
**Community Safety, Justice, & Reentry
Committee**

HB 1345

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 Summary of Bill

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

Hearing Date: 1/24/23

Staff: Michelle Rusk (786-7153).

Background:

Department of Corrections Privileges.

The Department of Corrections (DOC) has been required to adopt, by rule, a system that links an incarcerated individual's behavior and participation in available education and work programs with the receipt or denial of earned early release days and other privileges. Privileges are

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statutorily defined to include any goods or services, education or work programs, or earned early release days, the receipt of which are directly linked to an incarcerated person's good conduct and good performance. Privileges do not include any goods or services the DOC is required to provide under the state or federal Constitution or under state or federal law. The DOC must provide each incarcerated person in its custody a written description of the system it has created.

To the greatest extent practical, persons incarcerated in the DOC facilities must contribute to the cost of privileges. The DOC has been required to establish standards by which incarcerated persons contribute a portion of the DOC's capital costs of providing privileges, including television cable access, extended family visitation, weight lifting, and other recreational sports equipment and supplies. The DOC's standards must also require incarcerated persons to contribute a "significant portion" of the DOC's operating costs directly associated with providing privileges, including staff and supplies.

Incarcerated persons' contributions to privileges may be in the form of: (1) individual user fees assessed against their institution account; (2) deductions from their gross wages or gratuities; or (3) their collective contributions to the institutional welfare/betterment fund. The DOC must make every effort to maximize contributions to payment for privileges. In administering its standards by which incarcerated persons contribute to a portion of the DOC's capital costs of providing privileges, the DOC must: (1) consider the assets available to incarcerated persons; (2) consider the cost of administering compliance with the contribution requirements; and (3) promote a responsible work ethic.

Summary of Bill:

Costs of Privileges.

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

"Extended family visitation" is removed from the list of the DOC's capital costs of providing privileges for which incarcerated persons must contribute.

Incarcerated persons are now required to contribute a "portion" of the DOC's operating costs directly associated with providing privileges, including staff and supplies.

Appropriation: None.

Fiscal Note: Requested on January 16, 2023

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.