



September 6, 2007

## SUMMARY OF CONSTITUTIONAL AMENDMENT SJR 8212 Concerning inmate labor.

*This summary has been prepared in response to specific questions about the provisions and effects of Constitutional Amendment SJR 8212 and is provided for legislative purposes only; it is **not** provided as an expression for or against the ballot measure. Please remember that it is inappropriate to use public resources to support or oppose a ballot measure. Please refer the 2007 Legislative Ethics Manual or contact Senate Counsel for further guidance on when and how comment on ballot measures is appropriate.*

### **BRIEF SUMMARY**

The Washington Constitution is amended to permit the Legislature to authorize prison inmates to work under contract for any person, co-partnership, company or corporation provided that the inmate labor programs do not unfairly compete with Washington businesses.

### **BACKGROUND**

The Legislature has authorized the Department of Corrections (DOC) to provide for a comprehensive inmate work program. Under this statutory authority, the DOC has operated five classes of correctional industry work programs. One of these programs was Class I industries.

The statute provides that Class I industries, or "free venture" industries, may be set up using an "employer model" or a "customer model." Employer model industries are operated and managed by for-profit or nonprofit organizations under contract with the DOC. They produce goods and services for sale to both the public and private sector. Customer model Class I industries are operated and managed by the DOC to produce and provide Washington businesses with products or services currently produced only by out-of-state or foreign suppliers.

Inmates working in free venture industries do so at their own choice and are paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located. Security and custody services are supplied to the participating firm without charge. The DOC must take a certain percentage of a worker's income for crime victims' compensation, the inmate's savings account, the cost of the inmate's incarceration, and any legal financial obligations that the inmate owes, including victim restitution.

In 2004, the Washington State Supreme Court determined that the law authorizing Class I industries conflicts with article II, section 29 of the Washington Constitution, which states, "[a]fter the first day of January eighteen hundred and ninety the labor of convicts of this state shall not be let out by contract to any person, copartnership, company or corporation, and the legislature shall by law provide for the working of convicts for the benefit of the state."

As a result of this decision, all Class I industries were eliminated in 2004.

### **SUMMARY OF SJR 8212**

The Washington Constitution is amended to authorize the state to contract out inmate labor in-state as provided by statute so long as the inmate labor programs are operated so that they do not unfairly compete with Washington businesses.

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*This summary should not be considered legislative history for purposes of interpreting  
Constitutional Amendment SJR 8212.*