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**SUBSTITUTE HOUSE BILL 1131**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Community Safety (originally sponsored by Representatives Goodman, Hackney, Simmons, Wylie, Ormsby, and Hill)

READ FIRST TIME 01/27/25.

1 AN ACT Relating to clemency and pardons; amending RCW 9.94A.501,  
2 9.94A.565, 9.94A.633, 9.94A.633, 9.94A.728, and 9.94A.880; reenacting  
3 and amending RCW 9.94A.501 and 9.94A.885; adding a new section to  
4 chapter 9.94A RCW; providing an effective date; and providing an  
5 expiration date.

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

7 **Sec. 1.** RCW 9.94A.501 and 2024 c 63 s 3 are each amended to read  
8 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 after August 1, 2011; and

20 (ii) A prior conviction for a repetitive domestic violence  
21 offense or domestic violence felony offense after August 1, 2011.

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

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

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

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

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

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

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

22 (e)(i) Has a current conviction for a domestic violence felony  
23 offense after August 1, 2011, and a prior conviction for a repetitive  
24 domestic violence offense or domestic violence felony offense after  
25 August 1, 2011. This subsection (4)(e)(i) applies only to offenses  
26 committed prior to July 24, 2015;

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

33 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660,  
34 9.94A.670, 9.94A.711, or 9.94A.695;

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

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

39 (5) The department shall supervise any (~~offender who is~~)  
40 individual released by the indeterminate sentence review board

1 ((and)) who was sentenced to community custody or subject to  
2 community custody under the terms of release.

3 (6) The department shall supervise any individual granted  
4 conditional commutation pursuant to RCW 9.94A.885 if the governor  
5 includes a term of community custody as a condition of commutation.

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

11 ((~~7~~)) (8) The department shall conduct a risk assessment for  
12 every individual convicted of a felony ((offender)) and sentenced to  
13 a term of community custody who may be subject to supervision under  
14 this section ((~~or RCW 9.94A.5011~~)).

15 ((~~8~~)) (9) The period of time the department is authorized to  
16 supervise an ((offender)) individual under this section may not  
17 exceed the duration of community custody specified under RCW  
18 9.94B.050, 9.94A.701 (1) through (9), or 9.94A.702, except in cases  
19 where the court has imposed an exceptional term of community custody  
20 under RCW 9.94A.535 and where the governor imposes a term of  
21 community custody as a condition of conditional commutation or  
22 imposes an additional term of community custody due to a violation of  
23 conditional commutation.

24 ((~~9~~)) (10) The period of time the department is authorized to  
25 supervise an ((offender)) individual under this section may be  
26 reduced by the earned award of supervision compliance credit pursuant  
27 to RCW 9.94A.717.

28 **Sec. 2.** RCW 9.94A.501 and 2024 c 306 s 4 and 2024 c 63 s 3 are  
29 each reenacted and amended to read as follows:

30 (1) The department shall supervise the following ((offenders))  
31 individuals who are sentenced to probation in superior court,  
32 pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

33 (a) ((Offenders)) Individuals convicted of:

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

35 (ii) Custodial sexual misconduct second degree;

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

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

38 (b) ((Offenders)) Individuals who have:

1 (i) A current conviction for a repetitive domestic violence  
2 offense after August 1, 2011; and

3 (ii) A prior conviction for a repetitive domestic violence  
4 offense or domestic violence felony offense after August 1, 2011.

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

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

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

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

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

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

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

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

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

37 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660,  
38 9.94A.670, 9.94A.711, 9.94A.695, or 9.94A.661;

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 and where the governor imposes a term of  
25 community custody as a condition of conditional commutation or  
26 imposes an additional term of community custody due to a violation of  
27 conditional commutation.

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

32 **Sec. 3.** RCW 9.94A.565 and 1994 c 1 s 5 are each amended to read  
33 as follows:

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

1        (a) Any incarcerated individual subject to total confinement for  
2 life without the possibility of parole not be considered for release  
3 until the ~~((offender))~~ incarcerated individual has ~~((reached the age~~  
4 ~~of at least sixty years old and has))~~ been judged to ~~((be))~~ no longer  
5 be a threat to society~~((. The people further recommend that sex~~  
6 ~~offenders))~~;

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

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

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

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

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

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

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

37        (a) If the ~~((offender))~~ individual was transferred to community  
38 custody in lieu of earned early release in accordance with RCW  
39 9.94A.728, the ~~((offender))~~ individual may be transferred to a more

1 restrictive confinement status to serve up to the remaining portion  
2 of the sentence, less credit for any period actually spent in  
3 community custody or in detention awaiting disposition of an alleged  
4 violation.

