
HOUSE BILL 2316

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By Representatives Roberts, Goodman, Clibborn, Haigh, Freeman, Green, Pettigrew, Ormsby, Seaquist, Jinkins, Appleton, Fitzgibbon, Tharinger, and Ryu

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1 AN ACT Relating to earned second chances; amending RCW 9.94A.728,
2 9.94A.533, and 9.94A.570; adding a new section to chapter 9.94A RCW;
3 adding a new section to chapter 9.95 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that new scientific
6 evidence and economic realities cast doubt on the wisdom of imposing
7 mandatory decades long sentences on offenders, leaving no hope for
8 release or incentive to reform. Studies show that long incarcerations,
9 with no opportunity for review, prevent offenders from maintaining the
10 ties to society which they need to successfully reenter society and
11 build lives free from criminal behavior. Additionally, many offenders
12 are incarcerated long past the time they pose a risk to public safety.
13 Senior citizens are extraordinarily expensive inmates and many pose
14 little risk of recidivism. Given the capacity and budget crises in the
15 department of corrections, providing an opportunity for such offenders
16 to be released makes economic sense. Inflexible sentences cost
17 Washingtonians huge sums of money, without providing a commensurate
18 increase in public safety. The legislature finds that providing an

1 opportunity for review and release of offenders who no longer pose a
2 risk of criminality benefits society, the reformed offenders, public
3 safety and the public treasury.

4 **Sec. 2.** RCW 9.94A.728 and 2010 c 224 s 6 are each amended to read
5 as follows:

6 No person serving a sentence imposed pursuant to this chapter and
7 committed to the custody of the department shall leave the confines of
8 the correctional facility or be released prior to the expiration of the
9 sentence except as follows:

10 (1) An offender may earn early release time as authorized by RCW
11 9.94A.729;

12 (2) An offender may leave a correctional facility pursuant to an
13 authorized furlough or leave of absence. In addition, offenders may
14 leave a correctional facility when in the custody of a corrections
15 officer or officers;

16 (3)(a) The secretary may authorize an extraordinary medical
17 placement for an offender when all of the following conditions exist:

18 (i) The offender has a medical condition that is serious and is
19 expected to require costly care or treatment;

20 (ii) The offender poses a low risk to the community because he or
21 she is currently physically incapacitated due to age or the medical
22 condition or is expected to be so at the time of release; and

23 (iii) It is expected that granting the extraordinary medical
24 placement will result in a cost savings to the state.

25 (b) An offender sentenced to death or to life imprisonment without
26 the possibility of release or parole is not eligible for an
27 extraordinary medical placement.

28 (c) The secretary shall require electronic monitoring for all
29 offenders in extraordinary medical placement unless the electronic
30 monitoring equipment interferes with the function of the offender's
31 medical equipment or results in the loss of funding for the offender's
32 medical care, in which case, an alternative type of monitoring shall be
33 utilized. The secretary shall specify who shall provide the monitoring
34 services and the terms under which the monitoring shall be performed.

35 (d) The secretary may revoke an extraordinary medical placement
36 under this subsection at any time.

1 (e) Persistent offenders are not eligible for extraordinary medical
2 placement;

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

7 (5) No more than the final six months of the offender's term of
8 confinement may be served in partial confinement designed to aid the
9 offender in finding work and reestablishing himself or herself in the
10 community or no more than the final twelve months of the offender's
11 term of confinement may be served in partial confinement as part of the
12 parenting program in RCW 9.94A.6551. This is in addition to that
13 period of earned early release time that may be exchanged for partial
14 confinement pursuant to RCW 9.94A.729(5)(d);

15 (6) The governor may pardon any offender;

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

19 (8) An offender may leave a correctional facility prior to
20 completion of his or her sentence if the sentence has been reduced as
21 provided in RCW 9.94A.870; (~~and~~)

22 (9) An offender may leave a correctional facility subject to the
23 authorization of the indeterminate sentence review board, as described
24 in section 3 of this act; and

25 (10) Notwithstanding any other provisions of this section, an
26 offender sentenced for a felony crime listed in RCW 9.94A.540 as
27 subject to a mandatory minimum sentence of total confinement shall not
28 be released from total confinement before the completion of the listed
29 mandatory minimum sentence for that felony crime of conviction unless
30 allowed under RCW 9.94A.540.

