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**SUBSTITUTE HOUSE BILL 1233**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Simmons, Scott, Peterson, Davis, Ormsby, and Hill)

READ FIRST TIME 02/28/25.

1 AN ACT Relating to work programs for incarcerated persons;  
2 amending RCW 72.09.015, 72.09.130, and 72.09.460; adding a new  
3 section to chapter 72.09 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** This act may be known and cited as the  
6 ending forced labor act.

7 **Sec. 2.** RCW 72.09.015 and 2022 c 254 s 2 are each amended to  
8 read as follows:

9 The definitions in this section apply throughout this chapter.

10 (1) "Adult basic education" means education or instruction  
11 designed to achieve general competence of skills in reading, writing,  
12 and oral communication, including English as a second language and  
13 preparation and testing services for obtaining a high school diploma  
14 or a high school equivalency certificate as provided in RCW  
15 28B.50.536.

16 (2) "Base level of correctional services" means the minimum level  
17 of field services the department of corrections is required by  
18 statute to provide for the supervision and monitoring of  
19 ((offenders)) incarcerated persons.

1 (3) "Civil judgment for assault" means a civil judgment for  
2 monetary damages awarded to a correctional officer or department  
3 employee entered by a court of competent jurisdiction against an  
4 ((inmate)) incarcerated person that is based on, or arises from,  
5 injury to the correctional officer or department employee caused by  
6 the ((inmate)) incarcerated person while the correctional officer or  
7 department employee was acting in the course and scope of his or her  
8 employment.

9 (4) "Community custody" has the same meaning as that provided in  
10 RCW 9.94A.030 and also includes community placement and community  
11 supervision as defined in RCW 9.94B.020.

12 (5) "Contraband" means any object or communication the secretary  
13 determines shall not be allowed to be: (a) Brought into; (b)  
14 possessed while on the grounds of; or (c) sent from any institution  
15 under the control of the secretary.

16 (6) "Correctional facility" means a facility or institution  
17 operated directly or by contract by the secretary for the purposes of  
18 incarcerating adults in total or partial confinement, as defined in  
19 RCW 9.94A.030.

20 (7) "County" means a county or combination of counties.

21 (8) "Department" means the department of corrections.

22 (9) "Earned early release" means earned release as authorized by  
23 RCW 9.94A.729.

24 (10) "Evidence-based" means a program or practice that has had  
25 multiple-site random controlled trials across heterogeneous  
26 populations demonstrating that the program or practice is effective  
27 in reducing recidivism for the population.

28 (11) "Extended family visit" means an authorized visit between an  
29 ((inmate)) incarcerated person and a member of his or her immediate  
30 family that occurs in a private visiting unit located at the  
31 correctional facility where the ((inmate)) incarcerated person is  
32 confined.

33 (12) "Good conduct" means compliance with department rules and  
34 policies.

35 (13) "Good performance" means successful completion of a program  
36 required by the department, including an education, work, or other  
37 program.

38 (14) "Immediate family" means the ((inmate's)) incarcerated  
39 person's children, stepchildren, grandchildren, great grandchildren,  
40 parents, stepparents, grandparents, great grandparents, siblings,

1 aunts, uncles, and a person legally married to or in a state  
2 registered domestic partnership with an (~~inmate~~) incarcerated  
3 person. "Immediate family" includes the immediate family of an  
4 (~~inmate~~) incarcerated person who was adopted as a child or an  
5 adult, but does not include an (~~inmate~~) incarcerated person adopted  
6 by another (~~inmate~~) incarcerated person.

7 (15) "Indigent inmate," "indigent incarcerated person,"  
8 "indigent," and "indigency" mean an (~~inmate~~) incarcerated person  
9 who has less than a \$25 balance of disposable income in his or her  
10 institutional account on the day a request is made to utilize funds  
11 and during the 30 days previous to the request.

