

# SENATE BILL REPORT

## SB 6370

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As Reported By Senate Committee On:  
Judiciary, February 4, 2004

**Title:** An act relating to a clarification of the earned release time provisions for offenders held in city or county jails.

**Brief Description:** Clarifying earned release provisions that apply to city and county jails.

**Sponsors:** Senators Kline, Brandland and McCaslin.

**Brief History:**

**Committee Activity:** Judiciary: 1/30/04, 2/4/04 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators McCaslin, Chair; Brandland, Hargrove, Haugen, Kline, Roach and Thibaudeau.

**Staff:** Aldo Melchiori (786-7439)

**Background:** "Earned release" means the amount of time by which an offender may earn a reduction in the amount of time he or she is confined. It is earned by successful participation in required work, treatment, and other programming and by appropriate behavior. Allowing earned release is discretionary. It can also be lost for infractions or by a refusal to participate in required programming. Maximum amounts of earned release are set in statute.

In 2003, the Legislature provided that offenders sentenced to terms in prison for serious violent offenses or sex offenses that are class A felonies committed after July 1, 2003, are able to earn a maximum of 10 percent earned release time instead of 15 percent. Offenders serving prison sentences for offenses that are not subject to supervision in the community and offenders serving prison sentences for drug offenses may earn a maximum of 50 percent earned release time if they are classified in one of the two lowest risk categories. This increase from 33 percent to 50 percent in earned release does not apply to any offender with any conviction for a: sex offense; violent offense; crime against persons; residential burglary; felony domestic violence offense; methamphetamine manufacture, delivery or possession with intent to deliver offense; or delivery of a controlled substance to a minor. The increase to a maximum of 50 percent earned release applies retroactively and prospectively and expires July 1, 2010.

**Summary of Bill:** Offenders serving jail sentences, or that are in city or county farms, camps, work release programs and facilities, or special detention facilities, for serious violent offenses or sex offenses that are class A felonies committed after July 1, 2004, are able to earn a maximum of 10 percent earned release time instead of 15 percent. Offenders serving jail sentences, or that are in city or county farms, camps, work release programs and facilities, or

special detention facilities, may earn a maximum of 50 percent earned release time if they do not have any conviction for a: sex offense; violent offense; crime against persons; residential burglary; felony domestic violence offense; methamphetamine manufacture, delivery or possession with intent to deliver offense; or delivery of a controlled substance to a minor. These offenders remain eligible for a maximum of 33 percent earned release time.

The 50 percent earned release provisions apply retroactively and prospectively and expire July 1, 2010. Facilities recalculate the earned release time and reschedule release dates for qualified offenders.

**Appropriation:** None.

**Fiscal Note:** Requested on January 25, 2004.

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

**Testimony For:** There is now a disparity that is motivating offenders to seek short prison sentences because they can get out sooner than if they received jail sentences. This anomaly is a significant unintended consequence of the new prison earned release statutes and the new drug sentencing grid.

**Testimony Against:** None.

**Testified:** PRO: Senator Kline, prime sponsor.