

HOUSE BILL 1317

State of Washington 69th Legislature 2025 Regular Session

By Representatives Hackney, Goodman, Simmons, Ormsby, Springer, Pollet, and Doglio

Read first time 01/15/25. Referred to Committee on Community Safety.

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

Table with columns: SERIOUSNESS, LEVEL, OFFENDER SCORE (0-8, 9 or more). Includes a note: 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.

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.

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