

2 SHB 1491 - H AMD 014 ADOPTED 1-15-96
3 By Representative Ballasiotes

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5 Strike everything after the enacting clause and insert the
6 following:

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

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

13 (1) Except as otherwise provided for in subsection (2) of this
14 section, the term of the sentence of an offender committed to a
15 correctional facility operated by the department, may be reduced by
16 earned early release time in accordance with procedures that shall be
17 developed and promulgated by the correctional agency having
18 jurisdiction in which the offender is confined. The earned early
19 release time shall be for good behavior and good performance, as
20 determined by the correctional agency having jurisdiction. The
21 correctional agency shall not credit the offender with earned early
22 release credits in advance of the offender actually earning the
23 credits. Any program established pursuant to this section shall allow
24 an offender to earn early release credits for presentence
25 incarceration. If an offender is transferred from a county jail to the
26 department of corrections, the county jail facility shall certify to
27 the department the amount of time spent in custody at the facility and
28 the amount of earned early release time. In the case of an offender
29 who has been convicted of a felony committed after July 23, 1995, that
30 involves any applicable deadly weapon enhancements under RCW 9.94A.310
31 (3) or (4), or both, shall not receive any good time credits or earned
32 early release time for that portion of his or her sentence that results
33 from any deadly weapon enhancements. In the case of an offender
34 convicted of a serious violent offense or a sex offense that is a class
35 A felony committed on or after July 1, 1990, the aggregate earned early
36 release time may not exceed fifteen percent of the sentence. In no

1 other case shall the aggregate earned early release time exceed one-
2 third of the total sentence;

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

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

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

20 (5) No more than the final six months of the sentence may be
21 served in partial confinement designed to aid the offender in finding
22 work and reestablishing himself or herself in the community. An
23 offender serving a sentence for a sex offense or a serious violent
24 offense is not eligible for partial confinement under this subsection
25 (5), although the secretary may make case-by-case exceptions to
26 address the special needs of mentally ill offenders and
27 developmentally disabled offenders. The secretary may make an
28 exception only if the offender is placed in a work release facility
29 that specializes in serving these special needs offenders and only if
30 the secretary determines public safety will not be jeopardized;

31 (6) The governor may pardon any offender;

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

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

38 Notwithstanding any other provisions of this section, an offender
39 sentenced for a felony crime listed in RCW 9.94A.120(4) as subject to

1 a mandatory minimum sentence of total confinement shall not be
2 released from total confinement before the completion of the listed
3 mandatory minimum sentence for that felony crime of conviction unless
4 allowed under RCW 9.94A.120(4)."

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8 On page 1, line 2 of the title, after "offenders;" strike the
9 remainder of the title and insert "and amending RCW 9.94A.150."

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