
SENATE BILL 6575

State of Washington

62nd Legislature

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By Senators Kline, Hargrove, and Keiser

Read first time 02/01/12. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to the early release offenders; amending RCW
2 9.94A.728; and adding a new section to chapter 9.94A RCW.

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

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

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

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

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

16 (3)~~((+a))~~ The ~~((secretary may authorize))~~ offender is granted an
17 extraordinary medical placement ~~((for an offender when all of the~~
18 ~~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)) pursuant to section 2 of this act;~~

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;

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; 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) An offender is eligible for consideration for extraordinary
13 medical placement upon written certification by a department-approved
14 licensed treating physician that, within a reasonable degree of
15 certainty, one of the following circumstances exist:

16 (a) The offender has a serious incapacitating medical need which
17 requires treatment that cannot reasonably be provided while confined in
18 a state correctional facility;

19 (b) The offender is incapacitated by age to the extent that
20 deteriorating physical or mental health substantially diminishes the
21 ability of the inmate to provide self-care within the environment of a
22 correctional facility;

23 (c) The offender is permanently physically incapacitated as the
24 result of an irreversible injury, disease, or illness which makes
25 significant physical activity impossible, renders the inmate dependent
26 on permanent medical intervention for survival, or confines the inmate
27 to a bed, wheelchair, or other assistive device where the offender's
28 mobility is significantly limited; or

29 (d) The offender suffers from a terminal illness caused by injury
30 or disease that is predicted to result in death within twelve months of
31 the application for extraordinary medical placement.

32 (2) The secretary may transfer an offender to extraordinary medical
33 placement if one of the conditions in subsection (1) of this section
34 applies and the offender has a release plan with adequate living
35 arrangements in the community.

36 (3) The secretary shall transfer an offender to extraordinary

1 medical placement if one of the conditions in subsection (1) of this
2 section applies and:

3 (a) The offender is assessed as a low or moderate risk to reoffend;

4 (b) The offender is not serving a sentence for a serious violent
5 offense, rape in the second degree, or indecent liberties with forcible
6 compulsion; and

7 (c) The offender has a release plan with adequate living
8 arrangements in the community.

9 (4) While in the community on extraordinary medical placement, the
10 department shall:

11 (a) Require the offender to be placed on electronic home monitoring
12 unless the electronic monitoring equipment interferes with the function
13 of the offender's medical equipment or results in the loss of funding
14 for the offender's medical care, in which case, an alternative type of
15 monitoring shall be utilized;

16 (b) Apply other terms and conditions to the offender's placement as
17 deemed appropriate by the secretary; and

18 (c) Assign a community corrections officer who will monitor the
19 offender's compliance with the terms and conditions of the placement.

20 (5) The secretary may revoke an extraordinary medical placement at
21 any time.

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