
SENATE BILL 5060

State of Washington

53rd Legislature

1993 Regular Session

By Senators A. Smith, Nelson, McCaslin and Hargrove; by request of Indeterminate Sentence Review Board

Read first time 01/11/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to indeterminate sentencing; amending RCW 9.95.040,
2 9.95.125, 9.95.130, and 9.96.050; and prescribing penalties.

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

4 **Sec. 1.** RCW 9.95.040 and 1992 c 7 s 24 are each amended to read as
5 follows:

6 The board shall fix the duration of confinement for persons
7 committed by the court before July 1, 1986, for crimes committed before
8 July 1, 1984. Within six months after the admission of the convicted
9 person to a state correctional facility, the board shall fix the
10 duration of confinement. The term of imprisonment so fixed shall not
11 exceed the maximum provided by law for the offense of which the person
12 was convicted or the maximum fixed by the court where the law does not
13 provide for a maximum term.

14 The following limitations are placed on the board or the court for
15 persons committed to a state correctional facility on or after July 1,
16 1986, for crimes committed before July 1, 1984, with regard to fixing
17 the duration of confinement in certain cases, notwithstanding any
18 provisions of law specifying a lesser sentence:

1 (1) For a person not previously convicted of a felony but armed
2 with a deadly weapon at the time of the commission of the offense, the
3 duration of confinement shall not be fixed at less than five years.

4 (2) For a person previously convicted of a felony either in this
5 state or elsewhere and who was armed with a deadly weapon at the time
6 of the commission of the offense, the duration of confinement shall not
7 be fixed at less than seven and one-half years.

8 The words "deadly weapon," as used in this section include, but are
9 not limited to, any instrument known as a blackjack, sling shot, billy,
10 sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver,
11 or any other firearm, any knife having a blade longer than three
12 inches, any razor with an unguarded blade, any metal pipe or bar used
13 or intended to be used as a club, any explosive, and any weapon
14 containing poisonous or injurious gas.

15 (3) For a person convicted of being an habitual criminal within the
16 meaning of the statute which provides for mandatory life imprisonment
17 for such habitual criminals, the duration of confinement shall not be
18 fixed at less than fifteen years. ~~((The board shall retain
19 jurisdiction over such convicted person throughout the person's natural
20 life unless the governor by appropriate executive action orders
21 otherwise.))~~

22 (4) Any person convicted of embezzling funds from any institution
23 of public deposit of which the person was an officer or stockholder,
24 the duration of confinement shall be fixed at not less than five years.

25 Except when an inmate of a state correctional facility has been
26 convicted of murder in the first or second degree, the board may parole
27 an inmate prior to the expiration of a mandatory minimum term, provided
28 such inmate has demonstrated a meritorious effort in rehabilitation and
29 at least two-thirds of the board members concur in such action:
30 PROVIDED, That any inmate who has a mandatory minimum term and is
31 paroled prior to the expiration of such term according to the
32 provisions of this chapter shall not receive a conditional release from
33 supervision while on parole until after the mandatory minimum term has
34 expired.

35 **Sec. 2.** RCW 9.95.125 and 1969 c 98 s 7 are each amended to read as
36 follows:

37 After the on-site parole revocation hearing has been concluded, the
38 members of the board having heard the matter shall enter their decision

1 of record within ten days, and make findings and conclusions upon the
2 allegations of the violations of the conditions of parole. If the
3 member, or members having heard the matter, should conclude that the
4 allegations of violation of the conditions of parole have not been
5 proven by a preponderance of the evidence, or, those which have been
6 proven by a preponderance of the evidence are not sufficient cause for
7 the revocation of parole, then the parolee shall be reinstated on
8 parole on the same or modified conditions of parole. For parole
9 violations not resulting in new convictions, modified conditions of
10 parole may include sanctions according to an administrative sanction
11 grid. If the member or members having heard the matter should conclude
12 that the allegations of violation of the conditions of parole have been
13 proven by a preponderance of the evidence and constitute sufficient
14 cause for the revocation of parole, then such member or members shall
15 enter an order of parole revocation and return the parole violator to
16 state custody. Within thirty days of the return of such parole
17 violator to a state correctional institution for convicted felons the
18 board (~~((of prison terms and paroles))~~) shall enter an order determining
19 a new minimum (~~((sentence,))~~) term not exceeding the maximum penalty
20 provided by law for the crime for which the parole violator was
21 originally convicted or the maximum fixed by the court.

22 **Sec. 3.** RCW 9.95.130 and 1955 c 133 s 14 are each amended to read
23 as follows:

24 From and after the suspension, cancellation, or revocation of the
25 parole of any convicted person and until his or her return to custody
26 (~~((he))~~) the convicted person shall be deemed an escapee and a fugitive
27 from justice (~~((and no part of the time during which he is an escapee~~
28 ~~and fugitive from justice shall be a part of his term))~~). The
29 indeterminate sentence review board may deny credit against the maximum
30 sentence any time during which he or she is an escapee and fugitive
31 from justice.

32 **Sec. 4.** RCW 9.96.050 and 1980 c 75 s 1 are each amended to read as
33 follows:

34 When a prisoner on parole has performed the obligations of his or
35 her release for such time as shall satisfy the indeterminate sentence
36 review board (~~((of prison terms and paroles))~~) that his or her final
37 release is not incompatible with the best interests of society and the

1 welfare of the paroled individual, the board may make a final order of
2 discharge and issue a certificate of discharge to the prisoner. The
3 board retains the jurisdiction to issue a certificate of discharge
4 after the expiration of the prisoner's or parolee's maximum statutory
5 sentence(~~(: PROVIDED, That no such order of discharge shall be made in~~
6 ~~any case within a period of less than one year from the date on which~~
7 ~~the board has conditionally discharged the parolee from active~~
8 ~~supervision by a probation and parole officer, except where the~~
9 ~~parolee's maximum statutory sentence expires earlier)). If not earlier
10 granted, the board shall make a final order of discharge three years
11 from the date of parole unless the parolee is on suspended or revoked
12 status at the expiration of the three years. Such discharge,
13 regardless of when issued, shall have the effect of restoring all civil
14 rights lost by operation of law upon conviction, and the certification
15 of discharge shall so state. This restoration of civil rights shall
16 not restore the right to receive, possess, own, or transport firearms.
17 The discharge provided for in this section shall be considered as
18 a part of the sentence of the convicted person and shall not in any
19 manner be construed as affecting the powers of the governor to pardon
20 any such person.~~

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