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**HOUSE BILL 2547**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By Representative Appleton**

Read first time 01/15/20. Referred to Committee on Public Safety.

1 AN ACT Relating to allowing qualifying incarcerated persons to  
2 apply for possible early release; amending RCW 9.94A.501, 9.94A.570,  
3 9.94A.728, 9.95.422, 9.95.425, 9.95.430, 9.95.435, 9.95.440,  
4 9.94A.533, 9.94A.6332, and 10.95.030; adding a new section to chapter  
5 9.94A RCW; adding a new section to chapter 9.95 RCW; and creating new  
6 sections.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A  
9 RCW to read as follows:

10 (1) ELIGIBILITY TO PETITION FOR POSTCONVICTION REVIEW AND  
11 RELEASE. Notwithstanding any other provision of this chapter or  
12 chapter 10.95 RCW, any offender convicted of one or more crimes may  
13 petition the board for early release from confinement, provided that  
14 he or she:

15 (a) Has served at least twenty consecutive years of total  
16 confinement, unless he or she is serving a sentence for aggravated  
17 murder under chapter 10.95 RCW, in which case he or she must have  
18 served at least twenty-five consecutive years of total confinement;

19 (b) Does not or will not qualify to petition for early release  
20 under RCW 9.94A.730;

1 (c) Is not serving a sentence for an offense committed before  
2 July 1, 1984, where he or she is or will be eligible for review by  
3 the board;

4 (d) Is not serving a sentence for an offense with a sentence  
5 imposed under RCW 9.94A.507, where he or she is or will be eligible  
6 for review by the board after serving his or her minimum term;

7 (e) Is not currently eligible to seek release under RCW  
8 10.95.030(3);

9 (f) Is not serving a sentence of life imprisonment resulting from  
10 having a death sentence converted by *State v. Gregory*, 192 Wn.2d 1,  
11 427 P.3d 621 (2018); and

12 (g) Has not committed a disqualifying serious infraction as  
13 defined by the department in the twelve months prior to filing the  
14 petition for early release.

15 (2) ASSESSMENT BY THE DEPARTMENT. (a) No later than five years  
16 prior to the date the offender will be eligible to petition for  
17 release, the department shall conduct an assessment of the offender  
18 and identify programming and services that would be appropriate to  
19 prepare the offender for return to the community. To the extent  
20 possible, the department shall make programming available as  
21 identified by the assessment.

22 (b) No later than one hundred eighty days from receipt of the  
23 petition for early release, the department shall conduct, and the  
24 offender shall participate in, an examination of the person,  
25 incorporating methodologies that are recognized by experts in the  
26 prediction of dangerousness and including a prediction of the  
27 probability that the person will engage in future criminal behavior  
28 if released on conditions to be set by the board. The board may  
29 consider a person's failure to participate in an evaluation under  
30 this subsection in determining whether to release the person.

31 (3) REVIEW OF PETITIONS. (a) The board shall establish criteria  
32 for reviewing petitions under this section, which must include  
33 consideration of: Public safety; the seriousness of the offense;  
34 crime victims; the offender's remorse and atonement for the offense  
35 committed, or absence thereof; the offender's productivity and life  
36 changes while incarcerated; the offender's infraction history while  
37 incarcerated; the offender's completion of, and responsivity to,  
38 programs made available to him or her while incarcerated; the  
39 offender's rehabilitative status; and the offender's behavioral  
40 health history. The board shall give public safety considerations the

1 highest priority when making all decisions regarding the ability for  
2 release and conditions of release. The board's decision to release an  
3 offender is discretionary based on consideration of the criteria  
4 established by the board. When a petition is filed under this  
5 section, the board may: Deny a petition without a hearing, on the  
6 basis that either the offender fails to meet the statutory  
7 eligibility or the offender has not made a prima facie showing that  
8 he or she meets the criteria for review established by the board; or  
9 conduct a hearing and then grant or deny the petition.

10 (b) If a petitioner is serving a sentence imposed under RCW  
11 10.95.030(3) and has already served the minimum term established by  
12 the court, the court shall review the petition and grant or deny  
13 release according to the requirements and timelines established under  
14 RCW 10.95.030. If a petitioner has not yet served the minimum term  
15 established by the court, but otherwise meets the requirements under  
16 this section and the criteria established by the board, the board may  
17 review the petition and grant or deny release according to the  
18 requirements and timelines established under this section.

19 (4) VICTIM INPUT. In a hearing conducted under this section, the  
20 board shall provide opportunities for victims and survivors of  
21 victims of any crimes for which the offender has been convicted to  
22 present statements as set forth in RCW 7.69.032. The procedures for  
23 victim and survivor of victim input shall be provided by rule. To  
24 facilitate victim and survivor of victim involvement, county  
25 prosecutor's offices shall ensure that any victim impact statements  
26 and known contact information for victims of record and survivors of  
27 victims are forwarded as part of the judgment and sentence. The  
28 hearing must comply with the requirements of RCW 9.95.422.

29 (5) DECISIONS TO GRANT OR DENY PETITIONS. (a) After a hearing,  
30 the board may order the offender released under such affirmative and  
31 other conditions as the board determines appropriate. When the board  
32 grants or denies a petition, it shall specify the reasons for the  
33 decision. An offender released by the board is subject to the  
34 supervision of the department for a period to be determined by the  
35 board, which may not be less than three years and no more than the  
36 length of the original sentence.

37 (b) An offender whose petition for release is denied may file a  
38 new petition for release five years from the date of denial or at an  
39 earlier date as may be set by the board.

1 (6) COMMUNITY CUSTODY AND VIOLATIONS. The department shall  
2 monitor the offender's compliance with conditions of community  
3 custody imposed by the court or board and promptly report any  
4 violations to the board. Any violation of conditions of community  
5 custody established or modified by the board are subject to the  
6 provisions of RCW 9.95.425 through 9.95.440. An offender released  
7 under the provisions of this section may be returned to the  
8 institution at the discretion of the board if the offender is found  
9 to have violated a condition of community custody. The offender is  
10 entitled to a hearing pursuant to RCW 9.95.435. If the board finds  
11 that the offender has committed a new violation, the board may return  
12 the offender to the institution for up to the remainder of the court-  
13 imposed term of incarceration. The offender may file a new petition  
14 for release five years from the date of return to the institution or  
15 at an earlier date as may be set by the board.

