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SENATE BILL 6592

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State of Washington

53rd Legislature

1994 Regular Session

By Senators Nelson, Schow, Oke, L. Smith, Morton, Amondson,  
Hochstatter, Anderson, Cantu, Sellar and McCaslin

Read first time 02/02/94. Referred to Committee on Law & Justice.

1 AN ACT Relating to prohibiting early release for prisoners; and  
2 amending RCW 9.94A.150 and 9.92.151.

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

4 **Sec. 1.** RCW 9.94A.150 and 1992 c 145 s 8 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) Except as otherwise provided for in subsection (2) of this  
11 section, the term of the sentence of an offender committed to a  
12 correctional facility operated by the department, may be reduced by  
13 earned early release time in accordance with procedures that shall be  
14 developed and (~~promulgated~~) adopted by the correctional agency having  
15 jurisdiction in which the offender is confined. The earned early  
16 release time shall be for good behavior and good performance, as  
17 determined by the correctional agency having jurisdiction. The  
18 correctional agency shall not credit the offender with earned early  
19 release credits in advance of the offender actually earning the

1 credits. Any program established pursuant to this section shall allow  
2 an offender to earn early release credits for presentence  
3 incarceration. If an offender is transferred from a county jail to the  
4 department of corrections, the county jail facility shall certify to  
5 the department the amount of time spent in custody at the facility and  
6 the amount of earned early release time. In the case of an offender  
7 convicted of a serious violent offense or a sex offense that is a class  
8 A felony committed on or after July 1, 1990, the aggregate earned early  
9 release time may not exceed fifteen percent of the sentence. In no  
10 other case shall the aggregate earned early release time exceed one-  
11 third of the total sentence;

12 (2) A person convicted of a sex offense or an offense categorized  
13 as a serious violent offense, assault in the second degree, assault of  
14 a child in the second degree, any crime against a person where it is  
15 determined in accordance with RCW 9.94A.125 that the defendant or an  
16 accomplice was armed with a deadly weapon at the time of commission, or  
17 any felony offense under chapter 69.50 or 69.52 RCW may become  
18 eligible, in accordance with a program developed by the department, for  
19 transfer to community custody status in lieu of earned early release  
20 time pursuant to subsection (1) of this section;

21 (3) An offender may leave a correctional facility pursuant to an  
22 authorized furlough or leave of absence. In addition, offenders may  
23 leave a correctional facility when in the custody of a corrections  
24 officer or officers;

25 (4) The governor, upon recommendation from the clemency and pardons  
26 board, may grant an extraordinary release for reasons of serious health  
27 problems, senility, advanced age, extraordinary meritorious acts, or  
28 other extraordinary circumstances;

29 (5) No more than the final six months of the sentence may be served  
30 in partial confinement designed to aid the offender in finding work and  
31 reestablishing him or herself in the community;

32 (6) The governor may pardon any offender;

33 (7) The department of corrections may release an offender from  
34 confinement any time within ten days before a release date calculated  
35 under this section; and

36 (8) An offender may leave a correctional facility prior to  
37 completion of his sentence if the sentence has been reduced as provided  
38 in RCW 9.94A.160.

1 Notwithstanding any other provision of this section, no person  
2 convicted of a most serious offense, as that term is defined under RCW  
3 9.94A.030(21), after the effective date of this act is eligible for  
4 earned early release.

5 **Sec. 2.** RCW 9.92.151 and 1990 c 3 s 201 are each amended to read  
6 as follows:

7 The sentence of a prisoner confined in a county jail facility for  
8 a felony, gross misdemeanor, or misdemeanor conviction may be reduced  
9 by earned release credits in accordance with procedures that shall be  
10 developed and (~~promulgated~~) adopted by the correctional agency having  
11 jurisdiction. The earned early release time shall be for good behavior  
12 and good performance as determined by the correctional agency having  
13 jurisdiction. Any program established (~~pursuant to~~) under this  
14 section shall allow an offender to earn early release credits for  
15 presentence incarceration. The correctional agency shall not credit  
16 the offender with earned early release credits in advance of the  
17 offender actually earning the credits. In the case of an offender  
18 convicted of (~~a serious violent offense or~~) a sex offense that is a  
19 class A felony committed on or after July 1, 1990, the aggregate earned  
20 early release time may not exceed fifteen percent of the sentence. In  
21 no other case may the aggregate earned early release time exceed one-  
22 third of the total sentence.

23 Notwithstanding any other provision of this section, no person  
24 convicted of a most serious offense, as that term is defined under RCW  
25 9.94A.030(21), after the effective date of this act is eligible for  
26 earned early release.

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