

(3) Of the amounts retained in subsection (1)(b) of this section for race meets, those race meets which have gross receipts of all parimutuel machines averaging five hundred thousand dollars or less for each authorized day of racing:

(a) Forty-five percent shall be used for Washington bred breeder awards, not to exceed twenty percent of the winner's share of the purse.

(b) Any portion of the remaining two percent may be used to support the general purse structure of the race meet, except that all such increased revenue to the licensee to be used for purses will be in addition to and will not supplant the customary purse structure between racetracks and participating horsemen.

(4) As used in this section, "exotic races" means daily doubles, quinellas, trifectas, and exactas. Exotic races are subject to the approval of the commission.

NEW SECTION. Sec. 2. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 11, 1981.

Passed the House April 24, 1981.

Approved by the Governor May 12, 1981.

Filed in Office of Secretary of State May 12, 1981.

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## CHAPTER 136

[Second Substitute House Bill No. 235]

### CORRECTIONS REFORM ACT OF 1981

AN ACT Relating to corrections; amending section 2, chapter 316, Laws of 1977 ex. sess. as amended by section 11, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.020; amending section 18, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.180; amending section 33, chapter 249, Laws of 1909 as last amended by section 1, chapter 295, Laws of 1971 ex. sess. and RCW 9.92.080; amending section 7, chapter 133, Laws of 1955 as last amended by section 1, chapter 141, Laws of 1979 and RCW 9.95.060; amending section 13, chapter 133, Laws of 1955 as last amended by section 2, chapter 141, Laws of 1979 and RCW 9.95.120; amending section 3, chapter 98, Laws of 1969 as amended by section 3, chapter 141, Laws of 1979 and RCW 9.95.121; amending section 6, chapter 98, Laws of 1969 as amended by section 4, chapter 141, Laws of 1979 and RCW 9.95.124; amending section 3, chapter 114, Laws of 1935 as last amended by section 5, chapter 141, Laws of 1979 and RCW 9.95.170; amending section 3, chapter 227, Laws of 1957 as last amended by section 6, chapter 141, Laws of 1979 and RCW 9.95.200; amending section 1, chapter 19, Laws of 1980 and RCW 9.95.210; amending section 8, chapter 227, Laws of 1957 as last amended by section 8, chapter 141, Laws of 1979 and RCW 9.95.250; amending section 7, chapter 114, Laws of 1935 as last amended by section 9, chapter 141, Laws of 1979 and RCW 9.95.260; amending section 3, chapter 217, Laws of 1961 as

amended by section 2, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.320; amending section 4, chapter 217, Laws of 1961 as amended by section 3, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.330; amending section 5, chapter 217, Laws of 1961 as amended by section 4, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.340; amending section 6, chapter 217, Laws of 1961 as amended by section 5, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.350; amending section 7, chapter 217, Laws of 1961 as amended by section 6, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.360; amending section 8, chapter 217, Laws of 1961 as amended by section 7, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.370; amending section 2, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.020; amending section 3, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.030; amending section 4, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.040; amending section 8, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.080; amending section 9A.32.040, chapter 260, Laws of 1975 1st ex. sess. as amended by section 3, chapter 206, Laws of 1977 ex. sess. and RCW 9A.32.040; amending section 3, chapter 9, Laws of 1975-'76 2nd ex. sess. as amended by section 6, chapter 206, Laws of 1977 ex. sess. and RCW 9A.32.047; amending section 4, chapter 14, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.040; amending section 11.08.101, chapter 145, Laws of 1965 as amended by section 10, chapter 141, Laws of 1979 and RCW 11.08.101; amending section 11.08.120, chapter 145, Laws of 1965 as amended by section 11, chapter 141, Laws of 1979 and RCW 11.08.120; amending section 2, chapter 103, Laws of 1969 as amended by section 2, chapter 4, Laws of 1969 ex. sess. and RCW 36.63.255; amending section 1, chapter 10, Laws of 1979 and RCW 43.17.010; amending section 2, chapter 10, Laws of 1979 and RCW 43.17.020; amending section 43.19.450, chapter 8, Laws of 1965 as amended by section 45, chapter 141, Laws of 1979 and RCW 43.19.450; amending section 3, chapter 104, Laws of 1967 as amended by section 130, chapter 141, Laws of 1979 and RCW 71.06.091; amending section 71.06.140, chapter 25, Laws of 1959 as last amended by section 131, chapter 141, Laws of 1979 and RCW 71.06.140; amending section 72.01.010, chapter 28, Laws of 1959 as last amended by section 142, chapter 141, Laws of 1979 and RCW 72.01.010; amending section 1, chapter 169, Laws of 1953 as last amended by section 143, chapter 141, Laws of 1979 and RCW 72.01.042; amending section 72.01.050, chapter 28, Laws of 1959 as last amended by section 145, chapter 141, Laws of 1979 and RCW 72.01.050; amending section 72.01.210, chapter 28, Laws of 1959 as last amended by section 154, chapter 141, Laws of 1979 and RCW 72.01.210; amending section 72.01.240, chapter 28, Laws of 1959 as amended by section 155, chapter 141, Laws of 1979 and RCW 72.01.240; amending section 1, chapter 210, Laws of 1959 as amended by section 159, chapter 141, Laws of 1979 and RCW 72.01.282; amending section 1, chapter 40, Laws of 1959 as amended by section 164, chapter 141, Laws of 1979 and RCW 72.01.370; amending section 2, chapter 40, Laws of 1959 as amended by section 165, chapter 141, Laws of 1979 and RCW 72.01.380; amending section 1, chapter 140, Laws of 1959 as amended by section 166, chapter 141, Laws of 1979 and RCW 72.01.410; amending section 1, chapter 193, Laws of 1961 as last amended by section 167, chapter 141, Laws of 1979 and RCW 72.01.430; amending section 1, chapter 46, Laws of 1967 as last amended by section 168, chapter 141, Laws of 1979 and RCW 72.01.450; amending section 2, chapter 46, Laws of 1969 ex. sess. as amended by section 171, chapter 141, Laws of 1979 and RCW 72.01.460; amending section 1, chapter 50, Laws of 1970 ex. sess. as amended by section 172, chapter 141, Laws of 1979 and RCW 72.01.480; amending section 72.02.040, chapter 28, Laws of 1959 as amended by section 57, chapter 18, Laws of 1970 ex. sess. and RCW 72.02.040; amending section 2, chapter 171, Laws of 1971 ex. sess. and RCW 72.02.110; amending section 7, chapter 134, Laws of 1967 as amended by section 173, chapter 141, Laws of 1979 and RCW 72.04A.050; amending section 9, chapter 134, Laws of 1967 as amended by section 174, chapter 141, Laws of 1979 and RCW 72.04A.070; amending section 10, chapter 134, Laws of 1967 as amended by section 175, chapter 141, Laws of 1979 and RCW 72.04A.080; amending section 11, chapter 134, Laws of 1967 as last amended by section 176, chapter 141, Laws of 1979 and RCW 72.04A.090; amending section 3, chapter 9, Laws of 1965 ex. sess. as amended by section 188, chapter 141, Laws of 1979 and RCW 72.08.101; amending section 4, chapter 9, Laws of 1965 ex. sess. as amended by section 189, chapter 141, Laws of 1979 and RCW 72.08.102; amending section 72.08.380, chapter 28, Laws of 1959 as amended by section 192, chapter 141, Laws of 1979 and RCW 72.08.380; amending section 72.12.020, chapter 28,

Laws of 1959 as amended by section 193, chapter 141, Laws of 1979 and RCW 72.12.020; amending section 72.12.140, chapter 28, Laws of 1959 as amended by section 198, chapter 141, Laws of 1979 and RCW 72.12.140; amending section 1, chapter 214, Laws of 1959 as amended by section 199, chapter 141, Laws of 1979 and RCW 72.13.010; amending section 4, chapter 214, Laws of 1959 as amended by section 200, chapter 141, Laws of 1979 and RCW 72.13.040; amending section 6, chapter 214, Laws of 1959 as amended by section 202, chapter 141, Laws of 1979 and RCW 72.13.060; amending section 7, chapter 214, Laws of 1959 as amended by section 203, chapter 141, Laws of 1979 and RCW 72.13.070; amending section 12, chapter 214, Laws of 1959 as amended by section 206, chapter 141, Laws of 1979 and RCW 72.13.120; amending section 1, chapter 122, Laws of 1967 ex. sess. as amended by section 211, chapter 141, Laws of 1979 and RCW 72.15.010; amending section 8, chapter 122, Laws of 1967 ex. sess. as amended by section 134, chapter 81, Laws of 1971 and RCW 72.15.060; amending section 72.23.010, chapter 28, Laws of 1959 as last amended by section 2, chapter 145, Laws of 1974 ex. sess. and RCW 72.23.010; amending section 72.60.100, chapter 28, Laws of 1959 as amended by section 1, chapter 40, Laws of 1972 ex. sess. and RCW 72.60.100; amending section 2, chapter 40, Laws of 1972 ex. sess. as amended by section 3, chapter 160, Laws of 1979 ex. sess. and RCW 72.60.102; amending section 72.60.160, chapter 28, Laws of 1959 as amended by section 260, chapter 141, Laws of 1979 and RCW 72.60.160; amending section 72.60.190, chapter 28, Laws of 1959 as amended by section 4, chapter 160, Laws of 1979 ex. sess. and RCW 72.60.190; amending section 72.60.220, chapter 28, Laws of 1959 and RCW 72.60.220; amending section 5, chapter 273, Laws of 1959 as last amended by section 5, chapter 160, Laws of 1979 ex. sess. and RCW 72.60.280; amending section 4, chapter 7, Laws of 1972 ex. sess. and RCW 72.62.040; amending section 1, chapter 17, Laws of 1967 as amended by section 274, chapter 141, Laws of 1979 and RCW 72.65.010; amending section 8, chapter 17, Laws of 1967 as last amended by section 279, chapter 141, Laws of 1979 and RCW 72.65.080; amending section 10, chapter 17, Laws of 1967 as amended by section 280, chapter 141, Laws of 1979 and RCW 72.65.100; amending section 2, chapter 58, Laws of 1971 ex. sess. as amended by section 2, chapter 20, Laws of 1973 and RCW 72.66.010; amending section 1, chapter 59, Laws of 1972 ex. sess. and RCW 72.68.031; amending section 2, chapter 59, Laws of 1972 ex. sess. and RCW 72.68.032; amending section 72.68.040, chapter 28, Laws of 1959 as last amended by section 284, chapter 141, Laws of 1979 and RCW 72.68.040; amending section 2, chapter 287, Laws of 1959 as amended by section 290, chapter 141, Laws of 1979 and RCW 72.70.020; amending section 5, chapter 287, Laws of 1959 as amended by section 292, chapter 141, Laws of 1979 and RCW 72.70.050; amending section 2, chapter 108, Laws of 1979 ex. sess. and RCW 72.72.020; adding a new section to chapter 41.06 RCW; adding new sections to chapter 43.19 RCW; adding a new section to chapter 43.101 RCW; adding a new section to chapter 70.48 RCW; adding a new section to chapter 72.13 RCW; adding a new section to chapter 72.20 RCW; adding a new section to chapter 72.40 RCW; adding a new section to chapter 72.64 RCW; adding a new section to chapter 72.68 RCW; adding a new chapter to Title 72 RCW; creating new sections; repealing section 3, chapter 178, Laws of 1933 and RCW 19.20.010; repealing section 1, chapter 294, Laws of 1927, section 1, chapter 178, Laws of 1933, section 1, chapter 73, Laws of 1970 ex. sess., section 1, chapter 44, Laws of 1975 and RCW 19.20.020; repealing section 2, chapter 294, Laws of 1927, section 2, chapter 178, Laws of 1933 and RCW 19.20.060; repealing section 5, chapter 178, Laws of 1933 and RCW 19.20.900; repealing section 3, chapter 294, Laws of 1927 and RCW 19.20.910; repealing section 31, chapter 99, Laws of 1979 and RCW 43.131.209; repealing section 73, chapter 99, Laws of 1979 and RCW 43.131.210; repealing section 72.08.170, chapter 28, Laws of 1959, section 32, chapter 106, Laws of 1973 and RCW 72.08.170; repealing section 72.60.010, chapter 28, Laws of 1959, section 254, chapter 141, Laws of 1979 and RCW 72.60.010; repealing section 72.60.020, chapter 28, Laws of 1959, section 255, chapter 141, Laws of 1979 and RCW 72.60.020; repealing section 72.60.030, chapter 28, Laws of 1959, section 256, chapter 141, Laws of 1979 and RCW 72.60.030; repealing section 72.60.040, chapter 28, Laws of 1959, section 257, chapter 141, Laws of 1979 and RCW 72.60.040; repealing section 72.60.050, chapter 28, Laws of 1959 and RCW 72.60.050; repealing section 72.60.060, chapter 28, Laws of 1959, section 169, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 72.60.060; repealing section 72.60.070, chapter 28, Laws of 1959 and RCW 72.60.070; repealing section 72.60.080, chapter 28, Laws of 1959 and RCW 72.60.080; repealing section 72.60.090, chapter 28, Laws of 1959, section 258, chapter 141, Laws of

1979 and RCW 72.60.090; repealing section 72.60.120, chapter 28, Laws of 1959 and RCW 72.60.120; repealing section 72.60.130, chapter 28, Laws of 1959, section 259, chapter 141, Laws of 1979, section 2, chapter 160, Laws of 1979 ex. sess. and RCW 72.60.130; repealing section 72.60.140, chapter 28, Laws of 1959 and RCW 72.60.140; repealing section 72.60.150, chapter 28, Laws of 1959 and RCW 72.60.150; repealing section 72.60.170, chapter 28, Laws of 1959 and RCW 72.60.170; repealing section 72.60.180, chapter 28, Laws of 1959 and RCW 72.60.180; repealing section 72.60.200, chapter 28, Laws of 1959, section 261, chapter 141, Laws of 1979 and RCW 72.60.200; repealing section 72.60.210, chapter 28, Laws of 1959 and RCW 72.60.210; repealing section 72.60.230, chapter 28, Laws of 1959 and RCW 72.60.230; repealing section 1, chapter 273, Laws of 1959, section 263, chapter 141, Laws of 1979 and RCW 72.60.240; repealing section 2, chapter 273, Laws of 1959, section 262, chapter 141, Laws of 1979 and RCW 72.60.250; repealing section 3, chapter 273, Laws of 1959, section 264, chapter 141, Laws of 1979 and RCW 72.60.260; repealing section 4, chapter 273, Laws of 1959, section 11, chapter 189, Laws of 1971 ex. sess., section 173, chapter 151, Laws of 1979 and RCW 72.60.270; prescribing penalties; making an appropriation; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. This chapter may be known and cited as the corrections reform act of 1981.

