

SENATE BILL REPORT

SHB 1068

As Reported By Senate Committee On:
Human Services & Corrections, April 1, 1999

Title: An act relating to clemency and pardons.

Brief Description: Ensuring that prosecuting attorneys and law enforcement agencies have a meaningful role in the clemency process.

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

Brief History:

Committee Activity: Human Services & Corrections: 3/18/99, 4/1/99 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Staff: Lynn Hale (786-7430)

Background: Concern exists that victims, survivors of victims, witnesses of crimes, prosecutors and law enforcement are not being given the opportunity to be involved in the clemency and pardons process.

Summary of Amended Bill: The Clemency and Pardons Board may not recommend that the Governor grant clemency until a public hearing is held on the petition. Similarly, the Indeterminate Sentence Review Board cannot make any recommendations to the Governor in support of an application for pardon until a public hearing has been held, either by them 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 can 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 victims, survivors, and witnesses receiving this notice is confidential and not available to the offender. The board must consider written, oral, audio, or videotaped statements it receives, personally or by representation, from the individuals who receive notice under this provision. No private right or benefit enforceable at law is created.

A reasonable effort is required to be made to ensure that victims and survivors of victims have the right to present a statement at any hearing regarding an application for pardon or commutation of sentence.

Amended Bill Compared to Substitute Bill: A provision has been added that allows victims and survivors of victims to present a statement via audio or videotape at any hearing conducted regarding clemency or pardon petitions.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill gives prosecutors an opportunity to provide notice to victims and witnesses. It enables victims, survivors of victims, and witnesses with an opportunity to participate in the clemency process.

Testimony Against: None.

Testified: PRO: Representative Ballasiotes, prime sponsor; Tom McBride, Washington Association of Prosecuting Attorneys.