
Public Safety Committee

HB 1282

Brief Description: Concerning allowed earned time for certain offenses.

Sponsors: Representatives Simmons, Johnson, J., Hansen, Ramel, Frame, Dolan, Bateman, Fitzgibbon, Ryu, Berry, Peterson, Davis, Hackney, Fey, Thai, Gregerson, Macri, Callan, Ormsby, Pollet, Senn and Ramos; by request of Department of Corrections.

Brief Summary of Bill

- Modifies earned release time eligibility provisions to allow aggregate earned release time of up to one-third of the sentence for all categories that qualify for earned time.
- Removes the prohibition on earned release time for certain sentencing enhancements including firearm, deadly weapon, and impaired driving enhancements.
- Applies changes prospectively and retroactively, and requires the Department of Corrections to recalculate earned release dates for those currently incarcerated.

Hearing Date: 2/2/21

Staff: Omeara Harrington (786-7136).

Background:

An offender's felony sentence may be reduced by "earned release time," which is earned through good behavior and good performance, as determined by the correctional agency that has jurisdiction over the offender. An offender can accumulate earned release time while serving a sentence and during pre-sentence incarceration.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The total percentage of the sentence that may be reduced by earned release time depends on various factors, including the underlying offense and when the offense was committed. In general, for sentences eligible for earned release time, the aggregate earned release time may not exceed one-third of the total sentence. However, there are several exceptions to this general rule. The earned release time eligibility rate is 50 percent for offenders meeting certain criteria who were convicted between July 1, 2003, and July 1, 2010. Earned release time for offenders convicted of a serious violent offense or a class A felony sex offense that was committed between July 1, 1990, and July 1, 2003, is limited to 15 percent; if the offense was committed on or after July 1, 2003, the earned release time rate is 10 percent.

Certain sentences, or portions of sentences, are not eligible for earned release time. There is no earned release time eligibility for offenders sentenced under the Special Sex Offender Sentencing Alternative. An offender may not receive any earned release time for the portion of the sentence that results from certain enhancements specified in statute, including firearm and deadly weapons enhancements, impaired driving enhancements, and sexual motivation enhancements. An offender also may not receive any earned release time on a mandatory minimum sentence. For an offender sentenced for the crime of Aggravated Murder in the first degree committed under the age of 18, which is an indeterminate sentence that includes a mandatory minimum term, the minimum term is not eligible for earned time, but for any extension of the sentence past the mandatory minimum term the offender may accrue earned time up to 10 percent of the remaining sentence.

Summary of Bill:

For all sentences and portions of sentences eligible for earned release time, the earned release time rate is one-third of the total sentence. Current law policies limiting earned release time to 10 percent or 15 percent are removed and replaced with the one-third rate, and the former policy allowing 50 percent earned release time for certain offenders is removed. Additionally, firearm and deadly weapon enhancements and impaired driving enhancements are eligible for earned release time at the same rate as the underlying offense.

The changes to earned release rates and eligibility apply prospectively and retroactively. The Department of Corrections must recalculate the earned release date for any offender currently serving a sentence, regardless of the date of the offense. For offenders whose offense was committed prior to the effective date of the bill, the recalculation must not extend the term of incarceration beyond that to which the offender is currently subject. The Department of Corrections is authorized to take the time reasonably necessary to complete the recalculations of earned release time.

Appropriation: None.

Fiscal Note: Available.

Effective Date: This bill takes effect 90 days after adjournment of the session in which the bill

is passed, except for section 2, repeating the earned release time policies in section 1, which due to a delayed effective date in prior legislation takes effect January 1, 2022.