
SENATE BILL 5075

State of Washington

68th Legislature

2023 Regular Session

By Senators L. Wilson, Padden, Braun, Dozier, and Fortunato

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1 AN ACT Relating to establishing a judicial sentencing database;
2 amending RCW 9.94A.475; adding a new section to chapter 9.94A RCW;
3 and providing an effective date.

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

5 **Sec. 1.** RCW 9.94A.475 and 2018 c 7 s 6 are each amended to read
6 as follows:

7 Any and all recommended sentencing agreements or plea agreements
8 and the sentences for any and all felony crimes shall be made and
9 retained as public records if the felony crime involves:

- 10 (1) Any violent offense as defined in this chapter;
11 (2) Any most serious offense as defined in this chapter;
12 (3) Any felony with a deadly weapon special verdict under RCW
13 9.94A.825;
14 (4) Any felony with any deadly weapon enhancements under RCW
15 9.94A.533 (3) or (4), or both;
16 (5) The felony crimes of possession of a machine gun or bump-fire
17 stock, possessing a stolen firearm, drive-by shooting, theft of a
18 firearm, unlawful possession of a firearm in the first or second
19 degree, and/or use of a machine gun or bump-fire stock in a felony;
20 ((~~⊖~~))

1 (6) The felony crime of driving a motor vehicle while under the
2 influence of intoxicating liquor or any drug as defined in RCW
3 46.61.502, and felony physical control of a motor vehicle while under
4 the influence of intoxicating liquor or any drug as defined in RCW
5 46.61.504; or

6 (7) Any violation of a protection order that is a felony offense
7 under RCW 7.105.450.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.94A
9 RCW to read as follows:

10 (1) The caseload forecast council shall create and maintain an
11 electronic database of the judicial record of each sentencing judge
12 in regards to the judge's sentencing practices for any and all felony
13 crimes kept as public records under RCW 9.94A.475 that are committed
14 after the effective date of this section. The electronic database
15 shall compare each individual judge's sentencing practices to the
16 standard or presumptive sentence range for any and all felony crimes
17 kept as public records under RCW 9.94A.475 for the appropriate
18 offense level under RCW 9.94A.515 or 9.94A.518, offender score under
19 RCW 9.94A.525, and any applicable deadly weapon enhancements under
20 RCW 9.94A.533 (3) or (4), or both. The electronic database shall be
21 accessible to the public.

22 (2) Any and all felony sentences which are either above or below
23 the standard or presumptive sentence range in subsection (1) of this
24 section shall also indicate whether the prosecuting attorney in the
25 case recommended a similar sentence, if any, which was either above
26 or below the standard or presumptive sentence range and shall also
27 indicate if the sentence was in conjunction with a plea agreement or
28 approved alternative sentencing option including a first-time
29 offender waiver, sex offender sentencing alternative, or other
30 prescribed sentencing option, and any mitigating or aggravating
31 circumstances under RCW 9.94A.535.

32 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2024.

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