

((++)) (12) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and may include a party who transfers the right of use and occupancy to another party by lease, sublease, or otherwise.

Passed the Senate May 5, 1983.

Passed the House May 17, 1983.

Approved by the Governor May 23, 1983.

Filed in Office of Secretary of State May 23, 1983.

CHAPTER 52

[Substitute Senate Bill No. 4137]

CORRECTIONS—INMATE PERSONAL PROPERTY—PROCEDURES AND POLICIES—INSTITUTIONAL INDUSTRIES—INDUSTRIAL INSURANCE BENEFITS

AN ACT Relating to adult corrections; amending section 2, chapter 40, Laws of 1972 ex. sess. as last amended by section 102, chapter 136, Laws of 1981 and RCW 72.60.102; and adding a new chapter to Title 63 RCW.

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

NEW SECTION. Sec. 1. It is the intent of the legislature to relieve the department of corrections from unacceptable burdens of cost related to storage space and manpower in the preservation of inmate personal property if the property has been abandoned by the inmate and to enhance the security and safety of the institutions.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Secretary" means the secretary of the department of corrections or the secretary's designees.

(2) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes among others contraband and money.

(3) "Contraband" means all personal property including, but not limited to, alcoholic beverages and other items which a resident of a correctional institution may not have in the resident's possession, as defined in rules adopted by the secretary.

(4) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

(5) "Owner" means the inmate, the inmate's legal representative, or any person claiming through or under the inmate entitled to title and possession of the property.

(6) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

(7) "Inmate" means a person committed to the custody of the department of corrections or transferred from other states or the federal government.

(8) "Institutions" means those facilities set forth in RCW 72.01.050(2) and all community residential programs under the department's jurisdiction operated pursuant to chapter 72.65 RCW.

(9) "Department" means the department of corrections.

(10) "Illegal items" means those items unlawful to be possessed.

(11) "Nonprofit" has the meaning prescribed by state or federal law or rules.

NEW SECTION. Sec. 3. (1) All personal property, and any income or increment which has accrued thereon, held for the owner by an institution that has remained unclaimed for more than six months from the date the owner terminated without authorization from work training release, transferred to a different institution, or when the owner is unknown or deceased, from the date the property was placed in the custody of the institution, is presumed abandoned: PROVIDED, That the provisions of this section shall be extended for up to six months for any inmate, transferred to another institution, who has no recorded next of kin, or person to whom the unclaimed property can be sent.

(2) All personal property, and any income or increment which has accrued thereon, the inmate owner of which has been placed on escape status is presumed abandoned and shall be held for three months by the institution from which the inmate escaped. If the inmate owner remains on escape status for three months or if no other person claims ownership within three months, the property shall be disposed of as set forth in this chapter.

(3) All illegal items owned by and in the possession of an inmate shall be confiscated and held by the institution to which the inmate is assigned. Such items shall be held as required for evidence for law enforcement authorities. Illegal items not retained for evidence shall be destroyed.

NEW SECTION. Sec. 4. (1) All personal property, other than money, presumed abandoned shall be destroyed unless, in the opinion of the secretary, the property may be used or has value to a charitable or nonprofit organization, in which case the property may be donated to the organization. A charitable or nonprofit organization does not have a claim nor shall the department or any employee thereof be held liable to any charitable or nonprofit organization for property which is destroyed rather than donated or for the donation of property to another charitable or nonprofit organization.

(2) Money presumed abandoned under this chapter shall be paid into the revolving fund set up in accordance with RCW 9.95.360.

(3) The department shall inventory all personal property prior to its destruction or donation.

(4) Before personal property is donated or destroyed, if the name and address of the owner thereof is known or if deceased, the address of the heirs as known, at least thirty days' notice of the donation or destruction of the personal property shall be given to the owner at the owner's residence or place of business or to some person of suitable age and discretion residing or employed therein. If the name or residence of the owner or the owner's heirs is not known, a notice of the action fixing the time and place thereof shall be published at least once in an official newspaper in the county at least thirty days prior to the date fixed for the action. The notice shall be signed by the secretary. The notice need not contain a description of property, but shall contain a general statement that the property is unclaimed personal property of inmates, specifying the institution at which the property is held. If the owner fails to reclaim the property prior to the time fixed in the notice, the property shall be donated or destroyed.

NEW SECTION. Sec. 5. This chapter does not apply if the inmate and the department have reached an agreement in writing regarding the disposition of the personal property.

NEW SECTION. Sec. 6. (1) The uniform disposition of unclaimed property act, chapter 63.28 RCW, does not apply to personal property in the possession of the department of corrections.

(2) Chapter 63.24 RCW, unclaimed property in hands of bailee, does not apply to personal property in the possession of the department of corrections.

Sec. 7. Section 2, chapter 40, Laws of 1972 ex. sess. as last amended by section 102, chapter 136, Laws of 1981 and RCW 72.60.102 are each amended to read as follows:

~~From and after July 1, 1973, any inmate employed in ((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)) classes I, II, and IV of institutional industries as defined in RCW 72.09.100 is eligible for industrial insurance benefits as provided by Title 51 RCW. However, eligibility for benefits for either the inmate or his dependents or beneficiaries for temporary disability or permanent total disability as provided in RCW 51.32.090 or 51.32.060, respectively, shall not take effect until the inmate is~~

released pursuant to an order of parole by the board of prison terms and paroles, or discharged from custody upon expiration of the sentence, or discharged from custody by order of a court of appropriate jurisdiction. Nothing in this section shall be construed to confer eligibility for any industrial insurance benefits to any inmate who is employed in class III or V of institutional industries as defined in RCW 72.09.100.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title 63 RCW.

NEW SECTION. Sec. 9. 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.

Passed the Senate May 9, 1983.

Passed the House May 6, 1983.

Approved by the Governor May 23, 1983.

Filed in Office of Secretary of State May 23, 1983.

CHAPTER 53

[Substitute House Bill No. 234]
TRANSPORTATION BUDGET

AN ACT Relating to transportation; making appropriations and authorizing expenditures for the operations and capital improvements of the state department of transportation, the transportation commission, the Washington state patrol, the traffic safety commission, the legislative transportation committee, the urban arterial board, the board of pilotage commissioners, the county road administration board, and the department of commerce and economic development for the period ending June 30, 1985; amending section 2, chapter 316, Laws of 1981 as amended by section 2, chapter 19, Laws of 1982 and RCW 47.10-.802; amending section 4, chapter 151, Laws of 1977 ex. sess. and RCW 47.01.041; amending section 6, chapter 151, Laws of 1977 ex. sess. as amended by section 1, chapter 59, Laws of 1981 and RCW 47.01.061; amending section 10, chapter 151, Laws of 1977 ex. sess. and RCW 47.01.101; amending section 7, chapter 173, Laws of 1963 as last amended by section 7, chapter 122, Laws of 1979 ex. sess. and RCW 47.05.070; and declaring an emergency.

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

NEW SECTION. Sec. 1. The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or so much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1985.

NEW SECTION. Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund Appropriation—State \$ 271,672