

RCW 9.95.422 Petition for early release—Determination of parole eligibility review date—Notice—Records—Comprehensive minutes. (1)

Upon receipt of a petition for early release submitted under RCW 9.94A.730, or upon determination of a parole eligibility review date pursuant to RCW 9.95.100 and 9.95.052, the indeterminate sentence review board must provide notice and a copy of a petition or parole eligibility documents to the sentencing court, prosecuting attorney, and crime victim or surviving family member. The board may request the prosecuting attorney to assist in contacting the crime victim or surviving family member. If requested in writing by the sentencing court, the prosecuting attorney, or the crime victim or surviving family member, the indeterminate sentence review board must also provide any assessment, psychological evaluation, institutional behavior record, or other examination of the offender. Notice of the early release hearing date or parole eligibility date, and any evaluations or information relevant to the release decision, must be provided at least ninety days before the early release hearing or parole eligibility review hearing. The records described in this section, and other records reviewed by the board in response to the petition or parole eligibility review[,], must be disclosed in full and without redaction. Copies of records to be provided to the sentencing court and prosecuting attorney under this section must be provided as required without regard to whether the board has received a request for copies.

(2) For the purpose of review by the board of a petition for early release or parole eligibility, it is presumed that none of the records reviewed are exempt from disclosure to the sentencing court, prosecuting attorney, and crime victim or surviving family member, in whole or in part. The board may not claim any exemption from disclosure for the records reviewed for an early release petition or parole eligibility review hearing.

(3) The board and its subcommittees must provide comprehensive minutes of all related meetings and hearings on a petition for early release or parole eligibility review hearing. The comprehensive minutes should include, but not be limited to, the board members present, the name of the petitioner seeking review, the purpose and date of the meeting or hearing, a listing of documents reviewed, the names of members of the public who testify, a summary of discussion, the motions or other actions taken, and the votes of board members by name. For the purposes of this subsection, "action" has the same meaning as in RCW 42.30.020. The comprehensive minutes must be publicly and conspicuously posted on the board's website within thirty days of the meeting or hearing, without any information withheld or redacted. Nothing in this subsection precludes the board from receiving confidential input from the crime victim or surviving family member. [2016 c 218 s 2.]

Finding—2016 c 218: "The legislature finds that the duties of the indeterminate sentence review board have been expanded beyond those envisioned when the sentencing reform act was adopted. Rather than an expiring jurisdiction tied to presentencing reform act prisoners, the indeterminate sentence review board has been given authority over the release and supervision of determinate plus sex offenders sentenced under RCW 9.94A.507, and the release and supervision of certain offenders who committed crimes while under the age of eighteen, pursuant to RCW 9.94A.730. In light of this expanded

and important role within the criminal justice system, the legislature adopts immediate requirements for notice and transparency in release hearings, as well as recommending that chapter 9.95 RCW be updated by the relevant legislative committees in conjunction with the sentencing guidelines commission." [2016 c 218 s 1.]