

SUBSTITUTE HOUSE BILL 1317

State of Washington

69th Legislature

2025 Regular Session

By House Appropriations (originally sponsored by Representatives Hackney, Goodman, Simmons, Ormsby, Springer, Pollet, and Doglio)

READ FIRST TIME 02/28/25.

1 AN ACT Relating to persons serving long sentences for offenses
2 committed prior to reaching 21 years of age; amending RCW 9.94A.510,
3 9.94A.540, 9.94A.570, 9.94A.728, 9.94A.729, 9.94A.730, and 10.95.030;
4 creating new sections; and repealing RCW 10.95.035.

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

6 **Sec. 1.** RCW 9.94A.510 and 2014 c 130 s 1 are each amended to
7 read as follows:

8 TABLE 1
9 Sentencing Grid

SERIOUSNESS										
LEVEL	OFFENDER SCORE									
										9 or more
	0	1	2	3	4	5	6	7	8	more
XVI	((Life sentence without parole/death penalty for offenders at or over the age of eighteen. For offenders under the age of eighteen, a term of twenty-five years to life)) Sentence established by RCW 10.95.030.									
XV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y
	240-	250-	261-	271-	281-	291-	312-	338-	370-	411-

1		320	333	347	361	374	388	416	450	493	548
2	XIV	14y4m	15y4m	16y2m	17y	17y11m	18y9m	20y5m	22y2m	25y7m	29y
3		123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
4		220	234	244	254	265	275	295	316	357	397
5	XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
6		123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
7		164	178	192	205	219	233	260	288	342	397
8	XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
9		93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
10		123	136	147	160	171	184	216	236	277	318
11	XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
12		78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
13		102	114	125	136	147	158	194	211	245	280
14	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
15		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
16		68	75	82	89	96	102	130	144	171	198
17	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
18		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
19		41	48	54	61	68	75	102	116	144	171
20	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
21		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
22		27	34	41	48	54	61	89	102	116	144
23	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
24		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
25		20	27	34	41	48	54	75	89	102	116
26	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
27		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
28		14	20	27	34	41	48	61	75	89	102
29	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
30		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
31		12	14	17	20	29	43	54	68	82	96
32	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m

1		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
2		9	12	14	17	20	29	43	57	70	84
3	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
4		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
5		3	8	12	12	16	22	29	43	57	68
6	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
7		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
8		Days	6	9	12	14	18	22	29	43	57
9	I			3m	4m	5m	8m	13m	16m	20m	2y2m
10		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
11		Days	Days	5	6	8	12	14	18	22	29

12 Numbers in the first horizontal row of each seriousness category
 13 represent sentencing midpoints in years(y) and months(m). Numbers in
 14 the second and third rows represent standard sentence ranges in
 15 months, or in days if so designated. 12+ equals one year and one day.

16 **Sec. 2.** RCW 9.94A.540 and 2014 c 130 s 2 are each amended to
 17 read as follows:

18 (1) Except to the extent provided in subsection (3) of this
 19 section, the following minimum terms of total confinement are
 20 mandatory and shall not be varied or modified under RCW 9.94A.535:

21 (a) An offender convicted of the crime of murder in the first
 22 degree shall be sentenced to a term of total confinement not less
 23 than (~~twenty~~) 20 years.

24 (b) An offender convicted of the crime of assault in the first
 25 degree or assault of a child in the first degree where the offender
 26 used force or means likely to result in death or intended to kill the
 27 victim shall be sentenced to a term of total confinement not less
 28 than five years.

29 (c) An offender convicted of the crime of rape in the first
 30 degree shall be sentenced to a term of total confinement not less
 31 than five years.

32 (d) An offender convicted of the crime of sexually violent
 33 predator escape shall be sentenced to a minimum term of total
 34 confinement not less than (~~sixty~~) 60 months.

35 (e) An offender convicted of the crime of aggravated first degree
 36 murder for a murder that was committed prior to the offender's

1 ((eighteenth)) 21st birthday shall be sentenced to a term of total
2 confinement ((not less than twenty-five years)) that is consistent
3 with RCW 10.95.030.