31 NEW SECTION. Sec. 3. A new section is added to chapter 9.94A RCW
32 to read as follows:

33 (1) Notwithstanding any other provision of this chapter, any person
34 who was sentenced under this chapter may petition the indeterminate
35 sentence review board for early release after serving fifteen years,
36 provided the current sentence was not imposed under RCW 9.94A.507.

1 (2) Before the hearing described in subsection (3) of this section,
2 the department shall conduct, and the offender shall participate in, an
3 examination of the offender, incorporating methodologies that are
4 recognized by experts in the prediction of criminal dangerousness, and
5 including a prediction of the probability that the offender will engage
6 in violent offenses if released.

7 (3) The board shall conduct a hearing to determine whether it is
8 more likely than not that the person will commit a new violent offense,
9 as defined in RCW 9.94A.030, if released on conditions set by the
10 board. The board shall order the person released, under such
11 affirmative and other conditions as the board determines appropriate,
12 unless the board determines that, despite such conditions, it is more
13 likely than not that the person will commit a new violent offense if
14 released. Public safety considerations shall be given the highest
15 priority in determinations made under this section. The board may also
16 consider the person's efforts towards rehabilitation, the person's
17 completion of a basic education program and skills for employment, and
18 the availability of community or family support for the person upon
19 release.

20 (4) If the board does not order the offender released, the board
21 shall establish a new minimum term not to exceed an additional five
22 years. The board shall review the person again not less than ninety
23 days prior to the expiration of the new minimum term.

24 (5) At such hearing the convicted person shall be present and
25 entitled to be heard and may present evidence and witnesses in his or
26 her behalf. If the board determines that an offender is not able to
27 adequately represent himself or herself, the board shall cause the
28 appointment of an attorney to represent the offender to be paid for at
29 state expense.

30 (6) In a hearing conducted under subsection (3) of this section,
31 the board shall provide opportunities for the victims of any crimes for
32 which the offender has been convicted to present statements, as set
33 forth in RCW 7.69.032. The procedures for victim input shall be
34 developed by rule. To facilitate victim involvement, county
35 prosecutor's offices shall ensure that any victim impact statements and
36 known contact information for victims of record are forwarded as part
37 of the judgment and sentence.

1 (7) A person released by the board under this section is subject to
2 community custody for a term determined by the board, not to exceed
3 five years from the date of release.

4 (8) A decision of the board under this section shall be final and
5 not subject to appeal or review, except that this section shall not
6 limit or circumscribe the powers of the governor to commute the
7 sentence of, or grant a pardon to, any convicted person.

8 (9) The board shall adopt rules governing the procedures described
9 in this section, including criteria for release, timelines for issuance
10 of decisions, and prioritization of petitions.

11 **Sec. 4.** RCW 9.94A.533 and 2013 c 270 s 2 are each amended to read
12 as follows:

13 (1) The provisions of this section apply to the standard sentence
14 ranges determined by RCW 9.94A.510 or 9.94A.517.

15 (2) For persons convicted of the anticipatory offenses of criminal
16 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
17 standard sentence range is determined by locating the sentencing grid
18 sentence range defined by the appropriate offender score and the
19 seriousness level of the completed crime, and multiplying the range by
20 seventy-five percent.

21 (3) The following additional times shall be added to the standard
22 sentence range for felony crimes committed after July 23, 1995, if the
23 offender or an accomplice was armed with a firearm as defined in RCW
24 9.41.010 and the offender is being sentenced for one of the crimes
25 listed in this subsection as eligible for any firearm enhancements
26 based on the classification of the completed felony crime. If the
27 offender is being sentenced for more than one offense, the firearm
28 enhancement or enhancements must be added to the total period of
29 confinement for all offenses, regardless of which underlying offense is
30 subject to a firearm enhancement. If the offender or an accomplice was
31 armed with a firearm as defined in RCW 9.41.010 and the offender is
32 being sentenced for an anticipatory offense under chapter 9A.28 RCW to
33 commit one of the crimes listed in this subsection as eligible for any
34 firearm enhancements, the following additional times shall be added to
35 the standard sentence range determined under subsection (2) of this
36 section based on the felony crime of conviction as classified under RCW
37 9A.28.020:

