

**WAC 381-30-080 Pretrial detention applied to minimum terms.**

Pursuant to *In Re Phelan*, 97 Wn.2d 590 (1983), and *State v Phelan*, 100 Wn.2d 508 (1983), which direct that time served in a county jail before sentencing should be credited against the discretionary minimum term and the maximum term, the board herein adopts the following policy and procedure.

County jail time certified by the county of commitment, or a court of competent jurisdiction, shall be credited to the appropriate cause against the inmate's discretionary minimum term, mandatory minimum term, and maximum sentence.

Pursuant to *In Re Knapp*, 102 Wn.2d 175 (1984), which holds that time spent in a state mental hospital pursuant to a valid criminal conviction should be credited against the offender's maximum and discretionary minimum sentences, the board herein adopts the following policy and procedure. State mental hospital time, certified by the mental facility in which the offender served or recognized by court of competent jurisdiction, shall be credited to the appropriate cause against the offender's discretionary minimum term, mandatory minimum term, and maximum sentence.

Minimum terms which have not been set will have the sentencing ranges used in the setting of the minimum term adjusted downward to reflect jail time and time spent in a state hospital where properly certified. Adjustments will be made to the cause number for which the time was actually served.

[WSR 91-14-029, § 381-30-080, filed 6/26/91, effective 7/27/91.]