16 **Sec. 2.** RCW 9.94A.501 and 2019 c 191 s 2 are each amended to  
17 read as follows:

18 (1) The department shall supervise the following offenders who  
19 are sentenced to probation in superior court, pursuant to RCW  
20 9.92.060, 9.95.204, or 9.95.210:

21 (a) Offenders convicted of:

22 (i) Sexual misconduct with a minor second degree;

23 (ii) Custodial sexual misconduct second degree;

24 (iii) Communication with a minor for immoral purposes; and

25 (iv) Violation of RCW 9A.44.132(2) (failure to register); and

26 (b) Offenders who have:

27 (i) A current conviction for a repetitive domestic violence  
28 offense where domestic violence has been pleaded and proven after  
29 August 1, 2011; and

30 (ii) A prior conviction for a repetitive domestic violence  
31 offense or domestic violence felony offense where domestic violence  
32 has been pleaded and proven after August 1, 2011.

33 (2) Misdemeanor and gross misdemeanor offenders supervised by the  
34 department pursuant to this section shall be placed on community  
35 custody.

36 (3) The department shall supervise every felony offender  
37 sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702  
38 whose risk assessment classifies the offender as one who is at a high  
39 risk to reoffend.

1 (4) Notwithstanding any other provision of this section, the  
2 department shall supervise an offender sentenced to community custody  
3 regardless of risk classification if the offender:

4 (a) Has a current conviction for a sex offense or a serious  
5 violent offense and was sentenced to a term of community custody  
6 pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

7 (b) Has been identified by the department as a dangerous mentally  
8 ill offender pursuant to RCW 72.09.370;

9 (c) Has an indeterminate sentence and is subject to parole  
10 pursuant to RCW 9.95.017;

11 (d) Has a current conviction for violating RCW 9A.44.132(1)  
12 (failure to register) and was sentenced to a term of community  
13 custody pursuant to RCW 9.94A.701;

14 (e)(i) Has a current conviction for a domestic violence felony  
15 offense where domestic violence has been pleaded and proven after  
16 August 1, 2011, and a prior conviction for a repetitive domestic  
17 violence offense or domestic violence felony offense where domestic  
18 violence was pleaded and proven after August 1, 2011. This subsection  
19 (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

20 (ii) Has a current conviction for a domestic violence felony  
21 offense where domestic violence was pleaded and proven. The state and  
22 its officers, agents, and employees shall not be held criminally or  
23 civilly liable for its supervision of an offender under this  
24 subsection (4)(e)(ii) unless the state and its officers, agents, and  
25 employees acted with gross negligence;

26 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660,  
27 9.94A.670, or 9.94A.711;

28 (g) Is subject to supervision pursuant to RCW 9.94A.745; (~~(e)~~)

29 (h) Was convicted and sentenced under RCW 46.61.520 (vehicular  
30 homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6)  
31 (felony DUI), or RCW 46.61.504(6) (felony physical control); or

32 (i) Is required to serve community custody under section 1 of  
33 this act.

34 (5) The department shall supervise any offender who is released  
35 by the indeterminate sentence review board and who was sentenced to  
36 community custody or subject to community custody under the terms of  
37 release.

38 (6) The department is not authorized to, and may not, supervise  
39 any offender sentenced to a term of community custody or any

1 probationer unless the offender or probationer is one for whom  
2 supervision is required under this section or RCW 9.94A.5011.

3 (7) The department shall conduct a risk assessment for every  
4 felony offender sentenced to a term of community custody who may be  
5 subject to supervision under this section or RCW 9.94A.5011.

6 (8) The period of time the department is authorized to supervise  
7 an offender under this section may not exceed the duration of  
8 community custody specified under RCW 9.94B.050, 9.94A.701 (1)  
9 through (8), or 9.94A.702, except in cases where the court has  
10 imposed an exceptional term of community custody under RCW 9.94A.535.

11 **Sec. 3.** RCW 9.94A.570 and 2000 c 28 s 6 are each amended to read  
12 as follows:

13 (1) Notwithstanding the statutory maximum sentence or any other  
14 provision of this chapter, a persistent offender shall be sentenced  
15 to a term of total confinement for life ((without the possibility of  
16 release or, when authorized by RCW 10.95.030 for the crime of  
17 aggravated murder in the first degree, sentenced to death. In  
18 addition, no offender subject to this section may be)) and may only  
19 be released if authorized by the board under section 1 of this act.

20 (2) Except when released by the board under section 1 of this  
21 act, a persistent offender is not eligible for community custody,  
22 earned release time, furlough, home detention, partial confinement,  
23 work crew, work release, or any other form of release as defined  
24 under RCW 9.94A.728(1) ((, (2), (3), (4), (6), (8), or (9))) (a), (b),  
25 (c), (e), (f), (h), or (i), or any other form of authorized leave  
26 from a correctional facility while not in the direct custody of a  
27 corrections officer or officers, except: ((1)) (a) In the case of  
28 an offender in need of emergency medical treatment; or ((2)) (b)  
29 for the purpose of commitment to an inpatient treatment facility in  
30 the case of an offender convicted of the crime of rape in the first  
31 degree.

32 **Sec. 4.** RCW 9.94A.728 and 2018 c 166 s 2 are each amended to  
33 read as follows:

34 (1) No person serving a sentence imposed pursuant to this chapter  
35 and committed to the custody of the department shall leave the  
36 confines of the correctional facility or be released prior to the  
37 expiration of the sentence except as follows:

1 (a) An offender may earn early release time as authorized by RCW  
2 9.94A.729;

3 (b) An offender may leave a correctional facility pursuant to an  
4 authorized furlough or leave of absence. In addition, offenders may  
5 leave a correctional facility when in the custody of a corrections  
6 officer or officers;

7 (c) (i) The secretary may authorize an extraordinary medical  
8 placement for an offender when all of the following conditions exist:

9 (A) The offender has a medical condition that is serious and is  
10 expected to require costly care or treatment;

11 (B) The offender poses a low risk to the community because he or  
12 she is currently physically incapacitated due to age or the medical  
13 condition or is expected to be so at the time of release; and

14 (C) It is expected that granting the extraordinary medical  
15 placement will result in a cost savings to the state.

16 (ii) An offender sentenced to death or to life imprisonment  
17 without the possibility of release or parole is not eligible for an  
18 extraordinary medical placement.

