

HB 1924
REMOVAL OF SUNSET PROVISION FOR EARNED RELEASE TIME
325 – Sentencing Guidelines Commission
February 6, 2009

SUMMARY

A brief description of what the measure does that has fiscal impact.

Section 1 This Act amends RCW 9.94A.728, (Earned release time) to make offenders convicted after July 1, 2010 who qualify under subsection (1)(b), eligible for earned release.

Section 2 Makes this Act effective August 1, 2009.

EXPENDITURES

Assumptions.

The adult jail and prison bed impacts for this bill were calculated under the following assumptions:

- Sentences are based on Sentencing Guidelines Commission Fiscal Year 2008 adult felony sentencing data, and assume no changes in crime rates, filings, plea agreement practices or sentencing volumes, *etc.* (*i.e.*, there will be an identical number of sentences each year).
- Sentences are distributed evenly by month.
- Sentences are discounted by the ratio of sentences to jail or prison admissions.
- Length of stay in jail is calculated using a figure for average earned release, based on a survey of local jails by the Sentencing Guidelines Commission, the Office of Community Development and the Washington State Association of Counties.
- Phase-in factors refer to the time between offense date and conviction date. As the sunset expiration date is based on conviction date, no phase-in factors were applied.
- The prospective length of stay in prison factors in the amount of time served in jail prior to transferring to the Department of Corrections based on the average time served for specific offenses as reported by DOC.
- Death and LWOP sentences were excluded
- DOC provided percentage estimates of the offenders who are eligible for 50% earned release time and who would maintain the 50% earned release time. These are the offenders who would be re-calculated to 33% earned release time when 9.94A.728(1)(b) sunsets.
- Bed Impact Method: For the current policy, offenders who are eligible for 50% earned release time according to 9.94A.728 were captured. Those data were then multiplied by the percentage of those expected to maintain the 50% earned release time to create the population who would be moved from 50% to 33% earned release time when 9.94A.728(1)(b) sunsets. Current length of stay was calculated by adding an additional 1/6 of the sentence total on to the current sentence total (the difference between 50% and 33%). Any credit for time served and sentence enhancements were removed from the 1/6 addition adjustment. For the proposed policy, length of stay was calculated without the additional 1/6 sentence adjustment.

Impact on the Sentencing Guidelines Commission.

This bill would not require modification of the Commission’s database and data entry programs.

Impact on prison and jail beds - Current Policy Assumes RCW 9.94A.728(1)(b) has sunset

In FY08 there were 2,239 non-DOSA sentences that would eligible for 50% earned release time based on the sentence and the criminal history. The current average sentence length is 22.8 mos and the current average length of stay is 15.5 mos. The proposed length of stay is 11.9 mos.

In FY08 there were 370 DOSA sentences that would eligible for 50% earned release time based on the sentence and the criminal history. The current average sentence length is 20.4 mos and the current average length of stay is 13.5 mos. The proposed length of stay is 10.3 mos.

The sunset of 9.94A.728(1)(b) is effective on July 1, 2010; therefore, **analysis begins in FY11** instead of FY10. Analysis indicates a bed impact of -126 in FY14 when DOSA impacts reach maximum, increasing to -137 in FY18 when non-DOSA impacts reach maximum.

These data provide a prospective analysis of the bill only and do not include data for any offenders convicted prior to June 30, 2010.

**Average Monthly Population Jail and Prison Impacts
HB 1924 Continuing 50% Earned Release Time
Sentencing Guidelines Commission
February 6, 2009**

	Fiscal Year									
	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20
Jail AMP	0	0	0	0	0	0	0	0	0	0
Prison AMP (DOSA)	-2	-10	-14	-16	-16	-16	-16	-16	-16	-16
Prison AMP (Non-DOSA)	-17	-78	-96	-110	-116	-119	-120	-121	-121	-121
Prison AMP (Total)	-19	-88	-110	-126	-132	-134	-136	-137	-137	-137

	Fiscal Year									
	FY21	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30
Jail AMP	0	0	0	0	0	0	0	0	0	0
Prison AMP (DOSA)	-16	-16	-16	-16	-16	-16	-16	-16	-16	-16
Prison AMP (Non-DOSA)	-121	-121	-121	-121	-121	-121	-121	-121	-121	-121
Prison AMP (Total)	-137	-137	-137	-137	-137	-137	-137	-137	-137	-137

End of Year Jail and Prison Bed Impacts
HB 1924 Continuing 50% Earned Release Time
Sentencing Guidelines Commission
February 6, 2009

	Fiscal Year									
	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20
Jail Beds	0	0	0	0	0	0	0	0	0	0
Prison Beds (DOSA)	-6	-12	-15	-16	-16	-16	-16	-16	-16	-16
Prison Beds (Non-DOSA)	-53	-87	-103	-114	-117	-120	-121	-121	-121	-121
Prison Beds (Total)	-59	-99	-119	-130	-133	-135	-136	-137	-137	-137

	Fiscal Year									
	FY21	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30
Jail Beds	0	0	0	0	0	0	0	0	0	0
Prison Beds (DOSA)	-16	-16	-16	-16	-16	-16	-16	-16	-16	-16
Prison Beds (Non-DOSA)	-121	-121	-121	-121	-121	-121	-121	-121	-121	-121
Prison Beds (Total)	-137	-137	-137	-137	-137	-137	-137	-137	-137	-137