

CERTIFICATION OF ENROLLMENT

SENATE BILL 5131

68th Legislature
2023 Regular Session

Passed by the Senate March 3, 2023
Yeas 49 Nays 0

President of the Senate

Passed by the House April 6, 2023
Yeas 71 Nays 27

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5131** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5131

Passed Legislature - 2023 Regular Session

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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