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HOUSE BILL 1155

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By Representatives H. Myers, Appelwick, Ludwig, Chappell, Johanson, Scott, Brough, Horn, Long, Campbell, Karahalios, Wood, Foreman and Silver

Read first time 01/18/93. Referred to Committee on Corrections.

1 AN ACT Relating to alcohol and drug evaluation and treatment for  
2 persons convicted of vehicular homicide or vehicular assault; amending  
3 RCW 9.94A.150; reenacting and amending RCW 9.94A.120; prescribing  
4 penalties; providing an effective date; and declaring an emergency.

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

6 **Sec. 1.** RCW 9.94A.120 and 1992 c 145 s 7, 1992 c 75 s 2, and 1992  
7 c 45 s 5 are each reenacted and amended to read as follows:

8 When a person is convicted of a felony, the court shall impose  
9 punishment as provided in this section.

10 (1) Except as authorized in subsections (2), (5), and (7) of this  
11 section, the court shall impose a sentence within the sentence range  
12 for the offense.

13 (2) The court may impose a sentence outside the standard sentence  
14 range for that offense if it finds, considering the purpose of this  
15 chapter, that there are substantial and compelling reasons justifying  
16 an exceptional sentence.

17 (3) Whenever a sentence outside the standard range is imposed, the  
18 court shall set forth the reasons for its decision in written findings

1 of fact and conclusions of law. A sentence outside the standard range  
2 shall be a determinate sentence.

3 (4) An offender convicted of the crime of murder in the first  
4 degree shall be sentenced to a term of total confinement not less than  
5 twenty years. An offender convicted of the crime of assault in the  
6 first degree or assault of a child in the first degree where the  
7 offender used force or means likely to result in death or intended to  
8 kill the victim shall be sentenced to a term of total confinement not  
9 less than five years. An offender convicted of the crime of rape in  
10 the first degree shall be sentenced to a term of total confinement not  
11 less than five years, and shall not be eligible for furlough, work  
12 release or other authorized leave of absence from the correctional  
13 facility during such minimum five-year term except for the purpose of  
14 commitment to an inpatient treatment facility. The foregoing minimum  
15 terms of total confinement are mandatory and shall not be varied or  
16 modified as provided in subsection (2) of this section.

17 (5) In sentencing a first-time offender the court may waive the  
18 imposition of a sentence within the sentence range and impose a  
19 sentence which may include up to ninety days of confinement in a  
20 facility operated or utilized under contract by the county and a  
21 requirement that the offender refrain from committing new offenses.  
22 The sentence may also include up to two years of community supervision,  
23 which, in addition to crime-related prohibitions, may include  
24 requirements that the offender perform any one or more of the  
25 following:

26 (a) Devote time to a specific employment or occupation;

27 (b) Undergo available outpatient treatment for up to two years, or  
28 inpatient treatment not to exceed the standard range of confinement for  
29 that offense;

30 (c) Pursue a prescribed, secular course of study or vocational  
31 training;

32 (d) Remain within prescribed geographical boundaries and notify the  
33 court or the community corrections officer prior to any change in the  
34 offender's address or employment;

35 (e) Report as directed to the court and a community corrections  
36 officer; or

37 (f) Pay all court-ordered legal financial obligations as provided  
38 in RCW 9.94A.030 and/or perform community service work.

1 (6) If a sentence range has not been established for the  
2 defendant's crime, the court shall impose a determinate sentence which  
3 may include not more than one year of confinement, community service  
4 work, a term of community supervision not to exceed one year, and/or  
5 other legal financial obligations. The court may impose a sentence  
6 which provides more than one year of confinement if the court finds,  
7 considering the purpose of this chapter, that there are substantial and  
8 compelling reasons justifying an exceptional sentence.

9 (7)(a)(i) When an offender is convicted of a sex offense other than  
10 a violation of RCW 9A.44.050 or a sex offense that is also a serious  
11 violent offense and has no prior convictions for a sex offense or any  
12 other felony sex offenses in this or any other state, the sentencing  
13 court, on its own motion or the motion of the state or the defendant,  
14 may order an examination to determine whether the defendant is amenable  
15 to treatment.

