

SENATE BILL REPORT

SHB 1680

As Reported by Senate Committee On:
Law & Justice, March 29, 2017

Title: An act relating to sentencing elements worksheet.

Brief Description: Concerning the sentencing elements worksheet.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Goodman, Klippert and Pettigrew; by request of Department of Corrections).

Brief History: Passed House: 3/01/17, 98-0.

Committee Activity: Law & Justice: 3/22/17, 3/29/17 [DPA].

Brief Summary of Amended Bill

- Requires the Department of Corrections, in consultation with the courts, prosecuting attorneys, and defense attorneys, to develop a sentencing elements worksheet which must be included as part of any judgment and sentence entered after July 1, 2018.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel, Darneille, Frockt and Wilson.

Staff: Shani Bauer (786-7468)

Background: The Administrative Office of the Courts (AOC) has developed model forms for use by county courts, including the form of Judgment and Sentence. The Department of Corrections (DOC) uses the form to enter the sentence components into the system that determine an offender's length of incarceration and term of community supervision. Many counties choose to use their own form or modify the form in some manner.

DOC may petition the court for review of a sentence committing a person to DOC custody or jurisdiction. The review is limited to errors of law and must be submitted no later than 90 days after DOC is provided with the sentence.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Amended Bill: DOC is required to develop a mandatory sentencing elements worksheet in consultation with the following entities:

- AOC;
- Superior Court Judges Association;
- Washington Association of Prosecuting Attorneys;
- Washington Association of Criminal Defense Lawyers and the Washington Defender Association; and
- Association of County Clerks.

The worksheet must include the necessary elements to allow DOC to calculate and record the offender's term of confinement and term of community custody. AOC must include the worksheet in a specific section of the felony judgment and sentence form. DOC must report to the Governor and the Legislature on the progress of the sentencing elements worksheet and any known barriers or lack of consensus as to its implementation no later than December 15, 2017.

DOC may petition the court for review of any sentence committing a person to DOC custody to address any missing, incomplete, or illegible elements required by the sentencing elements worksheet.

The act applies to sentences imposed on or after July 1, 2018.

EFFECT OF LAW & JUSTICE COMMITTEE AMENDMENT(S):

- Requires DOC to report to the Governor and the Legislature prior to implementation to ensure full consensus of the sentencing elements worksheet.
- Delays implementation of the worksheet until July 1, 2018.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill addresses the problem of incorrect sentences for inmates at DOC. There are more than 100 different judgment forms in use around the state with problems of illegible handwriting, missing information, and incorrect calculations. DOC tries to follow up with the responsible court, but clarification does not always happen. Requiring a specific form of judgment and sentence does not work for the various jurisdictions. This bill requires a specific worksheet that only contains those elements needed by DOC. The worksheet must be included as part of the judgment and sentence form. It is critical that DOC be able to rely on a consistent and uniform worksheet. This would be a major improvement to make sure sentences are correct.

The stakeholders are currently working collaboratively towards this goal and are committed to this process with or without a bill. The necessary elements have been identified and a draft is currently being circulated. The workgroup hopes to have a final worksheet out to counties by the end of June. Courts have two primary concerns: (1) the worksheet may be difficult to implement in all counties by January of 2018, and (2) the worksheet should be limited to the bare essential items as the judgment and sentence is already very time consuming to complete.

Persons Testifying: PRO: Representative Roger Goodman; Dianne Ashlock, Department of Corrections; Brady Horenstein, AOC; Judge Sean O'Donnell, Superior Court Judges' Association

Persons Signed In To Testify But Not Testifying: No one.