CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1131

Chapter 371, Laws of 2025

(partial veto)

69th Legislature
2025 Regular Session

CLEMENCY AND PARDONS—VARIOUS PROVISIONS

EFFECTIVE DATE: July 27, 2025—Except for sections 2 and 5, which take effect January 1, 2026.

Passed by the House April 22, 2025
Yeas 50 Nays 46

LAURIE JINKINS

Speaker of the House of Representatives

Passed by the Senate April 15, 2025
Yeas 28 Nays 19

DENNY HECK

President of the Senate

Approved May 20, 2025 10:12 AM with the exception of section 12, which is vetoed.

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1131** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 20, 2025

Secretary of State
State of Washington

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1131

AS AMENDED BY THE SENATE

Passed Legislature - 2025 Regular Session

State of Washington 69th Legislature 2025 Regular Session

By House Appropriations (originally sponsored by Representatives Goodman, Hackney, Simmons, Wylie, Ormsby, and Hill)

READ FIRST TIME 02/21/25.

AN ACT Relating to clemency and pardons; amending RCW 9.94A.501, 9.94A.565, 9.94A.633, 9.94A.633, 9.94A.728, and 9.94A.880; reenacting and amending RCW 9.94A.501 and 9.94A.885; adding a new section to chapter 9.94A RCW; creating a new section; providing an effective date; and providing an expiration date.

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

Sec. 1. RCW 9.94A.501 and 2024 c 63 s 3 are each amended to read as follows:

(1) The department shall supervise the following ((~~offenders~~)) individuals who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) ((~~Offenders~~)) Individuals convicted of:

(i) Sexual misconduct with a minor second degree;

(ii) Custodial sexual misconduct second degree;

(iii) Communication with a minor for immoral purposes; and

(iv) Violation of RCW 9A.44.132(2) (failure to register); and

(b) ((~~Offenders~~)) Individuals who have:

(i) A current conviction for a repetitive domestic violence offense after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense after August 1, 2011.

(2) ((~~Misdemeanor~~)) Individuals convicted of misdemeanor and gross misdemeanor ((~~offenders~~)) offenses supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every individual convicted of a felony ((~~offender~~)) and sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the ((~~offender~~)) individual as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an ((~~offender~~)) individual sentenced to community custody regardless of risk classification if the ((~~offender~~)) individual:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e)(i) Has a current conviction for a domestic violence felony offense after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense after August 1, 2011. This subsection (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

(ii) Has a current conviction for a domestic violence felony offense. The state and its officers, agents, and employees shall not be held criminally or civilly liable for its supervision of an ((~~offender~~)) individual under this subsection (4)(e)(ii) unless the state and its officers, agents, and employees acted with gross negligence;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, 9.94A.670, 9.94A.711, or 9.94A.695;

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

(5) The department shall supervise any ((~~offender who is~~)) individual released by the indeterminate sentence review board

((~~and~~)) who was sentenced to community custody or subject to community custody under the terms of release.

(6) The department shall supervise any individual granted conditional commutation pursuant to RCW 9.94A.885 if the governor includes a term of community custody as a condition of commutation.

(7) The department is not authorized to, and may not, supervise any ((~~offender~~)) individual sentenced to a term of community custody or any probationer unless the ((~~offender~~)) individual or probationer is one for whom supervision is required under this section ((~~or RCW 9.94A.5011~~)).

((~~(7)~~)) (8) The department shall conduct a risk assessment for every individual convicted of a felony ((~~offender~~)) and sentenced to a term of community custody who may be subject to supervision under this section ((~~or RCW 9.94A.5011~~)).

((~~(8)~~)) (9) The period of time the department is authorized to supervise an ((~~offender~~)) individual under this section may not exceed the duration of community custody specified under RCW 9.94B.050, 9.94A.701 (1) through (9), or 9.94A.702, except in cases where the court has imposed an exceptional term of community custody under RCW 9.94A.535 and where the governor imposes a term of community custody as a condition of conditional commutation or imposes an additional term of community custody due to a violation of conditional commutation.

