

2 SHB 1491 - S COMM AMD

3 By Committee on Human Services & Corrections

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5 Strike everything after the enacting clause and insert the
6 following:

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

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

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

34 (2) A person convicted of a sex offense or an offense categorized
35 as a serious violent offense, assault in the second degree, assault of
36 a child in the second degree, any crime against a person where it is

1 determined in accordance with RCW 9.94A.125 that the defendant or an
2 accomplice was armed with a deadly weapon at the time of commission, or
3 any felony offense under chapter 69.50 or 69.52 RCW may become
4 eligible, in accordance with a program developed by the department, for
5 transfer to community custody status in lieu of earned early release
6 time pursuant to subsection (1) of this section;

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

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

15 (5) No more than the final six months of the sentence may be served
16 in partial confinement designed to aid the offender in finding work and
17 reestablishing him or herself in the community. An offender serving a
18 sentence for a sex offense or a serious violent offense is not eligible
19 for partial confinement under this subsection (5), unless an exception
20 is granted by the secretary on an individual basis. In granting or
21 denying an exception, the secretary shall consider public safety and
22 the circumstances of the individual offender;

23 (6) The governor may pardon any offender;

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

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

30 **Sec. 2.** RCW 72.65.210 and 1989 c 89 s 1 are each amended to read
31 as follows:

32 (1) The department shall establish, by rule, inmate eligibility
33 standards for participation in the work release program. An offender
34 serving a sentence for a sex offense or a serious violent offense shall
35 not be eligible for participation in the work release program unless an
36 exception is granted by the secretary on an individual basis. The
37 standards shall include guidelines for granting and denying exceptions

1 that consider public safety and the circumstances of the individual
2 offender.

3 (2) The department shall:

4 (a) Conduct an annual examination of each work release facility and
5 its security procedures;

6 (b) Investigate and set standards for the inmate supervision
7 policies of each work release facility;

8 (c) Establish physical standards for future work release structures
9 to ensure the safety of inmates, employees, and the surrounding
10 communities;

11 (d) Evaluate its recordkeeping of serious infractions to determine
12 if infractions are properly and consistently assessed against inmates
13 eligible for work release;

14 (e) Report to the legislature on a case management procedure to
15 evaluate and determine those inmates on work release who are in need of
16 treatment. The department shall establish in the report a written
17 treatment plan best suited to the inmate's needs, cost, and the
18 relationship of community placement and community corrections officers
19 to a system of case management;

20 (f) Adopt a policy to encourage businesses employing work release
21 inmates to contact the appropriate work release facility whenever an
22 inmate is absent from his or her work schedule. The department of
23 corrections shall provide each employer with written information and
24 instructions on who should be called if a work release employee is
25 absent from work or leaves the job site without authorization; and

26 (g) Develop a siting policy, in conjunction with cities, counties,
27 community groups, and the department of community, trade, and economic
28 development for the establishment of additional work release
29 facilities. Such policy shall include at least the following elements:

30 (i) Guidelines for appropriate site selection of work-release
31 facilities; (ii) notification requirements to local government and
32 community groups of intent to site a work release facility; and (iii)
33 guidelines for effective community relations by the work release
34 program operator.

35 (~~The department shall comply with the requirements of this section~~
36 ~~by July 1, 1990.~~)"

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4 On page 1, line 2 of the title, after "offenders;" strike the
5 remainder of the title and insert "and amending RCW 9.94A.150 and
6 72.65.210."

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