19 (iii) The secretary shall require electronic monitoring for all  
20 offenders in extraordinary medical placement unless the electronic  
21 monitoring equipment interferes with the function of the offender's  
22 medical equipment or results in the loss of funding for the  
23 offender's medical care, in which case, an alternative type of  
24 monitoring shall be utilized. The secretary shall specify who shall  
25 provide the monitoring services and the terms under which the  
26 monitoring shall be performed.

27 (iv) The secretary may revoke an extraordinary medical placement  
28 under this subsection (1) (c) at any time.

29 (v) Persistent offenders are not eligible for extraordinary  
30 medical placement;

31 (d) The governor, upon recommendation from the clemency and  
32 pardons board, may grant an extraordinary release for reasons of  
33 serious health problems, senility, advanced age, extraordinary  
34 meritorious acts, or other extraordinary circumstances;

35 (e) No more than the final twelve months of the offender's term  
36 of confinement may be served in partial confinement for aiding the  
37 offender with: Finding work as part of the work release program under  
38 chapter 72.65 RCW; or reestablishing himself or herself in the  
39 community as part of the parenting program in RCW 9.94A.6551. This is

1 in addition to that period of earned early release time that may be  
2 exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);

3 (f) No more than the final six months of the offender's term of  
4 confinement may be served in partial confinement as home detention as  
5 part of the graduated reentry program developed by the department  
6 under RCW 9.94A.733;

7 (g) The governor may pardon any offender;

8 (h) The department may release an offender from confinement any  
9 time within ten days before a release date calculated under this  
10 section;

11 (i) An offender may leave a correctional facility prior to  
12 completion of his or her sentence if the sentence has been reduced as  
13 provided in RCW 9.94A.870;

14 (j) Notwithstanding any other provisions of this section, an  
15 offender sentenced for a felony crime listed in RCW 9.94A.540 as  
16 subject to a mandatory minimum sentence of total confinement shall  
17 not be released from total confinement before the completion of the  
18 listed mandatory minimum sentence for that felony crime of conviction  
19 unless allowed under RCW 9.94A.540; (~~and~~)

20 (k) Any person convicted of one or more crimes committed prior to  
21 the person's eighteenth birthday may be released from confinement  
22 pursuant to RCW 9.94A.730; and

23 (1) An offender may leave a correctional facility prior to  
24 completion of his or her sentence if he or she qualifies under  
25 section 1 of this act and release has been granted by the board.

26 (2) Offenders residing in a juvenile correctional facility  
27 placement pursuant to RCW 72.01.410(1)(a) are not subject to the  
28 limitations in this section.

29 **Sec. 5.** RCW 9.95.422 and 2016 c 218 s 2 are each amended to read  
30 as follows:

31 (1) Upon receipt of a petition for early release submitted under  
32 RCW 9.94A.730 or section 1 of this act, or upon determination of a  
33 parole eligibility review date pursuant to RCW 9.95.100 and 9.95.052,  
34 the indeterminate sentence review board must provide notice and a  
35 copy of a petition or parole eligibility documents to the sentencing  
36 court, prosecuting attorney, and crime victim or surviving family  
37 member. The board may request the prosecuting attorney to assist in  
38 contacting the crime victim or surviving family member. If requested  
39 in writing by the sentencing court, the prosecuting attorney, or the



1 crime victim or surviving family member, the indeterminate sentence  
2 review board must also provide any assessment, psychological  
3 evaluation, institutional behavior record, or other examination of  
4 the offender. Notice of the early release hearing date or parole  
5 eligibility date, and any evaluations or information relevant to the  
6 release decision, must be provided at least ninety days before the  
7 early release hearing or parole eligibility review hearing. The  
8 records described in this section, and other records reviewed by the  
9 board in response to the petition or parole eligibility  
10 review(~~(+)~~), must be disclosed in full and without redaction.  
11 Copies of records to be provided to the sentencing court and  
12 prosecuting attorney under this section must be provided as required  
13 without regard to whether the board has received a request for  
14 copies.

15 (2) For the purpose of review by the board of a petition for  
16 early release or parole eligibility, it is presumed that none of the  
17 records reviewed are exempt from disclosure to the sentencing court,  
18 prosecuting attorney, and crime victim or surviving family member, in  
19 whole or in part. The board may not claim any exemption from  
20 disclosure for the records reviewed for an early release petition or  
21 parole eligibility review hearing.

22 (3) The board and its subcommittees must provide comprehensive  
23 minutes of all related meetings and hearings on a petition for early  
24 release or parole eligibility review hearing. The comprehensive  
25 minutes should include, but not be limited to, the board members  
26 present, the name of the petitioner seeking review, the purpose and  
27 date of the meeting or hearing, a listing of documents reviewed, the  
28 names of members of the public who testify, a summary of discussion,  
29 the motions or other actions taken, and the votes of board members by  
30 name. For the purposes of this subsection, "action" has the same  
31 meaning as in RCW 42.30.020. The comprehensive minutes must be  
32 publicly and conspicuously posted on the board's web site within  
33 thirty days of the meeting or hearing, without any information  
34 withheld or redacted. Nothing in this subsection precludes the board  
35 from receiving confidential input from the crime victim or surviving  
36 family member.

37 **Sec. 6.** RCW 9.95.425 and 2014 c 130 s 5 are each amended to read  
38 as follows:

1 (1) Whenever the board or a community corrections officer of this  
2 state has reason to believe an offender released under RCW 9.95.420,  
3 10.95.030(3), (~~(e)~~) 9.94A.730, or section 1 of this act has violated  
4 a condition of community custody or the laws of this state, any  
5 community corrections officer may arrest or cause the arrest and  
6 detention of the offender pending a determination by the board  
7 whether sanctions should be imposed or the offender's community  
8 custody should be revoked. The community corrections officer shall  
9 report all facts and circumstances surrounding the alleged violation  
10 to the board, with recommendations.

11 (2) If the board or the department causes the arrest or detention  
12 of an offender for a violation that does not amount to a new crime  
13 and the offender is arrested or detained by local law enforcement or  
14 in a local jail, the board or department, whichever caused the arrest  
15 or detention, shall be financially responsible for local costs. Jail  
16 bed costs shall be allocated at the rate established under RCW  
17 9.94A.740.