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

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

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

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

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

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

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

37 (3) If a probationer is being supervised by the department  
38 pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may  
39 be sanctioned pursuant to subsection (1) of this section. The  
40 department shall have authority to issue a warrant for the arrest of

1 an ((~~offender~~)) individual who violates a condition of community  
2 custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed  
3 by the department pursuant to RCW 9.94A.737. Nothing in this  
4 subsection is intended to limit the power of the sentencing court to  
5 respond to a probationer's violation of conditions.

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

10 (a) The ((~~offender~~)) individual is on parole pursuant to RCW  
11 9.95.110(1); or

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

15 **Sec. 5.** RCW 9.94A.633 and 2024 c 306 s 7 are each amended to  
16 read as follows:

17 (1)(a) An ((~~offender~~)) individual who violates any condition or  
18 requirement of a sentence may be sanctioned by the court with up to  
19 60 days' confinement for each violation or by the department with up  
20 to 30 days' confinement as provided in RCW 9.94A.737.

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

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

30 (a) If the ((~~offender~~)) individual was transferred to community  
31 custody in lieu of earned early release in accordance with RCW  
32 9.94A.728, the ((~~offender~~)) individual may be transferred to a more  
33 restrictive confinement status to serve up to the remaining portion  
34 of the sentence, less credit for any period actually spent in  
35 community custody or in detention awaiting disposition of an alleged  
36 violation.

37 (b) If the ((~~offender~~)) individual was sentenced under the drug  
38 offender sentencing alternative set out in RCW 9.94A.660, the



1 ((~~offender~~)) individual may be sanctioned in accordance with that  
2 section.

3 (c) If the ((~~offender~~)) individual was sentenced under the drug  
4 offender sentencing alternative for driving under the influence set  
5 out in RCW 9.94A.661, the ((~~offender~~)) individual may be sanctioned  
6 in accordance with that section.

7 (d) 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 (e) 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 (f) 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 (g) 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 (h) 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 (i) 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. 6.** RCW 9.94A.728 and 2023 c 358 s 1 are each amended to  
14 read as follows:

15 (1) No incarcerated individual serving a sentence imposed  
16 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 incarcerated individual may earn early release time as  
21 authorized by RCW 9.94A.729;

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

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

29 (A) The incarcerated individual has been assessed by two  
30 physicians and is determined to be one of the following:

31 (I) Affected by a permanent or degenerative medical condition to  
32 such a degree that the individual does not presently, and likely will  
33 not in the future, pose a threat to public safety; or

34 (II) In ill health and is expected to die within six months and  
35 does not presently, and likely will not in the future, pose a threat  
36 to public safety;

37 (B) The incarcerated individual has been assessed as low risk to  
38 the community at the time of release; and

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

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

6 (iii) The secretary shall require electronic monitoring for all  
7 individuals in extraordinary medical placement unless the electronic  
8 monitoring equipment is detrimental to the individual's health,  
9 interferes with the function of the individual's medical equipment,  
10 or results in the loss of funding for the individual's medical care,  
11 in which case, an alternative type of monitoring shall be utilized.  
12 The secretary shall specify who shall provide the monitoring services  
13 and the terms under which the monitoring shall be performed.

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

16 (v) Persistent offenders are not eligible for extraordinary  
17 medical placement;

18 (d) The governor, upon recommendation from the clemency and  
19 pardons board, may grant an extraordinary release (~~(for)~~):

20 (i) For reasons of serious health problems, senility, advanced  
21 age, extraordinary meritorious acts, or other extraordinary  
22 circumstances; or

23 (ii) Pursuant to RCW 9.94A.885;

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

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

36 (ii) For eligible incarcerated individuals under RCW  
37 9.94A.733(1)(b), after serving at least four months in total  
38 confinement in a state correctional facility, an incarcerated  
39 individual may serve no more than the final 18 months of the  
40 incarcerated individual's term of confinement in partial confinement

1 as home detention as part of the graduated reentry program developed  
2 by the department;

3 (g) The governor may pardon any incarcerated individual;

4 (h) The department may release an incarcerated individual from  
5 confinement any time within 10 days before a release date calculated  
6 under this section;

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

10 (j) Notwithstanding any other provisions of this section, an  
11 incarcerated individual sentenced for a felony crime listed in RCW  
12 9.94A.540 as subject to a mandatory minimum sentence of total  
13 confinement shall not be released from total confinement before the  
14 completion of the listed mandatory minimum sentence for that felony  
15 crime of conviction unless allowed under RCW 9.94A.540; and

16 (k) Any individual convicted of one or more crimes committed  
17 prior to the individual's 18th birthday may be released from  
18 confinement pursuant to RCW 9.94A.730.

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

27 (3) Individuals residing in a juvenile correctional facility  
28 placement pursuant to RCW 72.01.410(1)(a) are not subject to the  
29 limitations in this section.