((~~(9)~~)) (10) The period of time the department is authorized to supervise an ((~~offender~~)) individual under this section may be reduced by the earned award of supervision compliance credit pursuant to RCW 9.94A.717.

Sec. 2. RCW 9.94A.501 and 2024 c 306 s 4 and 2024 c 63 s 3 are each reenacted and amended to read as follows:

(1) The department shall supervise the following ((~~offenders~~)) individuals who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) ((~~Offenders~~)) Individuals convicted of:

(i) Sexual misconduct with a minor second degree;

(ii) Custodial sexual misconduct second degree;

(iii) Communication with a minor for immoral purposes; and

(iv) Violation of RCW 9A.44.132(2) (failure to register); and

(b) ((~~Offenders~~)) Individuals who have:

(i) A current conviction for a repetitive domestic violence offense after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense after August 1, 2011.

(2) ((~~Misdemeanor~~)) Individuals convicted of misdemeanor and gross misdemeanor ((~~offenders~~)) offenses supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every individual convicted of a felony ((~~offender~~)) and sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the ((~~offender~~)) individual as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an ((~~offender~~)) individual sentenced to community custody regardless of risk classification if the ((~~offender~~)) individual:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e)(i) Has a current conviction for a domestic violence felony offense after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense after August 1, 2011. This subsection (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

(ii) Has a current conviction for a domestic violence felony offense. The state and its officers, agents, and employees shall not be held criminally or civilly liable for its supervision of an ((~~offender~~)) individual under this subsection (4)(e)(ii) unless the state and its officers, agents, and employees acted with gross negligence;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, 9.94A.670, 9.94A.711, 9.94A.695, or 9.94A.661;

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

(5) The department shall supervise any ((~~offender who is~~)) individual released by the indeterminate sentence review board ((~~and~~)) who was sentenced to community custody or subject to community custody under the terms of release.

(6) The department shall supervise any individual granted conditional commutation pursuant to RCW 9.94A.885.

(7) The department is not authorized to, and may not, supervise any ((~~offender~~)) individual sentenced to a term of community custody or any probationer unless the ((~~offender~~)) individual or probationer is one for whom supervision is required under this section ((~~or RCW 9.94A.5011~~)).

((~~(7)~~)) (8) The department shall conduct a risk assessment for every individual convicted of a felony ((~~offender~~)) and sentenced to a term of community custody who may be subject to supervision under this section ((~~or RCW 9.94A.5011~~)).

((~~(8)~~)) (9) The period of time the department is authorized to supervise an ((~~offender~~)) individual under this section may not exceed the duration of community custody specified under RCW 9.94B.050, 9.94A.701 (1) through (9), or 9.94A.702, except in cases where the court has imposed an exceptional term of community custody under RCW 9.94A.535 and where the governor imposes a term of community custody as a condition of conditional commutation or imposes an additional term of community custody due to a violation of conditional commutation.

((~~(9)~~)) (10) The period of time the department is authorized to supervise an ((~~offender~~)) individual under this section may be reduced by the earned award of supervision compliance credit pursuant to RCW 9.94A.717.

Sec. 3. RCW 9.94A.565 and 1994 c 1 s 5 are each amended to read as follows:

(1) Nothing in chapter 1, Laws of 1994 or chapter 10.95 RCW shall ever be interpreted or construed as to reduce or eliminate the power of the governor to grant a pardon or clemency to any ((~~offender~~)) individual on an individual case-by-case basis. However, the people recommend that ((~~any offender~~)):

(a) Any incarcerated individual subject to total confinement for life without the possibility of parole not be considered for release until the ((~~offender~~)) incarcerated individual has ((~~reached the age of at least sixty years old and has~~)) been judged to ((~~be~~)) no longer be a threat to society((~~. The people further recommend that sex offenders~~));

(b) Incarcerated individuals who have been convicted of a sex offense be held to the utmost scrutiny under this subsection regardless of age; and

(c) Release take the form of a commutation that includes a period of law-abiding behavior in the community.

