

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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**Action:** Do Pass the A-Engrossed Measure

**Vote:** 4 - 0 - 1

**Yeas:** Beyer, Kruse, Walker, Burdick

**Nays:** 0

**Exc.:** Prozanski

**Prepared By:** Bill Taylor, Counsel

**Meeting Dates:** 5/22

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**WHAT THE MEASURE DOES:** Eliminates the provision that requires a Court of Appeals judge to review a petition filed by a person under the jurisdiction of the State Board of Parole and Post-Prison Supervision contesting a decision of the board prior to review by the Court of Appeals. Clarifies that if the petitioner prevails in his or her judicial review petition against the State Board of Parole, recoverable costs owed to the petitioner are paid to the Public Defense Services Commission if the office represented the petitioner.

**ISSUES DISCUSSED:**

- Cost savings
- Prior review was added in 2001 with the intent to reduce costs associated with board appeals; intent has not been achieved

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** A person under the supervision of the State Board of Parole and Post-Prison Supervision may ask the Court of Appeals to review the final decision of the board. The court will only review the board's decision if: (1) The person is adversely affected by the final order; and (2) The person has exhausted the board's administrative review process.

Currently, if a person under supervision seeks review, he or she must also file a motion that shows that his or her petition before the Court of Appeals presents a substantial question of law. The chief judge of the Court of Appeals, or another judge of the Court of Appeals, may review the motion and dismiss the case if the judge finds that the case does not present a substantial question of law. On the other hand, if the judge does find that the motion does raise a substantial question of law, the judge shall order the judicial review to proceed. Nonetheless, even after a Court of Appeals judge has found that there is a substantial question of law, the Court of Appeals may summarily dismiss the case on the grounds that it does not present a substantial question of law. The State Public Defense Services Commission believes these two provisions are duplicative and cause unnecessary delay and expense.

Currently, it is not clear if a petitioner is entitled to recover costs and then personally keep them after successfully challenging an order of the State Board of Parole and Post-Prison Supervision when the petitioner is being represented, at state expense, by the Office of Public Defense Services.