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HOUSE BILL 2165

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State of Washington

54th Legislature

1996 Regular Session

By Representatives Benton, Koster, Goldsmith, Hargrove, Pennington, Campbell, Stevens, Backlund and McMahan

Read first time 01/08/96. Referred to Committee on Corrections.

1 AN ACT Relating to implementing a prison inmate hard labor chain  
2 gang work program; adding a new section to chapter 72.09 RCW; and  
3 creating new sections.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that the number of  
6 prison inmates is growing at an unprecedented rate and the cost  
7 associated with housing them is creating a significant burden on our  
8 state economy. The legislature further finds that as correctional  
9 costs increase innovative new ways to manage inmates' idleness through  
10 productive inmate work programs should be developed and implemented.  
11 Inmate work programs have been found to be an effective means for  
12 rehabilitating many inmates and reducing recidivism. Furthermore, by  
13 requiring prison inmates to develop meaningful work ethics through hard  
14 labor inmates will gain valuable work experience, the correctional  
15 institutions will be able to better control institutional costs, and  
16 the public will realize their desire to have the best use of public  
17 resources on public safety.

18 (2) It is the intent of the legislature to develop a correctional  
19 industries hard labor work program that reduces the number of

1 correctional officers needed to supervise groups of inmates on work  
2 details by requiring inmates to work on hard labor job details outside  
3 of the prison while they are chained to each other. The intent is to  
4 reduce prison idleness, lower prison costs, enhance inmate  
5 rehabilitation, and allow inmates the opportunity to contribute to the  
6 betterment of the local community through their labor. Community  
7 safety is the highest priority of this effort.

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

10 (1) The secretary shall develop a class III correctional industries  
11 program that requires nonviolent inmates of an institution to perform  
12 hard labor which is suited to the inmate's age, gender, physical and  
13 mental condition, and strength in the institution proper or at such  
14 places as may be determined by the secretary. Substantially equivalent  
15 hard labor programs shall be available to both male and female inmates  
16 as determined by the secretary. When an inmate is working outside the  
17 institution proper, the inmate shall be deemed at all times to be in  
18 the actual custody of the superintendent of the institution. Inmates  
19 performing hard labor on chain gangs at a location other than within or  
20 on the grounds of a correctional institution shall be attired in  
21 brightly colored uniforms that easily identify them as inmates of state  
22 correctional institutions. The employment of inmates in hard labor  
23 shall not displace employed workers, shall not be applied to skills,  
24 crafts, or trades in which a local surplus of labor exists, and shall  
25 not impair existing contracts of employment or services as defined by  
26 the correctional industries advisory board.

27 (2) For purposes of this section, "hard labor" means physical or  
28 mental labor which is performed for a defined period of time not to  
29 exceed forty hours each week. The hard work shall include useful and  
30 productive work and menial labor performed in a chain gang while  
31 outside the prison, and/or in work groups within the prison. To the  
32 extent that programs are available, inmates' participation may also be  
33 allowed to participate in correctional education and rehabilitation  
34 programs. "Hard labor" does not include labor which is dangerous to an  
35 inmate's health or life, is unduly painful, or is required to be  
36 performed under conditions that would violate occupational safety and  
37 health standards applicable to such labor if performed by a person who  
38 is not an inmate.

1 (3) Inmates who have been determined by the department to be  
2 unsuitable for the performance of hard labor skills due to the inmate's  
3 age, gender, physical or mental condition, strength, or security status  
4 shall not be required to perform hard labor.

5 NEW SECTION. **Sec. 3.** The department of corrections shall be  
6 required to implement the hard labor chain gang program by July 1,  
7 1997. The department shall develop a working plan for this program by  
8 December 12, 1996. The plan shall include a procedure for program  
9 standards for the determination of suitability of an inmate for the  
10 performance of hard labor, including their security risk, and if an  
11 inmate is found to be suitable, the placement of the inmate in an  
12 appropriate correctional industries hard labor program. The plan shall  
13 outline the nature and type of hard labor work programs to be used in  
14 the program. The department shall be required to develop the plan in  
15 coordination with state and local agencies, the correctional industries  
16 advisory board, and members of the private sector. In selecting and  
17 developing work programs that are included within the plan, the  
18 department shall select work programs that require minimal additional  
19 administrative costs, minimize the need for additional corrections  
20 personnel, and can be shown to minimize the security risks to the  
21 general public. The plan shall be submitted to appropriate committees  
22 of the legislature by December 12, 1996.

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