

2 ESHB 1491 - S COMM AMD

3 By Committee on Human Services & Corrections

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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 served
21 in partial confinement designed to aid the offender in finding work and
22 reestablishing himself or herself in the community. An offender
23 serving a sentence for a sex offense or a serious violent offense is
24 not eligible for partial confinement under this subsection (5), unless
25 an exception is granted by the secretary on an individual basis. In
26 granting or denying an exception, the secretary shall consider public
27 safety and the circumstances of the individual offender;

28 (6) The governor may pardon any offender;

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

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

35 Notwithstanding any other provisions of this section, an offender
36 sentenced for a felony crime listed in RCW 9.94A.120(4) as subject to
37 a mandatory minimum sentence of total confinement shall not be released
38 from total confinement before the completion of the listed mandatory

1 minimum sentence for that felony crime of conviction unless allowed
2 under RCW 9.94A.120(4).

3 **Sec. 2.** RCW 72.65.210 and 1995 c 399 s 203 are each amended to
4 read as follows:

5 (1) The department shall establish, by rule, inmate eligibility
6 standards for participation in the work release program. An offender
7 serving a sentence for a sex offense or a serious violent offense shall
8 not be eligible for participation in the work release program unless an
9 exception is granted by the secretary on an individual basis. The
10 standards shall include guidelines for granting and denying exceptions
11 that consider public safety and the circumstances of the individual
12 offender.

13 (2) The department shall:

14 (a) Conduct an annual examination of each work release facility and
15 its security procedures;

16 (b) Investigate, adopt rules, and set standards for the inmate
17 supervision policies of each work release facility. The rules and
18 standards must require a higher level of regulation and supervision of
19 sex offenders and serious violent offenders who participate in a work
20 release program under subsection (1) of this section. Increased
21 regulation and supervision of these offenders, over that of other work
22 release participants, must include, but is not limited to, stricter
23 confinement to work release or training facilities, enhanced staff
24 supervision and checking systems, and greater limitations in the use of
25 sponsor-escorts;

26 (c) Establish physical standards for future work release structures
27 to ensure the safety of inmates, employees, and the surrounding
28 communities;

29 (d) Evaluate its recordkeeping of serious infractions to determine
30 if infractions are properly and consistently assessed against inmates
31 eligible for work release;

32 (e) Report to the legislature on a case management procedure to
33 evaluate and determine those inmates on work release who are in need of
34 treatment. The department shall establish in the report a written
35 treatment plan best suited to the inmate's needs, cost, and the
36 relationship of community placement and community corrections officers
37 to a system of case management;

1 (f) Adopt a policy to encourage businesses employing work release
2 inmates to contact the appropriate work release facility whenever an
3 inmate is absent from his or her work schedule. The department of
4 corrections shall provide each employer with written information and
5 instructions on who should be called if a work release employee is
6 absent from work or leaves the job site without authorization; and

7 (g) Develop a siting policy, in conjunction with cities, counties,
8 community groups, and the department of community, trade, and economic
9 development for the establishment of additional work release
10 facilities. Such policy shall include at least the following elements:

11 (i) Guidelines for appropriate site selection of work-release
12 facilities; (ii) notification requirements to local government and
13 community groups of intent to site a work release facility; and (iii)
14 guidelines for effective community relations by the work release
15 program operator.

16 (~~The department shall comply with the requirements of this section~~
17 ~~by July 1, 1990.~~)"

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21 In line 2 of the title, after "violent offenders;" strike the
22 remainder of the title and insert "and amending RCW 9.94A.150 and
23 72.65.210."

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