(2) Nothing in this section shall ever be interpreted or construed to grant any release for the purpose of reducing prison overcrowding. Furthermore, the governor shall provide twice yearly reports on the activities and progress of ((~~offenders~~)) individuals subject to total confinement for life without the possibility of parole who are released through executive action during his or her tenure. These reports shall continue for not less than ((~~ten~~)) 10 years after the release of the ((~~offender~~)) individual or upon the death of the released ((~~offender~~)) individual.

Sec. 4. RCW 9.94A.633 and 2021 c 242 s 4 are each amended to read as follows:

(1)(a) An ((~~offender~~)) individual who violates any condition or requirement of a sentence may be sanctioned by the court with up to ((~~sixty~~)) 60 days' confinement for each violation or by the department with up to ((~~thirty~~)) 30 days' confinement as provided in RCW 9.94A.737.

(b) In lieu of confinement, an ((~~offender~~)) individual may be sanctioned with work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other community-based sanctions.

(2) If an ((~~offender~~)) individual was under community custody pursuant to one of the following statutes, the ((~~offender~~)) individual may be sanctioned as follows:

(a) If the ((~~offender~~)) individual was transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.728, the ((~~offender~~)) individual may be transferred to a more

restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(b) If the ((~~offender~~)) individual was sentenced under the drug offender sentencing alternative set out in RCW 9.94A.660, the ((~~offender~~)) individual may be sanctioned in accordance with that section.

(c) If the ((~~offender~~)) individual was sentenced under the parenting sentencing alternative set out in RCW 9.94A.655, the ((~~offender~~)) individual may be sanctioned in accordance with that section.

(d) If the ((~~offender~~)) individual was sentenced under the special sex offender sentencing alternative set out in RCW 9.94A.670, the suspended sentence may be revoked and the ((~~offender~~)) individual committed to serve the original sentence of confinement.

(e) If the ((~~offender~~)) individual was sentenced under the mental health sentencing alternative set out in RCW 9.94A.695, the ((~~offender~~)) individual may be sanctioned in accordance with that section.

(f) If the ((~~offender~~)) individual was sentenced to a work ethic camp pursuant to RCW 9.94A.690, the ((~~offender~~)) individual may be reclassified to serve the unexpired term of his or her sentence in total confinement.

(g) If ((~~a sex offender~~)) an individual convicted of a sex offense was sentenced pursuant to RCW 9.94A.507, the ((~~offender~~)) individual may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(h) If the individual was granted conditional commutation pursuant to RCW 9.94A.885, the individual may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(3) If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be sanctioned pursuant to subsection (1) of this section. The department shall have authority to issue a warrant for the arrest of

an ((~~offender~~)) individual who violates a condition of community custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. Nothing in this subsection is intended to limit the power of the sentencing court to respond to a probationer's violation of conditions.

(4) The parole or probation of an ((~~offender~~)) individual who is charged with a new felony offense may be suspended and the ((~~offender~~)) individual placed in total confinement pending disposition of the new criminal charges if:

(a) The ((~~offender~~)) individual is on parole pursuant to RCW 9.95.110(1); or

(b) The ((~~offender~~)) individual is being supervised pursuant to RCW 9.94A.745 and is on parole or probation pursuant to the laws of another state.

Sec. 5. RCW 9.94A.633 and 2024 c 306 s 7 are each amended to read as follows:

(1)(a) An ((~~offender~~)) individual who violates any condition or requirement of a sentence may be sanctioned by the court with up to 60 days' confinement for each violation or by the department with up to 30 days' confinement as provided in RCW 9.94A.737.

(b) In lieu of confinement, an ((~~offender~~)) individual may be sanctioned with work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other community-based sanctions.

