

SENATE BILL REPORT

SB 5981

As of January 11, 2024

Title: An act relating to people convicted of one or more crimes committed before the person's 18th birthday petitioning the indeterminate sentence review board.

Brief Description: Concerning the indeterminate sentence review board.

Sponsors: Senators Frame, Kuderer, Trudeau, Wilson, J., Wilson, C., Lovelett, Kauffman, Nguyen, Hasegawa, Nobles and Saldaña.

Brief History:

Committee Activity: Human Services: 1/15/24.

Brief Summary of Bill

- Allows a person convicted of a crime committed prior to the person's 18th birthday to petition the Indeterminate Sentence Review Board for early release at age 24, provided the person has not been convicted of a Class A or Class B felony offense committed after turning 18, among other conditions.
- Allows the Department of Corrections to provide rental vouchers to successful petitioners if rental assistance will allow the petitioner to safely release.

SENATE COMMITTEE ON HUMAN SERVICES

Staff: Kelsey-anne Fung (786-7479)

Background: Juvenile Rehabilitation to 25. In 2019, the Legislature passed legislation commonly referred to as JR to 25, which extended the period for which individuals convicted of offenses that occurred before the person turned 18 could remain in a juvenile rehabilitation facility from age 21 to age 25. When the individual reaches age 25, they must

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be transferred from the custody of the Department of Children, Youth, and Families Juvenile Rehabilitation to the Department of Corrections (DOC).

Indeterminate Sentence Review Board. In 1981, the Legislature passed the Sentencing Reform Act (SRA), which established determinate sentencing. There are some exceptions to determinate sentencing where certain incarcerated individuals are eligible for review after serving a certain number of years. The Indeterminate Sentence Review Board (ISRB) has the authority to review and release incarcerated individuals if the statutory criteria is met for the following three populations:

- Parole Cases—persons who committed crimes prior to the SRA, July 1, 1984;
- Community Custody Board—persons who committed certain sex offenses after August 31, 2001, and who have determinate-plus sentences; and
- Juvenile Board Cases—persons who committed crimes under age 18 and were sentenced for terms longer than 20 years.

There are two types of Juvenile Board Cases: juveniles convicted of aggravated first degree murder and juveniles sentenced to 20 years or more.

Review of Long-Term Juvenile Sentences. Any person convicted of one or more crimes committed prior to the person's 18th birthday may petition ISRB for early release after serving no less than 20 years in total confinement, provided the person has not been convicted for any crime committed after turning age 18, has not had a major violation in the 12 months prior to filing the petition, and is not serving a sentence for first degree aggravated murder or a sex offense.

No later than five years prior to the date the person will be eligible to petition for release, DOC must assess the person and identify appropriate programming and services to prepare the person for return to the community. To the extent possible, DOC must make programming identified by the assessment available. No later than 180 days from receipt of the petition, DOC must examine the person to predict dangerousness and the probability the person will engage in future criminal behavior if released on conditions set by ISRB.

ISRB must order release with conditions set by ISRB unless it is determined by a preponderance of evidence that, despite conditions, it is more likely than not the person will commit new crimes if released. ISRB must give highest priority to public safety considerations when making decisions. During the review, ISRB must provide the opportunity for victims and survivors of victims to present statements. If the petition is denied, the person may petition again in five years or at an earlier date determined by ISRB. If the person is released, the person is subject to community custody under the supervision of DOC and the authority of ISRB for a period of time determined by ISRB.

Summary of Bill: The eligibility criteria are changed for when a person may petition ISRB for early release. Any person convicted of a crime committed prior to the person's 18th birthday may petition ISRB for early release after reaching the age of 24 or older, provided

the person has not been convicted for any Class A or Class B felony offense committed after the person turned 18, the person has not committed a major infraction in the 12 months prior to filing the petition, and the current sentence being served is not for first degree aggravated murder or a sex offense.

DOC may provide rental vouchers to a person who successfully petitions ISRB for early release if rental assistance will allow the petitioner to safely release. DOC must maintain a list of housing providers who are authorized to receive rental vouchers. If more than two voucher recipients will be residing per dwelling unit, their rental vouchers may only be paid to a housing provider on DOC's list. For each successful petitioner who receives a rental voucher, DOC must gather data as recommended by the Washington State Institute for Public Policy in order to best demonstrate whether rental vouchers are effective in reducing recidivism.

This act applies retroactively to persons incarcerated on the effective date of this act, regardless of the date of the offense or conviction. This act does not create any right or entitlement to release from incarceration before the end of a term of incarceration imposed by the court.

Appropriation: None.

Fiscal Note: Requested on January 5, 2024.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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