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ENGROSSED HOUSE BILL 2376

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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)).

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