(2) If an ((~~offender~~)) individual was under community custody pursuant to one of the following statutes, the ((~~offender~~)) individual may be sanctioned as follows:

(a) If the ((~~offender~~)) individual was transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.728, the ((~~offender~~)) individual may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(b) If the ((~~offender~~)) individual was sentenced under the drug offender sentencing alternative set out in RCW 9.94A.660, the

((~~offender~~)) individual may be sanctioned in accordance with that section.

(c) If the ((~~offender~~)) individual was sentenced under the drug offender sentencing alternative for driving under the influence set out in RCW 9.94A.661, the ((~~offender~~)) individual may be sanctioned in accordance with that section.

(d) If the ((~~offender~~)) individual was sentenced under the parenting sentencing alternative set out in RCW 9.94A.655, the ((~~offender~~)) individual may be sanctioned in accordance with that section.

(e) If the ((~~offender~~)) individual was sentenced under the special sex offender sentencing alternative set out in RCW 9.94A.670, the suspended sentence may be revoked and the ((~~offender~~)) individual committed to serve the original sentence of confinement.

(f) If the ((~~offender~~)) individual was sentenced under the mental health sentencing alternative set out in RCW 9.94A.695, the ((~~offender~~)) individual may be sanctioned in accordance with that section.

(g) If the ((~~offender~~)) individual was sentenced to a work ethic camp pursuant to RCW 9.94A.690, the ((~~offender~~)) individual may be reclassified to serve the unexpired term of his or her sentence in total confinement.

(h) If ((~~a sex offender~~)) an individual convicted of a sex offense was sentenced pursuant to RCW 9.94A.507, the ((~~offender~~)) individual may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(i) If the individual was granted conditional commutation pursuant to RCW 9.94A.885, the individual may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(3) If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be sanctioned pursuant to subsection (1) of this section. The department shall have authority to issue a warrant for the arrest of an ((~~offender~~)) individual who violates a condition of community custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed

by the department pursuant to RCW 9.94A.737. Nothing in this subsection is intended to limit the power of the sentencing court to respond to a probationer's violation of conditions.

(4) The parole or probation of an ((~~offender~~)) individual who is charged with a new felony offense may be suspended and the ((~~offender~~)) individual placed in total confinement pending disposition of the new criminal charges if:

(a) The ((~~offender~~)) individual is on parole pursuant to RCW 9.95.110(1); or

(b) The ((~~offender~~)) individual is being supervised pursuant to RCW 9.94A.745 and is on parole or probation pursuant to the laws of another state.

Sec. 6. RCW 9.94A.728 and 2023 c 358 s 1 are each amended to read as follows:

(1) No incarcerated individual serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(a) An incarcerated individual may earn early release time as authorized by RCW 9.94A.729;

(b) An incarcerated individual may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, incarcerated individuals may leave a correctional facility when in the custody of a corrections officer or officers;

(c)(i) The secretary may authorize an extraordinary medical placement for an incarcerated individual when all of the following conditions exist:

(A) The incarcerated individual has been assessed by two physicians and is determined to be one of the following:

(I) Affected by a permanent or degenerative medical condition to such a degree that the individual does not presently, and likely will not in the future, pose a threat to public safety; or

(II) In ill health and is expected to die within six months and does not presently, and likely will not in the future, pose a threat to public safety;

(B) The incarcerated individual has been assessed as low risk to the community at the time of release; and

(C) It is expected that granting the extraordinary medical placement will result in a cost savings to the state.

(ii) An incarcerated individual sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(iii) The secretary shall require electronic monitoring for all individuals in extraordinary medical placement unless the electronic monitoring equipment is detrimental to the individual's health, interferes with the function of the individual's medical equipment, or results in the loss of funding for the individual's medical care, in which case, an alternative type of monitoring shall be utilized. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(iv) The secretary may revoke an extraordinary medical placement under this subsection (1)(c) at any time.

