
SUBSTITUTE HOUSE BILL 1429

State of Washington

63rd Legislature

2013 Regular Session

By House Public Safety (originally sponsored by Representatives Seaquist, Roberts, Pollet, Goodman, Takko, Walsh, Maxwell, Hunter, Appleton, Kagi, Bergquist, Santos, Freeman, and Jinkins)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to inmate postsecondary education degree programs
2 to reduce recidivism; and amending RCW 72.09.460 and 72.09.465.

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

4 **Sec. 1.** RCW 72.09.460 and 2007 c 483 s 402 are each amended to
5 read as follows:

6 (1) The legislature intends that all inmates be required to
7 participate in department-approved education programs, work programs,
8 or both, unless exempted as specifically provided in this section.
9 Eligible inmates who refuse to participate in available education or
10 work programs available at no charge to the inmates shall lose
11 privileges according to the system established under RCW 72.09.130.
12 Eligible inmates who are required to contribute financially to an
13 education or work program and refuse to contribute shall be placed in
14 another work program. Refusal to contribute shall not result in a loss
15 of privileges.

16 (2) The legislature recognizes more inmates may agree to
17 participate in education and work programs than are available. The
18 department must make every effort to achieve maximum public benefit by

1 placing inmates in available and appropriate education and work
2 programs.

3 (3) Recognizing that there is a positive correlation between
4 education opportunities and reduced recidivism, it is the intent of the
5 legislature to offer appropriate postsecondary opportunities to
6 inmates.

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

10 (i) Achievement of basic academic skills through obtaining a high
11 school diploma or its equivalent;

12 (ii) Achievement of vocational skills necessary for purposes of
13 work programs and for an inmate to qualify for work upon release;

14 (iii) Additional work and education programs necessary for
15 compliance with an offender's individual reentry plan under RCW
16 72.09.270 (~~with the exception of postsecondary education degree~~
17 ~~programs as provided in RCW 72.09.465)); and~~

18 (iv) Other appropriate vocational, work, or education programs that
19 are not necessary for compliance with an offender's individual reentry
20 plan under RCW 72.09.270 (~~with the exception of~~) including
21 postsecondary education degree programs (~~as provided in RCW~~
22 ~~72.09.465)).~~

23 (b) If programming is provided pursuant to (a)(i) through (iii) of
24 this subsection, the department shall pay the cost of such programming,
25 including but not limited to books, materials, supplies, and postage
26 costs related to correspondence courses.

27 (c) If programming is provided pursuant to (a)(iv) of this
28 subsection, inmates shall be required to pay all or a portion of the
29 costs, including books, fees, and tuition, for participation in any
30 vocational, work, or education program as provided in department
31 policies. Department policies shall include a formula for determining
32 how much an offender shall be required to pay. The formula shall
33 include steps which correlate to an offender average monthly income or
34 average available balance in a personal inmate savings account and
35 which are correlated to a prorated portion or percent of the per credit
36 fee for tuition, books, or other ancillary costs. The formula shall be
37 reviewed every two years. A third party may pay directly to the
38 department all or a portion of costs and tuition for any programming

1 provided pursuant to (a)(iv) of this subsection on behalf of an inmate.
2 Such payments shall not be subject to any of the deductions as provided
3 in this chapter.

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

9 (e) Any funds collected by the department under (c) and (d) of this
10 subsection and subsections ~~((+8) and)~~ (9) and (10) of this section
11 shall be used solely for the creation, maintenance, or expansion of
12 inmate educational and vocational programs.

13 ~~((+4))~~ (5) The department shall provide access to a program of
14 education to all offenders who are under the age of eighteen and who
15 have not met high school graduation or general equivalency diploma
16 requirements in accordance with chapter 28A.193 RCW. The program of
17 education established by the department and education provider under
18 RCW 28A.193.020 for offenders under the age of eighteen must provide
19 each offender a choice of curriculum that will assist the inmate in
20 achieving a high school diploma or general equivalency diploma. The
21 program of education may include but not be limited to basic education,
22 prevocational training, work ethic skills, conflict resolution
23 counseling, substance abuse intervention, and anger management
24 counseling. The curriculum may balance these and other rehabilitation,
25 work, and training components.

26 ~~((+5))~~ (6)(a) In addition to the policies set forth in this
27 section, the department shall consider the following factors in
28 establishing criteria for assessing the inclusion of education and work
29 programs in an inmate's individual reentry plan and in placing inmates
30 in education and work programs:

31 (i) An inmate's release date and custody level. An inmate shall
32 not be precluded from participating in an education or work program
33 solely on the basis of his or her release date, except that inmates
34 with a release date of more than one hundred twenty months in the
35 future shall not comprise more than ten percent of inmates
36 participating in a new class I correctional industry not in existence
37 on June 10, 2004;

38 (ii) An inmate's education history and basic academic skills;

1 (iii) An inmate's work history and vocational or work skills;
2 (iv) An inmate's economic circumstances, including but not limited
3 to an inmate's family support obligations; and
4 (v) Where applicable, an inmate's prior performance in department-
5 approved education or work programs;

6 (b) The department shall establish, and periodically review, inmate
7 behavior standards and program goals for all education and work
8 programs. Inmates shall be notified of applicable behavior standards
9 and program goals prior to placement in an education or work program
10 and shall be removed from the education or work program if they
11 consistently fail to meet the standards or goals.