30 **Sec. 7.** RCW 9.94A.880 and 2011 c 336 s 335 are each amended to  
31 read as follows:

32 (1) The clemency and pardons board is established as a board  
33 within the office of the governor. The board consists of (~~five~~) 10  
34 members appointed by the governor, subject to confirmation by the  
35 senate.

36 (2) In making appointments to the board, the governor shall  
37 strive to ensure racial, ethnic, geographic, gender, sexual identity,  
38 and age diversity. The board membership must include the following:

39 (a) A person with lived experience in a community of color;

1 (b) A person with lived experience as an incarcerated individual  
2 or who has worked with the formerly incarcerated or successful  
3 community reentry;

4 (c) A representative of a faith-based organization or church with  
5 interest or experience in successful community reentry;

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

7 (e) A representative of crime victims.

8 (3) Board members must attend training related to the principles  
9 of racial equity, racism, and restorative justice at least every two  
10 years.

11 (4) Members of the board (~~shall~~) may serve up to two terms of  
12 (~~four~~) five years and may continue to serve until their successors  
13 are appointed and confirmed. (~~However, the~~) The governor shall  
14 stagger the initial terms (~~by appointing one of the initial members~~  
15 for a term of one year, one for a term of two years, one for a term  
16 of three years, and two for terms of four years)) so that no more  
17 than three members are up for appointment in any given year. Board  
18 members as of the effective date of this section may serve the  
19 member's remaining term.

20 (~~(3)~~) (5) The board shall elect a chair from among its members  
21 and shall adopt bylaws governing the operation of the board. The  
22 chair shall approve training and each member's hearing preparation  
23 time as duties authorized for compensation under subsection (6) of  
24 this section.

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 receive compensation in accordance with the provisions of RCW  
29 43.03.250, unless waived by the member. All members shall receive  
30 travel expenses incurred in the discharge of their official duties in  
31 accordance with RCW 43.03.050 and 43.03.060.

32 (~~(5)~~) (7) The attorney general shall provide (~~a staff as~~  
33 needed for the operation of)) legal counsel to the board.

34 (8) Each petition for commutation or pardon shall be reviewed by  
35 a panel of five board members. The panel membership shall be selected  
36 by a random drawing conducted by board staff.

37 (9) For purposes of this section, "lived experience" has the  
38 meaning provided in RCW 43.03.220.

1       **Sec. 8.** RCW 9.94A.885 and 2009 c 325 s 6 and 2009 c 138 s 4 are  
2 each reenacted and amended to read as follows:

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

6       (a) Commutation of sentences of incarcerated individuals when the  
7 sentence no longer serves the interest of justice; and (~~(pardoning)~~)

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

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

18       (3) The board shall not recommend that the governor grant  
19 clemency under subsection (1) of this section until a public hearing  
20 has been held on the petition. The prosecuting attorney of the county  
21 where the conviction was obtained shall be notified at least  
22 (~~(thirty)~~) 90 days prior to the scheduled hearing that a petition has  
23 been filed and the date and place at which the hearing on the  
24 petition will be held. The board may waive the (~~(thirty-day)~~) 90-day  
25 notice requirement in cases where it determines that waiver is  
26 necessary to permit timely action on the petition. A copy of the  
27 petition shall be sent to the prosecuting attorney. The prosecuting  
28 attorney shall make reasonable efforts to notify victims, survivors  
29 of victims, witnesses, and the law enforcement agency or agencies  
30 that conducted the investigation, of the date and place of the  
31 hearing. Information regarding victims, survivors of victims, or  
32 witnesses receiving this notice are confidential and shall not be  
33 available to the (~~(offender)~~) incarcerated individual seeking  
34 clemency. The board shall consider statements presented as set forth  
35 in RCW 7.69.032. This subsection is intended solely for the guidance  
36 of the board. Nothing in this section is intended or may be relied  
37 upon to create a right or benefit, substantive or procedural,  
38 enforceable at law by any person.

1        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 9.94A  
2    RCW to read as follows:

3        The clemency and pardons board shall transmit to the governor and  
4    the legislature, at least annually, a report of its work, in which  
5    shall be given such information as may be relevant. The information  
6    must include the names of any individuals granted commutation or a  
7    pardon in the previous calendar year, the crimes of which those  
8    individuals were convicted, and any known acts of recidivism during  
9    the preceding calendar year by any individual listed in any report  
10   submitted under this section.

11       NEW SECTION.    **Sec. 10.**    Sections 1 and 4 of this act expire  
12   January 1, 2026.

13       NEW SECTION.    **Sec. 11.**    Sections 2 and 5 of this act take effect  
14   January 1, 2026.

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