
SECOND SUBSTITUTE HOUSE BILL 1131

State of Washington

69th Legislature

2025 Regular Session

By House Appropriations (originally sponsored by Representatives Goodman, Hackney, Simmons, Wylie, Ormsby, and Hill)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to clemency and pardons; amending RCW 9.94A.501,
2 9.94A.565, 9.94A.633, 9.94A.633, 9.94A.728, and 9.94A.880; reenacting
3 and amending RCW 9.94A.501 and 9.94A.885; adding a new section to
4 chapter 9.94A RCW; creating a new section; providing an effective
5 date; and providing an expiration date.

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

7 **Sec. 1.** RCW 9.94A.501 and 2024 c 63 s 3 are each amended to read
8 as follows:

9 (1) The department shall supervise the following (~~offenders~~)
10 individuals who are sentenced to probation in superior court,
11 pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

12 (a) (~~Offenders~~) Individuals convicted of:

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

14 (ii) Custodial sexual misconduct second degree;

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

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

17 (b) (~~Offenders~~) Individuals who have:

18 (i) A current conviction for a repetitive domestic violence
19 offense after August 1, 2011; and

20 (ii) A prior conviction for a repetitive domestic violence
21 offense or domestic violence felony offense after August 1, 2011.

1 (2) (~~Misdemeanor~~) Individuals convicted of misdemeanor and
2 gross misdemeanor (~~offenders~~) offenses supervised by the department
3 pursuant to this section shall be placed on community custody.

4 (3) The department shall supervise every individual convicted of
5 a felony (~~offender~~) and sentenced to community custody pursuant to
6 RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the
7 (~~offender~~) individual as one who is at a high risk to reoffend.

8 (4) Notwithstanding any other provision of this section, the
9 department shall supervise an (~~offender~~) individual sentenced to
10 community custody regardless of risk classification if the
11 (~~offender~~) individual:

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

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

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

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

22 (e)(i) Has a current conviction for a domestic violence felony
23 offense after August 1, 2011, and a prior conviction for a repetitive
24 domestic violence offense or domestic violence felony offense after
25 August 1, 2011. This subsection (4)(e)(i) applies only to offenses
26 committed prior to July 24, 2015;

27 (ii) Has a current conviction for a domestic violence felony
28 offense. The state and its officers, agents, and employees shall not
29 be held criminally or civilly liable for its supervision of an
30 (~~offender~~) individual under this subsection (4)(e)(ii) unless the
31 state and its officers, agents, and employees acted with gross
32 negligence;

33 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660,
34 9.94A.670, 9.94A.711, or 9.94A.695;

35 (g) Is subject to supervision pursuant to RCW 9.94A.745; or

36 (h) Was convicted and sentenced under RCW 46.61.520 (vehicular
37 homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6)
38 (felony DUI), or RCW 46.61.504(6) (felony physical control).

39 (5) The department shall supervise any (~~offender who is~~)
40 individual released by the indeterminate sentence review board

1 ((and)) who was sentenced to community custody or subject to
2 community custody under the terms of release.

3 (6) The department shall supervise any individual granted
4 conditional commutation pursuant to RCW 9.94A.885 if the governor
5 includes a term of community custody as a condition of commutation.

6 (7) The department is not authorized to, and may not, supervise
7 any ((offender)) individual sentenced to a term of community custody
8 or any probationer unless the ((offender)) individual or probationer
9 is one for whom supervision is required under this section ((~~or RCW~~
10 ~~9.94A.5011~~)).

11 ((~~7~~)) (8) The department shall conduct a risk assessment for
12 every individual convicted of a felony ((offender)) and sentenced to
13 a term of community custody who may be subject to supervision under
14 this section ((~~or RCW 9.94A.5011~~)).

15 ((~~8~~)) (9) The period of time the department is authorized to
16 supervise an ((offender)) individual under this section may not
17 exceed the duration of community custody specified under RCW
18 9.94B.050, 9.94A.701 (1) through (9), or 9.94A.702, except in cases
19 where the court has imposed an exceptional term of community custody
20 under RCW 9.94A.535 and where the governor imposes a term of
21 community custody as a condition of conditional commutation or
22 imposes an additional term of community custody due to a violation of
23 conditional commutation.

