

# HOUSE BILL REPORT

## HB 2050

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### As Reported by House Committee On: Appropriations

**Title:** An act relating to achieving correctional savings related to certification of jail time served.

**Brief Description:** Achieving correctional savings related to certification of jail time served.

**Sponsors:** Representatives Hunter, Ormsby and Roberts.

#### **Brief History:**

##### **Committee Activity:**

Appropriations: 4/22/13, 4/23/13 [DPS].

#### **Brief Summary of Substitute Bill**

- Requires county jails to certify to the Department of Corrections (DOC) the number of days of early release time an offender has lost or not earned during presentence time served in jail, rather than the amount of time earned.
- Requires the DOC to adjust an offender's rate of early release for presentence time served in jails to be consistent with the rate applicable to DOC offenders.

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 18 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Carlyle, Cody, Dunshee, Green, Haigh, Hudgins, Hunt, Jinkins, Kagi, Maxwell, Morrell, Pedersen, Pettigrew, Seaquist, Springer and Sullivan.

**Minority Report:** Do not pass. Signed by 13 members: Representatives Alexander, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Dahlquist, Fagan, Haler, Harris, Parker, Pike, Ross, Schmick and Taylor.

**Staff:** Alex MacBain (786-7288).

#### **Background:**

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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.*

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 and the offender's behavior.

The Department of Corrections (DOC) is authorized to reduce an offender's term of confinement through earned release time for good behavior and good performance and may take it away for disciplinary reasons. An offender incarcerated for a serious violent offense or a sex offense that is a class A felony, on or after July 1, 2003, may not have his or her term of confinement reduced by more than 10 percent via earned release time. Other DOC offenders may not have their term of confinement reduced by more than 33 percent via earned release time.

Earned early release time in county jail facilities is provided for good behavior and good performance as determined by the correctional agency having jurisdiction. A jail offender incarcerated for a serious violent offense or a class A sex offense may not have his or her term of confinement reduced by more than 15 percent via earned release time. Other jail offenders may not have their term of confinement reduced by more than 33 percent via earned release time. By practice, 22 jail facilities offer a maximum of 25 percent earned release time.

While an offender is serving time in a county jail facility pending sentencing, he or she may earn early release time for that time spent in custody prior to being transferred to the DOC. When an offender is transferred from a county jail to the DOC after sentencing, the county jail facility certifies to the DOC the amount of time an offender spent in custody at the facility and the amount of early release time earned.

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### **Summary of Substitute Bill:**

For offenders transferred from a county jail to the DOC after sentencing, county jail facilities are required to certify to the DOC the amount of time an offender served in custody and the number of days of early release time lost or not earned, rather than the amount of early release time earned. The DOC must adjust an offender's rate of early release listed on the jail certification to be consistent with the rate applicable to offenders in the DOC's facilities. The DOC is not authorized to adjust the number of presentence early release days that the jail has certified as lost or not earned.

The DOC is required to recalculate the earned release date regardless of whether the offender's date of offense occurred prior to the effective date of the bill. For offenders whose offense was committed prior to the effective date of the bill, the DOC is authorized to take the time reasonably necessary to complete the recalculations and the recalculation shall not extend a term of incarceration.

### **Substitute Bill Compared to Original Bill:**

The substitute bill requires the DOC to recalculate the earned release date regardless of whether the offender's date of offense occurred prior to the effective date of the bill, while the

original bill requires the DOC to recalculate the earned release date for offenders that commit an offense on or after the effective date of the bill. For offenders whose offense was committed prior to the effective date of the bill, the DOC is authorized to take the time reasonably necessary to complete the recalculations and the recalculation shall not extend a term of incarceration. The substitute bill adds an emergency clause.

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**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date of Substitute Bill:** The bill contains an emergency clause and takes effect on July 1, 2013.

**Staff Summary of Public Testimony:**

(In support) None.

(Opposed) None.

**Persons Testifying:** None.

**Persons Signed In To Testify But Not Testifying:** None.