
SENATE BILL 5282

State of Washington 59th Legislature 2005 Regular Session

By Senators Kline, Hargrove, Mulliken, Fairley and Thibaudeau

Read first time 01/19/2005. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to a clarification of the earned release time
2 provisions for offenders held in city or county jails; amending RCW
3 9.92.151 and 70.48.210; providing an effective date; providing an
4 expiration date; and declaring an emergency.

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

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

8 (1) Except as provided in subsection (2) of this section(~~(7)~~):

9 (a) The sentence of a prisoner confined in a county jail facility
10 for a felony, gross misdemeanor, or misdemeanor conviction may be
11 reduced by earned release credits in accordance with procedures that
12 shall be developed and promulgated by the correctional agency having
13 jurisdiction. The earned (~~early~~) release time shall be for good
14 behavior and good performance as determined by the correctional agency
15 having jurisdiction. Any program established pursuant to this section
16 shall allow an offender to earn (~~early~~) release credits for
17 presentence incarceration. The correctional agency shall not credit
18 the offender with earned (~~early~~) release credits in advance of the
19 offender actually 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 July 1, 2005, the aggregate earned early
4 release time may not exceed fifteen percent of the sentence. In the
5 case of an offender convicted of a serious violent offense, or a sex
6 offense that is a class A felony, committed on or after July 1, 2005,
7 the aggregate earned release time may not exceed ten percent of the
8 sentence.

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

12 An offender is qualified to earn up to fifty percent of aggregate
13 earned release time under this subsection if he or she:

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

15 (A) A sex offense;

16 (B) A violent offense;

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

18 (D) A felony that is domestic violence as defined in RCW 10.99.020;

19 (E) A violation of RCW 9A.52.025 (residential burglary);

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

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

26 (ii) Has no prior conviction for:

27 (A) A sex offense;

28 (B) A violent offense;

29 (C) A crime against persons as defined in RCW 9.94A.411;

30 (D) A felony that is domestic violence as defined in RCW 10.99.020;

31 (E) A violation of RCW 9A.52.025 (residential burglary);

32 (F) A violation of, or an attempt, solicitation, or conspiracy to
33 violate, RCW 69.50.401 by manufacture or delivery or possession with
34 intent to deliver methamphetamine; or

35 (G) A violation of, or an attempt, solicitation, or conspiracy to
36 violate, RCW 69.50.406 (delivery of a controlled substance to a minor).

37 (d) The facility shall recalculate the earned release time and

1 reschedule the expected release dates for each qualified offender under
2 (c) of this subsection.

3 (e) (c) of this subsection applies retroactively to eligible
4 offenders serving terms of total confinement in a city or county
5 facility as of the effective date of this section.

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

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

11 **Sec. 2.** RCW 70.48.210 and 1990 c 3 s 203 are each amended to read
12 as follows:

13 (1) All cities and counties are authorized to establish and
14 maintain farms, camps, and work release programs and facilities, as
15 well as special detention facilities. The facilities shall meet the
16 requirements of this chapter (~~(70.48—RCW)~~) and any rules adopted
17 thereunder.

18 (2) Farms and camps may be established either inside or outside the
19 territorial limits of a city or county. A sentence of confinement in
20 a city or county jail may include placement in a farm or camp. Unless
21 directed otherwise by court order, the chief law enforcement officer or
22 department of corrections, may transfer the prisoner to a farm or camp.
23 The sentencing court, chief law enforcement officer, or department of
24 corrections may not transfer to a farm or camp a greater number of
25 prisoners than can be furnished with constructive employment and can be
26 reasonably accommodated.

27 (3) The city or county may establish a city or county work release
28 program and housing facilities for the prisoners in the program. In
29 such regard, factors such as employment conditions and the condition of
30 jail facilities should be considered. When a work release program is
31 established the following provisions apply:

32 (a) A person convicted of a felony and placed in a city or county
33 jail is eligible for the work release program. A person sentenced to
34 a city or county jail is eligible for the work release program. The
35 program may be used as a condition of probation for a criminal offense.
36 Good conduct is a condition of participation in the program.

1 (b) The court may permit a person who is currently, regularly
2 employed to continue his or her employment. The chief law enforcement
3 officer or department of corrections shall make all necessary
4 arrangements if possible. The court may authorize the person to seek
5 suitable employment and may authorize the chief law enforcement officer
6 or department of corrections to make reasonable efforts to find
7 suitable employment for the person. A person participating in the work
8 release program may not work in an establishment where there is a labor
9 dispute.

