S-3664.2

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**SENATE BILL 6242**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Senators O'Ban, Pedersen, Padden, Roach, Hargrove, Pearson, Darneille, Frockt, and Sheldon

AN ACT Relating to the indeterminate sentence review board; adding a new section to chapter 9.95 RCW; creating a new section; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that the duties of the indeterminate sentence review board have been expanded beyond those envisioned when the sentencing reform act was adopted. Rather than an expiring jurisdiction tied to presentencing reform act prisoners, the indeterminate sentence review board has been given authority over the release and supervision of determinate plus sex offenders sentenced under RCW 9.94A.507, and the release and supervision of certain offenders who committed crimes while under the age of eighteen, pursuant to RCW 9.94A.730. In light of this expanded and important role within the criminal justice system, the legislature adopts immediate requirements for notice and transparency in release hearings, as well as recommending that chapter 9.95 RCW be updated by the relevant legislative committees in conjunction with the sentencing guidelines commission.

NEW SECTION. **Sec.**  A new section is added to chapter 9.95 RCW to read as follows:

(1) Upon receipt of a petition for early release submitted under RCW 9.94A.730, the indeterminate sentence review board must provide notice and a copy of a petition to the sentencing court, prosecuting attorney, and crime victim. The indeterminate sentence review board must also provide any assessment, psychological evaluation, institutional behavior record, or other examination of the offender to the sentencing court, prosecuting attorney, and crime victim. Notice of the early release hearing date, and any evaluations or information relevant to the release decision, must be provided at least ninety days before the early release hearing. The records described in this section, and other records reviewed by the board in response to the petition must be disclosed in full and without redaction. Copies of records to be provided to named parties under this section must be provided as required without regard to whether the board has received a request for copies.

(2) For the purpose of review by the board of a petition for early release, it is presumed that none of the records reviewed are exempt from public inspection and copying, in whole or in part, under the public records act, chapter 42.56 RCW, or other state or federal law. The board may not claim any exemption from public inspection or copying for the records reviewed for an early release petition.

(3) The board and its committees must video record all meetings and hearings relating to a petition for early release. The video recording may, where practical, be provided by TVW, or a successor nonprofit organization contracted with the secretary of state to provide public affairs television coverage. The board and its subcommittees must provide comprehensive minutes of all related meetings and hearings on a petition for early release. The comprehensive minutes should include, but not be limited to, the board members present, the name of the petitioner seeking review, the purpose and date of the meeting or hearing, a listing of documents reviewed, the names of members of the public who testify, a summary of discussion, the motions or other actions taken, and the votes of board members by name. For the purposes of this subsection, "action" has the same meaning as in RCW 42.30.020. The videos and comprehensive minutes must be publicly and conspicuously posted on the board's web site within thirty days of the meeting or hearing, without any information withheld or redacted.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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