

Severability.

Sec. 4. If any portion of this act is held to be unconstitutional or void, such decision shall not affect the validity of the remaining parts of this act.

Passed the Senate January 27, 1967.

Passed the House February 26, 1967.

Approved by the Governor March 7, 1967.

CHAPTER 17.

[Senate Bill No. 157.]

WORK RELEASE PROGRAM FOR PRISONERS.

AN ACT relating to institutions; authorizing the establishment and implementation by the director of institutions of a work release program for selected persons serving sentences within the state correctional institutions, camps or other facilities under the jurisdiction of the department of institutions; providing penalties; and declaring an effective date.

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

Prisoners—
Work release
program—
Definitions.

Section 1. As used in this act, the following terms shall have the following meanings:

(1) "Department" shall mean the department of institutions.

(2) "Director" shall mean the director of the department of institutions.

(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 Clark [Skamania] county; the Okanogan honor camp in Okanogan county; 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. 2. The director is authorized to extend the limits of the place of confinement and treatment within the state of any prisoner convicted of a felony, sentenced to a term of confinement and treatment by the superior court, and serving such sentence in a state correctional institution under the jurisdiction of the department, by authorizing a work release plan for such prisoner, permitting him, under prescribed conditions, to do any of the following:

Authority of
director of
department of
institutions.

(1) Work at paid employment.

(2) Participate in a vocational training program: *Provided*, That the tuition and other expenses of such a vocational training program shall be paid by the prisoner, by someone in his behalf, or by the department: *Provided Further*, That any expenses paid by the department shall be recovered by the department pursuant to the terms of section 5.

(3) Interview or make application to a prospective employer or employers, or enroll in a suitable vocational training program.

Such work release plan of any prison shall require that he be confined during the hours not reasonably necessary to implement the plan, in (1) a state correctional institution, (2) a county or city jail, which jail has been approved after inspection pursuant to RCW 72.01.420, or (3) any other appropriate, supervised facility, after an agreement has been entered into between the department and

the appropriate authorities of the facility for the housing of work release prisoners.

Prisoners—
Work release
program—Ap-
plication for
participation.

Sec. 3. Any prisoner serving a sentence in a state correctional institution may make application to participate in the work release program to the superintendent of the institution in which he is confined. Such application shall set forth the name and address of his proposed employer or employers or shall specify the vocational training program, if any, in which he is enrolled. It shall include a statement to be executed by such prisoner that if his application be approved he agrees to abide faithfully by all terms and conditions of the particular work release plan adopted for him. It shall further set forth such additional information as the department or the director shall require.

Action on ap-
plication—Plan
—Contents—
Reapplication.

Sec. 4. The superintendent of the state correctional institution in which a prisoner who has made application to participate in the work release program is confined, after careful study of the prisoner's conduct, attitude and behavior within the institutions under the jurisdiction of the department, his criminal history and all other pertinent case history material, shall determine whether or not there is reasonable cause to believe that the prisoner will honor his trust as a work release participant. After having made such determination, the superintendent, in his discretion, may deny the prisoner's application, or recommend to the director, or such officer of the department as the director may designate, that the prisoner be permitted to participate in the work release program. The director or his designee, may approve, reject, modify, or defer action on such recommendation. In the event of approval, the director or his designee, shall adopt a work release plan for the prisoner, which shall constitute an extension of the limits of confinement and treatment of the prisoner when released pursuant thereto, and

which shall include such terms and conditions as may be deemed necessary and proper under the particular circumstances. The plan shall be signed by the prisoner under oath that he will faithfully abide by all terms and conditions thereof. Further, as a condition, the plan shall specify where such prisoner shall be confined when not released for the purpose of the work release plan. At any time after approval has been granted to any prisoner to participate in the work release program, such approval may be revoked, and if the prisoner has been released on a work release plan, he may be returned to a state correctional institution, or the plan may be modified, in the sole discretion of the director or his designee. Any prisoner who has been initially rejected either by the superintendent or the director or his designee, may reapply for permission to participate in a work release program after a period of time has elapsed from the date of such rejection. This period of time shall be determined by the director or his designee, according to the individual circumstances in each case.

Sec. 5. A prisoner employed under a work release plan shall surrender to the director, or to the superintendent of such state correctional institution as shall be designated by the director in the plan, his total earnings, (1) less payroll deductions required by law, or such payroll deductions as may reasonably be required by the nature of the employment and (2) less such amount which his work release plan specifies he should retain to help meet his personal needs, including costs necessary for his participation in the work release plan such as expenses for travel, meals, clothing, tools and other incidentals. The director, or the superintendent of the state correctional institution designated in the work release plan shall deduct from such earnings,

Distribution of
prisoner's
earnings.

