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**SUBSTITUTE HOUSE BILL 1189**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** House Community Safety, Justice, & Reentry (originally sponsored by Representatives Hackney, Reed, Simmons, Wylie, Santos, and Ormsby)

READ FIRST TIME 02/03/23.

1 AN ACT Relating to the release of incarcerated individuals from  
2 total confinement prior to the expiration of a sentence; amending RCW  
3 9.94A.501, 9.94A.565, 9.94A.633, and 9.94A.880; reenacting and  
4 amending RCW 9.94A.728 and 9.94A.885; and adding a new section to  
5 chapter 9.94A RCW.

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

7 **Sec. 1.** RCW 9.94A.501 and 2021 c 242 s 2 are each amended to  
8 read as follows:

9 (1) The department shall supervise the following (~~offenders~~)  
10 individuals who are sentenced to probation in superior court,  
11 pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

12 (a) (~~Offenders~~) Individuals convicted of:

13 (i) Sexual misconduct with a minor second degree;

14 (ii) Custodial sexual misconduct second degree;

15 (iii) Communication with a minor for immoral purposes; and

16 (iv) Violation of RCW 9A.44.132(2) (failure to register); and

17 (b) (~~Offenders~~) Individuals who have:

18 (i) A current conviction for a repetitive domestic violence  
19 offense where domestic violence has been pleaded and proven after  
20 August 1, 2011; and

1 (ii) A prior conviction for a repetitive domestic violence  
2 offense or domestic violence felony offense where domestic violence  
3 has been pleaded and proven after August 1, 2011.

4 (2) (~~Misdemeanor~~) Individuals convicted of misdemeanor and  
5 gross misdemeanor (~~offenders~~) offenses supervised by the department  
6 pursuant to this section shall be placed on community custody.

7 (3) The department shall supervise every individual convicted of  
8 a felony (~~offender~~) and sentenced to community custody pursuant to  
9 RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the  
10 (~~offender~~) individual as one who is at a high risk to reoffend.

11 (4) Notwithstanding any other provision of this section, the  
12 department shall supervise an (~~offender~~) individual sentenced to  
13 community custody regardless of risk classification if the  
14 (~~offender~~) individual:

15 (a) Has a current conviction for a sex offense or a serious  
16 violent offense and was sentenced to a term of community custody  
17 pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

18 (b) Has been identified by the department as a dangerous mentally  
19 ill offender pursuant to RCW 72.09.370;

20 (c) Has an indeterminate sentence and is subject to parole  
21 pursuant to RCW 9.95.017;

22 (d) Has a current conviction for violating RCW 9A.44.132(1)  
23 (failure to register) and was sentenced to a term of community  
24 custody pursuant to RCW 9.94A.701;

25 (e)(i) Has a current conviction for a domestic violence felony  
26 offense where domestic violence has been pleaded and proven after  
27 August 1, 2011, and a prior conviction for a repetitive domestic  
28 violence offense or domestic violence felony offense where domestic  
29 violence was pleaded and proven after August 1, 2011. This subsection  
30 (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

31 (ii) Has a current conviction for a domestic violence felony  
32 offense where domestic violence was pleaded and proven. The state and  
33 its officers, agents, and employees shall not be held criminally or  
34 civilly liable for its supervision of an (~~offender~~) individual  
35 under this subsection (4)(e)(ii) unless the state and its officers,  
36 agents, and employees acted with gross negligence;

37 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660,  
38 9.94A.670, 9.94A.711, or 9.94A.695;

39 (g) Is subject to supervision pursuant to RCW 9.94A.745; or

1 (h) Was convicted and sentenced under RCW 46.61.520 (vehicular  
2 homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6)  
3 (felony DUI), or RCW 46.61.504(6) (felony physical control).

4 (5) The department shall supervise any ~~((offender who is))~~  
5 individual released by the indeterminate sentence review board  
6 ~~((and))~~ who was sentenced to community custody or subject to  
7 community custody under the terms of release.

8 (6) The department shall supervise any individual granted  
9 conditional commutation pursuant to RCW 9.94A.885.

10 (7) The department is not authorized to, and may not, supervise  
11 any ~~((offender))~~ individual sentenced to a term of community custody  
12 or any probationer unless the ~~((offender))~~ individual or probationer  
13 is one for whom supervision is required under this section ~~((or RCW~~  
14 ~~9.94A.5011))~~.

