

SB 5525 - H COMM AMD

By Committee on Ways & Means

ADOPTED 04/22/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "**Sec. 1.** RCW 9.94A.728 and 2007 c 483 s 304 are each amended to
4 read as follows:

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

9 ~~(1) ((Except as otherwise provided for in subsection (2) of this~~
10 ~~section, the term of the sentence of an offender committed to a~~
11 ~~correctional facility operated by the department may be reduced by~~
12 ~~earned release time in accordance with procedures that shall be~~
13 ~~developed and promulgated by the correctional agency having~~
14 ~~jurisdiction in which the offender is confined. The earned release~~
15 ~~time shall be for good behavior and good performance, as determined by~~
16 ~~the correctional agency having jurisdiction. The correctional agency~~
17 ~~shall not credit the offender with earned release credits in advance of~~
18 ~~the offender actually earning the credits. Any program established~~
19 ~~pursuant to this section shall allow an offender to earn early release~~
20 ~~credits for presentence incarceration. If an offender is transferred~~
21 ~~from a county jail to the department, the administrator of a county~~
22 ~~jail facility shall certify to the department the amount of time spent~~
23 ~~in custody at the facility and the amount of earned release time. An~~
24 ~~offender who has been convicted of a felony committed after July 23,~~
25 ~~1995, that involves any applicable deadly weapon enhancements under RCW~~
26 ~~9.94A.533 (3) or (4), or both, shall not receive any good time credits~~
27 ~~or earned release time for that portion of his or her sentence that~~
28 ~~results from any deadly weapon enhancements.~~

29 ~~(a) In the case of an offender convicted of a serious violent~~
30 ~~offense, or a sex offense that is a class A felony, committed on or~~

1 after July 1, 1990, and before July 1, 2003, the aggregate earned
2 release time may not exceed fifteen percent of the sentence. In the
3 case of an offender convicted of a serious violent offense, or a sex
4 offense that is a class A felony, committed on or after July 1, 2003,
5 the aggregate earned release time may not exceed ten percent of the
6 sentence.

7 (b)(i) In the case of an offender who qualifies under (b)(ii) of
8 this subsection, the aggregate earned release time may not exceed fifty
9 percent of the sentence.

10 (ii) An offender is qualified to earn up to fifty percent of
11 aggregate earned release time under this subsection (1)(b) if he or
12 she:

13 (A) Is classified in one of the two lowest risk categories under
14 (b)(iii) of this subsection;

15 (B) Is not confined pursuant to a sentence for:

16 (I) A sex offense;

17 (II) A violent offense;

18 (III) A crime against persons as defined in RCW 9.94A.411;

19 (IV) A felony that is domestic violence as defined in RCW
20 10.99.020;

21 (V) A violation of RCW 9A.52.025 (residential burglary);

22 (VI) A violation of, or an attempt, solicitation, or conspiracy to
23 violate, RCW 69.50.401 by manufacture or delivery or possession with
24 intent to deliver methamphetamine; or

25 (VII) A violation of, or an attempt, solicitation, or conspiracy to
26 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

27 (C) Has no prior conviction for:

28 (I) A sex offense;

29 (II) A violent offense;

30 (III) A crime against persons as defined in RCW 9.94A.411;

31 (IV) A felony that is domestic violence as defined in RCW
32 10.99.020;

33 (V) A violation of RCW 9A.52.025 (residential burglary);

34 (VI) A violation of, or an attempt, solicitation, or conspiracy to
35 violate, RCW 69.50.401 by manufacture or delivery or possession with
36 intent to deliver methamphetamine; or

1 ~~(VII) A violation of, or an attempt, solicitation, or conspiracy to~~
2 ~~violate, RCW 69.50.406 (delivery of a controlled substance to a minor);~~

3 ~~(D) Participates in programming or activities as directed by the~~
4 ~~offender's individual reentry plan as provided under RCW 72.09.270 to~~
5 ~~the extent that such programming or activities are made available by~~
6 ~~the department; and~~

