

# SENATE BILL REPORT

## HB 1220

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As Reported By Senate Committee On:  
Human Services & Corrections, March 23, 2007

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

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

**Committee Activity:** Human Services & Corrections: 3/15/07, 3/23/07 [DPA].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland and McAuliffe.

**Staff:** Shani Bauer (786-7468)

**Background:** The Indeterminate Sentence Review Board (ISRB) makes decisions regarding the release and supervision of two types of offenders: offenders subject to "indeterminate sentencing" and those subject to "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 their 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 their minimum sentence, the ISRB determines if release and supervision is appropriate. If the ISRB decides not to release the person, it assigns a new minimum term, not to exceed two years, after which the person must be reevaluated.

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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.*

The ISRB currently consists of three board members, one of whom is appointed as chair by the Governor. The chair is a full-time position. The other two board members are each budgeted and serve at 60 percent of a full-time position. The board members travel statewide to Department of Corrections (DOC) institutions and county jails to conduct release and violation hearings.

After the shift to "determinate sentencing," the ISRB had a diminishing number of parole cases. Consequently, the need for board members decreased. Between 1984 and 2000, board membership was reduced from seven full-time members to its current level of 2.2 full-time members.

The ISRB began hearing "determinate plus" cases following statutory changes in 2001. The ISRB's caseload has since increased from 760 cases in 2001, to the current caseload of 1,500. The ISRB reports that its caseload is increasing at a rate of 300 sex offenders per year.

**Summary of Bill:** Two full-time board members are added to the ISRB. The chair is to serve as a fully participating member of the board and as director of the agency. The title of the position of secretary to the ISRB is changed to executive director.

**EFFECT OF CHANGES MADE BY RECOMMENDED AMENDMENT(S) AS PASSED COMMITTEE (Human Services & Corrections):** The title of the Executive Director of the Indeterminate Sentence Review Board is changed to Senior Administrative Officer.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The caseload and consequently the workload of the ISRB is rising. The ISRB was preparing to go out of business as the number of offenders with indeterminate sentences decreased, and they do not anticipate having sufficient resources to cover the increasing caseload. The additional Board members will address this problem.

**Persons Testifying:** PRO: Jeralita Costa, Chair, Indeterminate Sentence Review Board.