
SUBSTITUTE HOUSE BILL 2359

State of Washington

58th Legislature

2004 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Kagi, O'Brien, Dickerson, Nixon, Sommers and Darneille)

READ FIRST TIME 02/05/04.

1 AN ACT Relating to altering the amount of earned release time
2 available for certain jail inmates; amending RCW 9.92.151; and adding
3 a new section to chapter 9.94A RCW.

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

5 **Sec. 1.** RCW 9.92.151 and 1990 c 3 s 201 are each amended to read
6 as follows:

7 (1) The sentence of a prisoner confined in a county jail facility
8 for a felony, gross misdemeanor, or misdemeanor conviction may be
9 reduced by earned release credits in accordance with procedures that
10 shall be developed and promulgated by the correctional agency having
11 jurisdiction. The earned early release time shall be for good behavior
12 and good performance as determined by the correctional agency having
13 jurisdiction. Any program established pursuant to this section shall
14 allow an offender to earn early release credits for presentence
15 incarceration. The correctional agency shall not credit the offender
16 with earned early release credits in advance of the offender actually
17 earning the credits.

18 (2) In the case of an offender convicted of a serious violent
19 offense or a sex offense that is a class A felony committed on or after

1 July 1, 1990, and before July 1, 2004, the aggregate earned early
2 release time may not exceed fifteen percent of the sentence. In the
3 case of an offender convicted of a serious violent offense or a sex
4 offense that is a class A felony committed on or after July 1, 2004,
5 the aggregate earned release time may not exceed ten percent of the
6 sentence.

7 (3)(a) In the case of an offender who qualifies under (b) of this
8 subsection, the aggregate earned release time may not exceed fifty
9 percent.

10 (b) An offender may be granted up to fifty percent of aggregate
11 earned release time under this subsection (3) if he or she:

12 (i) Is not confined pursuant to a sentence for:

13 (A) A sex offense as defined in RCW 9.94A.030;

14 (B) A violent offense as defined in RCW 9.94A.030;

15 (C) A crime against persons as defined in RCW 9.94A.411;

16 (D) An offense that is domestic violence as defined in RCW
17 10.99.020;

18 (E) A violation of RCW 9A.52.025 (residential burglary);

19 (F) A violation of, or an attempt, solicitation, or conspiracy to
20 violate, RCW 69.50.401 by manufacture or delivery or possession with
21 intent to deliver methamphetamine; or

22 (G) A violation of, or an attempt, solicitation, or conspiracy to
23 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);
24 and

25 (ii) Has no prior conviction for:

26 (A) A sex offense as defined in RCW 9.94A.030;

27 (B) A violent offense as defined in RCW 9.94A.030;

28 (C) A crime against persons as defined in RCW 9.94A.411;

29 (D) An offense that is domestic violence as defined in RCW
30 10.99.020;

31 (E) A violation of RCW 9A.52.025 (residential burglary);

32 (F) A violation of, or an attempt, solicitation, or conspiracy to
33 violate, RCW 69.50.401 by manufacture or delivery or possession with
34 intent to deliver methamphetamine; or

35 (G) A violation of, or an attempt, solicitation, or conspiracy to
36 violate, RCW 69.50.406 (delivery of a controlled substance to a minor).

37 (c) The correctional agency having jurisdiction may recalculate the

1 earned release time and reschedule the expected release date for each
2 qualified offender under this subsection (3).

3 (d) This subsection (3) applies retroactively to eligible offenders
4 serving terms of total confinement in a county jail facility as of July
5 1, 2004.

6 (4) In no other case may the aggregate earned early release time
7 exceed one-third of the total sentence.

8 NEW SECTION. Sec. 2. A new section is added to chapter 9.94A RCW
9 to read as follows:

10 The legislature declares that the changes to the maximum
11 percentages of earned release time in this act do not create any
12 expectation that the percentage of earned release time cannot be
13 revised and offenders have no reason to conclude that the maximum
14 percentage of earned release time is an entitlement or creates any
15 liberty interest. The legislature retains full control over the right
16 to revise the percentages of earned release time available to offenders
17 at any time. This section applies to persons convicted on or after the
18 effective date of this section.

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