

# SENATE BILL REPORT

## SB 5701

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As of February 17, 2009

**Title:** An act relating to allowing the department of corrections to rely upon jail certification in the calculation of release dates for offenders.

**Brief Description:** Allowing the department of corrections to rely upon jail certification in the calculation of release dates for offenders.

**Sponsors:** Senators Regala, Carrell, Brandland, Stevens and Tom; by request of Department of Corrections.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/17/09.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Kevin Black (786-7747)

**Background:** When an offender is sentenced for a crime, the sentencing court must give the offender credit for the time the offender served in custody before the sentencing on the offender's judgment and sentence, if the time served in custody was solely in regard to the offense for which the offender is being sentenced.

The term of sentence served by an offender in a jail prior to sentencing may be reduced by earned release time for good behavior and good performance, as determined by the jail having jurisdiction over the offender. If an offender is transferred from a jail to a facility operated by the Department of Corrections (DOC), the jail must certify to DOC the amount of time which the defendant spent in custody, and the amount of earned release time that the offender is owed.

When the sentencing court credits an offender with an incorrect amount of time served in custody before sentencing, the error may only be corrected by means of a resentencing. DOC is permitted to petition the Court of Appeals for a review of errors of law committed in the sentencing of a defendant if DOC is unable to resolve the dispute as to sentence at the superior court level.

**Summary of Bill:** The bill as referred to committee not considered.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill (Proposed Substitute):** When an erroneous calculation of confinement time served by the offender before sentencing appears on the offender's judgment and sentence, DOC is permitted to award earned release time to the offender based on a jail certification that calculates earned release time based on the actual amount of confinement time served by the offender before sentencing.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: This deals with the confusing situation which occurs when the judgment and sentence differs from the jail certification, and it allows DOC to refer to one document, not both.

OTHER: This bill could be amended to insert provisions that would equalize good time for all offenders going to DOC, which would relieve confusion and save the state money.

**Persons Testifying:** PRO: Anne L. Fiala, DOC.

OTHER: Michael Kahrs, Washington Association of Criminal Defense Lawyers.