24 ((~~9~~)) (10) The period of time the department is authorized to
25 supervise an ((offender)) individual under this section may be
26 reduced by the earned award of supervision compliance credit pursuant
27 to RCW 9.94A.717.

28 **Sec. 2.** RCW 9.94A.501 and 2024 c 306 s 4 and 2024 c 63 s 3 are
29 each reenacted and amended to read as follows:

30 (1) The department shall supervise the following ((offenders))
31 individuals who are sentenced to probation in superior court,
32 pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

33 (a) ((Offenders)) Individuals convicted of:

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

35 (ii) Custodial sexual misconduct second degree;

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

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

38 (b) ((Offenders)) Individuals who have:

1 (i) A current conviction for a repetitive domestic violence
2 offense after August 1, 2011; and

3 (ii) A prior conviction for a repetitive domestic violence
4 offense or domestic violence felony offense after August 1, 2011.

5 (2) (~~Misdemeanor~~) Individuals convicted of misdemeanor and
6 gross misdemeanor (~~offenders~~) offenses supervised by the department
7 pursuant to this section shall be placed on community custody.

8 (3) The department shall supervise every individual convicted of
9 a felony (~~offender~~) and sentenced to community custody pursuant to
10 RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the
11 (~~offender~~) individual as one who is at a high risk to reoffend.

12 (4) Notwithstanding any other provision of this section, the
13 department shall supervise an (~~offender~~) individual sentenced to
14 community custody regardless of risk classification if the
15 (~~offender~~) individual:

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

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

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

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

26 (e)(i) Has a current conviction for a domestic violence felony
27 offense after August 1, 2011, and a prior conviction for a repetitive
28 domestic violence offense or domestic violence felony offense after
29 August 1, 2011. This subsection (4)(e)(i) applies only to offenses
30 committed prior to July 24, 2015;

31 (ii) Has a current conviction for a domestic violence felony
32 offense. The state and its officers, agents, and employees shall not
33 be held criminally or civilly liable for its supervision of an
34 (~~offender~~) individual under this subsection (4)(e)(ii) unless the
35 state and its officers, agents, and employees acted with gross
36 negligence;

37 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660,
38 9.94A.670, 9.94A.711, 9.94A.695, or 9.94A.661;

39 (g) Is subject to supervision pursuant to RCW 9.94A.745; or

1 (h) Was convicted and sentenced under RCW 46.61.520 (vehicular
2 homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6)
3 (felony DUI), or RCW 46.61.504(6) (felony physical control).

4 (5) The department shall supervise any ~~((offender who is))~~
5 individual released by the indeterminate sentence review board
6 ~~((and))~~ who was sentenced to community custody or subject to
7 community custody under the terms of release.

8 (6) The department shall supervise any individual granted
9 conditional commutation pursuant to RCW 9.94A.885.

10 (7) The department is not authorized to, and may not, supervise
11 any ~~((offender))~~ individual sentenced to a term of community custody
12 or any probationer unless the ~~((offender))~~ individual or probationer
13 is one for whom supervision is required under this section ~~((or RCW~~
14 ~~9.94A.5011))~~.

15 ~~((7))~~ (8) The department shall conduct a risk assessment for
16 every individual convicted of a felony ~~((offender))~~ and sentenced to
17 a term of community custody who may be subject to supervision under
18 this section ~~((or RCW 9.94A.5011))~~.

19 ~~((8))~~ (9) The period of time the department is authorized to
20 supervise an ~~((offender))~~ individual under this section may not
21 exceed the duration of community custody specified under RCW
22 9.94B.050, 9.94A.701 (1) through (9), or 9.94A.702, except in cases
23 where the court has imposed an exceptional term of community custody
24 under RCW 9.94A.535 and where the governor imposes a term of
25 community custody as a condition of conditional commutation or
26 imposes an additional term of community custody due to a violation of
27 conditional commutation.