(v) Persistent offenders are not eligible for extraordinary medical placement;

(d) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release ((~~for~~)):

(i) For reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances; or

(ii) Pursuant to RCW 9.94A.885;

(e) No more than the final 12 months of the incarcerated individual's term of confinement may be served in partial confinement for aiding the incarcerated individual with: Finding work as part of the work release program under chapter 72.65 RCW; or reestablishing himself or herself in the community as part of the parenting program in RCW 9.94A.6551. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);

(f)(i) No more than the final five months of the incarcerated individual's term of confinement may be served in partial confinement as home detention as part of the graduated reentry program developed by the department under RCW 9.94A.733(1)(a);

(ii) For eligible incarcerated individuals under RCW 9.94A.733(1)(b), after serving at least four months in total confinement in a state correctional facility, an incarcerated individual may serve no more than the final 18 months of the incarcerated individual's term of confinement in partial confinement

as home detention as part of the graduated reentry program developed by the department;

(g) The governor may pardon any incarcerated individual;

(h) The department may release an incarcerated individual from confinement any time within 10 days before a release date calculated under this section;

(i) An incarcerated individual may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870;

(j) Notwithstanding any other provisions of this section, an incarcerated individual sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540; and

(k) Any individual convicted of one or more crimes committed prior to the individual's 18th birthday may be released from confinement pursuant to RCW 9.94A.730.

(2) Notwithstanding any other provision of this section, an incarcerated individual entitled to vacation of a conviction or the recalculation of his or her offender score pursuant to *State v. Blake*, No. 96873-0 (Feb. 25, 2021), may be released from confinement pursuant to a court order if the incarcerated individual has already served a period of confinement that exceeds his or her new standard range. This provision does not create an independent right to release from confinement prior to resentencing.

(3) Individuals residing in a juvenile correctional facility placement pursuant to RCW 72.01.410(1)(a) are not subject to the limitations in this section.

Sec. 7. RCW 9.94A.880 and 2011 c 336 s 335 are each amended to read as follows:

(1) The clemency and pardons board is established as a board within the office of the governor. The board consists of ((~~five~~)) 10 members appointed by the governor, subject to confirmation by the senate.

(2) In making appointments to the board, the governor shall strive to ensure racial, ethnic, geographic, gender, sexual identity, and age diversity. The board membership must include the following:

(a) A person from an underrepresented population with direct lived experience;

(b) A person with lived experience as an incarcerated individual or who has worked with the formerly incarcerated or successful community reentry;

(c) A representative of a faith-based organization or church with interest or experience in successful community reentry;

(d) A person with experience and interest in tribal affairs; and

(e) Two representatives of crime victims.

(3) Board members must attend training related to the principles of racial equity, racism, and restorative justice at least every two years.

(4) Members of the board ((~~shall~~)) may serve up to two terms of ((~~four~~)) five years and may continue to serve until their successors are appointed and confirmed. ((~~However, the~~)) The governor shall stagger the initial terms ((~~by appointing one of the initial members for a term of one year, one for a term of two years, one for a term of three years, and two for terms of four years~~)) so that no more than three members are up for appointment in any given year. Board members as of the effective date of this section may serve the member's remaining term.

((~~(3)~~)) (5) The board shall elect a chair from among its members and shall adopt bylaws governing the operation of the board. The chair shall approve training and each member's hearing preparation time as duties authorized for compensation under subsection (6) of this section.

((~~(4)~~)) (6) Members of the board shall ((~~receive no compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended~~)) each receive compensation in accordance with the provisions of RCW 43.03.250, unless waived by the member. All members shall receive travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

((~~(5)~~)) (7) The attorney general shall provide a staff as needed for the operation of the board.

(8) Each petition for commutation or pardon shall be reviewed by a panel of five board members. The panel membership shall be selected by a random drawing conducted by board staff.

