
HOUSE BILL 2144

State of Washington 62nd Legislature 2011 2nd Special Session

By Representatives Darneille and Hunter; by request of Department of Corrections

Read first time 12/01/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to the release of offenders; amending RCW
2 9.94A.728; adding a new section to chapter 9.94A RCW; and providing an
3 effective date.

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

5 **Sec. 1.** RCW 9.94A.728 and 2010 c 224 s 6 are each amended to read
6 as follows:

7 No person serving a sentence imposed pursuant to this chapter and
8 committed to the custody of the department shall leave the confines of
9 the correctional facility or be released prior to the expiration of the
10 sentence except as follows:

11 (1) An offender may earn early release time as authorized by RCW
12 9.94A.729;

13 (2) An offender may leave a correctional facility pursuant to an
14 authorized furlough or leave of absence. In addition, offenders may
15 leave a correctional facility when in the custody of a corrections
16 officer or officers;

17 (3)(a) The secretary may authorize an extraordinary medical
18 placement for an offender when all of the following conditions exist:

1 (i) The offender has a medical condition that is serious and is
2 expected to require costly care or treatment;

3 (ii) The offender poses a low risk to the community because he or
4 she is currently physically incapacitated due to age or the medical
5 condition or is expected to be so at the time of release; and

6 (iii) It is expected that granting the extraordinary medical
7 placement will result in a cost savings to the state.

8 (b) An offender sentenced to death or to life imprisonment without
9 the possibility of release or parole is not eligible for an
10 extraordinary medical placement.

11 (c) The secretary shall require electronic monitoring for all
12 offenders in extraordinary medical placement unless the electronic
13 monitoring equipment interferes with the function of the offender's
14 medical equipment or results in the loss of funding for the offender's
15 medical care, in which case, an alternative type of monitoring shall be
16 utilized. The secretary shall specify who shall provide the monitoring
17 services and the terms under which the monitoring shall be performed.

18 (d) The secretary may revoke an extraordinary medical placement
19 under this subsection at any time.

20 (e) Persistent offenders are not eligible for extraordinary medical
21 placement;

22 (4) The governor, upon recommendation from the clemency and pardons
23 board, may grant an extraordinary release for reasons of serious health
24 problems, senility, advanced age, extraordinary meritorious acts, or
25 other extraordinary circumstances;

26 (5) No more than the final six months of the offender's term of
27 confinement may be served in partial confinement designed to aid the
28 offender in finding work and reestablishing himself or herself in the
29 community or no more than the final twelve months of the offender's
30 term of confinement may be served in partial confinement as part of the
31 parenting program in RCW 9.94A.6551. This is in addition to that
32 period of earned early release time that may be exchanged for partial
33 confinement pursuant to RCW 9.94A.729(5)(d);

34 (6) The governor may pardon any offender;

35 (7) The department may release an offender from confinement any
36 time within ten days before a release date calculated under this
37 section and section 2 of this act;

1 (8) An offender may leave a correctional facility prior to
2 completion of his or her sentence if the sentence has been reduced as
3 provided in RCW 9.94A.870 or section 2 of this act; and

4 (9) Notwithstanding any other provisions of this section, an
5 offender sentenced for a felony crime listed in RCW 9.94A.540 as
6 subject to a mandatory minimum sentence of total confinement shall not
7 be released from total confinement before the completion of the listed
8 mandatory minimum sentence for that felony crime of conviction unless
9 allowed under RCW 9.94A.540.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.94A RCW
11 to read as follows:

12 (1) Except as provided in subsections (3) and (4) of this section,
13 any offender classified as a low or moderate risk to reoffend who is
14 serving a sentence of total confinement in a correctional facility
15 operated by the department, whether sentenced before, on, or after the
16 effective date of this section, shall be credited with a one hundred
17 fifty day reduction in his or her release date.

18 (2) The reduction shall apply to an offender's term of confinement
19 after the application of any earned early release time pursuant to RCW
20 9.94A.729.

21 (3) This section does not apply to offenders sentenced to life
22 without parole or offenders serving sentences imposed pursuant to RCW
23 9.94A.507.

24 (4) Under no circumstance shall an offender be released before the
25 expiration of his or her mandatory minimum sentence as provided in RCW
26 9.94A.540.

27 (5) Consistent with the provision of this section, the department
28 shall, no later than August 1, 2012, recalculate a new release date for
29 those offenders. Notwithstanding, the failure of the department to
30 promptly release an offender on the new release date does not create a
31 liberty interest and shall in no circumstance give rise to a cause of
32 action on the part of the offender.

33 NEW SECTION. **Sec. 3.** This act takes effect May 1, 2012.

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