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**SUBSTITUTE SENATE BILL 5266**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senate Human Services (originally sponsored by Senators Frame, J. Wilson, C. Wilson, Trudeau, Orwall, Bateman, Hasegawa, Nobles, and Valdez)

AN ACT Relating to people convicted of one or more crimes committed before the person's 18th birthday petitioning the indeterminate sentence review board after reaching the age of 24 or older; amending RCW 9.94A.730; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec.**  The legislature recognizes that the United States supreme court found mandatory life sentences for conduct committed by minors unconstitutional. The legislature acknowledges that since the federal and state Constitutions demand that most minors convicted of crimes will eventually be released into the community, successful rehabilitation will result in less recidivism in communities following reentry. The legislature finds that lengthy sentences with little incentive for rehabilitation until decades into incarceration misses a critical development opportunity for youth at a formative time during brain development. Scientific studies have found that brain development impacting decision making continues until age 25 and that this represents a critical period for behavior change, and therefore rehabilitation. The legislature therefore intends to create greater incentives for rehabilitation for youth convicted of offenses prior to their 18th birthday by allowing them to petition the indeterminate sentence review board after reaching the age of 24.

**Sec.**  RCW 9.94A.730 and 2024 c 118 s 4 are each amended to read as follows:

(1) Notwithstanding any other provision of this chapter, any person convicted of one or more crimes committed prior to the person's 18th birthday may petition the indeterminate sentence review board for early release after ((~~serving no less than 20 years of total confinement~~)) reaching the age of 24 or older, provided the person has not been convicted for any crime committed ((~~subsequent to the person's 18th birthday~~)) in the 12 months prior to filing the petition for early release, the person has not committed a disqualifying serious infraction as defined by the department or the department of children, youth, and families in the 12 months prior to filing the petition for early release, the person has not been convicted of three or more murder offenses, and the current sentence was not imposed under RCW 10.95.030 or 9.94A.507.

(2) No later than five years prior to the date the offender will be eligible to petition for release, the department shall conduct an assessment of the offender and identify programming and services that would be appropriate to prepare the offender for return to the community. To the extent possible, the department shall make programming available as identified by the assessment.

(3) No later than 180 days from receipt of the petition for early release, the department shall conduct, and the offender shall participate in, an examination of the person, incorporating methodologies that are recognized by experts in the prediction of dangerousness, and including a prediction of the probability that the person will engage in future criminal behavior if released on conditions to be set by the board. The board may consider a person's failure to participate in an evaluation under this subsection in determining whether to release the person. The board shall order the person released under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the person will commit new criminal law violations if released. The board shall give public safety considerations the highest priority when making all discretionary decisions regarding the ability for release and conditions of release.

(4) In a hearing conducted under subsection (3) of this section, the board shall provide opportunities for victims and survivors of victims of any crimes for which the offender has been convicted to present statements as set forth in RCW 7.69.032. The procedures for victim and survivor of victim input shall be provided by rule. To facilitate victim and survivor of victim involvement, county prosecutor's offices shall ensure that any victim impact statements and known contact information for victims of record and survivors of victims are forwarded as part of the judgment and sentence.

(5) The department may provide rental vouchers to a person who successfully petitions the board under subsection (1) of this section and is ordered to be released by the board under subsection (3) of this section if rental assistance will allow the petitioner to safely release. The department shall maintain a list of housing providers that meets the requirements of RCW 72.09.285. If more than two voucher recipients will be residing per dwelling unit, as defined in RCW 59.18.030, rental vouchers for those recipients may only be paid to a housing provider on the department's list. For each successful petitioner who is the recipient of a rental voucher, the department shall gather data as recommended by the Washington state institute for public policy in order to best demonstrate whether rental vouchers are effective in reducing recidivism.

(6) Any person released by the board pursuant to this section shall comply with conditions imposed or modified pursuant to RCW 9.94A.704(10), in addition to court-imposed conditions.

((~~(6)~~)) (7) An offender released by the board is subject to the supervision of the department for a period of time to be determined by the board, up to the length of the court-imposed term of incarceration. The department shall monitor the offender's compliance with conditions of community custody imposed by the court or board and promptly report any violations to the board. Any violation of conditions of community custody established or modified by the board are subject to the provisions of RCW 9.95.425 through 9.95.440.

((~~(7)~~)) (8) An offender whose petition for release is denied may file a new petition for release five years from the date of denial or at an earlier date as may be set by the board.

((~~(8)~~)) (9) An offender released under the provisions of this section may be returned to the institution at the discretion of the board if the offender is found to have violated a condition of community custody. The offender is entitled to a hearing pursuant to RCW 9.95.435. If the board finds that the offender has committed a new violation, the board may return the offender to the institution for up to the remainder of the court-imposed term of incarceration. The offender may file a new petition for release five years from the date of return to the institution or at an earlier date as may be set by the board.

NEW SECTION. **Sec.**  (1) The number of petitions from persons made eligible to petition the indeterminate sentence review board for early release under this act, who otherwise would not be eligible, that are acted on or responded to by the department of corrections or the board, shall be limited to no more than 70 per year. Within the limit of 70 petitions per year, the department shall prioritize examinations, and the board shall prioritize hearings on petitions for early release, in the following descending order with the highest priority given to:

(a) Petitioners under the age of 25 in the custody of the department of children, youth, and families; and

(b) Petitioners in the custody of the department of corrections who most recently transferred from the custody of the department of children, youth, and families to the custody of the department of corrections pursuant to RCW 72.01.410 as of the effective date of this section.

(2) This section expires July 1, 2035.

NEW SECTION. **Sec.**  This act may be known and cited as the youth hope act.

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