16 The report of the examination shall include at a minimum the  
17 following: The defendant's version of the facts and the official  
18 version of the facts, the defendant's offense history, an assessment of  
19 problems in addition to alleged deviant behaviors, the offender's  
20 social and employment situation, and other evaluation measures used.  
21 The report shall set forth the sources of the evaluator's information.

22 The examiner shall assess and report regarding the defendant's  
23 amenability to treatment and relative risk to the community. A  
24 proposed treatment plan shall be provided and shall include, at a  
25 minimum:

26 (A) Frequency and type of contact between offender and therapist;

27 (B) Specific issues to be addressed in the treatment and  
28 description of planned treatment modalities;

29 (C) Monitoring plans, including any requirements regarding living  
30 conditions, lifestyle requirements, and monitoring by family members  
31 and others;

32 (D) Anticipated length of treatment; and

33 (E) Recommended crime-related prohibitions.

34 The court on its own motion may order, or on a motion by the state  
35 shall order, a second examination regarding the offender's amenability  
36 to treatment. The evaluator shall be selected by the party making the  
37 motion. The defendant shall pay the cost of any second examination  
38 ordered unless the court finds the defendant to be indigent in which  
39 case the state shall pay the cost.

1 (ii) After receipt of the reports, the court shall consider whether  
2 the offender and the community will benefit from use of this special  
3 sexual offender sentencing alternative and consider the victim's  
4 opinion whether the offender should receive a treatment disposition  
5 under this subsection. If the court determines that this special sex  
6 offender sentencing alternative is appropriate, the court shall then  
7 impose a sentence within the sentence range. If this sentence is less  
8 than eight years of confinement, the court may suspend the execution of  
9 the sentence and impose the following conditions of suspension:

10 (A) The court shall place the defendant on community supervision  
11 for the length of the suspended sentence or three years, whichever is  
12 greater; and

13 (B) The court shall order treatment for any period up to three  
14 years in duration. The court in its discretion shall order outpatient  
15 sex offender treatment or inpatient sex offender treatment, if  
16 available. A community mental health center may not be used for such  
17 treatment unless it has an appropriate program designed for sex  
18 offender treatment. The offender shall not change sex offender  
19 treatment providers or treatment conditions without first notifying the  
20 prosecutor, the community corrections officer, and the court, and shall  
21 not change providers without court approval after a hearing if the  
22 prosecutor or community corrections officer object to the change. In  
23 addition, as conditions of the suspended sentence, the court may impose  
24 other sentence conditions including up to six months of confinement,  
25 not to exceed the sentence range of confinement for that offense,  
26 crime-related prohibitions, and requirements that the offender perform  
27 any one or more of the following:

28 (I) Devote time to a specific employment or occupation;

29 (II) Remain within prescribed geographical boundaries and notify  
30 the court or the community corrections officer prior to any change in  
31 the offender's address or employment;

32 (III) Report as directed to the court and a community corrections  
33 officer;

34 (IV) Pay all court-ordered legal financial obligations as provided  
35 in RCW 9.94A.030, perform community service work, or any combination  
36 thereof; or

37 (V) Make recoupment to the victim for the cost of any counseling  
38 required as a result of the offender's crime.

1 (iii) The sex offender therapist shall submit quarterly reports on  
2 the defendant's progress in treatment to the court and the parties.  
3 The report shall reference the treatment plan and include at a minimum  
4 the following: Dates of attendance, defendant's compliance with  
5 requirements, treatment activities, the defendant's relative progress  
6 in treatment, and any other material as specified by the court at  
7 sentencing.

8 (iv) At the time of sentencing, the court shall set a treatment  
9 termination hearing for three months prior to the anticipated date for  
10 completion of treatment. Prior to the treatment termination hearing,  
11 the treatment professional and community corrections officer shall  
12 submit written reports to the court and parties regarding the  
13 defendant's compliance with treatment and monitoring requirements, and  
14 recommendations regarding termination from treatment, including  
15 proposed community supervision conditions. Either party may request  
16 and the court may order another evaluation regarding the advisability  
17 of termination from treatment. The defendant shall pay the cost of any  
18 additional evaluation ordered unless the court finds the defendant to  
19 be indigent in which case the state shall pay the cost. At the  
20 treatment termination hearing the court may: (A) Modify conditions of  
21 community supervision, and either (B) terminate treatment, or (C)  
22 extend treatment for up to the remaining period of community  
23 supervision.