1 (a) Five years for any felony defined under any law as a class A
2 felony or with a statutory maximum sentence of at least twenty years,
3 or both, and not covered under (f) of this subsection;

4 (b) Three years for any felony defined under any law as a class B
5 felony or with a statutory maximum sentence of ten years, or both, and
6 not covered under (f) of this subsection;

7 (c) Eighteen months for any felony defined under any law as a class
8 C felony or with a statutory maximum sentence of five years, or both,
9 and not covered under (f) of this subsection;

10 (d) If the offender is being sentenced for any firearm enhancements
11 under (a), (b), and/or (c) of this subsection and the offender has
12 previously been sentenced for any deadly weapon enhancements after July
13 23, 1995, under (a), (b), and/or (c) of this subsection or subsection
14 (4)(a), (b), and/or (c) of this section, or both, all firearm
15 enhancements under this subsection shall be twice the amount of the
16 enhancement listed;

17 (e) Notwithstanding any other provision of law, except section 3 of
18 this act, all firearm enhancements under this section are mandatory,
19 shall be served in total confinement, and shall run consecutively to
20 all other sentencing provisions, including other firearm or deadly
21 weapon enhancements, for all offenses sentenced under this chapter.
22 However, whether or not a mandatory minimum term has expired, an
23 offender serving a sentence under this subsection may be granted an
24 extraordinary medical placement when authorized under RCW 9.94A.728(3);

25 (f) The firearm enhancements in this section shall apply to all
26 felony crimes except the following: Possession of a machine gun,
27 possessing a stolen firearm, drive-by shooting, theft of a firearm,
28 unlawful possession of a firearm in the first and second degree, and
29 use of a machine gun in a felony;

30 (g) If the standard sentence range under this section exceeds the
31 statutory maximum sentence for the offense, the statutory maximum
32 sentence shall be the presumptive sentence unless the offender is a
33 persistent offender. If the addition of a firearm enhancement
34 increases the sentence so that it would exceed the statutory maximum
35 for the offense, the portion of the sentence representing the
36 enhancement may not be reduced.

37 (4) The following additional times shall be added to the standard
38 sentence range for felony crimes committed after July 23, 1995, if the

1 offender or an accomplice was armed with a deadly weapon other than a
2 firearm as defined in RCW 9.41.010 and the offender is being sentenced
3 for one of the crimes listed in this subsection as eligible for any
4 deadly weapon enhancements based on the classification of the completed
5 felony crime. If the offender is being sentenced for more than one
6 offense, the deadly weapon enhancement or enhancements must be added to
7 the total period of confinement for all offenses, regardless of which
8 underlying offense is subject to a deadly weapon enhancement. If the
9 offender or an accomplice was armed with a deadly weapon other than a
10 firearm as defined in RCW 9.41.010 and the offender is being sentenced
11 for an anticipatory offense under chapter 9A.28 RCW to commit one of
12 the crimes listed in this subsection as eligible for any deadly weapon
13 enhancements, the following additional times shall be added to the
14 standard sentence range determined under subsection (2) of this section
15 based on the felony crime of conviction as classified under RCW
16 9A.28.020:

17 (a) Two years for any felony defined under any law as a class A
18 felony or with a statutory maximum sentence of at least twenty years,
19 or both, and not covered under (f) of this subsection;

20 (b) One year for any felony defined under any law as a class B
21 felony or with a statutory maximum sentence of ten years, or both, and
22 not covered under (f) of this subsection;

23 (c) Six months for any felony defined under any law as a class C
24 felony or with a statutory maximum sentence of five years, or both, and
25 not covered under (f) of this subsection;

26 (d) If the offender is being sentenced under (a), (b), and/or (c)
27 of this subsection for any deadly weapon enhancements and the offender
28 has previously been sentenced for any deadly weapon enhancements after
29 July 23, 1995, under (a), (b), and/or (c) of this subsection or
30 subsection (3)(a), (b), and/or (c) of this section, or both, all deadly
31 weapon enhancements under this subsection shall be twice the amount of
32 the enhancement listed;

33 (e) Notwithstanding any other provision of law, except section 3 of
34 this act, all deadly weapon enhancements under this section are
35 mandatory, shall be served in total confinement, and shall run
36 consecutively to all other sentencing provisions, including other
37 firearm or deadly weapon enhancements, for all offenses sentenced under
38 this chapter. However, whether or not a mandatory minimum term has

