

---

**SUBSTITUTE HOUSE BILL 2010**

---

**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Quall, Sherstad, Chandler, Schoesler, Radcliff and Blanton)

Read first time 03/10/95.

1 AN ACT Relating to corrections; amending RCW 72.09.135, 4.24.130,  
2 72.10.020, 72.09.111, 9.94A.137, 72.09.070, 72.10.030, and 43.17.200;  
3 adding new sections to chapter 72.09 RCW; creating new sections; and  
4 declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that increasing crime,  
7 a burgeoning inmate population, and the upwardly spiraling cost of  
8 building, maintaining, and operating our state's prisons have created  
9 an urgent need to enact decisive new and stringent methods for  
10 controlling the high cost of corrections. The legislature further  
11 finds that the public has clearly demanded that every effort be made to  
12 rid our streets of crime and that criminals be dealt with decisively  
13 and firmly. At the same time, the public has also let it be known that  
14 their tax dollars must be spent efficiently and that their investment  
15 in expensive prisons buy safety for them and their families now and in  
16 the future. To this end, the legislature insists that cost-  
17 efficiencies in corrections must be implemented at every level and in  
18 every aspect of the correctional system. Most importantly, however, is  
19 the need to develop and implement a long-range corrections cost-

1 efficiency strategy that has as its foremost goal the investment in a  
2 corrections management philosophy that will effectively lower the high  
3 number of inmates recycled through our prisons. The legislature  
4 believes that by implementing a corrections management philosophy that  
5 mirrors the incentives, goals, morals, and values that guide our  
6 society and its law-abiding citizens, offenders will be less likely to  
7 reoffend and public expectations of criminals receiving their just  
8 desserts can be realized. The focus of this corrections management  
9 philosophy is accountability and responsibility, both for the prison  
10 inmates and also for the public servants charged with running our  
11 correctional institutions. The responsibility for criminal activity  
12 should fall squarely on the criminal. Society should not have to pay  
13 the price for crimes twice, once for the criminal activities and again  
14 by feeding them, clothing them, and housing them, often in a fashion  
15 better than law-abiding, working families in the community. By  
16 perpetuating the current corrections philosophy we are making offenders  
17 less responsible rather than more responsible. The corrections system  
18 should be the first place criminals are given the opportunity to be  
19 responsible for paying for their criminal act, not just through the  
20 loss of their freedom, but by contributing to the actual cost of their  
21 crime and for the cost of incarceration. In a responsibility-based  
22 corrections system, inmates should be expected to participate in real  
23 and meaningful work experiences that teach marketable skills and  
24 instill the work values and ethics that are the backbone of our  
25 society, both for the benefit of society and for the offender.  
26 Privileges inside the prison should not be just provided to prisoners  
27 and used like free penological pacifiers. Instead, inmates must be  
28 motivated to work, learn, and then earn basic privileges. It is the  
29 intent of the legislature to expect all prison inmates to be made more  
30 accountable and responsible by working, learning basic skills,  
31 contributing to the cost of their incarceration, developing meaningful  
32 work values and experiences, and gaining valuable job readiness skills  
33 that will translate into work opportunities outside of prison. It is  
34 also the intent of the legislature to expect the department of  
35 corrections to also be made more accountable and responsible by  
36 adopting a corrections management philosophy that is vested in the  
37 goals of responsibility and accountability and continuing to uphold a  
38 high standard of public safety, maintaining drug-free corrections

1 facilities, effectively reducing recidivism, and significantly  
2 controlling the rising cost of corrections.

3 **Sec. 2.** RCW 72.09.135 and 1987 c 462 s 15 are each amended to read  
4 as follows:

5 (1) The department of corrections shall, no later than July 1,  
6 1987, adopt standards for the operation of state adult correctional  
7 facilities. These standards shall be the minimums necessary to meet  
8 federal and state constitutional requirements relating to health,  
9 safety, and welfare of inmates and staff, and specific state and  
10 federal statutory requirements, and to provide for the public's health,  
11 safety, and welfare. The need for each standard shall be documented.

12 (2) The secretary shall implement, as part of the standards for  
13 correctional facilities, a mandatory inmate basic education and a  
14 standard work day policy for all facilities that includes but is not  
15 limited to the following components and directives:

16 (a) All inmates, with the exception of those with physical or  
17 mental impairments, confined to a segregation unit, in protective  
18 custody, close custody, on death row, or who are in sex offender  
19 treatment or special mental health treatment, shall be required to work  
20 in an available correctional industries job for a standard department  
21 of corrections work day or participate in an available department-  
22 approved education program based on their level of learning skills  
23 needs. Inmates who do not participate in an available work or  
24 education program shall lose their ability to participate in offender  
25 privileges such as, but not limited to, family visitation, use of  
26 individual television, and the use of recreational facilities and  
27 equipment for recreational purposes. Inmates who choose not to  
28 participate in available jobs or educational programs shall also lose  
29 earned early release time commensurate with the time they choose not to  
30 work or participate in an education program. Inmates serving a life  
31 sentence shall be required to comply with work requirements only;

32 (b) The department shall require that all inmates be assessed for  
33 their level of literacy and basic skills within the first thirty days  
34 of their confinement;

35 (c) Inmates reading below the eighth grade level, except offenders  
36 sentenced to the illegal alien offender transition camp or offenders  
37 with a mental impairment or condition, shall be required to  
38 successfully participate half-time in an academic program that includes

1 all appropriate learning skills linked to the attainment of  
2 demonstrated competency in arithmetic, language, and cognitive  
3 proficiency and shall work half-time in an available correctional  
4 industries job;

5 (d) Once the offender has achieved the eighth grade level, he or  
6 she shall be required to work a standard department of corrections work  
7 day in an available correctional industries job. If a correctional  
8 industries job is not available and the inmate does not have a general  
9 education development certificate or a high school diploma, the inmate  
10 shall attend general educational development classes until they attain  
11 a general education development certificate or until a job becomes  
12 available. If no work is available, inmates with a high school diploma  
13 or general education development certificate then may attend vocational  
14 education classes until a job becomes available;

15 (e) The cost of all two-year associate of arts degree programs or  
16 higher education degree programs including the cost of books, tuition,  
17 and fees shall be paid by the offender. Offenders serving a life  
18 sentence shall only be allowed to receive one associate degree or  
19 baccalaureate degree and once the degree is earned shall not be allowed  
20 to register for additional associate or baccalaureate degree programs.  
21 If an offender serving a life sentence requires vocational education  
22 for correctional industry employment as defined and allowed by the  
23 department he or she may participate in vocational training;

24 (f) General education development classes, high school education  
25 programs, and college courses shall, to the extent possible, be offered  
26 in the evening and on weekends. The focus shall be on maintaining work  
27 programs on a regular daytime schedule to the extent possible; and

28 (g) All vocational programs must be specifically relevant to the  
29 correctional industries jobs offered in the institution to the extent  
30 possible in terms of providing prerequisite training and continuing  
31 skill development that can be utilized in that particular enterprise or  
32 to qualify for employment upon release.

