

**WAC 381-40-140 Waiver of mandatory minimum term.** Except when an inmate of an adult correctional institution has been sentenced under a statutorily nonwaivable mandatory, the board may parole an inmate prior to the expiration of a mandatory minimum term, provided such inmate has demonstrated a meritorious effort in rehabilitation and at least two-thirds of the board members concur in such action; provided further, that any inmate who has a mandatory minimum term and is paroled prior to expiration of such term according to this rule and pursuant to RCW 9.95.040, shall not receive a conditional discharge from supervision while on parole until after the mandatory minimum waivable mandatory term has expired. Statutorily nonwaivable mandatory terms include murder first degree, murder second degree, and rape first degree.

The question of waiver of the mandatory minimum term may be referred to the full board by any member of the panel which has been assigned to review the matter. The board will review and consider any recommendation submitted by the superintendent for waiving of a mandatory minimum term:

The resident shall serve a portion of the mandatory term as follows:

- (1) Two years if mandatory term is five years;
- (2) Three years if mandatory term is seven and one-half years;
- (3) Six years if mandatory term is fifteen years;
- (4) Eight years if mandatory term is twenty years.

[WSR 98-09-045, § 381-40-140, filed 4/15/98, effective 4/13/98. WSR 92-22-008, § 381-40-140, filed 10/21/92, effective 10/19/92. WSR 91-14-029, § 381-40-140, filed 6/26/91, effective 7/27/91.]