12 (16) "Individual reentry plan" means the plan to prepare an  
13 (~~offender~~) incarcerated person for release into the community. It  
14 should be developed collaboratively between the department and the  
15 (~~offender~~) person and based on an assessment of the (~~offender~~)  
16 person using a standardized and comprehensive tool to identify the  
17 (~~offender's~~) person's risks and needs. The individual reentry plan  
18 describes actions that should occur to prepare individual  
19 (~~offenders~~) incarcerated persons for release from prison or jail,  
20 specifies the supervision and services they will experience in the  
21 community, and describes (~~an offender's~~) a person's eventual  
22 discharge to aftercare upon successful completion of supervision. An  
23 individual reentry plan is updated throughout the period of (~~an~~  
24 ~~offender's~~) a person's incarceration and supervision to be relevant  
25 to the (~~offender's~~) person's current needs and risks.

26 (17) "Inmate," (~~means~~) "incarcerated individual," and  
27 "incarcerated person" mean a person committed to the custody of the  
28 department, including but not limited to persons residing in a  
29 correctional institution or facility and persons released from such  
30 facility on furlough, work release, or community custody, and persons  
31 received from another state, state agency, county, federally  
32 recognized tribe, or federal jurisdiction.

33 (18) "Labor" means the period of time before a birth during which  
34 contractions are of sufficient frequency, intensity, and duration to  
35 bring about effacement and progressive dilation of the cervix.

36 (19) "Physical restraint" means the use of any bodily force or  
37 physical intervention to control an (~~offender~~) incarcerated person  
38 or limit an (~~offender's~~) incarcerated person's freedom of movement  
39 in a way that does not involve a mechanical restraint. Physical  
40 restraint does not include momentary periods of minimal physical

1 restriction by direct person-to-person contact, without the aid of  
2 mechanical restraint, accomplished with limited force and designed  
3 to:

4 (a) Prevent an (~~offender~~) incarcerated person from completing  
5 an act that would result in potential bodily harm to self or others  
6 or damage property;

7 (b) Remove a disruptive (~~offender~~) incarcerated person who is  
8 unwilling to leave the area voluntarily; or

9 (c) Guide an (~~offender~~) incarcerated person from one location  
10 to another.

11 (20) "Postpartum recovery" means (a) the entire period a woman or  
12 youth is in the hospital, birthing center, or clinic after giving  
13 birth and (b) an additional time period, if any, a treating physician  
14 determines is necessary for healing after the woman or youth leaves  
15 the hospital, birthing center, or clinic.

16 (21) "Privilege" means any goods or services, education or work  
17 programs, or earned early release days, the receipt of which are  
18 directly linked to an (~~inmate's~~) incarcerated person's (a) good  
19 conduct; and (b) good performance. Privileges do not include any  
20 goods or services the department is required to provide under the  
21 state or federal Constitution or under state or federal law.

22 (22) "Promising practice" means a practice that presents, based  
23 on preliminary information, potential for becoming a research-based  
24 or consensus-based practice.

25 (23) "Research-based" means a program or practice that has some  
26 research demonstrating effectiveness, but that does not yet meet the  
27 standard of evidence-based practices.

28 (24) "Restraints" means anything used to control the movement of  
29 a person's body or limbs and includes:

30 (a) Physical restraint; or

31 (b) Mechanical device including but not limited to: Metal  
32 handcuffs, plastic ties, ankle restraints, leather cuffs, other  
33 hospital-type restraints, tasers, or batons.

34 (25) "Secretary" means the secretary of corrections or his or her  
35 designee.

36 (26) "Significant expansion" includes any expansion into a new  
37 product line or service to the class I business that results from an  
38 increase in benefits provided by the department, including a decrease  
39 in labor costs, rent, or utility rates (for water, sewer,

1 electricity, and disposal), an increase in work program space, tax  
2 advantages, or other overhead costs.

3 (27) "Superintendent" means the superintendent of a correctional  
4 facility under the jurisdiction of the Washington state department of  
5 corrections, or his or her designee.

6 (28) "Transportation" means the conveying, by any means, of an  
7 incarcerated pregnant woman or youth from the correctional facility  
8 to another location from the moment she leaves the correctional  
9 facility to the time of arrival at the other location, and includes  
10 the escorting of the pregnant incarcerated woman or youth from the  
11 correctional facility to a transport vehicle and from the vehicle to  
12 the other location.