33 (3) The education administrator for the department shall review all  
34 vocational training programs annually to insure the programs are  
35 relevant to the correctional industries jobs and appropriate.

36 (4) Inmates in protective custody shall be provided educational  
37 opportunities consistent with the terms of chapter . . . , Laws of 1995  
38 (this act) to the extent possible.

1       (5) The education administrator for the department shall develop an  
2 education cost-efficiency plan for the department, consistent with the  
3 terms of chapter . . . , Laws of 1995 (this act) that reduces the use of  
4 live instructors, and includes distance learning, using interactive  
5 satellite instruction, video tapes, computer-aided instruction, and  
6 flexible scheduling that permits offenders to proceed at their own  
7 pace. The department shall report to the appropriate committees of the  
8 legislature by December 12, 1995, on the progress of this education  
9 cost-efficiency plan.

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

12       (1) DEFINITIONS. Unless the context clearly requires otherwise,  
13 the definitions in this subsection apply throughout this section.

14       (a) "Immediate family" means an inmate's parents, stepparents,  
15 grandparents, legally married spouse of the opposite sex of the inmate  
16 at the time of conviction, siblings, children, and stepchildren of the  
17 inmate.

18       (b) "Child" means the natural or adopted child of both the inmate  
19 and spouse, or of the inmate or the spouse. However, if one inmate  
20 adopts another inmate, application for extended family visitation based  
21 on adoption shall not be approved.

22       (c) "Excessive violence" means sexual and/or physical violence that  
23 is considered by the department of corrections to exceed what is  
24 proper, normal, or reasonable taking into account the penological  
25 objectives of the prison.

26       (d) "Obscene" means material that, when taken as a whole, appeals  
27 to prurient interests, and contains patently offensive depictions or  
28 descriptions of sexual conduct and, taken as a whole, has no serious  
29 literary, artistic, political, or scientific value or that is patently  
30 offensive because it affronts contemporary community standards relating  
31 to the description or representation of sexual matters or  
32 sadomasochistic abuse, and is utterly without redeeming social value.  
33 Both offensiveness and an appeal to something other than normal healthy  
34 sexual desires are essential elements of obscenity.

35       (e) "Sexually explicit" means depiction of one of the following  
36 sexual behaviors:

37       (i) Where one of the participants in the act is, or appears to be,  
38 nonconsenting;

1 (ii) Where one of the participants appears to be forceful,  
2 threatening, or violent;

3 (iii) Where one of the partners is dominating one of the other  
4 participants, and one of the individuals is obviously in a submissive  
5 role, or one of the participants is degraded, humiliated, or willingly  
6 engages in behavior that is degrading or humiliating;

7 (iv) Where any bodily excretory function is depicted;

8 (v) Where there is actual sexual penetration;

9 (vi) One of the participants is a child, or appears to be a child;

10 (vii) Bestiality, sadomasochistic behavior, or bondage;

11 (viii) Any sexual behaviors deemed by the department to be a threat  
12 to legitimate penological objectives.

13 (2) FAMILY VISITATION. The department may implement a family  
14 visitation program that allows visiting between eligible inmates and  
15 their eligible immediate family member or members for the sole purpose  
16 of maintaining and promoting functional and cohesive family  
17 relationships. The secretary of the department or his or her designee  
18 shall have the ability to approve, deny, suspend, or terminate a family  
19 visit. Family visits shall occur no more often than once every thirty  
20 days. The maximum time allowed for each family visit shall be forty-  
21 eight hours. An inmate shall not be considered eligible for a family  
22 visit until after twelve months have elapsed since his or her arrival  
23 at the department facility on a current commitment of three years or  
24 more, or six months have elapsed if the current commitment is less than  
25 three years. Only those offenders who are employed in an available  
26 correctional industries work program or are successfully participating  
27 in an available department approved educational program may participate  
28 in the family visitation program. However, inmates who have mental or  
29 physical disabilities or conditions that do not allow them to  
30 participate in work or education programs, as determined by the  
31 department, shall be exempted from this requirement. All maximum  
32 custody inmates, close custody inmates, death row inmates, and inmates  
33 housed in disciplinary or administrative segregation or prehearing  
34 confinement are excluded from participating in the family visitation  
35 program. Only inmates who have not been found guilty of a serious  
36 infraction for five years, as defined by the department, shall be  
37 eligible for participation in the family visitation program. The  
38 department shall establish other eligibility guidelines based on  
39 conduct and infractions. The department shall exclude any offender who

1 has been determined by the department to be a danger to himself or  
2 herself, visitor or visitors, or the orderly operation of the program,  
3 has a prior criminal history of spousal or child abuse, is being  
4 treated for a condition that may be adversely affected, or has mental  
5 health disorders based on a psychological assessment that indicates the  
6 offender could pose a danger to others. The determination to exclude  
7 an inmate from participation from the program shall also be based on,  
8 but not limited to, the inmate's crime or prior criminal behavior. An  
9 inmate with a history of any sex offense involving children shall not  
10 be allowed family visitation with children.

11 Immediate family members that are on juvenile or adult parole,  
12 probation, community supervision, community placement, work release, or  
13 the subject of a pending felony criminal or drug-related action, or are  
14 under the jurisdiction of the department are not eligible to  
15 participate in a family visit. The department may also deny  
16 eligibility to an immediate family member who is a former inmate  
17 released under the sentencing reform act or who has been convicted of  
18 a drug-related crime. Children under the age of eighteen are eligible  
19 only if they are accompanied and supervised by an adult visitor during  
20 the entire visit.

21 All family visitation shall be conducted within the prison campus.  
22 The department shall establish the location, size, and design of family  
23 visiting units and develop written regulations and procedures  
24 consistent with this chapter that insure the safety of visitors,  
25 promote healthy family values, and maintain the penological objectives  
26 of the prison.

