

2 **SHB 2834** - H AMD TO APP COMM AMD (SHEL02) **0232 ADOPTED 2/18/92**
3 By Representatives Hargrove, Locke, Belcher, Appelwick and Winsley

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5 On page 1, line 4 of the amendment, after "inclusive" insert ", and
6 insert the following:

7 "Sec. 5. RCW 9.95.040 and 1986 c 224 s 9 are each amended to read
8 as follows:

9 The board shall fix the duration of confinement for persons
10 committed by the court before July 1, 1986, for crimes committed before
11 July 1, 1984. Within six months after the admission of the convicted
12 person to the penitentiary, reformatory, or such other state penal
13 institution as may hereafter be established, the board shall fix the
14 duration of his confinement. The term of imprisonment so fixed shall
15 not exceed the maximum provided by law for the offense of which he was
16 convicted or the maximum fixed by the court where the law does not
17 provide for a maximum term.

18 The following limitations are placed on the board or the court for
19 persons committed to prison on or after July 1, 1986, for crimes
20 committed before July 1, 1984, with regard to fixing the duration of
21 confinement in certain cases, notwithstanding any provisions of law
22 specifying a lesser sentence:

23 (1) For a person not previously convicted of a felony but armed
24 with a deadly weapon at the time of the commission of his offense, the
25 duration of confinement shall not be fixed at less than five years.

26 (2) For a person previously convicted of a felony either in this
27 state or elsewhere and who was armed with a deadly weapon at the time

1 of the commission of his offense, the duration of confinement shall not
2 be fixed at less than seven and one-half years.

3 The words "deadly weapon," as used in this section include, but are
4 not limited to, any instrument known as a blackjack, sling shot, billy,
5 sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver,
6 or any other firearm, any knife having a blade longer than three
7 inches, any razor with an unguarded blade, any metal pipe or bar used
8 or intended to be used as a club, any explosive, and any weapon
9 containing poisonous or injurious gas.

10 (3) For a person convicted of being an habitual criminal within the
11 meaning of the statute which provides for mandatory life imprisonment
12 for such habitual criminals, the duration of confinement shall not be
13 fixed at less than fifteen years. ~~((The board shall retain
14 jurisdiction over such convicted person throughout his natural life
15 unless the governor by appropriate executive action orders otherwise.))~~

16 (4) Any person convicted of embezzling funds from any institution
17 of public deposit of which he was an officer or stockholder, the
18 duration of confinement shall be fixed at not less than five years.

19 Except when an inmate of the reformatory, penitentiary, or such
20 other penal institution as may hereafter be established has been
21 convicted of murder in the first or second degree, the board may parole
22 an inmate prior to the expiration of a mandatory minimum term, provided
23 such inmate has demonstrated a meritorious effort in rehabilitation and
24 at least two-thirds of the board members concur in such action:
25 PROVIDED, That any inmate who has a mandatory minimum term and is
26 paroled prior to the expiration of such term according to the
27 provisions of this chapter shall not receive a conditional release from
28 supervision while on parole until after the mandatory minimum term has
29 expired."

1 **"Sec. 6.** RCW 9.95.110 and 1955 c 133 s 12 are each amended to read
2 as follows:

3 (1) The board (~~(of prison terms and paroles)~~) may permit a
4 convicted person to leave the buildings and enclosures of the
5 penitentiary or the reformatory on parole, after such convicted person
6 has served the period of confinement fixed for him or her by the board,
7 less time credits for good behavior and diligence in work(~~(: PROVIDED,~~
8 ~~That in no case shall an)~~). No inmate may be credited with more than
9 one-third of his or her sentence as fixed by the board.

10 (2) The board (~~(of prison terms and paroles)~~) may establish rules
11 and regulations under which a convicted person may be allowed to leave
12 the confines of the penitentiary or the reformatory on parole(~~(, and)~~).
13 The board may return such person to the confines of the institution
14 from which he or she was paroled(~~(, at its discretion)~~) according to
15 RCW 9.95.121.

16 (3) On or after the effective date of this section, a person who is
17 released on parole shall be placed on parole for the following periods
18 of time: (a) A person convicted of a sex or serious violent offense
19 shall be on parole for two years from the date of release or up to the
20 period of time earned for good behavior awarded pursuant to RCW
21 9.95.070 and this section, whichever is longer; or (b) offenders
22 released on parole who are convicted of offenses other than sex or
23 serious violent offenses shall be on parole for two years from the date
24 of release. Under either (a) or (b) of this subsection, the parole
25 period shall not exceed the time remaining on the parolee's statutory
26 maximum sentence. Sanctions for violations of parole shall be imposed
27 as provided in RCW 9.95.121 and 9.95.125. Final discharge orders shall
28 be granted as provided in RCW 9.96.050."