28 ~~((9))~~ (10) The period of time the department is authorized to
29 supervise an ~~((offender))~~ individual under this section may be
30 reduced by the earned award of supervision compliance credit pursuant
31 to RCW 9.94A.717.

32 **Sec. 3.** RCW 9.94A.565 and 1994 c 1 s 5 are each amended to read
33 as follows:

34 (1) Nothing in chapter 1, Laws of 1994 or chapter 10.95 RCW shall
35 ever be interpreted or construed as to reduce or eliminate the power
36 of the governor to grant a pardon or clemency to any ~~((offender))~~
37 individual on an individual case-by-case basis. However, the people
38 recommend that ~~((any offender))~~:

1 (a) Any incarcerated individual subject to total confinement for
2 life without the possibility of parole not be considered for release
3 until the ~~((offender))~~ incarcerated individual has ~~((reached the age~~
4 ~~of at least sixty years old and has))~~ been judged to ~~((be))~~ no longer
5 be a threat to society~~((. The people further recommend that sex~~
6 ~~offenders))~~;

7 (b) Incarcerated individuals who have been convicted of a sex
8 offense be held to the utmost scrutiny under this subsection
9 regardless of age; and

10 (c) Release take the form of a commutation that includes a period
11 of law-abiding behavior in the community.

12 (2) Nothing in this section shall ever be interpreted or
13 construed to grant any release for the purpose of reducing prison
14 overcrowding. Furthermore, the governor shall provide twice yearly
15 reports on the activities and progress of ~~((offenders))~~ individuals
16 subject to total confinement for life without the possibility of
17 parole who are released through executive action during his or her
18 tenure. These reports shall continue for not less than ~~((ten))~~ 10
19 years after the release of the ~~((offender))~~ individual or upon the
20 death of the released ~~((offender))~~ individual.

21 **Sec. 4.** RCW 9.94A.633 and 2021 c 242 s 4 are each amended to
22 read as follows:

23 (1) (a) An ~~((offender))~~ individual who violates any condition or
24 requirement of a sentence may be sanctioned by the court with up to
25 ~~((sixty))~~ 60 days' confinement for each violation or by the
26 department with up to ~~((thirty))~~ 30 days' confinement as provided in
27 RCW 9.94A.737.

28 (b) In lieu of confinement, an ~~((offender))~~ individual may be
29 sanctioned with work release, home detention with electronic
30 monitoring, work crew, community restitution, inpatient treatment,
31 daily reporting, curfew, educational or counseling sessions,
32 supervision enhanced through electronic monitoring, or any other
33 community-based sanctions.

34 (2) If an ~~((offender))~~ individual was under community custody
35 pursuant to one of the following statutes, the ~~((offender))~~
36 individual may be sanctioned as follows:

37 (a) If the ~~((offender))~~ individual was transferred to community
38 custody in lieu of earned early release in accordance with RCW
39 9.94A.728, the ~~((offender))~~ individual may be transferred to a more

1 restrictive confinement status to serve up to the remaining portion
2 of the sentence, less credit for any period actually spent in
3 community custody or in detention awaiting disposition of an alleged
4 violation.

5 (b) If the ((~~offender~~)) individual was sentenced under the drug
6 offender sentencing alternative set out in RCW 9.94A.660, the
7 ((~~offender~~)) individual may be sanctioned in accordance with that
8 section.

9 (c) If the ((~~offender~~)) individual was sentenced under the
10 parenting sentencing alternative set out in RCW 9.94A.655, the
11 ((~~offender~~)) individual may be sanctioned in accordance with that
12 section.

13 (d) If the ((~~offender~~)) individual was sentenced under the
14 special sex offender sentencing alternative set out in RCW 9.94A.670,
15 the suspended sentence may be revoked and the ((~~offender~~)) individual
16 committed to serve the original sentence of confinement.

17 (e) If the ((~~offender~~)) individual was sentenced under the mental
18 health sentencing alternative set out in RCW 9.94A.695, the
19 ((~~offender~~)) individual may be sanctioned in accordance with that
20 section.

