

HOUSE BILL REPORT

SB 5131

As Passed House:

April 6, 2023

Title: An act relating to money received by the department of corrections on behalf of inmates from family or other outside sources for the purchase of commissary items.

Brief Description: Concerning money received by the department of corrections on behalf of inmates from family or other outside sources for the purchase of commissary items.

Sponsors: Senators Wilson, C., Frame, Hasegawa, Kuderer, Nguyen, Nobles, Saldaña and Stanford.

Brief History:

Committee Activity:

Community Safety, Justice, & Reentry: 3/13/23, 3/23/23 [DP];
Appropriations: 3/30/23, 4/1/23 [DPA].

Floor Activity:

Passed House: 4/6/23, 71-27.

Brief Summary of Bill

- Provides that money received by the Department of Corrections on behalf of an incarcerated person from family or other outside sources for the purchase of commissary items is exempt from certain deductions.

HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

Majority Report: Do pass. Signed by 7 members: Representatives Goodman, Chair; Simmons, Vice Chair; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse and Ramos.

Minority Report: Without recommendation. Signed by 2 members: Representatives Mosbrucker, Ranking Minority Member; Graham.

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

Staff: Corey Patton (786-7388).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended. Signed by 27 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Berg, Chandler, Chopp, Connors, Couture, Davis, Dye, Fitzgibbon, Hansen, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Steele and Tharinger.

Staff: Yvonne Walker (786-7841).

Background:

When an incarcerated person in the custody of the Department of Corrections (DOC) receives any funds in addition to the incarcerated person's wages or gratuities, the additional funds are generally subject to the following statutorily authorized deductions:

- 5 percent for the Crime Victims' Compensation Account;
- 10 percent for the inmate's personal savings account;
- 20 percent for payment of legal financial obligations;
- 20 percent for child support payments;
- 20 percent for contributions to the cost of incarceration; and
- 20 percent for payment of applicable civil judgments for Assault.

However, the incarcerated person's funds may be exempt from deductions under certain circumstances. For example, funds received for the payment of education or vocational programs or postsecondary education degree programs offered by the DOC are exempt from deductions.

The DOC operates a commissary system that allows an incarcerated person to purchase personal items that are not otherwise furnished by the DOC's correctional facilities. Under agency policy, the DOC may establish limits on the maximum dollar amount, frequency, and quantity of purchases. The items available to an incarcerated person depend on the incarcerated person's classification level and the particular correctional facility. Examples of items available through the commissary include:

- hygiene items;
- food and beverages;
- postage supplies;
- writing materials;
- vitamins;
- health related items; and
- other personal items.

Summary of Bill:

Money received by the Department of Corrections on behalf of an incarcerated person from family or other outside sources for the purchase of commissary items is exempt from deductions. Such money may only be used for the purchase of items on the facility commissary list, may not exceed the monthly allowance for commissary purchases, and may not be transferred to any other fund, account, or purpose. Money that remains unused in the incarcerated person's commissary fund at the time of release is subject to 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 (Community Safety, Justice, & Reentry):

(In support) Items available for purchase through the Department of Corrections' commissary include food, snacks, and basic hygiene products, such as soap, toothpaste, and deodorant. These items help incarcerated persons meet their basic needs and expand their nutritional intake. While some incarcerated persons earn money from Correctional Industries jobs, others need to rely on their families to send money for commissary purchases because employment opportunities in prisons are limited. Currently, any money sent to an incarcerated person by a family member is subject to deductions, resulting in only a fraction of the money actually going to the incarcerated person. This creates a significant hardship for families. As much as 90 percent of the total amount sent may be deducted for various reasons. No person should be unable to buy basic hygiene items, and no family should bear the extraordinary cost of sending money. This bill exempts money sent for commissary purchases from deductions so that such money goes toward its intended use. The exemption is exclusively and explicitly for commissary purchases only. This bill will make sure that the correctional system is just, rather than punitive.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) The DOC reports that they currently have over 13,000 inmates. These incarcerated individuals already have money deducted from wages to pay for the cost of their incarceration. However, family members who have not been convicted of a crime are currently required to also pay for a portion of an inmates' incarceration. It is believed by some that the practice of the DOC taking money from nonconvicted individuals is a violation of the state Constitution. Those that choose to assist incarcerated individuals should not be compounded with an additional monetary loss at the hands of the DOC. When an external stakeholder sends funds to an incarcerated individual with the purpose of those funds to be used for commissary items, the DOC should not be allowed to use those

funds for anything other than the original purpose. The DOC is already being paid from the General Fund for incarceration costs.

The cost of food and subsidies have been steadily rising and the cost of commissary items is not excluded in this trend of increases. In addition, more often than not, the families that are benefiting from child support payments are the same ones that have to pay into the deductions. Under this bill, family and friends that support those incarcerated in prison are the ones that will receive the greatest benefit.

(Opposed) None.

Persons Testifying (Community Safety, Justice, & Reentry): Senator Claire Wilson, prime sponsor; and Loren Taylor.

Persons Testifying (Appropriations): Loren Taylor; Kehaulani Walker, Michelle Mason, Megan Miller, and Lindsay Hannaula Marjama, Families of the Incarcerated.

Persons Signed In To Testify But Not Testifying (Community Safety, Justice, & Reentry): None.

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