

SENATE BILL REPORT

HB 1345

As Reported by Senate Committee On:
Human Services, March 21, 2023

Title: An act relating to contribution to costs of privileges by incarcerated individuals.

Brief Description: Concerning the contribution to costs of privileges by incarcerated individuals.

Sponsors: Representatives Farivar, Senn, Simmons, Bateman, Lekanoff, Pollet, Fosse and Davis; by request of Department of Corrections.

Brief History: Passed House: 2/13/23, 64-32.

Committee Activity: Human Services: 3/13/23, 3/21/23 [DPA, DNP, w/oRec].

Brief Summary of Amended Bill

- Removes extended family visitation from the list of Department of Corrections (DOC) capital costs of providing privileges that incarcerated individuals must contribute to.
- Provides that DOC may require incarcerated individuals to contribute to the cost of specific privileges designated by DOC to ensure that incarcerated individuals contribute a portion of DOC's costs directly associated with providing designated privileges.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass as amended.

Signed by Senators Wilson, C., Chair; Kauffman, Vice Chair; Frame and Nguyen.

Minority Report: Do not pass.

Signed by Senator Wilson, J..

Minority Report: That it be referred without recommendation.

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.

Signed by Senators Boehnke, Ranking Member; Warnick.

Staff: Kelsey-anne Fung (786-7479)

Background: Cost of Privileges. All inmates are required to contribute to the cost of privileges to the greatest extent practical. Privileges are any goods or services, education or work programs, or earned early release days that are directly linked to an inmate's good conduct and good performance, and do not include any goods or services the Department of Corrections (DOC) is required to provide under the state or federal Constitution or under state or federal law. DOC must establish standards by which inmates contribute towards DOC's capital costs of providing privileges, including television cable access, extended family visitation, weight lifting, and other recreational sports equipment and supplies. The standards must also require inmates to contribute to a significant portion of DOC's operating costs directly associated with providing privileges, including staff and supplies. The standards must consider the assets available to the inmates and the cost of administering compliance with the contribution requirements, and must promote a responsible work ethic.

Inmate contributions may be in the form of individual user fees assessed against an inmate's institution account, deductions from an inmate's gross wages or gratuities, or an inmate's collective contributions to the institutional welfare/betterment fund. DOC must make every effort to maximize individual inmate contributions to payment for privileges.

Extended Family Visitation. An extended family visit is an authorized visit between an inmate and member of their immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined. DOC has internal policies governing its extended family visitation program to support building sustainable relationships important to reentry and provide an incentive for those serving long-term sentences to engage in positive behavioral choices. The policies include eligibility criteria for an inmate to participate in an extended family visit, such as custody level, time served, infraction history, participation in programming, and criminal history. Visits are scheduled for no less than 20 hours and no more than 48 hours.

Summary of Amended Bill: DOC may require incarcerated individuals to contribute to the cost of specific privileges designated by DOC, in accordance with standards that DOC must develop and adopt, to ensure that incarcerated individuals contribute a portion of DOC's costs directly associated with providing designated privileges.

Extended family visitation is removed from the list of DOC's capital costs of providing privileges that incarcerated individuals are required to contribute to.

The term significant is removed. Rather than contribute a significant portion, incarcerated individuals must contribute a portion of DOC's operating costs directly associated with providing privileges, including staff and supplies.

References to inmate are replaced with incarcerated individual.

EFFECT OF HUMAN SERVICES COMMITTEE AMENDMENT(S):

- Replaces references to inmate with incarcerated individual.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill is about families and successful reentry. Extended family visits cost \$5 per day or \$15 per weekend, and when inmates are earning about \$0.40 an hour, it takes considerable time for an inmate to earn enough money to pay for an extended family visit. Participation in extended family visits is a privilege, and an inmate must go through many hoops to qualify such as no infractions and engaging in programming. It is important to strengthen and maintain family supports so inmates have the best chance of success when they return to the community.

Inmates who have visitors are less likely to commit infractions, and extended family visits strengthen bonds between children and the family unit and have a positive effect on the entire prison community. Elimination of the fee is part of a larger effort to reduce fees charged for privileges and increase participation in activities that are not based solely on availability of funds. The costs to collect the fee are higher than the revenue generated from the fee.

Persons Testifying: PRO: Representative Darya Farivar, Prime Sponsor; Kristi Knudsen, Washington State Department of Corrections.

Persons Signed In To Testify But Not Testifying: No one.