13 (29) "Unfair competition" means any net competitive advantage  
14 that a business may acquire as a result of a correctional industries  
15 contract, including labor costs, rent, tax advantages, utility rates  
16 (water, sewer, electricity, and disposal), and other overhead costs.  
17 To determine net competitive advantage, the department of corrections  
18 shall review and quantify any expenses unique to operating a for-  
19 profit business inside a prison.

20 (30) "Vocational training" or "vocational education" means  
21 "vocational education" as defined in RCW 72.62.020.

22 (31) "Washington business" means an in-state manufacturer or  
23 service provider subject to chapter 82.04 RCW existing on June 10,  
24 2004.

25 (32) "Work programs" means all classes of correctional industries  
26 jobs authorized under RCW 72.09.100.

27 **Sec. 3.** RCW 72.09.130 and 1995 1st sp.s. c 19 s 6 are each  
28 amended to read as follows:

29 (1) The department shall adopt, by rule, a system that clearly  
30 links an (~~inmate's~~) incarcerated person's behavior and  
31 participation in available education and work programs with the  
32 receipt or denial of earned early release days and other privileges.  
33 The system shall include increases or decreases in the degree of  
34 liberty granted the (~~inmate~~) incarcerated person within the  
35 programs operated by the department, access to or withholding of  
36 privileges available within correctional institutions, and  
37 recommended increases or decreases in the number of earned early  
38 release days that an (~~inmate~~) incarcerated person can earn for good  
39 conduct and good performance, except that an incarcerated person's

1 earned early release and other privileges may not be reduced based on  
2 the person's choice to not participate in work programs.

3 (2) Earned early release days shall be recommended by the  
4 department as a reward for accomplishment. The system shall be fair,  
5 measurable, and understandable to ~~((offenders))~~ incarcerated persons,  
6 staff, and the public. At least once in each ~~((twelve))~~ 12-month  
7 period, the department shall inform the ~~((offender))~~ incarcerated  
8 person in writing as to his or her conduct and performance. This  
9 written evaluation shall include reasons for awarding or not awarding  
10 recommended earned early release days for good conduct and good  
11 performance. An ~~((inmate))~~ incarcerated person is not eligible to  
12 receive earned early release days during any time in which he or she  
13 refuses to participate in an available education ~~((or work))~~ program  
14 into which he or she has been placed under RCW 72.09.460. An  
15 incarcerated person's earned early release days may not be reduced  
16 based on the person's choice to not participate in work programs.

17 (3) The department shall provide each ~~((offender))~~ incarcerated  
18 person in its custody a written description of the system created  
19 under this section.

20 **Sec. 4.** RCW 72.09.460 and 2024 c 272 s 1 are each amended to  
21 read as follows:

22 (1) Recognizing that there is a positive correlation between  
23 education opportunities and reduced recidivism, it is the intent of  
24 the legislature to offer appropriate postsecondary degree or  
25 certificate opportunities to incarcerated individuals.

26 (2) The legislature intends that all incarcerated individuals be  
27 required to participate in department-approved education programs,  
28 ~~((work programs, or both,))~~ unless exempted as specifically provided  
29 in this section. Eligible incarcerated individuals who refuse to  
30 participate in available education ~~((or work))~~ programs available at  
31 no charge to the incarcerated individuals shall lose privileges  
32 according to the system established under RCW 72.09.130; however, an  
33 incarcerated person's choice to not participate in a work program may  
34 not result in loss of privileges pursuant to section 5 of this act.  
35 Eligible incarcerated individuals who are required to contribute  
36 financially to an education or work program and refuse to contribute  
37 shall be placed in another work program. Refusal to contribute shall  
38 not result in a loss of privileges.

1 (3) The legislature recognizes more incarcerated individuals may  
2 agree to participate in education and work programs than are  
3 available. The department must make every effort to achieve maximum  
4 public benefit by placing incarcerated individuals in available and  
5 appropriate education and work programs.