27 The department shall review all inmates' marriages prior to July 1,  
28 1995, and allow them to participate in family visits provided that  
29 their behaviors have been determined by the department to be in  
30 compliance with the program.

31 All construction, operational, and maintenance costs for the family  
32 visitation program shall be paid by inmates.

33 (3) OBSCENE, SEXUALLY EXPLICIT, EROTIC, AND EXCESSIVELY VIOLENT  
34 MATERIAL. All obscene, erotic, sexually explicit, or excessively  
35 violent films, video tapes, magazines, books, or computer software  
36 shall be prohibited from all department correctional facilities. These  
37 materials shall be considered contraband and shall be removed from the  
38 inmate's mail, possession, and cells. The department shall be  
39 responsible for uniformly establishing which materials are to be

1 considered contraband and removed in accordance with legitimate and  
2 justifiable penological interests. This standard shall be uniformly  
3 applicable throughout all department prison facilities. The department  
4 shall screen all inmate mail and disapprove inmate mail the department  
5 determines to be obscene, sexually explicit, erotic, or excessively  
6 violent. The only exception for allowing these materials for inmates  
7 shall be for their use in treatment or therapy sessions as prescribed  
8 by a physician or certified therapist under the direction of the  
9 department.

10 (4) CABLE, CLOSED CIRCUIT, AND SATELLITE TELEVISION. No new  
11 department correctional facility or expanded portions of existing  
12 department correctional facilities shall be constructed with cable,  
13 closed circuit, or satellite television readiness unless the department  
14 has a written basic education and technical vocational training plan  
15 for the facility and the plan clearly demonstrates how the television  
16 systems will be used for educational and training purposes. The  
17 educational and training plan shall contain a curriculum outline and  
18 goals for preparing inmates with the basic knowledge, life skills, work  
19 ethics, job skills, and technical abilities to function effectively in  
20 a real world work environment. The television education and training  
21 plan shall correspond to the education and training that is applicable  
22 to the correctional industries jobs that are expected to be implemented  
23 at the new facility. All programming conducted on the television  
24 system shall correspond to the terms and conditions outlined in  
25 subsection (3) of this section.

26 An inmate is not eligible for individual television privileges  
27 unless he or she is working in an available correctional industries job  
28 or successfully enrolled in an available department education program.  
29 Inmates who have physical or mental disabilities or conditions and  
30 other inmates who are exempted from employment may be allowed personal  
31 televisions as determined by the department, consistent with this  
32 chapter. No inmate may be eligible for individual television  
33 privileges until two months have elapsed since their arrival at the  
34 department facility on a current commitment.

35 All installation, maintenance, and fees associated with cable,  
36 closed circuit, or satellite television shall be paid for by inmates.

37 The terms and conditions of this subsection shall not be applicable  
38 for closed circuit television used by the department for security  
39 purposes by correctional employees.

1 (5) BODY BUILDING AND WEIGHT LIFTING. Only inmates in good  
2 standing with the department and employed in a correctional industries  
3 job or successfully participating in available job training or  
4 education classes are eligible to weight lift. Inmates who have  
5 physical or mental disabilities or conditions, and other inmates who  
6 are exempted from employment may be allowed to weight lift. Any inmate  
7 found guilty of assaulting a correctional officer or other inmate shall  
8 not be eligible for weight lifting.

9 The department shall to the extent possible only provide  
10 recreational options that minimize the inmates' ability to  
11 substantially increase muscle mass. Dietary supplements made for the  
12 sole purpose of increasing muscle mass shall not be available for  
13 purchase to inmates unless prescribed by a physician for medical  
14 purposes.

15 (6) OFFENDER RECREATIONAL PRIVILEGES. Inmates shall not be allowed  
16 to use recreational facilities or recreational equipment for  
17 recreational purposes, such as but not limited to, gymnasiums,  
18 recreation yards for baseball, softball, volleyball, tennis,  
19 pickleball, hockey, soccer, or other group sports activities, and hobby  
20 and crafts shops, only if the inmate is employed in an available  
21 correctional industries job or successfully participating in an  
22 available department of corrections-approved education program. The  
23 department shall use inmate welfare funds to pay for all recreational  
24 equipment and supplies. All inmates shall be allowed access to  
25 appropriate recreational yards or gymnasiums for general personal  
26 exercise as directed by the department and in compliance with federal  
27 regulations. Inmates who the department have identified as having a  
28 physical or mental handicap or conditions that exempt them from  
29 employment shall be exempted from the restriction of privileges  
30 outlined in this subsection.

31 (7) INDIGENT INMATES AND OFFENDER'S INSTITUTION ACCOUNT. The  
32 department shall consider an inmate indigent if the inmate has less  
33 than ten dollars of disposable income in his or her offender's  
34 institution account for a period of forty days. Provision shall be  
35 made for inmates who are transferred between facilities and for the  
36 first forty days of incarceration, to account for funds in the  
37 offender's institution account. Only indigent inmates shall have  
38 essential personal items provided by the department. Essential  
39 personal items shall include soap, razors, combs, tooth brushes, tooth

1 paste, sanitary napkins, or other personal items defined by the  
2 department in compliance with federal regulations. Inmates shall be  
3 required to use the personal item provided by the department in a  
4 prudent fashion in accord with the normal use, expected normal wear,  
5 and function of the items. Inmates shall not receive more than  
6 seventy-five dollars per month in their offender's institution account  
7 from outside the prison.

8 **Sec. 4.** RCW 4.24.130 and 1992 c 30 s 1 are each amended to read as  
9 follows:

10 Any person desiring a change of his or her name or that of his or  
11 her child or ward, may apply therefor to the district court of the  
12 judicial district in which he or she resides, by petition setting forth  
13 the reasons for such change; thereupon such court in its discretion may  
14 order a change of the name and thenceforth the new name shall be in  
15 place of the former. Any person committed to a department of  
16 corrections facility shall not be granted the order to legally change  
17 his or her name under the terms and conditions specified in this  
18 section if doing so will interfere with legitimate penological goals.  
19 Name changes required for religious reasons or in recognition of  
20 marriage shall be allowed, however the department of corrections shall  
21 require the inmate to also use his or her committed name while  
22 incarcerated in a department of corrections facility.