18 **Sec. 7.** RCW 9.95.430 and 2014 c 130 s 6 are each amended to read  
19 as follows:

20 Any offender released under RCW 9.95.420, 10.95.030(3), (~~(e)~~)  
21 9.94A.730, or section 1 of this act who is arrested and detained in  
22 physical custody by the authority of a community corrections officer,  
23 or upon the written order of the board, shall not be released from  
24 custody on bail or personal recognizance, except upon approval of the  
25 board and the issuance by the board of an order reinstating the  
26 offender's release on the same or modified conditions. All chiefs of  
27 police, marshals of cities and towns, sheriffs of counties, and all  
28 police, prison, and peace officers and constables shall execute any  
29 such order in the same manner as any ordinary criminal process.

30 **Sec. 8.** RCW 9.95.435 and 2014 c 130 s 7 are each amended to read  
31 as follows:

32 (1) If an offender released by the board under RCW 9.95.420,  
33 10.95.030(3), (~~(e)~~) 9.94A.730, or section 1 of this act violates any  
34 condition or requirement of community custody, the board may transfer  
35 the offender to a more restrictive confinement status to serve up to  
36 the remaining portion of the sentence, less credit for any period  
37 actually spent in community custody or in detention awaiting

1 disposition of an alleged violation and subject to the limitations of  
2 subsection (2) of this section.

3 (2) Following the hearing specified in subsection (3) of this  
4 section, the board may impose sanctions such as work release, home  
5 detention with electronic monitoring, work crew, community  
6 restitution, inpatient treatment, daily reporting, curfew,  
7 educational or counseling sessions, supervision enhanced through  
8 electronic monitoring, or any other sanctions available in the  
9 community, or may suspend the release and sanction up to sixty days'  
10 confinement in a local correctional facility for each violation, or  
11 revoke the release to community custody whenever an offender released  
12 by the board under RCW 9.95.420, 10.95.030(3), (~~(9.94A.730)~~) 9.94A.730, or  
13 section 1 of this act violates any condition or requirement of  
14 community custody.

15 (3) If an offender released by the board under RCW 9.95.420,  
16 10.95.030(3), (~~(9.94A.730)~~) 9.94A.730, or section 1 of this act is accused  
17 of violating any condition or requirement of community custody, he or  
18 she is entitled to a hearing before the board or a designee of the  
19 board prior to the imposition of sanctions. The hearing shall be  
20 considered as offender disciplinary proceedings and shall not be  
21 subject to chapter 34.05 RCW. The board shall develop hearing  
22 procedures and a structure of graduated sanctions consistent with the  
23 hearing procedures and graduated sanctions developed pursuant to RCW  
24 9.94A.737. The board may suspend the offender's release to community  
25 custody and confine the offender in a correctional institution owned,  
26 operated by, or operated under contract with the state prior to the  
27 hearing unless the offender has been arrested and confined for a new  
28 criminal offense.

29 (4) The hearing procedures required under subsection (3) of this  
30 section shall be developed by rule and include the following:

31 (a) Hearings shall be conducted by members or designees of the  
32 board unless the board enters into an agreement with the department  
33 to use the hearing officers established under RCW 9.94A.737;

34 (b) The board shall provide the offender with findings and  
35 conclusions which include the evidence relied upon, and the reasons  
36 the particular sanction was imposed. The board shall notify the  
37 offender of the right to appeal the sanction and the right to file a  
38 personal restraint petition under court rules after the final  
39 decision of the board;

1 (c) The hearing shall be held unless waived by the offender, and  
2 shall be electronically recorded. For offenders not in total  
3 confinement, the hearing shall be held within thirty days of service  
4 of notice of the violation, but not less than twenty-four hours after  
5 notice of the violation. For offenders in total confinement, the  
6 hearing shall be held within thirty days of service of notice of the  
7 violation, but not less than twenty-four hours after notice of the  
8 violation. The board or its designee shall make a determination  
9 whether probable cause exists to believe the violation or violations  
10 occurred. The determination shall be made within forty-eight hours of  
11 receipt of the allegation;

12 (d) The offender shall have the right to: (i) Be present at the  
13 hearing; (ii) have the assistance of a person qualified to assist the  
14 offender in the hearing, appointed by the presiding hearing officer  
15 if the offender has a language or communications barrier; (iii)  
16 testify or remain silent; (iv) call witnesses and present documentary  
17 evidence; (v) question witnesses who appear and testify; and (vi) be  
18 represented by counsel if revocation of the release to community  
19 custody upon a finding of violation is a probable sanction for the  
20 violation. The board may not revoke the release to community custody  
21 of any offender who was not represented by counsel at the hearing,  
22 unless the offender has waived the right to counsel; and

23 (e) The sanction shall take effect if affirmed by the presiding  
24 hearing officer.

25 (5) Within seven days after the presiding hearing officer's  
26 decision, the offender may appeal the decision to the full board or  
27 to a panel of three reviewing examiners designated by the chair of  
28 the board or by the chair's designee. The sanction shall be reversed  
29 or modified if a majority of the panel finds that the sanction was  
30 not reasonably related to any of the following: (a) The crime of  
31 conviction; (b) the violation committed; (c) the offender's risk of  
32 reoffending; or (d) the safety of the community.

33 (6) For purposes of this section, no finding of a violation of  
34 conditions may be based on unconfirmed or unconfirmable allegations.

35 **Sec. 9.** RCW 9.95.440 and 2014 c 130 s 8 are each amended to read  
36 as follows:

37 In the event the board suspends the release status of an offender  
38 released under RCW 9.95.420, 10.95.030(3), ~~((or))~~ 9.94A.730, or  
39 section 1 of this act by reason of an alleged violation of a

1 condition of release, or pending disposition of a new criminal  
2 charge, the board may nullify the suspension order and reinstate  
3 release under previous conditions or any new conditions the board  
4 determines advisable under RCW 9.94A.704. Before the board may  
5 nullify a suspension order and reinstate release, it shall determine  
6 that the best interests of society and the offender shall be served  
7 by such reinstatement rather than return to confinement.

8 **Sec. 10.** RCW 9.94A.533 and 2018 c 7 s 8 are each amended to read  
9 as follows:

10 (1) The provisions of this section apply to the standard sentence  
11 ranges determined by RCW 9.94A.510 or 9.94A.517.