21 (f) If the ((~~offender~~)) individual was sentenced to a work ethic
22 camp pursuant to RCW 9.94A.690, the ((~~offender~~)) individual may be
23 reclassified to serve the unexpired term of his or her sentence in
24 total confinement.

25 (g) If ((~~a sex offender~~)) an individual convicted of a sex
26 offense was sentenced pursuant to RCW 9.94A.507, the ((~~offender~~))
27 individual may be transferred to a more restrictive confinement
28 status to serve up to the remaining portion of the sentence, less
29 credit for any period actually spent in community custody or in
30 detention awaiting disposition of an alleged violation.

31 (h) If the individual was granted conditional commutation
32 pursuant to RCW 9.94A.885, the individual may be transferred to a
33 more restrictive confinement status to serve up to the remaining
34 portion of the sentence, less credit for any period actually spent in
35 community custody or in detention awaiting disposition of an alleged
36 violation.

37 (3) If a probationer is being supervised by the department
38 pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may
39 be sanctioned pursuant to subsection (1) of this section. The
40 department shall have authority to issue a warrant for the arrest of

1 an ((~~offender~~)) individual who violates a condition of community
2 custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed
3 by the department pursuant to RCW 9.94A.737. Nothing in this
4 subsection is intended to limit the power of the sentencing court to
5 respond to a probationer's violation of conditions.

6 (4) The parole or probation of an ((~~offender~~)) individual who is
7 charged with a new felony offense may be suspended and the
8 ((~~offender~~)) individual placed in total confinement pending
9 disposition of the new criminal charges if:

10 (a) The ((~~offender~~)) individual is on parole pursuant to RCW
11 9.95.110(1); or

12 (b) The ((~~offender~~)) individual is being supervised pursuant to
13 RCW 9.94A.745 and is on parole or probation pursuant to the laws of
14 another state.

15 **Sec. 5.** RCW 9.94A.633 and 2024 c 306 s 7 are each amended to
16 read as follows:

17 (1)(a) An ((~~offender~~)) individual who violates any condition or
18 requirement of a sentence may be sanctioned by the court with up to
19 60 days' confinement for each violation or by the department with up
20 to 30 days' confinement as provided in RCW 9.94A.737.

21 (b) In lieu of confinement, an ((~~offender~~)) individual may be
22 sanctioned with work release, home detention with electronic
23 monitoring, work crew, community restitution, inpatient treatment,
24 daily reporting, curfew, educational or counseling sessions,
25 supervision enhanced through electronic monitoring, or any other
26 community-based sanctions.

27 (2) If an ((~~offender~~)) individual was under community custody
28 pursuant to one of the following statutes, the ((~~offender~~))
29 individual may be sanctioned as follows:

30 (a) If the ((~~offender~~)) individual was transferred to community
31 custody in lieu of earned early release in accordance with RCW
32 9.94A.728, the ((~~offender~~)) individual may be transferred to a more
33 restrictive confinement status to serve up to the remaining portion
34 of the sentence, less credit for any period actually spent in
35 community custody or in detention awaiting disposition of an alleged
36 violation.

37 (b) If the ((~~offender~~)) individual was sentenced under the drug
38 offender sentencing alternative set out in RCW 9.94A.660, the

1 ((~~offender~~)) individual may be sanctioned in accordance with that
2 section.

3 (c) If the ((~~offender~~)) individual was sentenced under the drug
4 offender sentencing alternative for driving under the influence set
5 out in RCW 9.94A.661, the ((~~offender~~)) individual may be sanctioned
6 in accordance with that section.

7 (d) If the ((~~offender~~)) individual was sentenced under the
8 parenting sentencing alternative set out in RCW 9.94A.655, the
9 ((~~offender~~)) individual may be sanctioned in accordance with that
10 section.

11 (e) If the ((~~offender~~)) individual was sentenced under the
12 special sex offender sentencing alternative set out in RCW 9.94A.670,
13 the suspended sentence may be revoked and the ((~~offender~~)) individual
14 committed to serve the original sentence of confinement.

