

**WAC 381-90-120 Incarcerated individual to be present.** (1) The subject of any hearing conducted under the provisions of this chapter may participate in the hearing. However, in the event the incarcerated individual refuses to appear, the board may:

(a) Continue the hearing until the next available docket; or  
(b) Hold the hearing in absentia. The board's decision will be based on all available evidence.

(2) If an individual is found not releasable after a hearing that is held in absentia, the individual may request an earlier review if they are willing to attend a rescheduled hearing.

(3) The board retains the authority to schedule an earlier review at its discretion.

[WSR 23-14-109, § 381-90-120, filed 7/3/23, effective 8/3/23. Statutory Authority: RCW 34.05.220 (1)(b). WSR 09-08-109, § 381-90-120, filed 3/31/09, effective 5/1/09.]

**Reviser's note:** Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing with history notes added by the code reviser's office.