
SENATE BILL 6476

State of Washington

66th Legislature

2020 Regular Session

By Senators Stanford, Darneille, Wilson, C., Nguyen, Hasegawa, and Saldaña

Read first time 01/17/20. Referred to Committee on Human Services, Reentry & Rehabilitation.

1 AN ACT Relating to increasing and expanding access of inmates and
2 immediate family members of inmates to services provided within
3 correctional facilities; amending RCW 72.09.015; adding new sections
4 to chapter 72.09 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes the importance
7 of maintaining strong family ties throughout an individual's period
8 of incarceration to help facilitate rehabilitation. Studies have
9 shown that regular visits from family members can reduce recidivism
10 rates by thirteen percent. The legislature recognizes the importance
11 and value that a strong, connected family network can provide to an
12 individual once he or she is released from incarceration. The
13 legislature further recognizes the financial and emotional toll that
14 incarceration can take on the family of those experiencing
15 incarceration. The legislature resolves to increase family
16 interaction by expanding eligibility for family visitation and by
17 providing transparency and availability of services inside
18 correctional institutions. Furthermore, the current indigent cap of
19 ten dollars, which has not increased since 1995, limits access to
20 services inside correctional institutions. Therefore, the legislature

finds and declares that the cap shall be increased to twenty-five dollars.

Sec. 2. RCW 72.09.015 and 2013 c 39 s 22 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

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

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

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

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

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

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

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

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

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

(10) "Evidence-based" means a program or practice that has had multiple-site random controlled trials across heterogeneous

1 populations demonstrating that the program or practice is effective
2 in reducing recidivism for the population.

3 (11) "Extended family visit" means an authorized visit between an
4 inmate and a member of his or her immediate family that occurs in a
5 private visiting unit located at the correctional facility where the
6 inmate is confined.

7 (12) "Good conduct" means compliance with department rules and
8 policies.

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

12 (14) "Immediate family" means the inmate's children,
13 stepchildren, grandchildren, great grandchildren, parents,
14 stepparents, grandparents, great grandparents, siblings, aunts,
15 uncles, cousins, nieces, nephews, and a person legally married to or
16 in a state registered domestic partnership with an inmate. "Immediate
17 family" includes the immediate family of an inmate who was adopted as
18 a child or an adult, but does not include an inmate adopted by
19 another inmate (~~((or the immediate family of the adopted or adopting~~
20 ~~inmate))~~).

21 (15) "Indigent inmate," "indigent," and "indigency" mean an
22 inmate who has less than a (~~((ten-dollar))~~) twenty-five dollar balance
23 of disposable income in his or her institutional account on the day a
24 request is made to utilize funds and during the thirty days previous
25 to the request.

26 (16) "Individual reentry plan" means the plan to prepare an
27 offender for release into the community. It should be developed
28 collaboratively between the department and the offender and based on
29 an assessment of the offender using a standardized and comprehensive
30 tool to identify the offender's risks and needs. The individual
31 reentry plan describes actions that should occur to prepare
32 individual offenders for release from prison or jail, specifies the
33 supervision and services they will experience in the community, and
34 describes an offender's eventual discharge to aftercare upon
35 successful completion of supervision. An individual reentry plan is
36 updated throughout the period of an offender's incarceration and
37 supervision to be relevant to the offender's current needs and risks.

38 (17) "Inmate" means a person committed to the custody of the
39 department, including but not limited to persons residing in a
40 correctional institution or facility and persons released from such

1 facility on furlough, work release, or community custody, and persons
2 received from another state, state agency, county, or federal
3 jurisdiction.

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

7 (19) "Physical restraint" means the use of any bodily force or
8 physical intervention to control an offender or limit an offender's
9 freedom of movement in a way that does not involve a mechanical
10 restraint. Physical restraint does not include momentary periods of
11 minimal physical restriction by direct person-to-person contact,
12 without the aid of mechanical restraint, accomplished with limited
13 force and designed to:

14 (a) Prevent an offender from completing an act that would result
15 in potential bodily harm to self or others or damage property;

16 (b) Remove a disruptive offender who is unwilling to leave the
17 area voluntarily; or

18 (c) Guide an offender from one location to another.

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

24 (21) "Privilege" means any goods or services, education or work
25 programs, or earned early release days, the receipt of which are
26 directly linked to an inmate's (a) good conduct; and (b) good
27 performance. Privileges do not include any goods or services the
28 department is required to provide under the state or federal
29 Constitution or under state or federal law.

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

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

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

38 (a) Physical restraint; or

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

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

(26) "Significant expansion" includes any expansion into a new product line or service to the class I business that results from an increase in benefits provided by the department, including a decrease in labor costs, rent, or utility rates (for water, sewer, electricity, and disposal), an increase in work program space, tax advantages, or other overhead costs.

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

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

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

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

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

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

NEW SECTION. **Sec. 3.** A new section is added to chapter 72.09 RCW to read as follows:

1 The department shall provide each inmate in state correctional
2 facilities the opportunity to access the facility commissary program
3 at a minimum of once per week.

4 NEW SECTION. **Sec. 4.** A new section is added to chapter 72.09
5 RCW to read as follows:

6 (1) Any contract to provide inmates with access to
7 telecommunication services and electronic media services in state
8 correctional facilities shall be made publicly available and posted
9 on the department's web site.

10 (2) The information in this subsection from the contract shall be
11 prominently displayed on the department's public web site:

12 (a) Rates for facilitating telecommunication services including,
13 but not limited to, phone calls, video visitation, videograms and
14 video clips, emails, and accessing music and entertainment;

15 (b) Fees charged for money transfers and transactions,
16 maintenance of financial accounts, and any other fee charged to the
17 user to facilitate the money transfer or online deposit account; and

18 (c) All fees or costs charged to the inmate or customer in
19 exchange for use of telecommunication or electronic media services
20 through the contract.

21 (3) By July 1st of each year, the contractor that provides
22 inmates with access to telecommunication services and electronic
23 media services under subsection (1) of this section shall report to
24 the department the following information:

25 (a) A summary of services offered at each correctional facility;

26 (b) Rates charged for, or associated with, providing each type of
27 service including, but not limited to, monthly financial account
28 maintenance fees, transaction fees associated with money transfers,
29 per call and connection surcharges, bill statement fees, and refund
30 fees;

31 (c) A total accounting of commissions provided to the department
32 or correctional facility;

33 (d) A summary and accounting of services used by inmates
34 categorized as indigent;

35 (e) One-time and ongoing costs incurred for installing and
36 maintaining hardware;

37 (f) Average customer service response time rates per facility and
38 the average time taken to resolve an issue or provide a refund for
39 defective services; and

1 (g) An accounting of all revenues or losses incurred by the
2 contractor by quarter.

3 (4) By November 1st of each year, and in compliance with RCW
4 43.01.036, the department shall report to the governor and
5 legislature on contracts for telecommunication services and
6 electronic media services under this section and the contractor's
7 annual compliance with this section.

8 (5) This section applies to any contract in effect on the
9 effective date of this section, and to any renegotiation, renewal, or
10 extension of such contract.

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