15 (f) If the ((~~offender~~)) individual was sentenced under the mental
16 health sentencing alternative set out in RCW 9.94A.695, the
17 ((~~offender~~)) individual may be sanctioned in accordance with that
18 section.

19 (g) If the ((~~offender~~)) individual was sentenced to a work ethic
20 camp pursuant to RCW 9.94A.690, the ((~~offender~~)) individual may be
21 reclassified to serve the unexpired term of his or her sentence in
22 total confinement.

23 (h) If ((~~a sex offender~~)) an individual convicted of a sex
24 offense was sentenced pursuant to RCW 9.94A.507, the ((~~offender~~))
25 individual may be transferred to a more restrictive confinement
26 status to serve up to the remaining portion of the sentence, less
27 credit for any period actually spent in community custody or in
28 detention awaiting disposition of an alleged violation.

29 (i) If the individual was granted conditional commutation
30 pursuant to RCW 9.94A.885, the individual may be transferred to a
31 more restrictive confinement status to serve up to the remaining
32 portion of the sentence, less credit for any period actually spent in
33 community custody or in detention awaiting disposition of an alleged
34 violation.

35 (3) If a probationer is being supervised by the department
36 pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may
37 be sanctioned pursuant to subsection (1) of this section. The
38 department shall have authority to issue a warrant for the arrest of
39 an ((~~offender~~)) individual who violates a condition of community
40 custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed

1 by the department pursuant to RCW 9.94A.737. Nothing in this
2 subsection is intended to limit the power of the sentencing court to
3 respond to a probationer's violation of conditions.

4 (4) The parole or probation of an (~~offender~~) individual who is
5 charged with a new felony offense may be suspended and the
6 (~~offender~~) individual placed in total confinement pending
7 disposition of the new criminal charges if:

8 (a) The (~~offender~~) individual is on parole pursuant to RCW
9 9.95.110(1); or

10 (b) The (~~offender~~) individual is being supervised pursuant to
11 RCW 9.94A.745 and is on parole or probation pursuant to the laws of
12 another state.

13 **Sec. 6.** RCW 9.94A.728 and 2023 c 358 s 1 are each amended to
14 read as follows:

15 (1) No incarcerated individual serving a sentence imposed
16 pursuant to this chapter and committed to the custody of the
17 department shall leave the confines of the correctional facility or
18 be released prior to the expiration of the sentence except as
19 follows:

20 (a) An incarcerated individual may earn early release time as
21 authorized by RCW 9.94A.729;

22 (b) An incarcerated individual may leave a correctional facility
23 pursuant to an authorized furlough or leave of absence. In addition,
24 incarcerated individuals may leave a correctional facility when in
25 the custody of a corrections officer or officers;

26 (c)(i) The secretary may authorize an extraordinary medical
27 placement for an incarcerated individual when all of the following
28 conditions exist:

29 (A) The incarcerated individual has been assessed by two
30 physicians and is determined to be one of the following:

31 (I) Affected by a permanent or degenerative medical condition to
32 such a degree that the individual does not presently, and likely will
33 not in the future, pose a threat to public safety; or

34 (II) In ill health and is expected to die within six months and
35 does not presently, and likely will not in the future, pose a threat
36 to public safety;

37 (B) The incarcerated individual has been assessed as low risk to
38 the community at the time of release; and

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

3 (ii) An incarcerated individual sentenced to death or to life
4 imprisonment without the possibility of release or parole is not
5 eligible for an extraordinary medical placement.

6 (iii) The secretary shall require electronic monitoring for all
7 individuals in extraordinary medical placement unless the electronic
8 monitoring equipment is detrimental to the individual's health,
9 interferes with the function of the individual's medical equipment,
10 or results in the loss of funding for the individual's medical care,
11 in which case, an alternative type of monitoring shall be utilized.
12 The secretary shall specify who shall provide the monitoring services
13 and the terms under which the monitoring shall be performed.

