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SENATE BILL 5866

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Kline and Hargrove

Read first time 03/05/11. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to reducing prison sentences in order to generate  
2 correctional cost savings and invest in evidence-based programming;  
3 amending RCW 9.94A.728; adding a new section to chapter 9.94A RCW;  
4 creating a new section; and declaring an emergency.

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

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

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

12 (1) An offender may earn early release time as authorized by RCW  
13 9.94A.729;

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

18 (3)(a) The secretary may authorize an extraordinary medical  
19 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 serving a sentence of total confinement imposed pursuant  
14 to this chapter and committed to a correctional facility operated by  
15 the department, whether sentenced before, on, or after the effective  
16 date of this section, shall be credited with a reduction in his or her  
17 release date as follows:

18 (a) Offenders classified as a low risk to reoffend shall be  
19 credited with a one hundred twenty day reduction in his or her release  
20 date;

21 (b) Offenders classified as a moderate risk to reoffend shall be  
22 credited with a ninety day reduction in his or her release date;

23 (c) Offenders classified as a high nonviolent risk to reoffend  
24 shall be credited with a sixty day reduction in his or her release  
25 date.

26 (2) The reduction shall apply to an offender's term of confinement  
27 after the application of any earned early release time pursuant to RCW  
28 9.94A.728.

29 (3) This section does not apply to offenders sentenced to life  
30 without parole or offenders serving a term of confinement for murder in  
31 the first degree, murder in the second degree, a sex offense, or  
32 sentences imposed pursuant to RCW 9.94A.662 or 9.94A.670.

33 (4) Under no circumstance shall an offender be released before the  
34 expiration of his or her mandatory minimum sentence as provided in RCW  
35 9.94A.540.

36 (5) The failure of the department to promptly release an offender

1 on the new release date as calculated under this section does not  
2 create a liberty interest and shall in no circumstance give rise to a  
3 cause of action on the part of the offender.

4 NEW SECTION. **Sec. 3.** The legislature finds that analysis  
5 conducted by the Washington state institute for public policy suggests  
6 that juvenile and adult offender participation in certain evidence-  
7 based treatment programs can reduce the crime rate and the future  
8 demand for prison. It is the intent of the legislature that fifty  
9 percent of the savings afforded by section 2 of this act shall be  
10 reinvested in evidence-based programming as identified by the  
11 Washington state institute for public policy with the goal of  
12 maintaining no net increase in the prison caseload forecast.

13 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
14 preservation of the public peace, health, or safety, or support of the  
15 state government and its existing public institutions, and takes effect  
16 immediately.

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