

SENATE BILL REPORT

SB 5266

As of February 2, 2025

Title: 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.

Brief Description: Concerning the indeterminate sentence review board.

Sponsors: Senators Frame, Wilson, J., Wilson, C., Trudeau, Orwall, Bateman, Hasegawa, Nobles and Valdez.

Brief History:

Committee Activity: Human Services: 1/20/25, 1/22/25 [DPS-WM, w/oRec].
Ways & Means: 2/03/25.

Brief Summary of First Substitute Bill

- Allows a person convicted of a crime committed prior to the person's 18th birthday to petition the Indeterminate Sentence Review Board for early release at age 24, provided the person has not been convicted of a crime committed in the 12 months prior to filing a petition, among other conditions.
- Allows the Department of Corrections to provide rental vouchers to successful petitioners who are ordered to be released if rental assistance will allow the petitioner to safely release.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: That Substitute Senate Bill No. 5266 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wilson, C., Chair; Frame, Vice Chair; Christian, Ranking Member; Orwall.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: That it be referred without recommendation.

Signed by Senator Warnick.

Staff: Kelsey-anne Fung (786-7479)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Sarian Scott (786-7729)

Background: Juvenile Rehabilitation to Age 25. In 2018 and 2019, the Legislature passed legislation commonly referred to as JR to 25, which extended the period for which individuals convicted of offenses that occurred before the person turned 18 could remain in a juvenile rehabilitation facility from age 21 to age 25. If an individual has an earned release date that extends past their 25th birthday, when the individual reaches age 25, they must be transferred from the custody of the Department of Children, Youth, and Families (DCYF) Juvenile Rehabilitation to the Department of Corrections (DOC).

Indeterminate Sentence Review Board. In 1981, the Legislature passed the Sentencing Reform Act (SRA), which established determinate sentencing. There are some exceptions to determinate sentencing, where certain incarcerated individuals are eligible for review after serving a certain number of years. The Indeterminate Sentence Review Board (ISRB) has the authority to review and release incarcerated individuals if the statutory criteria is met for the following three populations:

- Parole Cases—persons who committed crimes prior to the SRA, July 1, 1984;
- Community Custody Board—persons who committed certain sex offenses after August 31, 2001, and who have determinate-plus sentences; and
- Juvenile Board Cases—persons who committed crimes under age 18 and were sentenced for terms longer than 20 years.

There are two types of Juvenile Board Cases: juveniles convicted of aggravated first degree murder, and juveniles sentenced to 20 years or more.

Review of Long-Term Juvenile Sentences. Any person convicted of one or more crimes committed prior to the person's 18th birthday may petition ISRB for early release after serving no less than 20 years in total confinement, provided the person has not been convicted for any crime committed after turning age 18, has not had a disqualifying serious infraction as defined by DOC in the 12 months prior to filing the petition, and is not serving a sentence for first degree aggravated murder or a sex offense.

No later than five years prior to the date the person will be eligible to petition for release, DOC must assess the person and identify appropriate programming and services to prepare the person for return to the community. To the extent possible, DOC must make programming identified by the assessment available. No later than 180 days from receipt of the petition, DOC must examine the person to predict dangerousness and the probability the

person will engage in future criminal behavior if released on conditions set by ISRB. ISRB must order release with conditions set by ISRB unless it is determined by a preponderance of evidence that, despite conditions, it is more likely than not the person will commit new crimes if released. ISRB must give highest priority to public safety considerations when making decisions.

During the review, ISRB must provide the opportunity for victims and survivors of victims to present statements. To facilitate victim involvement, prosecutor offices must 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.

If the petition is denied, the person may petition again in five years or at an earlier date determined by ISRB. If the person is released, the person is subject to community custody under the supervision of DOC and the authority of ISRB for a period of time determined by ISRB.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): The eligibility criteria are changed for when a person may petition ISRB for early release. Any person convicted of a crime committed prior to the person's 18th birthday may petition ISRB for early release after reaching the age of 24 or older, provided the person has not been convicted of three or more murder offenses, in which case the person may petition after serving no less than 20 years in total confinement, the person has not been convicted for any crime in the 12 months prior to filing the petition, the person has not committed a disqualifying serious infraction as defined by DOC or DCYF in the 12 months prior to filing the petition, and the current sentence being served is not for first degree aggravated murder or a sex offense.

DOC may provide rental vouchers to a person who successfully petitions ISRB for early release and is ordered to be release by ISRB if rental assistance will allow the petitioner to safely release. DOC must maintain a list of housing providers who are authorized to receive rental vouchers. If more than two voucher recipients will be residing per dwelling unit, their rental vouchers may only be paid to a housing provider on DOC's list. For each successful petitioner who receives a rental voucher, DOC must 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.

The number of petitions from persons made eligible to petition ISRB under this act that are acted upon or responded to by DOC or ISRB is limited to 70 per year. Within the 70 petitions per year, DOC must prioritize examinations and ISRB must prioritize hearings on petitions from petitioners under the age of 25 in DCYF custody first, and petitions from petitioners in DOC custody who most recently transferred from DCYF to DOC second. The limit on petitions expires on July 1, 2035.

This act may be known as the Youth Hope Act.

