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**SUBSTITUTE SENATE BILL 6575**

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**State of Washington                      62nd Legislature                      2012 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by Senators Kline, Hargrove, and Keiser)

READ FIRST TIME 02/03/12.

1            AN ACT Relating to the early release offenders; amending RCW  
2 9.94A.728; and adding a new section to chapter 9.94A RCW.

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

4            **Sec. 1.** 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))~~ offender is granted an  
17 extraordinary medical placement ~~((for an offender when all of the~~  
18 ~~following conditions exist:~~

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

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

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

8       ~~(b) An offender sentenced to death or to life imprisonment without~~  
9 ~~the possibility of release or parole is not eligible for an~~  
10 ~~extraordinary medical placement.~~

11       ~~(c) The secretary shall require electronic monitoring for all~~  
12 ~~offenders in extraordinary medical placement unless the electronic~~  
13 ~~monitoring equipment interferes with the function of the offender's~~  
14 ~~medical equipment or results in the loss of funding for the offender's~~  
15 ~~medical care, in which case, an alternative type of monitoring shall be~~  
16 ~~utilized. The secretary shall specify who shall provide the monitoring~~  
17 ~~services and the terms under which the monitoring shall be performed.~~

18       ~~(d) The secretary may revoke an extraordinary medical placement~~  
19 ~~under this subsection at any time.~~

20       ~~(e) Persistent offenders are not eligible for extraordinary medical~~  
21 ~~placement)) pursuant to section 2 of this act;~~

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

26       (5) No more than the final six months of the offender's term of  
27 confinement may be served in partial confinement designed to aid the  
28 offender in finding work and reestablishing himself or herself in the  
29 community or no more than the final twelve months of the offender's  
30 term of confinement may be served in partial confinement as part of the  
31 parenting program in RCW 9.94A.6551. This is in addition to that  
32 period of earned early release time that may be exchanged for partial  
33 confinement pursuant to RCW 9.94A.729(5)(d);

34       (6) The governor may pardon any offender;

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

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

4 (9) Notwithstanding any other provisions of this section, an  
5 offender sentenced for a felony crime listed in RCW 9.94A.540 as  
6 subject to a mandatory minimum sentence of total confinement shall not  
7 be released from total confinement before the completion of the listed  
8 mandatory minimum sentence for that felony crime of conviction unless  
9 allowed under RCW 9.94A.540.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.94A RCW  
11 to read as follows:

12 (1) An offender is eligible for consideration for extraordinary  
13 medical placement upon written certification by a department-approved  
14 licensed treating physician that, within a reasonable degree of  
15 certainty, one of the following circumstances exist:

16 (a) The offender has a serious incapacitating medical need;

17 (b) The offender is incapacitated by age to the extent that his or  
18 her physical or mental health is substantially diminished;

19 (c) The offender is permanently physically incapacitated; or

20 (d) The offender suffers from a terminal illness caused by injury  
21 or disease that is predicted to result in death within twelve months of  
22 the application for extraordinary medical placement.

23 (2) The secretary may transfer an offender to extraordinary medical  
24 placement if one of the conditions in subsection (1) of this section  
25 applies and:

26 (a) The offender is not sentenced to death or to life imprisonment  
27 without the possibility of release or parole; and

28 (b) The offender has a release plan with adequate living  
29 arrangements in the community.

30 (3) While in the community on extraordinary medical placement, the  
31 department shall:

32 (a) Unless the offender is assessed at a low risk to reoffend,  
33 require the offender to be placed on electronic home monitoring unless  
34 the electronic monitoring equipment interferes with the function of the  
35 offender's medical equipment or results in the loss of funding for the  
36 offender's medical care, in which case, an alternative type of  
37 monitoring shall be utilized;

1 (b) Apply other terms and conditions to the offender's placement as  
2 deemed appropriate by the secretary; and

3 (c) Assign a community corrections officer who will monitor the  
4 offender's compliance with the terms and conditions of the placement.

5 (4) The secretary may revoke an extraordinary medical placement at  
6 any time.

7 (5) Nothing in this section is intended to create an expectation of  
8 release or continued release on extraordinary medical placement or  
9 create an entitlement or liberty interest.

10 (6) The state and its officers, agents, and employees may not be  
11 held criminally or civilly liable for a determination or placement  
12 under this section unless the state or its officers, agents, and  
13 employees acted with reckless disregard of a known risk.

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