

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6242

Chapter 218, Laws of 2016

(partial veto)

64th Legislature
2016 Regular Session

INDETERMINATE SENTENCE REVIEW BOARD--NOTICE AND TRANSPARENCY

EFFECTIVE DATE: 6/9/2016

Passed by the Senate February 16, 2016
Yeas 48 Nays 1

BRAD OWEN

President of the Senate

Passed by the House March 4, 2016
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 1, 2016 4:48 PM with the
exception of Section 3, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **ENGROSSED SECOND
SUBSTITUTE SENATE BILL 6242** as
passed by Senate and the House of
Representatives on the dates hereon
set forth.

HUNTER G. GOODMAN

Secretary

FILED

April 4, 2016

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6242

Passed Legislature - 2016 Regular Session

State of Washington 64th Legislature 2016 Regular Session

By Senate Ways & Means (originally sponsored by Senators O'Ban, Pedersen, Padden, Roach, Hargrove, Pearson, Darneille, Frockt, and Sheldon)

READ FIRST TIME 02/09/16.

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

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the duties of
6 the indeterminate sentence review board have been expanded beyond
7 those envisioned when the sentencing reform act was adopted. Rather
8 than an expiring jurisdiction tied to presentencing reform act
9 prisoners, the indeterminate sentence review board has been given
10 authority over the release and supervision of determinate plus sex
11 offenders sentenced under RCW 9.94A.507, and the release and
12 supervision of certain offenders who committed crimes while under the
13 age of eighteen, pursuant to RCW 9.94A.730. In light of this expanded
14 and important role within the criminal justice system, the
15 legislature adopts immediate requirements for notice and transparency
16 in release hearings, as well as recommending that chapter 9.95 RCW be
17 updated by the relevant legislative committees in conjunction with
18 the sentencing guidelines commission.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.95 RCW
20 to read as follows:

1 (1) Upon receipt of a petition for early release submitted under
2 RCW 9.94A.730, or upon determination of a parole eligibility review
3 date pursuant to RCW 9.95.100 and 9.95.052, the indeterminate
4 sentence review board must provide notice and a copy of a petition or
5 parole eligibility documents to the sentencing court, prosecuting
6 attorney, and crime victim or surviving family member. The board may
7 request the prosecuting attorney to assist in contacting the crime
8 victim or surviving family member. If requested in writing by the
9 sentencing court, the prosecuting attorney, or the crime victim or
10 surviving family member, the indeterminate sentence review board must
11 also provide any assessment, psychological evaluation, institutional
12 behavior record, or other examination of the offender. Notice of the
13 early release hearing date or parole eligibility date, and any
14 evaluations or information relevant to the release decision, must be
15 provided at least ninety days before the early release hearing or
16 parole eligibility review hearing. The records described in this
17 section, and other records reviewed by the board in response to the
18 petition or parole eligibility review must be disclosed in full and
19 without redaction. Copies of records to be provided to the sentencing
20 court and prosecuting attorney under this section must be provided as
21 required without regard to whether the board has received a request
22 for copies.

23 (2) For the purpose of review by the board of a petition for
24 early release or parole eligibility, it is presumed that none of the
25 records reviewed are exempt from disclosure to the sentencing court,
26 prosecuting attorney, and crime victim or surviving family member, in
27 whole or in part. The board may not claim any exemption from
28 disclosure for the records reviewed for an early release petition or
29 parole eligibility review hearing.

30 (3) The board and its subcommittees must provide comprehensive
31 minutes of all related meetings and hearings on a petition for early
32 release or parole eligibility review hearing. The comprehensive
33 minutes should include, but not be limited to, the board members
34 present, the name of the petitioner seeking review, the purpose and
35 date of the meeting or hearing, a listing of documents reviewed, the
36 names of members of the public who testify, a summary of discussion,
37 the motions or other actions taken, and the votes of board members by
38 name. For the purposes of this subsection, "action" has the same
39 meaning as in RCW 42.30.020. The comprehensive minutes must be
40 publicly and conspicuously posted on the board's web site within

1 thirty days of the meeting or hearing, without any information
2 withheld or redacted. Nothing in this subsection precludes the board
3 from receiving confidential input from the crime victim or surviving
4 family member.

5 ***NEW SECTION. Sec. 3. This act is necessary for the immediate**
6 **preservation of the public peace, health, or safety, or support of**
7 **the state government and its existing public institutions, and takes**
8 **effect immediately.**

**Sec. 3 was vetoed. See message at end of chapter.*

Passed by the Senate February 16, 2016.

Passed by the House March 4, 2016.

Approved by the Governor April 1, 2016, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 4, 2016.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 3, Engrossed Second Substitute Senate Bill No. 6242 entitled:

"AN ACT Relating to the indeterminate sentence review board."

I am vetoing the emergency clause provision in this bill. To properly implement this legislation, the Indeterminate Sentence Review Board (ISRB) needs time to hire and train additional staff, update and create new forms, and notify offenders of the bill requirements. I expect that during this implementation process, the ISRB will continue to work closely with prosecutors and victims to improve transparency and notification.

For these reasons I have vetoed Section 3 of Engrossed Second Substitute Senate Bill No. 6242.

With the exception of Section 3, Engrossed Second Substitute Senate Bill No. 6242 is approved."