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**Early Learning & Human Services  
Committee**

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**HB 1815**

**Brief Description:** Concerning prison riot offenses.

**Sponsors:** Representatives Peterson, Cortes and Goodman.

**Brief Summary of Bill**

- Excludes facilities operated by the Department of Children, Youth, and Families (DCYF) from the definition of "correctional institution" for purposes of the Prison Riot offense and applies that change retroactively.
- Creates a process for individuals who were adjudicated or convicted of Prison Riot offenses while in a DCYF institution to vacate those convictions or adjudications and seek resentencing if that offense formed the basis for the person's sentence or disposition.

**Hearing Date:** 2/12/25

**Staff:** Luke Wickham (786-7146).

**Background:**

*Prison Riot Offense.*

Whenever two or more inmates of a correctional institution assemble for any purpose and act in such a manner as to disturb the good order of the institution and contrary to the commands of the officers of the institution, by the use or force of violence, or the threat thereof, and whether acting in concert or not, they may be found guilty of the criminal offense called Prison Riot.

Prison Riot is a class B felony punished by imprisonment in a state correctional institution for

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not less than one year nor more than 10 years, which is added to the sentence being served.

The term "correctional institution" is defined as any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, county and local jails, juvenile detention centers, and other facilities operated by the Department of Corrections, the Department of Children, Youth, and Families, or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction or adjudication of a criminal offense.

**Summary of Bill:**

The term "correctional institution" is limited, for purposes of the Prison Riot offense, to exclude facilities operated by the Department of Children, Youth, and Families (DCYF).

Any person who was convicted of a Prison Riot offense who was incarcerated in a facility operated by the DCYF at the time of the offense may apply to the sentencing court for vacation of the applicant's record of adjudication or conviction of the offense. If the applicant qualifies for vacation, the court must grant the request.

Prosecutors are required to make a motion for relief from sentence for cases in which an offender has been sentenced or adjudicated for an offense where an adjudication or conviction for Prison Riot that occurred in a DCYF facility was used as the basis for the offender's sentence or disposition. The court that imposed the sentence or disposition must grant the motion if it finds that the current or past adjudication or conviction for a Prison Riot offense that occurred in a facility operated by the DCYF was used as a basis for the person's disposition or sentence and set an expedited date for resentencing.

**Appropriation:** None.

**Fiscal Note:** Requested on January 6, 2025.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.