

# HOUSE BILL REPORT

## HB 1220

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### As Passed Legislature

**Title:** An act relating to the appointment of indeterminate sentence review board members.

**Brief Description:** Modifying provisions affecting the appointment of indeterminate sentence review board members.

**Sponsors:** By Representatives Hurst, Kelley, Sells, Dunshee, Kenney, Lovick, McCoy, O'Brien and Simpson; by request of Indeterminate Sentence Review Board.

### Brief History:

#### Committee Activity:

Human Services: 1/25/07, 1/30/07 [DP];

Appropriations: 2/12/07, 2/14/07 [DP].

#### Floor Activity:

Passed House: 2/28/07, 96-0.

Senate Amended.

Passed Senate: 4/13/07, 47-0.

House Concurred.

Passed House: 4/17/07, 98-0.

Passed Legislature.

### Brief Summary of Bill

- Adds two members to the Indeterminate Sentence Review Board and clarifies the duties of the chair.

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### HOUSE COMMITTEE ON HUMAN SERVICES

**Majority Report:** Do pass. Signed by 8 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey, Darneille, McCoy and O'Brien.

**Staff:** Sonja Hallum (786-7092).

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### HOUSE COMMITTEE ON APPROPRIATIONS

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** Do pass. Signed by 34 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Buri, Chandler, Cody, Conway, Darneille, Dunn, Ericks, Fromhold, Grant, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Kretz, Linville, McDermott, McDonald, McIntire, Morrell, Pettigrew, Priest, Schual-Berke, Seaquist, P. Sullivan and Walsh.

**Staff:** Elisabeth Donner (786-7137).

**Background:**

When the Sentencing Reform Act (SRA) was enacted in 1981, Washington changed from an indeterminate to a determinate sentencing scheme. Under the indeterminate scheme, the Board of Prison Terms and Paroles (Board) had jurisdiction over the committed offenders and would decide when the offender would be paroled and under what circumstances the offender's parole could be revoked. The judge would recommend a minimum term, but other responsibilities rested with the Board.

In 1986, the Board was redesignated the Indeterminate Sentence Review Board (ISRB). The ISRB assumed the responsibility of supervision, parole, and revocation of those persons sentenced to felony offenses prior to July 1, 1984, which was the effective date of the SRA. The Legislature contemplated phasing out the ISRB as more and more prisoners were sentenced under the SRA. In 1986, the Legislature provided that the ISRB would cease to exist on June 30, 1992, and that all of its powers, functions, and duties involving persons sentenced under the indeterminate sentencing scheme would be transferred to the superior courts of Washington. In 1989, the Legislature delayed the termination of the ISRB until 1998, and in 1997 termination of the ISRB was again delayed until June 30, 2008.

In 2001, legislation was enacted that created a type of sentencing known as "determinate plus" sentencing. In determinate plus sentencing, the court will sentence the offender to a minimum term and a maximum term. The ISRB is required to evaluate the offender prior to the expiration of the minimum term. If the evaluation does not result in the release of the offender, the ISRB must re-evaluate the offender at least once every two years up to the offender's maximum term.

Currently, the ISRB is comprised of the chair and two other members, all appointed by the Governor.

**Summary of Bill:**

The chair of the ISRB is designated as the director of the agency and a fully participating board member. Two members are added to the ISRB. Language is changed to state the Board is to employ, and determine compensation for, the position of senior executive officer rather than the position of secretary.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** (Human Services)

(In support) Indeterminate sentencing was passed a few years ago and, as a law enforcement officer, I can see it is making a difference. Due to indeterminate sentencing, the ISRB has much more work. They need more employees to keep up with the added work. The current ISRB members are only part-time and are only available part of the week. The caseload requires more time than is currently available.

(Opposed) None.

**Staff Summary of Public Testimony:** (Appropriations)

(In support) The Indeterminate Sentence Review Board (ISRB) has two primary caseloads; prisoners who committed their crime prior to 1984, and offenders convicted under the determinate plus sentence. At the end of January 2007, there were 1,048 determinate plus offenders on the ISRB caseload. This caseload has grown an average of 30 per month, and the offenders have to be re-evaluated every 24 months, which compounds the caseload. The ISRB needs two new full-time board members to augment the existing two part-time members. By specifying the Chair's role and title as the Executive Director of the agency, it ensures that all of the requirements for running the agency are met. It is important that the proper decisions are made in releasing the right offenders.

(Opposed) None.

**Persons Testifying:** (Human Services) Representative Hurst, prime sponsor; and Jeri Costa, Indeterminate Sentence Review Board.

**Persons Testifying:** (Appropriations) Jeri Costa, Indeterminate Sentence Review Board.

**Persons Signed In To Testify But Not Testifying:** (Human Services) None.

**Persons Signed In To Testify But Not Testifying:** (Appropriations) None.