

# SENATE BILL REPORT

## HB 1709

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As Reported By Senate Committee On:  
Human Services & Corrections, March 30, 1995

**Title:** An act relating to earned early release.

**Brief Description:** Limiting certain offenses to no more than fifteen percent good time credits.

**Sponsors:** Representatives Carrell, Padden, Campbell, Backlund, Costa, Conway, Delvin, Robertson, Thompson, McMahan, Benton and Elliot.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 3/23/95, 3/30/95 [DPA, DNP].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass as amended.

Signed by Senators Hargrove, Chair; Long, Palmer, Schow, Smith and Strannigan.

**Minority Report:** Do not pass.

Signed by Senator Fairley.

**Staff:** Andrea McNamara (786-7483)

**Background:** Under the current earned early release program, offenders may reduce the length of their sentences by engaging in good behavior (*i.e.* not violating prison or jail rules) or by participating in a work, education, or treatment program.

The maximum amount of early release an offender may earn depends on the offender's offense. No reduction is allowed during a mandatory minimum sentence for first degree murder, rape, assault, or assault of a child. No more than 15 percent of the sentence may be reduced for serious violent offenses and class A sex offenses. No more than 33 percent may be reduced for all other felonies.

In 1994, the federal crime bill was passed which created two grant programs to fund costs of constructing state and local correctional facilities. To meet the eligibility requirements of the "Truth in Sentencing" grant, a state must have laws in place that require offenders convicted of violent crimes to serve at least 85 percent of the sentences imposed on them.

**Summary of Amended Bill:** The maximum amount that a sentence can be reduced through the earned early release program is changed from 33 percent to 15 percent for the following violent offenses: 1st and 2nd degree robbery, 1st and 2nd degree manslaughter, 2nd degree assault, or any attempt, conspiracy, or solicitation to commit one of these offenses. For these offenses, at least 85 percent of the sentence imposed must be served.

The above changes are contingent on the State of Washington receiving a federal truth-in-sentencing grant of no less than \$25 million. If the grant is not approved and funded by 2000, the changes will not take effect.

Beginning with offenses committed on or after January 1, 1996, offenders with a standard range of confinement of more than one year receive a maximum sentence which consists of two parts: (1) a mandatory term of total confinement that is equal to two-thirds of the sentence; and (2) a specified maximum term of disciplinary confinement that is equal to one-third of the sentence. For serious violent offenses or class A sex offenses, the mandatory term of total confinement must be equal to 85 percent of the sentence, and the disciplinary confinement time must be equal to 15 percent of the sentence. The mandatory term of total confinement is the minimum period of time an offender must serve in total confinement. Disciplinary confinement is time that may be imposed by the Department of Corrections due to an offender's violation of a disciplinary rule adopted by the department.

At the time of pronouncing a sentence, the court must explain the minimum amount of time the offender is going to serve in total confinement, any credit for time served in county jail, any earned early release awarded by the county jail, and the maximum amount of time the offender may serve in disciplinary confinement.

The department may require successful participation in literacy training, employment skills training, or other education as a condition of avoiding imposition of disciplinary confinement time, if there is a determination that the inmate may substantially benefit from these programs.

The department is required to adopt by January 1, 1996, a system of disciplinary infractions that may result in the imposition of disciplinary confinement, and the length of the confinement that may be imposed for each infraction. All offenders in custody for an offense committed after December 31, 1995, must be provided a written description of this system.

**Amended Bill Compared to Original Bill:** The striking amendment adds the contingent effective date on the reduction of earned early release time for certain violent offenders.

The disciplinary confinement system is added by the striking amendment.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The public generally is opposed to plea bargains and earned early release. Keeping violent offenders in prison longer will send a stronger message of deterrence. The public is willing to pay what it will cost to implement this proposal.

**Testimony Against:** The federal crime bill that created truth-in-sentencing grants to help states keep violent offenders in prison longer has not been adequately funded, and the rules for application are still not finished. It is uncertain whether Washington would be able to receive much, if any, funding from the grant program.

**Testified:** Representative Carrell, prime sponsor; Tom Rolfs, Director, Division of Prisons.