
SENATE BILL 6298

State of Washington

66th Legislature

2020 Regular Session

By Senators Padden, O'Ban, and Wagoner

1 AN ACT Relating to the department of corrections; amending RCW
2 72.09.010, 9.94A.480, 9.94A.585, 9.94A.704, and 9.94A.704; adding a
3 new section to chapter 9.94A RCW; creating new sections; providing an
4 effective date; and providing expiration dates.

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

6 NEW SECTION. **Sec. 1.** (1) Pursuant to chapter 43.09 RCW, the
7 joint legislative audit and review committee must conduct a
8 performance audit of the information technology and records related
9 units at the department of corrections, including:

10 (a) The administrative structure of the units, including whether
11 the units should be restructured to respond efficiently to changes in
12 sentencing laws and other emergent issues;

13 (b) The sufficiency of staffing levels and expertise at each of
14 the units; and

15 (c) An evaluation of the advance corrections project's impact on
16 workload and staff resources at each of the units.

17 (2) The joint legislative audit and review committee shall report
18 its findings to the governor and relevant policy and fiscal
19 committees of the legislature by December 1, 2021.

20 (3) This section expires January 1, 2022.

1 NEW SECTION. **Sec. 2.** (1) Pursuant to chapter 43.09 RCW, the
2 joint legislative audit and review committee must conduct a
3 performance audit of the medical and health related units of the
4 department of corrections, including:

5 (a) The administrative structure of the units, including whether
6 the units should be restructured to respond efficiently to inmate
7 health complaints;

8 (b) The sufficiency of staffing levels and expertise at each of
9 the units; and

10 (c) Potential costs and benefits of implementing an electronic
11 medical health records system including:

12 (i) Savings to staffing costs compared to the current medical
13 records system; and

14 (ii) Changes to the quality and efficiency of medical care
15 provided for inmates.

16 (2) The joint legislative audit and review committee shall report
17 its findings to the governor and relevant policy and fiscal
18 committees of the legislature by December 1, 2021.

19 (3) This section expires January 1, 2022.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.94A
21 RCW to read as follows:

22 In consultation with the administrative office of the courts,
23 superior court judges' association, Washington association of
24 prosecuting attorneys, Washington association of criminal defense
25 lawyers, Washington public defender association, and Washington
26 association of county clerks, the department shall develop a
27 mandatory sentencing elements worksheet. The worksheet shall be used
28 to identify and record the elements of the court's order that are
29 required by the department to calculate an offender's confinement
30 term, and community custody term when ordered. The Washington
31 administrative office of the courts must include the mandatory
32 sentencing elements worksheet in a specific section within its felony
33 judgment and sentence forms.

34 **Sec. 4.** RCW 72.09.010 and 1995 1st sp.s. c 19 s 2 are each
35 amended to read as follows:

36 It is the intent of the legislature to establish a comprehensive
37 system of corrections for convicted law violators within the state of
38 Washington to accomplish the following objectives.

1 (1) The (~~system should~~) highest duty of the department and the
2 secretary is to ensure the public safety. The system should be
3 designed and managed to provide the maximum feasible safety for the
4 persons and property of the general public, the staff, and the
5 inmates.

6 (2) The system should punish the offender for violating the laws
7 of the state of Washington. This punishment should generally be
8 limited to the denial of liberty of the offender.

9 (3) The system should positively impact offenders by stressing
10 personal responsibility and accountability and by discouraging
11 recidivism.

12 (4) The system should treat all offenders fairly and equitably
13 without regard to race, religion, sex, national origin, residence, or
14 social condition.

15 (5) The system, as much as possible, should reflect the values of
16 the community including:

17 (a) Avoiding idleness. Idleness is not only wasteful but
18 destructive to the individual and to the community.

19 (b) Adoption of the work ethic. It is the community expectation
20 that all individuals should work and through their efforts benefit
21 both themselves and the community.

22 (c) Providing opportunities for self improvement. All individuals
23 should have opportunities to grow and expand their skills and
24 abilities so as to fulfill their role in the community.

25 (d) Linking the receipt or denial of privileges to responsible
26 behavior and accomplishments. The individual who works to improve
27 himself or herself and the community should be rewarded for these
28 efforts. As a corollary, there should be no rewards for no effort.

29 (e) Sharing in the obligations of the community. All citizens,
30 the public and inmates alike, have a personal and fiscal obligation
31 in the corrections system. All communities must share in the
32 responsibility of the corrections system.