4 (2) During such minimum terms of total confinement, no offender
5 subject to the provisions of this section is eligible for community
6 custody, earned release time, furlough, home detention, partial
7 confinement, work crew, work release, or any other form of early
8 release authorized under RCW 9.94A.728, or any other form of
9 authorized leave of absence from the correctional facility while not
10 in the direct custody of a corrections officer. The provisions of
11 this subsection shall not apply: (a) In the case of an offender in
12 need of emergency medical treatment; (b) for the purpose of
13 commitment to an inpatient treatment facility in the case of an
14 offender convicted of the crime of rape in the first degree; ((~~or~~)
15 (c) for an extraordinary medical placement when authorized under RCW
16 9.94A.728((~~+3~~)) (1)(c); or (d) for release approved by the board
17 under RCW 9.94A.730.

18 (3)(a) Subsection (1)(a) through (d) of this section shall not be
19 applied in sentencing of juveniles tried as adults pursuant to RCW
20 13.04.030(1)(e)(i).

21 (b) This subsection (3) applies only to crimes committed on or
22 after July 24, 2005.

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

25 (1) Notwithstanding the statutory maximum sentence or any other
26 provision of this chapter, a persistent offender shall be sentenced
27 to a term of total confinement for life without the possibility of
28 release ((~~or, when authorized by RCW 10.95.030 for the crime of~~
29 ~~aggravated murder in the first degree, sentenced to death. In~~
30 ~~addition, no offender subject to this section may be~~)).

31 (2) A persistent offender is not eligible for community custody,
32 earned release time, furlough, home detention, partial confinement,
33 work crew, work release, or any other form of release as defined
34 under RCW 9.94A.728(1)((~~, (2), (3), (4), (6), (8), or (9),~~)) (b),
35 (c), (e), (h), and (i) or any other form of authorized leave from a
36 correctional facility while not in the direct custody of a
37 corrections officer or officers, except: ((~~+1~~)) (a) In the case of
38 an offender in need of emergency medical treatment; or ((~~+2~~)) (b)
39 for the purpose of commitment to an inpatient treatment facility in

1 the case of an offender convicted of the crime of rape in the first
2 degree.

3 (3) A persistent offender may be released from confinement by the
4 board under RCW 9.94A.730 or 10.95.030(2).

5 **Sec. 4.** RCW 9.94A.728 and 2023 c 358 s 1 are each amended to
6 read as follows:

7 (1) No incarcerated individual serving a sentence imposed
8 pursuant to this chapter and committed to the custody of the
9 department shall leave the confines of the correctional facility or
10 be released prior to the expiration of the sentence except as
11 follows:

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

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

18 (c)(i) The secretary may authorize an extraordinary medical
19 placement for an incarcerated individual when all of the following
20 conditions exist:

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

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

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

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

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

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

36 (iii) The secretary shall require electronic monitoring for all
37 individuals in extraordinary medical placement unless the electronic
38 monitoring equipment is detrimental to the individual's health,
39 interferes with the function of the individual's medical equipment,

1 or results in the loss of funding for the individual's medical care,
2 in which case, an alternative type of monitoring shall be utilized.
3 The secretary shall specify who shall provide the monitoring services
4 and the terms under which the monitoring shall be performed.

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

7 (v) Persistent offenders are not eligible for extraordinary
8 medical placement;

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

13 (e) No more than the final 12 months of the incarcerated
14 individual's term of confinement may be served in partial confinement
15 for aiding the incarcerated individual with: Finding work as part of
16 the work release program under chapter 72.65 RCW; or reestablishing
17 himself or herself in the community as part of the parenting program
18 in RCW 9.94A.6551. This is in addition to that period of earned early
19 release time that may be exchanged for partial confinement pursuant
20 to RCW 9.94A.729(5)(d);

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

25 (ii) For eligible incarcerated individuals under RCW
26 9.94A.733(1)(b), after serving at least four months in total
27 confinement in a state correctional facility, an incarcerated
28 individual may serve no more than the final 18 months of the
29 incarcerated individual's term of confinement in partial confinement
30 as home detention as part of the graduated reentry program developed
31 by the department;

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

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

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

39 (j) Notwithstanding any other provisions of this section, an
40 incarcerated individual sentenced for a felony crime listed in RCW

1 9.94A.540 as subject to a mandatory minimum sentence of total
2 confinement shall not be released from total confinement before the
3 completion of the listed mandatory minimum sentence for that felony
4 crime of conviction unless allowed under RCW 9.94A.540; and

5 (k) Any individual convicted of one or more crimes committed
6 prior to the individual's (~~18th~~) 21st birthday may be released from
7 confinement pursuant to RCW 9.94A.730 and 10.95.030(2).

