

HOUSE BILL REPORT

HB 1592

As Passed Legislature

Title: An act relating to the indeterminate sentenced offenders.

Brief Description: Revising provisions relating to the indeterminate sentence review board.

Sponsors: By Representative Hurst; by request of Indeterminate Sentence Review Board.

Brief History:

Committee Activity:

Human Services: 1/30/07, 2/1/07 [DP];
Appropriations: 3/1/07, 3/3/07 [DP].

Floor Activity:

Passed House: 3/7/07, 98-0.
Senate Amended.
Passed Senate: 4/9/07, 42-0.
House Concurred.
Passed House: 4/14/07, 93-0.
Passed Legislature.

<h3>Brief Summary of Bill</h3>

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| <ul style="list-style-type: none">• Revises authority of the Indeterminate Sentencing Review Board to set new minimum terms, impose local confinement for violations, and modifies language pertaining to the hearings. |
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HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass. Signed by 6 members: Representatives Dickerson, Chair; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey, McCoy and O'Brien.

Minority Report: Do not pass. Signed by 1 member: Representative Darneille.

Staff: Sonja Hallum (786-7092).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 32 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Buri, Cody, Conway, Darneille, Dunn, Ericks, Fromhold, Grant, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Kretz, Linville, McDermott, McDonald, McIntire, Morrell, Pettigrew, Priest, Schual-Berke, Seaquist, P. Sullivan and Walsh.

Minority Report: Do not pass. Signed by 2 members: Representatives Anderson and Chandler.

Staff: Elisabeth Donner (786-7137).

Background:

The Indeterminate Sentence Review Board (ISRB) makes decisions regarding the release and supervision of two types of offenders: offenders sentenced under indeterminate sentencing and those sentenced under determinate plus sentencing.

Criminal defendants in Washington who committed crimes before July 1, 1984, were subject to indeterminate sentencing. Under that system, a judge imposed a minimum and a maximum sentence. As a person neared the end of his or her minimum sentence, the Parole Board (which was the predecessor to the ISRB) would determine if release was appropriate. If the Parole Board decided not to release the person, it would assign a new minimum term, after which the person would be reevaluated to determine whether release was appropriate.

Most persons who have committed crimes in Washington after July 1, 1984, are subject to determinate sentencing, which is characterized by specific sentences that are prescribed for various crimes. However, certain persons who have committed serious sex offenses are subject to determinate plus sentencing, in which the judge imposes a minimum and a maximum sentence. As a person sentenced under the determinate plus system reaches the end of his or her minimum sentence, the ISRB determines if release and supervision are appropriate.

In determining whether to release a determinate plus offender, the ISRB must consider whether the offender is more likely than not to commit a new sex offense after release. If the ISRB determines that an offender is more likely than not to commit a new sex offense, the ISRB must establish a new minimum term for the offender, not to exceed an additional two years. The ISRB must hold another release hearing for the offender 120 days prior to the offender's new release date.

When a determinate plus offender violates the conditions of his or her community custody, the ISRB may impose sanctions such as work release, home detention with electronic monitoring, work crew, curfew, daily reporting, treatment, community restitution or may suspend or revoke the offender's release to community custody. The current statutory language does not authorize the ISRB to impose a sanction of confinement less than complete revocation of the offender's community custody release.

An offender who is accused of violating a condition of his or her community custody is entitled to a violation hearing before the ISRB or the board's designee.

Summary of Bill:

The new minimum term established by the ISRB for a determinate plus offender who is not released may not exceed five years. In setting the new minimum term, the ISRB may consider the length of time necessary for the offender to complete treatment, as well as other factors that relate to the offender's release. An offender must be permitted to petition for earlier release if circumstances change or if new information warrants earlier review.

A determinate plus offender who has been released and violates the terms of his or her community custody may be sanctioned with a term of confinement up to 60 days.

References to hearing examiner are changed to "presiding hearing officer."

The requirement that the ISRB provide notice of the violation is removed. A requirement is added that the ISRB must provide the offender with findings and conclusions as to its decision on a violation and will notify the offender of the right to appeal.

The ISRB may issue a certificate of discharge to an offender who has performed all the obligations of his or her release including the payment of any and all legal financial obligations.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: (Human Services)

(In support) The legislation creating determinate plus sentencing was the most important change dealing with sex offenders in years. The change has created more work for the ISRB. There are a number of offenders who need to finish treatment before they can be considered for parole. The current hearing requirements mean that some offenders have multiple hearings in order to have the treatment finished. This costs taxpayers more money for each unnecessary hearing. The bill does allow offenders to ask for an earlier hearing if their circumstances change. There are other changes in the bill to comply with what the ISRB is already doing.

(Opposed) None.

Staff Summary of Public Testimony: (Appropriations)

(In support) This is agency request legislation to assist the Indeterminate Sentencing Review Board (ISRB) in mitigating the costs of an increasing caseload, which is growing by approximately 300 per year. There is a cost associated with every hearing for the ISRB and

the Department of Corrections. The bill will ultimately result in a cost savings for the ISRB. The major policy piece was to give the ISRB authorization to expand the minimum term from two years to five years. The new time frame gives the offenders the ability to complete treatment programs prior to the next hearing. The first time the ISRB is required to see the offender is based on the minimum term set by the judge. If the offender is not found releasable, then the bill would allow the ISRB to expand the minimum term from two years to five years.

(Opposed) None.

Persons Testifying: (Human Services) Representative Hurst, prime sponsor; and Jeri Costa, Indeterminate Sentence Review Board.

Persons Testifying: (Appropriations) Jeri Costa, Indeterminate Sentencing Review Board.

Persons Signed In To Testify But Not Testifying: (Human Services) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.