33 (6) The system should provide for prudent management of
34 resources. The avoidance of unnecessary or inefficient public
35 expenditures on the part of offenders and the department is
36 essential. Offenders must be accountable to the department, and the
37 department to the public and the legislature. The human and fiscal
38 resources of the community are limited. The management and use of
39 these resources can be enhanced by wise investment, productive
40 programs, the reduction of duplication and waste, and the joining

1 together of all involved parties in a common endeavor. Since most
2 offenders return to the community, it is wise for the state and the
3 communities to make an investment in effective rehabilitation
4 programs for offenders and the wise use of resources.

5 (7) The system should provide for restitution. Those who have
6 damaged others, persons or property, have a responsibility to make
7 restitution for these damages.

8 (8) The system should be accountable to the citizens of the
9 state. In return, the individual citizens and local units of
10 government must meet their responsibilities to make the corrections
11 system effective.

12 (9) The system should meet those national standards which the
13 state determines to be appropriate.

14 **Sec. 5.** RCW 9.94A.480 and 2011 1st sp.s. c 40 s 27 are each
15 amended to read as follows:

16 (1) A current, newly created or reworked judgment and sentence
17 document for each felony sentencing shall record any and all
18 recommended sentencing agreements or plea agreements and the
19 sentences for any and all felony crimes kept as public records under
20 RCW 9.94A.475 shall contain the clearly printed name and legal
21 signature of the sentencing judge. The judgment and sentence document
22 as defined in this section shall also provide additional space for
23 the sentencing judge's reasons for going either above or below the
24 presumptive sentence range for any and all felony crimes covered as
25 public records under RCW 9.94A.475. In addition, each felony judgment
26 and sentence document must contain in a specific section the
27 mandatory sentencing elements worksheet developed by the department
28 of corrections in section 3 of this act. Both the sentencing judge
29 and the prosecuting attorney's office shall each retain or receive a
30 completed copy of each sentencing document as defined in this section
31 for their own records.

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

35 (3) If any completed judgment and sentence document as defined in
36 subsection (1) of this section is not sent to the caseload forecast
37 council as required in subsection (2) of this section, the caseload
38 forecast council shall have the authority and shall undertake
39 reasonable and necessary steps to assure that all past, current, and

1 future sentencing documents as defined in subsection (1) of this
2 section are received by the caseload forecast council.

3 **Sec. 6.** RCW 9.94A.585 and 2002 c 290 s 19 are each amended to
4 read as follows:

5 (1) A sentence within the standard sentence range, under RCW
6 9.94A.510 or 9.94A.517, for an offense shall not be appealed. For
7 purposes of this section, a sentence imposed on a first-time offender
8 under RCW 9.94A.650 shall also be deemed to be within the standard
9 sentence range for the offense and shall not be appealed.

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

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

17 (4) To reverse a sentence which is outside the standard sentence
18 range, the reviewing court must find: (a) Either that the reasons
19 supplied by the sentencing court are not supported by the record
20 which was before the judge or that those reasons do not justify a
21 sentence outside the standard sentence range for that offense; or (b)
22 that the sentence imposed was clearly excessive or clearly too
23 lenient.

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

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

34 (7) The department may petition for a review of a sentence
35 committing an offender to the custody or jurisdiction of the
36 department. The review shall be limited to errors of law or to
37 address a missing, incomplete, or illegible mandatory sentencing
38 elements worksheet required pursuant to RCW 9.94A.480(1). Such
39 petition shall be filed with the court of appeals no later than

1 ninety days after the department has actual knowledge of terms of the
2 sentence. The petition shall include a certification by the
3 department that all reasonable efforts to resolve the dispute at the
4 superior court level have been exhausted.

5 **Sec. 7.** RCW 9.94A.704 and 2016 c 108 s 1 are each amended to
6 read as follows:

7 (1) Every person who is sentenced to a period of community
8 custody shall report to and be placed under the supervision of the
9 department, subject to RCW 9.94A.501.

10 (2)(a) The department shall assess the offender's risk of
11 reoffense and may establish and modify additional conditions of
12 community custody based upon the risk to community safety.

13 (b) Within the funds available for community custody, the
14 department shall determine conditions on the basis of risk to
15 community safety, and shall supervise offenders during community
16 custody on the basis of risk to community safety and conditions
17 imposed by the court. The secretary shall adopt rules to implement
18 the provisions of this subsection (2)(b).

19 (3) If the offender is supervised by the department, the
20 department shall at a minimum instruct the offender to:

21 (a) Report as directed to a community corrections officer;

22 (b) Remain within prescribed geographical boundaries;

23 (c) Notify the community corrections officer of any change in the
24 offender's address or employment;

25 (d) Pay the supervision fee assessment; and

26 (e) Disclose the fact of supervision to any mental health or
27 chemical dependency treatment provider, as required by RCW 9.94A.722.

