
HOUSE BILL 1297

State of Washington

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By Representatives O'Brien, Ballasiotes, Lovick, Cairnes, Kagi,
Campbell and Benson

Read first time 01/21/1999. Referred to Committee on Criminal Justice
& Corrections.

1 AN ACT Relating to earned early release time; and amending RCW
2 9.94A.150.

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

4 **Sec. 1.** RCW 9.94A.150 and 1996 c 199 s 2 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 who has been convicted of a felony committed after July 23, 1995, that
8 involves any applicable deadly weapon enhancements under RCW 9.94A.310
9 (3) or (4), or both, shall not receive any good time credits or earned
10 early release time for that portion of his or her sentence that results
11 from any deadly weapon enhancements. In the case of an offender
12 convicted of a serious violent offense, or a sex offense that is a
13 class A felony, committed on or after July 1, 1990, the aggregate
14 earned early release time may not exceed fifteen percent of the
15 sentence. In no other case shall the aggregate earned early release
16 time exceed one-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, vehicular
19 homicide, vehicular assault, assault of a child in the second degree,
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 himself 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 Notwithstanding any other provisions of this section, an offender
8 sentenced for a felony crime listed in RCW 9.94A.120(4) as subject to
9 a mandatory minimum sentence of total confinement shall not be released
10 from total confinement before the completion of the listed mandatory
11 minimum sentence for that felony crime of conviction unless allowed
12 under RCW 9.94A.120(4).

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