

FINAL BILL REPORT

SHB 1068

C 323 L 99

Synopsis as Enacted

Brief Description: Providing for more participation by victims, prosecutors, and law enforcement in the clemency and pardons process.

Sponsors: By House Committee on Criminal Justice & Corrections (Originally sponsored by Representatives Ballasiotes, O'Brien, Lambert, Mitchell, Kessler, Esser and Lovick).

House Committee on Criminal Justice & Corrections
Senate Committee on Human Services & Corrections

Background:

Clemency and Pardons Board. The Clemency and Pardons Board receives petitions from individuals, organizations, and the Department of Corrections for the review and reduction of sentences and the pardoning of offenders in extraordinary cases, and makes recommendations on these petitions to the Governor. The board also makes recommendations to the Governor on certain petitions received from individuals or organizations for the restoration of civil rights lost as a result of convictions for federal offenses or out-of-state felonies.

Indeterminate Sentence Review Board. When requested by the Governor, the Indeterminate Sentence Review Board is required to review representations made in support of applications for pardons and for the restoration of civil rights of convicted persons, and make recommendations to the Governor regarding these applications. The board can request the assistance of the Department of Corrections in performing this duty.

Victims' Rights. A reasonable effort must be made to ensure that victims of crimes and survivors of victims are given certain rights with respect to proceedings involving the crime, such as the right to be informed, upon request, of the date, time, and place of trial and of the sentencing hearing, the right to submit a victim impact statement to the court, and the right to present a statement at sentencing hearings.

Summary:

Clemency and Pardons Board/Indeterminate Sentence Review Board. The Clemency and Pardons Board may not recommend that the Governor grant clemency until a public hearing is held on the petition. Likewise, the Indeterminate Sentence Review

Board may not make any recommendations to the Governor in support of an application for pardon until a public hearing has been held either by it or by the Clemency and Pardons Board. With respect to a hearing by either board, the prosecuting attorney of the county where the conviction was obtained must be notified 30 days prior to the scheduled hearing, and must be provided with a copy of the petition. The board may, however, waive the 30-day notice requirement when necessary to permit timely action on the petition. The prosecuting attorney must make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agencies that conducted the investigation of the date and place of the hearing. Information on the victims, survivors, and witnesses receiving notice is confidential and not available to the offender. The board must consider any written, oral, audio or videotaped statements it receives, personally or by representation, from the individuals who receive notice. These provisions do not create a private right or benefit enforceable at law.

Victims' Rights. A reasonable effort must be made to ensure that victims and survivors of victims have the right to present a statement in person, via audio or videotape, in writing, or by representation at any hearing regarding an application for pardon or commutation of sentence.

Votes on Final Passage:

House 95 0
Senate 45 0 (Senate amended)
House 97 0 (House concurred)

Effective: July 25, 1999