NEW SECTION. Sec. 2. It is the intent of the legislature to establish a comprehensive system of corrections for convicted law violators within the state of Washington to accomplish the following objectives.

(1) The system should ensure the public safety. The system should be designed and managed to provide the maximum feasible safety for the persons and property of the general public, the staff, and the inmates.

(2) The system should punish the offender for violating the laws of the state of Washington. This punishment should generally be limited to the denial of liberty of the offender.

(3) The system should treat all offenders fairly and equitably without regard to race, religion, sex, national origin, residence, or social condition.

(4) The system, as much as possible, should reflect the values of the community including:

(a) Avoiding idleness. Idleness is not only wasteful but destructive to the individual and to the community.

(b) Adoption of the work ethic. It is the community expectation that all citizens should work and through their efforts benefit both themselves and the community.

(c) Providing opportunities for self improvement. All individuals should have opportunities to grow and expand their skills and abilities so as to fulfill their role in the community.

(d) Providing tangible rewards for accomplishment. The individual who works to improve himself or herself and the community should be rewarded for these efforts. As a corollary, there should be no rewards for no effort.

(e) Sharing in the obligations of the community. All citizens, the public and inmates alike, have a personal and fiscal obligation in the corrections system. All communities must share in the responsibility of the corrections system.

(5) The system should provide for prudent management of resources. The human and fiscal resources of the community are limited. The management and use of these resources can be enhanced by wise investment, productive programs, the reduction of duplication and waste, and the joining together of all involved parties in a common endeavor. Since virtually all offenders return to the community, it is wise for the state and the communities to make an investment in effective rehabilitation programs for offenders and the wise use of resources.

(6) The system should provide for restitution. Those who have damaged others, persons or property, have a responsibility to make restitution for these damages.

(7) The system should be accountable to the citizens of the state. In return, the individual citizens and local units of government must meet their responsibilities to make the corrections system effective.

(8) The system should meet those national standards which the state determines to be appropriate.

NEW SECTION. Sec. 3. There is created a department of state government to be known as the department of corrections. The executive head of the department shall be the secretary of corrections who shall be appointed by the governor with the consent of the senate. The secretary shall serve at the pleasure of the governor and shall receive a salary to be fixed under RCW 43.03.040.

NEW SECTION. Sec. 4. All powers, duties, and functions assigned to the secretary of social and health services and to the department of social and health services relating to adult correctional programs and institutions are hereby transferred to the secretary of corrections and to the department of corrections. Except as may be specifically provided, all functions of the department of social and health services relating to juvenile rehabilitation and the juvenile justice system shall remain in the department of social and health services. Where functions of the department of social and health services and the department of corrections overlap in the juvenile rehabilitation and/or juvenile justice area, the governor may allocate such functions between these departments.

The secretaries of the department of social and health services and the department of corrections shall submit to the 1983 session of the Washington state legislature a joint report which addresses the question of in which agency juvenile rehabilitation and state level juvenile justice programs should be located.

NEW SECTION. Sec. 5. The secretary shall manage the department of corrections and shall be responsible for the administration of adult correctional programs, including but not limited to the operation of all state correctional institutions or facilities used for the confinement of convicted felons. In addition, the secretary shall have broad powers to enter into

agreements with any federal agency, or any other state, or any Washington state agency or local government providing for the operation of any correctional facility or program for persons convicted of felonies or misdemeanors or for juvenile offenders. The agreements may provide for joint operation or operation by the department of corrections, alone, or by any of the other governmental entities, alone. The secretary may employ persons to aid in performing the functions and duties of the department. The secretary may delegate any of his functions or duties to department employees. The secretary is authorized to promulgate standards for the department of corrections within appropriation levels authorized by the legislature.

**NEW SECTION.** Sec. 6. The department of corrections may be organized into such divisions or offices as the secretary may determine, but shall include divisions for (1) institutional industries, (2) prisons and other custodial institutions and (3) probation, parole, community service, restitution, and other nonincarcerative sanctions. The secretary shall have at least one person on his staff who shall have the responsibility for developing a program which encourages the use of volunteers, for citizen advisory groups, and for similar public involvement programs in the corrections area. Minimum qualification for staff assigned to public involvement responsibilities shall include previous experience in working with volunteers or volunteer agencies.

**NEW SECTION.** Sec. 7. For purposes of this chapter, "inmate" means any person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility and persons released on furlough or work release.

**NEW SECTION.** Sec. 8. (1) There is created an institutional industries board of directors which shall have the composition provided in section 9 of this act.

(2) The board shall advise the department of corrections in adopting and implementing programs designed to:

(a) Offer inmates employment, work experience, and training in vocations which may provide opportunities for legitimate means of livelihood upon their release from custody.

(b) Provide industries which will reduce the tax burden of corrections through production of goods and services for sale and use.

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

(3) In addition, the board of directors shall:

(a) Recommend to the director candidates for appointment as director of the institutional industries division.

(b) At least annually evaluate the work performance of the director of the institutional industries division and submit this evaluation to the secretary.

(c) Advise the director of the institutional industries division in the selection of, contracting for, and supervision of work programs with participating private-enterprise firms.

(d) Advise the director of the institutional industries division in the development and design of institutional industries work programs.

(e) Advise the secretary and the director of the institutional industries division in the investment of funds in institutional industry enterprises and work programs.

(f) Review and evaluate the productivity and appropriateness of all correctional work programs and report on their effectiveness to the director of the division and to the secretary.

(g) Review and evaluate on an on-going basis all financial reports for work programs.

(h) Prepare and transmit to the governor and legislature through the secretary the report required under RCW 72.60.280.

NEW SECTION. Sec. 9. (1) The institutional industries board of directors shall consist of nine voting members. Seven members shall be appointed by the secretary and shall serve three-year staggered terms. Initially, the secretary shall appoint two members to one-year terms, two members to two-year terms, and three members to three-year terms. In addition, the secretary and the director of the institutional industries division shall be ex officio members. The speaker of the house of representatives and the president of the senate shall each appoint one member from each of the two largest caucuses in their respective houses. The legislators so appointed shall be nonvoting members and shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first. The seven members appointed by the secretary shall include representatives from both labor and industry.

(2) The board of directors shall elect a chairman and such other officers as it deems appropriate. However, the chairman may not be the secretary or the director of the institutional industries division.

(3) The voting members of the board of directors shall serve without compensation but shall be reimbursed by the department for travel expenses under RCW 43.03.050 and 43.03.060, as now or hereafter amended. Legislative members shall be reimbursed under RCW 44.04.120, as now or hereafter amended.

(4) The secretary shall provide such staff services, facilities, and equipment as the board shall require to carry out its duties.

NEW SECTION. Sec. 10. Institutional industries shall have the use of the tools, materials, and equipment which were used by the department of social and health services for correctional work programs.

The division's net profits from institutional industries' sales and contracts shall be placed in a special account and shall be reinvested, without appropriation, in the expansion and improvement of institutional industries. However, beginning five years after the effective date of this act, the board of directors shall annually recommend that some portion of the profits from institutional industries be returned to the state general fund.

The board and secretary shall request appropriations or increased appropriations whenever it appears that additional money is needed to provide for the establishment and operation of a comprehensive institutional industries program.

**NEW SECTION.** Sec. 11. It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) **CLASS I: FREE VENTURE INDUSTRIES.** The industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage not less than sixty percent of the approximate prevailing wage within the state for the occupation, as determined by the director of the institutional industries division. If the director finds that he cannot reasonably determine the wage, then the pay shall not be less than the federal minimum wage.

(2) **CLASS II: TAX REDUCTION INDUSTRIES.** Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations which assist persons who are poor or infirm. The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry may be sold to public agencies and to nonprofit organizations which assist persons who are poor or infirm.

Security and custody services shall be provided without charge by the department of corrections.



Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the federal minimum wage and which is approved by the director of institutional industries.

(3) **CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.** Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

(a) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within institutional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(b) Whenever possible, to provide forty hours of work or work training per week.

(c) Whenever possible, to offset tax and other public support costs.

Supervising, management, and custody staff shall be employees of the department.

All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) **CLASS IV: COMMUNITY WORK INDUSTRIES.** Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations which assist persons who are poor or infirm.

Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the minimum wage for their work.

(5) **CLASS V: COMMUNITY SERVICE PROGRAMS.** Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an offender, placed on probation, to work off all or part of a community service order as ordered by the sentencing court.

Employment shall be in a community service program operated by the state, local units of government, or a nonprofit agency which assists persons who are poor or infirm.

NEW SECTION. Sec. 12. All inmates working in prison industries shall participate in the cost of corrections. The secretary shall develop a formula which can be used to determine the extent to which the wages of these inmates will be deducted for this purpose. The amount so deducted shall be placed in the general fund and shall be a reasonable amount which will not unduly discourage the incentive to work. When the secretary finds it appropriate and not unduly destructive of the work incentive, the secretary shall also provide deductions for restitution, savings, and family support.

NEW SECTION. Sec. 13. Before the convening of the 1982 regular session, the department shall submit recommendations to the legislature on the appropriate role of inmate compensation programs. These recommendations shall address at least the following issues: The extent to which inmate compensation programs should be based on a minimum gratuity theory, on a minimum wage theory, or on a prevailing wage theory; and the extent to which such compensation should be provided for by legislative appropriation, the extent to which it should be used to pay restitution, the extent to which it should be used to reimburse the state for corrections costs, the extent to which it should be used for family support, and the extent to which it should be retained by the inmate. The department shall transmit along with its recommendations any proposed legislation which it believes appropriate for the implementation of the recommendations.

NEW SECTION. Sec. 14. There is added to chapter 43.19 RCW a new section to read as follows:

The department of corrections shall be exempt from the following provisions of this chapter in respect to goods or services purchased or sold pursuant to the operation of institutional industries: RCW 43.19.180, 43.19.190, 43.19.1901, 43.19.1905, 43.19.1906, 43.19.1908, 43.19.1911, 43.19.1913, 43.19.1915, 43.19.1917, 43.19.1919, 43.19.1921, 43.19.1925, and 43.19.200.

NEW SECTION. Sec. 15. There is added to chapter 43.19 RCW a new section to read as follows:

Any person, firm, or organization which makes any bid to provide any goods or any services to any state agency shall be granted a preference over other bidders if (1) the goods or services have been or will be produced or provided in whole or in part by an inmate work program of the department of corrections and (2) an amount equal to at least fifteen percent of the total bid amount has been paid or will be paid by the person, firm, or organization to inmates as wages. The preference provided under this section shall be equal to ten percent of the total bid amount.

NEW SECTION. Sec. 16. In order to assist inmates in finding work within prison industries, the department shall periodically prepare and distribute a list of prison industries' job opportunities, which shall include job descriptions and the educational and skill requirements for each job.

NEW SECTION. Sec. 17. The department shall adopt a system providing incentives for good conduct and disincentives for poor conduct. The system may include increases or decreases in the degree of liberty granted the inmate within the programs operated by the department and recommended increases or decreases in the number of earned early release days that an inmate can earn for good conduct and good performance. Earned early release days shall be recommended by the department as a form of tangible reward for accomplishment. The system shall be fair, measurable, and understandable to offenders, staff, and the public. At least once in each twelve-month period, the department shall inform the offender in writing as to his or her conduct and performance. This written evaluation shall include reasons for awarding or not awarding recommended earned early release days for good conduct and good performance. The term "good performance" as used in this section means successfully performing a work, work training, or educational task to levels of expectation as specified in writing by the department. The term "good conduct" as used in this section refers to compliance with department rules.

Within one year after the effective date of this act, the department shall adopt, and provide a written description of, the system. The department shall provide a copy of this description to each offender in its custody.

NEW SECTION. Sec. 18. There is created a board to be known as the corrections standards board, hereinafter referred to as the "board," which shall advise the department, the governor, and the legislature. Initially, the board shall be a board within the state jail commission, but after June 30, 1983, it shall replace the commission, as provided in section 24 of this act.

NEW SECTION. Sec. 19. The board shall have the following responsibilities with respect to the department of corrections:

(1) Within two years of the effective date of this act, it shall recommend such advisory standards to the legislature, the governor, and the department as it determines are necessary to: (a) Meet federal and state constitutional requirements relating to health, safety, security, and welfare of inmates and staff or specific state or federal statutory requirements; and (b) provide for the public's health, safety, and welfare. In carrying out this responsibility, the board shall consider the standards of the United States department of justice and the accreditation commission on corrections of the American corrections association and any other standards or proposals it finds appropriate. Whenever possible, these standards should discourage duplication of services by the state and local governments.

(2) The standards recommended by the board shall be advisory only and may not be enforced by the board. The board shall review and make recommendations regarding any standards which are proposed by the secretary.

(3) Each year commencing in 1983, the board shall issue a report to the governor, the legislature and the department which shall contain: (a) All recommended standards which are proposed either by the board or the secretary, and the reasons for any variance therefrom with respect to adopted standards; and (b) a report on the variance (i) between its recommended standards and the standards adopted by the secretary; (ii) between its recommended standards and the performance of the department; and (iii) between the standards adopted by the secretary and the performance of the department.

(4) The board shall review the development and functioning of the department's grievance procedures. The board and the secretary shall jointly visit and inspect at least once a year each state corrections institution. For institutions of less than one hundred fifty, the board may appoint one or more of its members to carry out this duty.