23 The district court shall collect the fees authorized by RCW  
24 36.18.010 for filing and recording a name change order, and transmit  
25 the fee and the order to the county auditor. The court may collect a  
26 reasonable fee to cover the cost of transmitting the order to the  
27 county auditor.

28 **Sec. 5.** RCW 72.10.020 and 1989 c 157 s 3 are each amended to read  
29 as follows:

30 (1) The department may develop and implement a health services plan  
31 for the delivery of health care services to ((inmates)) offenders in  
32 the department's ((custody)) correctional facilities, at the discretion  
33 of the secretary, and in conformity with state and federal law.

34 (2) In order to discourage the unwarranted use of health care  
35 services, all offenders shall participate in the costs of health care  
36 services by paying no less than three dollars per health encounter.  
37 Pursuant to the authority granted in chapter 34.05 RCW, the secretary

1 may collect this amount for health care services directly from an  
2 offender's institution account.

3 (3) Offenders are required to make copayments for health care  
4 services that are offender initiated. Offenders are not required to  
5 pay for emergency treatment or for visits initiated by health care  
6 staff or treatment of those conditions that constitute a serious health  
7 care need.

8 (4) No offender may be refused any health care service because of  
9 indigence.

10 (5) Inmates shall be required to purchase all over-the-counter  
11 medications at a nominal charge. Over-the-counter medicines shall only  
12 be available on an individual unit dose basis as determined by the  
13 department and may be distributed through the inmate store.

14 (6) The department shall adopt rules to implement this section.

15 **Sec. 6.** RCW 72.09.111 and 1994 sp.s. c 7 s 534 are each amended to  
16 read as follows:

17 (1) The secretary shall deduct from the gross wages or gratuities  
18 of each inmate working in correctional industries work programs, taxes  
19 and legal financial obligations. The secretary shall develop a formula  
20 for the distribution of offender wages and gratuities.

21 (a) The formula shall include the following minimum deductions from  
22 class I gross wages and from all others earning at least minimum wage:

23 (i) ~~((Five))~~ Ten percent to the public safety and education account  
24 for the purpose of crime victims' compensation;

25 (ii) Ten percent to a department personal inmate savings account;  
26 and

27 (iii) Twenty percent to the department to contribute to the cost of  
28 incarceration.

29 (b) The formula shall include the following minimum deductions from  
30 class II gross gratuities:

31 (i) ~~((Five))~~ Ten percent to the public safety and education account  
32 for the purpose of crime victims' compensation;

33 (ii) Ten percent to a department personal inmate savings account;  
34 and

35 (iii) Fifteen percent to the department to contribute to the cost  
36 of incarceration.

37 (c) The formula shall include the following minimum deduction from  
38 class IV gross gratuities:

1        (i) Ten percent to the public safety and education account for the  
2 purpose of crime victims' compensation; and

3        (ii) Five percent to the department to contribute to the cost of  
4 incarceration.

5        (d) The formula shall include the following minimum deductions from  
6 class III gratuities: (~~Five~~) Ten percent to the public safety and  
7 education account for the purpose of crime victims' compensation.

8        Any person sentenced to life imprisonment without possibility of  
9 release or parole under chapter 10.95 RCW shall be exempt from the  
10 requirement under (a)(ii) or (b)(ii) of this subsection.

11        The department personal inmate savings account, together with any  
12 accrued interest, shall only be available to an inmate at the time of  
13 his or her release from confinement, unless the secretary determines  
14 that an emergency exists for the inmate, at which time the funds can be  
15 made available to the inmate in an amount determined by the secretary.  
16 The management of classes I, II, and IV correctional industries may  
17 establish an incentive payment for offender workers based on  
18 productivity criteria. This incentive shall be paid separately from  
19 the hourly wage/gratuity rate and shall not be subject to the specified  
20 deduction for cost of incarceration.

21        In the event that the offender worker's wages or gratuity is  
22 subject to garnishment for support enforcement, the crime victims'  
23 compensation, savings, and cost of incarceration deductions shall be  
24 calculated on the net wages after taxes, legal financial obligations,  
25 and garnishment.

26        (2) The department shall explore other methods of recovering a  
27 portion of the cost of the inmate's incarceration and for encouraging  
28 participation in work programs, including development of incentive  
29 programs that offer inmates benefits and amenities paid for only from  
30 wages earned while working in a correctional industries work program.

31        (3) The department shall develop the necessary administrative  
32 structure to recover inmates' wages and keep records of the amount  
33 inmates pay for the costs of incarceration and amenities. All funds  
34 deducted from inmate wages under subsection (1) of this section for the  
35 purpose of contributions to the cost of incarceration shall be  
36 deposited in a dedicated fund with the department and shall be used  
37 only for the purpose of enhancing and maintaining correctional  
38 industries work programs until December 31, 2000, and thereafter all  
39 such funds shall be deposited in the general fund.

1 (4) The expansion of inmate employment in class I and class II  
2 correctional industries shall be implemented according to the following  
3 schedule:

4 (a) Not later than June 30, 1995, the secretary shall achieve a net  
5 increase of at least two hundred in the number of inmates employed in  
6 class I or class II correctional industries work programs above the  
7 number so employed on June 30, 1994;

8 (b) Not later than June 30, 1996, the secretary shall achieve a net  
9 increase of at least four hundred in the number of inmates employed in  
10 class I or class II correctional industries work programs above the  
11 number so employed on June 30, 1994;

12 (c) Not later than June 30, 1997, the secretary shall achieve a net  
13 increase of at least six hundred in the number of inmates employed in  
14 class I or class II correctional industries work programs above the  
15 number so employed on June 30, 1994;

16 (d) Not later than June 30, 1998, the secretary shall achieve a net  
17 increase of at least nine hundred in the number of inmates employed in  
18 class I or class II correctional industries work programs above the  
19 number so employed on June 30, 1994;

20 (e) Not later than June 30, 1999, the secretary shall achieve a net  
21 increase of at least one thousand two hundred in the number of inmates  
22 employed in class I or class II correctional industries work programs  
23 above the number so employed on June 30, 1994;

24 (f) Not later than June 30, 2000, the secretary shall achieve a net  
25 increase of at least one thousand five hundred in the number of inmates  
26 employed in class I or class II correctional industries work programs  
27 above the number so employed on June 30, 1994.

28 (5) It shall be in the discretion of the secretary to apportion the  
29 inmates between class I and class II depending on available contracts  
30 and resources.

