

**Improving Public Safety by Positively Changing Lives.**  
**Deposits into Commissary Accounts: Q&A**  
July 2023



**Introduction:**

During the 2023 Legislative session, [Senate Bill 5131](#) passed into law. Based on the law, any money received by the Department of Corrections on behalf of an incarcerated individual from family or other outside sources for the purchase of commissary items is not subject to deductions. This money may only be used for the purchase of items on the facility commissary list. The amount received by an incarcerated individual may not exceed the monthly allowance for commissary purchases allowed by DOC. Funds received specifically for these purposes may not be transferred to any other fund, account, or purpose. Money that remains unused in the incarcerated individual's commissary fund at the time of release is subject to deductions.

We recognize that incarcerated individuals and their family members and others may have questions about how this process will function. To address those, we have put together with Questions and Answers document.

**Q1: What is the full title of SB 5131?**

A1: "Concerning money received by the department of corrections on behalf of inmates from family or other outside sources for the purchase of commissary items."

**Q2: What does this bill do?**

A2: This bill adds a new section to RCW 72.09.480 that exempts monies received by DOC from family or other outside sources for the purchase of commissary items from the mandatory deductions specified in that chapter.

**Q3: When is this bill effective?**

A3: July 23, 2023

**Q4: How much can be sent in at one time?**

A4: There is no limit on the amount of an individual contribution to the commissary account, however, there is a statutory limit: "The amount received by each inmate under this subsection may not exceed the monthly allowance for commissary purchases as allowed by the department."

**Q5: What is the maximum monthly amount that can be sent it per month before mandatory deductions start applying?**

A5: DOC has calculated this ceiling as \$500 per month. This is based on the highest possible allowed spending per week based on the potential of a month with five opportunities to order. This may result in a monthly cap that is higher than some incarcerated individuals could spend based on their facility's current ordering schedule and order amount limits. Setting a uniform dollar amount per month also makes it administratively easier to implement and maintain should commissary purchasing limits change in the future.

**Q6: What happens to funds sent in if it reaches the maximum monthly contribution to the commissary account?**

A6: Monies sent in that are in excess of the monthly cap amount will be posted to the Incarcerated Individual's spendable account and have applicable mandatory deductions applied, based on the funds receipt date. If funds received as designated for the commissary subaccount have a portion that would be under the \$500

monthly contribution cap, that portion of the money order will be deposited to the commissary subaccount, and the remainder deposited to the individual's spendable subaccount.

**Q7: Will DOC track the \$500 limit, and will it be communicated to families when the limit is reached?**

A7: DOC will track the \$500 monthly contribution limit electronically via the Trust Accounting System (TAS) programming. DOC does not have a mechanism to either track or communicate when the \$500 limit has been reached, because we have no way of knowing who may be included in the category of "family or other outside sources" senders. Family members may want to coordinate contributions to the incarcerated individual's commissary account, to the greatest extent possible, to stay under the monthly contribution limit so that the mandatory deductions threshold is not triggered.

**Q8: Who can send in money and have it treated as exempt from mandatory deductions under this bill?**

A8: Legislation allows "family or other outside sources." Any entity who is otherwise allowed to send in funds to an incarcerated individual has the ability to designate those funds as "commissary account."

**Q9: How should money orders be identified for the commissary account?**

A9: In addition to other DOC requirements for sending in funds to incarcerated individuals, the money order needs to be clearly marked with "commissary account" so that DOC can reasonably determine the sender is designating those particular funds to the commissary account.

**Q10: What happens to funds left in the commissary account when an incarcerated individual is released?**

A10: Per the statutory language change "money that remains unused in the inmate's commissary fund at the time of release is subject to deductions under subsection (2) of this section." [RCW 72.09.480]

**Q11: Can an incarcerated individual transfer funds from their commissary account to another account?**

A11: No. The statutory language prohibits this. "Funds received specifically for these purposes may not be transferred to any other fund, account, or purpose."

**Q12: How will the incarcerated individual be able to decide when to spend funds from their commissary account?**

A12: The TAS will have programming logic to treat commissary purchases similar to how postage and medical subaccounts function now. Categories of items will be charged in the following subaccount priority order:

Item	First Subaccount	Second Subaccount	Third Subaccount	Debt Created
Postage and related	Postage	Commissary	Spendable	If indigency criteria is met
Over the counter medications	Medical	Commissary	Spendable	Yes- For items identified as debtable
Reading Glasses	Commissary	Spendable		Yes- For items identified as debtable
Debtable Hygiene Items	Commissary	Spendable	N/A	Yes- For items identified as debtable

All other commissary order items	Commissary	Spendable	N/A	No
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**Q13: Does the commissary account impact indigency?**

A13: Yes. The balance of the commissary sub account and the spendable sub account combined will be considered when determining whether the indigency criteria is met.

**Q14: How do family and friends send in money for the commissary account?**

A14: Initially, we anticipate that the only way for family or other outside sources to send money for an incarcerated individual’s commissary account is via a money order that is clearly marked “commissary account.” We are working with JPay to create an electronic payment option to fund the commissary account, but do not anticipate that will be available on the effective date of the bill.

**Q15: Will JPay have the option to add funds to an incarcerated individual’s commissary account?**

A15: We are currently communicating with JPay to have them create this funding option, but it is unlikely to be available initially.

**Q16: If money orders intended for the commissary subaccount are received at the facility prior to the bill’s effective date, will the funds be held and not deposited until the effective date?**

A16: No. DOC has an obligation to deposit all funds received within 24 hours of receipt. Any funds received before July 23, 2023, regardless of any notations directing the funds to the commissary account, will be treated as a regular deposit to the incarcerated individual’s spendable account and subject to the applicable mandatory deductions. Since July 23, 2023, falls on a Sunday, we would advise that any money orders intended for the commissary subaccount be mailed no earlier than Saturday, July 22, 2023.

**Q17: Can tribes contribute to the commissary account?**

A17: Only non-exempt tribal funds will be allowed to be placed in the commissary subaccount. Exempt tribal funds would lose their exempt nature when comingled with non-exempt funds in the commissary account and would be subject to the \$500 per month total contribution cap. There is no advantage to sending exempt tribal funds to the commissary account, but some disadvantages of doing so. The DOC Office of Indian Policy will conduct outreach with tribes to ensure these distinctions and requirements are clear.

**Q18: Can a sender change their mind about having funds sent as designated for the commissary subaccount after the funds have been received and deposited to the incarcerated individual?**

A18: No. Funds designated for the commissary account, by a physically notation on the money order, will remain in the commissary account once deposited. If DOC makes a deposit error, and the funds were designated to a different subaccount, DOC will correct the error.