
SUBSTITUTE SENATE BILL 5686

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove, Franklin and Roach)

Read first time 03/01/95.

1 AN ACT Relating to early release and specialized training for
2 criminal offenders; and amending RCW 9.94A.132, 9.94A.150, and
3 72.09.130.

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

5 **Sec. 1.** RCW 9.94A.132 and 1994 sp.s. c 7 s 533 are each amended to
6 read as follows:

7 The department is authorized to determine whether any person
8 subject to the confines of a correctional facility would substantially
9 benefit from successful participation in: (1) Literacy and other basic
10 skills training, (2) employment skills training, or (3) (~~educational~~
11 ~~efforts to identify and control sources of anger~~) life skills training
12 and, upon a determination that the person would, may require such
13 successful participation and completion as a condition for eligibility
14 to obtain early release from the confines of a correctional facility.
15 The department shall coordinate educational programs among its
16 facilities to ensure successful participation and completion by
17 offenders.

18 The department shall adopt rules and procedures to administer this
19 section.

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

3 No person serving a sentence imposed pursuant to this chapter and
4 committed to the custody of the department shall leave the confines of
5 the correctional facility or be released prior to the expiration of the
6 sentence except as follows:

7 (1) Except as otherwise provided for in subsection (2) of this
8 section, the term of the sentence of an offender committed to a
9 correctional facility operated by the department, may be reduced by
10 earned early release time in accordance with procedures that shall be
11 developed and promulgated by the correctional agency having
12 jurisdiction in which the offender is confined. The earned early
13 release time shall be for good behavior and good performance, as
14 determined by the correctional agency having jurisdiction. The
15 correctional agency shall not credit the offender with earned early
16 release credits in advance of the offender actually earning the
17 credits. The department shall establish a policy whereby refusal by an
18 offender to work will result in loss of earned early release credits.
19 Any program established pursuant to this section shall allow an
20 offender to earn early release credits for presentence incarceration.
21 If an offender is transferred from a county jail to the department of
22 corrections, the county jail facility shall certify to the department
23 the amount of time spent in custody at the facility and the amount of
24 earned early release time. In the case of an offender convicted of a
25 serious violent offense or a sex offense that is a class A felony
26 committed on or after July 1, 1990, the aggregate earned early release
27 time may not exceed fifteen percent of the sentence. In no other case
28 shall the aggregate earned early release time exceed one-third of the
29 total sentence;

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

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

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

9 (5) No more than the final six months of the sentence may be served
10 in partial confinement designed to aid the offender in finding work and
11 reestablishing him or herself in the community;

12 (6) The governor may pardon any offender;

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

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

19 **Sec. 3.** RCW 72.09.130 and 1981 c 136 s 17 are each amended to read
20 as follows:

21 The department shall adopt a system providing incentives for good
22 conduct and disincentives for poor conduct. The system may include
23 increases or decreases in the degree of liberty granted the inmate
24 within the programs operated by the department and recommended
25 increases or decreases in the number of earned early release days that
26 an inmate can earn for good conduct and good performance. Earned early
27 release days shall be recommended by the department as a form of
28 tangible reward for accomplishment. The system shall be fair,
29 measurable, and understandable to offenders, staff, and the public.
30 The department shall establish a policy whereby refusal by an offender
31 to work will result in a loss of earned early release credits. At
32 least once in each twelve-month period, the department shall inform the
33 offender in writing as to his or her conduct and performance. This
34 written evaluation shall include reasons for awarding or not awarding
35 recommended earned early release days for good conduct and good
36 performance. The term "good performance" as used in this section means
37 successfully performing a work, work training, or educational task to
38 levels of expectation as specified in writing by the department. The

1 term "good conduct" as used in this section refers to compliance with
2 department rules.

3 Within one year after July 1, 1981, the department shall adopt, and
4 provide a written description of, the system. The department shall
5 provide a copy of this description to each offender in its custody.

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