31 (6) The department shall develop job performance standards for each  
32 correctional industries job and remove offenders from the job if his or  
33 her job performance does not meet performance standards. Offender  
34 employees shall be provided job performance standards prior to being  
35 placed in a correctional industries job.

36 **Sec. 7.** RCW 9.94A.137 and 1993 c 338 s 4 are each amended to read  
37 as follows:

1       (1)(a) An offender is eligible to be sentenced to a work ethic camp  
2 if the offender:

3       (~~(a)~~) (i) Is sentenced to a term of total confinement of not less  
4 than (~~twenty-two~~) twenty months or more than thirty-six months;

5       (~~(b)~~) (ii) Is (~~between the ages of~~) eighteen (~~and twenty-~~  
6 ~~eight~~) years of age or older; and

7       (~~(c)~~) (iii) Has no current or prior convictions for any sex  
8 offenses or for violent offenses.

9       The sentencing court may consider an offender eligible to be  
10 sentenced to a work ethic camp if the offender is or has been convicted  
11 of manufacturing, delivering, or possessing with intent to manufacture  
12 or deliver a controlled substance under RCW 69.50.401 and after a  
13 complete review of his or her criminal history has been conducted and  
14 approved by the sentencing judge and upon further approval by the  
15 department in accordance with all other terms and conditions of this  
16 section.

17       (b) The length of the work ethic camp program shall be at least one  
18 hundred twenty days and not more than one hundred eighty days. Because  
19 of the conversion ratio, earned early release time shall not accrue to  
20 offenders who successfully complete the program.

21       (2)(a) An offender is eligible to be sentenced to an illegal alien  
22 offender transition camp if the offender:

23       (i) Is sentenced to a term of total confinement of not less than  
24 twelve months and a day or more than thirty-six months;

25       (ii) Is eighteen years of age or older; and

26       (iii) Has no current or prior convictions for any sex offenses or  
27 violent offenses.

28       The sentencing court shall consider an offender eligible to be  
29 sentenced to an illegal alien offender transition camp if the offender  
30 is or has been convicted of manufacturing, delivering, or possessing  
31 with intent to manufacture or deliver a controlled substance under RCW  
32 69.50.401 and after a complete review of his or her criminal history  
33 has been conducted and approved by the sentencing judge and upon  
34 further approval by the department in accordance with all other terms  
35 and conditions of this section.

36       (b) The length of the illegal alien offender transition camp  
37 program shall be at least sixty days and not more than one hundred  
38 eighty days. Because of the conversion ratio, earned early release

1 time shall not accrue to offenders who successfully complete the  
2 program.

3 (3) If the sentencing judge determines that the offender is  
4 eligible for the work ethic camp or the illegal alien offender  
5 transition camp and is likely to qualify under subsection ((+3+)) (4)  
6 of this section, the judge shall impose a sentence within the standard  
7 range and may recommend that the offender serve the sentence at a work  
8 ethic camp or illegal alien offender transition camp. The sentence  
9 shall provide that if the offender successfully completes the program,  
10 the department shall convert the period of work ethic camp confinement  
11 at the rate of one day of work ethic camp confinement to three days of  
12 total standard confinement. The court shall also provide that upon  
13 completion of the work ethic camp program, the offender shall be  
14 released on community custody for any remaining time of total  
15 confinement. The department may identify offenders who are eligible  
16 for the work ethic camp or the illegal alien offender transition camp  
17 and, with concurrence from the sentencing judge, may refer the offender  
18 to the work ethic camp or illegal alien offender transition camp and  
19 adjust time served and community custody requirements as prescribed in  
20 this section. Offenders who successfully complete the illegal alien  
21 offender transition camp shall be classified as inmates on supervised  
22 release and immediately turned over to the custody of the immigration  
23 and naturalization services to be deported to his or her native  
24 country. If this transfer cannot immediately occur, the alien offender  
25 released from the illegal alien offender transition camp shall be held  
26 by the department until immigration and naturalization services can  
27 take custody of the alien offender or for a period of up to ten days  
28 after the expected release date. The department shall notify  
29 immigration and naturalization services of all illegal alien offenders  
30 and request that they begin any deportation proceedings as  
31 expeditiously as possible after the date the offender was convicted and  
32 secure a hard detainer and a deportation order. The department shall  
33 work to obtain the cooperation of the immigration and naturalization  
34 judges to hold accelerated hearings for incarcerated criminal aliens as  
35 soon as they enter the prison to ensure their immediate removal from  
36 the country upon their release by the department.

37 ((+3+)) (4) The department shall place the offender in the work  
38 ethic camp or illegal alien offender transition camp program, subject  
39 to capacity, unless (a) the department determines that the offender has

1 physical or mental impairments that would prevent participation and  
2 completion of the program, (b) the department determines that the  
3 offender's custody level prevents placement in the program, or (c) the  
4 offender refuses to agree to the terms and conditions of the program.

5 ~~((4))~~ (5) An ~~((inmate))~~ offender who fails to complete the work  
6 ethic camp or illegal alien offender transition camp program, who is  
7 administratively terminated from the program, or who otherwise violates  
8 any conditions of supervision, as defined by the department, shall be  
9 reclassified to serve the unexpired term of his or her sentence as  
10 ordered by the sentencing judge and shall be subject to all rules  
11 relating to earned early release time.

12 ~~((5) The length of the work ethic camp program shall be at least~~  
13 ~~one hundred twenty days and not more than one hundred eighty days.~~  
14 ~~Because of the conversion ratio, earned early release time shall not~~  
15 ~~accrue to offenders who successfully complete the program.))~~

16 (6) During the last two weeks prior to release from the work ethic  
17 camp program the department shall provide the nonillegal alien offender  
18 with comprehensive transition training.

19 (7) All alien offenders eligible for the illegal alien offender  
20 transition camp sentencing option shall be informed by the sentencing  
21 court of their possible sentencing options. The alien offender must  
22 agree in writing to the terms and conditions of the illegal alien  
23 offender transition camp at the time of sentencing. The terms and  
24 conditions of the illegal alien offender transition camp shall be  
25 provided to the alien offender, both verbally and in writing, in his or  
26 her native language. If the alien offender meets all of the  
27 eligibility requirements for the illegal alien offender transition camp  
28 and agrees in writing to the terms and conditions for participation,  
29 the sentencing judge shall consider this sentencing option first.