(5) The board may recommend advisory standards for the location, construction, and operation of all state correctional facilities and programs.

(6) The board may recommend to the governor, the legislature, and the secretary the expenditure of public funds in a manner which recognizes and advances the board's or the secretary's proposed standards.

(7) The board shall appoint an executive secretary to assist it in carrying out its functions under this chapter. As authorized by the board, the executive secretary shall hire and supervise necessary staff to assist the board in carrying out its duties. The secretary may provide any technical assistance or support which the board may request from time to time.

NEW SECTION. Sec. 20. In respect to local government facilities and programs, the corrections standards board, commencing July 1, 1983, shall exercise the powers and duties of the state jail commission: **PROVIDED**, That the authority for adoption of mandatory custodial care standards as provided in RCW 70.48.050(1)(a) and enforcement of such standards pursuant to RCW 70.48.070 and 70.48.080 is vested in a five member committee of the board, three of whom shall be the county, city, or town representatives on the board, and two of whom shall be appointed by the board chairman. The board shall provide this committee with such staff and support as is appropriate for the committee's performance of its powers and duties.

NEW SECTION. Sec. 21. (1) The corrections standards board shall consist of nine voting members appointed by the governor with the consent of the senate. The secretary of corrections shall serve as an ex officio member without a vote. In addition, the speaker of the house of representatives

and the president of the senate shall each appoint two nonvoting members, one from each of the two largest caucuses in their respective houses.

(2) The voting members shall serve four-year staggered terms. No member may serve more than two consecutive terms. Of the voting members, initially one-third shall be appointed for two-year terms, one-third for three-year terms, and one-third for four-year terms. The legislative members shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.

(3) The voting membership of the board shall be divided so that two-thirds of the members reside west of the Cascade mountains and one-third reside east of the Cascade mountains. One-third of the members shall be elected county, city, or town officials, one-third shall be elected or appointed state officials or their designees, and one-third shall be private citizens. In 1983, the members appointed to take the positions of the persons previously appointed to the two-year terms provided under subsection (2) of this section shall have been members of the state jail commission as local government representatives on June 30, 1983. The board shall include women and members of "minority groups" as that term is commonly understood.

(4) The members of the board shall not receive any compensation for their services but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060 for nonlegislative members and under RCW 44.04.120 for legislative members, as now or hereafter amended.

(5) The members shall elect a chairman and such other officers as they deem necessary.

NEW SECTION. Sec. 22. The corrections standards board shall cease to exist six years after the effective date of this act unless extended by law. The legislative budget committee shall review the board and recommend to the legislature by January of 1987 whether or not the board should be extended.

NEW SECTION. Sec. 23. (1) It is the intent of the legislature that reasonable legal services be provided to persons committed to the custody of the department of corrections. The department shall contract with persons or organizations to provide legal services. The secretary shall adopt procedures designed to minimize any conflict of interest, or appearance thereof, in respect to the provision of legal services and the department's administration of such contracts.

(2) Persons who contract to provide legal services are expressly forbidden to solicit plaintiffs or promote litigation which has not been pursued initially by a person entitled to such services under this section.

(3) Persons who contract to provide legal services shall exhaust all informal means of resolving a legal complaint or dispute prior to the filing of any court proceeding.

(4) Nothing in this section forbids the secretary to supplement contracted legal services with any of the following: (a) Law libraries, (b) law student interns, and (c) volunteer attorneys.

(5) The total due a contractor as compensation, fees, or reimbursement under the terms of the contract shall be reduced by the total of any other compensation, fees, or reimbursement received by or due the contractor for the performance of any legal service to inmates during the contract period. Any amount received by a contractor under contract which is not due under this section shall be immediately returned by the contractor.

**NEW SECTION.** Sec. 24. There is added to chapter 70.48 RCW a new section to read as follows:

Commencing July 1, 1983, the state corrections standards board shall replace the state jails commission as the agency responsible for the administration of this chapter.

Sec. 25. Section 2, chapter 316, Laws of 1977 ex. sess. as amended by section 11, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.020 are each amended to read as follows:

As used in this chapter the words and phrases in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Holding facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the temporary housing of such persons during or after trial and/or sentencing, but in no instance shall the housing exceed thirty days.

(2) "Detention facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the housing of adult persons for purposes of punishment and correction after sentencing or persons serving terms not to exceed ninety days.

(3) "Correctional facility" means a facility operated by a governing unit primarily designed, staffed, and used for the housing of adult persons serving terms not exceeding one year for the purposes of punishment, correction, and rehabilitation following conviction of a criminal offense.

(4) "Jail" means any holding, detention, or correctional facility as defined in this section.

(5) "Health care" means preventive, diagnostic and rehabilitative services provided by licensed health care professionals and/or facilities; such care to include providing prescription drugs where indicated.

(6) "Commission" means the state jail commission created pursuant to RCW 70.48.030 but, after June 30, 1983, "commission" and "state jail commission" means the state corrections standards board.

(7) "Substantially remodeled" means significant alterations made to the physical plant of a jail to conform with the physical plant standards.

(8) "Department" means the department of social and health services.

(9) "Secretary" means the secretary of social and health services.

(10) "Governing unit" means the city and/or county or any combinations of cities and/or counties responsible for the operation, supervision, and maintenance of a jail.

(11) "Mandatory custodial care standards" means those minimum standards, rules, or regulations that are adopted pursuant to RCW 70.48.050(1)(a) and 70.48.070(1) for jails to meet federal and state constitutional requirements relating to the health, safety, security, and welfare of inmates.

(12) "Advisory custodial care standards" means custodial care standards recommended by the commission which are not mandatory.

(13) "Physical plant standards" and "physical plant requirements" mean those minimum standards, rules, or regulations that are prescribed by the commission for jails that relate to structural specifications of the physical plant, including but not limited to size of cells and rooms within a jail, design of facilities, and specifications for fixtures and other equipment.

(14) "Jail inspector" means a person with at least five years in a supervisory position as a law enforcement or custodial corrections officer.

(15) "Major urban" means a county or combination of counties which has a city having a population greater than twenty-six thousand based on the 1978 projections of the office of financial management.

(16) "Medium urban" means a county or combination of counties which has a city having a population equal to or greater than ten thousand but less than twenty-six thousand based on the 1978 projections of the office of financial management.

(17) "Rural" means a county or combination of counties which has a city having a population less than ten thousand based on the 1978 projections of the office of financial management.

NEW SECTION. Sec. 26. There is added to chapter 43.101 RCW a new section to read as follows:

(1) The corrections personnel of the state and all counties and municipal corporations initially employed on or after January 1, 1982, shall engage in basic corrections training which complies with standards adopted by the commission pursuant to RCW 43.101.160. The training shall be successfully completed during the first six months of employment of the personnel, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(2) The corrections personnel of the state and all counties and municipal corporations transferred or promoted to a supervisory or management position on or after January 1, 1982, shall engage in supervisory and/or management training which complies with standards adopted by the commission pursuant to RCW 43.101.160. The training shall be successfully completed

prior to or within the first six months of employment, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(3) The commission shall provide the training required in this section, together with facilities, supplies, materials, and the room and board for noncommuting attendees.

(4) Nothing in this section shall affect or impair the employment status of any employee whose employer does not provide him with the opportunity to engage in the required training.

Sec. 27. Section 18, chapter 94, Laws of 1974 ex. sess. and RCW 43-.101.180 are each amended to read as follows:

The first priority of the commission shall be to provide for basic law enforcement training, corrections training, and education programs. In addition, the commission shall provide training programs for other criminal justice personnel.

NEW SECTION. Sec. 28. There is added to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions provided under RCW 41.06.070, the provisions of this chapter shall not apply in the department of corrections to the secretary, the secretary's personal secretary, the deputy secretary, all division directors and assistant directors, all facility superintendents and associate superintendents for facilities with a resident capacity of fifty or more, and all management and sales staff of institutional industries and institutional industries staff who are directly involved in the supervising of industries work by inmates.

NEW SECTION. Sec. 29. All references to the department or secretary of social and health services in other chapters of the Revised Code of Washington shall be construed as meaning the department or secretary of corrections when referring to the functions established by this chapter.

NEW SECTION. Sec. 30. All rules and all pending business before the secretary of social and health services and the department of social and health services pertaining to matters transferred by section 4 of this act shall be continued and acted upon by the department of corrections.

All existing contracts and obligations pertaining to the powers, duties, and functions transferred shall remain in full force and effect and shall be performed by the department of corrections.

The transfer of powers, duties, and functions under section 4 of this act shall not affect the validity of any act performed prior to the effective date of this act by the department of social and health services or its secretary and, except as otherwise specifically provided, shall not affect the validity of any rights existing on the effective date of this act.

If questions arise regarding whether any sort of obligation is properly that of the department of social and health services or the department of



corrections, such questions shall be resolved by the director of financial management.

**NEW SECTION.** Sec. 31. All reports, documents, surveys, books, records, files, papers, and other writings in the possession of the department of social and health services pertaining to the functions transferred by section 4 of this act shall be delivered to the custody of the department of corrections. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed exclusively in carrying out the powers and duties transferred by section 4 of this act shall be made available to the department of corrections. All funds, credits, or other assets held in connection with the functions transferred by section 4 of this act shall be assigned to the department of corrections.

Any appropriations made to the department of social and health services for the purpose of carrying out the powers, duties, and functions transferred by section 4 of this act shall on the effective date of this act be transferred and credited to the department of corrections for the purpose of carrying out the transferred powers, duties, and functions.

Whenever any question arises as to the transfer of any funds including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under section 4 of this act, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

If apportionments of budgeted funds are required because of the transfers authorized in this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

**NEW SECTION.** Sec. 32. All employees of the department of social and health services who are directly employed in connection with the exercise of the powers and performance of the duties and functions transferred to the department of corrections by section 4 of this act shall be transferred on the effective date of this act to the jurisdiction of the department of corrections.

All such employees classified under chapter 41.06 RCW, the state civil service law, shall be assigned to the department of corrections. Except as otherwise provided, such employees shall be assigned without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state civil service law.

**NEW SECTION.** Sec. 33. Nothing contained in sections 1 through 13 and 16 through 23 of this act may be construed to downgrade any rights of

any employee under any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 34. All state officials required to maintain contact with or provide services to the department or secretary of social and health services relating to adult corrections shall continue to perform the services for the department of corrections.

In order to ease the transition of adult corrections to the department of corrections, the governor may require an interagency agreement between the department and the department of social and health services under which the department of social and health services would, on a temporary basis, continue to perform all or part of any specified function of the department of corrections.

Sec. 35. Section 33, chapter 249, Laws of 1909 as last amended by section 1, chapter 295, Laws of 1971 ex. sess. and RCW 9.92.080 are each amended to read as follows:

((From and after August 9, 1971:))

(1) Whenever a person while under sentence of felony shall commit another felony and be sentenced to another term of imprisonment, such latter term shall not begin until the expiration of all prior terms: PROVIDED, That any person granted probation pursuant to the provisions of RCW 9.95.210 and/or 9.92.060 shall not be considered to be under sentence of a felony for the purposes of this subsection.

(2) Whenever a person is convicted of two or more offenses which arise from a single act or omission, the sentences imposed therefor shall run concurrently, unless the court, in pronouncing sentence, expressly orders the service of said sentences to be consecutive.

(3) In all other cases, whenever a person is convicted of two or more offenses arising from separate and distinct acts or omissions, and not otherwise governed by the provisions of subsections (1) and (2) of this section, the sentences imposed therefor shall run consecutively, unless the court, in pronouncing the second or other subsequent sentences, expressly orders concurrent service thereof.

(4) The sentencing court may require the secretary of ~~((the department of social and health services))~~ corrections, or his designee, to provide information to the court concerning the existence of all prior judgments against the defendant, the terms of imprisonment imposed, and the status thereof.

Sec. 36. Section 7, chapter 133, Laws of 1955 as last amended by section 1, chapter 141, Laws of 1979 and RCW 9.95.060 are each amended to read as follows:

When a convicted person appeals from his conviction and is at liberty on bond pending the determination of the appeal by the supreme court or the

court of appeals, credit on his sentence will begin from the date such convicted person is returned to custody. The date of return to custody shall be certified to the department of ~~((social and health services))~~ corrections, the Washington state board of prison terms and paroles, and the prosecuting attorney of the county in which such convicted person was convicted and sentenced, by the sheriff of such county. If such convicted person does not appeal from his conviction, but is at liberty for a period of time subsequent to the signing of the judgment and sentence, or becomes a fugitive, credit on his sentence will begin from the date such convicted person is returned to custody. The date of return to custody shall be certified as provided in this section. In all other cases, credit on a sentence will begin from the date the judgment and sentence is signed by the court.

Sec. 37. Section 13, chapter 133, Laws of 1955 as last amended by section 2, chapter 141, Laws of 1979 and RCW 9.95.120 are each amended to read as follows:

Whenever the board of prison terms and paroles or a probation and parole officer of this state has reason to believe a convicted person has breached a condition of his parole or violated the law of any state where he may then be or the rules and regulations of the board of prison terms and paroles, any probation and parole officer of this state may arrest or cause the arrest and detention and suspension of parole of such convicted person pending a determination by the board whether the parole of such convicted person shall be revoked. All facts and circumstances surrounding the violation by such convicted person shall be reported to the board of prison terms and paroles by the probation and parole officer, with recommendations. The board of prison terms and paroles, after consultation with the secretary of ~~((the department of social and health services))~~ corrections, shall make all rules and regulations concerning procedural matters, which shall include the time when state probation and parole officers shall file with the board reports required by this section, procedures pertaining thereto and the filing of such information as may be necessary to enable the board to perform its functions under this section. On the basis of the report by the probation and parole officer, or at any time upon its own discretion, the board may revise or modify the conditions of parole or order the suspension of parole by the issuance of a written order bearing its seal which order shall be sufficient warrant for all peace officers to take into custody any convicted person who may be on parole and retain such person in their custody until arrangements can be made by the board of prison terms and paroles for his return to a state correctional institution for convicted felons. Any such revision or modification of the conditions of parole or the order suspending parole shall be personally served upon the parolee.

