
HOUSE BILL 1491

State of Washington

54th Legislature

1995 Regular Session

By Representatives Ballasiotes, Costa, K. Schmidt, Delvin, Kessler, Sheldon, Tokuda, Mitchell, Dickerson, Kremen, Robertson, Hymes, Schoesler, Mastin, Benton, Basich, Foreman, Dyer, Lisk, Pelesky, Sherstad, Chandler, Smith, Boldt, Hankins, Carrell, Beeksma, Quall, Stevens, Horn, Van Luven, L. Thomas, Goldsmith, Hickel, Cole, Fuhrman, Radcliff, Blanton, Thompson, Honeyford, Clements, Cooke, Brumsickle, Mielke, Padden, Sheahan, Chopp, Campbell, Conway, McMorris, Scott, Mulliken, D. Schmidt, Koster, Ebersole, Backlund, Dellwo, Wolfe, Rust, Johnson, Jacobsen, Lambert, Patterson, Poulsen, Brown, Huff, McMahan and Morris

Read first time 01/27/95. Referred to Committee on Corrections.

1 AN ACT Relating to restricting eligibility for partial confinement
2 for sex offenders and serious violent offenders; amending RCW
3 9.94A.150; and adding a new section to chapter 9.94A RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW
6 to read as follows:

7 Offenders serving a sentence for a sex offense or a serious violent
8 offense are not eligible for work release.

9 **Sec. 2.** RCW 9.94A.150 and 1992 c 145 s 8 are each amended to read
10 as follows:

11 No person serving a sentence imposed pursuant to this chapter and
12 committed to the custody of the department shall leave the confines of
13 the correctional facility or be released prior to the expiration of the
14 sentence except as follows:

15 (1) Except as otherwise provided for in subsection (2) of this
16 section, the term of the sentence of an offender committed to a
17 correctional facility operated by the department, may be reduced by
18 earned early release time in accordance with procedures that shall be

1 developed and promulgated by the correctional agency having
2 jurisdiction in which the offender is confined. The earned early
3 release time shall be for good behavior and good performance, as
4 determined by the correctional agency having jurisdiction. The
5 correctional agency shall not credit the offender with earned early
6 release credits in advance of the offender actually earning the
7 credits. Any program established pursuant to this section shall allow
8 an offender to earn early release credits for presentence
9 incarceration. If an offender is transferred from a county jail to the
10 department of corrections, the county jail facility shall certify to
11 the department the amount of time spent in custody at the facility and
12 the amount of earned early release time. In the case of an offender
13 convicted of a serious violent offense or a sex offense that is a class
14 A felony committed on or after July 1, 1990, the aggregate earned early
15 release time may not exceed fifteen percent of the sentence. In no
16 other case shall the aggregate earned early release time exceed one-
17 third of the total sentence;

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

27 (3) An offender may leave a correctional facility pursuant to an
28 authorized furlough or leave of absence. In addition, offenders may
29 leave a correctional facility when in the custody of a corrections
30 officer or officers;

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

35 (5) ~~((No more than))~~ Other than an offender serving a sentence for
36 a sex offense or a serious violent offense, as much as the final six
37 months of the sentence may be served in partial confinement designed to
38 aid the offender in finding work and reestablishing him or herself in
39 the community;

1 (6) The governor may pardon any offender;

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

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

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