
**Public Safety & Emergency Preparedness
Committee**

SB 5030

Brief Description: Authorizing civil judgments for assault.

Sponsors: Senators Hewitt, Sheldon, Schoesler and Rockefeller.

Brief Summary of Bill

- Requires the Department of Corrections (DOC) to deduct 15 to 20 percent of an inmate's wages, gratuities or other deposits made to an inmate's account for the payment of monetary damages pursuant to a civil judgment for assault that has been awarded as monetary damages to a correctional officer or a DOC employee.

Hearing Date: 3/9/11

Staff: Yvonne Walker (786-7841).

Background:

The Department of Corrections (DOC) provides inmate work programs through the Correctional Industries Board (Board). The Board operates five classes of Correctional Industry work programs. All inmates working in class I–IV employment receive financial compensation for their work. Class V jobs are court ordered community work that is preformed for the benefit of the community without financial compensation.

Class I Industries. Currently there are no class I Correctional Industry programs in operation at this time. However, the statute requires that inmates working in class I ("free venture") industries are to be paid according to the prevailing wage for comparable work in that locality. Class I industries produce goods and services for sale to both the public and private sector. The production of window blinds, metal fabrication, upholstery, concrete work, water-jet cutting, sewing, carabiners, and multi-packaging services, are examples of jobs found in the class I industries work program.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Class II Industries. Class II ("tax reduction") industries are state-owned and operated industries designed to reduce the costs for goods and services for public agencies and nonprofit organizations. Inmates working in tax reduction industries are paid a gratuity which cannot exceed the wage paid for work of a similar nature in the locality in which the industry is located. Jobs in class II industries include: producing aluminum signs, license plates and tabs, mattresses, asbestos abatement, meat processing, optical lab, engraving, furniture manufacturing, screen printing and embroidery, industrial sewing, and laundry.

Class III Industries. Class III ("institutional support") industries are solely operated by the DOC with the objective being to offset tax and other public support costs. Inmates working in class III industries are paid a gratuity and they provide maintenance and operation of the DOCs' institutions. Ground keepers, barbers, dental assistants, truck drivers, fork-lift operators, mechanics, library aides, typists, and interpreters are examples of jobs found in the class III industries work program.

Class IV Industries. Class IV ("community work") industries are operated by the DOC and are designed to provide services in the inmate's resident community. Inmates working in class IV industries provide services at a reduced cost to other state agencies, county and local government, to persons who are poor or infirm, and nonprofit organizations. Janitorial services, grounds keeping, litter control, institutional kitchen support, special event seating set-up, wheelchair cleaning, tree planting, forest maintenance, and fire suppression are examples of jobs found in the class IV industries work program.

Inmate Wage Deductions. The DOC is required by statute to take certain mandatory deductions from the gross wages and gratuities of each inmate working in class I through class IV Correctional Industry programs.

For inmates working in class I industries (and others earning at least minimum wage), excluding child support payments, the DOC takes a minimum of 55 percent of the inmates' income. The 55 percent is divided into:

- 5 percent for crime victims' compensation;
- 10 percent for the inmate's savings account;
- 20 percent to the DOC for costs of incarceration; and
- 20 percent for any owed legal financial obligations (LFOs) which can also include restitution for the victim.

Child support is also deducted in instances where children are involved and child support payments are due.

For inmates working in class II industries, the DOC takes 65 percent of the inmate's income. The 65 percent is divided as follows:

- 5 percent for crime victims' compensation;
- 10 percent for the inmate's savings account;
- 15 percent to the DOC for costs of incarceration;
- 15 percent for any child support owed; and
- 20 percent for any owed LFOs.

For inmates working in class III industries, the DOC takes 5 percent of the inmate's income for the purpose of crime victim's compensation and 15 percent for any child support owed under a support order.

For inmates working in class IV industries, the DOC takes 5 percent of the inmate's income to contribute to the cost of incarceration and 15 percent for any child support owed under a support order.

Summary of Bill:

An additional 20 percent must be deducted from the wages of an inmate employed in a class I Correctional Industry program and 15 percent from the gratuities of an inmate employed in a class II–IV Correctional Industries program, for payment of monetary damages relating to a civil judgment awarded to a DOC employee who has been assaulted by the offender. A total of 20 percent must also be deducted from any other funds received by an inmate that is in addition to his or her wages or gratuities, for payment of monetary damages awarded to a DOC employee resulting from a civil judgment of assault.

"Civil judgment for assault" means a civil judgment for monetary damages awarded to a correctional officer or a DOC employee entered by a court of competent jurisdiction against an inmate that is based on, or arises from, injury to the correctional officer or the DOC employee caused by the inmate while the correctional officer or employee was acting in the course and scope of his or her employment.

Appropriation: None.

Fiscal Note: Requested on March 11, 2011.

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