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

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

19 **Sec. 5.** RCW 9.94A.729 and 2022 c 29 s 1 are each amended to read
20 as follows:

21 (1)(a) The term of the sentence of an offender committed to a
22 correctional facility operated by the department may be reduced by
23 earned release time in accordance with procedures that shall be
24 developed and adopted by the correctional agency having jurisdiction
25 in which the offender is confined. The earned release time shall be
26 for good behavior and good performance, as determined by the
27 correctional agency having jurisdiction. The correctional agency
28 shall not credit the offender with earned release credits in advance
29 of the offender actually earning the credits.

30 (b) Any program established pursuant to this section shall allow
31 an offender to earn early release credits for presentence
32 incarceration. If an offender is transferred from a county jail to
33 the department, the administrator of a county jail facility shall
34 certify to the department the amount of time spent in custody at the
35 facility and the number of days of early release credits lost or not
36 earned. The department may approve a jail certification from a
37 correctional agency that calculates early release time based on the
38 actual amount of confinement time served by the offender before
39 sentencing when an erroneous calculation of confinement time served

1 by the offender before sentencing appears on the judgment and
2 sentence. The department must adjust an offender's rate of early
3 release listed on the jail certification to be consistent with the
4 rate applicable to offenders in the department's facilities. However,
5 the department is not authorized to adjust the number of presentence
6 early release days that the jail has certified as lost or not earned.

7 (2) (a) An offender who has been convicted of a felony committed
8 after July 23, 1995, that involves any applicable deadly weapon
9 enhancements under RCW 9.94A.533 (3) or (4), or both, shall not
10 receive any good time credits or earned release time for that portion
11 of his or her sentence that results from any deadly weapon
12 enhancements.

13 (b) An offender whose sentence includes any impaired driving
14 enhancements under RCW 9.94A.533(7), minor child enhancements under
15 RCW 9.94A.533(13), or both, shall not receive any good time credits
16 or earned release time for any portion of his or her sentence that
17 results from those enhancements.

18 (3) An offender may earn early release time as follows:

19 (a) In the case of an offender sentenced pursuant to RCW
20 10.95.030 (~~((3) or 10.95.035)~~) (2), the offender may not receive any
21 earned early release time during the minimum term of confinement
22 imposed by the court; for any remaining portion of the sentence
23 served by the offender, the aggregate earned release time may not
24 exceed 10 percent of the sentence.

25 (b) In the case of an offender convicted of a serious violent
26 offense, or a sex offense that is a class A felony, committed on or
27 after July 1, 1990, and before July 1, 2003, the aggregate earned
28 release time may not exceed 15 percent of the sentence.

29 (c) In the case of an offender convicted of a serious violent
30 offense, or a sex offense that is a class A felony, committed on or
31 after July 1, 2003, the aggregate earned release time may not exceed
32 10 percent of the sentence.

33 (d) An offender is qualified to earn up to 50 percent of
34 aggregate earned release time if he or she:

35 (i) Is not classified as an offender who is at a high risk to
36 reoffend as provided in subsection (4) of this section;

37 (ii) Is not confined pursuant to a sentence for:

38 (A) A sex offense;

39 (B) A violent offense;

40 (C) A crime against persons as defined in RCW 9.94A.411;

1 (D) A felony that is domestic violence as defined in RCW
2 10.99.020;

3 (E) A violation of RCW 9A.52.025 (residential burglary);

4 (F) A violation of, or an attempt, solicitation, or conspiracy to
5 violate, RCW 69.50.401 by manufacture or delivery or possession with
6 intent to deliver methamphetamine; or

7 (G) A violation of, or an attempt, solicitation, or conspiracy to
8 violate, RCW 69.50.406 (delivery of a controlled substance to a
9 minor);

10 (iii) Has no prior conviction for the offenses listed in (d)(ii)
11 of this subsection;

12 (iv) Participates in programming or activities as directed by the
13 offender's individual reentry plan as provided under RCW 72.09.270 to
14 the extent that such programming or activities are made available by
15 the department; and

16 (v) Has not committed a new felony after July 22, 2007, while
17 under community custody.

