
**Public Safety & Emergency Preparedness
Committee**

HB 1020

Brief Description: Continuing availability of fifty percent earned release for certain nonviolent offenders.

Sponsors: Representatives Dickerson, Darneille, Takko, Roberts, Kagi, Finn, Appleton and Moeller.

Brief Summary of Bill

- Reinstates and continues the availability of the 50 percent earned early release time statute for certain offenders which expired on July 1, 2010.

Hearing Date: 1/25/11

Staff: Yvonne Walker (786-7841).

Background:

In 2003 the Legislature enacted ESSB 5990 also known as the Offender Accountability Act. The legislation restricted the types of offenders that the Department of Corrections (DOC) could supervise and increased the earned release time for certain offenders (for a limited time period).

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 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.

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.

For a limited period of time, until July 1, 2010, certain other offenders could have had their term of confinement reduced by up to 50 percent (an increase from the previous 33 percent). The DOC was required to perform a risk assessment of eligible offenders and classify them into four risk groups. An offender may have been eligible to have his or her term of confinement reduced by up to 50 percent via earned early release time if he or she:

- was classified as among the lowest risk offenders;
- was confined for an offense other than a violent offense; a sex offense; manufacture, delivery, or possession with intent to deliver methamphetamine (or an attempt, solicitation, or conspiracy to do so); delivery of a controlled substance to a minor (or an attempt, solicitation, or conspiracy to do so); a crime against persons; a felony domestic violence offense; or residential burglary; and
- had no prior conviction for any of these offenses.

The legislation that provided for the increase (from 33 percent to 50 percent) of earned release time that offenders may earn expired on July 1, 2010. Due to the expiration of the legislation, such offenders convicted on or after July 1, 2010, may not have their term of confinement reduced by more than 33 percent via earned release time.

Summary of Bill:

The amount of earned release time certain offenders may earn is reinstated and is continued to be available at 50 percent. An offender may have his or her term of confinement reduced by up to 50 percent (instead of 33 percent) via earned early release time.

The increase in the amount of earned release time an offender may earn applies both prospectively and retroactively. The DOC must recalculate the earned release date for all offenders convicted between July 1, 2010, and the effective date of this act.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.