Any parolee arrested and detained in physical custody by the authority of a state probation and parole officer, or upon the written order of the board of prison terms and paroles, shall not be released from custody on

bail or personal recognizance, except upon approval of the board of prison terms and paroles and the issuance by the board of an order of reinstatement on parole on the same or modified conditions of parole.

All chiefs of police, marshals of cities and towns, sheriffs of counties, and all police, prison, and peace officers and constables shall execute any such order in the same manner as any ordinary criminal process.

Whenever a paroled prisoner is accused of a violation of his parole, other than the commission of, and conviction for, a felony or misdemeanor under the laws of this state or the laws of any state where he may then be, he shall be entitled to a fair and impartial hearing of such charges within thirty days from the time that he is served with charges of the violation of conditions of his parole after his arrest and detention. The hearing shall be held before one or more members of the parole board at a place or places, within this state, reasonably near the site of the alleged violation or violations of parole.

In the event that the board of prison terms and paroles suspends a parole by reason of an alleged parole violation or in the event that a parole is suspended pending the disposition of a new criminal charge, the board of prison terms and paroles shall have the power to nullify the order of suspension and reinstate the individual to parole under previous conditions or any new conditions that the board of prison terms and paroles may determine advisable. Before the board of prison terms and paroles shall nullify an order of suspension and reinstate a parole they shall have determined that the best interests of society and the individual shall best be served by such reinstatement rather than a return to a penal institution.

Sec. 38. Section 3, chapter 98, Laws of 1969 as amended by section 3, chapter 141, Laws of 1979 and RCW 9.95.121 are each amended to read as follows:

Within fifteen days from the date of notice to the department of (~~social and health services~~) corrections of the arrest and detention of the alleged parole violator, he shall be personally served by a state probation and parole officer with a copy of the factual allegations of the violation of the conditions of parole, and, at the same time shall be advised of his right to an on-site parole revocation hearing and of his rights and privileges as provided in RCW 9.95.120 through 9.95.126. The alleged parole violator, after service of the allegations of violations of the conditions of parole and the advice of rights may waive the on-site parole revocation hearing as provided in RCW 9.95.120, and admit one or more of the alleged violations of the conditions of parole. If the board accepts the waiver it shall either, (1) reinstate the parolee on parole under the same or modified conditions, or (2) revoke the parole of the parolee and enter an order of parole revocation and return to state custody. A determination of a new minimum sentence shall be made within thirty days of return to state custody which shall not exceed the

maximum sentence as provided by law for the crime of which the parolee was originally convicted or the maximum fixed by the court.

If the waiver made by the parolee is rejected by the board it shall hold an on-site parole revocation hearing under the provisions of RCW 9.95.120 through 9.95.126.

Sec. 39. Section 6, chapter 98, Laws of 1969 as amended by section 4, chapter 141, Laws of 1979 and RCW 9.95.124 are each amended to read as follows:

At all on-site parole revocation hearings the probation and parole officers of the department of (~~social and health services~~) corrections, having made the allegations of the violations of the conditions of parole, may be represented by the attorney general. Only such persons as are reasonably necessary to the conducting of such hearings shall be permitted to be present: PROVIDED, That other persons may be admitted to such hearings at the discretion of the board and with the consent of the alleged parole violator. The hearings shall be recorded either manually or by a mechanical recording device. An alleged parole violator may be requested to testify and any such testimony shall not be used against him in any criminal prosecution. The board of prison terms and paroles shall adopt rules governing the formal and informal procedures authorized by this chapter and make rules of practice before the board in on-site parole revocation hearings, together with forms and instructions.

Sec. 40. Section 3, chapter 114, Laws of 1935 as last amended by section 5, chapter 141, Laws of 1979 and RCW 9.95.170 are each amended to read as follows:

To assist it in fixing the duration of a convicted person's term of confinement, and in fixing the condition for release from custody on parole, it shall not only be the duty of the board of prison terms and paroles to thoroughly inform itself as to the facts of such convicted person's crime but also to inform itself as thoroughly as possible as to such convict as a personality. The department of (~~social and health services~~) corrections and the institutions under its control shall make available to the board of prison terms and paroles on request its case investigations, any file or other record, in order to assist the board in developing information for carrying out the purpose of this section.

Sec. 41. Section 3, chapter 227, Laws of 1957 as last amended by section 6, chapter 141, Laws of 1979 and RCW 9.95.200 are each amended to read as follows:

After conviction by plea or verdict of guilty of any crime, the court upon application or its own motion, may summarily grant or deny probation, or at a subsequent time fixed may hear and determine, in the presence of the defendant, the matter of probation of the defendant, and the conditions of such probation, if granted. The court may, in its discretion, prior to the

hearing on the granting of probation, refer the matter to the secretary of (~~social and health services~~) corrections or such officers as the secretary may designate for investigation and report to the court at a specified time, upon the circumstances surrounding the crime and concerning the defendant, his prior record, and his family surroundings and environment.

Sec. 42. Section 1, chapter 19, Laws of 1980 and RCW 9.95.210 are each amended to read as follows:

The court in granting probation, may suspend the imposing or the execution of the sentence and may direct that such suspension may continue for such period of time, not exceeding the maximum term of sentence, except as hereinafter set forth and upon such terms and conditions as it shall determine.

The court in the order granting probation and as a condition thereof, may in its discretion imprison the defendant in the county jail for a period not exceeding one year or may fine the defendant any sum not exceeding one thousand dollars plus the costs of the action, and may in connection with such probation impose both imprisonment in the county jail and fine and court costs. The court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question, (3) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, and (4) to contribute to a county or interlocal drug fund, and may require bonds for the faithful observance of any and all conditions imposed in the probation. The court shall order the probationer to report to the secretary of (~~social and health services~~) corrections or such officer as the secretary may designate and as a condition of said probation to follow implicitly the instructions of the secretary. If the probationer has been ordered to make restitution, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of (~~social and health services~~) corrections will promulgate rules and regulations for the conduct of such person during the term of his probation: PROVIDED, That for defendants found guilty in justice court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the board of county commissioners of the county wherein the court is located.

Sec. 43. Section 8, chapter 227, Laws of 1957 as last amended by section 8, chapter 141, Laws of 1979 and RCW 9.95.250 are each amended to read as follows:

In order to carry out the provisions of this chapter 9.95 RCW the parole officers working under the supervision of the secretary of (~~social and health services~~) corrections shall be known as probation and parole officers.

Sec. 44. Section 7, chapter 114, Laws of 1935 as last amended by section 9, chapter 141, Laws of 1979 and RCW 9.95.260 are each amended to read as follows:

It shall be the duty of the board of prison terms and paroles, when requested by the governor, to pass on the representations made in support of applications for pardons for convicted persons and to make recommendations thereon to the governor.

It will be the duty of the secretary of (~~social and health services~~) corrections to exercise supervision over such convicted persons as have been conditionally pardoned by the governor, to the end that such persons shall faithfully comply with the conditions of such pardons. The board of prison terms and paroles shall also pass on any representations made in support of applications for restoration of civil rights of convicted persons, and make recommendations to the governor. The department of (~~social and health services~~) corrections shall prepare materials and make investigations requested by the board of prison terms and paroles in order to assist the board in passing on the representations made in support of applications for pardon or for the restoration of civil rights.

Sec. 45. Section 3, chapter 217, Laws of 1961 as amended by section 2, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.320 are each amended to read as follows:

The secretary of (~~the department of social and health services~~) corrections or his designee may provide to any parolee, discharged prisoner and persons convicted of a felony and granted probation in need and without necessary means, from any funds legally available therefor, such reasonable sums as he deems necessary for the subsistence of such person and his family until such person has become gainfully employed. Such aid may be made under such terms and conditions, and through local parole or probation officers if necessary, as the secretary of (~~the department of social and health services~~) corrections or his designee may require and shall be supplementary to any moneys which may be provided under public assistance or from any other source.

Sec. 46. Section 4, chapter 217, Laws of 1961 as amended by section 3, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.330 are each amended to read as follows:

The department of (~~social and health services~~) corrections may accept any devise, bequest, gift, grant, or contribution made for the purposes of RCW 9.95.310 through 9.95.370 and the secretary of (~~the department of~~

~~social and health services~~) corrections or his designee may make expenditures, or approve expenditures by local parole or probation officers, therefrom for the purposes of RCW 9.95.310 through 9.95.370 in accordance with the rules of the department of ~~((social and health services))~~ corrections.

Sec. 47. Section 5, chapter 217, Laws of 1961 as amended by section 4, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.340 are each amended to read as follows:

Any funds in the hands of the department of ~~((social and health services))~~ corrections, or which may come into its hands, which belong to discharged prisoners, parolees or persons convicted of a felony and granted probation who absconded, or whose whereabouts are unknown, shall be deposited in the parolee and probationer revolving fund. Said funds shall be used to defray the expenses of clothing and other necessities and for transporting discharged prisoners, parolees and persons convicted of a felony and granted probation who are without means to secure the same. All payments disbursed from these funds shall be repaid, whenever possible, by discharged prisoners, parolees and persons convicted of a felony and granted probation for whose benefit they are made. Whenever any money belonging to discharged prisoners, parolees and persons convicted of a felony and granted probation is so paid into the revolving fund, it shall be repaid to them in accordance with law if a claim therefor is filed with the department of ~~((social and health services))~~ corrections within five years of deposit into said fund and upon a clear showing of a legal right of such claimant to such money.

Sec. 48. Section 6, chapter 217, Laws of 1961 as amended by section 5, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.350 are each amended to read as follows:

All money or other property paid or delivered to a probation or parole officer or employee of the department of ~~((social and health services))~~ corrections by or for the benefit of any discharged prisoner, parolee or persons convicted of a felony and granted probation shall be immediately transmitted to the department of ~~((social and health services))~~ corrections and it shall enter the same upon its books to his credit. Such money or other property shall be used only under the direction of the department of ~~((social and health services))~~ corrections.

If such person absconds, the money shall be deposited in the revolving fund created by RCW 9.95.360, and any other property, if not called for within one year, shall be sold by the department of ~~((social and health services))~~ corrections and the proceeds credited to the revolving fund.

If any person, files a claim within five years after the deposit or crediting of such funds, and satisfies the department of ~~((social and health services))~~ corrections that he is entitled thereto, the department ~~((of social and~~



~~health services~~)) may make a finding to that effect and may make payment to the claimant in the amount to which he is entitled.

Sec. 49. Section 7, chapter 217, Laws of 1961 as amended by section 6, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.360 are each amended to read as follows:

The department of (~~social and health services~~) corrections shall create, maintain, and administer outside the state treasury a permanent revolving fund to be known as the "parolee and probationer revolving fund" into which shall be deposited all moneys received by it under RCW 9.95.310 through 9.95.370 and any appropriation made for the purposes of RCW 9.95.310 through 9.95.370. All expenditures from this revolving fund shall be made by check or voucher signed by the secretary of (~~the department of social and health services~~) corrections or his designee. The parolee and probationer revolving fund shall be deposited by the department of (~~social and health services~~) corrections in such banks or financial institutions as it may select which shall give to the department (~~of social and health services~~) a surety bond executed by a surety company authorized to do business in this state, or collateral eligible as security for deposit of state funds in at least the full amount of deposit.

Sec. 50. Section 8, chapter 217, Laws of 1961 as amended by section 7, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.370 are each amended to read as follows:

The secretary of (~~the department of social and health services~~) corrections or his designee shall enter into a written agreement with every person receiving funds under RCW 9.95.310 through 9.95.370 that such person will repay such funds under the terms and conditions in said agreement. No person shall receive funds until such an agreement is validly made.

Sec. 51. Section 2, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.020 are each amended to read as follows:

From any state moneys made available for such purpose, the state of Washington, through the department of (~~social and health services~~) corrections, shall, in accordance with this chapter, share in the cost of supervising and providing services for persons processed in the courts as nondangerous adults who could otherwise be committed by the superior courts to the custody of the department of (~~social and health services~~) corrections, but who are instead granted probation and placed in "special adult supervision programs".

Sec. 52. Section 3, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.030 are each amended to read as follows:

As used in this chapter:

(1) "Secretary" means the secretary of (~~the department of social and health services~~) corrections.

(2) "Department" means the department of ~~((social and health services))~~ corrections.

(3) "Special adult supervision program" means a program (a) directly operated by the county or (b) provided for by the county by purchase, contract or agreement, or (c) a combination of subsections (a) and (b), which embodies a degree of supervision substantially above or better than the usual, individualized so as to deal with the individual and his family in the context of his total life, or which embodies the use of new techniques in addition to, or instead of, routine supervision techniques or those otherwise or ordinarily available in the applying county, and which meets the standards prescribed pursuant to this chapter. A person may only be placed in a special adult supervision program pursuant to court order. The court is hereby authorized to make such order.

(4) "Deferred prosecution" means a special supervision program, for an individual, ordered for a specified period of time by the court prior to a guilty plea to, or a trial on, a felony charge, pursuant to either:

(a) A written agreement of the prosecuting attorney, defendant, and defense counsel, with concurrence by the court; or

(b) A motion by the prosecuting attorney or defendant, the court being satisfied based upon all appropriate evidence, that a deferred prosecution program for the indicated individual is in the best interests of society and of the individual.

A deferred prosecution program shall provide that at the end of the court ordered specified time, if the defendant has satisfied all the conditions of the program, the charge shall be dismissed; but if the defendant does not meet any of the conditions of the program at any time prior to completion of the specified period, the court may enter an order rescinding the deferred prosecution program and authorizing the prosecution to proceed.

The court is hereby authorized to make such orders as are described in this section.

(5) "County" means one county or two or more counties acting jointly or in combination by agreement.

(6) "Court" means a superior court of the state of Washington for a county or judicial district.

