
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-0055.2/25 2nd draft

ATTY/TYPIST: RR:eab

BRIEF DESCRIPTION: Concerning the indeterminate sentence review board.

1 AN ACT Relating to people convicted of one or more crimes
2 committed before the person's 18th birthday petitioning the
3 indeterminate sentence review board after reaching the age of 24 or
4 older; amending RCW 9.94A.730; creating new sections; and providing
5 an expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature recognizes that the United
8 States supreme court found mandatory life sentences for conduct
9 committed by minors unconstitutional. The legislature acknowledges
10 that since the federal and state Constitutions demand that most
11 minors convicted of crimes will eventually be released into the
12 community, successful rehabilitation will result in less recidivism
13 in communities following reentry. The legislature finds that lengthy
14 sentences with little incentive for rehabilitation until decades into
15 incarceration misses a critical development opportunity for youth at
16 a formative time during brain development. Scientific studies have
17 found that brain development impacting decision making continues
18 until age 25 and that this represents a critical period for behavior
19 change, and therefore rehabilitation. The legislature therefore
20 intends to create greater incentives for rehabilitation for youth
21 convicted of offenses prior to their 18th birthday by allowing them

1 to petition the indeterminate sentence review board after reaching
2 the age of 24.

3 **Sec. 2.** RCW 9.94A.730 and 2024 c 118 s 4 are each amended to
4 read as follows:

5 (1) Notwithstanding any other provision of this chapter, any
6 person convicted of one or more crimes committed prior to the
7 person's 18th birthday may petition the indeterminate sentence review
8 board for early release after (~~((serving no less than 20 years of~~
9 ~~total confinement))~~ reaching the age of 24 or older, provided the
10 person has not been convicted for any crime committed (~~((subsequent to~~
11 ~~the person's 18th birthday))~~ in the 12 months prior to filing the
12 petition for early release, the person has not committed a
13 disqualifying serious infraction as defined by the department or the
14 department of children, youth, and families in the 12 months prior to
15 filing the petition for early release, and the current sentence was
16 not imposed under RCW 10.95.030 or 9.94A.507.

17 (2) No later than five years prior to the date the offender will
18 be eligible to petition for release, the department shall conduct an
19 assessment of the offender and identify programming and services that
20 would be appropriate to prepare the offender for return to the
21 community. To the extent possible, the department shall make
22 programming available as identified by the assessment.

23 (3) No later than 180 days from receipt of the petition for early
24 release, the department shall conduct, and the offender shall
25 participate in, an examination of the person, incorporating
26 methodologies that are recognized by experts in the prediction of
27 dangerousness, and including a prediction of the probability that the
28 person will engage in future criminal behavior if released on
29 conditions to be set by the board. The board may consider a person's
30 failure to participate in an evaluation under this subsection in
31 determining whether to release the person. The board shall order the
32 person released under such affirmative and other conditions as the
33 board determines appropriate, unless the board determines by a
34 preponderance of the evidence that, despite such conditions, it is
35 more likely than not that the person will commit new criminal law
36 violations if released. The board shall give public safety
37 considerations the highest priority when making all discretionary
38 decisions regarding the ability for release and conditions of
39 release.

1 (4) In a hearing conducted under subsection (3) of this section,
2 the board shall provide opportunities for victims and survivors of
3 victims of any crimes for which the offender has been convicted to
4 present statements as set forth in RCW 7.69.032. The procedures for
5 victim and survivor of victim input shall be provided by rule. To
6 facilitate victim and survivor of victim involvement, county
7 prosecutor's offices shall ensure that any victim impact statements
8 and known contact information for victims of record and survivors of
9 victims are forwarded as part of the judgment and sentence.

10 (5) The department may provide rental vouchers to a person who
11 successfully petitions the board under subsection (1) of this section
12 and is ordered to be released by the board under subsection (3) of
13 this section if rental assistance will allow the petitioner to safely
14 release. The department shall maintain a list of housing providers
15 that meets the requirements of RCW 72.09.285. If more than two
16 voucher recipients will be residing per dwelling unit, as defined in
17 RCW 59.18.030, rental vouchers for those recipients may only be paid
18 to a housing provider on the department's list. For each successful
19 petitioner who is the recipient of a rental voucher, the department
20 shall gather data as recommended by the Washington state institute
21 for public policy in order to best demonstrate whether rental
22 vouchers are effective in reducing recidivism.

23 (6) Any person released by the board pursuant to this section
24 shall comply with conditions imposed or modified pursuant to RCW
25 9.94A.704(10), in addition to court-imposed conditions.

26 ~~((6))~~ (7) An offender released by the board is subject to the
27 supervision of the department for a period of time to be determined
28 by the board, up to the length of the court-imposed term of
29 incarceration. The department shall monitor the offender's compliance
30 with conditions of community custody imposed by the court or board
31 and promptly report any violations to the board. Any violation of
32 conditions of community custody established or modified by the board
33 are subject to the provisions of RCW 9.95.425 through 9.95.440.

34 ~~((7))~~ (8) An offender whose petition for release is denied may
35 file a new petition for release five years from the date of denial or
36 at an earlier date as may be set by the board.

37 ~~((8))~~ (9) An offender released under the provisions of this
38 section may be returned to the institution at the discretion of the
39 board if the offender is found to have violated a condition of
40 community custody. The offender is entitled to a hearing pursuant to

1 RCW 9.95.435. If the board finds that the offender has committed a
2 new violation, the board may return the offender to the institution
3 for up to the remainder of the court-imposed term of incarceration.
4 The offender may file a new petition for release five years from the
5 date of return to the institution or at an earlier date as may be set
6 by the board.

7 NEW SECTION. **Sec. 3.** (1) The number of petitions from persons
8 made eligible to petition the indeterminate sentence review board for
9 early release under this act, who otherwise would not be eligible,
10 that are acted on or responded to by the department of corrections or
11 the board, shall be limited to no more than 70 per year. Within the
12 limit of 70 petitions per year, the department shall prioritize
13 examinations, and the board shall prioritize hearings on petitions
14 for early release, in the following descending order with the highest
15 priority given to:

16 (a) Petitioners under the age of 25 in the custody of the
17 department of children, youth, and families; and

18 (b) Petitioners in the custody of the department of corrections
19 who most recently transferred from the custody of the department of
20 children, youth, and families to the custody of the department of
21 corrections pursuant to RCW 72.01.410 as of the effective date of
22 this section.

23 (2) This section expires July 1, 2035.

24 NEW SECTION. **Sec. 4.** This act may be known and cited as the
25 youth hope act.

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