

2 **SHB 2906** - H AMD TO H AMD (H-4293.2/94) **1145 LOST 02/21/94**
3 By Representatives Forner and Tate

4

5 On page 68, after line 31, insert the following:

6 "Sec. 501. RCW 9.94A.150 and 1992 c 145 s 8 are each amended to
7 read as follows:

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

12 (1) Except as otherwise provided for in subsection (2) of this
13 section, the term of the sentence of an offender committed to a
14 correctional facility operated by the department, may be reduced by
15 earned early release time in accordance with procedures that shall be
16 developed and promulgated by the correctional agency having
17 jurisdiction in which the offender is confined. The earned early
18 release time shall be for good behavior and good performance, as
19 determined by the correctional agency having jurisdiction. The
20 correctional agency shall not credit the offender with earned early
21 release credits in advance of the offender actually earning the
22 credits. Any program established pursuant to this section shall allow
23 an offender to earn early release credits for presentence
24 incarceration. If an offender is transferred from a county jail to the
25 department of corrections, the county jail facility shall certify to
26 the department the amount of time spent in custody at the facility and
27 the amount of earned early release time. In the case of an offender
28 convicted (~~(of a serious violent offense or a sex offense that is a~~
29 ~~class A felony committed))~~) on or after July 1, 1990, the aggregate
30 earned early release time may not exceed fifteen percent of the
31 sentence(~~(. In no other case shall the aggregate earned early release~~
32 ~~time exceed one third of the total sentence))~~);

33 (2) A person convicted of a sex offense or an offense categorized
34 as a serious violent offense, assault in the second degree, assault of
35 a child in the second degree, any crime against a person where it is
36 determined in accordance with RCW 9.94A.125 that the defendant or an

1 accomplice was armed with a deadly weapon at the time of commission, or
2 any felony offense under chapter 69.50 or 69.52 RCW may become
3 eligible, in accordance with a program developed by the department, for
4 transfer to community custody status in lieu of earned early release
5 time pursuant to subsection (1) of this section;

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

10 (4) The governor, upon recommendation from the clemency and pardons
11 board, may grant an extraordinary release for reasons of serious health
12 problems, senility, advanced age, extraordinary meritorious acts, or
13 other extraordinary circumstances;

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

17 (6) The governor may pardon any offender;

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

21 (8) An offender may leave a correctional facility prior to
22 completion of his sentence if the sentence has been reduced as provided
23 in RCW 9.94A.160."

24 Renumber the remaining sections consecutively and correct any
25 internal references accordingly.

26 EFFECT: The amendment provides that no offender may be awarded
27 good time in excess of 15% of the offenders sentence.

--- END ---