7 ~~(E) Has not committed a new felony after July 22, 2007, while under~~
8 ~~community supervision, community placement, or community custody.~~

9 ~~(iii) For purposes of determining an offender's eligibility under~~
10 ~~this subsection (1)(b), the department shall perform a risk assessment~~
11 ~~of every offender committed to a correctional facility operated by the~~
12 ~~department who has no current or prior conviction for a sex offense, a~~
13 ~~violent offense, a crime against persons as defined in RCW 9.94A.411,~~
14 ~~a felony that is domestic violence as defined in RCW 10.99.020, a~~
15 ~~violation of RCW 9A.52.025 (residential burglary), a violation of, or~~
16 ~~an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by~~
17 ~~manufacture or delivery or possession with intent to deliver~~
18 ~~methamphetamine, or a violation of, or an attempt, solicitation, or~~
19 ~~conspiracy to violate, RCW 69.50.406 (delivery of a controlled~~
20 ~~substance to a minor). The department must classify each assessed~~
21 ~~offender in one of four risk categories between highest and lowest~~
22 ~~risk.~~

23 ~~(iv) The department shall recalculate the earned release time and~~
24 ~~reschedule the expected release dates for each qualified offender under~~
25 ~~this subsection (1)(b).~~

26 ~~(v) This subsection (1)(b) applies retroactively to eligible~~
27 ~~offenders serving terms of total confinement in a state correctional~~
28 ~~facility as of July 1, 2003.~~

29 ~~(vi) This subsection (1)(b) does not apply to offenders convicted~~
30 ~~after July 1, 2010.~~

31 ~~(c) In no other case shall the aggregate earned release time exceed~~
32 ~~one-third of the total sentence;~~

33 ~~(2)(a) A person convicted of a sex offense or an offense~~
34 ~~categorized as a serious violent offense, assault in the second degree,~~
35 ~~vehicular homicide, vehicular assault, assault of a child in the second~~
36 ~~degree, any crime against persons where it is determined in accordance~~
37 ~~with RCW 9.94A.602 that the offender or an accomplice was armed with a~~
38 ~~deadly weapon at the time of commission, or any felony offense under~~

1 ~~chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become~~
2 ~~eligible, in accordance with a program developed by the department, for~~
3 ~~transfer to community custody status in lieu of earned release time~~
4 ~~pursuant to subsection (1) of this section;~~

5 ~~(b) A person convicted of a sex offense, a violent offense, any~~
6 ~~crime against persons under RCW 9.94A.411(2), or a felony offense under~~
7 ~~chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may~~
8 ~~become eligible, in accordance with a program developed by the~~
9 ~~department, for transfer to community custody status in lieu of earned~~
10 ~~release time pursuant to subsection (1) of this section;~~

11 ~~(c) The department shall, as a part of its program for release to~~
12 ~~the community in lieu of earned release, require the offender to~~
13 ~~propose a release plan that includes an approved residence and living~~
14 ~~arrangement. All offenders with community placement or community~~
15 ~~custody terms eligible for release to community custody status in lieu~~
16 ~~of earned release shall provide an approved residence and living~~
17 ~~arrangement prior to release to the community;~~

18 ~~(d) The department may deny transfer to community custody status in~~
19 ~~lieu of earned release time pursuant to subsection (1) of this section~~
20 ~~if the department determines an offender's release plan, including~~
21 ~~proposed residence location and living arrangements, may violate the~~
22 ~~conditions of the sentence or conditions of supervision, place the~~
23 ~~offender at risk to violate the conditions of the sentence, place the~~
24 ~~offender at risk to reoffend, or present a risk to victim safety or~~
25 ~~community safety. The department's authority under this section is~~
26 ~~independent of any court ordered condition of sentence or statutory~~
27 ~~provision regarding conditions for community custody or community~~
28 ~~placement;~~

29 ~~(e) If the department denies transfer to community custody status~~
30 ~~in lieu of earned early release pursuant to (d) of this subsection, the~~
31 ~~department may transfer an offender to partial confinement in lieu of~~
32 ~~earned early release up to three months. The three months in partial~~
33 ~~confinement is in addition to that portion of the offender's term of~~
34 ~~confinement that may be served in partial confinement as provided in~~
35 ~~this section;~~

36 ~~(f) An offender serving a term of confinement imposed under RCW~~
37 ~~9.94A.670(4)(a) is not eligible for earned release credits under this~~
38 ~~section;~~

1 ~~(3)~~) An offender may earn early release time as authorized by
2 section 3 of this act.

