
SENATE BILL 5686

State of Washington

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By Senators Long, Hargrove, Franklin and Roach

Read first time 01/31/95. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to early release and specialized training for
2 criminal offenders; and amending RCW 9.94A.132, 9.94A.150, 70.48.210,
3 and 72.09.130.

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

5 **Sec. 1.** RCW 9.94A.132 and 1994 sp.s. c 7 s 533 are each amended to
6 read as follows:

7 The department is authorized to determine whether any person
8 subject to the confines of a correctional facility would substantially
9 benefit from successful participation in: (1) Literacy training, (2)
10 employment skills training, or (3) educational efforts to identify and
11 control sources of anger and, upon a determination that the person
12 would, may require such successful participation and completion as a
13 condition for eligibility to obtain early release from the confines of
14 a correctional facility.

15 The department shall adopt rules and procedures to administer this
16 section.

17 **Sec. 2.** RCW 9.94A.150 and 1992 c 145 s 8 are each amended to read
18 as follows:

1 No person serving a sentence imposed pursuant to this chapter and
2 committed to the custody of the department shall leave the confines of
3 the correctional facility or be released prior to the expiration of the
4 sentence except as follows:

5 (1) Except as otherwise provided for in subsection (2) of this
6 section, the term of the sentence of an offender committed to a
7 correctional facility operated by the department, may be reduced by
8 earned early release time in accordance with procedures that shall be
9 developed and promulgated by the correctional agency having
10 jurisdiction in which the offender is confined. The earned early
11 release time shall be for good behavior and good performance, as
12 determined by the correctional agency having jurisdiction. The
13 correctional agency shall not credit the offender with earned early
14 release credits in advance of the offender actually earning the
15 credits. The correctional agency shall not credit an offender with
16 earned early release credits for a program unless the offender actually
17 completes the program. Any program established pursuant to this
18 section shall allow an offender to earn early release credits for
19 presentence incarceration. If an offender is transferred from a county
20 jail to the department of corrections, the county jail facility shall
21 certify to the department the amount of time spent in custody at the
22 facility and the amount of earned early release time. In the case of
23 an offender convicted of a serious violent offense or a sex offense
24 that is a class A felony committed on or after July 1, 1990, the
25 aggregate earned early release time may not exceed fifteen percent of
26 the sentence. In no other case shall the aggregate earned early
27 release time exceed one-third of the total sentence. The correctional
28 agency shall decrease the earned early release credits of an offender
29 for a serious infraction. "Serious infraction" includes, at a minimum,
30 refusing or failing to work or attend regularly scheduled assignments,
31 four or more general infractions from separate incidents that occur
32 within a six-month period and are reported in writing, and commission
33 of a general infraction likely to result in danger to life, limb, or
34 welfare of a person;

35 (2) A person convicted of a sex offense or an offense categorized
36 as a serious violent offense, assault in the second degree, assault of
37 a child in the second degree, any crime against a person where it is
38 determined in accordance with RCW 9.94A.125 that the defendant or an
39 accomplice was armed with a deadly weapon at the time of commission, or

1 any felony offense under chapter 69.50 or 69.52 RCW may become
2 eligible, in accordance with a program developed by the department, for
3 transfer to community custody status in lieu of earned early release
4 time pursuant to subsection (1) of this section;

5 (3) An offender may leave a correctional facility pursuant to an
6 authorized furlough or leave of absence. In addition, offenders may
7 leave a correctional facility when in the custody of a corrections
8 officer or officers;

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

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

16 (6) The governor may pardon any offender;

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

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

23 **Sec. 3.** RCW 70.48.210 and 1990 c 3 s 203 are each amended to read
24 as follows:

25 (1) All cities and counties are authorized to establish and
26 maintain farms, camps, and work release programs and facilities, as
27 well as special detention facilities. The facilities shall meet the
28 requirements of chapter 70.48 RCW and any rules adopted thereunder.

29 (2) Farms and camps may be established either inside or outside the
30 territorial limits of a city or county. A sentence of confinement in
31 a city or county jail may include placement in a farm or camp. Unless
32 directed otherwise by court order, the chief law enforcement officer or
33 department of corrections, may transfer the prisoner to a farm or camp.
34 The sentencing court, chief law enforcement officer, or department of
35 corrections may not transfer to a farm or camp a greater number of
36 prisoners than can be furnished with constructive employment and can be
37 reasonably accommodated.

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

6 (a) A person convicted of a felony and placed in a city or county
7 jail is eligible for the work release program. A person sentenced to
8 a city or county jail is eligible for the work release program. The
9 program may be used as a condition of probation for a criminal offense.
10 Good conduct is a condition of participation in the program.