15 ~~((7))~~ (8) The department shall conduct a risk assessment for  
16 every individual convicted of a felony ~~((offender))~~ and sentenced to  
17 a term of community custody who may be subject to supervision under  
18 this section ~~((or RCW 9.94A.5011))~~.

19 ~~((8))~~ (9) The period of time the department is authorized to  
20 supervise an ~~((offender))~~ individual under this section may not  
21 exceed the duration of community custody specified under RCW  
22 9.94B.050, 9.94A.701 (1) through (9), or 9.94A.702, except in cases  
23 where the court has imposed an exceptional term of community custody  
24 under RCW 9.94A.535.

25 ~~((9))~~ (10) The period of time the department is authorized to  
26 supervise an ~~((offender))~~ individual under this section may be  
27 reduced by the earned award of supervision compliance credit pursuant  
28 to RCW 9.94A.717.

29 **Sec. 2.** RCW 9.94A.565 and 1994 c 1 s 5 are each amended to read  
30 as follows:

31 (1) Nothing in this chapter ~~((1, Laws of 1994))~~ or chapter 10.95  
32 RCW shall ever be interpreted or construed as to reduce or eliminate  
33 the power of the governor to grant a pardon or clemency to any  
34 ~~((offender))~~ incarcerated individual on an individual case-by-case  
35 basis. However, the people recommend that ~~((any offender))~~ :

36 (a) Any incarcerated individual subject to total confinement for  
37 life without the possibility of parole not be considered for release  
38 until the ~~((offender))~~ incarcerated individual has ~~((reached the age~~  
39 ~~of at least sixty years old and has))~~ been judged to ~~((be))~~ no longer

1 ~~be~~ a threat to society(~~(. The people further recommend that sex~~  
2 ~~offenders)~~) and has served at least 20 years in total confinement or  
3 25 years in total confinement if the incarcerated individual was  
4 sentenced pursuant to chapter 10.95 RCW;

5 (b) Incarcerated individuals who have been convicted of a sex  
6 offense be held to the utmost scrutiny under this subsection  
7 regardless of age; and

8 (c) Release take the form of a commutation that includes a period  
9 of law-abiding behavior in the community.

10 (2) Nothing in this section shall ever be interpreted or  
11 construed to grant any release for the purpose of reducing prison  
12 overcrowding. Furthermore, the governor shall provide twice yearly  
13 reports on the activities and progress of (~~(offenders)~~) individuals  
14 subject to total confinement for life without the possibility of  
15 parole who are released through executive action during his or her  
16 tenure. These reports shall continue for not less than (~~(ten)~~) 10  
17 years after the release of the (~~(offender)~~) individual or upon the  
18 death of the released (~~(offender)~~) individual.

19 **Sec. 3.** RCW 9.94A.633 and 2021 c 242 s 4 are each amended to  
20 read as follows:

21 (1) (a) An (~~(offender)~~) individual who violates any condition or  
22 requirement of a sentence may be sanctioned by the court with up to  
23 (~~(sixty)~~) 60 days' confinement for each violation or by the  
24 department with up to (~~(thirty)~~) 30 days' confinement as provided in  
25 RCW 9.94A.737.

26 (b) In lieu of confinement, an (~~(offender)~~) individual may be  
27 sanctioned with work release, home detention with electronic  
28 monitoring, work crew, community restitution, inpatient treatment,  
29 daily reporting, curfew, educational or counseling sessions,  
30 supervision enhanced through electronic monitoring, or any other  
31 community-based sanctions.

32 (2) If an (~~(offender)~~) individual was under community custody  
33 pursuant to one of the following statutes, the (~~(offender)~~)  
34 individual may be sanctioned as follows:

35 (a) If the (~~(offender)~~) individual was transferred to community  
36 custody in lieu of earned early release in accordance with RCW  
37 9.94A.728, the (~~(offender)~~) individual may be transferred to a more  
38 restrictive confinement status to serve up to the remaining portion  
39 of the sentence, less credit for any period actually spent in

1 community custody or in detention awaiting disposition of an alleged  
2 violation.

3 (b) If the (~~offender~~) individual was sentenced under the drug  
4 offender sentencing alternative set out in RCW 9.94A.660, the  
5 (~~offender~~) individual may be sanctioned in accordance with that  
6 section.

7 (c) If the (~~offender~~) individual was sentenced under the  
8 parenting sentencing alternative set out in RCW 9.94A.655, the  
9 (~~offender~~) individual may be sanctioned in accordance with that  
10 section.

