

# SENATE BILL REPORT

## HB 1592

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As Reported By Senate Committee On:  
Human Services & Corrections, March 23, 2007

**Title:** An act relating to the indeterminate sentenced offenders.

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

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

**Brief History:** Passed House: 3/07/07, 98-0.

**Committee Activity:** Human Services & Corrections: 3/23/07 [DPA].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell and McAuliffe.

**Staff:** Shani Bauer (786-7468)

**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 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, ISRB determines if release and supervision is appropriate.

In determining whether to release a determinate plus offender, ISRB must consider whether the offender is more likely than not to commit a new sex offense after release. If ISRB determines that an offender is more likely than not to commit a new sex offense, ISRB must

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establish a new minimum term for the offender, not to exceed an additional two years. 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, ISRB may impose sanctions such as partial confinement, treatment, or community restitution or may suspend or revoke the offender's release to community custody. The current statutory language does not authorize 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. A violation hearing may be heard by a member of ISRB, a board examiner, or a DOC hearing officer if ISRB enters into an agreement with DOC to use its hearing officers.

**Summary of Bill:** The new minimum term established by ISRB for a determinate plus offender who is not released may not exceed five years. ISRB is also directed to adopt rules permitting an offender to petition for an earlier review if circumstances change or the ISRB receives new information.

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 a hearing examiner are updated to "presiding hearing officer" to reflect that the violation hearing may be heard by a board member, board examiner, or DOC hearing officer. 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.

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.

**EFFECT OF CHANGES MADE BY RECOMMENDED AMENDMENT(S) AS PASSED COMMITTEE (Human Services & Corrections):** In setting a new minimum term for an offender, the ISRB may consider the time necessary for an offender to complete treatment or other relevant factors relating to the offender's release. Language is added to clarify that the ISRB is responsible for notifying an offender of the right to appeal a sanction.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: The provision in this bill allowing the ISRB to set a new minimum term up to five years is a work management issue. The current maximum of two years often does not allow sufficient time for an offender to complete sex offender treatment. The ISRB is required to give the offender a hearing even though there is little chance of release. This change will allow the ISRB to judiciously set a minimum term for the offender taking these types of issues into account.

**Persons Testifying:** PRO: Jeri Costa, Chair, ISRB.