
SENATE BILL 5863

State of Washington

55th Legislature

1997 Regular Session

By Senators Roach and Oke

Read first time 02/17/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to comparisons of judges' sentencing practices to
2 guidelines; and amending RCW 9.94A.105.

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

4 **Sec. 1.** RCW 9.94A.105 and 1995 c 129 s 6 are each amended to read
5 as follows:

6 (1) A current, newly created or reworked judgment and sentence
7 document for each felony sentencing shall record any and all
8 recommended sentencing agreements or plea agreements and the sentences
9 for any and all felony crimes kept as public records under RCW
10 9.94A.103 shall contain the clearly printed name and legal signature of
11 the sentencing judge. The judgment and sentence document as defined in
12 this section shall also provide additional space for the sentencing
13 judge's reasons for going either above or below the presumptive
14 sentence range for any and all felony crimes covered as public records
15 under RCW 9.94A.103. Both the sentencing judge and the prosecuting
16 attorney's office shall each retain or receive a completed copy of each
17 sentencing document as defined in this section for their own records.

18 (2) The sentencing guidelines commission shall be sent a completed
19 copy of the judgment and sentence document upon conviction for each

1 felony sentencing under subsection (1) of this section and shall
2 compile a yearly and cumulative judicial record of each sentencing
3 judge in regards to his or her sentencing practices for any and all
4 felony crimes involving:

5 (a) Any violent offense as defined in this chapter;

6 (b) Any most serious offense as defined in this chapter;

7 (c) Any felony with any deadly weapon special verdict under RCW
8 9.94A.125;

9 (d) Any felony with any deadly weapon enhancements under RCW
10 9.94A.310 (3) or (4), or both; and/or

11 (e) The felony crimes of possession of a machine gun, possessing a
12 stolen firearm, reckless endangerment in the first degree, theft of a
13 firearm, unlawful possession of a firearm in the first or second
14 degree, and/or use of a machine gun in a felony.

15 (3)(a) The sentencing guidelines commission shall compare each
16 individual judge's sentencing practices to the standard or presumptive
17 sentence range for any and all felony crimes listed in subsection (2)
18 of this section for the appropriate offense level as defined in RCW
19 9.94A.320, offender score as defined in RCW 9.94A.360, and any
20 applicable deadly weapon enhancements as defined in RCW 9.94A.310 (3)
21 or (4), or both. These comparative records shall be retained and made
22 available to the public for review in a current, newly created or
23 reworked official published document by the sentencing guidelines
24 commission.

25 (b) The document shall include one table that groups the cases
26 reported under the judge's name and that specifies for each offense in
27 subsection (2) of this section the following information:

28 (i) The county in which the case was filed;

29 (ii) The cause number;

30 (iii) The most serious current offense for which the offender was
31 sentenced;

32 (iv) The actual term of confinement imposed, in months;

33 (v) The prosecutor's recommendation;

34 (vi) The sentence type; and

35 (vii) The reason or reasons for any exceptional sentence.

36 (c) When reporting the sentence type, the commission shall
37 delineate between:

38 (i) Standard range sentences under RCW 9.94A.310;

39 (ii) First-time offender waivers under RCW 9.94A.120(5);

1 (iii) Special sex offender sentencing alternative under RCW
2 9.94A.120(8);

3 (iv) Special drug offender sentencing alternative under RCW
4 9.94A.120(6);

5 (v) Life sentences for persistent offenders under RCW 9.94A.120(4);

6 (vi) Mitigated exceptional sentences under RCW 9.94A.120(2); and

7 (vii) Aggravated exceptional sentences under RCW 9.94A.120(2).

8 (4) Any and all felony sentences which are either above or below
9 the standard or presumptive sentence range in subsection (3) of this
10 section shall also mark whether the prosecuting attorney in the case
11 also recommended a similar sentence, if any, which was either above or
12 below the presumptive sentence range and shall also indicate if the
13 sentence was in conjunction with an approved alternative sentencing
14 option including a first-time offender waiver, sex offender sentencing
15 alternative, or other prescribed sentencing option.

16 (5) If any completed judgment and sentence document as defined in
17 subsection (1) of this section is not sent to the sentencing guidelines
18 commission as required in subsection (2) of this section, the
19 sentencing guidelines commission shall have the authority and shall
20 undertake reasonable and necessary steps to assure that all past,
21 current, and future sentencing documents as defined in subsection (1)
22 of this section are received by the sentencing guidelines commission.

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