18 (e) In no other case shall the aggregate earned release time
19 exceed one-third of the total sentence.

20 (4) The department shall perform a risk assessment of each
21 offender who may qualify for earned early release under subsection
22 (3)(d) of this section utilizing the risk assessment tool recommended
23 by the Washington state institute for public policy. Subsection
24 (3)(d) of this section does not apply to offenders convicted after
25 July 1, 2010.

26 (5)(a) A person who is eligible for earned early release as
27 provided in this section and who will be supervised by the department
28 pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to
29 community custody in lieu of earned release time;

30 (b) The department shall, as a part of its program for release to
31 the community in lieu of earned release, require the offender to
32 propose a release plan that includes an approved residence and living
33 arrangement. All offenders with community custody terms eligible for
34 release to community custody in lieu of earned release shall provide
35 an approved residence and living arrangement prior to release to the
36 community;

37 (c) The department may deny transfer to community custody in lieu
38 of earned release time if the department determines an offender's
39 release plan, including proposed residence location and living
40 arrangements, may violate the conditions of the sentence or

1 conditions of supervision, place the offender at risk to violate the
2 conditions of the sentence, place the offender at risk to reoffend,
3 or present a risk to victim safety or community safety. The
4 department's authority under this section is independent of any
5 court-ordered condition of sentence or statutory provision regarding
6 conditions for community custody;

7 (d) If the department is unable to approve the offender's release
8 plan, the department may do one or more of the following:

9 (i) Transfer an offender to partial confinement in lieu of earned
10 early release for a period not to exceed three months. The three
11 months in partial confinement is in addition to that portion of the
12 offender's term of confinement that may be served in partial
13 confinement as provided in RCW 9.94A.728(1)(e);

14 (ii) Provide rental vouchers to the offender for a period not to
15 exceed six months if rental assistance will result in an approved
16 release plan.

17 A voucher must be provided in conjunction with additional
18 transition support programming or services that enable an offender to
19 participate in services including, but not limited to, substance
20 abuse treatment, mental health treatment, sex offender treatment,
21 educational programming, or employment programming;

22 (e) The department shall maintain a list of housing providers
23 that meets the requirements of RCW 72.09.285. If more than two
24 voucher recipients will be residing per dwelling unit, as defined in
25 RCW 59.18.030, rental vouchers for those recipients may only be paid
26 to a housing provider on the department's list;

27 (f) For each offender who is the recipient of a rental voucher,
28 the department shall gather data as recommended by the Washington
29 state institute for public policy in order to best demonstrate
30 whether rental vouchers are effective in reducing recidivism.

31 (6) An offender serving a term of confinement imposed under RCW
32 9.94A.670(5)(a) is not eligible for earned release credits under this
33 section.

34 **Sec. 6.** RCW 9.94A.730 and 2024 c 118 s 4 are each amended to
35 read as follows:

36 (1) (a) Notwithstanding any other provision of this chapter, any
37 person convicted of one or more crimes committed prior to the
38 person's ~~((18th))~~ 21st birthday may petition the indeterminate
39 sentence review board for early release after serving no less than

1 ((20)) 15 years of total confinement, provided the person has not
2 been convicted for any crime committed subsequent to the person's
3 ((18th)) 21st birthday, the person has not committed a disqualifying
4 serious infraction as defined by the department in the 12 months
5 prior to filing the petition for early release, and the current
6 sentence was not imposed under RCW 10.95.030 ((~~or~~), 9.94A.507, or
7 9.94A.540(1)(a).

8 (b) Notwithstanding any other provision of law, any person
9 convicted of the crime of murder in the first degree committed prior
10 to the person's 21st birthday may petition the indeterminate sentence
11 review board for early release after serving no less than 20 years of
12 total confinement, provided the person has not been convicted for any
13 crime committed subsequent to the person's 21st birthday, the person
14 has not committed a disqualifying serious infraction as defined by
15 the department of corrections in the 12 months prior to filing the
16 petition for early release, and the current sentence was not imposed
17 under RCW 9.94A.507.

