

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6337

61st Legislature
2010 Regular Session

Passed by the Senate February 16, 2010
YEAS 47 NAYS 0

President of the Senate

Passed by the House February 28, 2010
YEAS 96 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6337** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6337

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Regala, Carrell, Hargrove, and Brandland)

READ FIRST TIME 02/04/10.

1 AN ACT Relating to inmate savings accounts; amending RCW 72.09.111;
2 and providing an effective date.

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

4 **Sec. 1.** RCW 72.09.111 and 2009 c 479 s 60 are each amended to read
5 as follows:

6 (1) The secretary shall deduct taxes and legal financial
7 obligations from the gross wages, gratuities, or workers' compensation
8 benefits payable directly to the inmate under chapter 51.32 RCW, of
9 each inmate working in correctional industries work programs, or
10 otherwise receiving such wages, gratuities, or benefits. The secretary
11 shall also deduct child support payments from the gratuities of each
12 inmate working in class II through class IV correctional industries
13 work programs. The secretary shall develop a formula for the
14 distribution of offender wages, gratuities, and benefits. The formula
15 shall not reduce the inmate account below the indigency level, as
16 defined in RCW 72.09.015.

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

19 (i) Five percent to the state general fund;

1 (ii) Ten percent to a department personal inmate savings account;
2 (iii) Twenty percent to the department to contribute to the cost of
3 incarceration; and
4 (iv) Twenty percent for payment of legal financial obligations for
5 all inmates who have legal financial obligations owing in any
6 Washington state superior court.

7 (b) The formula shall include the following minimum deductions from
8 class II gross gratuities:
9 (i) Five percent to the state general fund;
10 (ii) Ten percent to a department personal inmate savings account;
11 (iii) Fifteen percent to the department to contribute to the cost
12 of incarceration;
13 (iv) Twenty percent for payment of legal financial obligations for
14 all inmates who have legal financial obligations owing in any
15 Washington state superior court; and
16 (v) Fifteen percent for any child support owed under a support
17 order.

18 (c) The formula shall include the following minimum deductions from
19 any workers' compensation benefits paid pursuant to RCW 51.32.080:
20 (i) Five percent to the state general fund;
21 (ii) Ten percent to a department personal inmate savings account;
22 (iii) Twenty percent to the department to contribute to the cost of
23 incarceration; and
24 (iv) An amount equal to any legal financial obligations owed by the
25 inmate established by an order of any Washington state superior court
26 up to the total amount of the award.

27 (d) The formula shall include the following minimum deductions from
28 class III gratuities:
29 (i) Five percent for the state general fund; and
30 (ii) Fifteen percent for any child support owed under a support
31 order.

32 (e) The formula shall include the following minimum deduction from
33 class IV gross gratuities:
34 (i) Five percent to the department to contribute to the cost of
35 incarceration; and
36 (ii) Fifteen percent for any child support owed under a support
37 order.

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

5 (3)(a) The department personal inmate savings account, together
6 with any accrued interest, ~~((shall only))~~ may be made available to an
7 inmate at the following times:

8 (i) ~~((The time of his or her release from confinement))~~ During
9 confinement to pay for accredited postsecondary educational expenses;

10 (ii) Prior to ~~((his or her))~~ the release from confinement ~~((in~~
11 ~~order))~~ to ~~((secure approved housing))~~ pay for department-approved
12 reentry activities that promote successful community reintegration; or

13 (iii) When the secretary determines that an emergency exists for
14 the inmate.

15 (b) ~~((If funds are made available pursuant to (a)(ii) or (iii) of~~
16 ~~this subsection, the funds shall be made available to the inmate in an~~
17 ~~amount determined by the secretary.))~~ The secretary shall establish
18 guidelines for the release of funds pursuant to (a) of this subsection,
19 giving consideration to the inmate's need for resources at the time of
20 his or her release from confinement.

21 (c) Any funds remaining in an offender's personal inmate savings
22 account shall be made available to the offender at the time of his or
23 her release from confinement.

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

29 ~~((4)(a) Subject to availability of funds for the correctional~~
30 ~~industries program, the expansion of inmate employment in class I and~~
31 ~~class II correctional industries shall be implemented according to the~~
32 ~~following schedule:~~

33 (i) ~~Not later than June 30, 2005, the secretary shall achieve a net~~
34 ~~increase of at least two hundred in the number of inmates employed in~~
35 ~~class I or class II correctional industries work programs above the~~
36 ~~number so employed on June 30, 2003;~~

37 (ii) ~~Not later than June 30, 2006, the secretary shall achieve a~~

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

4 ~~(iii) Not later than June 30, 2007, the secretary shall achieve a~~
5 ~~net increase of at least six 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 ~~(iv) Not later than June 30, 2008, the secretary shall achieve a~~
9 ~~net increase of at least nine 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 ~~(v) Not later than June 30, 2009, the secretary shall achieve a net~~
13 ~~increase of at least one thousand two hundred in the number of inmates~~
14 ~~employed in class I or class II correctional industries work programs~~
15 ~~above the number so employed on June 30, 2003;~~

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

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

22 (5) In the event that the offender worker's wages, gratuity, or
23 workers' compensation benefit is subject to garnishment for support
24 enforcement, the state general fund, savings, and cost of incarceration
25 deductions shall be calculated on the net wages after taxes, legal
26 financial obligations, and garnishment.

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

32 (7) The department shall develop the necessary administrative
33 structure to recover inmates' wages and keep records of the amount
34 inmates pay for the costs of incarceration and amenities. All funds
35 deducted from inmate wages under subsection (1) of this section for the
36 purpose of contributions to the cost of incarceration shall be
37 deposited in a dedicated fund with the department and shall be used

1 only for the purpose of enhancing and maintaining correctional
2 industries work programs.

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

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

10 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2010.

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