FINAL BILL REPORT
E2SHB 1131

PARTIAL VETO
C 371 L 25
Synopsis as Enacted

Brief Description: Concerning clemency and pardons.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Goodman, Hackney, Simmons, Wylie, Ormsby and Hill).

House Committee on Community Safety
House Committee on Appropriations
Senate Committee on Human Services
Senate Committee on Ways & Means

Background:

Pardons and Commutations.
The Governor has the constitutional and statutory authority to issue pardons and commute sentences. A pardon is generally a government decision to allow a person to be absolved of guilt for a crime and restores the person's civil rights. A commutation of a sentence is a reduction in sentence, usually to time served.

Clemency and Pardons Board.
The Clemency and Pardons Board (CPB) was established to make recommendations to the Governor concerning petitions for clemency. The CPB receives petitions from individuals, the Department of Corrections (DOC), and organizations for commutations of sentences and pardons of convictions, and makes recommendations on those petitions to the Governor. The Governor makes the final decision in all cases heard by the CPB.

The CPB consists of five members appointed by the Governor and subject to confirmation by the Senate. Members serve four-year terms or until their successors are appointed, and members do not receive compensation but are reimbursed for travel expenses. The CPB receives staff support from the Office of the Attorney General and holds regular quarterly meetings, but can call special meetings at other times when appropriate.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The CPB generally reviews and hears petitions for pardon or commutation only in cases in which judicial remedies for the conviction have been concluded or exhausted. In most cases, absent unique or emergency circumstances, the CPB will not consider a petition until at least 10 years have passed from the date of conviction. In addition, the CPB does not hear new petitions from the same individual on the same matter until three years have elapsed from the date of the previous hearing, unless there are exceptional circumstances or new information not previously considered by the CPB. Initiative No. 593 contains a provision recommending that the CPB and the Governor not consider a petition for commutation from a person with a life sentence under the three strikes law until the person is at least age 60 and has been judged to no longer be a threat to society.

After receiving a petition, the CPB evaluates whether the petitioner's request merits a hearing. If a hearing is determined to be appropriate, the CPB must provide the relevant county prosecuting attorney with 30 days advance notice. After the hearing, the CPB votes on a recommendation, which is then forwarded to the Governor. The Governor is under no legal obligation to follow the recommendation. If the Governor grants a pardon, the person's conviction will be removed from the petitioner's criminal history available to the public. The Governor can place conditions on the pardon, such as requiring a conviction-free record for a specified period of time. A commutation results in a reduction of criminal penalties and is often conditional.

Community Custody.
Community custody is the portion of a person's criminal sentence served in the community under the supervision of the DOC following release from confinement in a state correctional facility. While on community custody, a person is subject to conditions imposed by the DOC, the sentencing court, and the Indeterminate Sentence Review Board (ISRB) in certain circumstances. The Secretary of the DOC may issue a warrant for the arrest of any person who violates a condition of community custody. A person who violates a condition may be subject to sanctions.

Summary:

The Clemency and Pardons Board.
The CPB must receive petitions and make recommendations to the Governor for:

- commutation of sentences of incarcerated individuals when the sentence no longer serves the interest of justice; and
- pardoning of individuals in extraordinary cases.

The CPB must consider expedited review of a petitioner's application if the petitioner indicates an urgent need for pardon or commutation, including, but not limited to, a pending deportation order or proceeding. A person is eligible for a pardon, commutation, or restoration of civil rights without regard to the person's immigration status.

The CPB is expanded from 5 to 10 members appointed by the Governor, who are subject to confirmation by the Senate. The Governor must strive to ensure racial, ethnic, geographic, gender, sexual identity, and age diversity in the appointments. The CPB membership must consist of:

- a person from an underrepresented population with direct lived experience in the subject matter being addressed by the CPB;
- a person with lived experience as an incarcerated individual, or has worked with the formerly incarcerated or successful community reentry;
- a representative of a faith-based organization or church with interest or experience in community reentry;
- a person with experience and interest in tribal affairs; and
- two representatives of crime victims.

Terms are expanded from four to five years, and members are limited to two consecutive terms. The initial terms must be staggered so no more than three members are up for appointment in any given year. Members must receive compensation up to $100 per day, unless waived by the person, and be compensated for time spent for training, hearing preparation, and travel expenses. The CPB members must attend training related to race equity, racism, and restorative justice at least every two years. Current members may serve the remainder of their term.

Each petition for commutation or pardon must be reviewed by a panel of five board members. The panel membership must be selected by a random drawing conducted by the CPB staff. The Attorney General's Office must provide staff support for the CPB.

The CPB must provide the relevant county prosecuting attorney with 90 days, rather than 30 days, of advance notice of a scheduled hearing that a petition has been filed and the date and place at which the hearing will be held.

The CPB must submit a report at least annually to the Governor and the Legislature. The report must include:

- the names and convictions of the persons granted commutation or a pardon in the previous calendar year; and
- any known acts of recidivism during the preceding calendar year by any person granted commutation or a pardon and listed in a previous report submitted by the CPB.

Supervision.

The DOC must supervise any person granted a conditional commutation by the Governor if community custody is a condition of commutation. If a person violates a condition of community custody, the person may be transferred to a more restrictive confinement status to serve the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of the alleged violation.

Votes on Final Passage:

House	53	44	
Senate	28	19	(Senate amended)
House	50	46	(House concurred)

Effective: July 27, 2025
January 1, 2026 (Sections 2 and 5)

Partial Veto Summary: The Governor vetoed the section of the bill containing a null and void clause.