12 (2) For persons convicted of the anticipatory offenses of  
13 criminal attempt, solicitation, or conspiracy under chapter 9A.28  
14 RCW, the standard sentence range is determined by locating the  
15 sentencing grid sentence range defined by the appropriate offender  
16 score and the seriousness level of the completed crime, and  
17 multiplying the range by seventy-five percent.

18 (3) The following additional times shall be added to the standard  
19 sentence range for felony crimes committed after July 23, 1995, if  
20 the offender or an accomplice was armed with a firearm as defined in  
21 RCW 9.41.010 and the offender is being sentenced for one of the  
22 crimes listed in this subsection as eligible for any firearm  
23 enhancements based on the classification of the completed felony  
24 crime. If the offender is being sentenced for more than one offense,  
25 the firearm enhancement or enhancements must be added to the total  
26 period of confinement for all offenses, regardless of which  
27 underlying offense is subject to a firearm enhancement. If the  
28 offender or an accomplice was armed with a firearm as defined in RCW  
29 9.41.010 and the offender is being sentenced for an anticipatory  
30 offense under chapter 9A.28 RCW to commit one of the crimes listed in  
31 this subsection as eligible for any firearm enhancements, the  
32 following additional times shall be added to the standard sentence  
33 range determined under subsection (2) of this section based on the  
34 felony crime of conviction as classified under RCW 9A.28.020:

35 (a) Five years for any felony defined under any law as a class A  
36 felony or with a statutory maximum sentence of at least twenty years,  
37 or both, and not covered under (f) of this subsection;

1 (b) Three years for any felony defined under any law as a class B  
2 felony or with a statutory maximum sentence of ten years, or both,  
3 and not covered under (f) of this subsection;

4 (c) Eighteen months for any felony defined under any law as a  
5 class C felony or with a statutory maximum sentence of five years, or  
6 both, and not covered under (f) of this subsection;

7 (d) If the offender is being sentenced for any firearm  
8 enhancements under (a), (b), and/or (c) of this subsection and the  
9 offender has previously been sentenced for any deadly weapon  
10 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
11 subsection or subsection (4)(a), (b), and/or (c) of this section, or  
12 both, all firearm enhancements under this subsection shall be twice  
13 the amount of the enhancement listed;

14 (e) Notwithstanding any other provision of law, all firearm  
15 enhancements under this section are mandatory, shall be served in  
16 total confinement, and shall run consecutively to all other  
17 sentencing provisions, including other firearm or deadly weapon  
18 enhancements, for all offenses sentenced under this chapter. However,  
19 whether or not a mandatory minimum term has expired, an offender  
20 serving a sentence under this subsection may be:

21 (i) Granted an extraordinary medical placement when authorized  
22 under RCW 9.94A.728(1)(c); or

23 (ii) Released under the provisions of RCW 9.94A.730 or section 1  
24 of this act;

25 (f) The firearm enhancements in this section shall apply to all  
26 felony crimes except the following: Possession of a machine gun or  
27 bump-fire stock, possessing a stolen firearm, drive-by shooting,  
28 theft of a firearm, unlawful possession of a firearm in the first and  
29 second degree, and use of a machine gun or bump-fire stock in a  
30 felony;

31 (g) If the standard sentence range under this section exceeds the  
32 statutory maximum sentence for the offense, the statutory maximum  
33 sentence shall be the presumptive sentence unless the offender is a  
34 persistent offender. If the addition of a firearm enhancement  
35 increases the sentence so that it would exceed the statutory maximum  
36 for the offense, the portion of the sentence representing the  
37 enhancement may not be reduced.

38 (4) The following additional times shall be added to the standard  
39 sentence range for felony crimes committed after July 23, 1995, if  
40 the offender or an accomplice was armed with a deadly weapon other

1 than a firearm as defined in RCW 9.41.010 and the offender is being  
2 sentenced for one of the crimes listed in this subsection as eligible  
3 for any deadly weapon enhancements based on the classification of the  
4 completed felony crime. If the offender is being sentenced for more  
5 than one offense, the deadly weapon enhancement or enhancements must  
6 be added to the total period of confinement for all offenses,  
7 regardless of which underlying offense is subject to a deadly weapon  
8 enhancement. If the offender or an accomplice was armed with a deadly  
9 weapon other than a firearm as defined in RCW 9.41.010 and the  
10 offender is being sentenced for an anticipatory offense under chapter  
11 9A.28 RCW to commit one of the crimes listed in this subsection as  
12 eligible for any deadly weapon enhancements, the following additional  
13 times shall be added to the standard sentence range determined under  
14 subsection (2) of this section based on the felony crime of  
15 conviction as classified under RCW 9A.28.020:

16 (a) Two years for any felony defined under any law as a class A  
17 felony or with a statutory maximum sentence of at least twenty years,  
18 or both, and not covered under (f) of this subsection;

19 (b) One year for any felony defined under any law as a class B  
20 felony or with a statutory maximum sentence of ten years, or both,  
21 and not covered under (f) of this subsection;

22 (c) Six months for any felony defined under any law as a class C  
23 felony or with a statutory maximum sentence of five years, or both,  
24 and not covered under (f) of this subsection;

25 (d) If the offender is being sentenced under (a), (b), and/or (c)  
26 of this subsection for any deadly weapon enhancements and the  
27 offender has previously been sentenced for any deadly weapon  
28 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
29 subsection or subsection (3)(a), (b), and/or (c) of this section, or  
30 both, all deadly weapon enhancements under this subsection shall be  
31 twice the amount of the enhancement listed;

32 (e) Notwithstanding any other provision of law, all deadly weapon  
33 enhancements under this section are mandatory, shall be served in  
34 total confinement, and shall run consecutively to all other  
35 sentencing provisions, including other firearm or deadly weapon  
36 enhancements, for all offenses sentenced under this chapter. However,  
37 whether or not a mandatory minimum term has expired, an offender  
38 serving a sentence under this subsection may be:

39 (i) Granted an extraordinary medical placement when authorized  
40 under RCW 9.94A.728(1)(c); or

1 (ii) Released under the provisions of RCW 9.94A.730 or section 1  
2 of this act;

3 (f) The deadly weapon enhancements in this section shall apply to  
4 all felony crimes except the following: Possession of a machine gun  
5 or bump-fire stock, possessing a stolen firearm, drive-by shooting,  
6 theft of a firearm, unlawful possession of a firearm in the first and  
7 second degree, and use of a machine gun or bump-fire stock in a  
8 felony;

9 (g) If the standard sentence range under this section exceeds the  
10 statutory maximum sentence for the offense, the statutory maximum  
11 sentence shall be the presumptive sentence unless the offender is a  
12 persistent offender. If the addition of a deadly weapon enhancement  
13 increases the sentence so that it would exceed the statutory maximum  
14 for the offense, the portion of the sentence representing the  
15 enhancement may not be reduced.