30 NEW SECTION. Sec. 8. A new section is added to chapter 72.09 RCW  
31 to read as follows:

32 The department shall establish an illegal alien offender transition  
33 camp. The secretary shall locate the illegal alien offender transition  
34 camp within an already existing department compound or facility. The  
35 facility selected for the camp shall appropriately accommodate the  
36 logistical and cost-effective objectives contained in RCW 72.09.400  
37 through 72.09.420, and 9.94A.137. The department shall be ready to  
38 assign inmates to the camp one hundred twenty days after July 1, 1995.

1 The department shall establish the illegal alien offender transition  
2 camp program cycle to last from sixty to one hundred eighty days. The  
3 department shall develop all aspects of the illegal alien offender  
4 transition camp program including, but not limited to, program  
5 standards, conduct standards, parameters, individual and team work  
6 goals, measures to hold the offender accountable for his or her  
7 behavior, and the successful completion of the illegal alien offender  
8 transition camp program granted to the offender based on successful  
9 attendance, participation, and performance as defined by the secretary.  
10 The illegal alien offender transition camp shall be designed and  
11 implemented so that offenders are engaged in meaningful work activities  
12 and unstructured time is kept to a minimum. The standards for work  
13 performance, physical work activities, and treatment of offenders'  
14 rights and responsibilities shall be equivalent to the work ethic camp  
15 for general inmates. The department shall staff the illegal alien  
16 offender transition camp with personnel that speak and understand the  
17 native language of the majority of the illegal offenders sentenced to  
18 the illegal alien offender transition camp. Only illegal aliens who  
19 can be released to the immigration and naturalization services for  
20 deportation at the time of their release from the camp shall be  
21 sentenced to the illegal alien offender transition camp.

22 NEW SECTION. **Sec. 9.** The department of corrections shall provide  
23 quarterly reports during the 1995-97 biennium to the appropriate  
24 committees of the house of representatives and senate of the  
25 department's progress in receiving federal reimbursement for the  
26 incarceration costs of undocumented alien felons. The department shall  
27 provide the first quarterly report to the legislature on or before July  
28 31, 1995. The department of corrections shall seek federal funding for  
29 the incarceration of undocumented felons and shall pursue amendments to  
30 the federal transfer treaty program to facilitate deportation of  
31 undocumented alien offenders to their home countries and specifically  
32 seek amendment of treaties which now require voluntary participation of  
33 the offender and loss of jurisdiction by the sending agency. The  
34 department shall ask the federal government to enforce the federal  
35 sanctions for alien reentry that allow alien offenders to have at least  
36 two prior felony convictions and at least two prior deportations before  
37 indictment for reentry is considered.

1       The department of corrections shall, on behalf of the governor, the  
2 house of representatives committee on corrections, and the senate  
3 committee on human services and corrections, send a letter with the  
4 signature of the governor, speaker of the house of representatives,  
5 president of the senate, chairman of the corrections committee of the  
6 house of representatives, and chairman of the senate committee on human  
7 services and corrections to the president of the United States,  
8 president of the United States senate, speaker of the United States  
9 house of representatives, and our state's congregational delegation  
10 asking for them to recognize the unfair and enormous economic burden  
11 created by the failure of the immigration and naturalization service to  
12 adequately stem the flow of illegal aliens, and as such, seek funding  
13 to fully compensate the state of Washington for the costs associated  
14 with incarcerating every alien offender in our jails and prisons or  
15 establish by federal decree a mechanism for deporting alien offenders  
16 to prisons in their respective countries while maintaining sentencing  
17 parity under an arrangement of remuneration established by treaty with  
18 the federal government.

19       NEW SECTION.   **Sec. 10.** The department of corrections shall review  
20 the staffing patterns of all corrections facilities and of the  
21 department of corrections headquarters and implement cost-efficiencies  
22 by streamlining the eleven levels of management into not more than  
23 seven levels and eliminating no less than twenty percent of management  
24 staff positions between the salary range of R99 through R46, including,  
25 but not limited to, assistant secretaries, assistant to the secretary,  
26 superintendents, associate superintendents, corrections managers, and  
27 unit supervisors. All other divisions within the department of  
28 corrections, excluding correctional industries, shall reduce staff by  
29 no less than five percent. All recreational leader positions 2s, 3s,  
30 and 4s shall be reduced by sixty percent and the eliminated  
31 recreational leader positions shall not be replaced by department of  
32 corrections staff or intermittent employees. The supervision of  
33 recreational activities shall be conducted by the remaining  
34 recreational leaders with the assistance of inmates working in class  
35 III correctional industries positions. The secretary of corrections  
36 shall implement a system for reducing overtime by fifty percent of what  
37 was reported in the 1994 calendar year. The secretary of corrections  
38 shall report to the appropriate committees of the legislature quarterly

1 beginning December 15, 1995, and ending in January 8, 1997, on the  
2 implementation of reduction of overtime cost- efficiencies. The  
3 legislative budget committee shall conduct a staffing ratio study of  
4 the department of corrections to assess the implementation of staff  
5 reductions mandated in this chapter. The report shall be submitted to  
6 appropriate committees of the house of representatives and the senate  
7 by December 12, 1995.

8 The legislative budget committee shall also conduct a program audit  
9 review of the department of corrections budget process and the  
10 department of corrections operating budget request to the governor for  
11 the 1995-97 biennium. The audit shall investigate specific budget  
12 requests for items and identify if these items could be purchased at a  
13 lower cost than what was reported by the department and identify if  
14 inmate labor could have reasonably, safely, and effectively been used  
15 in the place of the requested item that was to be purchased.

16 **Sec. 11.** RCW 72.09.070 and 1994 sp.s. c 7 s 535 are each amended  
17 to read as follows:

18 (1) There is created a correctional industries board of directors  
19 which shall have the composition provided in RCW 72.09.080.

20 (2) Consistent with general department of corrections policies and  
21 procedures pertaining to the general administration of correctional  
22 facilities, the board shall establish and implement policy for  
23 correctional industries programs designed to:

24 (a) Offer inmates meaningful employment, work experience, and  
25 training in vocations that are specifically designed to reduce  
26 recidivism and thereby enhance public safety by providing opportunities  
27 for legitimate means of livelihood upon their release from custody;

28 (b) Provide industries which will reduce the tax burden of  
29 corrections and save taxpayers money through production of goods and  
30 services for sale and use;

31 (c) Operate correctional work programs in an effective and  
32 efficient manner which are as similar as possible to those provided by  
33 the private sector;

34 (d) Encourage the development of and provide for selection of,  
35 contracting for, and supervision of work programs with participating  
36 private enterprise firms;

37 (e) Develop and design correctional industries work programs;

1 (f) Invest available funds in correctional industries enterprises  
2 and meaningful work programs that minimize the impact on in-state jobs  
3 and businesses.

