

EHB 3261 - S COMM AMD

By Committee on Ways & Means

ADOPTED 03/03/2006

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 9.95.003 and 1997 c 350 s 2 are each amended to read  
4 as follows:

5 The board shall consist of a (~~chairman~~) chair, a vice-chair, and  
6 (~~two~~) three other members, each of whom shall be appointed by the  
7 governor with the consent of the senate. Each member shall hold office  
8 for a term of five years, and until his or her successor is appointed  
9 and qualified. The terms shall expire on April 15th of the expiration  
10 year. Vacancies in the membership of the board shall be filled by  
11 appointment by the governor with the consent of the senate. In the  
12 event of the inability of any member to act, the governor shall appoint  
13 some competent person to act in his stead during the continuance of  
14 such inability. The members shall not be removable during their  
15 respective terms except for cause determined by the superior court of  
16 Thurston county. The governor in appointing the members shall  
17 designate one of them to serve as chairman at the governor's pleasure.

18 The members of the board and its officers and employees shall not  
19 engage in any other business or profession or hold any other public  
20 office without the prior approval of the executive ethics board  
21 indicating compliance with RCW 42.52.020, 42.52.030, 42.52.040 and  
22 42.52.120; nor shall they, at the time of appointment or employment or  
23 during their incumbency, serve as the representative of any political  
24 party on an executive committee or other governing body thereof, or as  
25 an executive officer or employee of any political committee or  
26 association. The members of the board shall each severally receive  
27 salaries fixed by the governor in accordance with the provisions of RCW  
28 43.03.040, and in addition shall receive travel expenses incurred in  
29 the discharge of their official duties in accordance with RCW 43.03.050  
30 and 43.03.060.

1       The board may employ, and fix, with the approval of the governor,  
2 the compensation of and prescribe the duties of a secretary and such  
3 officers, employees, and assistants as may be necessary, and provide  
4 necessary quarters, supplies, and equipment.

5       **Sec. 2.** RCW 9.95.420 and 2002 c 174 s 1 are each amended to read  
6 as follows:

7       (1)(a) Except as provided in (c) of this subsection, before the  
8 expiration of the minimum term, as part of the end of sentence review  
9 process under RCW 72.09.340, 72.09.345, and where appropriate,  
10 72.09.370, the department shall conduct, and the offender shall  
11 participate in, an examination of the offender, incorporating  
12 methodologies that are recognized by experts in the prediction of  
13 sexual dangerousness, and including a prediction of the probability  
14 that the offender will engage in sex offenses if released.

15       (b) The board may contract for an additional, independent  
16 examination, subject to the standards in this section.

17       (c) If at the time the sentence is imposed by the superior court  
18 the offender's minimum term has expired or will expire within one  
19 hundred twenty days of the sentencing hearing, the department shall  
20 conduct, within ninety days of the offender's arrival at a department  
21 of corrections facility, and the offender shall participate in, an  
22 examination of the offender, incorporating methodologies that are  
23 recognized by experts in the prediction of sexual dangerousness, and  
24 including a prediction of the probability that the offender will engage  
25 in sex offenses if released.

26       (2) The board shall impose the conditions and instructions provided  
27 for in RCW 9.94A.720. The board shall consider the department's  
28 recommendations and may impose conditions in addition to those  
29 recommended by the department. The board may impose or modify  
30 conditions of community custody following notice to the offender.

31       (3)(a) Except as provided in (b) of this subsection, no later than  
32 ninety days before expiration of the minimum term, but after the board  
33 receives the results from the end of sentence review process and the  
34 recommendations for additional or modified conditions of community  
35 custody from the department, the board shall conduct a hearing to  
36 determine whether it is more likely than not that the offender will  
37 engage in sex offenses if released on conditions to be set by the

1 board. The board may consider an offender's failure to participate in  
2 an evaluation under subsection (1) of this section in determining  
3 whether to release the offender. The board shall order the offender  
4 released, under such affirmative and other conditions as the board  
5 determines appropriate, unless the board determines by a preponderance  
6 of the evidence that, despite such conditions, it is more likely than  
7 not that the offender will commit sex offenses if released. If the  
8 board does not order the offender released, the board shall establish  
9 a new minimum term, not to exceed an additional two years.

10 (b) If at the time the offender's minimum term has expired or will  
11 expire within one hundred twenty days of the offender's arrival at a  
12 department of correction's facility, then no later than one hundred  
13 twenty days after the offender's arrival at a department of corrections  
14 facility, but after the board receives the results from the end of  
15 sentence review process and the recommendations for additional or  
16 modified conditions of community custody from the department, the board  
17 shall conduct a hearing to determine whether it is more likely than not  
18 that the offender will engage in sex offenses if released on conditions  
19 to be set by the board. The board may consider an offender's failure  
20 to participate in an evaluation under subsection (1) of this section in  
21 determining whether to release the offender. The board shall order the  
22 offender released, under such affirmative and other conditions as the  
23 board determines appropriate, unless the board determines by a  
24 preponderance of the evidence that, despite such conditions, it is more  
25 likely than not that the offender will commit sex offenses if released.  
26 If the board does not order the offender released, the board shall  
27 establish a new minimum term, not to exceed an additional two years.

28 (4) In a hearing conducted under subsection (3) of this section,  
29 the board shall provide opportunities for the victims of any crimes for  
30 which the offender has been convicted to present oral, video, written,  
31 or in-person testimony to the board. The procedures for victim input  
32 shall be developed by rule. To facilitate victim involvement, county  
33 prosecutor's offices shall ensure that any victim impact statements and  
34 known contact information for victims of record are forwarded as part  
35 of the judgment and sentence.

36 NEW SECTION. Sec. 3. Section 1 of this act takes effect April 15,  
37 2007. Section 2 of this act is necessary for the immediate

1 preservation of the public peace, health, or safety, or support of the  
2 state government and its existing public institutions, and takes effect  
3 immediately."

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4 On page 1, line 4 of the title, after "9.94A.712;" strike the  
5 remainder of the title and insert "amending RCW 9.95.003 and 9.95.420;  
6 providing an effective date; and declaring an emergency."

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