11 (d) If the (~~offender~~) individual was sentenced under the  
12 special sex offender sentencing alternative set out in RCW 9.94A.670,  
13 the suspended sentence may be revoked and the (~~offender~~) individual  
14 committed to serve the original sentence of confinement.

15 (e) If the (~~offender~~) individual was sentenced under the mental  
16 health sentencing alternative set out in RCW 9.94A.695, the  
17 (~~offender~~) individual may be sanctioned in accordance with that  
18 section.

19 (f) If the (~~offender~~) individual was sentenced to a work ethic  
20 camp pursuant to RCW 9.94A.690, the (~~offender~~) individual may be  
21 reclassified to serve the unexpired term of his or her sentence in  
22 total confinement.

23 (g) If (~~a sex offender~~) an individual convicted of a sex  
24 offense was sentenced pursuant to RCW 9.94A.507, the (~~offender~~)  
25 individual may be transferred to a more restrictive confinement  
26 status to serve up to the remaining portion of the sentence, less  
27 credit for any period actually spent in community custody or in  
28 detention awaiting disposition of an alleged violation.

29 (h) If the individual was granted conditional commutation  
30 pursuant to RCW 9.94A.885, the individual may be transferred to a  
31 more restrictive confinement status to serve up to the remaining  
32 portion of the sentence, less credit for any period actually spent in  
33 community custody or in detention awaiting disposition of an alleged  
34 violation.

35 (3) If a probationer is being supervised by the department  
36 pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may  
37 be sanctioned pursuant to subsection (1) of this section. The  
38 department shall have authority to issue a warrant for the arrest of  
39 an (~~offender~~) individual who violates a condition of community  
40 custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed

1 by the department pursuant to RCW 9.94A.737. Nothing in this  
2 subsection is intended to limit the power of the sentencing court to  
3 respond to a probationer's violation of conditions.

4 (4) The parole or probation of an (~~offender~~) individual who is  
5 charged with a new felony offense may be suspended and the  
6 (~~offender~~) individual placed in total confinement pending  
7 disposition of the new criminal charges if:

8 (a) The (~~offender~~) individual is on parole pursuant to RCW  
9 9.95.110(1); or

10 (b) The (~~offender~~) individual is being supervised pursuant to  
11 RCW 9.94A.745 and is on parole or probation pursuant to the laws of  
12 another state.

13 **Sec. 4.** RCW 9.94A.728 and 2021 c 311 s 19 and 2021 c 266 s 2 are  
14 each reenacted and amended to read as follows:

15 (1) No (~~person~~) incarcerated individual serving a sentence  
16 imposed pursuant to this chapter and committed to the custody of the  
17 department shall leave the confines of the correctional facility or  
18 be released prior to the expiration of the sentence except as  
19 follows:

20 (a) An (~~offender~~) incarcerated individual may earn early  
21 release time as authorized by RCW 9.94A.729;

22 (b) An (~~offender~~) incarcerated individual may leave a  
23 correctional facility pursuant to an authorized furlough or leave of  
24 absence. In addition, (~~offenders~~) incarcerated individuals may  
25 leave a correctional facility when in the custody of a corrections  
26 officer or officers;

27 (c)(i) The secretary may authorize an extraordinary medical  
28 placement for an (~~offender~~) incarcerated individual when all of the  
29 following conditions exist:

30 (A) The (~~offender~~) incarcerated individual has a medical  
31 condition that is serious and is expected to require costly care or  
32 treatment;

33 (B) The (~~offender poses a~~) incarcerated individual has been  
34 assessed as low risk to the community (~~because he or she is~~  
35 ~~currently physically incapacitated due to age or the medical~~  
36 ~~condition or is expected to be so~~) at the time of release; and

37 (C) It is expected that granting the extraordinary medical  
38 placement will result in a cost savings to the state.

1 (ii) An (~~offender~~) incarcerated individual sentenced to death  
2 or to life imprisonment without the possibility of release or parole  
3 is not eligible for an extraordinary medical placement.