6 (4)(a) The department shall, to the extent possible and  
7 considering all available funds, prioritize its resources to meet the  
8 following goals for incarcerated individuals in the order listed:

9 (i) Achievement of basic academic skills through obtaining a high  
10 school diploma or a high school equivalency certificate as provided  
11 in RCW 28B.50.536, including achievement by those incarcerated  
12 individuals eligible for special education services pursuant to state  
13 or federal law;

14 (ii) Achievement of vocational skills necessary for purposes of  
15 work programs and for an incarcerated individual to qualify for work  
16 upon release;

17 (iii) Additional work and education programs necessary for  
18 compliance with an incarcerated individual's individual reentry plan  
19 under RCW 72.09.270, including special education services and  
20 postsecondary degree or certificate education programs; and

21 (iv) Other appropriate vocational, work, or education programs  
22 that are not necessary for compliance with an incarcerated  
23 individual's individual reentry plan under RCW 72.09.270 including  
24 postsecondary degree or certificate education programs.

25 (b)(i) If programming is provided pursuant to (a)(i) through  
26 (iii) of this subsection, the department shall pay the cost of such  
27 programming, including but not limited to books, materials, and  
28 supplies for adult basic education programs and any postsecondary  
29 education program that is not financial aid eligible at the time the  
30 individual is enrolled or paid for by the department or third party.

31 (ii) For financial aid eligible postsecondary programming  
32 provided pursuant to (a)(i) through (iii) of this subsection, the  
33 department may require the individual to apply for any federal and  
34 state financial aid grants available to the individual as a condition  
35 of participation in such programming. The individual may elect to use  
36 available financial aid grants, self-pay, or any other available  
37 third-party funding, or use a combination of these methods to cover  
38 the cost of attendance for financial aid eligible postsecondary  
39 programming provided under this subsection (4)(b)(ii). If an  
40 individual elects to self-pay or utilize third-party funding, the

1 individual is not subject to the postaward formula described in (c)  
2 of this subsection. If the cost of attendance exceeds any financial  
3 grant awards that may be available to the individual, or the person  
4 is not eligible for federal or state financial aid grants, the  
5 department shall pay the cost of attendance not otherwise covered by  
6 third-party funding. All regulations and requirements set forth by  
7 the United States department of education for federal pell grants for  
8 prison education programs apply to financial aid eligible  
9 postsecondary programming.

10 (c) If programming is provided pursuant to (a)(iv) of this  
11 subsection, incarcerated individuals shall be required to pay all or  
12 a portion of the costs, including books, fees, and tuition, for  
13 participation in any vocational, work, or education program as  
14 provided in department policies. The individual may apply for and  
15 utilize federal and state financial aid grants available to the  
16 individual. If the individual is not eligible for federal financial  
17 aid grants, the individual may apply for and utilize state financial  
18 aid grants available to the individual. Department policies shall  
19 include a postaward formula for determining how much an incarcerated  
20 individual shall be required to pay after deducting any amount from  
21 available financial aid or other available sources. The postaward  
22 formula shall include steps which correlate to an incarcerated  
23 individual's average monthly income or average available balance in a  
24 personal savings account and which are correlated to a prorated  
25 portion or percent of the per credit fee for tuition, books, or other  
26 ancillary educational costs. Any postaward formula offsets and funds  
27 paid for by the department for educational programming shall not  
28 result in the reduction of any gift aid. The postaward formula shall  
29 be reviewed every two years. A third party, including but not limited  
30 to nonprofit entities or community-based postsecondary education  
31 programs, may pay directly to the department all or a portion of  
32 costs and tuition for any programming provided pursuant to (a)(iv) of  
33 this subsection on behalf of an incarcerated individual. Such  
34 payments shall not be subject to any of the deductions as provided in  
35 this chapter.

36 (d) All incarcerated individuals shall receive financial aid and  
37 academic advising from an accredited institution of higher education  
38 prior to enrollment in a financial aid eligible postsecondary  
39 education program. Eligible individuals who choose not to participate  
40 or choose to cease participation in a financial aid eligible



1 postsecondary education program shall not result in a loss of  
2 privileges.