Sec. 53. Section 4, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.040 are each amended to read as follows:

The department ~~((of social and health services))~~ shall adopt rules prescribing minimum standards for the operation of "special adult supervision programs", including those authorized in RCW 9.95A.070, and such other rules as may be necessary for the administration and implementation of the provisions of this chapter. Such standards shall be sufficiently flexible to foster the development of new and improved supervision or rehabilitative practices. The secretary shall seek advice from appropriate county and local officials as well as concerned and involved private citizens in developing

standards and procedures for the content and operation of "special adult supervision programs", but the implementation of all such programs shall first be approved by the secretary.

Sec. 54. Section 8, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.080 are each amended to read as follows:

The secretary may make pro rata payments to eligible counties for periods of less than one year, but for periods of not less than six months, upon satisfactory demonstration of a reduction in commitments and placement of persons in special adult supervision programs in accordance with the provisions of this chapter and the regulations of the department (~~of social and health services~~).

Sec. 55. Section 9A.32.040, chapter 260, Laws of 1975 1st ex. sess. as amended by section 3, chapter 206, Laws of 1977 ex. sess. and RCW 9A.32.040 are each amended to read as follows:

Notwithstanding RCW 9A.32.030(2), any person convicted of the crime of murder in the first degree shall be sentenced as follows:

(1) If, pursuant to a special sentencing proceeding held under RCW 10.94.020, the jury finds that there are one or more aggravating circumstances and that there are not sufficient mitigating circumstances to merit leniency, and makes an affirmative finding on both of the special questions submitted to the jury pursuant to RCW 10.94.020(10), the sentence shall be death;

(2) If, pursuant to a special sentencing proceeding held under RCW 10.94.020, the jury finds that there are one or more aggravating circumstances but fails to find that there are not sufficient mitigating circumstances to merit leniency, or the jury answers in the negative either of the special questions submitted pursuant to RCW 10.94.020(10), the sentence shall be life imprisonment without possibility of release or parole. A person sentenced to life imprisonment under this subsection shall not have that sentence suspended, deferred, or commuted by any judicial officer, and the board of prison terms and paroles shall never parole a prisoner nor reduce the period of confinement. The convicted person shall not be released as a result of any type of good time calculation nor shall the department of (~~social and health services~~) corrections permit the convicted person to participate in any temporary release or furlough program; and

(3) In all other convictions for first degree murder, the sentence shall be life imprisonment.

Sec. 56. Section 3, chapter 9, Laws of 1975-'76 2nd ex. sess. as amended by section 6, chapter 206, Laws of 1977 ex. sess. and RCW 9A.32.047 are each amended to read as follows:

In the event that the governor commutes a death sentence or in the event that the death penalty is held to be unconstitutional by the United States supreme court or the supreme court of the state of Washington the

penalty under RCW 9A.32.046 shall be imprisonment in the state penitentiary for life without possibility of release or parole. A person sentenced to life imprisonment under this section shall not have that sentence suspended, deferred, or commuted by any judicial officer, and the board of prison terms and paroles shall never parole a prisoner nor reduce the period of confinement. The convicted person shall not be released as a result of any type of good time calculation nor shall the department of (~~social and health services~~) corrections permit the convicted person to participate in any temporary release or furlough program.

Sec. 57. Section 4, chapter 14, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.040 are each amended to read as follows:

(1) A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person not married to the perpetrator by forcible compulsion where the perpetrator or an accessory:

(a) Uses or threatens to use a deadly weapon; or

(b) Kidnaps the victim; or

(c) Inflicts serious physical injury; or

(d) Feloniously enters into the building or vehicle where the victim is situated.

(2) Rape in the first degree is a class A felony. No person convicted of rape in the first degree shall be granted a deferred or suspended sentence except for the purpose of commitment to an inpatient treatment facility: PROVIDED, That every person convicted of rape in the first degree shall be confined for a minimum of three years: PROVIDED FURTHER, That the board of prison terms and paroles shall have authority to set a period of confinement greater than three years but shall never reduce the minimum three-year period of confinement nor shall the board release the convicted person during the first three years of confinement as a result of any type of automatic good time calculation nor shall the department of (~~social and health services~~) corrections permit the convicted person to participate in any work release program or furlough program during the first three years of confinement.

Sec. 58. Section 11.08.101, chapter 145, Laws of 1965 as amended by section 10, chapter 141, Laws of 1979 and RCW 11.08.101 are each amended to read as follows:

Where, upon the expiration of two years after the death of any inmate of any state institution, there remains in the custody of the superintendent of such institution, money or property belonging to said deceased inmate, the superintendent shall forward such money to the state treasurer for deposit in the general fund of the state, and shall report such transfer and any

remaining property to the department of (~~social and health services~~) corrections, which department shall cause the sale of such property and proceeds thereof shall be forwarded to the state treasurer for deposit in the general fund.

Sec. 59. Section 11.08.120, chapter 145, Laws of 1965 as amended by section 11, chapter 141, Laws of 1979 and RCW 11.08.120 are each amended to read as follows:

The property, other than money, of such deceased inmate remaining in the custody of a superintendent of a state institution after the expiration of the above two-year period may be forwarded to the department of (~~social and health services~~) corrections at its request and may be appraised and sold at public auction to the highest bidder in the manner and form as provided for public sales of personal property, and all moneys realized upon such sale, after deducting the expenses thereof, shall be paid into the general fund of the state treasury.

Sec. 60. Section 2, chapter 103, Laws of 1969 as amended by section 2, chapter 4, Laws of 1969 ex. sess. and RCW 36.63.255 are each amended to read as follows:

Any person imprisoned in a county jail pending the appeal of his conviction of a felony and who has not obtained bail bond pending his appeal shall be transferred after thirty days but within forty days from the date judgment was entered against him to a state institution for felons designated by the (~~director of the department of institutions~~) secretary of corrections: PROVIDED, That when good cause is shown, a superior court judge may order the prisoner detained in the county jail beyond said forty days for an additional period not to exceed ten days.

Sec. 61. Section 1, chapter 10, Laws of 1979 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of transportation, (8) the department of licensing, (9) the department of general administration, (10) the department of commerce and economic development, (11) the department of veterans affairs, (12) the department of revenue, (~~and~~) (13) the department of retirement systems, and (14) the department of corrections, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 62. Section 2, chapter 10, Laws of 1979 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the secretary of transportation, (8) the director of licensing, (9) the director of general administration, (10) the director of commerce and economic development, (11) the director of veterans affairs, (12) the director of revenue, ~~((and))~~ (13) the director of retirement systems, and (14) the secretary of corrections.

Such officers, except the secretary of transportation and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01-.041, and the director of game shall be appointed by the game commission.

Sec. 63. Section 43.19.450, chapter 8, Laws of 1965 as amended by section 45, chapter 141, Laws of 1979 and RCW 43.19.450 are each amended to read as follows:

The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of engineering and architecture who shall have charge and supervision of the division of engineering and architecture. With the approval of the director he may appoint and employ such assistants and personnel as may be necessary to carry out the work of the division.

No person shall be eligible for appointment as supervisor of engineering and architecture unless he is, and for the last five years prior to his appointment has been, licensed to practice the profession of engineering or the profession of architecture in the state of Washington.

The director of general administration, through the division of engineering and architecture shall:

(1) Establish a systematic building program for the grouping of buildings at the state capital, at institutions under the control of the department of social and health services and the department of corrections, and for state agencies which have no architectural staff, and prepare preliminary layouts, site studies, programs and topographical plans to accompany the estimates for the biennial budgets.

(2) Contract for professional architectural, engineering and related services for the design of buildings and major alterations to existing buildings at the state capital, at institutions under the control of the department of social and health services and the department of corrections, and for all state-owned buildings for agencies which have no architectural staff.

(3) Prepare estimates for the biennial budget and prepare plans and specifications for all necessary maintenance, repairs, and minor alterations

to the state capitol buildings, all buildings required at the institutions under the control of the department of social and health services and the department of corrections, and for all other state-owned buildings for agencies which have no architectural staff.

(4) Supervise the erection, repairing and betterment of all capitol buildings, all buildings required for the institutions under the control of the department of social and health services and the department of corrections, and all other state-owned buildings for agencies which have no architectural staff.

(5) Negotiate and/or call for bids and execute all contracts on behalf of the state for the preceding.

Sec. 64. Section 3, chapter 104, Laws of 1967 as amended by section 130, chapter 141, Laws of 1979 and RCW 71.06.091 are each amended to read as follows:

A sexual psychopath committed pursuant to RCW 71.06.060 shall be retained by the superintendent of the institution involved until in the superintendent's opinion he is safe to be at large, or until he has received the maximum benefit of treatment, or is not amenable to treatment, but the superintendent is unable to render an opinion that he is safe to be at large. Thereupon, the superintendent of the institution involved shall so inform whatever court committed the sexual psychopath. The court then may order such further examination and investigation of such person as seems necessary, and may at its discretion, summon such person before it for further hearing, together with any witnesses whose testimony may be pertinent, and together with any relevant documents and other evidence. On the basis of such reports, investigation, and possible hearing, the court shall determine whether the person before it shall be released unconditionally from custody as a sexual psychopath, released conditionally, returned to the custody of the institution as a sexual psychopath, or ~~((returned))~~ transferred to the department of ~~((social and health services))~~ corrections to serve the original sentence imposed upon him. The power of the court to grant conditional release for any such person before it shall be the same as its power to grant, amend and revoke probation as provided by chapter 9.95 RCW. When the sexual psychopath has entered upon the conditional release, the state board of prison terms and paroles shall supervise such person pursuant to the terms and conditions of the conditional release, as set by the court: PROVIDED, That the superintendent of the institution involved shall never release the sexual psychopath from custody without a court release as herein set forth.

Sec. 65. Section 71.06.140, chapter 25, Laws of 1959 as last amended by section 131, chapter 141, Laws of 1979 and RCW 71.06.140 are each amended to read as follows:

The department may designate one or more state hospitals for the care and treatment of sexual psychopaths: PROVIDED, That a committed sexual psychopath who has been determined by the superintendent of such mental hospital to be a custodial risk, or a hazard to other patients may be transferred by the secretary of social and health services, with the consent of the secretary of corrections, to one of the correctional institutions within the department of ~~((social and health services))~~ corrections which has psychiatric care facilities. A committed sexual psychopath who has been transferred to a correctional institution shall be observed and treated at the psychiatric facilities provided by the correctional institution. A complete psychiatric examination shall be given to each sexual psychopath so transferred at least twice annually. The examinations may be conducted at the correctional institution or at one of the mental hospitals. The examiners shall report in writing the results of said examinations, including recommendations as to future treatment and custody, to the superintendent of the mental hospital from which the sexual psychopath was transferred, and to the committing court, with copies of such reports and recommendations to the superintendent of the correctional institution.

Sec. 66. Section 72.01.010, chapter 28, Laws of 1959 as last amended by section 142, chapter 141, Laws of 1979 and RCW 72.01.010 are each amended to read as follows:

As used in this ~~((title))~~ chapter:

"Department" means the departments of social and health services and corrections; and

"Secretary" means the ~~((secretary))~~ secretaries of social and health services and corrections.

The powers and duties granted and imposed in this chapter, when applicable, apply to both the departments of social and health services and corrections and the secretaries of social and health services and corrections for institutions under their control. A power or duty may be exercised or fulfilled jointly if joint action is more efficient, as determined by the secretaries.

Sec. 67. Section 1, chapter 169, Laws of 1953 as last amended by section 143, chapter 141, Laws of 1979 and RCW 72.01.042 are each amended to read as follows:

The hours of labor for each full time employee shall be a maximum of eight hours in any work day and forty hours in any work week.

Employees required to work in excess of the eight-hour maximum per day or the forty-hour maximum per week shall be compensated by not less than equal hours of compensatory time off or, in lieu thereof, a premium rate of pay per hour equal to not less than one-one hundred and seventy-sixth of the employee's gross monthly salary: PROVIDED, That in the event that an employee is granted compensatory time off, such time off



should be given within the calendar year and in the event that such an arrangement is not possible the employee shall be given a premium rate of pay: PROVIDED FURTHER, That compensatory time and/or payment thereof shall be allowed only for overtime as is duly authorized and accounted for under rules and regulations established by the secretary (~~of social and health services~~).

Sec. 68. Section 72.01.050, chapter 28, Laws of 1959 as last amended by section 145, chapter 141, Laws of 1979 and RCW 72.01.050 are each amended to read as follows:

(1) The secretary of social and health services shall have full power to manage and govern the following public institutions(-): The western state hospital, the eastern state hospital, the northern state hospital, (~~the state penitentiary, the state reformatory;~~) the state training school, the state school for girls, Lakeland Village, the Rainier school, the state school for the deaf, the state school for the blind, and such other institutions as authorized by law, subject only to the limitations contained in laws relating to the management of such institutions.

(2) The secretary of corrections shall have full power to manage and govern the following public institutions: The state penitentiary, the state reformatory, the Washington corrections center, the McNeil Island penitentiary, the Purdy treatment center for women, the Cedar Creek corrections center, the Clearwater corrections center, the Firland correctional center, the Indian Ridge treatment center, the Larch corrections center, the Olympic correctional center, Pine Lodge correctional center, and the special offender center, subject only to the limitations contained in laws relating to the management of such institutions.

(3) If any of the facilities specified in subsection (2) of this section is fully or partially destroyed by natural causes or otherwise, the secretary of corrections may, with the approval of the governor, provide for the establishment and operation of additional residential correctional facilities to place those inmates displaced by such destruction. However, such additional facilities may not be established if there are existing residential correctional facilities to which all of the displaced inmates can be appropriately placed. The establishment and operation of any additional facility shall be on a temporary basis, and the facility may not be operated beyond July 1 of the year following the year in which it was partially or fully destroyed.

Sec. 69. Section 72.01.210, chapter 28, Laws of 1959 as last amended by section 154, chapter 141, Laws of 1979 and RCW 72.01.210 are each amended to read as follows:

The secretary (~~is hereby directed and empowered to~~) of corrections shall appoint chaplains for the state correctional institutions for convicted felons; and the secretary of social and health services shall appoint chaplains for the correctional institutions for juveniles found delinquent by the juvenile courts(-); and the secretary of corrections and the secretary of

social and health services shall appoint one ((chaplain;)) or more chaplains ((as may be approved by the secretary)) for other custodial, correctional and mental institutions under their control. The chaplains so appointed shall have the qualifications and shall be compensated in an amount, as shall hereafter be recommended by the department and approved by the state personnel board.