Prisoner's
work release
program.

and make payments from such work release participant's earnings in the following order of priority:

(1) Reimbursement to the department for any expenses advanced for vocational training pursuant to section 2(2), or for expenses incident to a work release plan pursuant to section 9 of this act.

(2) Payment of board and room charges for the work release participant: *Provided*, That if the participant is housed at a state correctional institution, the average daily per capita cost for the operation of such correctional institution, excluding capital outlay expenditures, shall be paid from the work release participant's earnings to the general fund of the state treasury: *Provided Further*, That if such work release participant is housed in another facility pursuant to agreement, then the charges agreed to between the department and the appropriate authorities of such facility shall be paid from the participant's earnings to such appropriate authorities.

(4) Payments for the necessary support of the work release participant's dependents, if any.

(5) Payments to creditors of the work release participant, which may be made at his discretion and request, upon proper proof of personal indebtedness.

(6) Payments to the work release participant himself upon parole or discharge, or for deposit in his personal account if returned to a state correctional institution for confinement and treatment.

Prisoner's
earnings—Ex-
emption from
garnishment.

Sec. 6. The earnings of a work release participant shall not be subject to garnishment, attachment or execution while such earnings are either in the possession of the employer or any state officer authorized to hold such funds.

Escape—Pen-
alty.

Sec. 7. Any prisoner approved for placement under a work release plan who wilfully fails to re-

turn to the designated place of confinement at the time specified shall be deemed an escapee and fugitive from justice, and upon conviction shall be guilty of a felony and sentenced in accordance with the terms of chapter 9.31 RCW. The provisions of this section shall be incorporated in every work release plan adopted by the department.

Escape—Penalty.

Sec. 8. The director 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.

Contracts for cost of feeding and lodging prisoners.

Sec. 9. The department may provide transportation for work release participants to the designated places of housing under the work release plan, and may supply suitable clothing and such other equipment, supplies and other necessities as may be reasonably needed for the implementation of the plans adopted for such participants: *Provided*, That costs and expenditures incurred for this purpose may be deducted by the department from the earnings of the participants.

Prisoners—Transportation—Costs.

Sec. 10. The director is authorized to make rules and regulations for the administration of the provisions of this act to administer the work release program. In addition, the department shall:

Rules and regulations—Cooperation of state agencies.

- (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

Work release program for prisoners.

from earnings of work release participants under the provisions of this act;

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

All state agencies shall cooperate with the department of institutions in the administration of the work release program as provided by this act.

Earnings—Deposit—Disbursement.

Sec. 11. All earnings of work release participants shall be deposited by the director, or the superintendent of a state correctional institution designated by the director in the work release plan, in personal funds. All disbursements from such funds shall be made only in accordance with the work release plans of such participants and in accordance with the provisions of this act.

Prisoners—Not agents or employees of state—Rights as employees.

Sec. 12. All participants who become engaged in employment or training under the work release program shall not be considered as agents, employees or involuntary servants of state and the department is prohibited from entering into a contract with any person, co-partnership, company or corporation for the labor of any participant under its jurisdiction: *Provided*, That such work release participants shall be entitled to all benefits and privileges in their employment under the provisions of this act to the same extent as other employees of their employer, except that such work release participants shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged on expiration of their maximum sentences.

Board of prison terms and paroles approval.

Sec. 13. This act shall not be construed as affecting the authority of the board of prison terms and paroles pursuant to the provisions of chapter 9.95 RCW over any person who has been approved for participation in the work release program. Before any person is approved by the director or his

designee for participation in the program, such participation must first be approved by at least two members of the board of prison terms and paroles.

Sec. 14. This act shall become effective on July 1, Effective date. 1967.

Passed the Senate February 16, 1967.

Passed the House February 26, 1967.

Approved by the Governor March 7, 1967.

CHAPTER 18.

[Senate Bill No. 196.]

RECONVEYANCE OF LANDS TO SNOHOMISH COUNTY.

AN ACT relating to the reconveyance of certain lands in Snohomish county.

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

Section 1. The commissioner of public lands is hereby authorized and directed to reconvey to Snohomish county for county park and recreation purposes the following described lands in Snohomish county held in trust for said county by the department of natural resources, to wit: Government Lot 7, section 10, Township 27 North, Range 10 East W.M. and Government Lot 9, section 16, Township 27 North, Range 10 East W.M.

Reconveyance of state lands to Snohomish county.

The governor is hereby authorized and directed to execute, and the secretary of state to attest, a deed to Snohomish county reconveying all of said lands.

Passed the Senate February 3, 1967.

Passed the House February 26, 1967.

Approved by the Governor March 7, 1967.