

HOUSE BILL REPORT

HB 1222

As Reported By House Committee On:
Criminal Justice & Corrections
Appropriations

Title: An act relating to earned early release.

Brief Description: Limiting certain offenses to no more than fifteen percent good time credits.

Sponsors: Representatives Carrell, Ballasiotes, Lambert, Sherstad, Sterk, McDonald, Talcott, Boldt, Hickel, Backlund, Thompson, Smith, Zellinsky, Johnson, Schoesler, Kessler, Conway and Costa.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/4/97, 2/26/97 [DP];

Appropriations: 3/8/97 [DPS].

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 8 members: Representatives Benson, Vice Chairman; Koster, Vice Chairman; Cairnes; Delvin; Hickel; Mitchell; Robertson and Sullivan.

Minority Report: Do not pass. Signed by 4 members: Representatives Ballasiotes, Chairman; O'Brien, Assistant Ranking Minority Member; Blalock and Dickerson.

Staff: Yvonne Walker (786-7841).

Background: Under the Sentencing Reform Act, felony offenders receive determinate sentences. A determinate sentence is one where the length of confinement is determine at the time of sentencing; the sentence length generally is not subject to alteration based on events occurring after the sentence is imposed.

Earned Early Release Programs. The primary exception to this system of determinate sentencing involves the operation of earned early release programs. These programs allow inmates to shorten their sentence length if they display good behavior by participating in work, education, or treatment programs and by not violating prison or

jail rules during confinement. Washington law authorizes these programs to be operated both in local jails and state prisons.

Limitations on Earned Early Credits. There are limitations on how much a sentence can be reduced through earned early release both within local jails and state prisons. The maximum amount that a felony sentence can be reduced varies depending on the inmate's offense:

- No more than 15 percent of the sentence may be reduced for serious violent offenses and for class A sex offenses.

- No more than 33 percent of the sentence may be reduced for all other felonies.

Summary of Bill: The maximum amount that a sentence can be reduced through the earned early release program is changed from 33 percent to 15 percent for the following offenses: first-degree robbery, second-degree robbery, first-degree manslaughter, second-degree manslaughter, second-degree assault, or any attempt, conspiracy, or solicitation to commit one of these offenses.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The maximum amount of time a sentence can be reduced for a serious violent offense is 15 percent and 33 percent for all other felonies. The reduction from 33 percent to 15 percent for certain felonies is an attempt to make the maximum amount of credits convicted felons can achieve uniform for all felonies.

Testimony Against: None.

Testified: Representative Michael Carrell, prime sponsor (pro), and Jim Blodgett, Department of Corrections.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cooke; Crouse; Grant; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

Minority Report: Do not pass. Signed by 5 members: Representatives H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Cody; Kessler and Regala.

Staff: Dave Johnson (786-7154).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Criminal Justice & Corrections: The act is made null and void if funding is not provided in the budget to implement it.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Testimony For: None.

Testimony Against: None.

Testified: None.