

5477 AMH KAGI LEAT 072

SB 5477 - H AMD

By Representative Kagi

1 On page 2, line 7, after "evidence." insert:

2 "While the legislature intends to bring the sentencing reform
3 act into compliance as previously indicated, the legislature
4 recognizes the need to restore the judicial discretion that has
5 been limited as a result of the *Blakely* decision."

6 On page 9, after line 2, insert:

7 "NEW SECTION. **Sec. 5.** The Sentencing Guidelines Commission
8 shall review the sentencing reform act as it relates to the
9 sentencing grid, all provisions providing for exceptional sentences
10 both above and below the standard sentencing ranges, and judicial
11 discretion in sentencing. As part of its review, the Commission
12 shall:

13 (a) study the relevant provisions of the sentencing reform act,
14 including the provisions in this act;

15 (b) consider how to restore the judicial discretion which has been
16 limited as a result of the *Blakely* decision;

17 (c) consider the use of advisory sentencing guidelines for all or
18 any group of crimes;

19 (d) draft proposed legislation that seeks to address the
20 limitations placed on judicial discretion in sentencing as a result
21 of the *Blakely* decision; and

22 (e) determine the fiscal impact of any proposed legislation.

23 The Commission shall submit its findings and proposed legislation
24 to the legislature no later than December 1, 2005."

25 Renumber the sections consecutively and correct any internal
26 references accordingly.

EFFECT: Clarifies the intent of the legislature by recognizing the need to restore judicial discretion in sentencing. Directs the Sentencing Guidelines Commission to study the sentencing reform act and report its findings to the legislature by December 1, 2005.

