
SENATE BILL 5021

State of Washington 53rd Legislature 1993 Regular Session

By Senators West, Winsley, Hochstatter, Amondson, Moyer and McCaslin

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

1 AN ACT Relating to earned early release time; and amending RCW
2 9.94A.150, 9.95.070, and 72.09.130.

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

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

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

10 (1) Except as otherwise provided for in subsections (2) and (9) of
11 this section, the term of the sentence of an offender committed to a
12 correctional facility operated by the department, may be reduced by
13 earned early release time in accordance with procedures that shall be
14 developed and promulgated by the correctional agency having
15 jurisdiction in which the offender is confined. The earned early
16 release time shall be for good behavior and good performance, as
17 determined by the correctional agency having jurisdiction. The
18 correctional agency shall not credit the offender with earned early
19 release credits in advance of the offender actually earning the

1 credits. Any program established pursuant to this section shall allow
2 an offender to earn early release credits for presentence
3 incarceration. If an offender is transferred from a county jail to the
4 department of corrections, the county jail facility shall certify to
5 the department the amount of time spent in custody at the facility and
6 the amount of earned early release time. In the case of an offender
7 convicted of a serious violent offense or a sex offense that is a class
8 A felony committed on or after July 1, 1990, the aggregate earned early
9 release time may not exceed fifteen percent of the sentence. In no
10 other case shall the aggregate earned early release time exceed one-
11 third of the total sentence;

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

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

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

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

32 (6) The governor may pardon any offender;

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

36 (8) An offender may leave a correctional facility prior to
37 completion of his or her sentence if the sentence has been reduced as
38 provided in RCW 9.94A.160; and

1 (9) Every person sentenced to a correctional institution under the
2 jurisdiction of the department of corrections must satisfactorily
3 complete a high school education or achieve an equivalent score on the
4 general educational development test before any earned early release
5 time may be used to reduce the person's term of total confinement.

6 **Sec. 2.** RCW 9.95.070 and 1955 c 133 s 8 are each amended to read
7 as follows:

8 (1) Except as provided in subsection (2) of this section, every
9 prisoner who has a favorable record of conduct at the penitentiary or
10 the reformatory, and who performs in a faithful, diligent, industrious,
11 orderly and peaceable manner the work, duties, and tasks assigned to
12 him or her to the satisfaction of the superintendent of the
13 penitentiary or reformatory, and in whose behalf the superintendent of
14 the penitentiary or reformatory files a report certifying that his or
15 her conduct and work have been meritorious and recommending allowance
16 of time credits to him or her, shall upon, but not until, the adoption
17 of such recommendation by the indeterminate sentence review board (~~(of~~
18 ~~prison terms and paroles)~~), be allowed time credit reductions from the
19 term of imprisonment fixed by the indeterminate sentence review board
20 (~~(of prison terms and paroles)~~).

21 (2) Every person sentenced to a correctional institution under the
22 jurisdiction of the department of corrections must satisfactorily
23 complete a high school education or achieve an equivalent score on the
24 general educational development test before any earned time credits may
25 be used to reduce the person's term of total confinement.

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

28 (1) The department shall adopt a system providing incentives for
29 good conduct and disincentives for poor conduct. The system may
30 include increases or decreases in the degree of liberty granted the
31 inmate within the programs operated by the department and recommended
32 increases or decreases in the number of earned early release days that
33 an inmate can earn for good conduct and good performance. Earned early
34 release days shall be recommended by the department as a form of
35 tangible reward for accomplishment. The system shall be fair,
36 measurable, and understandable to offenders, staff, and the public. At
37 least once in each twelve-month period, the department shall inform the

1 offender in writing as to his or her conduct and performance. This
2 written evaluation shall include reasons for awarding or not awarding
3 recommended earned early release days for good conduct and good
4 performance. The term "good performance" as used in this section means
5 successfully performing a work, work training, or educational task to
6 levels of expectation as specified in writing by the department. The
7 term "good conduct" as used in this section refers to compliance with
8 department rules.

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

12 (2) The system adopted pursuant to this section shall provide that
13 each inmate must satisfactorily complete a high school education or
14 achieve an equivalent score on the general educational development test
15 before any earned early release time may be used to reduce the person's
16 term of total confinement.

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