
SUBSTITUTE HOUSE BILL 1054

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Corrections (originally sponsored by Representatives Padden, Goldsmith, Delvin, Schoesler, Chappell, Robertson, Fuhrman, Campbell and Sheldon)

Read first time 02/22/95.

1 AN ACT Relating to corrections cost reductions by restriction of
2 adult offender privileges; adding a new section to chapter 72.09 RCW;
3 creating new sections; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) The legislature
6 finds that due to the upwardly spiraling cost of housing, maintaining,
7 and supervising inmates in our state corrections facilities, the
8 department of corrections must identify cost-cutting strategies that
9 target waste and inefficiencies while maintaining clear and effective
10 punishment and rehabilitation goals.

11 (2) The legislature further finds that the programs, amenities, and
12 activities available to inmates in our state correctional institutions
13 should reflect the strong moral values and ideals that contribute to
14 public safety and the betterment of society and promote good
15 citizenship.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.09 RCW
17 to read as follows:

1 REDUCTION OF OFFENDER PRIVILEGES. (1) Unless the context clearly
2 requires otherwise, the definitions in this subsection apply throughout
3 this section.

4 (a) "Immediate family" means an inmate's parents, stepparents,
5 grandparents, parent surrogates, legal guardians, legally married
6 spouse of the opposite sex of the inmate at the time of conviction,
7 siblings, half or step siblings, children, stepchildren, and dependents
8 who might not be in the direct lineal relationship of the inmate.

9 (b) "Child" means the natural or adopted child of both the inmate
10 and spouse, or of the inmate or the spouse.

11 (c) "Excessive violence" means sexual and/or physical violence that
12 is considered by the department of corrections to exceed what is
13 proper, normal, or reasonable taking into account the penological
14 objectives of the prison.

15 (d) "Obscene" means material that, when taken as a whole, appeals
16 to prurient interests, and contains patently offensive depictions or
17 descriptions of sexual conduct and, taken as a whole, has no serious
18 literary, artistic, political, or scientific value or that is patently
19 offensive because it affronts contemporary community standards relating
20 to the description or representation of sexual matters or
21 sadomasochistic abuse, and is utterly without redeeming social value.
22 Both offensiveness and an appeal to something other than normal healthy
23 sexual desires are essential elements of obscenity.

24 (e) "Sexually explicit" means depiction of one of the following
25 sexual behaviors:

26 (i) Where one of the participants in the act is, or appears to be,
27 nonconsenting;

28 (ii) Where one of the participants appears to be forceful,
29 threatening, or violent;

30 (iii) Where one of the partners is dominating one of the other
31 participants, and one of the individuals is obviously in a submissive
32 role, or one of the participants is degraded, humiliated, or willingly
33 engages in behavior that is degrading or humiliating;

34 (iv) Where any bodily excretory function is depicted;

35 (v) Where there is actual sexual penetration;

36 (vi) One of the participants is a child, or appears to be a child;

37 (vii) Bestiality, sadomasochistic behavior, or bondage;

38 (viii) Any sexual behaviors deemed by the department of corrections
39 to be a threat to legitimate penological objectives.

1 (2) FAMILY VISITATION. The department may implement a family
2 visitation program that allows visiting between eligible inmates and
3 their eligible immediate family member or members for the sole purpose
4 of maintaining and promoting functional and cohesive family
5 relationships. The secretary of the department or his or her designee
6 shall have the ability to approve, deny, suspend, or terminate a family
7 visit. Family visits shall occur no more often than once every sixty
8 days. The maximum time allowed for each family visit shall be twenty-
9 four hours. An inmate shall not be considered eligible for a family
10 visit until after six months have elapsed since his or her arrival at
11 the department facility on a current commitment. Only those offenders
12 who are employed in a correctional industries work program or are
13 successfully participating in a department approved educational
14 program, for no less than eight hours per day and no less than forty
15 hours per week, may participate in the family visitation program. If
16 an offender has attained a high school degree or a GED certificate, the
17 offender must work for no less than eight hours per day and no less
18 than forty hours per week in order to be eligible. The department of
19 corrections shall be required to provide work and education programs
20 consistent with this act to the extent that no additional funds are
21 appropriated. If an offender is willing to work and no job or
22 education is available, it does not exclude the offender from
23 privileges. However, inmates who have mental or physical disabilities
24 that do not allow them to participate in work or education programs, as
25 determined by the department, shall be exempted from this requirement.
26 All maximum custody inmates, death row inmates, and inmates housed in
27 disciplinary or administrative segregation are excluded from
28 participating in the family visitation program. Only inmates who have
29 not been found guilty of a serious infraction for one year, as defined
30 by the department, shall be eligible for participation in the family
31 visitation program. The department shall exclude any offender who has
32 been determined by the department to be a danger to himself or herself,
33 visitor or visitors, or the orderly operation of the program, has a
34 prior criminal history of spousal or child abuse, or has mental health
35 disorders based on a psychological assessment that indicates the
36 offender could pose a danger to others. The determination to exclude
37 an inmate from participation from the program shall also be based on,
38 but not limited to, the inmate's crime or prior criminal behavior. An

1 inmate with a history of any sex offense involving children shall not
2 be allowed family visitation with children.

