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## Public Safety Committee

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### E2SSB 6242

**Brief Description:** Requiring the indeterminate sentence review board to provide certain notices upon receiving a petition for early release.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators O'Ban, Pedersen, Padden, Roach, Hargrove, Pearson, Darneille, Frockt and Sheldon).

**Brief Summary of Engrossed Second Substitute Bill**

- Requires the Indeterminate Sentence Review Board to provide certain notices and keep comprehensive meeting minutes when reviewing parole eligible offenders who committed their offenses before July 1, 1984, and early release petitions from certain offenders convicted of crimes as juveniles.

**Hearing Date:** 2/23/16

**Staff:** Kelly Leonard (786-7147).

**Background:**

*Indeterminate Sentence Review Board.* Washington's Indeterminate Sentence Review Board (ISRB) is made up of a chair and three board members appointed by the Governor, and it oversees three different groups of offenders.

First, the ISRB oversees certain sex offenders. The sex offenders supervised within this group committed their offenses after August 31, 2001, and have "indeterminate-plus" sentences rather than the determinate sentences imposed under the Sentencing Reform Act (SRA). The sentencing court sets a minimum prison term and a maximum term. After the offender serves the minimum term, the ISRB determines whether the offender will be released from prison. If the ISRB decides against release, a new minimum term is set. If the offender is released, he or she is placed on community custody.

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*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.*

Second, the ISRB oversees offenders who committed their offenses before the enactment of the SRA, July 1, 1984. These offenders have indeterminate sentences. The sentencing court set a maximum term for the offender. The minimum term is subsequently set by the ISRB. If the ISRB determines that an offender may be released from prison before their maximum term of confinement is served, the person is released on parole.

Third, the ISRB oversees certain offenders convicted of crimes as juveniles and sentenced to prison for longer than 20 years. After 20 years, an offender may petition the ISRB for release. If the offender is not released, he or she may petition for release again in five years. If an offender is released, he or she will be placed in community custody for a term determined by the ISRB. The ISRB also oversees offenders convicted of Aggravated Murder in the first degree as juveniles, for which the ISRB automatically reviews sentences after 25 years according to procedures similar to "indeterminate-plus" sentences.

In all three circumstances, the ISRB is required to consider certain factors prescribed in statute when determining whether to release an offender from prison.

*Victims' Rights.* In 2009 the Legislature expanded the statutory rights of crime victims to include issues related to the ISRB proceedings. Victims, survivors of victims, and witnesses have a right to make a statement that must be considered prior to the ISRB granting release from confinement. The statements may be made in person, by representation, via audio, videotape, or other electronic means, or in writing.

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

The bill creates requirements regarding reviewing and hearing cases of parole eligible offenders who committed their offenses before the enactment of the SRA, July 1, 1984, and of early release of offenders convicted of crimes as juveniles and sentenced to prison for longer than 20 years.

*Notice and Copies of Records.* Upon receipt of a petition for early release or a determination of a parole eligibility, the ISRB must provide notice and a copy of a petition or copies of parole eligibility documents to the sentencing court, prosecuting attorney, and crime victim or surviving family member. The ISRB must provide copies of any assessment, psychological evaluation, institutional behavior record, or other examination of the offender upon request. The notice and related records must be given at least 90 days prior to the review hearing.

All records must be disclosed in full and without redaction. There is a presumption that no records are exempt from disclosure to the sentencing court, prosecuting attorney, and crime victim or surviving family member, in whole or in part. The ISRB may not claim any exemption from disclosure for the records reviewed for an early release petition or parole eligibility review hearing.

*Meeting Minutes.* The ISRB and its subcommittees must take comprehensive minutes of all meetings and hearings involving any petition for early release or parole eligibility review. The comprehensive minutes should include, but not be limited to: the board members present, the name of the petitioner seeking review, the purpose and date of the meeting or hearing, a listing of documents reviewed, the names of members of the public who testify, a summary of discussion, the motions or other actions taken, and the votes of the ISRB members.

The minutes must be posted on the ISRB website within 30 days of the meeting or hearing, without any information withheld or redacted. Nothing precludes the ISRB from receiving confidential input from a crime victim or surviving family member.

**Appropriation:** None.

**Fiscal Note:** Available.

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