24 (v) The court may revoke the suspended sentence at any time during  
25 the period of community supervision and order execution of the sentence  
26 if: (A) The defendant violates the conditions of the suspended  
27 sentence, or (B) the court finds that the defendant is failing to make  
28 satisfactory progress in treatment. All confinement time served during  
29 the period of community supervision shall be credited to the offender  
30 if the suspended sentence is revoked.

31 (vi) Except as provided in (a)(vii) of this subsection, after July  
32 1, 1991, examinations and treatment ordered pursuant to this subsection  
33 shall only be conducted by sex offender treatment providers certified  
34 by the department of health pursuant to chapter 18.155 RCW.

35 (vii) A sex offender therapist who examines or treats a sex  
36 offender pursuant to this subsection (7) does not have to be certified  
37 by the department of health pursuant to chapter 18.155 RCW if the court  
38 finds that: (A) The offender has already moved to another state or  
39 plans to move to another state for reasons other than circumventing the

1 certification requirements; (B) no certified providers are available  
2 for treatment within a reasonable geographical distance of the  
3 offender's home; and (C) the evaluation and treatment plan comply with  
4 this subsection (7) and the rules adopted by the department of health.

5 For purposes of this subsection, "victim" means any person who has  
6 sustained emotional, psychological, physical, or financial injury to  
7 person or property as a result of the crime charged. "Victim" also  
8 means a parent or guardian of a victim who is a minor child unless the  
9 parent or guardian is the perpetrator of the offense.

10 (b) When an offender is convicted of any felony sex offense  
11 committed before July 1, 1987, and is sentenced to a term of  
12 confinement of more than one year but less than six years, the  
13 sentencing court may, on its own motion or on the motion of the  
14 offender or the state, order the offender committed for up to thirty  
15 days to the custody of the secretary of social and health services for  
16 evaluation and report to the court on the offender's amenability to  
17 treatment at these facilities. If the secretary of social and health  
18 services cannot begin the evaluation within thirty days of the court's  
19 order of commitment, the offender shall be transferred to the state for  
20 confinement pending an opportunity to be evaluated at the appropriate  
21 facility. The court shall review the reports and may order that the  
22 term of confinement imposed be served in the sexual offender treatment  
23 program at the location determined by the secretary of social and  
24 health services or the secretary's designee, only if the report  
25 indicates that the offender is amenable to the treatment program  
26 provided at these facilities. The offender shall be transferred to the  
27 state pending placement in the treatment program. Any offender who has  
28 escaped from the treatment program shall be referred back to the  
29 sentencing court.

30 If the offender does not comply with the conditions of the  
31 treatment program, the secretary of social and health services may  
32 refer the matter to the sentencing court. The sentencing court shall  
33 commit the offender to the department of corrections to serve the  
34 balance of the term of confinement.

35 If the offender successfully completes the treatment program before  
36 the expiration of the term of confinement, the court may convert the  
37 balance of confinement to community supervision and may place  
38 conditions on the offender including crime-related prohibitions and

1 requirements that the offender perform any one or more of the  
2 following:

3 (i) Devote time to a specific employment or occupation;

4 (ii) Remain within prescribed geographical boundaries and notify  
5 the court or the community corrections officer prior to any change in  
6 the offender's address or employment;

7 (iii) Report as directed to the court and a community corrections  
8 officer;

9 (iv) Undergo available outpatient treatment.

10 If the offender violates any of the terms of community supervision,  
11 the court may order the offender to serve out the balance of the  
12 community supervision term in confinement in the custody of the  
13 department of corrections.