1 **"Sec. 7.** RCW 9.95.121 and 1981 c 136 s 38 are each amended to read
2 as follows:

3 Within fifteen days from the date of notice to the department of
4 corrections of the arrest and detention of the alleged parole violator,
5 he shall be personally served by a state probation and parole officer
6 with a copy of the factual allegations of the violation of the
7 conditions of parole, and, at the same time shall be advised of his
8 right to an on-site parole revocation hearing and of his rights and
9 privileges as provided in RCW 9.95.120 through 9.95.126. The alleged
10 parole violator, after service of the allegations of violations of the
11 conditions of parole and the advice of rights may waive the on-site
12 parole revocation hearing as provided in RCW 9.95.120, and admit one or
13 more of the alleged violations of the conditions of parole. If the
14 board accepts the waiver it shall either, (1) reinstate the parolee on
15 parole under the same or modified conditions, and if reinstated, may
16 impose sanctions according to an administrative violation grid
17 developed by the board in cooperation with the department of
18 corrections, or (2) revoke the parole of the parolee and enter an order
19 of parole revocation and return to state custody. Revocation of parole
20 and return to state custody shall be reserved as the last alternative
21 to be imposed under the sanction grid. A determination of a new
22 minimum sentence shall be made within thirty days of return to state
23 custody which shall not exceed the maximum sentence as provided by law
24 for the crime of which the parolee was originally convicted or the
25 maximum fixed by the court. The offender shall be released according
26 to the provisions of RCW 9.95.100. Upon release the offender shall be
27 on parole for the period of time provided in RCW 9.95.110.

28 If the waiver made by the parolee is rejected by the board it shall
29 hold an on-site parole revocation hearing under the provisions of RCW
30 9.95.120 through 9.95.126."

1 **"Sec. 8.** RCW 9.95.125 and 1969 c 98 s 7 are each amended to read
2 as follows:

3 After the on-site parole revocation hearing has been concluded, the
4 members of the board having heard the matter shall enter their decision
5 of record within ten days, and make findings and conclusions upon the
6 allegations of the violations of the conditions of parole. If the
7 member, or members having heard the matter, should conclude that the
8 allegations of violation of the conditions of parole have not been
9 proven by a preponderance of the evidence, or, those which have been
10 proven by a preponderance of the evidence are not sufficient cause for
11 the revocation of parole, then the parolee shall be reinstated on
12 parole on the same or modified conditions of parole. If the member or
13 members having heard the matter should conclude that the allegations of
14 violation of the conditions of parole have been proven by a
15 preponderance of the evidence and constitute sufficient cause for the
16 revocation of parole, then such member or members shall enter an order
17 of parole revocation and either impose sanctions according to a
18 sanction grid as provided in RCW 9.95.121 or return the parole violator
19 to state custody. Within thirty days of the return of such parole
20 violator to a state correctional institution for convicted felons the
21 board (~~((of prison terms and paroles))~~) shall enter an order determining
22 a new minimum sentence, not exceeding the maximum penalty provided by
23 law for the crime for which the parole violator was originally
24 convicted or the maximum fixed by the court."

25 **"Sec. 9.** RCW 9.96.050 and 1980 c 75 s 1 are each amended to read
26 as follows:

27 (1) When a prisoner on parole has performed the obligations of his
28 release for such time as shall satisfy the indeterminate sentence
29 review board (~~((of prison terms and paroles))~~) that his or her final

1 release is not incompatible with the best interests of society and the
2 welfare of the paroled individual, the board may make a final order of
3 discharge and issue a certificate of discharge to the prisoner.

4 (2) The board retains the jurisdiction to issue a certificate of
5 discharge after the expiration of the prisoner's or parolee's maximum
6 statutory sentence(~~(: PROVIDED, That no such order of discharge shall~~
7 ~~be made in any case within a period of less than one year from the date~~
8 ~~on which the board has conditionally discharged the parolee from active~~
9 ~~supervision by a probation and parole officer, except where the~~
10 ~~parolee's maximum statutory sentence expires earlier))~~).

11 (3) The board shall grant a final order of discharge and issue a
12 certificate of discharge to a parolee on parole for an offense other
13 than a sex or serious violent offense who has been on parole for two
14 continuous years, if the parolee is not in violation as of the
15 effective date of this section. The board shall grant a final order of
16 discharge and issue a certificate of discharge to a parolee on parole
17 for a sex or serious violent offense who has been on parole for two
18 continuous years or for the time period earned for good behavior,
19 whichever is longer, if the parolee is not in violation as of the
20 effective date of this section.

21 (4) Such discharge, regardless of when issued, shall have the
22 effect of restoring all civil rights lost by operation of law upon
23 conviction, and the certification of discharge shall so state.

24 (5) The discharge provided for in this section shall be considered
25 as a part of the sentence of the convicted person and shall not in any
26 manner be construed as affecting the powers of the governor to pardon
27 any such person."

28 Renumber the remaining sections consecutively, and correct internal
29 references accordingly."

1 **SHB 2834** - H AMD TO APP COMM AMD (SHEL02)
2 By Representative Hargrove

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4 On page 1, line 8 of the amendment, after "inclusive" insert "
5 renumber the remaining sections consecutively, and correct internal
6 references accordingly."

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10 On page 1, line 13 of the amendment, before "Sections" insert "(1)
11 Sections 5 through 9 of this act are necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and shall take
14 effect immediately.

15 (2)"

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19 In line 1 of the title, after "sentencing;" strike the remainder of
20 the title and insert "amending RCW 9.94A.150, 9.94A.440, 9.95.040,
21 9.95.110, 9.95.121, 9.95.125, 9.96.050, 9.95.040, 9.95.110, 9.95.121,
22 9.95.125, 9.96.050, and 9A.20.021; reenacting and amending RCW
23 9.94A.120; adding a new section to chapter 72.09 RCW; creating a new
24 section; prescribing penalties; and providing an effective date."