4 (iii) The secretary shall require electronic monitoring for all  
5 (~~offenders~~) individuals in extraordinary medical placement unless  
6 the electronic monitoring equipment is detrimental to the  
7 individual's health, interferes with the function of the  
8 (~~offender's~~) individual's medical equipment, or results in the loss  
9 of funding for the (~~offender's~~) individual's medical care, in which  
10 case, an alternative type of monitoring shall be utilized. The  
11 secretary shall specify who shall provide the monitoring services and  
12 the terms under which the monitoring shall be performed. The  
13 requirement for electronic monitoring shall be waived if the medical  
14 condition as certified by the individual's treating physician  
15 prevents the individual from being independently mobile.

16 (iv) The secretary may revoke an extraordinary medical placement  
17 under this subsection (1)(c) at any time.

18 (v) Persistent offenders are not eligible for extraordinary  
19 medical placement;

20 (d) The governor, upon recommendation from the clemency and  
21 pardons board, may grant (~~an extraordinary~~):

22 (i) Extraordinary release for reasons of serious health problems,  
23 senility, advanced age, extraordinary meritorious acts, or other  
24 extraordinary circumstances; or

25 (ii) Commutation pursuant to section 7 of this act;

26 (e) No more than the final (~~twelve~~) 12 months of the  
27 (~~offender's~~) incarcerated individual's term of confinement may be  
28 served in partial confinement for aiding the (~~offender~~)  
29 incarcerated individual with: Finding work as part of the work  
30 release program under chapter 72.65 RCW; or reestablishing himself or  
31 herself in the community as part of the parenting program in RCW  
32 9.94A.6551. This is in addition to that period of earned early  
33 release time that may be exchanged for partial confinement pursuant  
34 to RCW 9.94A.729(5)(d);

35 (f)(i) No more than the final five months of the (~~offender's~~)  
36 incarcerated individual's term of confinement may be served in  
37 partial confinement as home detention as part of the graduated  
38 reentry program developed by the department under RCW  
39 9.94A.733(1)(a);

1 (ii) For eligible (~~offenders~~) individuals under RCW  
2 9.94A.733(1)(b), after serving at least four months in total  
3 confinement in a state correctional facility, an (~~offender~~)  
4 incarcerated individual may serve no more than the final 18 months of  
5 the (~~offender's~~) incarcerated individual's term of confinement in  
6 partial confinement as home detention as part of the graduated  
7 reentry program developed by the department;

8 (g) The governor may pardon any (~~offender~~) incarcerated  
9 individual;

10 (h) The department may release an (~~offender~~) incarcerated  
11 individual from confinement any time within (~~ten~~) 10 days before a  
12 release date calculated under this section;

13 (i) An (~~offender~~) incarcerated individual may leave a  
14 correctional facility prior to completion of his or her sentence if  
15 the sentence has been reduced as provided in RCW 9.94A.870;

16 (j) Notwithstanding any other provisions of this section, an  
17 (~~offender~~) incarcerated individual sentenced for a felony crime  
18 listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of  
19 total confinement shall not be released from total confinement before  
20 the completion of the listed mandatory minimum sentence for that  
21 felony crime of conviction unless allowed under RCW 9.94A.540; and

22 (k) Any (~~person~~) individual convicted of one or more crimes  
23 committed prior to the (~~person's eighteenth~~) individual's 18th  
24 birthday may be released from confinement pursuant to RCW 9.94A.730.

25 (2) Notwithstanding any other provision of this section, an  
26 (~~offender~~) individual entitled to vacation of a conviction or the  
27 recalculation of his or her offender score pursuant to *State v.*  
28 *Blake*, No. 96873-0 (Feb. 25, 2021), may be released from confinement  
29 pursuant to a court order if the (~~offender~~) individual has already  
30 served a period of confinement that exceeds his or her new standard  
31 range. This provision does not create an independent right to release  
32 from confinement prior to resentencing.

33 (3) (~~Offenders~~) Individuals residing in a juvenile correctional  
34 facility placement pursuant to RCW 72.01.410(1)(a) are not subject to  
35 the limitations in this section.

36 **Sec. 5.** RCW 9.94A.880 and 2011 c 336 s 335 are each amended to  
37 read as follows:

38 (1) The clemency and pardons board is established as a board  
39 within the office of the governor. The board consists of (~~five~~) 10



1 members appointed by the governor, subject to confirmation by the  
2 senate.

3 (2) At a minimum, the board membership must consist of the  
4 following:

5 (a) A representative of a statewide or local organization  
6 representing communities of color or race equity;

7 (b) A representative of an association, community organization,  
8 or advocacy group with experience or interest in the formerly  
9 incarcerated with successful community reentry;

10 (c) A representative of a faith-based organization with interest  
11 and experience in successful community reentry;

12 (d) A person with experience and interest in tribal affairs; and

13 (e) A retired superior court judge.

