
**Criminal Justice & Corrections
Committee**

HB 2359

Brief Description: Altering the amount of earned release time available for certain jail inmates.

Sponsors: Representatives Kagi, O'Brien, Dickerson, Nixon, Sommers and Darneille.

Brief Summary of Bill

- Changes the amount of earned release time a county jail may grant to certain offenders confined in a county jail.

Hearing Date: 1/20/04

Staff: Jim Morishima (786-7191).

Background:

Earned Release Time in County Jails

A county jail facility may grant earned release credits to offenders confined in the jail. The offender may earn the credits for good behavior and good performance as determined by the agency having jurisdiction over the jail. For an offender convicted of a serious violent or class A felony sex offense, the aggregate earned release time may not exceed 15 percent of the sentence. For all other offenders, the aggregate earned release time may not exceed 33 percent of the sentence.

Earned Release Time in State Prisons

Prior to July 1, 2003, the maximum amount of earned release time an offender could earn in state prison was the same as the amount an offender could earn in the county jail. However, the maximum for state prison was changed by ESSB 5990, which increased the amount for certain offenders and decreased the amount for others. These changes went into effect on July 1, 2003.

Engrossed Substitute Senate Bill 5990 decreased the maximum amount of earned release time from 15 percent to 10 percent for prison offenders convicted of serious violent or class A felony sex offenses. Also, the act increased the maximum amount of earned release time available from 33 percent to 50 percent for prison offenders:

- Classified in the two lowest risk categories; and
- Who have no current or prior conviction for a sex offense, a violent offense, a crime against persons, felony domestic violence, residential burglary, delivery or possession with intent to

deliver methamphetamine (or an attempt, solicitation, or conspiracy to do so), or delivery of a controlled substance to a minor (or an attempt, solicitation, or conspiracy to do so).

Summary of Bill:

The maximum amount of earned release time is decreased from 15 percent to 10 percent for offenders in county jails who were convicted of a serious violent or a class A felony sex offense. The amount of earned release time is increased from 33 percent to 50 percent for offenders who have no current or prior conviction for a sex offense, a crime against persons, felony domestic violence, residential burglary, delivery or possession with intent to deliver methamphetamine (or an attempt, solicitation, or conspiracy to do so), or delivery of a controlled substance to a minor (or an attempt, solicitation, or conspiracy to do so). The correctional agency having jurisdiction over the jail may recalculate the earned release time and reschedule the expected release date for each qualified offender.

Appropriation: None.

Fiscal Note: Requested on January 14, 2004.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.