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

16 (v) Persistent offenders are not eligible for extraordinary
17 medical placement;

18 (d) The governor, upon recommendation from the clemency and
19 pardons board, may grant an extraordinary release (~~(for)~~):

20 (i) For reasons of serious health problems, senility, advanced
21 age, extraordinary meritorious acts, or other extraordinary
22 circumstances; or

23 (ii) Pursuant to RCW 9.94A.885;

24 (e) No more than the final 12 months of the incarcerated
25 individual's term of confinement may be served in partial confinement
26 for aiding the incarcerated individual with: Finding work as part of
27 the work release program under chapter 72.65 RCW; or reestablishing
28 himself or herself in the community as part of the parenting program
29 in RCW 9.94A.6551. This is in addition to that period of earned early
30 release time that may be exchanged for partial confinement pursuant
31 to RCW 9.94A.729(5)(d);

32 (f)(i) No more than the final five months of the incarcerated
33 individual's term of confinement may be served in partial confinement
34 as home detention as part of the graduated reentry program developed
35 by the department under RCW 9.94A.733(1)(a);

36 (ii) For eligible incarcerated individuals under RCW
37 9.94A.733(1)(b), after serving at least four months in total
38 confinement in a state correctional facility, an incarcerated
39 individual may serve no more than the final 18 months of the
40 incarcerated individual's term of confinement in partial confinement

1 as home detention as part of the graduated reentry program developed
2 by the department;

3 (g) The governor may pardon any incarcerated individual;

4 (h) The department may release an incarcerated individual from
5 confinement any time within 10 days before a release date calculated
6 under this section;

7 (i) An incarcerated individual may leave a correctional facility
8 prior to completion of his or her sentence if the sentence has been
9 reduced as provided in RCW 9.94A.870;

10 (j) Notwithstanding any other provisions of this section, an
11 incarcerated individual sentenced for a felony crime listed in RCW
12 9.94A.540 as subject to a mandatory minimum sentence of total
13 confinement shall not be released from total confinement before the
14 completion of the listed mandatory minimum sentence for that felony
15 crime of conviction unless allowed under RCW 9.94A.540; and

16 (k) Any individual convicted of one or more crimes committed
17 prior to the individual's 18th birthday may be released from
18 confinement pursuant to RCW 9.94A.730.

19 (2) Notwithstanding any other provision of this section, an
20 incarcerated individual entitled to vacation of a conviction or the
21 recalculation of his or her offender score pursuant to *State v.*
22 *Blake*, No. 96873-0 (Feb. 25, 2021), may be released from confinement
23 pursuant to a court order if the incarcerated individual has already
24 served a period of confinement that exceeds his or her new standard
25 range. This provision does not create an independent right to release
26 from confinement prior to resentencing.

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

30 **Sec. 7.** RCW 9.94A.880 and 2011 c 336 s 335 are each amended to
31 read as follows:

32 (1) The clemency and pardons board is established as a board
33 within the office of the governor. The board consists of (~~five~~) 10
34 members appointed by the governor, subject to confirmation by the
35 senate.

36 (2) In making appointments to the board, the governor shall
37 strive to ensure racial, ethnic, geographic, gender, sexual identity,
38 and age diversity. The board membership must include the following:

39 (a) A person with lived experience in a community of color;

1 (b) A person with lived experience as an incarcerated individual
2 or who has worked with the formerly incarcerated or successful
3 community reentry;

4 (c) A representative of a faith-based organization or church with
5 interest or experience in successful community reentry;

6 (d) A person with experience and interest in tribal affairs; and

7 (e) A representative of crime victims.

8 (3) Board members must attend training related to the principles
9 of racial equity, racism, and restorative justice at least every two
10 years.

11 (4) Members of the board (~~shall~~) may serve up to two terms of
12 (~~four~~) five years and may continue to serve until their successors
13 are appointed and confirmed. (~~However, the~~) The governor shall
14 stagger the initial terms (~~by appointing one of the initial members~~
15 for a term of one year, one for a term of two years, one for a term
16 of three years, and two for terms of four years)) so that no more
17 than three members are up for appointment in any given year. Board
18 members as of the effective date of this section may serve the
19 member's remaining term.