18 (c) Notwithstanding any other provision of law, any person
19 convicted of the crime of aggravated first degree murder committed
20 prior to the person's 21st birthday may petition the indeterminate
21 sentence review board for early release after serving no less than 25
22 years of total confinement, provided the person has not been
23 convicted for any crime committed subsequent to the person's 21st
24 birthday, the person has not committed a disqualifying serious
25 infraction as defined by the department of corrections in the 12
26 months prior to filing the petition for early release, and the
27 current sentence was not imposed under RCW 9.94A.507.

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

34 (3) No later than 180 days from receipt of the petition for early
35 release, the department shall conduct, and the offender shall
36 participate in, an examination of the person, incorporating
37 methodologies that are recognized by experts in the prediction of
38 dangerousness, and including a prediction of the probability that the
39 person will engage in future criminal behavior if released on
40 conditions to be set by the board. The board may consider a person's

1 failure to participate in an evaluation under this subsection in
2 determining whether to release the person. The board shall order the
3 person released under such affirmative and other conditions as the
4 board determines appropriate, unless the board determines by a
5 preponderance of the evidence that, despite such conditions, it is
6 more likely than not that the person will commit new criminal law
7 violations if released. The board shall give public safety
8 considerations the highest priority when making all discretionary
9 decisions regarding the ability for release and conditions of
10 release.

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

20 (5) Any person released by the board pursuant to this section
21 shall comply with conditions imposed or modified pursuant to RCW
22 9.94A.704(10), in addition to court-imposed conditions.

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

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

34 (8) An offender released under the provisions of this section may
35 be returned to the institution at the discretion of the board if the
36 offender is found to have violated a condition of community custody.
37 The offender is entitled to a hearing pursuant to RCW 9.95.435. If
38 the board finds that the offender has committed a new violation, the
39 board may return the offender to the institution for up to the
40 remainder of the court-imposed term of incarceration. The offender

1 may file a new petition for release five years from the date of
2 return to the institution or at an earlier date as may be set by the
3 board.

4 **Sec. 7.** RCW 10.95.030 and 2024 c 118 s 7 are each amended to
5 read as follows:

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

18 (2) (a) (i) Any person convicted of the crime of aggravated first
19 degree murder for an offense committed prior to the person's 16th
20 birthday shall be sentenced to a maximum term of life imprisonment
21 and a minimum term of total confinement of 25 years.

22 (ii) Any person convicted of the crime of aggravated first degree
23 murder for an offense committed when the person is at least 16 years
24 old but less than 18 years old shall be sentenced to a maximum term
25 of life imprisonment and a minimum term of total confinement of no
26 less than 25 years.

27 (iii) Any person convicted of the crime of aggravated first
28 degree murder for an offense committed when the person is at least 18
29 years old but less than 21 years old shall be sentenced to a maximum
30 term of life imprisonment and a minimum term of total confinement of
31 no less than 25 years if the court determines that the mitigating
32 factors that account for the diminished culpability of youth, as
33 described in (b) of this subsection, apply to the current offense.

34 (b) In setting a minimum term, the court must take into account
35 mitigating factors that account for the diminished culpability of
36 youth as provided in *Miller v. Alabama*, 132 S.Ct. 2455 (2012)
37 including, but not limited to, the age of the individual, the youth's
38 childhood and life experience, the degree of responsibility the youth

1 was capable of exercising, and the youth's chances of becoming
2 rehabilitated.

3 (c) Notwithstanding any other provision of law, any person
4 convicted of one or more crimes committed prior to the person's 21st
5 birthday may petition the indeterminate sentence review board for
6 early release after serving no less than 25 years of total
7 confinement, provided the person has not been convicted for any crime
8 committed subsequent to the person's 21st birthday, the person has
9 not committed a disqualifying serious infraction as defined by the
10 department of corrections in the 12 months prior to filing the
11 petition for early release, and the current sentence was not imposed
12 under RCW 9.94A.507.

13 (d) A person sentenced under this subsection shall serve the
14 sentence in a facility or institution operated, or utilized under
15 contract, by the state. During the minimum term of total confinement,
16 the person shall not be eligible for community custody, earned
17 release time, furlough, home detention, partial confinement, work
18 crew, work release, or any other form of early release authorized
19 under RCW 9.94A.728, or any other form of authorized leave or absence
20 from the correctional facility while not in the direct custody of a
21 corrections officer. The provisions of this subsection shall not
22 apply: (i) In the case of an offender in need of emergency medical
23 treatment; or (ii) for an extraordinary medical placement when
24 authorized under RCW 9.94A.728(1)(c).

