
Public Safety Committee

HB 1680

Brief Description: Concerning the sentencing elements worksheet.

Sponsors: Representatives Goodman, Klippert and Pettigrew; by request of Department of Corrections.

Brief Summary of Bill

- Requires sentencing courts to complete a sentencing elements worksheet developed by the Department of Corrections (DOC) for each Judgement and Sentence document filed for felony convictions.
- Authorizes the DOC to petition the Court of Appeals to review an incomplete or illegible sentencing elements worksheet.

Hearing Date: 2/9/17

Staff: Kelly Leonard (786-7147).

Background:

The Judgement and Sentence (also referred to as a sentencing order) is a written document created and signed by the court to record the conviction or acquittal of a criminal defendant. The Judgement and Sentence specifies the terms of the offender's sentence, including the legal basis for imposing it. The Judgment and Sentence document must:

- record any and all recommended sentencing agreements or plea agreements, and the sentences for any and all felony crimes;
- contain the printed name and signature of the sentencing judge; and
- state the sentencing judge's reasons for going either above or below the presumptive sentence range, if applicable.

The Sentencing Reform Act (SRA) contains sentencing requirements for felony convictions in Washington. A court only possesses the power to impose sentences authorized by the SRA. If

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there is an error in the sentence, including the Judgment and Sentence document, the trial court has the power and duty to correct it.

The Department of Corrections (DOC) may petition the Court of Appeals for a review of a sentence committing an offender to the incarceration or supervision of the DOC. The review is limited to errors of law. The petition must be filed within 90 days after the DOC has actual knowledge of the terms of the sentence. The petition must include a certification that all reasonable efforts to resolve the dispute with the trial court have been exhausted. If DOC does not file the petition within 90 days, the DOC must enforce the Judgment and Sentence imposed by the trial court.

Summary of Bill:

In consultation with the Administrative Office of the Courts, the DOC must develop a sentencing elements worksheet. The worksheet must be used to identify and record the elements of the court's sentencing order in order for the DOC to calculate an offender's confinement term and community custody term.

For all felony sentences imposed on or after January 1, 2018, a Judgment and Sentence must contain the sentencing elements worksheet developed by the DOC.

The DOC may petition the Court of Appeals for a review of a sentence according to the processes in current law in order to address an incomplete or illegible sentencing elements worksheet.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.