14 After June 30, 1993, this subsection (b) shall cease to have  
15 effect.

16 (c) When an offender commits any felony sex offense on or after  
17 July 1, 1987, and is sentenced to a term of confinement of more than  
18 one year but less than six years, the sentencing court may, on its own  
19 motion or on the motion of the offender or the state, request the  
20 department of corrections to evaluate whether the offender is amenable  
21 to treatment and the department may place the offender in a treatment  
22 program within a correctional facility operated by the department.

23 Except for an offender who has been convicted of a violation of RCW  
24 9A.44.040 or 9A.44.050, if the offender completes the treatment program  
25 before the expiration of his or her term of confinement, the department  
26 of corrections may request the court to convert the balance of  
27 confinement to community supervision and to place conditions on the  
28 offender including crime-related prohibitions and requirements that the  
29 offender perform any one or more of the following:

30 (i) Devote time to a specific employment or occupation;

31 (ii) Remain within prescribed geographical boundaries and notify  
32 the court or the community corrections officer prior to any change in  
33 the offender's address or employment;

34 (iii) Report as directed to the court and a community corrections  
35 officer;

36 (iv) Undergo available outpatient treatment.

37 If the offender violates any of the terms of his or her community  
38 supervision, the court may order the offender to serve out the balance

1 of his or her community supervision term in confinement in the custody  
2 of the department of corrections.

3 Nothing in (c) of this subsection shall confer eligibility for such  
4 programs for offenders convicted and sentenced for a sex offense  
5 committed prior to July 1, 1987. This subsection (c) does not apply to  
6 any crime committed after July 1, 1990.

7 (d) Offenders convicted and sentenced for a sex offense committed  
8 prior to July 1, 1987, may, subject to available funds, request an  
9 evaluation by the department of corrections to determine whether they  
10 are amenable to treatment. If the offender is determined to be  
11 amenable to treatment, the offender may request placement in a  
12 treatment program within a correctional facility operated by the  
13 department. Placement in such treatment program is subject to  
14 available funds.

15 (8)(a) When a court sentences a person to a term of total  
16 confinement to the custody of the department of corrections for an  
17 offense categorized as a sex offense or a serious violent offense  
18 committed after July 1, 1988, but before July 1, 1990, assault in the  
19 second degree, assault of a child in the second degree, any crime  
20 against a person where it is determined in accordance with RCW  
21 9.94A.125 that the defendant or an accomplice was armed with a deadly  
22 weapon at the time of commission, or any felony offense under chapter  
23 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall  
24 in addition to the other terms of the sentence, sentence the offender  
25 to a one-year term of community placement (~~beginning either upon~~  
26 ~~completion of the term of confinement or at such time as the offender~~  
27 ~~is transferred to community custody in lieu of earned early release in~~  
28 ~~accordance with RCW 9.94A.150 (1) and (2).~~ When the court sentences an  
29 offender under this subsection to the statutory maximum period of  
30 confinement then the community placement portion of the sentence shall  
31 consist entirely of such community custody to which the offender may  
32 become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any  
33 period of community custody actually served shall be credited against  
34 the community placement portion of the sentence)).

35 (b) When a court sentences a person to a term of total confinement  
36 to the custody of the department of corrections for an offense  
37 categorized as a sex offense or serious violent offense committed on or  
38 after July 1, 1990, the court shall in addition to other terms of the  
39 sentence, sentence the offender to community placement for two years or



1 up to the period of earned early release awarded pursuant to RCW  
2 9.94A.150 (1) and (2), whichever is longer.

3 (c) When a court sentences a person to a term of total confinement  
4 to the custody of the department of corrections for vehicular homicide  
5 or vehicular assault committed after June 30, 1993, and the person has  
6 been found pursuant to RCW 46.61.524 to have an alcohol or drug  
7 problem, the court shall in addition to other terms of the sentence,  
8 sentence the offender to community placement for one year or up to the  
9 period of earned early release awarded pursuant to RCW 9.94A.150 (1)  
10 and (2), whichever is longer. In ordering community placement under  
11 this subsection (8)(c), the court shall waive all conditions of  
12 community placement except the following:

13 (i) The offender shall abstain from alcohol and nonprescribed  
14 controlled substances;