25 ~~((d))~~ (e) Any person sentenced pursuant to this subsection
26 shall be subject to community custody under the supervision of the
27 department of corrections and the authority of the indeterminate
28 sentence review board. As part of any sentence under this subsection,
29 the court shall require the person to comply with any conditions
30 imposed by the board.

31 ~~((e))~~ (f) Any person sentenced pursuant to this subsection
32 shall comply with conditions imposed or modified pursuant to RCW
33 9.94A.704(10), in addition to court-imposed conditions.

34 ~~((f) No later than five years prior to the expiration of the~~
35 ~~person's minimum term, the department of corrections shall conduct an~~
36 ~~assessment of the offender and identify programming and services that~~
37 ~~would be appropriate to prepare the offender for return to the~~
38 ~~community. To the extent possible, the department shall make~~
39 ~~programming available as identified by the assessment.~~

1 ~~(g) No later than 180 days prior to the expiration of the~~
2 ~~person's minimum term, the department of corrections shall conduct,~~
3 ~~and the offender shall participate in, an examination of the person,~~
4 ~~incorporating methodologies that are recognized by experts in the~~
5 ~~prediction of dangerousness, and including a prediction of the~~
6 ~~probability that the person will engage in future criminal behavior~~
7 ~~if released on conditions to be set by the board. The board may~~
8 ~~consider a person's failure to participate in an evaluation under~~
9 ~~this subsection in determining whether to release the person. The~~
10 ~~board shall order the person released, under such affirmative and~~
11 ~~other conditions as the board determines appropriate, unless the~~
12 ~~board determines by a preponderance of the evidence that, despite~~
13 ~~such conditions, it is more likely than not that the person will~~
14 ~~commit new criminal law violations if released. If the board does not~~
15 ~~order the person released, the board shall set a new minimum term not~~
16 ~~to exceed five additional years. The board shall give public safety~~
17 ~~considerations the highest priority when making all discretionary~~
18 ~~decisions regarding the ability for release and conditions of~~
19 ~~release.~~

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

29 ~~(i) An offender released by the board is subject to the~~
30 ~~supervision of the department of corrections for a period of time to~~
31 ~~be determined by the board. The department shall monitor the~~
32 ~~offender's compliance with conditions of community custody imposed by~~
33 ~~the court or board and promptly report any violations to the board.~~
34 ~~Any violation of conditions of community custody established or~~
35 ~~modified by the board are subject to the provisions of RCW 9.95.425~~
36 ~~through 9.95.440.~~

37 ~~(j) An offender released or discharged under this section may be~~
38 ~~returned to the institution at the discretion of the board if the~~
39 ~~offender is found to have violated a condition of community custody.~~
40 ~~The offender is entitled to a hearing pursuant to RCW 9.95.435. The~~

1 ~~board shall set a new minimum term of incarceration not to exceed~~
2 ~~five years)) (g) Petitions for early release shall be subject to the~~
3 ~~provisions of RCW 9.94A.730 (2) through (8).~~

4 NEW SECTION. **Sec. 8.** RCW 10.95.035 (Return of persons to
5 sentencing court if sentenced prior to June 1, 2014, under this
6 chapter or any prior law, for a term of life without the possibility
7 of parole for an offense committed prior to 18th birthday) and 2023 c
8 102 s 22, 2015 c 134 s 7, & 2014 c 130 s 11 are each repealed.

9 NEW SECTION. **Sec. 9.** Sections 2(2), 3, 4, 6, and 7(2)(c) of
10 this act apply retroactively to persons incarcerated on the effective
11 date of this section, regardless of the date of the offense or
12 conviction.

13 NEW SECTION. **Sec. 10.** This act does not create any right or
14 entitlement to release from incarceration before the end of a term of
15 incarceration imposed by the court.

16 NEW SECTION. **Sec. 11.** If specific funding for the purposes of
17 this act, referencing this act by bill or chapter number, is not
18 provided by June 30, 2025, in the omnibus appropriations act, this
19 act is null and void.

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