11 (b) The court may permit a person who is currently, regularly
12 employed to continue his or her employment. The chief law enforcement
13 officer or department of corrections shall make all necessary
14 arrangements if possible. The court may authorize the person to seek
15 suitable employment and may authorize the chief law enforcement officer
16 or department of corrections to make reasonable efforts to find
17 suitable employment for the person. A person participating in the work
18 release program may not work in an establishment where there is a labor
19 dispute.

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

23 (d) Each work release prisoner's earnings may be collected by the
24 chief law enforcement officer or a designee. The chief law enforcement
25 officer or a designee may deduct from the earnings moneys for the
26 payments for the prisoner's board, personal expenses inside and outside
27 the jail, a share of the administrative expenses of this section,
28 court-ordered victim compensation, and court-ordered restitution.
29 Support payments for the prisoner's dependents, if any, shall be made
30 as directed by the court. With the prisoner's consent, the remaining
31 funds may be used to pay the prisoner's preexisting debts. Any
32 remaining balance shall be returned to the prisoner.

33 (e) The prisoner's sentence may be reduced by earned early release
34 time in accordance with procedures that shall be developed and
35 promulgated by the work release facility. The earned early release
36 time shall be for good behavior and good performance as determined by
37 the facility. The facility shall not credit the offender with earned
38 early release credits in advance of the offender actually earning the
39 credits. The facility shall not credit a prisoner with earned early

1 release credits for a program unless the offender actually completes
2 the program. The facility shall decrease the earned early release
3 credits of a prisoner for a serious infraction. "Serious infraction"
4 includes, at a minimum, refusing or failing to work or attend regularly
5 scheduled assignments, four or more general infractions from separate
6 incidents that occur within a six-month period and are reported in
7 writing, and commission of a general infraction likely to result in
8 danger to life, limb, or welfare of a person. In the case of an
9 offender convicted of a serious violent offense or a sex offense that
10 is a class A felony committed on or after July 1, 1990, the aggregate
11 earned early release time may not exceed fifteen percent of the
12 sentence. In no other case may the aggregate earned early release time
13 exceed one-third of the total sentence.

14 (f) If the work release prisoner violates the conditions of custody
15 or employment, the prisoner shall be returned to the sentencing court.
16 The sentencing court may require the prisoner to spend the remainder of
17 the sentence in actual confinement and may cancel any earned reduction
18 of the sentence.

19 (4) A special detention facility may be operated by a
20 noncorrectional agency or by noncorrectional personnel by contract with
21 the governing unit. The employees shall meet the standards of training
22 and education established by the criminal justice training commission
23 as authorized by RCW 43.101.080. The special detention facility may
24 use combinations of features including, but not limited to, low-
25 security or honor prisoner status, work farm, work release, community
26 review, prisoner facility maintenance and food preparation, training
27 programs, or alcohol or drug rehabilitation programs. Special
28 detention facilities may establish a reasonable fee schedule to cover
29 the cost of facility housing and programs. The schedule shall be on a
30 sliding basis that reflects the person's ability to pay.

31 **Sec. 4.** RCW 72.09.130 and 1981 c 136 s 17 are each amended to read
32 as follows:

33 The department shall adopt a system providing incentives for good
34 conduct and disincentives for poor conduct. The system may include
35 increases or decreases in the degree of liberty granted the inmate
36 within the programs operated by the department and recommended
37 increases or decreases in the number of earned early release days that
38 an inmate can earn for good conduct and good performance. Earned early

1 release days shall be recommended by the department as a form of
2 tangible reward for accomplishment. The system shall be fair,
3 measurable, and understandable to offenders, staff, and the public.
4 The system shall not credit an offender with earned early release
5 credits for a program unless the offender actually completes the
6 program. The system shall also provide for a decrease of the earned
7 early release credits of an offender for a serious infraction.
8 "Serious infraction" includes, at a minimum, refusing or failing to
9 work or attend regularly scheduled assignments, four or more general
10 infractions from separate incidents that occur within a six-month
11 period and are reported in writing, and commission of a general
12 infraction likely to result in danger to life, limb, or welfare of a
13 person. At least once in each twelve-month period, the department
14 shall inform the offender in writing as to his or her conduct and
15 performance. This written evaluation shall include reasons for
16 awarding or not awarding recommended earned early release days for good
17 conduct and good performance. The term "good performance" as used in
18 this section means successfully performing a work, work training, or
19 educational task to levels of expectation as specified in writing by
20 the department. The term "good conduct" as used in this section refers
21 to compliance with department rules.

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

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