

HOUSE BILL REPORT

EHB 1248

As Passed House:
March 3, 2017

Title: An act relating to correcting a conflict between state and federal law regarding class I correctional industries work programs.

Brief Description: Correcting a conflict between state and federal law regarding class I correctional industries work programs.

Sponsors: Representatives Griffey, Appleton, Goodman, Klippert, Holy and Hayes; by request of Department of Corrections.

Brief History:

Committee Activity:

Public Safety: 1/24/17, 1/26/17 [DP];

Appropriations: 2/9/17, 2/15/17 [DP].

Floor Activity:

Passed House: 3/3/17, 94-3.

Brief Summary of Engrossed Bill

- Requires the Department of Corrections to make statutorily identified deductions from an inmate's "wages," rather than an inmate's "gross wages."
- Amends the schedule of deductions from Class I Correctional Industries wages to be a maximum allowable deduction schedule, rather than a minimum deduction schedule.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 10 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Chapman, Griffey, Holy, Orwall, Pettigrew and Van Werven.

Staff: Omeara Harrington (786-7136).

HOUSE COMMITTEE ON APPROPRIATIONS

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.

Majority Report: Do pass. Signed by 32 members: Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Buys, Caldier, Cody, Condotta, Fitzgibbon, Haler, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Manweller, Nealey, Pettigrew, Pollet, Sawyer, Schmick, Senn, Springer, Stanford, Sullivan, Taylor, Tharinger, Vick, Volz and Wilcox.

Staff: Rachelle Harris (786-7137).

Background:

The Department of Corrections (DOC) provides inmate work programs through its Correctional Industries Division. There are five classes of correctional industries 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 performed for the benefit of the community without financial compensation.

The DOC is certified by the federal Bureau of Justice Assistance (BJA) to administer Prison Industry Enhancement Certification Programs. In Washington, these are called Class I ("free venture") industries, and allow private sector companies to operate within state correctional facilities to produce goods or services for sale to the public or private sector. Inmates must be paid wages comparable to the wage for work of a similar nature in the locality in which the industry is located.

The DOC is required to deduct taxes and legal financial obligations from the gross wages inmates earn while working in Correctional Industries employment. Deductions follow a statutory formula, and must not reduce an inmate account below an indigency level of less than \$10 of disposable income. The minimum deductions from Class I gross wages and all other income of inmates earning at least minimum wage are:

- 5 percent to crime victims' compensation;
- 10 percent to a department personal inmate savings account;
- 20 percent to the DOC to contribute to the cost of incarceration;
- 20 percent for payment of legal financial obligations; and
- 20 percent for payment of any civil judgment for assault.

Under BJA regulations, deductions may be made from inmate gross wages for specified purposes, including taxes, reasonable charges for room and board, family support, and victims' compensation. These deductions cannot total more than 80 percent of gross wages.

Summary of Engrossed Bill:

The DOC must deduct taxes, legal financial obligations, and other statutorily identified deductions from an inmate's wages, rather than an inmate's gross wages. The schedule of deductions from Class I wages and income from other inmates earning at least minimum wage is changed from a minimum deduction schedule to a maximum allowable deduction schedule.

"Wages" is defined as monetary compensation due to an offender worker by reason of his or her participation in a class I work program, subject to allowable deductions.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (Public Safety):

(In support) This is a technical bill to align Washington statute with federal law. This bill will enable Correctional Industries to participate in Class I partnerships, which will increase evidence-based programming. These programs allow inmates to gain work experience and earn comparable wages to what would be paid in the community. There are currently no Class I industries programs in Washington. The last time Washington had a Class I industries program it was deemed unconstitutional due to wage issues, and there has since been a remedial constitutional amendment.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) This is agency request legislation from the Department of Corrections (DOC). Correctional Industries is effective at reducing the recidivism rate. Inmates who work within Correctional Industries have a very low likelihood of returning to crime; they become productive members of society. This bill will align state law with federal statute to allow Correctional Industries to establish Class I partnerships. This will, in turn, allow the DOC to expand its use of evidence-based practices. Contracting with private entities through Class I industries will allow more inmates to have meaningful employment, and they will be paid a comparable wage to similar work done in the community. The impact to the Correctional Industries Account will be mitigated by reimbursement by the partnering companies.

(Opposed) None.

Persons Testifying (Public Safety): Representative Griffey, prime sponsor; and Danielle Armbruster, Department of Corrections.

Persons Testifying (Appropriations): Representative Griffey, prime sponsor; and Danielle Armbruster, Department of Corrections.

Persons Signed In To Testify But Not Testifying (Public Safety): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.