
**Public Safety & Emergency Preparedness
Committee**

HB 2521

Brief Description: Creating a citizens' custody review board.

Sponsors: Representatives Finn, Roberts and Haigh.

Brief Summary of Bill

- Creates the Citizens' Custody Review Board to determine whether an offender will be released from the Department of Corrections before the end of his or her sentence.

Hearing Date: 1/27/12

Staff: Sarah Koster (786-7303).

Background:

Under current law, any person sentenced under the Sentencing Reform Act serving a sentence under the custody of the Department of Corrections (DOC) may not leave the facility or be released prior to expiration of the sentence except in the following circumstances:

1. through earned early release time;
2. pursuant to an authorized furlough or leave of absence;
3. through an extraordinary medical placement;
4. upon extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances, granted by the Governor;
5. pursuant to partial confinement designed to aid the offender in finding work and re-establishing him or herself in the community;
6. pursuant to a pardon, granted by the Governor;
7. 10 days before release time, subject to the DOC's discretion; or
8. pursuant to an emergency due to inmate population exceeding correctional capacity.

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.

Summary of Bill:

House Bill 2521 describes the creation of a Citizen's Custody Review Board (Board). The Board will make determinations as to whether an offender will be released from the DOC before the end of his or her sentence.

The Board will have exclusive jurisdiction over offenders who have served: (1) 20 years or more of a sentence imposed under a single cause number; or (2) 25 years, under multiple cause numbers, since the age of 18. However, the Board does not have jurisdiction over certain sex offenders or offenders sentenced as persistent offenders.

The Board will receive applicants from offenders and make decisions regarding the release of an offender from the custody of the DOC and the conditions of release. Additionally, the Board makes determinations about the return of released offenders to the custody of the DOC.

The Board's decisions may consider the following factors:

- a. the length of time served by the offender in total confinement within the DOC;
- b. documented participation in rehabilitation activities and volunteer programs provided within the DOC;
- c. whether a local citizens' re-entry coalition program for transitioning offenders or local community or family support group is able to provide necessary support services;
- d. the results of consultation by the Board with the local or regional community corrections offices regarding available resources to support a released offender;
- e. the offender's likelihood to reoffend as determined by the results of a risk assessment conducted by the DOC;
- f. the offender's level of education or skills training;
- g. the existence of a re-entry plan that has been approved by the Board; and
- h. public safety.

If the Board denies release for an offender, the offender may petition again after three years have passed.

The Board will work with regional community custody offices and with local law enforcement to establish post-release conditions for an offender.

If an offender violates the terms of release, a three member panel of the Board will conduct an administrative hearing to determine whether to continue providing post-release support to the offender or whether to return the offender to the DOC.

Appropriation: None.

Fiscal Note: Requested on January 17, 2012.

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