

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2376

Chapter 87, Laws of 1994

53rd Legislature
1994 Regular Session

SENTENCING GUIDELINES COMMISSION--DUTIES EXPANDED

EFFECTIVE DATE: 6/9/94

Passed by the House February 14, 1994
Yeas 95 Nays 0

BRIAN EBERSOLE
**Speaker of the
House of Representatives**

Passed by the Senate February 26, 1994
Yeas 47 Nays 0

JOEL PRITCHARD
President of the Senate

Approved March 23, 1994

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2376** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER
Chief Clerk

FILED

March 23, 1994 - 9:48 a.m.

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2376

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Morris and Jones; by request of Sentencing Guidelines Commission

Read first time 01/14/94. Referred to Committee on Corrections.

1 AN ACT Relating to the sentencing guidelines commission; and
2 amending RCW 9.94A.040.

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

4 **Sec. 1.** RCW 9.94A.040 and 1986 c 257 s 18 are each amended to read
5 as follows:

6 (1) A sentencing guidelines commission is established as an agency
7 of state government.

8 (2) The commission shall, following a public hearing or hearings:

9 (a) Devise a series of recommended standard sentence ranges for all
10 felony offenses and a system for determining which range of punishment
11 applies to each offender based on the extent and nature of the
12 offender's criminal history, if any;

13 (b) Devise recommended prosecuting standards in respect to charging
14 of offenses and plea agreements; and

15 (c) Devise recommended standards to govern whether sentences are to
16 be served consecutively or concurrently.

17 (3) Each of the commission's recommended standard sentence ranges
18 shall include one or more of the following: Total confinement, partial
19 confinement, community supervision, community service, and a fine.

1 (4) In devising the standard sentence ranges of total and partial
2 confinement under this section, the commission is subject to the
3 following limitations:

4 (a) If the maximum term in the range is one year or less, the
5 minimum term in the range shall be no less than one-third of the
6 maximum term in the range, except that if the maximum term in the range
7 is ninety days or less, the minimum term may be less than one-third of
8 the maximum;

9 (b) If the maximum term in the range is greater than one year, the
10 minimum term in the range shall be no less than seventy-five percent of
11 the maximum term in the range; and

12 (c) The maximum term of confinement in a range may not exceed the
13 statutory maximum for the crime as provided in RCW 9A.20.020.

14 (5) In carrying out its duties under subsection (2) of this
15 section, the commission shall give consideration to the existing
16 guidelines adopted by the association of superior court judges and the
17 Washington association of prosecuting attorneys and the experience
18 gained through use of those guidelines. The commission shall emphasize
19 confinement for the violent offender and alternatives to total
20 confinement for the nonviolent offender.

21 (6) This commission shall conduct a study to determine the capacity
22 of correctional facilities and programs which are or will be available.
23 While the commission need not consider such capacity in arriving at its
24 recommendations, the commission shall project whether the
25 implementation of its recommendations would result in exceeding such
26 capacity. If the commission finds that this result would probably
27 occur, then the commission shall prepare an additional list of standard
28 sentences which shall be consistent with such capacity.

29 (7) The commission may recommend to the legislature revisions or
30 modifications to the standard sentence ranges and other standards. If
31 implementation of the revisions or modifications would result in
32 exceeding the capacity of correctional facilities, then the commission
33 shall accompany its recommendation with an additional list of standard
34 sentence ranges which are consistent with correction capacity.

35 (8) The commission shall study the existing criminal code and from
36 time to time make recommendations to the legislature for modification.

37 (9) The commission may (a) serve as a clearinghouse and information
38 center for the collection, preparation, analysis, and dissemination of
39 information on state and local sentencing practices; (b) develop and

1 maintain a computerized sentencing information system by individual
2 superior court judge consisting of offender, offense, history, and
3 sentence information entered from judgment and sentence forms for all
4 adult felons; and (c) conduct ongoing research regarding sentencing
5 guidelines, use of total confinement and alternatives to total
6 confinement, plea bargaining, and other matters relating to the
7 improvement of the criminal justice system.

8 (10) The staff and executive officer of the commission may provide
9 staffing and services to the juvenile disposition standards commission,
10 if authorized by RCW 13.40.025 and 13.40.027. The commission may
11 conduct joint meetings with the juvenile disposition standards
12 commission.

13 (11) The commission shall exercise its duties under this section in
14 conformity with chapter 34.05 RCW(~~, as now existing or hereafter~~
15 amended)).

Passed the House February 14, 1994.

Passed the Senate February 26, 1994.

Approved by the Governor March 23, 1994.

Filed in Office of Secretary of State March 23, 1994.