1 expired, an offender serving a sentence under this subsection may be
2 granted an extraordinary medical placement when authorized under RCW
3 9.94A.728(3);

4 (f) The deadly weapon enhancements in this section shall apply to
5 all felony crimes except the following: Possession of a machine gun,
6 possessing a stolen firearm, drive-by shooting, theft of a firearm,
7 unlawful possession of a firearm in the first and second degree, and
8 use of a machine gun in a felony;

9 (g) If the standard sentence range under this section exceeds the
10 statutory maximum sentence for the offense, the statutory maximum
11 sentence shall be the presumptive sentence unless the offender is a
12 persistent offender. If the addition of a deadly weapon enhancement
13 increases the sentence so that it would exceed the statutory maximum
14 for the offense, the portion of the sentence representing the
15 enhancement may not be reduced.

16 (5) The following additional times shall be added to the standard
17 sentence range if the offender or an accomplice committed the offense
18 while in a county jail or state correctional facility and the offender
19 is being sentenced for one of the crimes listed in this subsection. If
20 the offender or an accomplice committed one of the crimes listed in
21 this subsection while in a county jail or state correctional facility,
22 and the offender is being sentenced for an anticipatory offense under
23 chapter 9A.28 RCW to commit one of the crimes listed in this
24 subsection, the following additional times shall be added to the
25 standard sentence range determined under subsection (2) of this
26 section:

27 (a) Eighteen months for offenses committed under RCW 69.50.401(2)
28 (a) or (b) or 69.50.410;

29 (b) Fifteen months for offenses committed under RCW 69.50.401(2)
30 (c), (d), or (e);

31 (c) Twelve months for offenses committed under RCW 69.50.4013.

32 For the purposes of this subsection, all of the real property of a
33 state correctional facility or county jail shall be deemed to be part
34 of that facility or county jail.

35 (6) An additional twenty-four months shall be added to the standard
36 sentence range for any ranked offense involving a violation of chapter
37 69.50 RCW if the offense was also a violation of RCW 69.50.435 or

1 9.94A.827. All enhancements under this subsection shall run
2 consecutively to all other sentencing provisions, for all offenses
3 sentenced under this chapter.

4 (7) An additional two years shall be added to the standard sentence
5 range for vehicular homicide committed while under the influence of
6 intoxicating liquor or any drug as defined by RCW 46.61.502 for each
7 prior offense as defined in RCW 46.61.5055. All enhancements under
8 this subsection shall be mandatory, shall be served in total
9 confinement, and shall run consecutively to all other sentencing
10 provisions.

11 (8)(a) The following additional times shall be added to the
12 standard sentence range for felony crimes committed on or after July 1,
13 2006, if the offense was committed with sexual motivation, as that term
14 is defined in RCW 9.94A.030. If the offender is being sentenced for
15 more than one offense, the sexual motivation enhancement must be added
16 to the total period of total confinement for all offenses, regardless
17 of which underlying offense is subject to a sexual motivation
18 enhancement. If the offender committed the offense with sexual
19 motivation and the offender is being sentenced for an anticipatory
20 offense under chapter 9A.28 RCW, the following additional times shall
21 be added to the standard sentence range determined under subsection (2)
22 of this section based on the felony crime of conviction as classified
23 under RCW 9A.28.020:

24 (i) Two years for any felony defined under the law as a class A
25 felony or with a statutory maximum sentence of at least twenty years,
26 or both;

27 (ii) Eighteen months for any felony defined under any law as a
28 class B felony or with a statutory maximum sentence of ten years, or
29 both;

30 (iii) One year for any felony defined under any law as a class C
31 felony or with a statutory maximum sentence of five years, or both;

32 (iv) If the offender is being sentenced for any sexual motivation
33 enhancements under (a)(i), (ii), and/or (iii) of this subsection and
34 the offender has previously been sentenced for any sexual motivation
35 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii)
36 of this subsection, all sexual motivation enhancements under this
37 subsection shall be twice the amount of the enhancement listed;

