
SENATE BILL 6370

State of Washington 58th Legislature 2004 Regular Session

By Senators Kline, Brandland and McCaslin

Read first time 01/19/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to a clarification of the earned release time
2 provisions for offenders held in city or county jails; amending RCW
3 9.92.151 and 70.48.210; and providing an expiration date.

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
12 behavior and good performance as determined by the correctional agency
13 having jurisdiction. Any program established pursuant to this section
14 shall allow an offender to earn (~~early~~) earned release credits for
15 presentence incarceration. The correctional agency shall not credit
16 the offender with earned (~~early~~) release credits in advance of the
17 offender actually 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) In the case of an offender who qualifies under (a) and (b) of
8 this subsection, the aggregate earned release time may not exceed fifty
9 percent of the sentence.

10 An offender is qualified to earn up to fifty percent of aggregate
11 earned release time under this subsection if he or she:

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

13 (i) A sex offense;

14 (ii) A violent offense;

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

16 (iv) A felony that is domestic violence as defined in RCW
17 10.99.020;

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

19 (vi) 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 (vii) 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 (b) Has no prior conviction for:

26 (i) A sex offense;

27 (ii) A violent offense;

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

29 (iv) A felony that is domestic violence as defined in RCW
30 10.99.020;

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

32 (vi) 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 (vii) 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 (4) The facility shall recalculate the earned release time and

1 reschedule the expected release dates for each qualified offender under
2 subsection (3) of this section.

3 (5) Subsection (3) of this section applies retroactively to
4 eligible offenders serving terms of total confinement in a city or
5 county facility as of the effective date of this section.

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

8 **Sec. 2.** RCW 70.48.210 and 1990 c 3 s 203 are each amended to read
9 as follows:

10 (1) All cities and counties are authorized to establish and
11 maintain farms, camps, and work release programs and facilities, as
12 well as special detention facilities. The facilities shall meet the
13 requirements of this chapter ((70.48—RCW)) and any rules adopted
14 thereunder.

15 (2) Farms and camps may be established either inside or outside the
16 territorial limits of a city or county. A sentence of confinement in
17 a city or county jail may include placement in a farm or camp. Unless
18 directed otherwise by court order, the chief law enforcement officer or
19 department of corrections, may transfer the prisoner to a farm or camp.
20 The sentencing court, chief law enforcement officer, or department of
21 corrections may not transfer to a farm or camp a greater number of
22 prisoners than can be furnished with constructive employment and can be
23 reasonably accommodated.

24 (3) The city or county may establish a city or county work release
25 program and housing facilities for the prisoners in the program. In
26 such regard, factors such as employment conditions and the condition of
27 jail facilities should be considered. When a work release program is
28 established the following provisions apply:

29 (a) A person convicted of a felony and placed in a city or county
30 jail is eligible for the work release program. A person sentenced to
31 a city or county jail is eligible for the work release program. The
32 program may be used as a condition of probation for a criminal offense.
33 Good conduct is a condition of participation in the program.

34 (b) The court may permit a person who is currently, regularly
35 employed to continue his or her employment. The chief law enforcement
36 officer or department of corrections shall make all necessary
37 arrangements if possible. The court may authorize the person to seek

1 suitable employment and may authorize the chief law enforcement officer
2 or department of corrections to make reasonable efforts to find
3 suitable employment for the person. A person participating in the work
4 release program may not work in an establishment where there is a labor
5 dispute.

6 (c) The work release prisoner shall be confined in a work release
7 facility or jail unless authorized to be absent from the facility for
8 program-related purposes, unless the court directs otherwise.

9 (d) Each work release prisoner's earnings may be collected by the
10 chief law enforcement officer or a designee. The chief law enforcement
11 officer or a designee may deduct from the earnings moneys for the
12 payments for the prisoner's board, personal expenses inside and outside
13 the jail, a share of the administrative expenses of this section,
14 court-ordered victim compensation, and court-ordered restitution.
15 Support payments for the prisoner's dependents, if any, shall be made
16 as directed by the court. With the prisoner's consent, the remaining
17 funds may be used to pay the prisoner's preexisting debts. Any
18 remaining balance shall be returned to the prisoner.

