

SB 5650 - H COMM AMD

By Committee on Public Safety

ADOPTED 4/14/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 72.09.480 and 2011 c 282 s 3 are each amended to
4 read as follows:

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

7 (a) "Cost of incarceration" means the cost of providing an inmate
8 with shelter, food, clothing, transportation, supervision, and other
9 services and supplies as may be necessary for the maintenance and
10 support of the inmate while in the custody of the department, based
11 on the average per inmate costs established by the department and the
12 office of financial management.

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

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

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

24 (a) Five percent to the crime victims' compensation account
25 provided in RCW 7.68.045;

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

27 (c) Twenty percent for payment of legal financial obligations for
28 all inmates who have legal financial obligations owing in any
29 Washington state superior court;

30 (d) Twenty percent for any child support owed under a support
31 order;

32 (e) Twenty percent to the department to contribute to the cost of
33 incarceration; and

1 (f) Twenty percent for payment of any civil judgment for assault
2 for all inmates who are subject to a civil judgment for assault in
3 any Washington state court or federal court.

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

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

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

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

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

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

35 (8) ~~((When an))~~ The deductions required under subsection (2) of
36 this section do not apply to any money received by the department on
37 behalf of an inmate from family or other outside sources for the
38 payment of certain medical expenses. Money received under this
39 subsection may only be used for the payment of medical expenses
40 associated with the purchase of eyeglasses, over-the-counter

1 medications, and offender copayments. Funds received specifically for
2 these purposes may not be transferred to any other account or
3 purpose. Money that remains unused in the inmate's medical fund at
4 the time of release is subject to deductions under subsection (2) of
5 this section.

6 (9) Inmates sentenced to life imprisonment without possibility of
7 release or sentenced to death under chapter 10.95 RCW receives funds,
8 deductions are required under subsection (2) of this section, with
9 the exception of a personal inmate savings account under subsection
10 (2)(b) of this section.

11 ~~((+9))~~ (10) The secretary of the department of corrections, or
12 his or her designee, may exempt an inmate from a personal inmate
13 savings account under subsection (2)(b) of this section if the
14 inmate's earliest release date is beyond the inmate's life
15 expectancy.

16 ~~((+10))~~ (11) The interest earned on an inmate savings account
17 created as a result of the plan in section 4, chapter 325, Laws of
18 1999 shall be exempt from the mandatory deductions under this section
19 and RCW 72.09.111.

20 ~~((+11))~~ (12) Nothing in this section shall limit the authority
21 of the department of social and health services division of child
22 support, the county clerk, or a restitution recipient from taking
23 collection action against an inmate's moneys, assets, or property
24 pursuant to chapter 9.94A, 26.23, 74.20, or 74.20A RCW including, but
25 not limited to, the collection of moneys received by the inmate from
26 settlements or awards resulting from legal action."

27 Correct the title.

EFFECT: (1) Includes eyeglasses as a medical expense; and
(2) Exempts any funds received by the Department of Corrections
on behalf of an inmate for payment of eyeglasses from the standard
statutory deductions.

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