16 (5) The following additional times shall be added to the standard  
17 sentence range if the offender or an accomplice committed the offense  
18 while in a county jail or state correctional facility and the  
19 offender is being sentenced for one of the crimes listed in this  
20 subsection. If the offender or an accomplice committed one of the  
21 crimes listed in this subsection while in a county jail or state  
22 correctional facility, and the offender is being sentenced for an  
23 anticipatory offense under chapter 9A.28 RCW to commit one of the  
24 crimes listed in this subsection, the following additional times  
25 shall be added to the standard sentence range determined under  
26 subsection (2) of this section:

27 (a) Eighteen months for offenses committed under RCW 69.50.401(2)  
28 (a) or (b) or 69.50.410;

29 (b) Fifteen months for offenses committed under RCW 69.50.401(2)  
30 (c), (d), or (e);

31 (c) Twelve months for offenses committed under RCW 69.50.4013.

32 For the purposes of this subsection, all of the real property of  
33 a state correctional facility or county jail shall be deemed to be  
34 part of that facility or county jail.

35 (6) An additional twenty-four months shall be added to the  
36 standard sentence range for any ranked offense involving a violation  
37 of chapter 69.50 RCW if the offense was also a violation of RCW  
38 69.50.435 or 9.94A.827. All enhancements under this subsection shall  
39 run consecutively to all other sentencing provisions, for all  
40 offenses sentenced under this chapter.



1 (7) An additional two years shall be added to the standard  
2 sentence range for vehicular homicide committed while under the  
3 influence of intoxicating liquor or any drug as defined by RCW  
4 46.61.502 for each prior offense as defined in RCW 46.61.5055.

5 Notwithstanding any other provision of law, all impaired driving  
6 enhancements under this subsection are mandatory, shall be served in  
7 total confinement, and shall run consecutively to all other  
8 sentencing provisions, including other impaired driving enhancements,  
9 for all offenses sentenced under this chapter.

10 An offender serving a sentence under this subsection may be  
11 granted an extraordinary medical placement when authorized under RCW  
12 9.94A.728(1)(c).

13 (8)(a) The following additional times shall be added to the  
14 standard sentence range for felony crimes committed on or after July  
15 1, 2006, if the offense was committed with sexual motivation, as that  
16 term is defined in RCW 9.94A.030. If the offender is being sentenced  
17 for more than one offense, the sexual motivation enhancement must be  
18 added to the total period of total confinement for all offenses,  
19 regardless of which underlying offense is subject to a sexual  
20 motivation enhancement. If the offender committed the offense with  
21 sexual motivation and the offender is being sentenced for an  
22 anticipatory offense under chapter 9A.28 RCW, the following  
23 additional times shall be added to the standard sentence range  
24 determined under subsection (2) of this section based on the felony  
25 crime of conviction as classified under RCW 9A.28.020:

26 (i) Two years for any felony defined under the law as a class A  
27 felony or with a statutory maximum sentence of at least twenty years,  
28 or both;

29 (ii) Eighteen months for any felony defined under any law as a  
30 class B felony or with a statutory maximum sentence of ten years, or  
31 both;

32 (iii) One year for any felony defined under any law as a class C  
33 felony or with a statutory maximum sentence of five years, or both;

34 (iv) If the offender is being sentenced for any sexual motivation  
35 enhancements under (a)(i), (ii), and/or (iii) of this subsection and  
36 the offender has previously been sentenced for any sexual motivation  
37 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or  
38 (iii) of this subsection, all sexual motivation enhancements under  
39 this subsection shall be twice the amount of the enhancement listed;

1 (b) Notwithstanding any other provision of law, all sexual  
2 motivation enhancements under this subsection are mandatory, shall be  
3 served in total confinement, and shall run consecutively to all other  
4 sentencing provisions, including other sexual motivation  
5 enhancements, for all offenses sentenced under this chapter. However,  
6 whether or not a mandatory minimum term has expired, an offender  
7 serving a sentence under this subsection may be:

8 (i) Granted an extraordinary medical placement when authorized  
9 under RCW 9.94A.728(1)(c); or

10 (ii) Released under the provisions of RCW 9.94A.730 or section 1  
11 of this act;

12 (c) The sexual motivation enhancements in this subsection apply  
13 to all felony crimes;

14 (d) If the standard sentence range under this subsection exceeds  
15 the statutory maximum sentence for the offense, the statutory maximum  
16 sentence shall be the presumptive sentence unless the offender is a  
17 persistent offender. If the addition of a sexual motivation  
18 enhancement increases the sentence so that it would exceed the  
19 statutory maximum for the offense, the portion of the sentence  
20 representing the enhancement may not be reduced;

21 (e) The portion of the total confinement sentence which the  
22 offender must serve under this subsection shall be calculated before  
23 any earned early release time is credited to the offender;

24 (f) Nothing in this subsection prevents a sentencing court from  
25 imposing a sentence outside the standard sentence range pursuant to  
26 RCW 9.94A.535.

27 (9) An additional one-year enhancement shall be added to the  
28 standard sentence range for the felony crimes of RCW 9A.44.073,  
29 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on  
30 or after July 22, 2007, if the offender engaged, agreed, or offered  
31 to engage the victim in the sexual conduct in return for a fee. If  
32 the offender is being sentenced for more than one offense, the  
33 one-year enhancement must be added to the total period of total  
34 confinement for all offenses, regardless of which underlying offense  
35 is subject to the enhancement. If the offender is being sentenced for  
36 an anticipatory offense for the felony crimes of RCW 9A.44.073,  
37 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the  
38 offender attempted, solicited another, or conspired to engage, agree,  
39 or offer to engage the victim in the sexual conduct in return for a  
40 fee, an additional one-year enhancement shall be added to the

1 standard sentence range determined under subsection (2) of this  
2 section. For purposes of this subsection, "sexual conduct" means  
3 sexual intercourse or sexual contact, both as defined in chapter  
4 9A.44 RCW.