1 (b) Notwithstanding any other provision of law, except section 3 of
2 this act, all sexual motivation enhancements under this subsection are
3 mandatory, shall be served in total confinement, and shall run
4 consecutively to all other sentencing provisions, including other
5 sexual motivation enhancements, for all offenses sentenced under this
6 chapter. However, whether or not a mandatory minimum term has expired,
7 an offender serving a sentence under this subsection may be granted an
8 extraordinary medical placement when authorized under RCW 9.94A.728(3);

9 (c) The sexual motivation enhancements in this subsection apply to
10 all felony crimes;

11 (d) If the standard sentence range under this subsection exceeds
12 the statutory maximum sentence for the offense, the statutory maximum
13 sentence shall be the presumptive sentence unless the offender is a
14 persistent offender. If the addition of a sexual motivation
15 enhancement increases the sentence so that it would exceed the
16 statutory maximum for the offense, the portion of the sentence
17 representing the enhancement may not be reduced;

18 (e) The portion of the total confinement sentence which the
19 offender must serve under this subsection shall be calculated before
20 any earned early release time is credited to the offender;

21 (f) Nothing in this subsection prevents a sentencing court from
22 imposing a sentence outside the standard sentence range pursuant to RCW
23 9.94A.535.

24 (9) An additional one-year enhancement shall be added to the
25 standard sentence range for the felony crimes of RCW 9A.44.073,
26 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on
27 or after July 22, 2007, if the offender engaged, agreed, or offered to
28 engage the victim in the sexual conduct in return for a fee. If the
29 offender is being sentenced for more than one offense, the one-year
30 enhancement must be added to the total period of total confinement for
31 all offenses, regardless of which underlying offense is subject to the
32 enhancement. If the offender is being sentenced for an anticipatory
33 offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079,
34 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted,
35 solicited another, or conspired to engage, agree, or offer to engage
36 the victim in the sexual conduct in return for a fee, an additional
37 one-year enhancement shall be added to the standard sentence range

1 determined under subsection (2) of this section. For purposes of this
2 subsection, "sexual conduct" means sexual intercourse or sexual
3 contact, both as defined in chapter 9A.44 RCW.

4 (10)(a) For a person age eighteen or older convicted of any
5 criminal street gang-related felony offense for which the person
6 compensated, threatened, or solicited a minor in order to involve the
7 minor in the commission of the felony offense, the standard sentence
8 range is determined by locating the sentencing grid sentence range
9 defined by the appropriate offender score and the seriousness level of
10 the completed crime, and multiplying the range by one hundred twenty-
11 five percent. If the standard sentence range under this subsection
12 exceeds the statutory maximum sentence for the offense, the statutory
13 maximum sentence is the presumptive sentence unless the offender is a
14 persistent offender.

15 (b) This subsection does not apply to any criminal street gang-
16 related felony offense for which involving a minor in the commission of
17 the felony offense is an element of the offense.

18 (c) The increased penalty specified in (a) of this subsection is
19 unavailable in the event that the prosecution gives notice that it will
20 seek an exceptional sentence based on an aggravating factor under RCW
21 9.94A.535.

22 (11) An additional twelve months and one day shall be added to the
23 standard sentence range for a conviction of attempting to elude a
24 police vehicle as defined by RCW 46.61.024, if the conviction included
25 a finding by special allegation of endangering one or more persons
26 under RCW 9.94A.834.

27 (12) An additional twelve months shall be added to the standard
28 sentence range for an offense that is also a violation of RCW
29 9.94A.831.

30 (13) An additional twelve months shall be added to the standard
31 sentence range for vehicular homicide committed while under the
32 influence of intoxicating liquor or any drug as defined by RCW
33 46.61.520 or for vehicular assault committed while under the influence
34 of intoxicating liquor or any drug as defined by RCW 46.61.522, or for
35 any felony driving under the influence (RCW 46.61.502(6)) or felony
36 physical control under the influence (RCW 46.61.504(6)) for each child
37 passenger under the age of sixteen who is an occupant in the
38 defendant's vehicle. These enhancements shall be mandatory, shall be

1 served in total confinement, and shall run consecutively to all other
2 sentencing provisions. If the addition of a minor child enhancement
3 increases the sentence so that it would exceed the statutory maximum
4 for the offense, the portion of the sentence representing the
5 enhancement may not be reduced.

6 (14) An additional twelve months shall be added to the standard
7 sentence range for an offense that is also a violation of RCW
8 9.94A.832.

