

SENATE BILL REPORT

EHB 3261

As Reported By Senate Committee On:
Judiciary, February 23, 2006
Ways & Means, February 27, 2006

Title: An act relating to strengthening the review process by the indeterminate sentence review board by adding two members to the board and allowing victims to provide input at board hearings involving offenders sentenced under RCW 9.94A.712.

Brief Description: Strengthening the review process by the indeterminate sentence review board.

Sponsors: Representatives O'Brien, Rodne, Dickerson, Clements, Haigh, Simpson, Pearson, McDonald, Ericks, Kilmer and Williams.

Brief History: Passed House: 2/10/06, 98-0.

Committee Activity: Judiciary: 2/22/06, 2/23/06 [DP].
Ways & Means: 2/27/06 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Kohl-Welles, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau.

Staff: Elaine Deschamps (786-7441)

Background: "Nonpersistent offenders" are: (1) offenders convicted of a first two-strikes sex offense; and (2) offenders who have a prior two-strikes offense in their criminal histories who are convicted of a subsequent sex offense that is not a two-strikes offense. These offenders are sentenced to a minimum term, within the standard range for the offense, and a maximum term equal to the statutory maximum for the offense: life for class A felonies; 10 years for class B felonies; and five years for class C felonies.

The Indeterminate Sentence Review Board (ISRB) evaluates each of these offenders prior to the expiration of the minimum term. The ISRB must order the release of an offender upon expiration of the minimum term unless the offender is more likely than not to commit a sex

offense if released. If the ISRB does not release an offender, it must re-evaluate the offender at least once every two years up to the offender's maximum term. Released offenders remain in community custody status for the remainder of their maximum terms.

The ISRB is composed of a chair and two other members, all appointed by the Governor and subject to confirmation by the Senate.

Summary of Amended Bill: When conducting a hearing regarding the possible release of a nonpersistent offender, the ISRB must provide opportunities for the victim of any crime for which the offender has been convicted to present oral, video, written, or in-person testimony to the ISRB. The procedure for victim input must be developed by rule. To facilitate victim involvement, county prosecutor's offices must ensure that any victim impact statements and known contact information for victims of record are forwarded as part of the judgment and sentence.

A vice-chair and one more member are added to the ISRB, both to be appointed by the Governor and subject to confirmation by the Senate.

Amended Bill Compared to Original Bill: Delays until April 2007 the section of the bill that adds two additional members to the Indeterminate Sentencing Review Board.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For (Judiciary): The ISRB is going to experience a significant increase in caseload due to the hearings required to determine whether persons sentenced as non-persistent offenders are eligible for release. Victim's input is important to the ISRB's decision-making process. Victims currently have input, but this bill will ensure that the process will continue even if ISRB members change.

Testimony Against (Judiciary): None.

Who Testified (Judiciary): PRO: Representative O'Brien, prime sponsor; Jeri Costa, Chair, ISRB; Dave Johnson, Washington Coalition of Crime Victim Advocates.

Testimony For (Ways & Means): None.

Testimony Against (Ways & Means): None.

Who Testified (Ways & Means): No one.