5 (10)(a) For a person age eighteen or older convicted of any  
6 criminal street gang-related felony offense for which the person  
7 compensated, threatened, or solicited a minor in order to involve the  
8 minor in the commission of the felony offense, the standard sentence  
9 range is determined by locating the sentencing grid sentence range  
10 defined by the appropriate offender score and the seriousness level  
11 of the completed crime, and multiplying the range by one hundred  
12 twenty-five percent. If the standard sentence range under this  
13 subsection exceeds the statutory maximum sentence for the offense,  
14 the statutory maximum sentence is the presumptive sentence unless the  
15 offender is a persistent offender.

16 (b) This subsection does not apply to any criminal street gang-  
17 related felony offense for which involving a minor in the commission  
18 of the felony offense is an element of the offense.

19 (c) The increased penalty specified in (a) of this subsection is  
20 unavailable in the event that the prosecution gives notice that it  
21 will seek an exceptional sentence based on an aggravating factor  
22 under RCW 9.94A.535.

23 (11) An additional twelve months and one day shall be added to  
24 the standard sentence range for a conviction of attempting to elude a  
25 police vehicle as defined by RCW 46.61.024, if the conviction  
26 included a finding by special allegation of endangering one or more  
27 persons under RCW 9.94A.834.

28 (12) An additional twelve months shall be added to the standard  
29 sentence range for an offense that is also a violation of RCW  
30 9.94A.831.

31 (13) An additional twelve months shall be added to the standard  
32 sentence range for vehicular homicide committed while under the  
33 influence of intoxicating liquor or any drug as defined by RCW  
34 46.61.520 or for vehicular assault committed while under the  
35 influence of intoxicating liquor or any drug as defined by RCW  
36 46.61.522, or for any felony driving under the influence (RCW  
37 46.61.502(6)) or felony physical control under the influence (RCW  
38 46.61.504(6)) for each child passenger under the age of sixteen who  
39 is an occupant in the defendant's vehicle. These enhancements shall  
40 be mandatory, shall be served in total confinement, and shall run

1 consecutively to all other sentencing provisions. If the addition of  
2 a minor child enhancement increases the sentence so that it would  
3 exceed the statutory maximum for the offense, the portion of the  
4 sentence representing the enhancement may not be reduced.

5 (14) An additional twelve months shall be added to the standard  
6 sentence range for an offense that is also a violation of RCW  
7 9.94A.832.

8 **Sec. 11.** RCW 9.94A.6332 and 2014 c 130 s 3 are each amended to  
9 read as follows:

10 The procedure for imposing sanctions for violations of sentence  
11 conditions or requirements is as follows:

12 (1) If the offender was sentenced under the drug offender  
13 sentencing alternative, any sanctions shall be imposed by the  
14 department or the court pursuant to RCW 9.94A.660.

15 (2) If the offender was sentenced under the special sex offender  
16 sentencing alternative, any sanctions shall be imposed by the  
17 department or the court pursuant to RCW 9.94A.670.

18 (3) If the offender was sentenced under the parenting sentencing  
19 alternative, any sanctions shall be imposed by the department or by  
20 the court pursuant to RCW 9.94A.655.

21 (4) If a sex offender was sentenced pursuant to RCW 9.94A.507,  
22 any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

23 (5) If the offender was released pursuant to RCW 9.94A.730, any  
24 sanctions shall be imposed by the board pursuant to RCW 9.95.435.

25 (6) If the offender was sentenced pursuant to RCW 10.95.030(3) or  
26 10.95.035, any sanctions shall be imposed by the board pursuant to  
27 RCW 9.95.435.

28 (7) If the offender was released pursuant to section 1 of this  
29 act, any sanctions shall be imposed by the board pursuant to RCW  
30 9.95.435.

31 (8) In any other case, if the offender is being supervised by the  
32 department, any sanctions shall be imposed by the department pursuant  
33 to RCW 9.94A.737. If a probationer is being supervised by the  
34 department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, upon  
35 receipt of a violation hearing report from the department, the court  
36 retains any authority that those statutes provide to respond to a  
37 probationer's violation of conditions.

1       (~~(8)~~) (9) If the offender is not being supervised by the  
2 department, any sanctions shall be imposed by the court pursuant to  
3 RCW 9.94A.6333.

4       **Sec. 12.** RCW 10.95.030 and 2015 c 134 s 5 are each amended to  
5 read as follows:

6       (1) Except as provided in subsections (2) and (3) of this  
7 section, any person convicted of the crime of aggravated first degree  
8 murder shall be sentenced to life imprisonment (~~without possibility~~  
9 ~~of release or parole. A~~). Except as provided in section 1 of this  
10 act, a person sentenced to life imprisonment under this section shall  
11 not have that sentence suspended, deferred, or commuted by any  
12 judicial officer and the indeterminate sentence review board or its  
13 successor may not parole such prisoner nor reduce the period of  
14 confinement (~~in any manner whatsoever~~) including but not limited to  
15 any sort of good-time calculation. The department of social and  
16 health services or its successor or any executive official may not  
17 permit such prisoner to participate in any sort of release or  
18 furlough program.

19       (2) If, pursuant to a special sentencing proceeding held under  
20 RCW 10.95.050, the trier of fact finds that there are not sufficient  
21 mitigating circumstances to merit leniency, the sentence shall be  
22 death. In no case, however, shall a person be sentenced to death if  
23 the person had an intellectual disability at the time the crime was  
24 committed, under the definition of intellectual disability set forth  
25 in (a) of this subsection. A diagnosis of intellectual disability  
26 shall be documented by a licensed psychiatrist or licensed  
27 psychologist designated by the court, who is an expert in the  
28 diagnosis and evaluation of intellectual disabilities. The defense  
29 must establish an intellectual disability by a preponderance of the  
30 evidence and the court must make a finding as to the existence of an  
31 intellectual disability.

32       (a) "Intellectual disability" means the individual has: (i)  
33 Significantly subaverage general intellectual functioning; (ii)  
34 existing concurrently with deficits in adaptive behavior; and (iii)  
35 both significantly subaverage general intellectual functioning and  
36 deficits in adaptive behavior were manifested during the  
37 developmental period.