4 (3) The board of directors shall at least annually review the work  
5 performance of the director of correctional industries division with  
6 the secretary.

7 (4) The director of correctional industries division shall review  
8 and evaluate the productivity, funding, and appropriateness of all  
9 correctional work programs and report on their effectiveness to the  
10 board and to the secretary.

11 (5) The board of directors shall have the authority to identify and  
12 establish trade advisory or apprenticeship committees to advise them on  
13 correctional industries work programs. The secretary shall appoint the  
14 members of the committees.

15 Where a labor management trade advisory and apprenticeship  
16 committee has already been established by the department pursuant to  
17 RCW 72.62.050 the existing committee shall also advise the board of  
18 directors.

19 (6) The board shall develop a strategic yearly marketing plan that  
20 shall be consistent with and work towards achieving the goals  
21 established in the six-year phased expansion of class I and class II  
22 correctional industries established in RCW 72.09.111. This marketing  
23 plan shall be presented to the appropriate committees of the  
24 legislature by January 17 of each calendar year until the goals set  
25 forth in RCW 72.09.111 are achieved.

26 (7) The board shall review the feasibility of implementing the  
27 following correctional industries and report to the appropriate  
28 committees of the legislature by December 12, 1995, if these industries  
29 are, appropriate, feasible, and cost-effective to implement as required  
30 under this chapter:

31 (a) Use Airway Heights prison kitchen for an industrial cooks  
32 training program for offenders; and

33 (b) Use Airway Heights prison kitchen to prepare kosher meals for  
34 corrections facilities inside and outside the state of Washington;

35 (c) Use inmate work crews on any maintenance, construction, or  
36 repair of existing adult or juvenile corrections facilities;

37 (d) Establish a refuse recycle program that employs appropriate  
38 offenders outside the prison;

1       (e) In coordination with Washington State University implement a  
2 juvenile and adult corrections self-sufficiency agriculture program  
3 using adult inmate labor and department of corrections land. The board  
4 shall instruct the department to officially request an environmental  
5 impact waiver from the federal government to make modifications to farm  
6 land currently in use at McNeil Island to increase the yield; and

7       (f) Seek housing trust funds under chapter 43.185 RCW and other  
8 federal funds, to construct portable migrant farmworker housing using  
9 inmate work crews.

10       (8) The board shall review all current and newly recommended  
11 vocational education programs to insure that the curriculum corresponds  
12 to correctional jobs within the prisons.

13       (9) The board shall review the class I correctional industries  
14 program and suggest any incentives to attract additional industries.

15       NEW SECTION. Sec. 12. A new section is added to chapter 72.09 RCW  
16 to read as follows:

17       Any construction firm conducting construction on a new adult or  
18 juvenile facility authorized by the legislature after January 1, 1995,  
19 or for any adult or juvenile facility that will be constructed by the  
20 department and available for occupancy after January 1, 1996, or any  
21 juvenile or adult corrections facility that will require new  
22 construction to increase the bed capacity after January 1, 1996, shall  
23 contract with the department of corrections to hire inmates under the  
24 custody of the department. Inmate labor shall make up a percentage of  
25 the total nonskilled labor staff of the construction project to be  
26 determined by the correctional industries advisory board. The  
27 department shall be responsible for monitoring all inmates used for  
28 inmate work crew construction projects. Serious violent offenders or  
29 sex offenders shall not be allowed to work on any construction projects  
30 outside the confines of an existing prison facility. The department  
31 shall insure that no adult offender is allowed to commingle with a  
32 juvenile offender during a construction job using inmate work crews in  
33 a juvenile facility. The department shall comply with all federal  
34 regulations pertaining to adult offenders conducting legitimate work in  
35 juvenile correctional facilities.

36       NEW SECTION. Sec. 13. A new section is added to chapter 72.09 RCW  
37 to read as follows:

1       The department shall consider perimeter security options, taking  
2 into consideration all available technologies, that do not include  
3 perimeter guard towers requiring personnel for all medium and maximum  
4 security correctional facilities designed and scheduled for  
5 construction by the department after December 12, 1996.

6       **Sec. 14.** RCW 72.10.030 and 1989 c 157 s 4 are each amended to read  
7 as follows:

8       (1) Notwithstanding any other provisions of law, the secretary may  
9 enter into contracts with health care practitioners, health care  
10 facilities, and other entities or agents as may be necessary to provide  
11 basic medical care to inmates. The contracts shall not cause the  
12 termination of classified employees of the department rendering the  
13 services at the time the contract is executed.

14       (2) In contracting for services, the secretary is authorized to  
15 provide for indemnification of health care practitioners who cannot  
16 obtain professional liability insurance through reasonable effort, from  
17 liability on any action, claim, or proceeding instituted against them  
18 arising out of the good faith performance or failure of performance of  
19 services on behalf of the department. The contracts may provide that  
20 for the purposes of chapter 4.92 RCW only, those health care  
21 practitioners with whom the department has contracted shall be  
22 considered state employees. The legislative budget committee shall  
23 contract with a private research company to conduct a review of the  
24 corrections medical system and assess the potential cost savings that  
25 could be realized by contracting all corrections medical services  
26 through a procurement process. The legislative budget committee review  
27 shall be submitted to appropriate committees of the legislature by  
28 December 12, 1995. If the legislative budget committee review  
29 indicates that the state can realize a savings through contracting for  
30 corrections medical services, the department may initiate a competitive  
31 bidding process for all corrections medical services. The review shall  
32 require that any contract for correctional medical services shall  
33 include contracted services using employees' wages set at no less than  
34 the existing department of corrections salary schedule.

35       NEW SECTION. **Sec. 15.** The legislative budget committee shall,  
36 with assistance from the department of transportation, review the  
37 department of corrections marine transportation operation and fleet and

1 conduct a cost-efficiency analysis. The analysis shall include a cost  
2 analysis of privatizing the operation of the marine fleet or  
3 privatizing both the marine fleet and the operation, and a comparison  
4 of corrections state employee salaries with equivalent private marine  
5 positions salaries. The legislative budget committee shall report  
6 their findings to appropriate committees of the legislature by December  
7 12, 1995.