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

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

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

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

23 (d) The community placement under this subsection (8) shall begin  
24 either upon completion of the term of confinement or at such time as  
25 the offender is transferred to community custody in lieu of earned  
26 early release in accordance with RCW 9.94A.150 (1) and (2). When the  
27 court sentences an offender under this subsection to the statutory  
28 maximum period of confinement then the community placement portion of  
29 the sentence shall consist entirely of the community custody to which  
30 the offender may become eligible, in accordance with RCW 9.94A.150 (1)  
31 and (2). Any period of community custody actually served shall be  
32 credited against the community placement portion of the sentence.  
33 Unless a condition is waived by the court, the terms of community  
34 placement for offenders sentenced pursuant to this section shall  
35 include the following conditions:

36 (i) The offender shall report to and be available for contact with  
37 the assigned community corrections officer as directed;

38 (ii) The offender shall work at department of corrections-approved  
39 education, employment, and/or community service;

1 (iii) The offender shall not consume controlled substances except  
2 pursuant to lawfully issued prescriptions;

3 (iv) An offender in community custody shall not unlawfully possess  
4 controlled substances;

5 (v) The offender shall pay supervision fees as determined by the  
6 department of corrections; and

7 (vi) The residence location and living arrangements are subject to  
8 the prior approval of the department of corrections during the period  
9 of community placement.

10 (~~(e)~~) (e) The court may also order any of the following special  
11 conditions:

12 (i) The offender shall remain within, or outside of, a specified  
13 geographical boundary;

14 (ii) The offender shall not have direct or indirect contact with  
15 the victim of the crime or a specified class of individuals;

16 (iii) The offender shall participate in crime-related treatment or  
17 counseling services;

18 (iv) The offender shall not consume alcohol; or

19 (v) The offender shall comply with any crime-related prohibitions.

20 (~~(d)~~) (f) Prior to transfer to, or during, community placement,  
21 any conditions of community placement may be removed or modified so as  
22 not to be more restrictive by the sentencing court, upon recommendation  
23 of the department of corrections.

24 (9) If the court imposes a sentence requiring confinement of thirty  
25 days or less, the court may, in its discretion, specify that the  
26 sentence be served on consecutive or intermittent days. A sentence  
27 requiring more than thirty days of confinement shall be served on  
28 consecutive days. Local jail administrators may schedule court-ordered  
29 intermittent sentences as space permits.

30 (10) If a sentence imposed includes payment of a legal financial  
31 obligation, the sentence shall specify the total amount of the legal  
32 financial obligation owed, and shall require the offender to pay a  
33 specified monthly sum toward that legal financial obligation.  
34 Restitution to victims shall be paid prior to any other payments of  
35 monetary obligations. Any legal financial obligation that is imposed  
36 by the court may be collected by the department, which shall deliver  
37 the amount paid to the county clerk for credit. The offender's  
38 compliance with payment of legal financial obligations shall be  
39 supervised by the department. All monetary payments ordered shall be

1 paid no later than ten years after the last date of release from  
2 confinement pursuant to a felony conviction or the date the sentence  
3 was entered. Independent of the department, the party or entity to  
4 whom the legal financial obligation is owed shall have the authority to  
5 utilize any other remedies available to the party or entity to collect  
6 the legal financial obligation. Nothing in this section makes the  
7 department, the state, or any of its employees, agents, or other  
8 persons acting on their behalf liable under any circumstances for the  
9 payment of these legal financial obligations. If an order includes  
10 restitution as one of the monetary assessments, the county clerk shall  
11 make disbursements to victims named in the order.

12 (11) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a  
13 court may not impose a sentence providing for a term of confinement or  
14 community supervision or community placement which exceeds the  
15 statutory maximum for the crime as provided in chapter 9A.20 RCW.

16 (12) All offenders sentenced to terms involving community  
17 supervision, community service, community placement, or legal financial  
18 obligation shall be under the supervision of the secretary of the  
19 department of corrections or such person as the secretary may designate  
20 and shall follow explicitly the instructions of the secretary including  
21 reporting as directed to a community corrections officer, remaining  
22 within prescribed geographical boundaries, notifying the community  
23 corrections officer of any change in the offender's address or  
24 employment, and paying the supervision fee assessment.