14 (3) Board members must understand the principles of racial equity  
15 and restorative justice.

16 (4) Members of the board shall serve terms of (~~four~~) five years  
17 (~~and~~), but may serve more than one term until their successors are  
18 appointed and confirmed. (~~However, the~~) The governor shall stagger  
19 the initial terms (~~by appointing one of the initial members for a~~  
20 term of one year, one for a term of two years, one for a term of  
21 three years, and two for terms of four years) so that no more than  
22 three members are up for appointment in any given year.

23 (~~3~~) (5) The board shall elect a chair from among its members  
24 and shall adopt bylaws governing the operation of the board.

25 (~~4~~) (6) Members of the board shall (~~receive no compensation~~  
26 but shall be reimbursed for travel expenses as provided in RCW  
27 43.03.050 and 43.03.060 as now existing or hereafter amended) each  
28 severally receive salaries fixed by the governor in accordance with  
29 the provisions of RCW 43.03.040, unless waived by the member. All  
30 members shall receive travel expenses incurred in the discharge of  
31 their official duties in accordance with RCW 43.03.050 and 43.03.060.

32 (7) The board shall be funded adequate personnel to implement and  
33 maintain functional operations such as support, records, victim  
34 liaisons, and information technology.

35 (~~5~~) (8) The attorney general shall provide (~~a staff as~~  
36 needed for the operation of) legal counsel to the board.

37 **Sec. 6.** RCW 9.94A.885 and 2009 c 325 s 6 and 2009 c 138 s 4 are  
38 each reenacted and amended to read as follows:

1 (1) The clemency and pardons board shall receive petitions from  
2 individuals, organizations, and the department and make  
3 recommendations to the governor for ~~((review and commutation))~~:

4 (a) Commutation of sentences of incarcerated individuals when the  
5 sentence no longer serves the interest of justice; and ((pardoning))

6 (b) Pardoning of ((offenders)) incarcerated individuals in  
7 extraordinary cases~~((, and shall make recommendations thereon to the~~  
8 ~~governor))~~.

9 (2) The board shall receive petitions from individuals or  
10 organizations for the restoration of civil rights lost by operation  
11 of state law as a result of convictions for federal offenses or out-  
12 of-state felonies. The board may issue certificates of restoration  
13 limited to engaging in political office. Any certifications granted  
14 by the board must be filed with the secretary of state to be  
15 effective. In all other cases, the board shall make recommendations  
16 to the governor.

17 (3) The board shall not recommend that the governor grant  
18 clemency under subsection (1) of this section until a public hearing  
19 has been held on the petition. The board shall consider statements of  
20 victims and survivors of victims presented as set forth in RCW  
21 7.69.032, as well as any statements from the law enforcement agency  
22 or agencies that conducted the investigation.

23 (4) (a) The prosecuting attorney of the county where the  
24 conviction was obtained shall be notified at least ~~((thirty))~~ 90 days  
25 prior to the scheduled hearing that a petition has been filed and the  
26 date and place at which the hearing on the petition will be held. The  
27 board may waive the ~~((thirty-day))~~ 90-day notice requirement in cases  
28 where it determines that waiver is necessary to permit timely action  
29 on the petition. A copy of the petition shall be sent to the  
30 prosecuting attorney. ~~((The prosecuting attorney shall make~~  
31 ~~reasonable efforts to notify victims, survivors of victims,~~  
32 ~~witnesses, and the law enforcement agency or agencies that conducted~~  
33 ~~the investigation, of the date and place of the hearing.))~~

34 (b) To facilitate victim and survivor of victim involvement,  
35 county prosecutor's offices shall make reasonable efforts to ensure  
36 that any victim impact statements and known contact information for  
37 victims of record and survivors of victims are forwarded as part of  
38 the judgment and sentence. In the event that no known victim or  
39 survivor of the victim is known or identified for the panel, the  
40 county prosecutor's office shall be given reasonable time to certify

1 to the panel that it has exhausted all reasonable efforts in locating  
2 and providing contact information to the panel. Information regarding  
3 victims, survivors of victims, or witnesses receiving this notice are  
4 confidential and shall not be available to the ~~((offender))~~  
5 incarcerated individual seeking clemency or commutation. ~~((The board~~  
6 ~~shall consider statements presented as set forth in RCW 7.69.032.))~~

7 (c) This subsection is intended solely for the guidance of the  
8 board. Nothing in this section is intended or may be relied upon to  
9 create a right or benefit, substantive or procedural, enforceable at  
10 law by any person.