Sec. 70. Section 72.01.240, chapter 28, Laws of 1959 as amended by section 155, chapter 141, Laws of 1979 and RCW 72.01.240 are each amended to read as follows:

~~((The))~~ Each secretary is hereby empowered to appoint one of the chaplains, authorized by RCW 72.01.210, to act as supervisor of chaplains for ~~((the))~~ his department, in addition to his duties at one of the institutions designated in RCW 72.01.210.

Sec. 71. Section 1, chapter 210, Laws of 1959 as amended by section 159, chapter 141, Laws of 1979 and RCW 72.01.282 are each amended to read as follows:

All moneys received by the secretary ~~((of social and health services))~~ from charges made pursuant to RCW 72.01.280 shall be deposited by him in the state general fund.

Sec. 72. Section 1, chapter 40, Laws of 1959 as amended by section 164, chapter 141, Laws of 1979 and RCW 72.01.370 are each amended to read as follows:

The superintendents of the state penitentiary, the state reformatory, the state honor camps and such other penal institutions as may hereafter be established, may, subject to the approval of the secretary ~~((of social and health services))~~, grant leaves of absence to inmates confined in such institutions to:

- (1) Go to the bedside of the inmate's wife, husband, child, mother or father, or other member of the inmate's immediate family who is seriously ill;
- (2) Attend the funeral of a member of the inmate's immediate family listed in subsection (1) of this section;
- (3) Participate in athletic contests, and;
- (4) Perform ~~((labor))~~ work in connection with the industrial, educational, or agricultural programs of ~~((such institutions))~~ the department.

Sec. 73. Section 2, chapter 40, Laws of 1959 as amended by section 165, chapter 141, Laws of 1979 and RCW 72.01.380 are each amended to read as follows:

The secretary ~~((of social and health services))~~ is authorized to make rules and regulations providing for the conditions under which inmates will be granted leaves of absence, and providing for safeguards to prevent escapes while on leave of absence: PROVIDED, That leaves of absence

granted to inmates under RCW 72.01.370 shall not allow or permit any inmate to go beyond the boundaries of this state. The secretary (~~(of social and health services)~~) shall also make rules and regulations requiring the reimbursement of the state from the inmate granted leave of absence, or his family, for the actual costs incurred arising from any leave of absence granted under the authority of RCW 72.01.370, subsections (1) and (2): **PROVIDED FURTHER**, That no state funds shall be expended in connection with leaves of absence granted under RCW 72.01.370, subsections (1) and (2), unless such inmate and his immediate family are indigent and without resources sufficient to reimburse the state for the expenses of such leaves of absence.

Sec. 74. Section 1, chapter 140, Laws of 1959 as amended by section 166, chapter 141, Laws of 1979 and RCW 72.01.410 are each amended to read as follows:

Whenever any child under the age of sixteen is convicted in the courts of this state of a crime amounting to a felony, and is committed for a term of confinement in a correctional institution wherein adults are confined, the secretary of (~~(social and health services)~~) corrections, with the consent of the secretary of social and health services, may transfer such child to a juvenile correctional institution, or to such other institution as is now, or may hereafter be authorized by law to receive such child, until such time as the child arrives at the age of eighteen years, whereupon the child shall be returned to the institution of original commitment. Notice of such transfers shall be given to the clerk of the committing court and the parents, guardian, or next of kin of such child, if known.

Sec. 75. Section 1, chapter 193, Laws of 1961 as last amended by section 167, chapter 141, Laws of 1979 and RCW 72.01.430 are each amended to read as follows:

The secretary (~~(of social and health services)~~), notwithstanding any provision of law to the contrary, is hereby authorized to transfer equipment, livestock and supplies between the several institutions within the department without reimbursement to the transferring institution excepting, however, any such equipment donated by organizations for the sole use of such transferring institutions. Whenever transfers of capital items are made between institutions of the department, notice thereof shall be given to the director of the department of general administration accompanied by a full description of such items with inventory numbers, if any.

Sec. 76. Section 1, chapter 46, Laws of 1967 as last amended by section 168, chapter 141, Laws of 1979 and RCW 72.01.450 are each amended to read as follows:

The secretary (~~(of social and health services of the state of Washington)~~) is authorized to enter into agreements with any school district or any institution of higher learning for the use of the facilities, equipment

and personnel of any state institution of the department, for the purpose of conducting courses of education, instruction or training in the professions and skills utilized by one or more of the institutions, at such times and under such circumstances and with such terms and conditions as may be deemed appropriate.

Sec. 77. Section 2, chapter 46, Laws of 1969 ex. sess. as amended by section 171, chapter 141, Laws of 1979 and RCW 72.01.460 are each amended to read as follows:

(1) Any lease of public lands with outdoor recreation potential authorized by the department (~~((of social and health services))~~) shall be open and available to the public for compatible recreational use unless the department (~~((of social and health services))~~) determines that the leased land should be closed in order to prevent damage to crops or other land cover, to improvements on the land, to the lessee, or to the general public or is necessary to avoid undue interference with carrying forward a departmental program. Any lessee may file an application with the department (~~((of social and health services))~~) to close the leased land to any public use. The department shall cause written notice of the impending closure to be posted in a conspicuous place in the department's Olympia office, at the principal office of the institution administering the land, and in the office of the county auditor in which the land is located thirty days prior to the public hearing. This notice shall state the parcel or parcels involved and shall indicate the time and place of the public hearing. Upon a determination by the department that posting is not necessary, the lessee shall desist from posting. Upon a determination by the department that posting is necessary, the lessee shall post his leased premises so as to prohibit recreational uses thereon. In the event any such lands are so posted, it shall be unlawful for any person to hunt or fish, or for any person other than the lessee or his immediate family to use any such posted land for recreational purposes.

(2) The department (~~((of social and health services))~~) may insert the provisions of subsection (1) of this section in all leases hereafter issued.

Sec. 78. Section 1, chapter 50, Laws of 1970 ex. sess. as amended by section 172, chapter 141, Laws of 1979 and RCW 72.01.480 are each amended to read as follows:

The secretary (~~((of social and health services))~~) is authorized to enter into agreements with any nonprofit corporation or association for the purpose of providing and coordinating voluntary and community based services for the treatment or rehabilitation of persons admitted or committed to any institution under the supervision of the department (~~((of social and health services))~~).

Sec. 79. Section 72.02.040, chapter 28, Laws of 1959 as amended by section 57, chapter 18, Laws of 1970 ex. sess. and RCW 72.02.040 are each amended to read as follows:

The secretary of (~~social and health services~~) corrections acting for the department of corrections shall exercise all powers and perform all duties prescribed by law with respect to the administration of any adult correctional program by the department of corrections.

Sec. 80. Section 2, chapter 171, Laws of 1971 ex. sess. and RCW 72.02.110 are each amended to read as follows:

As state, federal or other funds are available, the secretary of (~~the department of social and health services~~) corrections or his designee is authorized, in his discretion, not to provide the forty dollars subsistence money or the optional sixty dollars to a person or persons released as described in RCW 72.02.100, and instead to utilize the authorization and procedure contained in this section relative to such person or persons.

Any person designated by the secretary serving a sentence for a term of confinement in a state correctional facility for convicted felons, pursuant to court commitment, who is thereafter released upon an order of parole of the state board of prison terms and paroles, or is discharged from custody upon expiration of sentence, or is ordered discharged from custody by a court of appropriate jurisdiction, shall receive the sum of fifty-five dollars per week for a period of up to six weeks. The initial weekly payment shall be made to such person upon his release or parole by the superintendent of the institution. Subsequent weekly payments shall be made to such person by the probation and parole officer at the office of such probation or parole officer. In addition to the initial six weekly payments provided for in this section, a probation and parole officer and his district supervisor may, at their discretion, continue such payments up to a maximum of twenty additional weeks when they are satisfied that such person is actively seeking employment and that such payments are necessary to continue the efforts of such person to gain employment: PROVIDED, That if, at the time of release or parole, in the opinion of the superintendent funds are otherwise available to such person, with the exception of earnings from labor or employment while in confinement, such weekly sums of money or part thereof shall not be provided to such person.

When a person receiving such payments provided for in this section becomes employed, he may continue to receive payments for two weeks after the date he becomes employed but payments made after he becomes employed shall be discontinued as of the date he is first paid for such employment: PROVIDED, That no person shall receive payments for a period exceeding the twenty-six week maximum as established in this section.

The secretary of (~~the department of social and health services~~) corrections may annually adjust the amount of weekly payment provided for in this section to reflect changes in the cost of living and the purchasing power of the sum set for the previous year.

Sec. 81. Section 7, chapter 134, Laws of 1967 as amended by section 173, chapter 141, Laws of 1979 and RCW 72.04A.050 are each amended to read as follows:

The powers and duties of the state board of prison terms and paroles, relating to (1) the supervision of parolees of any of the state penal institutions, (2) the supervision of persons placed on probation by the courts, and (3) duties with respect to persons conditionally pardoned by the governor, are transferred to the secretary of (~~((social and health services))~~) corrections.

This section shall not be construed as affecting any of the remaining powers and duties of the board of prison terms and paroles including, but not limited to, the following:

(1) The fixing of minimum terms of confinement of convicted persons, or the reconsideration of its determination of minimum terms of confinement;

(2) Determining when and under what conditions a convicted person may be released from custody on parole, and the revocation or suspension of parole or the modification or revision of the conditions of the parole, of any convicted person.

Sec. 82. Section 9, chapter 134, Laws of 1967 as amended by section 174, chapter 141, Laws of 1979 and RCW 72.04A.070 are each amended to read as follows:

The secretary of (~~((social and health services))~~) corrections shall cause to be prepared plans and recommendations for the conditions of supervision under which each inmate of any state penal institutions who is eligible for parole may be released from custody. Such plans and recommendations shall be submitted to the board of prison terms and paroles which may, at its discretion, approve, reject, or revise or amend such plans and recommendations for the conditions of supervision of release of inmates on parole, and, in addition, the board may stipulate any special conditions of supervision to be carried out by a probation and parole officer.

Sec. 83. Section 10, chapter 134, Laws of 1967 as amended by section 175, chapter 141, Laws of 1979 and RCW 72.04A.080 are each amended to read as follows:

Each inmate hereafter released on parole shall be subject to the supervision of the department of (~~((social and health services))~~) corrections, and the probation and parole officers of the department shall be charged with the preparation of progress reports of parolees and to give guidance and supervision to such parolees within the conditions of a parolee's release from custody. Copies of all progress reports prepared by the probation and parole officers shall be supplied to the board of prison terms and paroles for their files and records.

Sec. 84. Section 11, chapter 134, Laws of 1967 as last amended by section 176, chapter 141, Laws of 1979 and RCW 72.04A.090 are each amended to read as follows:

Whenever a parolee breaches a condition or conditions under which he was granted parole, or violates any law of the state or rules and regulations of the board of prison terms and paroles, any probation and parole officer may arrest, or cause the arrest and suspension of parole of, such parolee without a warrant, pending a determination by the board. The facts and circumstances of such conduct of the parolee shall be reported by the probation and parole officer, with recommendations, to the board of prison terms and paroles, who may order the revocation or suspension of parole, revise or modify the conditions of parole or take such other action as may be deemed appropriate in accordance with RCW 9.95.120. The board of prison terms and paroles, after consultation with the secretary of ~~((social and health services))~~ corrections, shall make all rules and regulations concerning procedural matters, which shall include the time when state probation and parole officers shall file with the board reports required by this section, procedures pertaining thereto and the filing of such information as may be necessary to enable the board of prison terms and paroles to perform its functions under this section.

The probation and parole officers shall have like authority and power regarding the arrest and detention of a probationer who has breached a condition or conditions under which he was granted probation by the superior court, or violates any law of the state, pending a determination by the superior court.

In the event a probation and parole officer shall arrest or cause the arrest and suspension of parole of a parolee or probationer in accordance with the provisions of this section, such parolee or probationer shall be confined and detained in the county jail of the county in which the parolee or probationer was taken into custody, and the sheriff of such county shall receive and keep in the county jail, where room is available, all prisoners delivered thereto by the probation and parole officer, and such parolees shall not be released from custody on bail or personal recognizance, except upon approval of the board of prison terms and paroles and the issuance by the board of an order of reinstatement on parole on the same or modified conditions of parole.

Sec. 85. Section 3, chapter 9, Laws of 1965 ex. sess. as amended by section 188, chapter 141, Laws of 1979 and RCW 72.08.101 are each amended to read as follows:

The secretary of ~~((social and health services))~~ corrections shall provide for the establishment of programs and procedures for convicted persons at the state penitentiary, which are designed to ~~((be corrective, rehabilitative and reformatory of the undesirable behavior problems of such persons, as~~

~~distinguished from programs and procedures essentially penal in nature))~~  
implement the intent of the legislature under section 2 of this 1981 act.

Sec. 86. Section 4, chapter 9, Laws of 1965 ex. sess. as amended by section 189, chapter 141, Laws of 1979 and RCW 72.08.102 are each amended to read as follows:

The secretary of (~~social and health services~~) corrections is authorized to make rules and regulations for the administration, supervision, security and disciplinary measures inflicted upon convicted persons at the state penitentiary.

Sec. 87. Section 72.08.380, chapter 28, Laws of 1959 as amended by section 192, chapter 141, Laws of 1979 and RCW 72.08.380 are each amended to read as follows:

Whenever the superintendent of the state penitentiary withholds from mailing letters written by inmates of such institution, the superintendent shall forward such letters to the secretary of (~~social and health services~~) corrections for study and the inmate shall be forthwith notified that such letter has been withheld from mailing and the reason for so doing. Letters forwarded to the secretary for study shall either be mailed within seven days to the addressee or, if deemed objectionable by the secretary, retained in a separate file for two years and then destroyed.

