
**Criminal Justice & Corrections
Committee**

HB 3261

Brief Description: Strengthening the review process by the indeterminate sentence review board.

Sponsors: Representatives O'Brien, Rodne, Dickerson, Clements, Haigh, Simpson and Pearson.

Brief Summary of Bill

- Adds more members to the Indeterminate Sentence Review Board.
- Requires the Indeterminate Sentence Review Board to make reasonable efforts to allow input from the victim when reviewing a "determinate-plus" offender for possible release.

Hearing Date: 1/31/06

Staff: Jim Morishima (786-7191).

Background:

I. Determinate-Plus Sentencing

In 2001, the Legislature passed 3ESSB 6151, which created a type of sentencing that has come to be known as "determinate-plus" sentencing. Determinate-plus sentencing applies to two groups of offenders: (1) offenders convicted of a first two-strikes sex offense, and (2) offenders who have a prior two-strikes offense in their criminal histories who are convicted of a subsequent sex offense that is not a two-strikes offense.

A court must sentence an offender convicted of a determinate-plus offense to a minimum term and a maximum term. The minimum term is generally equal to the standard range sentence. The maximum term is equal to the statutory maximum for the offense: life for class A felonies, 10 years for class B felonies, and five years for class C felonies.

The Indeterminate Sentence Review Board (ISRB) must evaluate the offender prior to the expiration of the minimum term. The ISRB must order the release of the offender upon expiration of the minimum term unless the offender is likelier than not to commit a sex offense if released. If the ISRB does not release the offender, it must re-evaluate the offender at least once every two years up to the offenders maximum term. If the ISRB releases the offender, the offender will be on community custody status for the remainder of his or her maximum term.

II. The Membership of the ISRB

The ISRB is composed of a chair and two other members, all appointed by the Governor. As mentioned above, the ISRB is required to review offenders sentenced to determinate-plus sentences. The ISRB also reviews offenders sentenced to indeterminate sentences for crimes committed prior to July 1, 1984.

Summary of Bill:

I. Determinate-Plus Sentencing

When conducting a hearing regarding the possible release of a determinate-plus offender, the ISRB must make reasonable efforts to permit the victim of the crime to present oral or written testimony.

II. The Membership of the ISRB

A vice-chair and one more member are added to the ISRB, both to be appointed by the Governor.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.