

Second Look Pathway for Youth

HB 1317



This bill builds on successful sentencing policy adopted by the Legislature in 2014 and resolves laws that the Washington State Supreme Court has found unconstitutional.

HB 1317 expands second look mechanisms for people given life or long sentences before their 21st birthday through the Indeterminate Sentence Review Board (ISRB), a professional board under the Department of Corrections. This bill does not guarantee release. It simply provides an opportunity for middle aged and elderly people who have been incarcerated since young adulthood to be reviewed by a professional Department of Corrections board skilled in determining if a person is safe to release back into the community.

Builds on a Decade of Successful Second Looks

In 2014, in response to the landmark *Miller v. Alabama* decision, which held that mandatory life without parole sentences imposed on people under 18 are cruel and unusual and violate the U.S. Constitution, the Legislature developed a "Miller-fix" and established juvenile parole. This legislation granted juveniles who were previously serving life or long sentences the opportunity to go before the ISRB after serving either 20 or 25 years. Black, Indigenous, and people of color are the most disproportionately impacted by long sentences.

Remarkably Low Recidivism Rates

Making an incremental change to existing law to increase the age for sentence review from 18 years of age to under 21 years of age moves our state towards evidence-based policy in line with public safety and removes unconstitutional statute. A [recent study](#) found that the recidivism rate of people who have come home through juvenile parole is just 2.1%. People who have returned to the community after serving decades are making important contributions to society—working as clerks for judges, running nonprofits, caring for family members, and pursuing education. We can expect to find similar results if the second look mechanism is extended to emerging adults.

Moves Towards Evidence-Based Public Safety

Modern scientific research has found that young people's brains continue to develop into their twenties and are rarely fully developed before age 25. Based on this science, in 2021, the Washington State Supreme Court ruled it is unconstitutional to automatically sentence someone under 21 to life without parole. Yet this unconstitutional statute still remains.

Does Not Overburden the Courts

After 15, 20, or 25 years, dependent on the crimes convicted of, the incarcerated person will go before the ISRB. The person will not have to go back to court and the second look will have no

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impact on our court system. After a decade of considering juvenile parole cases, the ISRB already has systems in place to consider these types of cases.