Sec. 88. Section 72.12.020, chapter 28, Laws of 1959 as amended by section 193, chapter 141, Laws of 1979 and RCW 72.12.020 are each amended to read as follows:

The government and control of the Washington state reformatory and of the prisoners sentenced thereto shall be vested in the secretary of (~~social and health services~~) corrections.

Sec. 89. Section 72.12.140, chapter 28, Laws of 1959 as amended by section 198, chapter 141, Laws of 1979 and RCW 72.12.140 are each amended to read as follows:

Whenever the superintendent of the state reformatory withholds from mailing letters written by inmates of such institution, the superintendent shall forward such letters to the secretary of (~~social and health services~~) corrections for study and the inmate shall be forthwith notified that such letter has been withheld from mailing and the reason for so doing. Letters forwarded to the secretary for study shall either be mailed within seven days to the addressee or, if deemed objectionable by the secretary, retained in a separate file for two years and then destroyed.

NEW SECTION. Sec. 90. There is added to chapter 72.13 RCW a new section to read as follows:

As used in this chapter:

"Department" means the department of corrections; and

"Secretary" means the secretary of corrections.



Sec. 91. Section 1, chapter 214, Laws of 1959 as amended by section 199, chapter 141, Laws of 1979 and RCW 72.13.010 are each amended to read as follows:

There is hereby established under the supervision and control of the secretary (~~(of social and health services)~~) a correctional institution for the confinement and rehabilitation of male persons convicted of a felony and such other persons transferred to such institution as hereinafter provided.

Sec. 92. Section 4, chapter 214, Laws of 1959 as amended by section 200, chapter 141, Laws of 1979 and RCW 72.13.040 are each amended to read as follows:

The superintendent of the correctional institution established by this chapter shall be appointed by the secretary. The superintendent shall have such administrative experience and possess such qualifications as shall be (~~((fixed by the personnel board, or such merit system board as shall be established by law having jurisdiction of personnel within the department of social and health services, with the advice and approval of))~~) determined by the secretary.

Sec. 93. Section 6, chapter 214, Laws of 1959 as amended by section 202, chapter 141, Laws of 1979 and RCW 72.13.060 are each amended to read as follows:

(~~The superintendent and~~) Except as otherwise provided, all subordinate officers and employees of such institution shall be under the jurisdiction of the state personnel board or such merit system board as shall be hereafter established by law having jurisdiction within the department (~~(of social and health services)~~).

Sec. 94. Section 7, chapter 214, Laws of 1959 as amended by section 203, chapter 141, Laws of 1979 and RCW 72.13.070 are each amended to read as follows:

The secretary of social and health services, with the consent of the secretary of corrections, shall have authority to transfer to the correctional institution male juvenile delinquents or male juveniles convicted of a crime, who may hereafter be committed to the department of social and health services, or who are now confined at facilities under the department of social and health services for the custody of juvenile delinquents: PROVIDED, That such juveniles shall not be retained in such institution after eighteen years of age: PROVIDED FURTHER, That the secretary of social and health services shall retain custody of such juveniles for the purpose of returning, in his discretion, such juveniles to the transferring institution or such other facilities of the department of social and health services as he shall deem appropriate.

Sec. 95. Section 12, chapter 214, Laws of 1959 as amended by section 206, chapter 141, Laws of 1979 and RCW 72.13.120 are each amended to read as follows:

Any male offender convicted of an offense punishable by imprisonment in the state penitentiary or the state reformatory, except an offender sentenced to death, shall, notwithstanding any inconsistent provision of law, be sentenced to imprisonment in a penal institution under the jurisdiction of the department (~~(of social and health services)~~) without designating the name of such institution, and be committed to the reception center for classification, confinement and placement in such correctional facility under the supervision of the department (~~(of social and health services)~~) as the secretary (~~(of social and health services)~~) shall deem appropriate.

Sec. 96. Section 1, chapter 122, Laws of 1967 ex. sess. as amended by section 211, chapter 141, Laws of 1979 and RCW 72.15.010 are each amended to read as follows:

There is hereby established under the supervision and control of the secretary of (~~(social and health services)~~) corrections a correctional institution for the confinement, rehabilitation and reformation of female persons convicted of a felony and sentenced and committed to such institution for a term of confinement by the superior courts. Such institution shall be known as the Washington correctional institution for women.

Sec. 97. Section 8, chapter 122, Laws of 1967 ex. sess. as amended by section 134, chapter 81, Laws of 1971 and RCW 72.15.060 are each amended to read as follows:

All female persons convicted in the superior courts of a felony and sentenced to a term of confinement, shall be committed to the Washington correctional institution for women. Female persons sentenced to death shall be committed to the Washington correctional institution for women, notwithstanding the provisions of RCW 10.70.060, except that the death warrant shall provide for the execution of such death sentence at the Washington state penitentiary as provided by RCW 10.70.050, and the secretary of (~~(social and health services)~~) corrections shall transfer to the Washington state penitentiary any female offender sentenced to death not later than seventy-two hours prior to the date fixed in the death warrant for the execution of the death sentence. The provisions of this section shall not become effective until the secretary of (~~(social and health services)~~) corrections certifies to the chief justice of the supreme court, the chief judge of each division of the court of appeals, the superior courts and the prosecuting attorney of each county that the facilities and personnel for the implementation of commitments are ready to receive persons committed to the Washington correctional institution for women under the provisions of this section.

NEW SECTION. Sec. 98. There is added to chapter 72.20 RCW a new section to read as follows:

As used in this chapter:

"Department" means the department of social and health services; and

"Secretary" means the secretary of social and health services.

Sec. 99. Section 72.23.010, chapter 28, Laws of 1959 as last amended by section 2, chapter 145, Laws of 1974 ex. sess. and RCW 72.23.010 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings:

"Department" means the department of social and health services.

"Mentally ill person" shall mean any person who, pursuant to the definitions contained in RCW 71.05.020, as a result of a mental disorder presents a likelihood of serious harm to others or himself or is gravely disabled.

"Patient" shall mean a person under observation, care or treatment in a state hospital, or a person found mentally ill by the court, and not discharged from a state hospital, or other facility, to which such person had been ordered hospitalized.

"Licensed physician" shall mean an individual permitted to practice as a physician under the laws of the state, or a medical officer, similarly qualified, of the government of the United States while in this state in performance of his official duties.

"Secretary" means the secretary of social and health services.

"State hospital" shall mean any hospital operated and maintained by the state of Washington for the care of the mentally ill.

"Superintendent" shall mean the superintendent of a state hospital.

"Court" shall mean the superior court of the state of Washington.

"Resident" shall mean a resident of the state of Washington.

Wherever used in this chapter, the masculine shall include the feminine and the singular shall include the plural.

NEW SECTION. Sec. 100. There is added to chapter 72.40 RCW a new section to read as follows:

As used in this chapter, "secretary" means the secretary of social and health services.

Sec. 101. Section 72.60.100, chapter 28, Laws of 1959 as amended by section 1, chapter 40, Laws of 1972 ex. sess. and RCW 72.60.100 are each amended to read as follows:

Nothing in this chapter is intended to restore, in whole or in part, the civil rights of any inmate. No inmate compensated (~~(under this chapter)~~) for work in institutional industries shall be considered as an employee or to be employed by the state or the department, nor shall any such inmate, except those provided for in RCW 72.60.102 and 72.64.065, come within any of the provisions of the workmen's compensation act, or be entitled to any benefits thereunder whether on behalf of himself or of any other person. (~~((All moneys paid to inmates shall be considered a gratuity:))~~)

Sec. 102. Section 2, chapter 40, Laws of 1972 ex. sess. as amended by section 3, chapter 160, Laws of 1979 ex. sess. and RCW 72.60.102 are each amended to read as follows:

From and after July 1, 1973, any inmate employed in ~~((an industrial enterprise pursuant to the provisions of chapter 72.60 RCW, or in a department of natural resources adult honor camp, a labor camp, or a regional jail camp established under RCW 72.64.050, 72.64.060, or 72.64.100, respectively;))~~ institutional industries shall be eligible for the benefits provided by Title 51 RCW, as now or hereafter amended, relating to industrial insurance, with the exceptions herein provided.

No inmate as herein described, until released upon an order of parole by the state board of prison terms and paroles, or discharged from custody upon expiration of sentence, or discharged from custody by order of a court of appropriate jurisdiction, or his dependents or beneficiaries, shall be entitled to any payment for temporary disability or permanent total disability as provided for in RCW 51.32.090 or 51.32.060 respectively, as now or hereafter enacted. Any inmate who is either not paid any wages or paid a gratuity shall not be considered employed under this section.

~~((Any and all premiums or assessments as may arise hereunder pursuant to the provisions of Title 51 RCW shall be the obligation of and be paid from the institutional industries revolving fund.))~~

Sec. 103. Section 72.60.160, chapter 28, Laws of 1959 as amended by section 260, chapter 141, Laws of 1979 and RCW 72.60.160 are each amended to read as follows:

All articles, materials, and supplies herein authorized to be produced or manufactured in correctional institutions may be purchased from the institution producing or manufacturing the same by any state agency or political subdivision of the state ~~((and at the prices fixed in the manner herein provided))~~, and the secretary shall require those institutions under his direction to give preference to the purchasing of their needs of such articles as are so produced ~~((under this chapter))~~.

Sec. 104. Section 72.60.190, chapter 28, Laws of 1959 as amended by section 4, chapter 160, Laws of 1979 ex. sess. and RCW 72.60.190 are each amended to read as follows:

The supervisor of purchasing for the state of Washington is authorized to enter into contracts for production of goods and supply of services and shall give preference in the purchase of materials and supplies for the institutions, departments and agencies of the state, to those produced by industries ~~((authorized and approved by the institutional industries commission))~~ in state correctional institutions.

Sec. 105. Section 72.60.220, chapter 28, Laws of 1959 and RCW 72.60.220 are each amended to read as follows:

The department may cause to be prepared annually, at such times as it may determine, lists containing the descriptions of all articles and supplies manufactured and produced (~~((pursuant to the provisions of this chapter))~~) in state correctional institutions; copies of such list shall be sent to the supervisor of purchasing and to all departments, institutions and agencies of the state of Washington.

Sec. 106. Section 5, chapter 273, Laws of 1959 as last amended by section 5, chapter 160, Laws of 1979 ex. sess. and RCW 72.60.280 are each amended to read as follows:

~~((+))~~ The ~~((commission))~~ board of directors of institutional industries shall prepare annually a report to the governor and the legislature, which report shall contain:

- ~~((a))~~ (1) A detailed financial statement for each industrial enterprise;
- ~~((b))~~ (2) Reasons for approving or terminating industrial enterprises;
- ~~((c))~~ (3) Summary of plans to develop additional enterprises;
- ~~((d))~~ (4) Assessment of productivity of goods;
- ~~((e))~~ (5) Amounts of goods sold and identification of purposes;
- ~~((f))~~ (6) Extent of cooperation with vocational educational programs;
- ~~((g))~~ (7) Number of inmates employed and hours worked;
- ~~((h))~~ (8) Average salary paid;
- ~~((i))~~ (9) Number of state employees utilized;
- ~~((j))~~ (10) Summary of inmate-operated businesses; ~~((and~~
- ~~((k))~~ (11) The extent to which employment opportunities in institutional industries match the available pool of inmate work skills and aptitudes with the work opportunities in the noncorrectional community; and
- (12) Any further information requested by the governor or the legislature.

~~((2))~~ The secretary shall submit to the legislature, no later than June 30, 1980, a comprehensive institutional industries plan which shall include:

- (a) A history of institutional industries in the state of Washington;
- (b) Status of existing institutional industries programs;
- (c) Status of proposed programs or programs pending operation, to include:
  - (i) Program design and staffing requirements, with particular emphasis on the Washington corrections center and new authorized facilities;
  - (ii) Inmate employment classification and related salaries;
  - (iii) Related training programs for inmates and staff;
  - (iv) Goals and objectives for improving inmate payment of restitution, family support, and cost of confinement;
  - (v) Capital expenditures;
  - (vi) Operational expenditures, including full-time equivalent staff classification; and
  - (vii) Sales promotion plans;

~~(d) An extensive survey of goods and services which can be produced for state and local governments; and~~

~~(e) Coordination with work release programs established pursuant to chapter 72.65 RCW.)~~

Sec. 107. Section 4, chapter 7, Laws of 1972 ex. sess. and RCW 72.62-.040 are each amended to read as follows:

The secretary of the department of social and health services or the secretary of corrections, as the case may be, shall credit the proceeds derived from the sale of such products, goods, wares, articles, or merchandise manufactured or produced by inmates of state correctional institutions within or in conjunction with vocational education programs to the institution where manufactured or produced to be deposited in a revolving fund to be expended for the purchase of supplies, materials and equipment for use in vocational education.

NEW SECTION. Sec. 108. There is added to chapter 72.64 RCW a new section to read as follows:

As used in this chapter:

"Department" means the department of corrections; and

"Secretary" means the secretary of corrections.

NEW SECTION. Sec. 109. It is the intent of the legislature that limitations be placed on the state correctional institutions at Monroe.

The following facilities at Monroe shall be subject to the inmate population limitations specified in this section.

(1) The special offender center shall house no more than one hundred forty-four inmates.

(2) The proposed medium security facility shall house no more than five hundred inmates.

(3) The Monroe reformatory population shall be as determined pursuant to federal court order:

PROVIDED, That the governor may declare an emergency and increase by ten percent for a twelve-month period of time the population limitation of any of the facilities specified in this section.

Sec. 110. Section 1, chapter 17, Laws of 1967 as amended by section 274, chapter 141, Laws of 1979 and RCW 72.65.010 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings:

(1) "Department" shall mean the department of ~~((social and health services))~~ corrections.

(2) "Secretary" shall mean the secretary of ~~((social and health services))~~ corrections.

