
SECOND SUBSTITUTE SENATE BILL 5266

State of Washington

69th Legislature

2025 Regular Session

By Senate Ways & Means (originally sponsored by Senators Frame, J. Wilson, C. Wilson, Trudeau, Orwall, Bateman, Hasegawa, Nobles, and Valdez)

READ FIRST TIME 02/28/25.

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

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

7 NEW SECTION. **Sec. 1.** The legislature recognizes that the United
8 States supreme court found mandatory life sentences for conduct
9 committed by minors unconstitutional. The legislature acknowledges
10 that since the federal and state Constitutions demand that most
11 minors convicted of crimes will eventually be released into the
12 community, successful rehabilitation will result in less recidivism
13 in communities following reentry. The legislature finds that lengthy
14 sentences with little incentive for rehabilitation until decades into
15 incarceration misses a critical development opportunity for youth at
16 a formative time during brain development. Scientific studies have
17 found that brain development impacting decision making continues
18 until age 25 and that this represents a critical period for behavior
19 change, and therefore rehabilitation. The legislature therefore
20 intends to create greater incentives for rehabilitation for youth
21 convicted of offenses prior to their 18th birthday by allowing them

1 to petition the indeterminate sentence review board after reaching
2 the age of 24.

3 **Sec. 2.** RCW 9.94A.730 and 2024 c 118 s 4 are each amended to
4 read as follows:

5 (1) Notwithstanding any other provision of this chapter, any
6 person convicted of one or more crimes committed prior to the
7 person's 18th birthday may petition the indeterminate sentence review
8 board for early release (~~after serving no less than 20 years of~~
9 ~~total confinement~~) if:

10 (a) The person reaches the age of 24 or older, ((provided the))
11 unless the person has been convicted of three or more murder
12 offenses, in which case the person may petition after serving no less
13 than 20 years of total confinement;

14 (b) The person has not been convicted for any crime committed
15 ((subsequent to the person's 18th birthday, the)) in the 12 months
16 prior to filing the petition for early release;

17 (c) The person has not committed a disqualifying serious
18 infraction as defined by the department or the department of
19 children, youth, and families in the 12 months prior to filing the
20 petition for early release((7)); and ((the))

21 (d) The current sentence was not imposed under RCW 10.95.030 or
22 9.94A.507.

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

29 (3) No later than 180 days from receipt of the petition for early
30 release, the department shall conduct, and the offender shall
31 participate in, an examination of the person, incorporating
32 methodologies that are recognized by experts in the prediction of
33 dangerousness, and including a prediction of the probability that the
34 person will engage in future criminal behavior if released on
35 conditions to be set by the board. The board may consider a person's
36 failure to participate in an evaluation under this subsection in
37 determining whether to release the person. The board shall order the
38 person released under such affirmative and other conditions as the
39 board determines appropriate, unless the board determines by a

1 preponderance of the evidence that, despite such conditions, it is
2 more likely than not that the person will commit new criminal law
3 violations if released. The board shall give public safety
4 considerations the highest priority when making all discretionary
5 decisions regarding the ability for release and conditions of
6 release.

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

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

29 (6) Any person released by the board pursuant to this section
30 shall comply with conditions imposed or modified pursuant to RCW
31 9.94A.704(10), in addition to court-imposed conditions.

32 ~~((+6))~~ (7) An offender released by the board is subject to the
33 supervision of the department for a period of time to be determined
34 by the board, up to the length of the court-imposed term of
35 incarceration. The department shall monitor the offender's compliance
36 with conditions of community custody imposed by the court or board
37 and promptly report any violations to the board. Any violation of
38 conditions of community custody established or modified by the board
39 are subject to the provisions of RCW 9.95.425 through 9.95.440.

1 (~~(7)~~) (8) An offender whose petition for release is denied may
2 file a new petition for release five years from the date of denial or
3 at an earlier date as may be set by the board.

4 (~~(8)~~) (9) An offender released under the provisions of this
5 section may be returned to the institution at the discretion of the
6 board if the offender is found to have violated a condition of
7 community custody. The offender is entitled to a hearing pursuant to
8 RCW 9.95.435. If the board finds that the offender has committed a
9 new violation, the board may return the offender to the institution
10 for up to the remainder of the court-imposed term of incarceration.
11 The offender may file a new petition for release five years from the
12 date of return to the institution or at an earlier date as may be set
13 by the board.

14 NEW SECTION. **Sec. 3.** (1) The number of petitions from persons
15 made eligible to petition the indeterminate sentence review board for
16 early release under this act, who otherwise would not be eligible,
17 that are acted on or responded to by the department of corrections or
18 the board, shall be limited to no more than 35 per year. Nothing in
19 this section shall be construed to create any right or entitlement to
20 a hearing before the board. Within the limit of 35 petitions per
21 year, the department shall prioritize examinations, and the board
22 shall prioritize hearings on petitions for early release, in the
23 following descending order with the highest priority given to:

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

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

31 (2) This section expires July 1, 2035.

32 NEW SECTION. **Sec. 4.** This act may be known and cited as the
33 youth hope act.

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