25 (13) All offenders sentenced to terms involving community  
26 supervision, community service, or community placement under the  
27 supervision of the department of corrections shall not own, use, or  
28 possess firearms or ammunition. Offenders who own, use, or are found  
29 to be in actual or constructive possession of firearms or ammunition  
30 shall be subject to the appropriate violation process and sanctions.  
31 "Constructive possession" as used in this subsection means the power  
32 and intent to control the firearm or ammunition. "Firearm" as used in  
33 this subsection means a weapon or device from which a projectile may be  
34 fired by an explosive such as gunpowder.

35 (14) The sentencing court shall give the offender credit for all  
36 confinement time served before the sentencing if that confinement was  
37 solely in regard to the offense for which the offender is being  
38 sentenced.

1 (15) A departure from the standards in RCW 9.94A.400 (1) and (2)  
2 governing whether sentences are to be served consecutively or  
3 concurrently is an exceptional sentence subject to the limitations in  
4 subsections (2) and (3) of this section, and may be appealed by the  
5 defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

6 (16) The court shall order restitution whenever the offender is  
7 convicted of a felony that results in injury to any person or damage to  
8 or loss of property, whether the offender is sentenced to confinement  
9 or placed under community supervision, unless extraordinary  
10 circumstances exist that make restitution inappropriate in the court's  
11 judgment. The court shall set forth the extraordinary circumstances in  
12 the record if it does not order restitution.

13 (17) As a part of any sentence, the court may impose and enforce an  
14 order that relates directly to the circumstances of the crime for which  
15 the offender has been convicted, prohibiting the offender from having  
16 any contact with other specified individuals or a specific class of  
17 individuals for a period not to exceed the maximum allowable sentence  
18 for the crime, regardless of the expiration of the offender's term of  
19 community supervision or community placement.

20 (18) In any sentence of partial confinement, the court may require  
21 the defendant to serve the partial confinement in work release, in a  
22 program of home detention, on work crew, or in a combined program of  
23 work crew and home detention.

24 (19) All court-ordered legal financial obligations collected by the  
25 department and remitted to the county clerk shall be credited and paid  
26 where restitution is ordered. Restitution shall be paid prior to any  
27 other payments of monetary obligations.

28 **Sec. 2.** RCW 9.94A.150 and 1992 c 145 s 8 are each amended to read  
29 as follows:

30 No person serving a sentence imposed pursuant to this chapter and  
31 committed to the custody of the department shall leave the confines of  
32 the correctional facility or be released prior to the expiration of the  
33 sentence except as follows:

34 (1) Except as otherwise provided for in subsection (2) of this  
35 section, the term of the sentence of an offender committed to a  
36 correctional facility operated by the department, may be reduced by  
37 earned early release time in accordance with procedures that shall be  
38 developed and promulgated by the correctional agency having

1 jurisdiction in which the offender is confined. The earned early  
2 release time shall be for good behavior and good performance, as  
3 determined by the correctional agency having jurisdiction. The  
4 correctional agency shall not credit the offender with earned early  
5 release credits in advance of the offender actually earning the  
6 credits. Any program established pursuant to this section shall allow  
7 an offender to earn early release credits for presentence  
8 incarceration. If an offender is transferred from a county jail to the  
9 department of corrections, the county jail facility shall certify to  
10 the department the amount of time spent in custody at the facility and  
11 the amount of earned early release time. In the case of an offender  
12 convicted of a serious violent offense or a sex offense that is a class  
13 A felony committed on or after July 1, 1990, the aggregate earned early  
14 release time may not exceed fifteen percent of the sentence. In no  
15 other case shall the aggregate earned early release time exceed one-  
16 third of the total sentence;

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

27 (3) An offender may leave a correctional facility pursuant to an  
28 authorized furlough or leave of absence. In addition, offenders may  
29 leave a correctional facility when in the custody of a corrections  
30 officer or officers;

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

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

38 (6) The governor may pardon any offender;

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

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

7 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of the  
9 state government and its existing public institutions, and shall take  
10 effect July 1, 1993.

--- END ---