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**SENATE BILL 5131**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators C. Wilson, Frame, Hasegawa, Kuderer, Nguyen, Nobles, Saldaña, and Stanford

Prefiled 01/03/23. Read first time 01/09/23. Referred to Committee on Human Services.

1 AN ACT Relating to money received by the department of  
2 corrections on behalf of inmates from family or other outside sources  
3 for the purchase of commissary items; and amending RCW 72.09.480.

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

5 **Sec. 1.** RCW 72.09.480 and 2015 c 238 s 1 are each amended to  
6 read as follows:

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

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

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

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

1 (2) When an inmate, except as provided in subsections (4) (~~and~~  
2 ~~(8)~~) through (10) of this section, receives any funds in addition to  
3 his or her wages or gratuities, except settlements or awards  
4 resulting from legal action, the additional funds shall be subject to  
5 the following deductions and the priorities established in chapter  
6 72.11 RCW:

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

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

10 (c) Twenty percent for payment of legal financial obligations for  
11 all inmates who have legal financial obligations owing in any  
12 Washington state superior court;

13 (d) Twenty percent for any child support owed under a support  
14 order;

15 (e) Twenty percent to the department to contribute to the cost of  
16 incarceration; and

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

20 (3) When an inmate, except as provided in subsection (~~(9)~~) (10)  
21 of this section, receives any funds from a settlement or award  
22 resulting from a legal action, the additional funds shall be subject  
23 to the deductions in RCW 72.09.111(1)(a) and the priorities  
24 established in chapter 72.11 RCW.

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

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

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

38 (b) The deductions required under subsection (2) of this section  
39 shall not apply to funds received by the department from a third  
40 party, including but not limited to a nonprofit entity on behalf of

1 the department's education, vocation, or postsecondary education  
2 degree programs.

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

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

21 (9) The deductions required under subsection (2) of this section  
22 do not apply to any money received by the department on behalf of an  
23 inmate from family or other outside sources for the purchase of  
24 commissary items. Money received under this subsection may only be  
25 used for the purchase of items on the facility commissary list. The  
26 amount received by each inmate under this subsection may not exceed  
27 the monthly allowance for commissary purchases as allowed by the  
28 department. Funds received specifically for these purposes may not be  
29 transferred to any other fund, account, or purpose. Money that  
30 remains unused in the inmate's commissary fund at the time of release  
31 is subject to deductions under subsection (2) of this section.

32 (10) Inmates sentenced to life imprisonment without possibility  
33 of release or sentenced to death under chapter 10.95 RCW receives  
34 funds, deductions are required under subsection (2) of this section,  
35 with the exception of a personal inmate savings account under  
36 subsection (2) (b) of this section.

37 ~~((10))~~ (11) The secretary of the department of corrections, or  
38 his or her designee, may exempt an inmate from a personal inmate  
39 savings account under subsection (2) (b) of this section if the

1 inmate's earliest release date is beyond the inmate's life  
2 expectancy.

3 ~~((11))~~ (12) The interest earned on an inmate savings account  
4 created as a result of the plan in section 4, chapter 325, Laws of  
5 1999 shall be exempt from the mandatory deductions under this section  
6 and RCW 72.09.111.

7 ~~((12))~~ (13) Nothing in this section shall limit the authority  
8 of the department of social and health services division of child  
9 support, the county clerk, or a restitution recipient from taking  
10 collection action against an inmate's moneys, assets, or property  
11 pursuant to chapter 9.94A, 26.23, 74.20, or 74.20A RCW including, but  
12 not limited to, the collection of moneys received by the inmate from  
13 settlements or awards resulting from legal action.

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