(9) For purposes of this section, "direct lived experience" and "underrepresented population" have the meanings provided for in RCW 43.18A.010.

Sec. 8. RCW 9.94A.885 and 2009 c 325 s 6 and 2009 c 138 s 4 are each reenacted and amended to read as follows:

(1) The clemency and pardons board shall receive petitions from individuals, organizations, and the department and make recommendations to the governor for ((~~review and commutation~~)):

(a) Commutation of sentences of incarcerated individuals when the sentence no longer serves the interest of justice; and ((~~pardoning~~))

(b) Pardoning of ((~~offenders~~)) individuals in extraordinary cases((~~, and shall make recommendations thereon to the governor~~)).

(2) If a petitioner indicates in the petition an urgent need for the pardon or commutation including, but not limited to, a pending deportation order or deportation proceeding, the board shall consider expedited review of the application.

(3) The board shall receive petitions from individuals or organizations for the restoration of civil rights lost by operation of state law as a result of convictions for federal offenses or out-of-state felonies. The board may issue certificates of restoration limited to engaging in political office. Any certifications granted by the board must be filed with the secretary of state to be effective. In all other cases, the board shall make recommendations to the governor.

((~~(3)~~)) (4) The board shall not recommend that the governor grant clemency under subsection (1) of this section until a public hearing has been held on the petition. The prosecuting attorney of the county where the conviction was obtained shall be notified at least ((~~thirty~~)) 90 days prior to the scheduled hearing that a petition has been filed and the date and place at which the hearing on the petition will be held. The board may waive the ((~~thirty-day~~)) 90-day notice requirement in cases where it determines that waiver is necessary to permit timely action on the petition. A copy of the petition shall be sent to the prosecuting attorney. The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation, of the date and place of the hearing. Information regarding victims, survivors of victims, or witnesses receiving this notice are confidential and shall not be

available to the ((~~offender~~)) incarcerated individual seeking clemency. The board shall consider statements presented as set forth in RCW 7.69.032. This subsection is intended solely for the guidance of the board. Nothing in this section is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person.

(5) An applicant is eligible for a pardon, commutation, or restoration of civil rights without regard to his or her immigration status.

NEW SECTION. **Sec. 9.** A new section is added to chapter 9.94A RCW to read as follows:

The clemency and pardons board shall transmit to the governor and the legislature, at least annually, a report of its work, in which shall be given such information as may be relevant. The information must include the names of any individuals granted commutation or a pardon in the previous calendar year, the crimes of which those individuals were convicted, and any known acts of recidivism during the preceding calendar year by any individual listed in any report submitted under this section.

NEW SECTION. **Sec. 10.** Sections 1 and 4 of this act expire January 1, 2026.

NEW SECTION. **Sec. 11.** Sections 2 and 5 of this act take effect January 1, 2026.

NEW SECTION. Sec. 12. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2025, in the omnibus appropriations act, this act is null and void.

Sec. 12 was vetoed. See message at end of chapter.

Passed by the House April 22, 2025.
Passed by the Senate April 15, 2025.
Approved by the Governor May 20, 2025, with the exception of certain items that were vetoed.
Filed in Office of Secretary of State May 20, 2025.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 12, Engrossed Second Substitute House Bill No. 1131 entitled:

"AN ACT Relating to clemency and pardons."

This bill expands the membership of the clemency and pardons board, makes board members eligible for compensation, and makes changes to the board's process of reviewing applications and other functions. Section 12 makes the bill null and void if specific funding is not provided for the bill. Because the Legislature did not provide specific funding in the omnibus operating budget for implementing this bill, I am vetoing Section 12 to ensure this act goes into effect. I intend to seek the necessary funding to support the work contemplated by this legislation in the next budget.

For these reasons I have vetoed Section 12 of Engrossed Second Substitute House Bill No. 1131.

With the exception of Section 12, Engrossed Second Substitute House Bill No. 1131 is approved."

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