

**SB 5760 - DIGEST**

(SEE ALSO PROPOSED 1ST SUB)

Provides that, notwithstanding the statutory maximum sentence or any other provision of chapter 9.94A RCW, a persistent offender, with a criminal history or current offense that does not include any class A felonies, shall be sentenced to a term of total confinement for life. Prior to serving a minimum term of fifteen years, no offender subject to this provision may be eligible for community custody, earned release time, furlough, home detention, partial confinement, work crew, work release, or any other form of release as defined under RCW 9.94A.728 (1), (2), (3), (4), (6), (8), or (9), or any other form of authorized leave from a correctional facility while not in the direct custody of a corrections officer or officers, except in the case of an offender in need of emergency medical treatment.

Provides that, after serving the minimum fifteen-year term of total confinement, the offender may be eligible for community custody, earned release time, furlough, home detention, partial confinement, work crew, work release, or any other form of release as defined under RCW 9.94A.728 (1), (2), (3), (4), (6), (8), or (9), or any other form of authorized leave from a correctional facility.

Declares that the fifteen-year term of total confinement imposed by the court under RCW 9.94A.570(2) constitutes the release eligibility review date at which time the court shall review the offender for conditional release to community custody.

Provides that, in any criminal case wherein an offender has been sentenced as a persistent offender prior to the effective date of this act, the offender shall have a resentencing hearing if the offender would otherwise qualify for release under RCW 9.94A.570(2) and this act.