10 (c) The work release prisoner shall be confined in a work release
11 facility or jail unless authorized to be absent from the facility for
12 program-related purposes, unless the court directs otherwise.

13 (d) Each work release prisoner's earnings may be collected by the
14 chief law enforcement officer or a designee. The chief law enforcement
15 officer or a designee may deduct from the earnings moneys for the
16 payments for the prisoner's board, personal expenses inside and outside
17 the jail, a share of the administrative expenses of this section,
18 court-ordered victim compensation, and court-ordered restitution.
19 Support payments for the prisoner's dependents, if any, shall be made
20 as directed by the court. With the prisoner's consent, the remaining
21 funds may be used to pay the prisoner's preexisting debts. Any
22 remaining balance shall be returned to the prisoner.

23 (e) The prisoner's sentence may be reduced by earned ((early))
24 release time in accordance with procedures that shall be developed and
25 promulgated by the work release facility. The earned ((early)) release
26 time shall be for good behavior and good performance as determined by
27 the facility. The facility shall not credit the offender with earned
28 ((early)) release credits in advance of the offender actually earning
29 the credits.

30 (i) In the case of an offender convicted of a serious violent
31 offense or a sex offense that is a class A felony committed on or after
32 July 1, 1990, and before July 1, 2005, the aggregate earned ((early))
33 release time may not exceed fifteen percent of the sentence. In the
34 case of an offender convicted of a serious violent offense, or a sex
35 offense that is a class A felony, committed on or after July 1, 2005,
36 the aggregate earned release time may not exceed ten percent of the
37 sentence.

1 (ii) In the case of an offender who qualifies under (e)(ii)(A) and
2 (B) of this subsection, the aggregate earned release time may not
3 exceed fifty percent of the sentence.

4 An offender is qualified to earn up to fifty percent of aggregate
5 earned release time under this subsection (3)(e)(ii) if he or she:

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

7 (I) A sex offense;

8 (II) A violent offense;

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

10 (IV) A felony that is domestic violence as defined in RCW
11 10.99.020;

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

13 (VI) A violation of, or an attempt, solicitation, or conspiracy to
14 violate, RCW 69.50.401 by manufacture or delivery or possession with
15 intent to deliver methamphetamine; or

16 (VII) A violation of, or an attempt, solicitation, or conspiracy to
17 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);
18 and

19 (B) Has no prior conviction for:

20 (I) A sex offense;

21 (II) A violent offense;

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

23 (IV) A felony that is domestic violence as defined in RCW
24 10.99.020;

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

26 (VI) A violation of, or an attempt, solicitation, or conspiracy to
27 violate, RCW 69.50.401 by manufacture or delivery or possession with
28 intent to deliver methamphetamine; or

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

31 (iii) The facility shall recalculate the earned release time and
32 reschedule the expected release dates for each qualified offender under
33 (e)(ii) of this subsection.

34 (iv) (e)(ii) of this subsection applies retroactively to eligible
35 offenders serving terms of total confinement in a city or county
36 facility as of the effective date of this section.

37 (v) In no other case may the aggregate earned ((early)) release
38 time exceed one-third of the total sentence.

1 (f) If the work release prisoner violates the conditions of custody
2 or employment, the prisoner shall be returned to the sentencing court.
3 The sentencing court may require the prisoner to spend the remainder of
4 the sentence in actual confinement and may cancel any earned reduction
5 of the sentence.

6 (4) A special detention facility may be operated by a
7 noncorrectional agency or by noncorrectional personnel by contract with
8 the governing unit. The employees shall meet the standards of training
9 and education established by the criminal justice training commission
10 as authorized by RCW 43.101.080. The special detention facility may
11 use combinations of features including, but not limited to, low-
12 security or honor prisoner status, work farm, work release, community
13 review, prisoner facility maintenance and food preparation, training
14 programs, or alcohol or drug rehabilitation programs. Special
15 detention facilities may establish a reasonable fee schedule to cover
16 the cost of facility housing and programs. The schedule shall be on a
17 sliding basis that reflects the person's ability to pay.

18 NEW SECTION. **Sec. 3.** This act expires July 1, 2010.

19 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and takes effect
22 July 1, 2005.

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