3 Immediate family members that are on juvenile or adult parole,
4 probation, community supervision, community placement, work release, or
5 the subject of a pending felony criminal or drug-related action, or are
6 under the jurisdiction of the department are not eligible to
7 participate in a family visit. The department may also deny
8 eligibility to an immediate family member who is a former inmate
9 released under the sentencing reform act or who has been convicted of
10 a drug-related crime. Children under the age of eighteen are eligible
11 only if they are accompanied and supervised by an adult visitor during
12 the entire visit.

13 All family visitation shall be conducted within the prison campus.
14 The department shall establish the location, size, and design of family
15 visiting units and develop written regulations and procedures
16 consistent with this chapter that insure the safety of visitors,
17 promote healthy family values, and maintain the penological objectives
18 of the prison.

19 Inmates who have participated in a family visit shall be subject to
20 no less than ten random urine analysis tests for drugs any time for a
21 period of six months after the family visit. If an inmate tests
22 positive for drugs he or she shall not be eligible for a family visit
23 for the remainder of his or her sentence.

24 All construction, operational, and maintenance costs for the family
25 visitation program shall be paid by inmates.

26 (3) OBSCENE, SEXUALLY EXPLICIT, EROTIC, AND EXCESSIVELY VIOLENT
27 MATERIAL. All obscene, erotic, sexually explicit, or excessively
28 violent films, video tapes, magazines, books, or computer software
29 shall be prohibited from all department correctional facilities. These
30 materials shall be considered contraband and shall be removed from the
31 inmate's mail, possession, and cells. The department shall be
32 responsible for uniformly establishing which materials are to be
33 considered contraband and removed in accordance with legitimate and
34 justifiable penological interests. This standard shall be uniformly
35 applicable throughout all department prison facilities. The department
36 shall screen all inmate mail and disapprove inmate mail the department
37 determines to be obscene, sexually explicit, erotic, or excessively
38 violent. The only exception for allowing these materials for inmates
39 shall be for their use in treatment or therapy sessions as prescribed

1 by a physician or certified therapist under the direction of the
2 department.

3 (4) CABLE, CLOSED CIRCUIT, AND SATELLITE TELEVISION. No new
4 department correctional facility or expanded portions of existing
5 department correctional facilities shall be constructed with cable,
6 closed circuit, or satellite television readiness unless the department
7 has a written basic education and technical vocational training plan
8 for the facility and the plan clearly demonstrates how the television
9 systems will be used for educational and training purposes. The
10 educational and training plan shall contain a curriculum outline and
11 goals for preparing inmates with the basic knowledge, life skills, work
12 ethics, job skills, and technical abilities to function effectively in
13 a real world work environment. The television education and training
14 plan shall correspond to the education and training that is applicable
15 to the correctional industries jobs that are expected to be implemented
16 at the new facility. All programming conducted on the television
17 system shall correspond to the terms and conditions outlined in
18 subsection (3) of this section.

19 An inmate is not eligible for individual television privileges
20 unless he or she is working in a correctional industries job or
21 successfully enrolled in a department education program. No inmate may
22 be eligible for individual television privileges until two months have
23 elapsed since their arrival at the department facility on a current
24 commitment.

25 All installation, maintenance, and fees associated with cable,
26 closed circuit, or satellite television shall be paid for by inmates.

27 The terms and conditions of this subsection shall not be applicable
28 for closed circuit television used by the department for security
29 purposes by correctional employees.

30 (5) BODY BUILDING AND WEIGHT LIFTING. All body building or weight
31 lifting using weight resistance training equipment shall be limited to
32 only inmates who volunteer to participate and are approved by the
33 department to participate in official nationally sanctioned or official
34 state sanctioned weight lifting team competitions. Each prison may
35 establish no more than three inmate weight lifting teams. Each inmate
36 weight lifting team is limited to no more than thirty-five inmates.
37 The department shall establish written eligibility standards for
38 determining which inmates are eligible to join the weight lifting team.
39 Inmate weight lifting team members shall also meet any applicable

1 national or state eligibility standards necessary for official
2 competition. Only inmates in good standing with the department and
3 employed in a correctional industries job or successfully completing
4 job training or education classes are eligible for the inmate weight
5 lifting team. Any inmate found guilty of assaulting a correctional
6 officer or other inmate is not eligible for the inmate weight lifting
7 team. The costs associated with weight lifting competitions and
8 establishing and training an inmate weight lifting team, including but
9 not limited to, the equipment and a portion of the department
10 recreational training staff salaries needed to monitor and train the
11 inmate team shall be paid for by the inmates.

12 All inmates shall be encouraged to stay healthy and fit. However,
13 the department shall only provide recreational options that minimize
14 the inmates' ability to substantially increase muscle mass. Dietary
15 supplements made for the sole purpose of increasing muscle mass shall
16 be only available for purchase to members of the inmate weight lifting
17 teams.

18 NEW SECTION. **Sec. 3.** CAPTIONS. Captions as used in this act
19 shall not constitute any part of the law.

20 NEW SECTION. **Sec. 4.** EMERGENCY. This act is necessary for the
21 immediate preservation of the public peace, health, or safety, or
22 support of the state government and its existing public institutions,
23 and shall take effect immediately.

24 NEW SECTION. **Sec. 5.** SEVERABILITY. If any provision of this act
25 or its application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

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