

CHAPTER 259

[Substitute House Bill No. 1457]

INDETERMINATE SENTENCING REVIEW BOARD—DUTIES

AN ACT Relating to the indeterminate sentence review board; amending RCW 9.95.009, 9.95.115, and 9.95.0011; adding new sections to chapter 9.95 RCW; repealing RCW 9.95-.0012; repealing section 1, chapter 224, Laws of 1986 (uncodified); repealing section 14, chapter 224, Laws of 1986 (uncodified); and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 24, chapter 137, Laws of 1981 as last amended by section 6, chapter 224, Laws of 1986 and RCW 9.95.009 are each amended to read as follows:

(1) On July 1, 1986, the board of prison terms and paroles shall be redesignated as the indeterminate sentencing review board. The board's membership shall be reduced as follows: On July 1, 1986, and on July 1st of each year until ~~((+1992))~~ 1998, the number of board members shall be reduced in a manner commensurate with the board's remaining workload as determined by the office of financial management based upon its population forecast for the indeterminate sentencing system and in conjunction with the budget process. To meet the statutory obligations of the indeterminate sentence review board, the number of board members shall not be reduced to fewer than three members, although the office of financial management may designate some or all members as part-time members and specify the extent to which they shall be less than full-time members. Any reduction shall take place by the expiration, on that date, of the term or terms having the least time left to serve.

(2) After July 1, 1984, the board shall continue its functions with respect to persons convicted of crimes committed prior to July 1, 1984, and committed to the department of corrections. When making decisions on duration of confinement, including those relating to persons committed under a mandatory life sentence, and parole release under RCW 9.95.100 and 9.95.110, the board shall consider the purposes, standards, and sentencing ranges adopted pursuant to RCW 9.94A.040 and the minimum term recommendations of the sentencing judge and prosecuting attorney, and shall attempt to make decisions reasonably consistent with those ranges, standards, purposes, and recommendations: PROVIDED, That the board and its successors shall give adequate written reasons whenever a minimum term or parole release ~~((decisions {decision}))~~ decision is made which is outside the sentencing ranges adopted pursuant to RCW 9.94A.040. In making such decisions, the board and its successors shall consider the different charging and disposition practices under the indeterminate sentencing system.

NEW SECTION. Sec. 2. A new section is added to chapter 9.95 RCW to read as follows:

(1) The board shall fix the duration of confinement for persons committed to the custody of the department of corrections under a mandatory life sentence for a crime or crimes committed before July 1, 1984. However, no duration of confinement shall be fixed for those persons committed under a life sentence without the possibility of parole.

The duration of confinement for persons covered by this section shall be fixed no later than July 1, 1992, or within six months after the admission or readmission of the convicted person to the custody of the department of corrections, whichever is later.

(2) Prior to fixing a duration of confinement under this section, the board shall request from the sentencing judge and the prosecuting attorney an updated statement in accordance with RCW 9.95.030. In addition to the report and recommendations of the prosecuting attorney and sentencing judge, the board shall also consider any victim impact statement submitted by a victim, survivor, or a representative, and any statement submitted by an investigative law enforcement officer. The board shall provide the convicted person with copies of any new statement and an opportunity to comment thereon prior to fixing the duration of confinement.

Sec. 3. Section 1, chapter 238, Laws of 1951 and RCW 9.95.115 are each amended to read as follows:

The ~~((board of prison terms and paroles))~~ indeterminate sentence review board is hereby granted authority to parole any person sentenced to the ~~((penitentiary or the reformatory))~~ custody of the department of corrections, under a mandatory life sentence~~((, who))~~ for a crime committed prior to July 1, 1984, except those persons sentenced to life without the possibility of parole. No such person shall be granted parole unless the person has been continuously confined therein for a period of twenty consecutive years less earned good time~~((: PROVIDED, The superintendent of the penitentiary or the reformatory, as the case may be, certifies to the *board of prison terms and paroles that such person's conduct and work have been meritorious, and based thereon, recommends parole for such person))~~: PROVIDED, That no such person shall be released under parole who is found to be a sexual psychopath under the provisions of and as defined by chapter ~~((71.12))~~ 71.06 RCW.

