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**HOUSE BILL 1383**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representative Hackney

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 for early release; amending RCW  
4 9.94A.730; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** (1) In 2019, the legislature passed  
7 Engrossed Second Substitute House Bill No. 1646, sometimes referred  
8 to as "JR to 25," which extended the period of time that individuals  
9 convicted of offenses that occurred before the person turned 18 to  
10 remain in a juvenile rehabilitation facility from age 21 to age 25.  
11 The stated purpose of that extension was to reduce recidivism by  
12 providing additional time for individuals to receive rehabilitative  
13 programming provided by juvenile institutions.

14 (2) Recognizing the increased rehabilitative programming provided  
15 by JR to 25, the legislature intends to allow persons who committed  
16 crimes while under age 18 to petition the indeterminate sentence  
17 review board for early release after reaching age 24 or older.

18 **Sec. 2.** RCW 9.94A.730 and 2015 c 134 s 6 are each amended to  
19 read as follows:

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

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

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

35 (4) In a hearing conducted under subsection (3) of this section,  
36 the board shall provide opportunities for victims and survivors of  
37 victims of any crimes for which the offender has been convicted to  
38 present statements as set forth in RCW 7.69.032. The procedures for  
39 victim and survivor of victim input shall be provided by rule. To  
40 facilitate victim and survivor of victim involvement, county

1 prosecutor's offices shall ensure that any victim impact statements  
2 and known contact information for victims of record and survivors of  
3 victims are forwarded as part of the judgment and sentence.

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

16 (6) An offender released by the board is subject to the  
17 supervision of the department for a period of time to be determined  
18 by the board, up to the length of the court-imposed term of  
19 incarceration. The department shall monitor the offender's compliance  
20 with conditions of community custody imposed by the court or board  
21 and promptly report any violations to the board. Any violation of  
22 conditions of community custody established or modified by the board  
23 are subject to the provisions of RCW 9.95.425 through 9.95.440.

24 ~~((+6))~~ (7) An offender whose petition for release is denied may  
25 file a new petition for release five years from the date of denial or  
26 at an earlier date as may be set by the board.

27 ~~((+7))~~ (8) An offender released under the provisions of this  
28 section may be returned to the institution at the discretion of the  
29 board if the offender is found to have violated a condition of  
30 community custody. The offender is entitled to a hearing pursuant to  
31 RCW 9.95.435. If the board finds that the offender has committed a  
32 new violation, the board may return the offender to the institution  
33 for up to the remainder of the court-imposed term of incarceration.  
34 The offender may file a new petition for release five years from the  
35 date of return to the institution or at an earlier date as may be set  
36 by the board.

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