department personal inmate savings account;

1 (c) Twenty percent for payment of legal financial obligations for
2 all inmates who have legal financial obligations owing in any
3 Washington state superior court;

4 (d) Twenty percent for any child support owed under a support
5 order; and

6 (e) Twenty percent to the department to contribute to the cost of
7 incarceration.

8 (3) When an inmate, except as provided in subsection (8) of this
9 section, receives any funds from a settlement or award resulting from
10 a legal action, the additional funds shall be subject to the deductions
11 in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11
12 RCW.

13 (4) When an inmate who is subject to a child support order receives
14 funds from an inheritance, the deduction required under subsection
15 (2)(e) of this section shall only apply after the child support
16 obligation has been paid in full.

17 (5) The amount deducted from an inmate's funds under subsection (2)
18 of this section shall not exceed the department's total cost of
19 incarceration for the inmate incurred during the inmate's minimum or
20 actual term of confinement, whichever is longer.

21 (6)(a) The deductions required under subsection (2) of this section
22 shall not apply to funds received by the department from an offender or
23 from a third party on behalf of an offender for payment of education or
24 vocational programs or postsecondary education degree programs as
25 provided in RCW 72.09.460 and 72.09.465.

26 (b) The deductions required under subsection (2) of this section
27 shall not apply to funds received by the department from a third party,
28 including but not limited to a nonprofit entity on behalf of the
29 department's education, vocation, or postsecondary education degree
30 programs.

31 (7) The deductions required under subsection (2) of this section
32 shall not apply to any money received by the department, on behalf of
33 an inmate, from family or other outside sources for the payment of
34 postage expenses. Money received under this subsection may only be
35 used for the payment of postage expenses and may not be transferred to
36 any other account or purpose. Money that remains unused in the
37 inmate's postage fund at the time of release shall be subject to the
38 deductions outlined in subsection (2) of this section.

1 (8) When an inmate sentenced to life imprisonment without
2 possibility of release or sentenced to death under chapter 10.95 RCW
3 receives funds, deductions are required under subsection (2) of this
4 section, with the exception of a personal inmate savings account under
5 subsection (2)(b) of this section.

6 (9) The secretary of the department of corrections, or his or her
7 designee, may exempt an inmate from a personal inmate savings account
8 under subsection (2)(b) of this section if the inmate's earliest
9 release date is beyond the inmate's life expectancy.

10 (10) The interest earned on an inmate savings account created as a
11 result of the plan in section 4, chapter 325, Laws of 1999 shall be
12 exempt from the mandatory deductions under this section and RCW
13 72.09.111.

14 (11) Nothing in this section shall limit the authority of the
15 department of social and health services division of child support, the
16 county clerk, or a restitution recipient from taking collection action
17 against an inmate's moneys, assets, or property pursuant to chapter
18 9.94A, 26.23, 74.20, or 74.20A RCW including, but not limited to, the
19 collection of moneys received by the inmate from settlements or awards
20 resulting from legal action.

21 NEW SECTION. **Sec. 7.** Sections 1 and 2 of this act are necessary
22 for the immediate preservation of the public peace, health, or safety,
23 or support of the state government and its existing public
24 institutions, and take effect April 1, 2010, for all claims of victims
25 of criminal acts occurring after July 1, 1981.

26 NEW SECTION. **Sec. 8.** Sections 1 and 2 of this act expire July 1,
27 2013.

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