Sec. 4. Section 12, chapter 224, Laws of 1986 and RCW 9.95.0011 are each amended to read as follows:

(1) The indeterminate sentencing review board shall cease to exist on June 30, ~~((1992, and all of its powers, duties, and functions with respect to persons convicted of crimes committed before July 1, 1984, shall be transferred to the superior courts of the state of Washington))~~ 1998. Prior to June 30, ~~((1992))~~ 1998, the board shall review each inmate convicted of

~~crimes committed before July 1, 1984, and prepare a report ((for the superior courts)). This report shall include a recommendation regarding the offender's suitability for parole ((and)), appropriate parole conditions, and, for those persons committed under a mandatory life sentence, duration of confinement. ((The sentencing judge or his or her successor in the county of conviction shall thereafter have full jurisdiction and authority over such offenders. These duties may be delegated to commissioners. Actions taken by commissioners shall be in the form of a report and recommendation to the sentencing judge or his or her successors who have sole authority to determine duration of confinement or parole release.))~~

(2) ~~The governor, through the office of financial management, shall recommend to the legislature alternatives for carrying out the duties of the board. In developing recommendations, the office of financial management shall consult with the indeterminate sentence review board, Washington association of prosecuting attorneys, Washington defender association, department of corrections, and administrator for the courts((, and office of financial management shall prepare an implementation plan to accomplish transfer of the board's powers, duties, and functions to the superior courts of the state of Washington. The plan)). Recommendations shall include a detailed fiscal analysis and recommended formulas and procedures for the reimbursement of costs to local governments if necessary. ((This plan)) Recommendations shall be presented to the ((1990)) 1997 legislature.~~

~~((3) On July 1, 1992, all documents, records, files, equipment, and other tangible property of the indeterminate sentencing review board shall be transferred to the department of corrections. The department of corrections shall assist the judiciary in fulfilling its responsibilities under this chapter, including the preparation of written recommendations.~~

~~(4) On July 1, 1992, references to the "board" or "the indeterminate sentence review board" contained in this chapter, chapters 7.68, 9.95, 9.96, 71.06, and 72.04A RCW, and RCW 9A.44.045 and 72.68.031 are deemed to refer to the superior court of the state of Washington that originally sentenced the offender to prison.))~~

NEW SECTION. Sec. 5. A new section is added to chapter 9.95 RCW to read as follows:

The board shall apply all of the statutory requirements of RCW 9.95.009(2), requiring decisions of the board to be reasonably consistent with the ranges, standards, and purposes of the sentencing reform act, chapter 9.94A RCW, and the minimum term recommendations of the sentencing judge and the prosecuting attorney, to every person who, on the effective date of this act, is incarcerated and has been adjudged under the provisions of RCW 9.92.090.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 224, Laws of 1986 (uncodified);

- (2) Section 13, chapter 224, Laws of 1986 and RCW 9.95.0012; and
 (3) Section 14, chapter 224, Laws of 1986 (uncodified).

NEW SECTION. Sec. 7. The sum of three hundred sixteen thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the indeterminate sentence review board to carry out sections 1 and 3 of this act.

Passed the House April 22, 1989.

Passed the Senate April 22, 1989.

Approved by the Governor May 5, 1989.

Filed in Office of Secretary of State May 5, 1989.

CHAPTER 260

[Substitute House Bill No. 1560]

MEDICAL ASSISTANCE—PROGRAM REQUIREMENTS AND PAYMENT RATES

AN ACT Relating to medical assistance; amending RCW 74.09.730, 74.09.522, and 18-71.210; and adding a new section to chapter 70.24 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 20, chapter 5, Laws of 1987 1st ex. sess. and RCW 74.09.730 are each amended to read as follows:

~~((1) The department of social and health services shall, to the extent that funds are specifically appropriated for this purpose, provide matching grants on a one-to-one state/local basis to hospitals that are designated by the hospital commission as meeting all of the following criteria:~~

~~(a) Providing an amount of charity care equal to or greater than two hundred fifty percent of the state average;~~

~~(b) A tertiary care center; and~~

~~(c) Providing ten percent of the tertiary care to patients from outside the county in which the hospital is located.~~

~~(2) Grants shall be allocated to eligible hospitals based on the hospital's relative amount of charity care.~~

~~(3) Local matching funds shall be from a nonrate-setting revenue source as defined by the hospital commission.~~

~~(4) The department shall seek matching federal Title XIX medicaid funds pursuant to the "disproportionate share" provisions of the federal social security act. If necessary to obtain federal funds, the department may use the following provision in lieu of those set forth in subsections (1), (2), and (3) of this section: A hospital is eligible for a grant if it is designated by the hospital commission as having medical assistance charges exceeding twenty percent of the hospital's total rate-setting revenue during the preceding calendar year.)) In establishing Title XIX payment rates for inpatient hospital services:~~