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**SUBSTITUTE SENATE BILL 6242**

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**State of Washington**

**64th Legislature**

**2016 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators O'Ban, Pedersen, Padden, Roach, Hargrove, Pearson, Darneille, Frockt, and Sheldon)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to the indeterminate sentence review board;  
2 adding a new section to chapter 9.95 RCW; creating a new section; and  
3 declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the duties of  
6 the indeterminate sentence review board have been expanded beyond  
7 those envisioned when the sentencing reform act was adopted. Rather  
8 than an expiring jurisdiction tied to presentencing reform act  
9 prisoners, the indeterminate sentence review board has been given  
10 authority over the release and supervision of determinate plus sex  
11 offenders sentenced under RCW 9.94A.507, and the release and  
12 supervision of certain offenders who committed crimes while under the  
13 age of eighteen, pursuant to RCW 9.94A.730. In light of this expanded  
14 and important role within the criminal justice system, the  
15 legislature adopts immediate requirements for notice and transparency  
16 in release hearings, as well as recommending that chapter 9.95 RCW be  
17 updated by the relevant legislative committees in conjunction with  
18 the sentencing guidelines commission.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.95 RCW  
20 to read as follows:

1 (1) Upon receipt of a petition for early release submitted under  
2 RCW 9.94A.730, or upon determination of a parole eligibility review  
3 date pursuant to RCW 9.95.100 and 9.95.052, the indeterminate  
4 sentence review board must provide notice and a copy of a petition or  
5 parole eligibility documents to the sentencing court, prosecuting  
6 attorney, and crime victim or surviving family member. The board may  
7 request the prosecuting attorney to assist in contacting the crime  
8 victim or surviving family member. The indeterminate sentence review  
9 board must also provide any assessment, psychological evaluation,  
10 institutional behavior record, or other examination of the offender  
11 to the sentencing court, prosecuting attorney, and, if requested, the  
12 crime victim or surviving family member. Notice of the early release  
13 hearing date or parole eligibility date, and any evaluations or  
14 information relevant to the release decision, must be provided at  
15 least ninety days before the early release hearing or parole  
16 eligibility review hearing. The records described in this section,  
17 and other records reviewed by the board in response to the petition  
18 or parole eligibility review must be disclosed in full and without  
19 redaction. Copies of records to be provided to the sentencing court  
20 and prosecuting attorney under this section must be provided as  
21 required without regard to whether the board has received a request  
22 for copies.

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

30 (3) The board and its committees must video record all meetings  
31 and hearings relating to a petition for early release or parole  
32 eligibility review hearing. The video recording may, where practical,  
33 be provided by TVW, or a successor nonprofit organization contracted  
34 with the secretary of state to provide public affairs television  
35 coverage. The board and its subcommittees must provide comprehensive  
36 minutes of all related meetings and hearings on a petition for early  
37 release or parole eligibility review hearing. The comprehensive  
38 minutes should include, but not be limited to, the board members  
39 present, the name of the petitioner seeking review, the purpose and  
40 date of the meeting or hearing, a listing of documents reviewed, the

1 names of members of the public who testify, a summary of discussion,  
2 the motions or other actions taken, and the votes of board members by  
3 name. For the purposes of this subsection, "action" has the same  
4 meaning as in RCW 42.30.020. The videos and comprehensive minutes  
5 must be publicly and conspicuously posted on the board's web site  
6 within thirty days of the meeting or hearing, without any information  
7 withheld or redacted. Nothing in this subsection precludes the board  
8 from receiving confidential input from the crime victim or surviving  
9 family member.

10 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
11 preservation of the public peace, health, or safety, or support of  
12 the state government and its existing public institutions, and takes  
13 effect immediately.

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