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**SUBSTITUTE HOUSE BILL 1744**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** House Public Safety (originally sponsored by Representative Appleton; by request of Department of Corrections)

READ FIRST TIME 02/18/15.

1 AN ACT Relating to inmate funds subject to deductions; and  
2 amending RCW 72.09.480.

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

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

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

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

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

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

20 (2) When an inmate, except as provided in subsections (4) and (8)  
21 of this section, receives any funds in addition to his or her wages

1 or gratuities, except settlements or awards resulting from legal  
2 action, the additional funds shall be subject to the following  
3 deductions and the priorities established in chapter 72.11 RCW:

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

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

7 (c) Twenty percent for payment of legal financial obligations for  
8 all inmates who have legal financial obligations owing in any  
9 Washington state superior court;

10 (d) Twenty percent for any child support owed under a support  
11 order;

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

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

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

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

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

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

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

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

9 ~~((When an))~~ The deductions required under subsection (2) of  
10 this section do not apply to any money received by the department on  
11 behalf of an inmate from family or other outside sources for the  
12 payment of certain medical expenses. Money received under this  
13 subsection may only be used for the payment of medical expenses  
14 associated with the purchase of eyeglasses, over-the-counter  
15 medications, and offender copayments. Funds received specifically for  
16 these purposes may not be transferred to any other account or  
17 purpose. Money that remains unused in the inmate's medical fund at  
18 the time of release is subject to deductions under subsection (2) of  
19 this section.

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

25 ~~((+9))~~ (10) The secretary of the department of corrections, or  
26 his or her designee, may exempt an inmate from a personal inmate  
27 savings account under subsection (2)(b) of this section if the  
28 inmate's earliest release date is beyond the inmate's life  
29 expectancy.

30 ~~((+10))~~ (11) The interest earned on an inmate savings account  
31 created as a result of the plan in section 4, chapter 325, Laws of  
32 1999 shall be exempt from the mandatory deductions under this section  
33 and RCW 72.09.111.

34 ~~((+11))~~ (12) Nothing in this section shall limit the authority  
35 of the department of social and health services division of child  
36 support, the county clerk, or a restitution recipient from taking  
37 collection action against an inmate's moneys, assets, or property  
38 pursuant to chapter 9.94A, 26.23, 74.20, or 74.20A RCW including, but

1 not limited to, the collection of moneys received by the inmate from  
2 settlements or awards resulting from legal action.

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