
HOUSE BILL 2195

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Eide, Long, Morris, Carlson, Campbell, Van Luven, Brough, Edmondson, Cooke, Wineberry, Flemming, Holm, Heavey, Sheldon, Chandler, Johanson, Lisk and Springer

Read first time 01/11/94. Referred to Committee on Judiciary.

1 AN ACT Relating to imprisonment for crimes involving firearms;
2 amending RCW 9.94A.150; and prescribing penalties.

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

4 **Sec. 1.** RCW 9.94A.150 and 1992 c 145 s 8 are each amended to read
5 as follows:

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

10 (1) Except as otherwise provided for in subsection (2) of this
11 section, the term of the sentence of an offender committed to a
12 correctional facility operated by the department, may be reduced by
13 earned early release time in accordance with procedures that shall be
14 developed and promulgated by the correctional agency having
15 jurisdiction in which the offender is confined. The earned early
16 release time shall be for good behavior and good performance, as
17 determined by the correctional agency having jurisdiction. The
18 correctional agency shall not credit the offender with earned early
19 release credits in advance of the offender actually earning the

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

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

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

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

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

32 (6) The governor may pardon any offender;

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

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

1 Notwithstanding any other provision of this section, no person who
2 has been convicted of a crime that involved the use of a firearm may be
3 released for any reason whatsoever until that person has served the
4 full sentence imposed under this chapter.

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