

SHB 1680 - S COMM AMD

By Committee on Law & Justice

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A
4 RCW to read as follows:

5 (1) In consultation with the Washington administrative office of
6 the courts, Washington superior court judges' association, Washington
7 association of prosecuting attorneys, Washington association of
8 criminal defense lawyers, Washington public defenders' association,
9 and Washington association of county clerks, the department shall
10 develop a mandatory sentencing elements worksheet. The worksheet
11 shall be used to identify and record the elements of the court's
12 order that are required by the department to calculate an offender's
13 confinement term, and community custody term when ordered. The
14 Washington administrative office of the courts must include the
15 mandatory sentencing elements worksheet in a specific section within
16 its felony judgment and sentence forms.

17 (2) No later than December 15, 2017, the department must report
18 to the governor and the appropriate committees of the legislature on
19 the progress of the sentencing elements worksheet and any known
20 barriers or lack of consensus as to its implementation.

21 **Sec. 2.** RCW 9.94A.480 and 2011 1st sp.s. c 40 s 27 are each
22 amended to read as follows:

23 (1) A current, newly created or reworked judgment and sentence
24 document for each felony sentencing shall record any and all
25 recommended sentencing agreements or plea agreements and the
26 sentences for any and all felony crimes kept as public records under
27 RCW 9.94A.475 shall contain the clearly printed name and legal
28 signature of the sentencing judge. The judgment and sentence document
29 as defined in this section shall also provide additional space for
30 the sentencing judge's reasons for going either above or below the

1 presumptive sentence range for any and all felony crimes covered as
2 public records under RCW 9.94A.475. In addition, each felony judgment
3 and sentence document must contain in a specific section the
4 mandatory sentencing elements worksheet developed by the department
5 of corrections in section 1 of this act. Both the sentencing judge
6 and the prosecuting attorney's office shall each retain or receive a
7 completed copy of each sentencing document as defined in this section
8 for their own records.

9 (2) The caseload forecast council shall be sent a completed copy
10 of the judgment and sentence document upon conviction for each felony
11 sentencing under subsection (1) of this section.

12 (3) If any completed judgment and sentence document as defined in
13 subsection (1) of this section is not sent to the caseload forecast
14 council as required in subsection (2) of this section, the caseload
15 forecast council shall have the authority and shall undertake
16 reasonable and necessary steps to assure that all past, current, and
17 future sentencing documents as defined in subsection (1) of this
18 section are received by the caseload forecast council.

19 **Sec. 3.** RCW 9.94A.585 and 2002 c 290 s 19 are each amended to
20 read as follows:

21 (1) A sentence within the standard sentence range, under RCW
22 9.94A.510 or 9.94A.517, for an offense shall not be appealed. For
23 purposes of this section, a sentence imposed on a first-time offender
24 under RCW 9.94A.650 shall also be deemed to be within the standard
25 sentence range for the offense and shall not be appealed.

26 (2) A sentence outside the standard sentence range for the
27 offense is subject to appeal by the defendant or the state. The
28 appeal shall be to the court of appeals in accordance with rules
29 adopted by the supreme court.

30 (3) Pending review of the sentence, the sentencing court or the
31 court of appeals may order the defendant confined or placed on
32 conditional release, including bond.

33 (4) To reverse a sentence which is outside the standard sentence
34 range, the reviewing court must find: (a) Either that the reasons
35 supplied by the sentencing court are not supported by the record
36 which was before the judge or that those reasons do not justify a
37 sentence outside the standard sentence range for that offense; or (b)
38 that the sentence imposed was clearly excessive or clearly too
39 lenient.

1 (5) A review under this section shall be made solely upon the
2 record that was before the sentencing court. Written briefs shall not
3 be required and the review and decision shall be made in an expedited
4 manner according to rules adopted by the supreme court.

5 (6) The court of appeals shall issue a written opinion in support
6 of its decision whenever the judgment of the sentencing court is
7 reversed and may issue written opinions in any other case where the
8 court believes that a written opinion would provide guidance to
9 sentencing courts and others in implementing this chapter and in
10 developing a common law of sentencing within the state.

11 (7) The department may petition for a review of a sentence
12 committing an offender to the custody or jurisdiction of the
13 department. The review shall be limited to errors of law or to
14 address a missing, incomplete, or illegible mandatory sentencing
15 elements section required pursuant to RCW 9.94A.480(1). Such petition
16 shall be filed with the court of appeals no later than ninety days
17 after the department has actual knowledge of terms of the sentence.
18 The petition shall include a certification by the department that all
19 reasonable efforts to resolve the dispute at the superior court level
20 have been exhausted.

21 NEW SECTION. **Sec. 4.** This act applies to sentences imposed on
22 or after July 1, 2018."

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23 On page 1, line 1 of the title, after "worksheet;" strike the
24 remainder of the title and insert "amending RCW 9.94A.480 and
25 9.94A.585; adding a new section to chapter 9.94A RCW; and creating a
26 new section."

EFFECT: Requires the department to report to the governor and the
legislature prior to implementation to ensure full consensus of the
sentencing elements worksheet; delays implementation until July 1,
2018.

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