3 (e) Correspondence courses are ineligible for state and federal  
4 financial aid funding.

5 (f) The department may accept any and all donations and grants of  
6 money, equipment, supplies, materials, and services from any third  
7 party, including but not limited to nonprofit entities and community-  
8 based postsecondary education programs, and may receive, utilize, and  
9 dispose of same to complete the purposes of this section.

10 (g) Any funds collected by the department under (c) and (h) [(f)]  
11 of this subsection and subsections (11) and (12) of this section  
12 shall be used solely for the creation, maintenance, or expansion of  
13 incarcerated individual educational and vocational programs.

14 (5) The department shall provide access to a program of education  
15 to all incarcerated individuals who are under the age of eighteen and  
16 who have not met high school graduation requirements or requirements  
17 to earn a high school equivalency certificate as provided in RCW  
18 28B.50.536 in accordance with chapter 28A.193 RCW. The program of  
19 education established by the department and education provider under  
20 RCW 28A.193.020 for incarcerated individuals under the age of  
21 eighteen must provide each incarcerated individual a choice of  
22 curriculum that will assist the incarcerated individual in achieving  
23 a high school diploma or high school equivalency certificate. The  
24 program of education may include but not be limited to basic  
25 education, prevocational training, work ethic skills, conflict  
26 resolution counseling, substance abuse intervention, and anger  
27 management counseling. The curriculum may balance these and other  
28 rehabilitation, work, and training components.

29 (6) (a) In addition to the policies set forth in this section, the  
30 department shall consider the following factors in establishing  
31 criteria for assessing the inclusion of education and work programs  
32 in an incarcerated individual's individual reentry plan and in  
33 placing incarcerated individuals in education and work programs:

34 (i) An incarcerated individual's release date and custody level.  
35 An incarcerated individual shall not be precluded from participating  
36 in an education or work program solely on the basis of his or her  
37 release date, except that incarcerated individuals with a release  
38 date of more than one hundred twenty months in the future shall not  
39 comprise more than ten percent of incarcerated individuals

1 participating in a new class I correctional industry not in existence  
2 on June 10, 2004;

3 (ii) An incarcerated individual's education history and basic  
4 academic skills;

5 (iii) An incarcerated individual's work history and vocational or  
6 work skills;

7 (iv) An incarcerated individual's economic circumstances,  
8 including but not limited to an incarcerated individual's family  
9 support obligations; and

10 (v) Where applicable, an incarcerated individual's prior  
11 performance in department-approved education or work programs;

12 (b) The department shall establish, and periodically review,  
13 incarcerated individual behavior standards and program outcomes for  
14 all education and work programs. Incarcerated individuals shall be  
15 notified of applicable behavior standards and program goals prior to  
16 placement in an education or work program and shall be removed from  
17 the education or work program if they consistently fail to meet the  
18 standards or outcomes.

19 (7) Eligible incarcerated individuals who refuse to participate  
20 in available education (~~(or work)~~) programs available at no charge to  
21 the incarcerated individuals shall lose privileges according to the  
22 system established under RCW 72.09.130. Eligible incarcerated  
23 individuals who are required to contribute financially to an  
24 education or work program and refuse to contribute shall be placed in  
25 another work program. Refusal to contribute shall not result in a  
26 loss of privileges.

27 (8) The department shall establish, by rule, a process for  
28 identifying and assessing incarcerated individuals with learning  
29 disabilities, traumatic brain injuries, and other cognitive  
30 impairments to determine whether the person requires accommodations  
31 in order to effectively participate in educational programming,  
32 including general educational development tests and postsecondary  
33 education. The department shall establish a process to provide such  
34 accommodations to eligible incarcerated individuals.

35 (9) The department shall establish, and periodically review,  
36 goals for expanding access to postsecondary degree and certificate  
37 education programs and program completion for all incarcerated  
38 individuals, including persons of color. The department may contract  
39 and partner with any accredited educational program sponsored by a  
40 nonprofit entity, community-based postsecondary education program, or

1 institution with historical evidence of providing education programs  
2 to people of color.