3 (2) An offender may leave a correctional facility pursuant to an
4 authorized furlough or leave of absence. In addition, offenders may
5 leave a correctional facility when in the custody of a corrections
6 officer or officers;

7 ~~((4))~~ (3)(a) The secretary may authorize an extraordinary medical
8 placement for an offender when all of the following conditions exist:

9 (i) The offender has a medical condition that is serious enough to
10 require costly care or treatment;

11 (ii) The offender poses a low risk to the community because he or
12 she is physically incapacitated due to age or the medical condition;
13 and

14 (iii) Granting the extraordinary medical placement will result in
15 a cost savings to the state.

16 (b) An offender sentenced to death or to life imprisonment without
17 the possibility of release or parole is not eligible for an
18 extraordinary medical placement.

19 (c) The secretary shall require electronic monitoring for all
20 offenders in extraordinary medical placement unless the electronic
21 monitoring equipment interferes with the function of the offender's
22 medical equipment or results in the loss of funding for the offender's
23 medical care. The secretary shall specify who shall provide the
24 monitoring services and the terms under which the monitoring shall be
25 performed.

26 (d) The secretary may revoke an extraordinary medical placement
27 under this subsection at any time.

28 ~~(e)~~ Persistent offenders are not eligible for extraordinary medical
29 placement;

30 ~~((5))~~ (4) The governor, upon recommendation from the clemency and
31 pardons board, may grant an extraordinary release for reasons of
32 serious health problems, senility, advanced age, extraordinary
33 meritorious acts, or other extraordinary circumstances;

34 ~~((6))~~ (5) No more than the final six months of the offender's
35 term of confinement may be served in partial confinement designed to
36 aid the offender in finding work and reestablishing himself or herself
37 in the community. This is in addition to that period of earned early

1 release time that may be exchanged for partial confinement pursuant to
2 (~~subsection (2)(e)~~) section 3(5)(d) of this (~~section~~) act;

3 (~~(7)~~) (6) The governor may pardon any offender;

4 (~~(8)~~) (7) The department may release an offender from confinement
5 any time within ten days before a release date calculated under this
6 section; and

7 (~~(9)~~) (8) An offender may leave a correctional facility prior to
8 completion of his or her sentence if the sentence has been reduced as
9 provided in RCW 9.94A.870.

10 Notwithstanding any other provisions of this section, an offender
11 sentenced for a felony crime listed in RCW 9.94A.540 as subject to a
12 mandatory minimum sentence of total confinement shall not be released
13 from total confinement before the completion of the listed mandatory
14 minimum sentence for that felony crime of conviction unless allowed
15 under RCW 9.94A.540(~~(, however persistent offenders are not eligible~~
16 ~~for extraordinary medical placement)~~).

17 **Sec. 2.** RCW 9.94A.728 and 2008 c 231 s 34 are each amended to read
18 as follows:

19 No person serving a sentence imposed pursuant to this chapter and
20 committed to the custody of the department shall leave the confines of
21 the correctional facility or be released prior to the expiration of the
22 sentence except as follows:

