

FINAL BILL REPORT

HB 1592

C 363 L 07

Synopsis as Enacted

Brief Description: Revising provisions relating to the indeterminate sentence review board.

Sponsors: By Representative Hurst; by request of Indeterminate Sentence Review Board.

House Committee on Human Services

House Committee on Appropriations

Senate Committee on Human Services & Corrections

Background:

The Indeterminate Sentence Review Board (ISRB) makes decisions regarding the release and supervision of two types of offenders: offenders sentenced under indeterminate sentencing and those sentenced under determinate plus sentencing.

Criminal defendants in Washington who committed crimes before July 1, 1984, were subject to indeterminate sentencing. Under that system, a judge imposed a minimum and a maximum sentence. As a person neared the end of his or her minimum sentence, the Parole Board (which was the predecessor to the ISRB) would determine if release was appropriate. If the Parole Board decided not to release the person, it would assign a new minimum term, after which the person would be reevaluated to determine whether release was appropriate.

Most persons who have committed crimes in Washington after July 1, 1984, are subject to determinate sentencing, which is characterized by specific sentences that are prescribed for various crimes. However, certain persons who have committed serious sex offenses are subject to determinate plus sentencing, in which the judge imposes a minimum and a maximum sentence. As a person sentenced under the determinate plus system reaches the end of his or her minimum sentence, the ISRB determines if release and supervision are appropriate.

In determining whether to release a determinate plus offender, the ISRB must consider whether the offender is more likely than not to commit a new sex offense after release. If the ISRB determines that an offender is more likely than not to commit a new sex offense, the ISRB must establish a new minimum term for the offender, not to exceed an additional two years. The ISRB must hold another release hearing for the offender 120 days prior to the offender's new release date.

When a determinate plus offender violates the conditions of his or her community custody, the ISRB may impose sanctions such as work release, home detention with electronic monitoring, work crew, curfew, daily reporting, treatment, community restitution, or may suspend or revoke the offender's release to community custody. The statutory language does not authorize the ISRB to impose a sanction of confinement less than complete revocation of the offender's community custody release.

An offender who is accused of violating a condition of his or her community custody is entitled to a violation hearing before the ISRB or the board's designee.

Summary:

The new minimum term established by the ISRB for a determinate plus offender who is not released may not exceed five years. In setting the new minimum term, the ISRB may consider the length of time necessary for the offender to complete treatment, as well as other factors that relate to the offender's release. An offender must be permitted to petition for earlier release if circumstances change or if new information warrants earlier review.

A determinate plus offender who has been released and violates the terms of his or her community custody may be sanctioned with a term of confinement up to 60 days.

References to hearing examiner are changed to "presiding hearing officer."

The requirement that the ISRB provide notice of the violation is removed. A requirement is added that the ISRB must provide the offender with findings and conclusions as to its decision on a violation and will notify the offender of the right to appeal.

The ISRB may issue a certificate of discharge to an offender who has performed all the obligations of his or her release including the payment of any and all legal financial obligations.

Votes on Final Passage:

House	98	0	
Senate	42	0	(Senate amended)
House	93	0	(House concurred)

Effective: July 22, 2007