

1 **E2SSB 5451** - H AMDS TO H AMD 000683 (5451-S2.E AMH H2634.1)
2 By Representatives H. Myers, Morris and Long

3 On page 20, line 16 after "placement" strike everything
4 through "sentence" on page 20, line 25 and insert "((beginning
5 either upon completion of the term of confinement or at such time
6 as the offender is transferred to community custody in lieu of
7 earned early release in accordance with RCW 9.94A.150 (1) and (2).
8 When the court sentences an offender under this subsection to the
9 statutory maximum period of confinement then the community
10 placement portion of the sentence shall consist entirely of such
11 community custody to which the offender may become eligible, in
12 accordance with RCW 9.94A.150 (1) and (2). Any period of community
13 custody actually served shall be credited against the community
14 placement portion of the sentence))"

15 On page 20, line 32 after "longer." insert the following:

16 "(c) When a court sentences a person to a term of total
17 confinement to the custody of the department of corrections for
18 vehicular homicide or vehicular assault committed after June 30,
19 1993, and the person has been found pursuant to RCW 46.61.524 to
20 have an alcohol or drug problem, the court shall in addition to
21 other terms of the sentence, sentence the offender to community
22 placement for one year or up to the period of earned early release
23 awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer.
24 In ordering community placement under this subsection (10)(c), the
25 court shall waive all conditions of community placement except the
26 following:

27 (i) The offender shall abstain from alcohol and nonprescribed
28 controlled substances;

29 (ii) The offender shall complete any treatment program and
30 comply with any other requirement under RCW 46.61.524;

1 (iii) The offender shall comply with any legal financial
2 obligations imposed by the court;

3 (iv) The offender shall pay supervision fees as determined by
4 the department of corrections; and

5 (v) The offender shall report to and be available for contact
6 with the assigned community corrections officer as directed.

7 (d)"

8 Reletter the remaining subsections accordingly

9 On page 20, line 32 after "placement" insert "under this
10 subsection (10)"

11 On page 20, line 36 after "subsection" insert "(10)"

12 On page 35, after line 10 insert a section to read as follows:

13 "**Sec. 14.** RCW 9.94A.150 and 1992 c 145 s 8 are each amended
14 to read as follows:

15 No person serving a sentence imposed pursuant to this chapter
16 and committed to the custody of the department shall leave the
17 confines of the correctional facility or be released prior to the
18 expiration of the sentence except as follows:

19 (1) Except as otherwise provided for in subsection (2) of this
20 section, the term of the sentence of an offender committed to a
21 correctional facility operated by the department, may be reduced by
22 earned early release time in accordance with procedures that shall
23 be developed and promulgated by the correctional agency having
24 jurisdiction in which the offender is confined. The earned early
25 release time shall be for good behavior and good performance, as
26 determined by the correctional agency having jurisdiction. The
27 correctional agency shall not credit the offender with earned early
28 release credits in advance of the offender actually earning the
29 credits. Any program established pursuant to this section shall

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

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

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

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

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

1 (6) The governor may pardon any offender;

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

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

8 Renumber the remaining sections accordingly.

EFFECT: Adds the provisions of HB 1155, which requires
imposition of community placement for offenders who are
convicted of vehicular homicide or assault and who have been
found to have an alcohol or drug problem.