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HOUSE BILL 1476

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State of Washington

59th Legislature

2005 Regular Session

By Representatives Kagi, O'Brien and Simpson

Read first time 01/25/2005. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to altering the amount of earned release time  
2 available for certain jail inmates; amending RCW 9.92.151; and adding  
3 a new section to chapter 9.94A RCW.

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

5 **Sec. 1.** RCW 9.92.151 and 2004 c 176 s 5 are each amended to read  
6 as follows:

7 (1)(a) Except as provided in subsection (2) of this section, the  
8 sentence of a prisoner confined in a county jail facility for a felony,  
9 gross misdemeanor, or misdemeanor conviction may be reduced by earned  
10 release credits in accordance with procedures that shall be developed  
11 and promulgated by the correctional agency having jurisdiction. The  
12 earned early release time shall be for good behavior and good  
13 performance as determined by the correctional agency having  
14 jurisdiction. Any program established pursuant to this section shall  
15 allow an offender to earn early release credits for presentence  
16 incarceration. The correctional agency shall not credit the offender  
17 with earned early release credits in advance of the offender actually  
18 earning the credits.

1       **(b)** In the case of an offender convicted of a serious violent  
2 offense or a sex offense that is a class A felony committed on or after  
3 July 1, 1990, and before the effective date of this act, the aggregate  
4 earned early release time may not exceed fifteen percent of the  
5 sentence. In the case of an offender convicted of a serious violent  
6 offense or a sex offense that is a class A felony committed on or after  
7 the effective date of this act, the aggregate earned release time may  
8 not exceed ten percent of the sentence.

9       **(c)(i)** In the case of an offender who qualifies under (c)(ii) of  
10 this subsection, the aggregate earned release time may not exceed fifty  
11 percent.

12       **(ii)** An offender may be granted up to fifty percent of aggregate  
13 earned release time under this subsection (1)(c) if he or she:

14       **(A)** Is not confined pursuant to a sentence for:

15       **(I)** A sex offense as defined in RCW 9.94A.030;

16       **(II)** A violent offense as defined in RCW 9.94A.030;

17       **(III)** A crime against persons as defined in RCW 9.94A.411;

18       **(IV)** An offense that is domestic violence as defined in RCW  
19 10.99.020;

20       **(V)** A violation of RCW 9A.52.025 (residential burglary);

21       **(VI)** A violation of, or an attempt, solicitation, or conspiracy to  
22 violate, RCW 69.50.401 by manufacture or delivery or possession with  
23 intent to deliver methamphetamine; or

24       **(VII)** A violation of, or an attempt, solicitation, or conspiracy to  
25 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);  
26 and

27       **(B)** Has no prior conviction for:

28       **(I)** A sex offense as defined in RCW 9.94A.030;

29       **(II)** A violent offense as defined in RCW 9.94A.030;

30       **(III)** A crime against persons as defined in RCW 9.94A.411;

31       **(IV)** An offense that is domestic violence as defined in RCW  
32 10.99.020;

33       **(V)** A violation of RCW 9A.52.025 (residential burglary);

34       **(VI)** A violation of, or an attempt, solicitation, or conspiracy to  
35 violate, RCW 69.50.401 by manufacture or delivery or possession with  
36 intent to deliver methamphetamine; or

37       **(VII)** A violation of, or an attempt, solicitation, or conspiracy to  
38 violate, RCW 69.50.406 (delivery of a controlled substance to a minor).

1        (iii) The correctional agency having jurisdiction may recalculate  
2 the earned release time and reschedule the expected release date for  
3 each qualified offender under this subsection (1)(c).

4        (iv) This subsection (1)(c) applies retroactively to eligible  
5 offenders serving terms of total confinement in a county jail facility  
6 as of the effective date of this act.

7        (d) In no other case may the aggregate earned early release time  
8 exceed one-third of the total sentence.

9        (2) An offender serving a term of confinement imposed under RCW  
10 9.94A.670(4)(a) is not eligible for earned release credits under this  
11 section.

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

14        The legislature declares that the changes to the maximum  
15 percentages of earned release time in this act do not create any  
16 expectation that the percentage of earned release time cannot be  
17 revised and offenders have no reason to conclude that the maximum  
18 percentage of earned release time is an entitlement or creates any  
19 liberty interest. The legislature retains full control over the right  
20 to revise the percentages of earned release time available to offenders  
21 at any time. This section applies to persons convicted on or after the  
22 effective date of this act.

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