

WAC 137-28-410 Restitution. (1) If the hearing officer imposes restitution as a sanction, the amount of restitution owed shall be determined at the infraction hearing. However, the hearing officer may continue the hearing in order to secure additional evidence regarding restitution. If continued, the incarcerated individual shall be present at the continued/reconvened hearing.

(2) The amount of restitution will be the replacement value of the item, the cost of repair, and/or the cost of any expense caused by the incarcerated individual's misconduct.

(3) The incarcerated individual may appeal the amount of restitution within the time limits of this chapter. If under appeal, the amount of the restitution will be held in the incarcerated individual's account, but funds will not be withdrawn/withheld until the superintendent has decided the appeal.

(4) Restitution funds may be collected in the following ways:

(a) The funds may be withdrawn from the incarcerated individual's account to make restitution, provided the incarcerated individual's account is not reduced to less than \$10; or

(b) Twenty percent of all funds being placed in the incarcerated individual's account may be taken until the restitution is paid in full.

[Statutory Authority: RCW 79.01.090. WSR 23-22-112, § 137-28-410, filed 10/31/23, effective 12/1/23. Statutory Authority: RCW 72.01.090, 72.65.100, and 72.09.130. WSR 15-20-011, § 137-28-410, filed 9/24/15, effective 1/8/16. WSR 95-15-044, § 137-28-410, filed 7/13/95, effective 8/15/95.]