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**SECOND SUBSTITUTE SENATE BILL 5893**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators C. Wilson, Kuderer, Frame, Hasegawa, Nguyen, Nobles, Trudeau, and Wellman)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to providing gate money to incarcerated  
2 individuals at the department of corrections; and amending RCW  
3 72.02.100, 72.66.070, and 72.09.480.

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

5 **Sec. 1.** RCW 72.02.100 and 2023 c 467 s 2 are each amended to  
6 read as follows:

7 (1) Any person serving a sentence for a term of confinement in a  
8 state correctional facility for convicted felons, pursuant to court  
9 commitment, who is thereafter released upon an order of parole of the  
10 indeterminate sentence review board, or who is discharged from  
11 custody upon expiration of sentence, or who is ordered discharged  
12 from custody by a court of appropriate jurisdiction, shall be  
13 entitled to retain his or her earnings from labor or employment while  
14 in confinement and shall be supplied by the superintendent of the  
15 state correctional facility with suitable and presentable clothing,  
16 the sum of no less than \$40 for subsistence, and transportation by  
17 the least expensive method of public transportation not to exceed the  
18 cost of \$100 to his or her place of residence or the place designated  
19 in his or her parole plan, or to the place from which committed if  
20 such person is being discharged on expiration of sentence, or  
21 discharged from custody by a court of appropriate jurisdiction:

1 PROVIDED, That up to an additional \$60 may be made available to the  
2 parolee for necessary personal and living expenses upon application  
3 to and approval by such person's community corrections officer. If in  
4 the opinion of the superintendent suitable arrangements have been  
5 made to provide the person to be released with suitable clothing  
6 and/or the expenses of transportation, the superintendent may consent  
7 to such arrangement. If the superintendent has reasonable cause to  
8 believe that the person to be released has ample funds, with the  
9 exception of earnings from labor or employment while in confinement,  
10 to assume the expenses of clothing, transportation, or the expenses  
11 for which payments made pursuant to this section or RCW 72.02.110 or  
12 any one or more of such expenses, the person released shall be  
13 required to assume such expenses.

14 (2) (a) The same requirements of subsection (1) of this section  
15 shall apply to any person who is serving a sentence for a term of  
16 confinement in a state correctional facility and is:

17 (i) Transferred to community custody under the supervision of the  
18 department of corrections pursuant to RCW 9.94A.501, or in lieu of  
19 earned release time under RCW 9.94A.729;

20 (ii) Transferred from a department correctional facility to  
21 partial confinement as home detention in the community as part of the  
22 graduated reentry program under RCW 9.94A.733 or the parenting  
23 program under RCW 9.94A.6551;

24 (iii) Transferred from a department correctional facility to  
25 partial confinement in lieu of earned early release under RCW  
26 9.94A.729, or as part of the work release program under chapter 72.65  
27 RCW; or

28 (iv) Conditionally released by the indeterminate sentence review  
29 board with conditions of community custody under the supervision of  
30 the department pursuant to RCW 9.95.011, 9.95.420, 9.94A.730, or  
31 10.95.030.

32 (b) The items and arrangements to be supplied by the  
33 superintendent of the state correctional facility under this  
34 subsection must be provided at the moment of the person's transfer  
35 from total confinement to partial confinement, or transfer from total  
36 confinement to community custody.

37 (3) (a) The department of corrections may only provide the funds  
38 for subsistence required by subsection (1) or (2) of this section one  
39 time to any person serving a sentence for a term of confinement in a  
40 state correctional facility.

1 (b) Any funds for subsistence provided to a person under this  
2 section shall not be subject to any deductions required under RCW  
3 72.09.480 or chapter 72.11 RCW.

4 (4)(a) The department of corrections may provide temporary  
5 housing assistance for a person being released from any state  
6 correctional facility through the use of rental vouchers, for a  
7 period not to exceed six months, if the department finds that such  
8 assistance will support the person's release into the community by  
9 preventing housing instability or homelessness. The department's  
10 authority to provide vouchers under this section is independent of  
11 its authority under RCW 9.94A.729; however, a person may not receive  
12 a combined total of rental vouchers in excess of six months for each  
13 release from a state correctional facility.

14 (b) The department shall establish policies for prioritizing  
15 funds available for housing vouchers under this section for persons  
16 at risk of releasing homeless or becoming homeless without assistance  
17 while taking into account risk to reoffend.

18 **Sec. 2.** RCW 72.66.070 and 1971 ex.s. c 58 s 8 are each amended  
19 to read as follows:

20 The department (~~may~~) shall provide or arrange for  
21 transportation for furloughed prisoners to the designated place of  
22 residence within the state and (~~may~~) shall, in addition, supply  
23 funds (~~not to exceed forty dollars~~) in the sum of no less than \$40  
24 and suitable clothing, such clothing to be returned to the  
25 institution on the expiration of furlough.

26 **Sec. 3.** RCW 72.09.480 and 2023 c 111 s 1 are each amended to  
27 read as follows:

28 (1) Unless the context clearly requires otherwise, the  
29 definitions in this section apply to this section.

30 (a) "Cost of incarceration" means the cost of providing an inmate  
31 with shelter, food, clothing, transportation, supervision, and other  
32 services and supplies as may be necessary for the maintenance and  
33 support of the inmate while in the custody of the department, based  
34 on the average per inmate costs established by the department and the  
35 office of financial management.

36 (b) "Minimum term of confinement" means the minimum amount of  
37 time an inmate will be confined in the custody of the department,

1 considering the sentence imposed and adjusted for the total potential  
2 earned early release time available to the inmate.