38       (b) "General intellectual functioning" means the results obtained  
39 by assessment with one or more of the individually administered

1 general intelligence tests developed for the purpose of assessing  
2 intellectual functioning.

3 (c) "Significantly subaverage general intellectual functioning"  
4 means intelligence quotient seventy or below.

5 (d) "Adaptive behavior" means the effectiveness or degree with  
6 which individuals meet the standards of personal independence and  
7 social responsibility expected for his or her age.

8 (e) "Developmental period" means the period of time between  
9 conception and the eighteenth birthday.

10 (3) (a) (i) Any person convicted of the crime of aggravated first  
11 degree murder for an offense committed prior to the person's  
12 sixteenth birthday shall be sentenced to a maximum term of life  
13 imprisonment and a minimum term of total confinement of twenty-five  
14 years.

15 (ii) Any person convicted of the crime of aggravated first degree  
16 murder for an offense committed when the person is at least sixteen  
17 years old but less than eighteen years old shall be sentenced to a  
18 maximum term of life imprisonment and a minimum term of total  
19 confinement of no less than twenty-five years. A minimum term of life  
20 may be imposed(~~(, in which case the person will be ineligible for~~  
21 ~~parole or early release)~~). However, nothing in this subsection  
22 prohibits the person from petitioning for release if he or she meets  
23 the requirements under section 1 of this act.

24 (b) In setting a minimum term, the court must take into account  
25 mitigating factors that account for the diminished culpability of  
26 youth as provided in *Miller v. Alabama*, 132 S.Ct. 2455 (2012)  
27 including, but not limited to, the age of the individual, the youth's  
28 childhood and life experience, the degree of responsibility the youth  
29 was capable of exercising, and the youth's chances of becoming  
30 rehabilitated.

31 (c) A person sentenced under this subsection shall serve the  
32 sentence in a facility or institution operated, or utilized under  
33 contract, by the state. During the minimum term of total confinement,  
34 the person shall not be eligible for community custody, earned  
35 release time, furlough, home detention, partial confinement, work  
36 crew, work release, or any other form of early release authorized  
37 under RCW 9.94A.728, or any other form of authorized leave or absence  
38 from the correctional facility while not in the direct custody of a  
39 corrections officer. The provisions of this subsection shall not  
40 apply: (i) In the case of an offender in need of emergency medical

1 treatment; or (ii) for an extraordinary medical placement when  
2 authorized under RCW 9.94A.728(~~((3))~~) (1)(c).

3 (d) Any person sentenced pursuant to this subsection shall be  
4 subject to community custody under the supervision of the department  
5 of corrections and the authority of the indeterminate sentence review  
6 board. As part of any sentence under this subsection, the court shall  
7 require the person to comply with any conditions imposed by the  
8 board.

9 (e) No later than five years prior to the expiration of the  
10 person's minimum term, the department of corrections shall conduct an  
11 assessment of the offender and identify programming and services that  
12 would be appropriate to prepare the offender for return to the  
13 community. To the extent possible, the department shall make  
14 programming available as identified by the assessment.

15 (f) No later than one hundred eighty days prior to the expiration  
16 of the person's minimum term, the department of corrections shall  
17 conduct, and the offender shall participate in, an examination of the  
18 person, incorporating methodologies that are recognized by experts in  
19 the prediction of dangerousness, and including a prediction of the  
20 probability that the person will engage in future criminal behavior  
21 if released on conditions to be set by the board. The board may  
22 consider a person's failure to participate in an evaluation under  
23 this subsection in determining whether to release the person. The  
24 board shall order the person released, under such affirmative and  
25 other conditions as the board determines appropriate, unless the  
26 board determines by a preponderance of the evidence that, despite  
27 such conditions, it is more likely than not that the person will  
28 commit new criminal law violations if released. If the board does not  
29 order the person released, the board shall set a new minimum term not  
30 to exceed five additional years. The board shall give public safety  
31 considerations the highest priority when making all discretionary  
32 decisions regarding the ability for release and conditions of  
33 release.

34 (g) In a hearing conducted under (f) of this subsection, the  
35 board shall provide opportunities for victims and survivors of  
36 victims of any crimes for which the offender has been convicted to  
37 present statements as set forth in RCW 7.69.032. The procedures for  
38 victim and survivor of victim input shall be provided by rule. To  
39 facilitate victim and survivor of victim involvement, county  
40 prosecutor's offices shall ensure that any victim impact statements

1 and known contact information for victims of record and survivors of  
2 victims are forwarded as part of the judgment and sentence.

3 (h) An offender released by the board is subject to the  
4 supervision of the department of corrections for a period of time to  
5 be determined by the board. The department shall monitor the  
6 offender's compliance with conditions of community custody imposed by  
7 the court or board and promptly report any violations to the board.  
8 Any violation of conditions of community custody established or  
9 modified by the board are subject to the provisions of RCW 9.95.425  
10 through 9.95.440.

11 (i) An offender released or discharged under this section may be  
12 returned to the institution at the discretion of the board if the  
13 offender is found to have violated a condition of community custody.  
14 The offender is entitled to a hearing pursuant to RCW 9.95.435. The  
15 board shall set a new minimum term of incarceration not to exceed  
16 five years.

17 NEW SECTION. **Sec. 13.** A new section is added to chapter 9.95  
18 RCW to read as follows:

19 By December 1st of each year, the board shall submit a report to  
20 the appropriate committees of the legislature and the governor with  
21 the following:

22 (1) The criteria established and used by the board under section  
23 1 of this act;

24 (2) Information on the offenders released under section 1 of this  
25 act, including the total number of those released, demographic  
26 information, criminal history information, and community custody  
27 terms and status;

28 (3) Information on the offenders not released after petitioning  
29 the board under section 1 of this act, including the total number of  
30 those denied release, demographic information, and criminal history  
31 information;

32 (4) Information on the offenders released under section 1 of this  
33 act and subsequently returned to confinement for community custody  
34 violations or new criminal convictions; and

35 (5) Other information deemed appropriate by the board.

36 NEW SECTION. **Sec. 14.** This act applies retroactively to persons  
37 incarcerated on the effective date of this section, regardless of the  
38 date of the offense or conviction.



1        NEW SECTION.    **Sec. 15.**    This act does not create any right or  
2 entitlement to release from incarceration before the end of a term of  
3 incarceration imposed by the court.

--- **END** ---