(3) "State correctional institutions" shall mean and include the Washington state penitentiary; the Washington corrections center; the

Washington state reformatory; ~~((the Clallam Bay honor camp in Clallam county; the Larch Mountain honor camp in Clark county; the Washougal honor camp in Skamania county; the Okanogan honor camp in Okanogan county;))~~ the McNeil Island penitentiary; the Purdy treatment center for women; the Cedar Creek corrections center; the Clearwater corrections center; the Firland correctional center; the Indian Ridge treatment center; the Larch corrections center; the Olympic correctional center; Pine Lodge correctional center; and the special offender center; and such other state correctional institutions, camps or facilities as may hereafter be established pursuant to law under the jurisdiction of the department for the treatment of convicted felons sentenced to a term of confinement.

(4) "Prisoner" shall mean a person either male or female, convicted of a felony and sentenced by the superior court to a term of confinement and treatment in a state correctional institution under the jurisdiction of the department.

(5) "Superintendent" shall mean the superintendent of a state correctional institution, camp or other facility now or hereafter established under the jurisdiction of the department pursuant to law.

Sec. 111. Section 8, chapter 17, Laws of 1967 as last amended by section 279, chapter 141, Laws of 1979 and RCW 72.65.080 are each amended to read as follows:

The secretary may enter into contracts with the appropriate authorities for the payment of the cost of feeding and lodging and other expenses of housing work release participants. Such contracts may include any other terms and conditions as may be appropriate for the implementation of the work release program. In addition the secretary is authorized to acquire, by lease or contract, appropriate facilities for the housing of work release participants and providing for their subsistence and supervision. Such work release participants placed in leased or contracted facilities shall be required to reimburse the department ~~((of social and health services))~~ the per capita cost of subsistence and lodging in accordance with the provisions and in the priority established by RCW 72.65.050(2). The location of such facilities shall not be subject to the zoning laws of the city or county in which they may be situated.

Sec. 112. Section 10, chapter 17, Laws of 1967 as amended by section 280, chapter 141, Laws of 1979 and RCW 72.65.100 are each amended to read as follows:

The secretary is authorized to make rules and regulations for the administration of the provisions of this chapter to administer the work release program. In addition, the department shall:

- (1) Supervise and consult with work release participants;
- (2) Locate available employment or vocational training opportunities for qualified work release participants;
- (3) Effect placement of work release participants under the program;

(4) Collect, account for and make disbursement from earnings of work release participants under the provisions of this chapter;

(5) Promote public understanding and acceptance of the work release program.

All state agencies shall cooperate with the department (~~(of social and health services)~~) in the administration of the work release program as provided by this chapter.

Sec. 113. Section 2, chapter 58, Laws of 1971 ex. sess. as amended by section 2, chapter 20, Laws of 1973 and RCW 72.66.010 are each amended to read as follows:

As used in this chapter the following words shall have the following meanings:

(1) "Department" means the department of (~~(social and health services)~~) corrections.

(2) "Furlough" means an authorized leave of absence for an eligible resident, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or corrections official while on such leave.

(3) "Emergency furlough" means a specially expedited furlough granted to a resident to enable him to meet an emergency situation, such as the death or critical illness of a member of his family.

(4) "Resident" means a person convicted of a felony and serving a sentence for a term of confinement in a state correctional institution or facility, or a state approved work or training release facility.

(5) "Secretary" means the secretary of (~~(the department of social and health services)~~) corrections, or his designee or designees.

**NEW SECTION.** Sec. 114. There is added to chapter 72.68 RCW a new section to read as follows:

As used in this chapter:

"Department" means the department of corrections; and

"Secretary" means the secretary of corrections.

Sec. 115. Section 1, chapter 59, Laws of 1972 ex. sess. and RCW 72.68.031 are each amended to read as follows:

When, in the judgment of the secretary (~~(of the department of social and health services)~~), the welfare of any person committed to or confined in any state correctional institution or facility necessitates that such person be transferred or moved for observation, diagnosis or treatment to any state institution or facility for the care of the mentally ill, the secretary, with the consent of the secretary of social and health services, is authorized to order and effect such move or transfer: **PROVIDED**, That the sentence of such person shall continue to run as if he remained confined in a correctional institution or facility, and that such person shall not continue so detained or



confined beyond the maximum term to which he was sentenced: PROVIDED, FURTHER, That the secretary and the board of prison terms and paroles shall adopt and implement procedures to assure that persons so transferred shall, while detained or confined at such institution or facility for the care of the mentally ill, be provided with substantially similar opportunities for parole or early release evaluation and determination as persons detained or confined in the state correctional institutions or facilities.

Sec. 116. Section 2, chapter 59, Laws of 1972 ex. sess. and RCW 72.68.032 are each amended to read as follows:

When, in the judgment of the secretary of the department of social and health services, the welfare of any person committed to or confined in any state institution or facility for the care of the mentally ill necessitates that such person be transferred or moved for observation, diagnosis, or treatment, or for different security status while being observed, diagnosed or treated to any other state institution or facility for the care of the mentally ill, the secretary of social and health services is authorized to order and effect such move or transfer.

Sec. 117. Section 72.68.040, chapter 28, Laws of 1959 as last amended by section 284, chapter 141, Laws of 1979 and RCW 72.68.040 are each amended to read as follows:

The secretary may contract with the authorities of the federal government, or the authorities of any state of the United States or of any county or city in this state providing for the detention in an institution or jail operated by such governmental unit, of prisoners convicted of a felony in the courts of this state and sentenced to a term of imprisonment therefor in a state correctional institution for convicted felons under the jurisdiction of the department (~~of social and health services~~). After the making of a contract under this section, prisoners sentenced to a term of imprisonment in a state correctional institution for convicted felons may be conveyed by the superintendent or his assistants to the institution or jail named in the contract. The prisoners shall be delivered to the authorities of the institution or jail, there to be confined until their sentences have expired or they are otherwise discharged by law, paroled or until they are returned to a state correctional institution for convicted felons for further confinement.

Sec. 118. Section 2, chapter 287, Laws of 1959 as amended by section 290, chapter 141, Laws of 1979 and RCW 72.70.020 are each amended to read as follows:

The secretary of (~~social and health services~~) corrections is authorized to receive or transfer an inmate as defined in Article II(d) of the Western Interstate Corrections Compact to any institution as defined in Article II(e) of the Western Interstate Corrections Compact within this state or without

this state, if this state has entered into a contract or contracts for the confinement of inmates in such institutions pursuant to Article III of the Western Interstate Corrections Compact.

Sec. 119. Section 5, chapter 287, Laws of 1959 as amended by section 292, chapter 141, Laws of 1979 and RCW 72.70.050 are each amended to read as follows:

The secretary of (~~((social and health services))~~) corrections is hereby empowered to enter into such contracts on behalf of this state as may be appropriate to implement the participation of this state in the Western Interstate Corrections Compact pursuant to Article III thereof. No such contract shall be of any force or effect until approved by the attorney general.

Sec. 120. Section 2, chapter 108, Laws of 1979 ex. sess. and RCW 72.72.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of (~~((social and health services))~~) corrections.

(2) "Political subdivisions" means counties, cities, and towns.

(3) "Institution" means any state institution (~~((operated by the department))~~) for the confinement of adult offenders committed pursuant to chapters 10.64, 10.77, and 71.06 RCW or juvenile offenders committed pursuant to chapter 13.40 RCW.

(4) "Secretary" means the secretary of (~~((social and health services))~~) corrections.

NEW SECTION. Sec. 121. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 178, Laws of 1933 and RCW 19.20.010;

(2) Section 1, chapter 294, Laws of 1927, section 1, chapter 178, Laws of 1933, section 1, chapter 73, Laws of 1970 ex. sess., section 1, chapter 44, Laws of 1975 and RCW 19.20.020;

(3) Section 2, chapter 294, Laws of 1927, section 2, chapter 178, Laws of 1933 and RCW 19.20.060;

(4) Section 5, chapter 178, Laws of 1933 and RCW 19.20.900;

(5) Section 3, chapter 294, Laws of 1927 and RCW 19.20.910;

(6) Section 31, chapter 99, Laws of 1979 and RCW 43.131.209;

(7) Section 73, chapter 99, Laws of 1979 and RCW 43.131.210;

(8) Section 72.08.170, chapter 28, Laws of 1959, section 32, chapter 106, Laws of 1973 and RCW 72.08.170;

(9) Section 72.60.010, chapter 28, Laws of 1959, section 254, chapter 141, Laws of 1979 and RCW 72.60.010;

(10) Section 72.60.020, chapter 28, Laws of 1959, section 255, chapter 141, Laws of 1979 and RCW 72.60.020;

- (11) Section 72.60.030, chapter 28, Laws of 1959, section 256, chapter 141, Laws of 1979 and RCW 72.60.030;
- (12) Section 72.60.040, chapter 28, Laws of 1959, section 257, chapter 141, Laws of 1979 and RCW 72.60.040;
- (13) Section 72.60.050, chapter 28, Laws of 1959 and RCW 72.60.050;
- (14) Section 72.60.060, chapter 28, Laws of 1959, section 169, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 72.60.060;
- (15) Section 72.60.070, chapter 28, Laws of 1959 and RCW 72.60.070;
- (16) Section 72.60.080, chapter 28, Laws of 1959 and RCW 72.60.080;
- (17) Section 72.60.090, chapter 28, Laws of 1959, section 258, chapter 141, Laws of 1979 and RCW 72.60.090;
- (18) Section 72.60.120, chapter 28, Laws of 1959 and RCW 72.60.120;
- (19) Section 72.60.130, chapter 28, Laws of 1959, section 259, chapter 141, Laws of 1979, section 2, chapter 160, Laws of 1979 ex. sess. and RCW 72.60.130;
- (20) Section 72.60.140, chapter 28, Laws of 1959 and RCW 72.60.140;
- (21) Section 72.60.150, chapter 28, Laws of 1959 and RCW 72.60.150;
- (22) Section 72.60.170, chapter 28, Laws of 1959 and RCW 72.60.170;
- (23) Section 72.60.180, chapter 28, Laws of 1959 and RCW 72.60.180;
- (24) Section 72.60.200, chapter 28, Laws of 1959, section 261, chapter 141, Laws of 1979 and RCW 72.60.200;
- (25) Section 72.60.210, chapter 28, Laws of 1959 and RCW 72.60.210;
- (26) Section 72.60.230, chapter 28, Laws of 1959 and RCW 72.60.230;
- (27) Section 1, chapter 273, Laws of 1959, section 263, chapter 141, Laws of 1979 and RCW 72.60.240;
- (28) Section 2, chapter 273, Laws of 1959, section 262, chapter 141, Laws of 1979 and RCW 72.60.250;
- (29) Section 3, chapter 273, Laws of 1959, section 264, chapter 141, Laws of 1979 and RCW 72.60.260; and
- (30) Section 4, chapter 273, Laws of 1959, section 11, chapter 189, Laws of 1971 ex. sess., section 173, chapter 151, Laws of 1979 and RCW 72.60.270.

**NEW SECTION.** Sec. 122. Sections 1 through 12 and 16 through 23 of this act shall constitute a new chapter in Title 72 RCW.

\* **NEW SECTION.** Sec. 123. There is hereby appropriated from the general fund \$5,090,000 to the department of corrections as established in this 1981 act. This appropriation shall be subject to the following conditions and limitations:

(1) For the 1981-83 biennium the department of corrections shall be authorized an additional 93 FTE staff years.

(2) These additional FTE staff years shall be in addition to the staffing level authorized in ESSB 3636. There shall be transferred to the department of corrections an amount of general fund appropriation, state and

FTE staff years, the exact amount to be determined by the secretary of social and health services and the secretary of corrections subject to the approval of the director of the office of financial management.

***The appropriation contained in this section is to provide for implementation of this act. The appropriation contained in this section should not be construed to approve the staffing patterns and levels specified in the fiscal note. It should be understood that the appropriation does not authorize any increases in top management salaries or positions as requested in the fiscal note.***

\*Sec. 123. was partially vetoed, see message at end of chapter.

**NEW SECTION.** Sec. 124. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1981.

Passed the House April 23, 1981.

Passed the Senate April 26, 1981.

Approved by the Governor May 14, 1981, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 14, 1981.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to lines 22 through 28, Section 123, Second Substitute House Bill No. 235 entitled:

"AN ACT Relating to corrections."

The above-referenced paragraph of Section 123 frustrates the directive of the bill — to create a separate, well managed Department of Corrections. Inherent in the legislation is the assumption that several improvements in management may be required. I have, therefore, vetoed lines 22 through 28 in Section 123.

With the exception of lines 22 through 28 of Section 123, which I have vetoed, the remainder of Second Substitute House Bill No. 235 is approved."

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## CHAPTER 137

[Second Substitute House Bill No. 440]

### SENTENCING REFORM ACT OF 1981

AN ACT Relating to sentencing; amending section 9A.20.020, chapter 260, Laws of 1975 1st ex. sess. as amended by section 2, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.20.020; amending section 4, chapter 14, Laws of 1975 as last amended by section 1, chapter 244, Laws of 1979 and RCW 9A.44.040; adding a new chapter to Title 9 RCW; adding a new section to chapter 9.92 RCW; adding new sections to chapter 9.95 RCW; adding a new section to chapter 9.95A RCW; adding a new section to chapter 72.04A RCW; adding a new section to chapter 72.65 RCW; creating a new section; repealing section 1, chapter 175, Laws of 1969 ex. sess. and RCW 9.41.025; repealing section 2, chapter 17, Laws of 1967, section 275, chapter 141, Laws of 1979, section 1, chapter 160, Laws of 1979 ex. sess. and RCW 72.65.020; repealing section 3, chapter 17, Laws of 1967, section 275, chapter 141, Laws of 1979 and RCW 72.65.030; repealing section 4, chapter 17, Laws of 1967, section 277, chapter 141, Laws of 1979 and RCW 72.65.040; repealing section 1, chapter 47, Laws of 1947, section 1, chapter 114, Laws of 1935 and RCW 9.95.001; repealing section 9, chapter 340, Laws of 1955, section 1, chapter 32,