8 NEW SECTION. **Sec. 16.** A new section is added to chapter 72.09 RCW  
9 to read as follows:

10 The department shall establish a corrections cost-efficiency and  
11 public safety focus group. The focus group shall be composed of one  
12 management representative from each correctional facility and one  
13 nonmanagement line staff member from each correctional facility to be  
14 chosen by a vote taken by the nonmanagement staff, and five members of  
15 the community including a prosecutor, a law enforcement officer, a  
16 public defender, a prison inmates family member chosen by the public  
17 defenders association, and a representative from a victims rights group  
18 chosen by the governor. The focus group shall meet quarterly and  
19 submit a report to the legislature by December 12 of each year. The  
20 report shall contain recommendations on methods for improving the  
21 operation of the corrections facilities, design suggestions on  
22 efficiencies for new prison construction, identifying specific cost-  
23 efficiencies in individual facilities and the corrections system in  
24 general, methods for impacting offender recidivism, and making the  
25 corrections system safer for employees and the public. The secretary  
26 shall provide such staff services, facilities, and equipment, as the  
27 focus group shall require to carry out its duties. Members of the  
28 cost-efficiency and public safety focus group shall serve on a  
29 voluntary basis and shall be reimbursed only for travel expenses and  
30 per diem under RCW 43.03.050 and 43.03.060. The focus group shall  
31 determine if weight lifting shall be allowed or restricted in  
32 department facilities according to the terms and conditions outlined in  
33 section 3 of this act.

34 NEW SECTION. **Sec. 17.** A new section is added to chapter 72.09 RCW  
35 to read as follows:

36 (1) There is hereby created a joint committee on cost-efficiencies  
37 oversight. The committee shall consist of: (a) Two members of the

1 senate appointed by the president of the senate, one of whom shall be  
2 a member of the majority party and one of whom shall be a member of the  
3 minority party; and (b) two members of the house of representatives  
4 appointed by the speaker of the house of representatives, one of whom  
5 shall be a member of the majority party and one of whom shall be a  
6 member of the minority party. Members of the committee shall be  
7 appointed before the close of each regular session during an odd-  
8 numbered year.

9 (2) Each member's term of office shall run from the close of the  
10 session in which the member was appointed until the close of the next  
11 regular session held in an odd-numbered year. If a successor is not  
12 appointed during a session, the member's term shall continue until the  
13 member is reappointed or a successor is appointed. The term of office  
14 for a committee member who does not continue as a member of the senate  
15 or house of representatives shall cease upon the convening of the next  
16 session of the legislature during an odd-numbered year after the  
17 member's appointment, or upon the member's resignation, whichever is  
18 earlier. Vacancies on the committee shall be filled by appointment in  
19 the same manner as described in subsection (1) of this section. All  
20 such vacancies shall be filled from the same political party and from  
21 the same house as the member whose seat was vacated.

22 (3) The committee shall elect a chair and a vice-chair. The chair  
23 shall be a member of the senate in even-numbered years and a member of  
24 the house of representatives in odd-numbered years.

25 (4) The committee shall have the following powers and duties:

26 (a) Oversee the implementation of chapter . . . , Laws of 1995 (this  
27 act) and related chapters of the Revised Code of Washington;

28 (b) Periodically make recommendations to the appropriate committees  
29 of the legislature and the governor regarding cost-efficiencies;

30 (c) Oversee the compliance with other specified provisions of  
31 chapter . . . , Laws of 1995 (this act);

32 (d) Provide directions to appropriate committee staff to conduct or  
33 cause to be conducted appropriate studies and review; and make  
34 necessary recommendations to the legislature;

35 (e) Review rules prepared by the department of corrections and  
36 department of social and health services where appropriate to ensure  
37 consistency with the policies of chapter . . . , Laws of 1995 (this  
38 act);

1 (f) Oversee all reports referred to the legislative budget  
2 committee; and

3 (g) Oversee the cost-efficiency and public safety oversight group.

4 (5) By December 12, 1996, the committee shall report to the  
5 appropriate committees of the legislature on the amount of cost savings  
6 realized in the department and report its further recommendation to  
7 address expenditure growth in the department of corrections.

8 (6) The joint committee on department of corrections cost-  
9 efficiencies oversight shall terminate on January 1, 1998.

10 **Sec. 18.** RCW 43.17.200 and 1983 c 204 s 4 are each amended to read  
11 as follows:

12 (1) Except as provided in subsection (2) of this section, all state  
13 agencies including all state departments, boards, councils,  
14 commissions, and quasi public corporations shall allocate, as a  
15 nondeductible item, out of any moneys appropriated for the original  
16 construction of any public building, an amount of one-half of one  
17 percent of the appropriation to be expended by the Washington state  
18 arts commission for the acquisition of works of art created by  
19 Washington state artists. The works of art may be placed on public  
20 lands, integral to or attached to a public building or structure,  
21 detached within or outside a public building or structure, part of a  
22 portable exhibition or collection, part of a temporary exhibition, or  
23 loaned or exhibited in other public facilities. In addition to the  
24 cost of the works of art the one-half of one percent of the  
25 appropriation as provided herein shall be used to provide for the  
26 administration of the visual arts program by the Washington state arts  
27 commission and all costs for installation of the works of art. For the  
28 purpose of this section building shall not include highway construction  
29 sheds, warehouses, or other buildings of a temporary nature.

30 (2) Subsection (1) of this section shall not apply to the  
31 construction of any facility under the control of the department of  
32 corrections and used for the incarceration, treatment, or  
33 rehabilitation of convicted persons, or any facility under the control  
34 of the department of social and health services and used for juvenile  
35 rehabilitation.

1        NEW SECTION.    **Sec. 19.**    This act shall be known as the department  
2 of corrections cost-efficiency and inmate responsibility and  
3 accountability omnibus act.

4        NEW SECTION.    **Sec. 20.**    If any provision of this act or its  
5 application to any person or circumstance is held invalid, the  
6 remainder of the act or the application of the provision to other  
7 persons or circumstances is not affected.

8        NEW SECTION.    **Sec. 21.**    This act is necessary for the immediate  
9 preservation of the public peace, health, or safety, or support of the  
10 state government and its existing public institutions, and shall take  
11 effect immediately.

--- END ---