9 (15) An offender who receives a sentence enhancement under this
10 section is eligible for early release as described in section 3 of this
11 act after serving fifteen years, regardless of the length or number of
12 sentence enhancements.

13 **Sec. 5.** RCW 9.94A.570 and 2000 c 28 s 6 are each amended to read
14 as follows:

15 Notwithstanding the statutory maximum sentence or any other
16 provision of this chapter, except section 3 of this act, a persistent
17 offender shall be sentenced to a term of total confinement for life
18 (~~((without the possibility of release))~~) or, when authorized by RCW
19 10.95.030 for the crime of aggravated murder in the first degree,
20 sentenced to death. In addition, no offender subject to this section
21 may be eligible for community custody, earned release time, furlough,
22 home detention, partial confinement, work crew, work release, (~~(or any~~
23 ~~other form of release as defined under RCW 9.94A.728 (1), (2), (3),~~
24 ~~(4), (6), (8), or (9))~~) extraordinary medical placement, or any other
25 form of authorized leave from a correctional facility while not in the
26 direct custody of a corrections officer or officers, except: (1) In
27 the case of an offender in need of emergency medical treatment; (2) as
28 authorized by section 3 of this act; or ((+2)) (3) for the purpose of
29 commitment to an inpatient treatment facility in the case of an
30 offender convicted of the crime of rape in the first degree.

31 NEW SECTION. **Sec. 6.** A new section is added to chapter 9.95 RCW
32 to read as follows:

33 (1) Whenever the board or a community corrections officer of this
34 state has reason to believe an offender released under section 3 of
35 this act has violated a condition of community custody or the laws of
36 this state, any community corrections officer may arrest or cause the

1 arrest and detention of the offender pending a determination by the
2 board whether sanctions should be imposed. The community corrections
3 officer shall report all facts and circumstances surrounding the
4 alleged violation to the board, with recommendations.

5 (2) If the board or the department causes the arrest or detention
6 of an offender for a violation that does not amount to a new crime and
7 the offender is arrested or detained by local law enforcement or in a
8 local jail, the board or department, whichever caused the arrest or
9 detention, shall be financially responsible for local costs. Jail bed
10 costs shall be allocated at the rate established under RCW 9.94A.740.

11 (3) If an offender released by the board under RCW 9.95.420 is
12 accused of violating any condition or requirement of community custody,
13 he or she is entitled to a hearing before the board or a designee of
14 the board prior to the imposition of sanctions. The hearing shall be
15 considered as offender disciplinary proceedings and shall not be
16 subject to chapter 34.05 RCW. The board shall develop hearing
17 procedures and a structure of graduated sanctions consistent with the
18 hearing procedures and graduated sanctions developed pursuant to RCW
19 9.94A.737. The board may suspend the offender's release to community
20 custody and confine the offender in a correctional institution owned,
21 operated by, or operated under contract with the state prior to the
22 hearing unless the offender has been arrested and confined for a new
23 criminal offense.

24 (4) Following the hearing specified in subsection (3) of this
25 section, the board may impose sanctions such as work release, home
26 detention with electronic monitoring, work crew, community restitution,
27 inpatient treatment, daily reporting, curfew, educational or counseling
28 sessions, supervision enhanced through electronic monitoring, or any
29 other sanctions available in the community, or may suspend the release
30 and sanction up to sixty days confinement in a local correctional
31 facility for each violation whenever an offender released by the board
32 under section 3 of this act violates any condition or requirement of
33 community custody.

34 (5) The hearing procedures required under subsection (3) of this
35 section shall be developed by rule and include the provisions of RCW
36 9.95.435 (4) through (6).

1 NEW SECTION. **Sec. 7.** The indeterminate sentence review board and
2 department of corrections may adopt rules to implement this act.

3 NEW SECTION. **Sec. 8.** Sections 2 and 3 of this act apply
4 retroactively to all eligible offenders incarcerated on the effective
5 date of this section, regardless of the date of the offender's
6 underlying offense.

7 NEW SECTION. **Sec. 9.** This act does not create any expectation
8 that an offender will be released before the end of his or her
9 sentence, and offenders have no reason to conclude that early release
10 as described in section 3 of this act is an entitlement or creates any
11 liberty interest.

12 NEW SECTION. **Sec. 10.** If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

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