

HOUSE BILL REPORT

HB 1744

As Reported by House Committee On:
Public Safety
General Government & Information Technology

Title: An act relating to inmate funds subject to deductions.

Brief Description: Modifying provisions governing inmate funds subject to deductions.

Sponsors: Representative Appleton; by request of Department of Corrections.

Brief History:

Committee Activity:

Public Safety: 2/10/15, 2/13/15 [DPS];

General Government & Information Technology: 2/24/15 [DPS(PS)].

Brief Summary of Substitute Bill

- Exempts from certain deduction requirements, money received by the Department of Corrections (DOC) on behalf of an inmate from family or other outside sources for the payment of medical expenses.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

Staff: Yvonne Walker (786-7841).

Background:

Anytime an inmate of a state prison receives funds, the funds are subject to certain mandatory deductions and priorities established in statute. These deductions vary depending on the types of funds received. Funds received for an inmate, from sources other than wages or legal settlements or awards, are subject to the following deductions:

- 5 percent for the purpose of crime victims' compensation;

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- 10 percent to the personal inmate savings account;
- 20 percent to the Department of Corrections (DOC) to contribute to the costs of incarceration;
- 20 percent for payment of legal financial obligations owed by the inmate;
- 20 percent for any child support owed under a support order; and
- 20 percent for payment of any civil judgment owed for an assault offense.

"Civil judgment for assault" means a civil judgment for monetary damages awarded to a correctional officer or a DOC employee entered by a court 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.

The mandatory statutory deductions do not apply to funds received on behalf of an offender for payment of educational or vocational programs or for the payment of postage expenses on behalf of the inmate.

When an offender enters the custody of the DOC, a health profile for the offender must be prepared, including a financial assessment of the offender's ability to pay for all or a portion of the health care services received from personal resources or private insurance. Offenders are required to pay a co-payment of no less than \$4 per visit. The co-payment may be collected from the offender's institution account and is deposited into the State General Fund. All co-payments collected must be used to reduce expenditures for offender health care at the DOC.

Offenders are also required to pay for any over-the-counter medications. Such costs are charged to or debited from the offender's institution account.

Summary of Substitute Bill:

The mandatory deductions do not apply to any funds received for an inmate for payment of medical expenses. Such medical expenses include the purchase of eyeglasses, over-the-counter medications, and offender co-payments. After medical expenses have been paid, any funds that are remaining unused in the inmate's medical fund at the time of his or her release are subject to the standard statutory deductions.

Substitute Bill Compared to Original Bill:

Eyeglasses are included as a medical expense and thereby any money received by the DOC on behalf of an inmate for payment of eyeglasses is exempt from the standard statutory deductions.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This is request legislation from the DOC. This bill exempts the deduction requirements from what money an inmate receives from a family or other outside source for medical expenses. Normally, after all deductions are made from the funds an inmate has, it only leaves an inmate with 5 percent.

The idea for this bill originated from a suggestion from the Statewide Family Council. By exempting money from family members for the sole purpose of medical expenses, this will encourage offenders to seek necessary medical care and help reduce financial barriers in doing so. It also provides family members and others an opportunity to help contribute to an offender's well-being.

When an inmate has no funds, they can still go to a doctor but it becomes an institutional debt. That means an additional 20 percent deduction on any future incoming dollars will be taken off the top. Families just want a dollar to equal a dollar. Offenders will often choose not to see a doctor because either they do not want to be a burden on their family or they do not want to give up something they want from the commissary. By directing money into a medical fund, it safeguards the funds so that it can only be used for medical care.

(Opposed) None.

Persons Testifying: Representative Appleton, prime sponsor; Jody Becker-Green, Department of Corrections; and Julie Tackett, Family Council Local-State.

Persons Signed In To Testify But Not Testifying: None.

**HOUSE COMMITTEE ON GENERAL GOVERNMENT & INFORMATION
TECHNOLOGY**

Majority Report: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Hudgins, Chair; Senn, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; McCabe, Morris and Takko.

Staff: Rachelle Harris (786-7137).

**Summary of Recommendation of Committee On General Government & Information
Technology Compared to Recommendation of Committee On Public Safety:**

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This is agency request legislation. This legislation is recommended as a way to help offenders pay for some of their medical costs. The costs pertain to eyeglasses, over the counter drugs, and copayments. The costs to the DOC will be about \$90,000 to update their system to allow for this account creation.

(Opposed) None.

Persons Testifying: Alex MacBain, Department of Corrections.

Persons Signed In To Testify But Not Testifying: None.