
HOUSE BILL 2050

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Hunter, Ormsby, and Roberts

Read first time 04/18/13. Referred to Committee on Appropriations.

1 AN ACT Relating to achieving correctional savings related to
2 certification of jail time served; and amending RCW 9.94A.729 and
3 9.92.151.

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

5 **Sec. 1.** RCW 9.94A.729 and 2011 1st sp.s. c 40 s 4 are each amended
6 to read as follows:

7 (1)(a) The term of the sentence of an offender committed to a
8 correctional facility operated by the department may be reduced by
9 earned release time in accordance with procedures that shall be
10 developed and adopted by the correctional agency having jurisdiction in
11 which the offender is confined. The earned release time shall be for
12 good behavior and good performance, as determined by the correctional
13 agency having jurisdiction. The correctional agency shall not credit
14 the offender with earned release credits in advance of the offender
15 actually earning the credits.

16 (b) Any program established pursuant to this section shall allow an
17 offender to earn early release credits for presentence incarceration.
18 If an offender is transferred from a county jail to the department, the
19 administrator of a county jail facility shall certify to the department

1 the amount of time spent in custody at the facility and the (~~amount~~)
2 number of days of (~~earned~~) early release (~~time~~) credits lost or not
3 earned. The department may approve a jail certification from a
4 correctional agency that calculates (~~earned~~) early release time based
5 on the actual amount of confinement time served by the offender before
6 sentencing when an erroneous calculation of confinement time served by
7 the offender before sentencing appears on the judgment and sentence.
8 The department must adjust an offender's rate of early release listed
9 on the jail certification to be consistent with the rate applicable to
10 offenders in the department's facilities. However, the department is
11 not authorized to adjust the number of presentence early release days
12 that the jail has certified as lost or not earned.

13 (2) An offender who has been convicted of a felony committed after
14 July 23, 1995, that involves any applicable deadly weapon enhancements
15 under RCW 9.94A.533 (3) or (4), or both, shall not receive any good
16 time credits or earned release time for that portion of his or her
17 sentence that results from any deadly weapon enhancements.

18 (3) An offender may earn early release time as follows:

19 (a) In the case of an offender convicted of a serious violent
20 offense, or a sex offense that is a class A felony, committed on or
21 after July 1, 1990, and before July 1, 2003, the aggregate earned
22 release time may not exceed fifteen percent of the sentence.

23 (b) In the case of an offender convicted of a serious violent
24 offense, or a sex offense that is a class A felony, committed on or
25 after July 1, 2003, the aggregate earned release time may not exceed
26 ten percent of the sentence.

27 (c) An offender is qualified to earn up to fifty percent of
28 aggregate earned release time if he or she:

29 (i) Is not classified as an offender who is at a high risk to
30 reoffend as provided in subsection (4) of this section;

31 (ii) Is not confined pursuant to a sentence for:

32 (A) A sex offense;

33 (B) A violent offense;

34 (C) A crime against persons as defined in RCW 9.94A.411;

35 (D) A felony that is domestic violence as defined in RCW 10.99.020;

36 (E) A violation of RCW 9A.52.025 (residential burglary);

37 (F) A violation of, or an attempt, solicitation, or conspiracy to

1 violate, RCW 69.50.401 by manufacture or delivery or possession with
2 intent to deliver methamphetamine; or

3 (G) A violation of, or an attempt, solicitation, or conspiracy to
4 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

5 (iii) Has no prior conviction for the offenses listed in (c)(ii) of
6 this subsection;

7 (iv) Participates in programming or activities as directed by the
8 offender's individual reentry plan as provided under RCW 72.09.270 to
9 the extent that such programming or activities are made available by
10 the department; and

11 (v) Has not committed a new felony after July 22, 2007, while under
12 community custody.

13 (d) In no other case shall the aggregate earned release time exceed
14 one-third of the total sentence.

15 (4) The department shall perform a risk assessment of each offender
16 who may qualify for earned early release under subsection (3)(c) of
17 this section utilizing the risk assessment tool recommended by the
18 Washington state institute for public policy. Subsection (3)(c) of
19 this section does not apply to offenders convicted after July 1, 2010.

20 (5)(a) A person who is eligible for earned early release as
21 provided in this section and who will be supervised by the department
22 pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to
23 community custody in lieu of earned release time;

24 (b) The department shall, as a part of its program for release to
25 the community in lieu of earned release, require the offender to
26 propose a release plan that includes an approved residence and living
27 arrangement. All offenders with community custody terms eligible for
28 release to community custody in lieu of earned release shall provide an
29 approved residence and living arrangement prior to release to the
30 community;

31 (c) The department may deny transfer to community custody in lieu
32 of earned release time if the department determines an offender's
33 release plan, including proposed residence location and living
34 arrangements, may violate the conditions of the sentence or conditions
35 of supervision, place the offender at risk to violate the conditions of
36 the sentence, place the offender at risk to reoffend, or present a risk
37 to victim safety or community safety. The department's authority under

1 this section is independent of any court-ordered condition of sentence
2 or statutory provision regarding conditions for community custody;

3 (d) If the department is unable to approve the offender's release
4 plan, the department may do one or more of the following:

5 (i) Transfer an offender to partial confinement in lieu of earned
6 early release for a period not to exceed three months. The three
7 months in partial confinement is in addition to that portion of the
8 offender's term of confinement that may be served in partial
9 confinement as provided in RCW 9.94A.728(5);

10 (ii) Provide rental vouchers to the offender for a period not to
11 exceed three months if rental assistance will result in an approved
12 release plan. The voucher must be provided in conjunction with
13 additional transition support programming or services that enable an
14 offender to participate in services including, but not limited to,
15 substance abuse treatment, mental health treatment, sex offender
16 treatment, educational programming, or employment programming;

17 (e) For each offender who is the recipient of a rental voucher, the
18 department shall include, concurrent with the data that the department
19 otherwise obtains and records, the housing status of the offender for
20 the duration of the offender's supervision.

21 (6) An offender serving a term of confinement imposed under RCW
22 9.94A.670(5)(a) is not eligible for earned release credits under this
23 section.

24 **Sec. 2.** RCW 9.92.151 and 2009 c 28 s 3 are each amended to read as
25 follows:

26 (1) Except as provided in subsection (2) of this section, the
27 sentence of a prisoner confined in a county jail facility for a felony,
28 gross misdemeanor, or misdemeanor conviction may be reduced by earned
29 release credits in accordance with procedures that shall be developed
30 and promulgated by the correctional agency having jurisdiction. The
31 earned early release time shall be for good behavior and good
32 performance as determined by the correctional agency having
33 jurisdiction. Any program established pursuant to this section shall
34 allow an offender to earn early release credits for presentence
35 incarceration. The correctional agency shall not credit the offender
36 with earned early release credits in advance of the offender actually
37 earning the credits. In the case of an offender convicted of a serious

1 violent offense or a sex offense that is a class A felony committed on
2 or after July 1, 1990, the aggregate earned early release time may not
3 exceed fifteen percent of the sentence. In no other case may the
4 aggregate earned early release time exceed one-third of the total
5 sentence.

6 (2) An offender serving a term of confinement imposed under RCW
7 9.94A.670(5)(a) is not eligible for earned release credits under this
8 section.

9 (3) If an offender is transferred from a county jail to the
10 department, the administrator of a county jail facility shall certify
11 to the department the amount of time spent in custody at the facility
12 and the number of days of early release credits lost or not earned.

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