

FINAL BILL REPORT

EHB 3261

PARTIAL VETO

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Synopsis as Enacted

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.

House Committee on Criminal Justice & Corrections

Senate Committee on Judiciary

Senate Committee on Ways & Means

Background:

I. Determinate-Plus Sentencing

In 2001, legislation was enacted that 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 offender's 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.

Summary:

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.

Votes on Final Passage:

House	98	0	
Senate	49	0	(Senate amended)
House			(House refused to concur)
Senate			(Senate receded)
Senate	40	0	

Effective: June 7, 2006

Partial Veto Summary: Removes the section that added two members to the ISRB. Removes the emergency clause.