11 (5) (a) The board may recommend conditions of commutation for any  
12 incarcerated individual released pursuant to this section, including  
13 a term of community custody up to the length of the court-imposed  
14 term of incarceration, partial confinement up to six months,  
15 restrictions on travel, no contact with certain persons or classes of  
16 persons, restrictions on the type of employment and any other  
17 restrictions that the board determines to be reasonable and  
18 appropriate, or any other condition which provides for community  
19 protection from the released individual.

20 (b) The department shall monitor the released individual's  
21 compliance with conditions of community custody imposed by the court  
22 or recommended by the board. Any violation of conditions of community  
23 custody is subject to the provisions of this chapter.

24 (6) Members of the board are not civilly liable for decisions  
25 made while performing their duties.

26 NEW SECTION. Sec. 7. A new section is added to chapter 9.94A  
27 RCW to read as follows:

28 (1) The board may take any of the following actions: Deny a  
29 petition without a hearing because the incarcerated individual does  
30 not meet the initial criteria for filing a petition; or conduct a  
31 hearing in accordance with RCW 9.94A.885 to consider additional  
32 information, and then deny the petition or recommend commutation to  
33 the governor.

34 (2) In making its decision, the board shall consider, if  
35 available, the following factors and information:

36 (a) Public safety;

37 (b) The incarcerated individual's criminal history;

38 (c) The nature and circumstances of the offenses committed,  
39 including the current and past offenses;

1 (d) The incarcerated individual's social and medical history;

2 (e) The incarcerated individual's acceptance of responsibility,  
3 remorse, and atonement. If the individual submitted an Alford plea,  
4 the impact that may have on an individual's ability to provide  
5 evidence of remorse, atonement, and self-reflection in relation to  
6 the offense committed;

7 (f) Evidence of the incarcerated individual's rehabilitation,  
8 including behavior while incarcerated, job history, education  
9 participation in available rehabilitative program and treatment, and  
10 serious infraction history;

11 (g) Input from the victims of the crime;

12 (h) Input from the police and prosecutors in the jurisdictions  
13 where the incarcerated individual's crimes were committed;

14 (i) Input from persons in the community pledging their support of  
15 the incarcerated individual, if released;

16 (j) The available resources in the community to help the  
17 incarcerated individual transition to life outside of prison;

18 (k) A risk assessment and psychological evaluation provided by  
19 the department;

20 (l) The sentencing judge's analysis in imposing an exceptional  
21 sentence, if any; and

22 (m) Any other relevant factors.

23 (3) Further, the board shall consider a release plan presented by  
24 the incarcerated individual showing where the incarcerated individual  
25 will reside and how he or she will support himself or herself during  
26 the first year after his or her release. The department shall  
27 independently review the proposed release plan and make an  
28 independent evaluation to ensure the incarcerated individual is not  
29 released to an area where the victim resides or that impacts  
30 community safety.

31 (4) If the board recommends commutation or denies the petition,  
32 it shall specify the reasons for the decision.

33 (5) The conditions for commutation may include: Partial  
34 confinement for up to six months, regular drug and/or alcohol  
35 testing, no violations of law, restrictions on travel, no contact  
36 with certain individuals or classes of individuals, restrictions on  
37 the type of employment and any other restrictions that the board  
38 determines to be reasonable and appropriate, or any other condition  
39 which provides for community protection from the released individual.

1 (6) An incarcerated individual whose petition for commutation is  
2 denied may file a new petition for commutation three years from the  
3 date of denial or at an earlier date as may be set by the board.

4 (7) The incarcerated individual does not have a right to  
5 appointed counsel. Both lawyers and nonlawyers may assist the  
6 incarcerated individual in the preparation of his or her petition and  
7 at the hearing.

8 (8) All information contained in a petition or that is submitted  
9 to the board is subject to public disclosure.

10 (9) The board may adopt rules setting out criteria and procedures  
11 for the review of petitions under this section and RCW 9.94A.885 as  
12 appropriate.

13 (10) For purposes of this section, "board" means the clemency and  
14 pardons board.

--- END ---