

# HOUSE BILL REPORT

## EHB 3261

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### As Passed Legislature

**Title:** An act relating to strengthening the review process by the indeterminate sentence review board by adding two members to the board and allowing victims to provide input at board hearings involving offenders sentenced under RCW 9.94A.712.

**Brief Description:** Strengthening the review process by the indeterminate sentence review board.

**Sponsors:** By Representatives O'Brien, Rodne, Dickerson, Clements, Haigh, Simpson, Pearson, McDonald, Ericks, Kilmer and Williams.

#### **Brief History:**

##### **Committee Activity:**

Criminal Justice & Corrections: 1/31/06 [DP].

##### **Floor Activity:**

Passed House: 2/10/06, 98-0.

Senate Amended.

Passed Senate: 3/3/06, 49-0.

House Refused to Concur.

Senate Receded.

Passed Senate: 3/8/06, 40-0.

Passed Legislature.

#### **Brief Summary of Engrossed Bill**

- Adds more members to the Indeterminate Sentence Review Board.
- Requires the Indeterminate Sentence Review Board to provide opportunities for input from victims when reviewing a "determinate-plus" offender for possible release.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby, Strow and Williams.

**Staff:** Jim Morishima (786-7191).

#### **Background:**

## I. Determinate-Plus Sentencing

In 2001, the Legislature passed 3ESSB 6151, which created a type of sentencing that has come to be known as "determinate-plus" sentencing. Determinate-plus sentencing applies to two groups of offenders: (1) offenders convicted of a first two-strikes sex offense, and (2) offenders who have a prior two-strikes offense in their criminal histories who are convicted of a subsequent sex offense that is not a two-strikes offense.

A court must sentence an offender convicted of a determinate-plus offense to a minimum term and a maximum term. The minimum term is generally equal to the standard range sentence. The maximum term is equal to the statutory maximum for the offense: life for class A felonies; 10 years for class B felonies; and five years for class C felonies.

The Indeterminate Sentence Review Board (ISRB) must evaluate the offender prior to the expiration of the minimum term. The ISRB must order the release of the offender upon expiration of the minimum term unless the offender is likelier than not to commit a sex offense if released. If the ISRB does not release the offender, it must re-evaluate the offender at least once every two years up to the offenders maximum term. If the ISRB releases the offender, the offender will be on community custody status for the remainder of his or her maximum term.

## II. The Membership of the ISRB

The ISRB is composed of a chair and two other members, all appointed by the Governor.

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### **Summary of Engrossed Bill:**

#### I. Determinate-Plus Sentencing

When conducting a hearing regarding the possible release of a determinate-plus offender, the ISRB must provide opportunities for the victim of any crime for which the offender has been convicted to present oral, video, written, or in-person testimony to the ISRB. The procedure for victim input must be developed by rule. To facilitate victim involvement, county prosecutor's offices must ensure that any victim impact statements and known contact information for victims of record are forwarded as part of the judgment and sentence.

#### II. The Membership of the ISRB

A vice-chair and one more member are added to the ISRB, both to be appointed by the Governor.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** The ISRB has a heavy work load. This bill adds personnel to help with that work load. It also allows the point of view of the victims to be considered, which is consistent with what is in our State Constitution. The ISRB already gives input to victims at hearings and this bill simply codifies that practice. What the board really needs is extra staff, not extra members. Determinate-plus sentencing is the cornerstone of the state's ability to control dangerous sex offenders for life. It is crucial for the board to have the staff to do its job well. Having extra staff will also help the board give victims a larger role in the process.

**Testimony Against:** None.

**Persons Testifying:** (In support) Representative O'Brien, prime sponsor; Dave Johnson, Washington Coalition of Crime Victims Advocates; and David Boerner, Sentencing Guidelines Commission.

(Information only) Jeri Costa, Indeterminate Sentence Review Board.

**Persons Signed In To Testify But Not Testifying:** None.