28 (4) The department may require the offender to participate in
29 rehabilitative programs, or otherwise perform affirmative conduct,
30 and to obey all laws.

31 (5) If the offender was sentenced pursuant to a conviction for a
32 sex offense, the department may:

33 (a) Require the offender to refrain from direct or indirect
34 contact with the victim of the crime or immediate family member of
35 the victim of the crime. If a victim or an immediate family member of
36 a victim has requested that the offender not contact him or her after
37 notice as provided in RCW 72.09.340, the department shall require the
38 offender to refrain from contact with the requestor. Where the victim
39 is a minor, the parent or guardian of the victim may make a request

1 on the victim's behalf. This subsection is not intended to reduce the
2 preexisting authority of the department to impose no-contact
3 conditions regardless of the offender's crime and regardless of who
4 is protected by the no-contact condition, where such condition is
5 based on risk to community safety.

6 (b) Impose electronic monitoring. Within the resources made
7 available by the department for this purpose, the department shall
8 carry out any electronic monitoring using the most appropriate
9 technology given the individual circumstances of the offender. As
10 used in this section, "electronic monitoring" has the same meaning as
11 in RCW 9.94A.030.

12 (6) The department may not impose conditions that are contrary to
13 those ordered by the court and may not contravene or decrease court-
14 imposed conditions.

15 (7)(a) The department shall notify the offender in writing of any
16 additional conditions or modifications.

17 (b) By the close of the next business day after receiving notice
18 of a condition imposed or modified by the department, an offender may
19 request an administrative review under rules adopted by the
20 department. The condition shall remain in effect unless the reviewing
21 officer finds that it is not reasonably related to the crime of
22 conviction, the offender's risk of reoffending, or the safety of the
23 community.

24 (8) The department shall notify the offender in writing upon
25 community custody intake of the department's violation process.

26 (9) The department may require offenders to pay for special
27 services rendered including electronic monitoring, day reporting, and
28 telephone reporting, dependent on the offender's ability to pay. The
29 department may pay for these services for offenders who are not able
30 to pay.

31 (10)(a) When an offender on community custody is under the
32 authority of the board, the department shall assess the offender's
33 risk of recidivism and shall recommend to the board any additional or
34 modified conditions based upon the offender's risk to community
35 safety and may recommend affirmative conduct or electronic monitoring
36 consistent with subsections (4) through (6) of this section.

37 (b) The board may impose conditions in addition to court-ordered
38 conditions. The board must consider and may impose department-
39 recommended conditions. The board must impose a condition requiring
40 the offender to refrain from contact with the victim or immediate

1 family member of the victim as provided in subsection (5)(a) of this
2 section.

3 (c) By the close of the next business day, after receiving notice
4 of a condition imposed by the board or the department, an offender
5 may request an administrative hearing under rules adopted by the
6 board. The condition shall remain in effect unless the hearing
7 examiner finds that it is not reasonably related to any of the
8 following:

- 9 (i) The crime of conviction;
- 10 (ii) The offender's risk of reoffending;
- 11 (iii) The safety of the community.

12 (d) If the department finds that an emergency exists requiring
13 the immediate imposition of additional conditions in order to prevent
14 the offender from committing a crime, the department may impose such
15 conditions. The department may not impose conditions that are
16 contrary to those set by the board or the court and may not
17 contravene or decrease court-imposed or board-imposed conditions.
18 Conditions imposed under this subsection shall take effect
19 immediately after notice to the offender by personal service, but
20 shall not remain in effect longer than seven working days unless
21 approved by the board.

22 (11) In setting, modifying, and enforcing conditions of community
23 custody, the department shall be deemed to be performing a
24 quasi-judicial function.

25 (12) The department shall make every reasonable effort and
26 prioritize staffing to pursue active warrants of offenders who have
27 violated the terms of their supervision.

28 **Sec. 8.** RCW 9.94A.704 and 2019 c 263 s 601 are each amended to
29 read as follows:

30 (1) Every person who is sentenced to a period of community
31 custody shall report to and be placed under the supervision of the
32 department, subject to RCW 9.94A.501.

33 (2)(a) The department shall assess the offender's risk of
34 reoffense and may establish and modify additional conditions of
35 community custody based upon the risk to community safety.

36 (b) Within the funds available for community custody, the
37 department shall determine conditions on the basis of risk to
38 community safety, and shall supervise offenders during community
39 custody on the basis of risk to community safety and conditions

1 imposed by the court. The secretary shall adopt rules to implement
2 the provisions of this subsection (2)(b).