23 (1) (~~Except as otherwise provided for in subsection (2) of this~~
24 ~~section, the term of the sentence of an offender committed to a~~
25 ~~correctional facility operated by the department may be reduced by~~
26 ~~earned release time in accordance with procedures that shall be~~
27 ~~developed and promulgated by the correctional agency having~~
28 ~~jurisdiction in which the offender is confined. The earned release~~
29 ~~time shall be for good behavior and good performance, as determined by~~
30 ~~the correctional agency having jurisdiction. The correctional agency~~
31 ~~shall not credit the offender with earned release credits in advance of~~
32 ~~the offender actually earning the credits. Any program established~~
33 ~~pursuant to this section shall allow an offender to earn early release~~
34 ~~credits for presentence incarceration. If an offender is transferred~~
35 ~~from a county jail to the department, the administrator of a county~~
36 ~~jail facility shall certify to the department the amount of time spent~~
37 ~~in custody at the facility and the amount of earned release time. An~~

1 offender who has been convicted of a felony committed after July 23,
2 1995, that involves any applicable deadly weapon enhancements under RCW
3 9.94A.533 (3) or (4), or both, shall not receive any good time credits
4 or earned release time for that portion of his or her sentence that
5 results from any deadly weapon enhancements.

6 (a) In the case of an offender convicted of a serious violent
7 offense, or a sex offense that is a class A felony, committed on or
8 after July 1, 1990, and before July 1, 2003, the aggregate earned
9 release time may not exceed fifteen percent of the sentence. In the
10 case of an offender convicted of a serious violent offense, or a sex
11 offense that is a class A felony, committed on or after July 1, 2003,
12 the aggregate earned release time may not exceed ten percent of the
13 sentence.

14 (b)(i) In the case of an offender who qualifies under (b)(ii) of
15 this subsection, the aggregate earned release time may not exceed fifty
16 percent of the sentence.

17 (ii) An offender is qualified to earn up to fifty percent of
18 aggregate earned release time under this subsection (1)(b) if he or
19 she:

20 (A) Is classified in one of the two lowest risk categories under
21 (b)(iii) of this subsection;

22 (B) Is not confined pursuant to a sentence for:

23 (I) A sex offense;

24 (II) A violent offense;

25 (III) A crime against persons as defined in RCW 9.94A.411;

26 (IV) A felony that is domestic violence as defined in RCW
27 10.99.020;

28 (V) A violation of RCW 9A.52.025 (residential burglary);

29 (VI) A violation of, or an attempt, solicitation, or conspiracy to
30 violate, RCW 69.50.401 by manufacture or delivery or possession with
31 intent to deliver methamphetamine; or

32 (VII) A violation of, or an attempt, solicitation, or conspiracy to
33 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

34 (C) Has no prior conviction for:

35 (I) A sex offense;

36 (II) A violent offense;

37 (III) A crime against persons as defined in RCW 9.94A.411;

1 ~~(IV) A felony that is domestic violence as defined in RCW~~
2 ~~10.99.020;~~

3 ~~(V) A violation of RCW 9A.52.025 (residential burglary);~~

4 ~~(VI) A violation of, or an attempt, solicitation, or conspiracy to~~
5 ~~violate, RCW 69.50.401 by manufacture or delivery or possession with~~
6 ~~intent to deliver methamphetamine; or~~

7 ~~(VII) A violation of, or an attempt, solicitation, or conspiracy to~~
8 ~~violate, RCW 69.50.406 (delivery of a controlled substance to a minor);~~

9 ~~(D) Participates in programming or activities as directed by the~~
10 ~~offender's individual reentry plan as provided under RCW 72.09.270 to~~
11 ~~the extent that such programming or activities are made available by~~
12 ~~the department; and~~

13 ~~(E) Has not committed a new felony after July 22, 2007, while under~~
14 ~~community custody.~~

15 ~~(iii) For purposes of determining an offender's eligibility under~~
16 ~~this subsection (1)(b), the department shall perform a risk assessment~~
17 ~~of every offender committed to a correctional facility operated by the~~
18 ~~department who has no current or prior conviction for a sex offense, a~~
19 ~~violent offense, a crime against persons as defined in RCW 9.94A.411,~~
20 ~~a felony that is domestic violence as defined in RCW 10.99.020, a~~
21 ~~violation of RCW 9A.52.025 (residential burglary), a violation of, or~~
22 ~~an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by~~
23 ~~manufacture or delivery or possession with intent to deliver~~
24 ~~methamphetamine, or a violation of, or an attempt, solicitation, or~~
25 ~~conspiracy to violate, RCW 69.50.406 (delivery of a controlled~~
26 ~~substance to a minor). The department must classify each assessed~~
27 ~~offender in one of four risk categories between highest and lowest~~
28 ~~risk.~~