19 (e) The prisoner's sentence may be reduced by earned (~~early~~)
20 release time in accordance with procedures that shall be developed and
21 promulgated by the work release facility. The earned (~~early~~) release
22 time shall be for good behavior and good performance as determined by
23 the facility. The facility shall not credit the offender with earned
24 (~~early~~) release credits in advance of the offender actually earning
25 the credits.

26 (i) In the case of an offender convicted of a serious violent
27 offense or a sex offense that is a class A felony committed on or after
28 July 1, 1990, and before July 1, 2004, the aggregate earned (~~early~~)
29 release time may not exceed fifteen percent of the sentence. In the
30 case of an offender convicted of a serious violent offense, or a sex
31 offense that is a class A felony, committed on or after July 1, 2004,
32 the aggregate earned release time may not exceed ten percent of the
33 sentence.

34 (ii) In the case of an offender who qualifies under (e)(ii)(A) and
35 (B) of this subsection, the aggregate earned release time may not
36 exceed fifty percent of the sentence.

37 An offender is qualified to earn up to fifty percent of aggregate
38 earned release time under this subsection (3)(e)(ii) if he or she:

1 (A) Is not confined pursuant to a sentence for:
2 (I) A sex offense;
3 (II) A violent offense;
4 (III) A crime against persons as defined in RCW 9.94A.411;
5 (IV) A felony that is domestic violence as defined in RCW
6 10.99.020;
7 (V) A violation of RCW 9A.52.025 (residential burglary);
8 (VI) A violation of, or an attempt, solicitation, or conspiracy to
9 violate, RCW 69.50.401 by manufacture or delivery or possession with
10 intent to deliver methamphetamine; or
11 (VII) A violation of, or an attempt, solicitation, or conspiracy to
12 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);
13 and
14 (B) Has no prior conviction for:
15 (I) A sex offense;
16 (II) A violent offense;
17 (III) A crime against persons as defined in RCW 9.94A.411;
18 (IV) A felony that is domestic violence as defined in RCW
19 10.99.020;
20 (V) A violation of RCW 9A.52.025 (residential burglary);
21 (VI) A violation of, or an attempt, solicitation, or conspiracy to
22 violate, RCW 69.50.401 by manufacture or delivery or possession with
23 intent to deliver methamphetamine; or
24 (VII) A violation of, or an attempt, solicitation, or conspiracy to
25 violate, RCW 69.50.406 (delivery of a controlled substance to a minor).
26 (iii) The facility shall recalculate the earned release time and
27 reschedule the expected release dates for each qualified offender under
28 (e)(ii) of this subsection.
29 (iv) (e)(ii) of this subsection applies retroactively to eligible
30 offenders serving terms of total confinement in a city or county
31 facility as of the effective date of this section.
32 (v) In no other case may the aggregate earned ((early)) release
33 time exceed one-third of the total sentence.
34 (f) If the work release prisoner violates the conditions of custody
35 or employment, the prisoner shall be returned to the sentencing court.
36 The sentencing court may require the prisoner to spend the remainder of
37 the sentence in actual confinement and may cancel any earned reduction
38 of the sentence.

1 (4) A special detention facility may be operated by a
2 noncorrectional agency or by noncorrectional personnel by contract with
3 the governing unit. The employees shall meet the standards of training
4 and education established by the criminal justice training commission
5 as authorized by RCW 43.101.080. The special detention facility may
6 use combinations of features including, but not limited to, low-
7 security or honor prisoner status, work farm, work release, community
8 review, prisoner facility maintenance and food preparation, training
9 programs, or alcohol or drug rehabilitation programs. Special
10 detention facilities may establish a reasonable fee schedule to cover
11 the cost of facility housing and programs. The schedule shall be on a
12 sliding basis that reflects the person's ability to pay.

13 NEW SECTION. **Sec. 3.** This act expires July 1, 2010.

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