20 (~~(3)~~) (5) The board shall elect a chair from among its members
21 and shall adopt bylaws governing the operation of the board. The
22 chair shall approve training and each member's hearing preparation
23 time as duties authorized for compensation under subsection (6) of
24 this section.

25 (~~(4)~~) (6) Members of the board shall (~~receive no compensation~~
26 but shall be reimbursed for travel expenses as provided in RCW
27 43.03.050 and 43.03.060 as now existing or hereafter amended)) each
28 receive compensation in accordance with the provisions of RCW
29 43.03.250, unless waived by the member. All members shall receive
30 travel expenses incurred in the discharge of their official duties in
31 accordance with RCW 43.03.050 and 43.03.060.

32 (~~(5)~~) (7) The attorney general shall provide (~~a staff as~~
33 needed for the operation of)) legal counsel to the board.

34 (8) Each petition for commutation or pardon shall be reviewed by
35 a panel of five board members. The panel membership shall be selected
36 by a random drawing conducted by board staff.

37 (9) For purposes of this section, "lived experience" has the
38 meaning provided in RCW 43.03.220.

1 **Sec. 8.** RCW 9.94A.885 and 2009 c 325 s 6 and 2009 c 138 s 4 are
2 each reenacted and amended to read as follows:

3 (1) The clemency and pardons board shall receive petitions from
4 individuals, organizations, and the department and make
5 recommendations to the governor for (~~(review and commutation)~~):

6 (a) Commutation of sentences of incarcerated individuals when the
7 sentence no longer serves the interest of justice; and (~~(pardoning)~~)

8 (b) Pardoning of (~~(offenders)~~) individuals in extraordinary
9 cases (~~(, and shall make recommendations thereon to the governor)~~).

10 (2) The board shall receive petitions from individuals or
11 organizations for the restoration of civil rights lost by operation
12 of state law as a result of convictions for federal offenses or out-
13 of-state felonies. The board may issue certificates of restoration
14 limited to engaging in political office. Any certifications granted
15 by the board must be filed with the secretary of state to be
16 effective. In all other cases, the board shall make recommendations
17 to the governor.

18 (3) The board shall not recommend that the governor grant
19 clemency under subsection (1) of this section until a public hearing
20 has been held on the petition. The prosecuting attorney of the county
21 where the conviction was obtained shall be notified at least
22 (~~(thirty)~~) 90 days prior to the scheduled hearing that a petition has
23 been filed and the date and place at which the hearing on the
24 petition will be held. The board may waive the (~~(thirty-day)~~) 90-day
25 notice requirement in cases where it determines that waiver is
26 necessary to permit timely action on the petition. A copy of the
27 petition shall be sent to the prosecuting attorney. The prosecuting
28 attorney shall make reasonable efforts to notify victims, survivors
29 of victims, witnesses, and the law enforcement agency or agencies
30 that conducted the investigation, of the date and place of the
31 hearing. Information regarding victims, survivors of victims, or
32 witnesses receiving this notice are confidential and shall not be
33 available to the (~~(offender)~~) incarcerated individual seeking
34 clemency. The board shall consider statements presented as set forth
35 in RCW 7.69.032. This subsection is intended solely for the guidance
36 of the board. Nothing in this section is intended or may be relied
37 upon to create a right or benefit, substantive or procedural,
38 enforceable at law by any person.

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

3 The clemency and pardons board shall transmit to the governor and
4 the legislature, at least annually, a report of its work, in which
5 shall be given such information as may be relevant. The information
6 must include the names of any individuals granted commutation or a
7 pardon in the previous calendar year, the crimes of which those
8 individuals were convicted, and any known acts of recidivism during
9 the preceding calendar year by any individual listed in any report
10 submitted under this section.

11 NEW SECTION. **Sec. 10.** Sections 1 and 4 of this act expire
12 January 1, 2026.

13 NEW SECTION. **Sec. 11.** Sections 2 and 5 of this act take effect
14 January 1, 2026.

15 NEW SECTION. **Sec. 12.** If specific funding for the purposes of
16 this act, referencing this act by bill or chapter number, is not
17 provided by June 30, 2025, in the omnibus appropriations act, this
18 act is null and void.

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