3 (3) If the offender is supervised by the department, the
4 department shall at a minimum instruct the offender to:

5 (a) Report as directed to a community corrections officer;

6 (b) Remain within prescribed geographical boundaries;

7 (c) Notify the community corrections officer of any change in the
8 offender's address or employment;

9 (d) Pay the supervision fee assessment; and

10 (e) Disclose the fact of supervision to any mental health,
11 chemical dependency, or domestic violence treatment provider, as
12 required by RCW 9.94A.722.

13 (4) The department may require the offender to participate in
14 rehabilitative programs, or otherwise perform affirmative conduct,
15 and to obey all laws.

16 (5) If the offender was sentenced pursuant to a conviction for a
17 sex offense or domestic violence, the department may:

18 (a) Require the offender to refrain from direct or indirect
19 contact with the victim of the crime or immediate family member of
20 the victim of the crime. If a victim or an immediate family member of
21 a victim has requested that the offender not contact him or her after
22 notice as provided in RCW 72.09.340, the department shall require the
23 offender to refrain from contact with the requestor. Where the victim
24 is a minor, the parent or guardian of the victim may make a request
25 on the victim's behalf. This subsection is not intended to reduce the
26 preexisting authority of the department to impose no-contact
27 conditions regardless of the offender's crime and regardless of who
28 is protected by the no-contact condition, where such condition is
29 based on risk to community safety.

30 (b) Impose electronic monitoring. Within the resources made
31 available by the department for this purpose, the department shall
32 carry out any electronic monitoring using the most appropriate
33 technology given the individual circumstances of the offender. As
34 used in this section, "electronic monitoring" has the same meaning as
35 in RCW 9.94A.030.

36 (6) The department may not impose conditions that are contrary to
37 those ordered by the court and may not contravene or decrease court-
38 imposed conditions.

39 (7)(a) The department shall notify the offender in writing of any
40 additional conditions or modifications.

1 (b) By the close of the next business day after receiving notice
2 of a condition imposed or modified by the department, an offender may
3 request an administrative review under rules adopted by the
4 department. The condition shall remain in effect unless the reviewing
5 officer finds that it is not reasonably related to the crime of
6 conviction, the offender's risk of reoffending, or the safety of the
7 community.

8 (8) The department shall notify the offender in writing upon
9 community custody intake of the department's violation process.

10 (9) The department may require offenders to pay for special
11 services rendered including electronic monitoring, day reporting, and
12 telephone reporting, dependent on the offender's ability to pay. The
13 department may pay for these services for offenders who are not able
14 to pay.

15 (10)(a) When an offender on community custody is under the
16 authority of the board, the department shall assess the offender's
17 risk of recidivism and shall recommend to the board any additional or
18 modified conditions based upon the offender's risk to community
19 safety and may recommend affirmative conduct or electronic monitoring
20 consistent with subsections (4) through (6) of this section.

21 (b) The board may impose conditions in addition to court-ordered
22 conditions. The board must consider and may impose department-
23 recommended conditions. The board must impose a condition requiring
24 the offender to refrain from contact with the victim or immediate
25 family member of the victim as provided in subsection (5)(a) of this
26 section.

27 (c) By the close of the next business day, after receiving notice
28 of a condition imposed by the board or the department, an offender
29 may request an administrative hearing under rules adopted by the
30 board. The condition shall remain in effect unless the hearing
31 examiner finds that it is not reasonably related to any of the
32 following:

- 33 (i) The crime of conviction;
- 34 (ii) The offender's risk of reoffending;
- 35 (iii) The safety of the community;
- 36 (iv) The offender's risk of domestic violence reoffense.

37 (d) If the department finds that an emergency exists requiring
38 the immediate imposition of additional conditions in order to prevent
39 the offender from committing a crime, the department may impose such
40 conditions. The department may not impose conditions that are

1 contrary to those set by the board or the court and may not
2 contravene or decrease court-imposed or board-imposed conditions.
3 Conditions imposed under this subsection shall take effect
4 immediately after notice to the offender by personal service, but
5 shall not remain in effect longer than seven working days unless
6 approved by the board.

7 (11) In setting, modifying, and enforcing conditions of community
8 custody, the department shall be deemed to be performing a
9 quasi-judicial function.

10 (12) The department shall make every reasonable effort and
11 prioritize staffing to pursue active warrants of offenders who have
12 violated the terms of their supervision.

13 NEW SECTION. **Sec. 9.** Section 7 of this act expires January 1,
14 2021.

15 NEW SECTION. **Sec. 10.** Section 8 of this act takes effect
16 January 1, 2021.

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