
Ways & Means Committee

HB 2144

Brief Description: Modifying offender release provisions.

Sponsors: Representatives Darneille and Hunter; by request of Department of Corrections.

Brief Summary of Bill

- Authorizes the Department of Corrections to credit low- and moderate-risk offenders with a 150-day reduction in his or her release date.

Hearing Date: 1/11/12

Staff: Yvonne Walker (786-7841) and Alex MacBain (786-7288).

Background:

Under the Sentencing Reform Act, felony offenders receive determinate sentences. A determinate sentence is one where the length of confinement is determined at the time of sentencing; the sentence length generally is not subject to alteration based on events occurring after the sentence is imposed.

Exceptions to this system of determinate sentencing include:

- Earned Release Time. Earned release time, also widely known as "good time," refers to an amount of time for which an offender receives credit based upon different factors, including the nature of the offense for which he or she is serving time, the offender's behavior, and good performance during confinement.
- Furlough or Leave of Absence. The period of time when eligible inmates may be temporarily released to do such activities as meet an emergency situation, such as a death or critical illness of a family member, to obtain medical treatment not available in the facility, or to seek employment or make residential plans for parole or community custody.

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.

- Extraordinary Medical Release. The Department of Corrections (DOC) may grant an "extraordinary medical placement" to an offender who has been sentenced under determinate sentencing or indeterminate sentencing, when the offender has a medical condition that is serious enough to require costly care or treatment; he or she poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and granting the extraordinary medical placement will result in a cost savings to the state.
- Partial Confinement. An offender may serve the final six months of his or her sentence in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community.
- Emergency due to Inmate Population Exceeding Prison Capacity. If the Governor finds that an emergency exists due to the population of a state correctional facility exceeding its reasonable, maximum capacity, then the Governor may call: 1) the Sentencing Guidelines Commission into an emergency meeting for the purpose of evaluating the standard ranges and other standards; or 2) the Clemency and Pardons Board into an emergency meeting for the purpose of recommending whether the Governor's commutation or pardon power should be exercised to meet the present emergency.
- Governor's Recommendation. Upon a recommendation from the Clemency and Pardons Board, the Governor may grant an extraordinary release for reasons of serious health problems, senility, or other extraordinary circumstances. The Governor may also pardon an offender.

An offender sentenced for a felony crime that is subject to a mandatory minimum sentence of total confinement is prohibited from being released from total confinement before the completion of his or her mandatory minimum sentence for that felony crime (i.e., first degree rape or first degree murder).

Summary of Bill:

Effective May 1, 2012, any offender serving a sentence in a Department of Corrections (DOC) facility who is classified as low or moderate risk to reoffend must be credited with a 150-day reduction in his or her sentence. The credit for a sentence reduction must apply to the offender's term of confinement after the application of any earned early release time and applies regardless of whether the offender was convicted before, on, or after the effective date of the act.

Sex offenders sentenced to a "determinate plus" sentence and offenders sentenced to a sentence of life without parole are not eligible for the 150-day credit reduction.

An offender sentenced for an offense that is subject to a mandatory minimum sentence of total confinement is prohibited from being released from total confinement before the completion of his or her mandatory minimum sentence for that offense.

The DOC must recalculate a new release date for all eligible offenders by August 1, 2012. The failure of the DOC to promptly release an offender on the new release date does not create a liberty interest and will in no circumstance give rise to a cause of action on the part of the offender.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on May 1, 2012.