12 ~~((+6))~~ (7) Eligible inmates who refuse to participate in available
13 education or work programs available at no charge to the inmates shall
14 lose privileges according to the system established under RCW
15 72.09.130. Eligible inmates who are required to contribute financially
16 to an education or work program and refuse to contribute shall be
17 placed in another work program. Refusal to contribute shall not result
18 in a loss of privileges.

19 ~~((+7))~~ (8) The department shall establish, by rule, objective
20 medical standards to determine when an inmate is physically or mentally
21 unable to participate in available education or work programs. When
22 the department determines an inmate is permanently unable to
23 participate in any available education or work program due to a health
24 condition, the inmate is exempt from the requirement under subsection
25 (1) of this section. When the department determines an inmate is
26 temporarily unable to participate in an education or work program due
27 to a medical condition, the inmate is exempt from the requirement of
28 subsection (1) of this section for the period of time he or she is
29 temporarily disabled. The department shall periodically review the
30 medical condition of all inmates with temporary disabilities to ensure
31 the earliest possible entry or reentry by inmates into available
32 programming.

33 ~~((+8))~~ (9) The department shall establish policies requiring an
34 offender to pay all or a portion of the costs and tuition for any
35 vocational training or postsecondary education program if the offender
36 previously abandoned coursework related to education or vocational
37 training without excuse as defined in rule by the department.
38 Department policies shall include a formula for determining how much an

1 offender shall be required to pay. The formula shall include steps
2 which correlate to an offender average monthly income or average
3 available balance in a personal inmate savings account and which are
4 correlated to a prorated portion or percent of the per credit fee for
5 tuition, books, or other ancillary costs. The formula shall be
6 reviewed every two years. A third party may pay directly to the
7 department all or a portion of costs and tuition for any program on
8 behalf of an inmate under this subsection. Such payments shall not be
9 subject to any of the deductions as provided in this chapter.

10 ~~((9))~~ (10) Notwithstanding any other provision in this section,
11 an inmate sentenced to life without the possibility of release,
12 sentenced to death under chapter 10.95 RCW, or subject to the
13 provisions of 8 U.S.C. Sec. 1227:

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

17 (b) May receive not more than one postsecondary academic degree in
18 a program offered by the department or its contracted providers;

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

21 (d) Shall be subject to the applicable provisions of this chapter
22 relating to inmate financial responsibility for programming.

23 **Sec. 2.** RCW 72.09.465 and 2007 c 483 s 403 are each amended to
24 read as follows:

25 (1) The department ~~((shall, if funds are appropriated for the
26 specific purpose,))~~ may implement postsecondary education degree
27 programs ~~((within))~~ at state correctional institutions~~((, including the
28 state correctional institution with the largest population of female
29 inmates))~~ within available resources. The department shall consider
30 for inclusion in any postsecondary education degree program, any
31 postsecondary education degree program from an accredited community
32 college, college, or university that is part of an associate of arts,
33 baccalaureate, masters of arts, or other graduate degree program.

34 (2) ~~((Except as provided in subsection (3) of this section,))~~
35 Inmates ((shall)) not meeting the department's priority criteria for
36 the state-funded postsecondary education degree program shall be
37 required to pay the costs for participation in ~~((any))~~ a postsecondary

1 education degree program(~~(s established under this subsection~~
2 ~~[section])~~) if he or she elects to participate through self-pay,
3 including costs of books, fees, tuition, or any other appropriate
4 ancillary costs, by one or more of the following means:

5 (a) The inmate who is participating in the postsecondary education
6 degree program (~~(shall)~~) may, during confinement, provide the required
7 payment or payments to the department; or

8 (b) A third party (~~(shall)~~) may provide the required payment or
9 payments directly to the department on behalf of an inmate, and such
10 payments shall not be subject to any of the deductions as provided in
11 this chapter.

12 (3) The department may accept any and all donations and grants of
13 money, equipment, supplies, materials, and services from any third
14 party, including but not limited to nonprofit entities, and may
15 receive, utilize, and dispose of same to provide postsecondary
16 education to inmates.

17 (4) An inmate may be selected to participate in a state-funded
18 postsecondary education degree program, based on priority determined by
19 the department.

20 (5) Any funds collected by the department under this section (~~and~~
21 ~~RCW 72.09.450(4)~~) shall be used solely for the creation, maintenance,
22 or expansion of inmate postsecondary education degree programs.

--- END ---