

History of DOC Earned Release Time*:

- **1986**

When the SRA was enacted, all offenses were eligible for good time (earned release time), time awarded for good behavior and good performance that could not exceed one-third of the sentence. *RCW 9.94A.150*
- **1990**

In 1990, Earned Release Time (ERT) calculations were changed to limit ERT to 15% when the offense was a Serious Violent offense or a Class A Sex offense (committed on or after July 1, 1990).
- **1994**

Mandatory minimum term statute was amended to clearly exclude the minimum term from ERT calculations.
- **1995**

For any felonies committed after July 23, 1995 that involved firearms and/or other deadly weapon enhancements, the enhancement portion of the sentence was not eligible for ERT.
- **1997**

The Court of Appeals in *Personal Restraint of Mahrle*, 88 Wn. App. 410 (1997), ruled that the 15% cap on good time credit applies only to Class A Serious Violent Offenses and Class A Sex offenses committed on or after July 1, 1990. All others may earn up to one-third earned early release time (33.3%).
- **1999**

The Court of Appeals in *Personal Restraint of Mahrle*, 88 Wn. App. 410 (1997), ruled that the 15% cap on good time credit applies only to an individual convicted of both a Class A Serious Violent Offense and a Class A Sex Offense, committed on or after July 1, 1990, and that all other individuals may earn up to one-third earned early release time. In response, the 1999 Legislature added punctuation to the provision in RCW 9.94A.150(1) limiting earned release time for certain offenses, clarifying that individuals convicted of serious violent offenses and individuals convicted of Class A sex offenses may receive a reduction in confinement time of no more than 15% of the sentence. This language change expressed the Legislature's original intent, and although the *Mahrle* case was not overturned, it no longer applied to future cases.
- **2000**

The SRA was recodified and ERT calculations were moved to RCW 9.94A.728.
- **2003**
 - Lowered ERT from 15% to 10% for an individual convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003.

- Allowed for 50% ERT for low or moderate risk individuals that do not have a **current or prior** offense for: violent, sex, crime against a person, DV, residential burglary or certain drug offenses. Applied retrospectively to anyone in prison on July 1, 2003. Included sunset provision – 50% ERT was not allowed for anyone convicted after July 1, 2010.
- **2009**
 - ERT calculation statutes were removed from RCW 9.94A.728 and became a new RCW – 9.94A.729.
- **2013**
 - ERT calculations were amended to require DOC to adjust an individual's rate of ERT listed on the jail certification to be consistent with the rate applicable to the time allowed while in DOC's facilities.

**Summary does not include changes to jail ERT calculations.*