
ENGROSSED SUBSTITUTE HOUSE BILL 1491

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Corrections (originally sponsored 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 02/24/95.

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

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

5 **Sec. 1.** RCW 9.94A.150 and 1995 c 129 s 7 (Initiative Measure No.
6 159) are each amended to read as follows:

7 No person serving a sentence imposed pursuant to this chapter and
8 committed to the custody of the department shall leave the confines of
9 the correctional facility or be released prior to the expiration of the
10 sentence except as follows:

11 (1) Except as otherwise provided for in subsection (2) of this
12 section, the term of the sentence of an offender committed to a
13 correctional facility operated by the department, may be reduced by
14 earned early release time in accordance with procedures that shall be
15 developed and promulgated by the correctional agency having
16 jurisdiction in which the offender is confined. The earned early
17 release time shall be for good behavior and good performance, as
18 determined by the correctional agency having jurisdiction. The
19 correctional agency shall not credit the offender with earned early

1 release credits in advance of the offender actually earning the
2 credits. Any program established pursuant to this section shall allow
3 an offender to earn early release credits for presentence
4 incarceration. If an offender is transferred from a county jail to the
5 department of corrections, the county jail facility shall certify to
6 the department the amount of time spent in custody at the facility and
7 the amount of earned early release time. In the case of an offender
8 who has been convicted of a felony committed after July 23, 1995, that
9 involves any applicable deadly weapon enhancements under RCW 9.94A.310
10 (3) or (4), or both, shall not receive any good time credits or earned
11 early release time for that portion of his or her sentence that results
12 from any deadly weapon enhancements. 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 the final six months of the sentence may be
36 served in partial confinement designed to aid the offender in finding
37 work and reestablishing himself or herself in the community. An
38 offender serving a sentence for a sex offense or a serious violent
39 offense is not eligible for partial confinement under this subsection

1 (5), although the secretary may make case-by-case exceptions to
2 address the special needs of mentally ill offenders and
3 developmentally disabled offenders. The secretary may make an
4 exception only if the offender is placed in a work release facility
5 that specializes in serving these special needs offenders and only if
6 the secretary determines public safety will not be jeopardized;

7 (6) The governor may pardon any offender;

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

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

14 Notwithstanding any other provisions of this section, an offender
15 sentenced for a felony crime listed in RCW 9.94A.120(4) as subject to
16 a mandatory minimum sentence of total confinement shall not be
17 released from total confinement before the completion of the listed
18 mandatory minimum sentence for that felony crime of conviction unless
19 allowed under RCW 9.94A.120(4).

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