
HOUSE BILL 2889

State of Washington

53rd Legislature

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By Representatives Forner, Sheahan, Ballasiotes, Sehlin, Padden, Cooke, Brough, Tate, Fuhrman, L. Thomas, Foreman, Chandler, Schmidt, Backlund, B. Thomas, Brumsickle, Talcott and Reams

Read first time 01/28/94. Referred to Committee on Corrections.

1 AN ACT Relating to eliminating early release for incarcerated
2 offenders; and amending RCW 9.94A.150.

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

4 **Sec. 1.** RCW 9.94A.150 and 1992 c 145 s 8 are each amended to read
5 as follows:

6 No person serving a sentence imposed (~~pursuant to~~) under this
7 chapter and committed to the custody of the department shall leave the
8 confines of the correctional facility or be released prior to the
9 expiration of the sentence except as follows:

10 (1) (~~Except as otherwise provided for in subsection (2) of this~~
11 ~~section, the term of the sentence of an offender committed to a~~
12 ~~correctional facility operated by the department, may be reduced by~~
13 ~~earned early release time in accordance with procedures that shall be~~
14 ~~developed and promulgated by the correctional agency having~~
15 ~~jurisdiction in which the offender is confined. The earned early~~
16 ~~release time shall be for good behavior and good performance, as~~
17 ~~determined by the correctional agency having jurisdiction. The~~
18 ~~correctional agency shall not credit the offender with earned early~~
19 ~~release credits in advance of the offender actually earning the~~

1 credits. Any program established pursuant to this section shall allow
2 an offender to earn early release credits for presentence
3 incarceration. If an offender is transferred from a county jail to the
4 department of corrections, the county jail facility shall certify to
5 the department the amount of time spent in custody at the facility and
6 the amount of earned early release time. In the case of an offender
7 convicted of a serious violent offense or a sex offense that is a class
8 A felony committed on or after July 1, 1990, the aggregate earned early
9 release time may not exceed fifteen percent of the sentence. In no
10 other case shall the aggregate earned early release time exceed one-
11 third of the total sentence;

12 (2) A person convicted of a sex offense or an offense categorized
13 as a serious violent offense, assault in the second degree, assault of
14 a child in the second degree, any crime against a person where it is
15 determined in accordance with RCW 9.94A.125 that the defendant or an
16 accomplice was armed with a deadly weapon at the time of commission, or
17 any felony offense under chapter 69.50 or 69.52 RCW may become
18 eligible, in accordance with a program developed by the department, for
19 transfer to community custody status in lieu of earned early release
20 time pursuant to subsection (1) of this section;

21 (3)) An offender may leave a correctional facility ((pursuant to))
22 under an authorized furlough or leave of absence. In addition,
23 offenders may leave a correctional facility when in the custody of a
24 corrections officer or officers;

25 ((4)) (2) The governor, upon recommendation from the clemency and
26 pardons board, may grant an extraordinary release for reasons of
27 serious health problems, senility, advanced age, extraordinary
28 meritorious acts, or other extraordinary circumstances;

29 ((5)) (3) No more than the final six months of the sentence may
30 be served in partial confinement designed to aid the offender in
31 finding work and reestablishing him or herself in the community;

32 ((6)) (4) The governor may pardon any offender; and

33 ((7) The department of corrections may release an offender from
34 confinement any time within ten days before a release date calculated
35 under this section; and

1 ~~(8))~~ (5) An offender may leave a correctional facility prior to
2 completion of his or her sentence if the sentence has been reduced as
3 provided in RCW 9.94A.160.

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