H-4440.1

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**THIRD SUBSTITUTE HOUSE BILL 1789**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** House Public Safety (originally sponsored by Representatives Jinkins, Pettigrew, Frame, Stambaugh, Ortiz-Self, Fitzgibbon, Macri, Ormsby, and Gregerson)

AN ACT Relating to rehabilitated offenders; and creating a new section.

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

NEW SECTION. **Sec.**  (1) Subject to the availability of amounts appropriated for this specific purpose, the sentencing guidelines commission shall conduct a comprehensive review of the sentencing reform act under chapter 9.94A RCW and make recommendations to accomplish the following goals:

(a) Assess the degree to which the sentencing reform act as applied has achieved each of its stated purposes;

(b) Ensure Washington sentencing policies and practices are evidence-based, aligned with best practices, and consistent with federal and state case law;

(c) Simplify Washington's sentencing laws to make them easier to understand and apply; and

(d) Eliminate inconsistencies, which may have developed through various amendatory changes.

(2) In conducting the review under this section, the sentencing guidelines commission shall:

(a) Review the current sentencing grid and recommend changes to simplify the grid and increase judicial discretion, which must include, but is not limited to: Reviewing and simplifying RCW 9.94A.501, 9.94A.505, 9.94A.525, and 9.94A.533; reviewing and simplifying the sentencing grid under RCW 9.94A.510 by reducing the number of cells in the grid and creating broader sentencing ranges for lower level offenses; reviewing and revising seriousness levels under RCW 9.94A.515 to ensure offenses have appropriately designated seriousness levels; reviewing the drug sentencing grid under RCW 9.94A.517 and 9.94A.518 to determine if drug offenses can be incorporated into a new or revised sentencing grid; and reviewing minimum term requirements under RCW 9.94A.540 to avoid inconsistencies with proposed changes to the grid and other sentencing policies;

(b) Review mitigating and aggravating factors under RCW 9.94A.535 and sentencing enhancements under RCW 9.94A.533, including mandatory consecutive requirements, and recommend changes to reflect current sentencing purposes and policies and case law;

(c) Review fines, fees, and other legal financial obligations associated with criminal convictions, which must include, but is not limited to, a review of: Fines under RCW 9.94A.550; restitution under RCW 9.94A.750; and legal financial obligations under RCW 9.94A.760;

(d) Review community supervision and community custody programs under RCW 9.94A.701 through 9.94A.723 and other related provisions, which must include, but is not limited to: Reviewing and revising eligibility criteria for community custody under RCW 9.94A.701 and 9.94A.702; reviewing the length and manner of supervision for various offenses; reviewing earned time toward termination of supervision; and reviewing the consequences for violations of conditions; and

(e) Review available alternatives to full confinement, which must include, but is not limited to: Work crew under RCW 9.94A.725; and home detention and electronic home monitoring under RCW 9.94A.734 through 9.94A.736.

(3) The sentencing guidelines commission shall report its findings and recommendations to the governor and appropriate committees of the legislature by May 1, 2019.

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