

Post-conviction Review Panel Comparison of Legislative Draft S-0549 and SGC's Draft Proposal

	<i>S-0549</i>	<i>SGC Proposal</i>
<i>Authority</i>	Postconviction review panel created within DOC	Postconviction review panel created within ISRB
<i>Panel Composition</i>	<p>Members are appointed by the governor for renewable 3 year terms (volunteers)</p> <ul style="list-style-type: none"> ➤ Superior Court Judge ➤ DOC representative ➤ Prosecuting Attorney ➤ Law Enforcement ➤ Public Defender ➤ Behavioral Health Specialist ➤ Representative from Community Organization that provides resources to previously incarcerated individuals <p>Panel has jurisdiction over individual for the length of the individual's original sentence.</p>	<p>ISRB will create a postconviction review panel (employees)</p> <ul style="list-style-type: none"> ➤ 2 Members of the ISRB ➤ 1 Judge chosen from a pool of 6-8 retired former superior court or appellate court judges/justices. <p>ISRB has jurisdiction over the individual.</p>
<i>Excludes Certain Offenses/Sentences</i>	<p>Excluded from the postconviction review panel option:</p> <ul style="list-style-type: none"> ➤ Those under ISRB jurisdiction <ul style="list-style-type: none"> ○ Pre-SRA ○ Determinate Plus ○ Juvenile Board 	<p>Excluded from the postconviction review panel option:</p> <ul style="list-style-type: none"> ➤ Those under ISRB jurisdiction <ul style="list-style-type: none"> ○ Pre-SRA ○ Determinate Plus ○ Juvenile Board
<i>Eligibility</i>	<ul style="list-style-type: none"> ➤ Served 15 years of total confinement; or ➤ Is at least 60 years of age ➤ Has not committed a disqualifying serious infraction within the past 12 months 	<ul style="list-style-type: none"> ➤ Has served 15 years of total confinement ➤ Has not committed a disqualifying serious infraction within the past 12 months

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<i>Review Process</i>	<p>Consists of:</p> <ul style="list-style-type: none"> ➤ Deny a petition without a hearing because individual does not meet initial criteria. ➤ Conduct a hearing to consider additional information and then grant or deny the petition. 	<p>Consists of:</p> <p>Step 1 - A petitioner could be denied in Step 1 if any of the following are present:</p> <ul style="list-style-type: none"> ➤ A risk-related infraction within the past five years. A risk-related infraction is defined as a sex-, violent-, drug-, or alcohol-related infraction ➤ A Security Threat Group concern within the past five years. ➤ Lack of compliance with DOC-recommended treatment and programming. The panel would look at which programs were recommended, which had been completed, which had not been completed and the reason why. Which programs are available where the individual is located would also be taken into consideration. ➤ A new conviction after admission to prison. If a conviction occurs after the individual is incarcerated the clock on the 15 years' time served term would reset. <p>Step 2 – if individual passes Step 1:</p> <ul style="list-style-type: none"> ➤ Conduct a hearing and then grant or deny the petition.

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<i>Factors Considered During Review (Step 2 in SGC Proposal)</i>	<ul style="list-style-type: none"> ➤ Public Safety ➤ Individual’s criminal history ➤ Nature and circumstances of the offenses committed, including current and past offenses ➤ Individual’s social and medical history ➤ Individual’s adjustment while incarcerated, including infraction history, education history, programming history, work history while incarcerated ➤ Input from the victim ➤ Input from police and prosecutors in the jurisdictions where the crimes were committed ➤ Input from persons in the community pledging their support of the individual ➤ Available resources in the community to help transition for life outside the prison ➤ A risk assessment and psychological evaluation provided by DOC ➤ Sentencing judge’s analysis in imposing an exceptional sentence ➤ Any other relevant factors ➤ Release plan 	<ul style="list-style-type: none"> ➤ Public Safety ➤ Nature and circumstances of the offenses committed, including current and past offenses ➤ Individual’s social and medical history ➤ Individual’s adjustment while incarcerated, including infraction history, education history, programming history, work history while incarcerated ➤ Input from the victim ➤ Input from police and prosecutors in the jurisdictions where the crimes were committed ➤ Input from persons in the community pledging their support of the individual ➤ Available resources in the community to help transition for life outside the prison ➤ A risk assessment and psychological evaluation provided by DOC ➤ Sentencing judge’s analysis in imposing an exceptional sentence ➤ Any other relevant factors ➤ Release plan
<i>Decision Time Frame</i>	An action by the panel shall be rendered within 90 days of the filing of the petition.	An action by the panel shall be rendered within 60 days of the filing of the petition.
<i>Outcome Study</i>	Completed by DOC	Completed by ISRB