29 ~~(iv) The department shall recalculate the earned release time and~~
30 ~~reschedule the expected release dates for each qualified offender under~~
31 ~~this subsection (1)(b).~~

32 ~~(v) This subsection (1)(b) applies retroactively to eligible~~
33 ~~offenders serving terms of total confinement in a state correctional~~
34 ~~facility as of July 1, 2003.~~

35 ~~(vi) This subsection (1)(b) does not apply to offenders convicted~~
36 ~~after July 1, 2010.~~

37 ~~(c) In no other case shall the aggregate earned release time exceed~~
38 ~~one-third of the total sentence;~~

1 ~~(2)(a) A person convicted of a sex offense, a violent offense, any~~
2 ~~crime against persons under RCW 9.94A.411(2), or a felony offense under~~
3 ~~chapter 69.50 or 69.52 RCW, may become eligible, in accordance with a~~
4 ~~program developed by the department, for transfer to community custody~~
5 ~~in lieu of earned release time pursuant to subsection (1) of this~~
6 ~~section;~~

7 ~~(b) The department shall, as a part of its program for release to~~
8 ~~the community in lieu of earned release, require the offender to~~
9 ~~propose a release plan that includes an approved residence and living~~
10 ~~arrangement. All offenders with community custody terms eligible for~~
11 ~~release to community custody in lieu of earned release shall provide an~~
12 ~~approved residence and living arrangement prior to release to the~~
13 ~~community;~~

14 ~~(c) The department may deny transfer to community custody in lieu~~
15 ~~of earned release time pursuant to subsection (1) of this section if~~
16 ~~the department determines an offender's release plan, including~~
17 ~~proposed residence location and living arrangements, may violate the~~
18 ~~conditions of the sentence or conditions of supervision, place the~~
19 ~~offender at risk to violate the conditions of the sentence, place the~~
20 ~~offender at risk to reoffend, or present a risk to victim safety or~~
21 ~~community safety. The department's authority under this section is~~
22 ~~independent of any court ordered condition of sentence or statutory~~
23 ~~provision regarding conditions for community custody;~~

24 ~~(d) If the department denies transfer to community custody in lieu~~
25 ~~of earned early release pursuant to (c) of this subsection, the~~
26 ~~department may transfer an offender to partial confinement in lieu of~~
27 ~~earned early release up to three months. The three months in partial~~
28 ~~confinement is in addition to that portion of the offender's term of~~
29 ~~confinement that may be served in partial confinement as provided in~~
30 ~~this section;~~

31 ~~(e) An offender serving a term of confinement imposed under RCW~~
32 ~~9.94A.670(5)(a) is not eligible for earned release credits under this~~
33 ~~section;~~

34 ~~(3)) An offender may earn early release time as authorized by~~
35 ~~section 3 of this act.~~

36 (2) An offender may leave a correctional facility pursuant to an
37 authorized furlough or leave of absence. In addition, offenders may

1 leave a correctional facility when in the custody of a corrections
2 officer or officers;

3 ~~((+4))~~ (3)(a) The secretary may authorize an extraordinary medical
4 placement for an offender when all of the following conditions exist:

5 (i) The offender has a medical condition that is serious enough to
6 require costly care or treatment;

7 (ii) The offender poses a low risk to the community because he or
8 she is physically incapacitated due to age or the medical condition;
9 and

10 (iii) Granting the extraordinary medical placement will result in
11 a cost savings to the state.

12 (b) An offender sentenced to death or to life imprisonment without
13 the possibility of release or parole is not eligible for an
14 extraordinary medical placement.