EFFECT OF CHANGES MADE BY HUMAN SERVICES COMMITTEE (First Substitute):

- Prohibits persons with three or more murder convictions from being eligible to petition the ISRB for early release.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill (Human Services): *The committee recommended a different version of the bill than what was heard.* PRO: When young people take accountability for their actions and they do the work to improve their hearts and minds and fully utilize these opportunities for rehabilitation, they should have the opportunity to go before the ISRB before they are transferred to DOC on their 25th birthday rather than wait 20 years. There currently is little incentive to take advantage of opportunities at juvenile rehabilitation (JR) because they have long sentences and will be transferred to DOC. The youth also put themselves in danger by renouncing their gang affiliation while in JR, which makes them vulnerable when they get to DOC. This bill idea came from the youth who are currently incarcerated to give them hope for a chance at early release. There is an existing ISRB hearing process that balances risk and protective factors, and an existing process for victims to be heard and this bill adds more qualifying people who can petition for a hearing. Current law requires ISRB to give public safety considerations the highest priority. This bill does not provide a guaranteed release but a hearing before a panel of experts, the same panel that the state trusts when looking at adults and evaluating their petitions. This does not impact the standard for release, but does impact the timeline.

People are responsible for their choices and the consequences of those choices. People can learn from wrong choices and continue to grow and help others in a positive way. It is beneficial for communities to reintegrate the incarcerated back into society where they can have a positive impact on the next generation and end the cycle of youth crime pending a successful petition from ISRB. Sending youth to JR is an investment in that youth, where youth gain skills needed to become effective leaders, peer counselors, and mentors. Many of these youth are scholars, mentors, and leaders in JR facilities with their own unique gifts and ambitions.

This bill creates the opportunity for young adults incarcerated in JR to demonstrate their growth and be responsible for progress while being in confinement. With this bill, there is a

possibility for youth to never transfer and experience the adult system, limiting the possibility of institutionalization and increasing the ability to be living examples of transformation for the younger generation. This bill can bridge the gap between offenders and law enforcement by experiencing our legal system, and providing opportunities and a chance to be effective members of society. Change is recognizing rehabilitation, focusing on restorative justice, and acknowledging trauma. This bill also provides a chance to break the cycle of generational incarceration. It is hard to have hope in being rehabilitated when the environment doesn't support the change. Young adults can change to be productive citizens in communities. These children are not their crimes.

There should be recognition of the natural rehabilitation that occurs in children over time and benefits to society to integrate young people back into their communities. They are students, taxpayers, and healthy future parents and emerging leaders in support of safety and stability for victims and themselves. This bill recognizes the decreased threat of harm to victims of crime and affords an opportunity to build or restore the social contract of trust that was severed by crimes committed while children. There is extensive research showing long sentences do not promote rehabilitation in a vacuum, especially for young people. ISRB is the right entity to balance accountability, rehabilitation, and restoration of each affected individual seeking this privilege.

Often times, incarcerated individuals are also victims. Victims to the system, victims from prior abuse or sexual violence, or victims from parental neglect. They are also on a path of healing and restorative justice. All the rehabilitative work of JR will be erased when a person transfers to DOC. There are state-raised youth where youth have been institutionalized in the state's care from a young age, where foster care fails and the youth experience multiple placements in group homes and juvenile detention facilities. In these scenarios where the state is the parent, the state should show love and mercy to its children that the state is supposed to raise and develop into functional members of society. The state should not discard these youth, throw them away, and waste the investment on their rehabilitation. This bill provides a critical opportunity to take a second look at these young people and understand the growth and change that has happened while they were incarcerated and transition them back to the community.

The WA Supreme Court has held that there is no mandatory minimum for sentences when it comes to youth because of the mitigating qualities of youth. This legislation is in line with that decision and advances that principle.

CON: These individuals have all been convicted as adults, so there is concern that many of those types of crimes are really serious. With backlogs and delays, it could be a couple of years until someone is sentenced for a crime committed under age 18. Under the bill, someone could petition for a presumptive review after four or five years. This fails to appreciate the significant conduct and the significant harm. It misses the severity of that harm and minimizes that conduct. When someone is sentenced, the victim is told how long a person will be confined, and allowing a person to petition for a hearing with a

presumptive release is unfair to the victim. It is traumatizing to the victim to find out someone will be sentenced to less time when they thought the sentence was final.

Persons Testifying (Human Services): PRO: Senator Noel Frame, Prime Sponsor; Elisa Cozad, TeamChild; Caya Lenay, TVW's Capitol Classroom; Blake Hoffman, TVW's Capitol Classroom; Kahlev Elkhanon, TVW's Capitol Classroom; Randy Roberson III, TVW's Capitol Classroom; Katie Hurley, King County Department of Public Defense; Alexis Hale, Justice for Girls Coalition; Lola Luna, Justice for Girls Coalition; Gloria Butts; Raymond Williams, Just Us Solutions; Marriam Oliver, Black Prisoners Caucus Community Group; Judge Sharonda Amamilo, Sentencing Guidelines Commission.

CON: Russell Brown, WA Association of Prosecuting Attorneys; Tiffany Attrill.

Persons Signed In To Testify But Not Testifying (Human Services): No one.