
HOUSE BILL 2492

State of Washington

58th Legislature

2004 Regular Session

By Representative Sommers; by request of Office of Financial Management

Read first time 01/15/2004. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to terms of confinement of felony drug offenders;
2 adding new sections to chapter 9.94A RCW; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW
5 to read as follows:

6 RCW 9.94A.517, 9.94A.518, and 9.94A.525(12) apply retroactively to
7 crimes committed before, on, and after July 1, 2003, except where
8 retroactive application would result in increased punishment in
9 violation of Article I, section 23 of the Washington state
10 Constitution.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.94A RCW
12 to read as follows:

13 (1) This section applies to offenders who, on or after the
14 effective date of this act, are serving terms of confinement within the
15 standard range under RCW 9.94A.510, or longer than terms within the
16 standard range due to enhancements under RCW 9.94A.533 (3), (4), (5),
17 or (6), or under RCW 9.94A.660, for offenses listed in RCW 9.94A.518.

1 The legislature intends that such offenders shall be released from
2 confinement as promptly as practicable through the procedure
3 established by this section.

4 (2) For each offender sentenced within the standard range who is in
5 the custody of the department, the department shall calculate the term
6 of confinement that corresponds to the same relative point within the
7 standard range under RCW 9.94A.517 that the term imposed by the court
8 occupied within the standard range under RCW 9.94A.510, so that the
9 newly calculated term corresponds to the originally imposed term as a
10 percentage of the interval between the top and bottom of the applicable
11 range.

12 (3) For each offender sentenced to a longer term of confinement
13 than one within the standard range due to an enhancement under RCW
14 9.94A.533 (3), (4), (5), or (6), the department shall calculate the
15 portion of the term attributable to the standard range in the same
16 manner as under subsection (2) of this section, and add the duration of
17 the enhancement as imposed by the court.

18 (4) For each offender sentenced under RCW 9.94A.660 who is in the
19 custody of the department, the department shall calculate the term of
20 confinement based on one-half of the midpoint of the applicable
21 standard range under RCW 9.94A.517.

22 (5) For each offender sentenced within the standard range who is in
23 the custody of a local correctional facility, the local correctional
24 facility shall calculate the term of confinement that corresponds to
25 the same relative point within the standard range under RCW 9.94A.517
26 that the term imposed by the court occupied within the standard range
27 under RCW 9.94A.510, so that the newly calculated term corresponds to
28 the originally imposed term as a percentage of the interval between the
29 top and bottom of the applicable range.

30 (6) If the new calculation under this section results in a term of
31 confinement of twelve months or less for an offender who is in the
32 custody of the department under the imposed sentence, the offender
33 shall serve the remainder of the newly calculated term in the custody
34 of the department.

35 (7) The department or the local correctional facility shall
36 redetermine release dates for offenders whose newly calculated terms of
37 confinement are less than the terms originally imposed by the court,
38 and shall release the offenders accordingly. For offenders whose newly

1 calculated terms of confinement are the same as or greater than the
2 terms originally imposed by the court, the new calculation shall have
3 no effect.

4 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and takes effect
7 immediately.

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