

HOUSE BILL ANALYSIS

HB 1068

Title: An act relating to clemency and pardons.

Brief Description: Providing for more participation by victims, prosecutors, and law enforcement in the clemency and pardons process.

Sponsors: Representatives Ballasiotes, O'Brien, Lambert, Mitchell, Kessler, Esser and Lovick.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Jean Ann Quinn (786-7310).

Background:

Clemency and Pardons Board: The clemency and pardons board receives petitions from individuals, organizations, and the Department of Corrections for the review and reduction of sentences and pardoning of offenders in extraordinary cases, and makes recommendations on these petitions to the Governor. The board also makes recommendations to the Governor on certain petitions received from individuals or organizations for the restoration of civil rights lost as a result of convictions for federal offenses or out-of-state felonies.

Indeterminate Sentence Review Board: When requested by the Governor, the Indeterminate Sentence Review Board is required to pass on representations made in support of applications for pardons and for the restoration of civil rights of convicted persons, and make recommendations to the Governor regarding these applications. The board can request the assistance of the Department of Corrections in performing this duty.

Victims' Rights: A reasonable effort is required to be made to ensure that victims of crimes and survivors of victims are given certain rights with respect to proceedings involving the crime, such as the right to be informed, upon request, of the date, time, and place of trial and of the sentencing hearing, the right to submit a victim impact statement to the court, and the right to present a statement at sentencing hearings.

Offender Release Notification Procedures: The Department of Corrections must, not more than 30 days before release, send written notice of the parole, release, community

placement, work release placement, furlough, or escape of an offender convicted of a violent offense, a sex offense, or a felony harassment offense to:

- (1) the chief of police of the city where the inmate will reside or work;
- (2) the sheriff of the county where the inmate will reside or work;
- (3) the sheriff of the county where the inmate was convicted if it is unknown where he or she will live;
- (4) in the case of sex offenders, the Washington State Patrol; and
- (5) if requested in writing, the victim of the crime or the victim's next of kin, witnesses who testified against the inmate, any person specified in writing by the prosecutor, and any other person who requests such notice about a sex offender at least 60 days prior to the release date.

Summary:

Clemency and Pardons Board: The board may not make any recommendation to the Governor until a public hearing is held on a petition for review and commutation of sentence or pardon, or a petition for restoration of civil rights. Thirty days notice, prior to the hearing, must be given to all individuals who are otherwise entitled to notice of the offenders release. Information on victims, survivors, and witnesses receiving this notice is confidential and not available to the offender. A copy of the petition is also to be sent to the prosecuting attorney of the county where the offender was convicted. The board must consider written or oral statements they receive from the individuals who receive notice under this provision.

Indeterminate Sentence Review Board: The board may not make any recommendations to the Governor until a public hearing is held on an application for pardon. Thirty days prior to the hearing notice must be given to all individuals who are otherwise entitled to notice of the offenders release. Information on victims, survivors, and witnesses receiving this notice is confidential and not available to the offender. A copy of the petition is also to be sent to the prosecuting attorney of the county where the offender was convicted. The board must consider written or oral statements they receive from the individuals who receive notice under this provision.

Victims' Rights: A reasonable effort is required to be made to ensure that victims and survivors of victims have the right to present a statement at any hearing regarding an application for pardon or commutation of sentence.

Fiscal Note: Requested on January 19, 1999.

Effective Date: Ninety days after adjournment of session in which bill is passed.