3 (10) The department shall establish, by rule, objective medical  
4 standards to determine when an incarcerated individual is physically  
5 or mentally unable to participate in available education or work  
6 programs. When the department determines an incarcerated individual  
7 is permanently unable to participate in any available education or  
8 work program due to a health condition, the incarcerated individual  
9 is exempt from the requirement under subsection (2) of this section.  
10 When the department determines an incarcerated individual is  
11 temporarily unable to participate in an education or work program due  
12 to a medical condition, the incarcerated individual is exempt from  
13 the requirement of subsection (2) of this section for the period of  
14 time he or she is temporarily disabled. The department shall  
15 periodically review the medical condition of all incarcerated  
16 individuals with temporary disabilities to ensure the earliest  
17 possible entry or reentry by incarcerated individuals into available  
18 programming.

19 (11) The department shall establish policies requiring an  
20 incarcerated individual to pay all or a portion of the costs and  
21 tuition for any vocational training or postsecondary education  
22 program if the incarcerated individual previously abandoned  
23 coursework related to postsecondary degree or certificate education  
24 or vocational training without excuse as defined in rule by the  
25 department. Department policies shall include a formula for  
26 determining how much an incarcerated individual shall be required to  
27 pay. The formula shall include steps which correlate to an  
28 incarcerated individual's average monthly income or average available  
29 balance in a personal savings account and which are correlated to a  
30 prorated portion or percent of the per credit fee for tuition, books,  
31 or other ancillary costs. The formula shall be reviewed every two  
32 years. A third party may pay directly to the department all or a  
33 portion of costs and tuition for any program on behalf of an  
34 incarcerated individual under this subsection. Such payments shall  
35 not be subject to any of the deductions as provided in this chapter.

36 (12) Notwithstanding any other provision in this section, an  
37 incarcerated individual subject to the provisions of 8 U.S.C. Sec.  
38 1227:

1 (a) Shall not be required to participate in education programming  
2 except as may be necessary for the maintenance of discipline and  
3 security;

4 (b) May not participate in a postsecondary degree education  
5 program offered by the department or its contracted providers, unless  
6 the incarcerated individual's participation in the program is paid  
7 for by a third party or by the individual;

8 (c) May participate in prevocational or vocational training that  
9 may be necessary to participate in a work program;

10 (d) Shall be subject to the requirements relating to incarcerated  
11 individual financial responsibility for programming under subsection  
12 (4) of this section.

13 (13) If an incarcerated individual has participated in  
14 postsecondary education programs, the department shall provide the  
15 incarcerated individual with a copy of the incarcerated individual's  
16 unofficial transcripts, at no cost to the individual, upon the  
17 incarcerated individual's release or transfer to a different  
18 facility. Upon the incarcerated individual's completion of a  
19 postsecondary education program, the department shall provide to the  
20 incarcerated individual, at no cost to the individual, a copy of the  
21 incarcerated individual's unofficial transcripts. This requirement  
22 applies regardless of whether the incarcerated individual became  
23 ineligible to participate in or abandoned a postsecondary education  
24 program.

25 (14) For the purposes of this section:

26 (a) "Third party" includes a nonprofit entity or community-based  
27 postsecondary education program that partners with the department to  
28 provide accredited postsecondary education degree and certificate  
29 programs at state correctional facilities.

30 (b) "Gift aid" has the meaning provided in RCW 28B.145.010.

31 NEW SECTION. **Sec. 5.** A new section is added to chapter 72.09  
32 RCW to read as follows:

33 Except when ordered by a court for community restitution,  
34 incarcerated persons are not required to work or otherwise  
35 participate in work programs under RCW 72.09.100. Work programs are  
36 voluntary, and incarcerated persons may choose to participate or  
37 refuse to participate in such programs. Notwithstanding any other  
38 provision of law, the department may not issue infractions or take  
39 any other punitive, disciplinary, or retaliatory actions against an

1 incarcerated person in response to the person's choice to not  
2 participate in work programs. Incarcerated persons participating in  
3 class I, II, III, or IV programs must be paid a wage or gratuity for  
4 their work as provided under RCW 72.09.100.

--- **END** ---