3 (c) "Program" means any series of courses or classes necessary to  
4 achieve a proficiency standard, certificate, or postsecondary degree.

5 (2) When an inmate, except as provided in subsections (4) through  
6 (~~(10)~~) (11) of this section, receives any funds in addition to his  
7 or her wages or gratuities, except settlements or awards resulting  
8 from legal action, the additional funds shall be subject to the  
9 following deductions and the priorities established in chapter 72.11  
10 RCW:

11 (a) Five percent to the crime victims' compensation account  
12 provided in RCW 7.68.045;

13 (b) Ten percent to a department personal inmate savings account;

14 (c) Twenty percent for payment of legal financial obligations for  
15 all inmates who have legal financial obligations owing in any  
16 Washington state superior court;

17 (d) Twenty percent for any child support owed under a support  
18 order;

19 (e) Twenty percent to the department to contribute to the cost of  
20 incarceration; and

21 (f) Twenty percent for payment of any civil judgment for assault  
22 for all inmates who are subject to a civil judgment for assault in  
23 any Washington state court or federal court.

24 (3) When an inmate, except as provided in subsection (10) of this  
25 section, receives any funds from a settlement or award resulting from  
26 a legal action, the additional funds shall be subject to the  
27 deductions in RCW 72.09.111(1)(a) and the priorities established in  
28 chapter 72.11 RCW.

29 (4) When an inmate who is subject to a child support order  
30 receives funds from an inheritance, the deduction required under  
31 subsection (2)(e) and (f) of this section shall only apply after the  
32 child support obligation has been paid in full.

33 (5) The amount deducted from an inmate's funds under subsection  
34 (2) of this section shall not exceed the department's total cost of  
35 incarceration for the inmate incurred during the inmate's minimum or  
36 actual term of confinement, whichever is longer.

37 (6)(a) The deductions required under subsection (2) of this  
38 section shall not apply to funds received by the department from an  
39 offender or from a third party on behalf of an offender for payment

1 of education or vocational programs or postsecondary education degree  
2 programs as provided in RCW 72.09.460 and 72.09.465.

3 (b) The deductions required under subsection (2) of this section  
4 shall not apply to funds received by the department from a third  
5 party, including but not limited to a nonprofit entity on behalf of  
6 the department's education, vocation, or postsecondary education  
7 degree programs.

8 (7) The deductions required under subsection (2) of this section  
9 shall not apply to any money received by the department, on behalf of  
10 an inmate, from family or other outside sources for the payment of  
11 postage expenses. Money received under this subsection may only be  
12 used for the payment of postage expenses and may not be transferred  
13 to any other account or purpose. Money that remains unused in the  
14 inmate's postage fund at the time of release shall be subject to the  
15 deductions outlined in subsection (2) of this section.

16 (8) The deductions required under subsection (2) of this section  
17 do not apply to any money received by the department on behalf of an  
18 inmate from family or other outside sources for the payment of  
19 certain medical expenses. Money received under this subsection may  
20 only be used for the payment of medical expenses associated with the  
21 purchase of eyeglasses, over-the-counter medications, and offender  
22 copayments. Funds received specifically for these purposes may not be  
23 transferred to any other account or purpose. Money that remains  
24 unused in the inmate's medical fund at the time of release is subject  
25 to deductions under subsection (2) of this section.

26 (9) The deductions required under subsection (2) of this section  
27 do not apply to any money received by the department on behalf of an  
28 inmate from family or other outside sources for the purchase of  
29 commissary items. Money received under this subsection may only be  
30 used for the purchase of items on the facility commissary list. The  
31 amount received by each inmate under this subsection may not exceed  
32 the monthly allowance for commissary purchases as allowed by the  
33 department. Funds received specifically for these purposes may not be  
34 transferred to any other fund, account, or purpose. Money that  
35 remains unused in the inmate's commissary fund at the time of release  
36 is subject to deductions under subsection (2) of this section.

37 (10) Inmates sentenced to life imprisonment without possibility  
38 of release or sentenced to death under chapter 10.95 RCW receives  
39 funds, deductions are required under subsection (2) of this section,

1 with the exception of a personal inmate savings account under  
2 subsection (2)(b) of this section.

3 (11) The deductions required under subsection (2) of this section  
4 do not apply to funds for subsistence issued by the department to an  
5 inmate:

6 (a) Upon the person's transfer from total confinement to partial  
7 confinement, or transfer from total confinement to community custody,  
8 pursuant to RCW 72.02.100; or

9 (b) For a furlough pursuant to RCW 72.66.070.

10 (12) The secretary of the department of corrections, or his or  
11 her designee, may exempt an inmate from a personal inmate savings  
12 account under subsection (2)(b) of this section if the inmate's  
13 earliest release date is beyond the inmate's life expectancy.

14 ~~((12))~~ (13) The interest earned on an inmate savings account  
15 created as a result of the plan in section 4, chapter 325, Laws of  
16 1999 shall be exempt from the mandatory deductions under this section  
17 and RCW 72.09.111.

18 ~~((13))~~ (14) Nothing in this section shall limit the authority  
19 of the department of social and health services division of child  
20 support, the county clerk, or a restitution recipient from taking  
21 collection action against an inmate's moneys, assets, or property  
22 pursuant to chapter 9.94A, 26.23, 74.20, or 74.20A RCW including, but  
23 not limited to, the collection of moneys received by the inmate from  
24 settlements or awards resulting from legal action.

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