15 (c) The secretary shall require electronic monitoring for all
16 offenders in extraordinary medical placement unless the electronic
17 monitoring equipment interferes with the function of the offender's
18 medical equipment or results in the loss of funding for the offender's
19 medical care. The secretary shall specify who shall provide the
20 monitoring services and the terms under which the monitoring shall be
21 performed.

22 (d) The secretary may revoke an extraordinary medical placement
23 under this subsection at any time.

24 (e) Persistent offenders are not eligible for extraordinary medical
25 placement;

26 ~~((+5))~~ (4) The governor, upon recommendation from the clemency and
27 pardons board, may grant an extraordinary release for reasons of
28 serious health problems, senility, advanced age, extraordinary
29 meritorious acts, or other extraordinary circumstances;

30 ~~((+6))~~ (5) No more than the final six months of the offender's
31 term of confinement may be served in partial confinement designed to
32 aid the offender in finding work and reestablishing himself or herself
33 in the community. This is in addition to that period of earned early
34 release time that may be exchanged for partial confinement pursuant to
35 ~~((subsection (2)))~~ section 3(5)(d) of this ~~((section))~~ act;

36 ~~((+7))~~ (6) The governor may pardon any offender;

37 ~~((+8))~~ (7) The department may release an offender from confinement

1 any time within ten days before a release date calculated under this
2 section;

3 ~~((+9))~~ (8) An offender may leave a correctional facility prior to
4 completion of his or her sentence if the sentence has been reduced as
5 provided in RCW 9.94A.870; and

6 ~~((+10))~~ (9) Notwithstanding any other provisions of this section,
7 an offender sentenced for a felony crime listed in RCW 9.94A.540 as
8 subject to a mandatory minimum sentence of total confinement shall not
9 be released from total confinement before the completion of the listed
10 mandatory minimum sentence for that felony crime of conviction unless
11 allowed under RCW 9.94A.540(~~(, however persistent offenders are not~~
12 ~~eligible for extraordinary medical placement)~~).

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.94A RCW
14 to read as follows:

15 (1) The term of the sentence of an offender committed to a
16 correctional facility operated by the department may be reduced by
17 earned release time in accordance with procedures that shall be
18 developed and adopted by the correctional agency having jurisdiction in
19 which the offender is confined. The earned release time shall be for
20 good behavior and good performance, as determined by the correctional
21 agency having jurisdiction. The correctional agency shall not credit
22 the offender with earned release credits in advance of the offender
23 actually earning the credits. Any program established pursuant to this
24 section shall allow an offender to earn early release credits for
25 presentence incarceration. If an offender is transferred from a county
26 jail to the department, the administrator of a county jail facility
27 shall certify to the department the amount of time spent in custody at
28 the facility and the amount of earned release time.

29 (2) An offender who has been convicted of a felony committed after
30 July 23, 1995, that involves any applicable deadly weapon enhancements
31 under RCW 9.94A.533 (3) or (4), or both, shall not receive any good
32 time credits or earned release time for that portion of his or her
33 sentence that results from any deadly weapon enhancements.

34 (3) An offender may earn early release time as follows:

35 (a) In the case of an offender convicted of a serious violent
36 offense, or a sex offense that is a class A felony, committed on or

1 after July 1, 1990, and before July 1, 2003, the aggregate earned
2 release time may not exceed fifteen percent of the sentence.

3 (b) In the case of an offender convicted of a serious violent
4 offense, or a sex offense that is a class A felony, committed on or
5 after July 1, 2003, the aggregate earned release time may not exceed
6 ten percent of the sentence.

7 (c) An offender is qualified to earn up to fifty percent of
8 aggregate earned release time if he or she:

9 (i) Is not classified as an offender who is at a high risk to
10 reoffend as provided in subsection (4) of this section;

11 (ii) Is not confined pursuant to a sentence for:

12 (A) A sex offense;

13 (B) A violent offense;

14 (C) A crime against persons as defined in RCW 9.94A.411;

15 (D) A felony that is domestic violence as defined in RCW 10.99.020;

16 (E) A violation of RCW 9A.52.025 (residential burglary);

17 (F) A violation of, or an attempt, solicitation, or conspiracy to
18 violate, RCW 69.50.401 by manufacture or delivery or possession with
19 intent to deliver methamphetamine; or

20 (G) A violation of, or an attempt, solicitation, or conspiracy to
21 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

22 (iii) Has no prior conviction for the offenses listed in (c)(ii) of
23 this subsection;

24 (iv) Participates in programming or activities as directed by the
25 offender's individual reentry plan as provided under RCW 72.09.270 to
26 the extent that such programming or activities are made available by
27 the department; and

28 (v) Has not committed a new felony after July 22, 2007, while under
29 community custody.

30 (d) In no other case shall the aggregate earned release time exceed
31 one-third of the total sentence.

32 (4) The department shall perform a risk assessment of each offender
33 who may qualify for earned early release under subsection (3)(c) of
34 this section utilizing the risk assessment tool recommended by the
35 Washington state institute for public policy. Subsection (3)(c) of
36 this section does not apply to offenders convicted after July 1, 2010.

37 (5)(a) A person who is eligible for earned early release as
38 provided in this section and who is convicted of a sex offense, a

1 violent offense, any crime against persons under RCW 9.94A.411(2), or
2 a felony offense under chapter 69.50 or 69.52 RCW, shall be transferred
3 to community custody in lieu of earned release time;

4 (b) The department shall, as a part of its program for release to
5 the community in lieu of earned release, require the offender to
6 propose a release plan that includes an approved residence and living
7 arrangement. All offenders with community custody terms eligible for
8 release to community custody in lieu of earned release shall provide an
9 approved residence and living arrangement prior to release to the
10 community;

11 (c) The department may deny transfer to community custody in lieu
12 of earned release time if the department determines an offender's
13 release plan, including proposed residence location and living
14 arrangements, may violate the conditions of the sentence or conditions
15 of supervision, place the offender at risk to violate the conditions of
16 the sentence, place the offender at risk to reoffend, or present a risk
17 to victim safety or community safety. The department's authority under
18 this section is independent of any court-ordered condition of sentence
19 or statutory provision regarding conditions for community custody;

20 (d) If the department is unable to approve the offender's release
21 plan, the department may do one or more of the following:

22 (i) Transfer an offender to partial confinement in lieu of earned
23 early release for a period not to exceed three months. The three
24 months in partial confinement is in addition to that portion of the
25 offender's term of confinement that may be served in partial
26 confinement as provided in RCW 9.94A.728(5);

27 (ii) Provide rental vouchers to the offender for a period not to
28 exceed three months if rental assistance will result in an approved
29 release plan. The voucher must be provided in conjunction with
30 additional transition support programming or services that enable an
31 offender to participate in services including, but not limited to,
32 substance abuse treatment, mental health treatment, sex offender
33 treatment, educational programming, or employment programming;

34 (e) For each offender who is the recipient of a rental voucher, the
35 department shall include, concurrent with the data that the department
36 otherwise obtains and records, the housing status of the offender for
37 the duration of the offender's supervision.

1 (6) An offender serving a term of confinement imposed under RCW
2 9.94A.670(5)(a) is not eligible for earned release credits under this
3 section.

4 NEW SECTION. **Sec. 4.** The department shall report to the
5 legislature and the appropriate committees by December 1, 2009, the
6 number of rental vouchers issued to offenders pursuant to this act, any
7 sanction history for offenders after they received the vouchers, and
8 additional information tracked by the department that may assist the
9 legislature in evaluating the rental voucher program.

10 NEW SECTION. **Sec. 5.** Section 2 of this act takes effect August 1,
11 2009.

12 NEW SECTION. **Sec. 6.** Section 1 of this act expires August 1,
13 2009.

14 NEW SECTION. **Sec. 7.** Section 3 of this act is necessary for the
15 immediate preservation of the public peace, health, or safety, or
16 support of the state government and its existing public institutions,
17 and takes effect immediately."

18 Correct the title.

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