

# HOUSE BILL REPORT

## HB 1680

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**As Reported by House Committee On:**  
Public Safety

**Title:** An act relating to sentencing elements worksheet.

**Brief Description:** Concerning the sentencing elements worksheet.

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

**Brief History:**

**Committee Activity:**

Public Safety: 2/9/17, 2/16/17 [DPS].

**Brief Summary of Substitute 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 address a missing, incomplete, or illegible sentencing elements worksheet.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Chapman, Griffey, Holy, Orwall, Pettigrew and Van Werven.

**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:

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- 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 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 the DOC does not file the petition within 90 days, the DOC must enforce the Judgment and Sentence imposed by the trial court.

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### **Summary of Substitute Bill:**

The DOC must develop a mandatory 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. In developing the worksheet, the DOC must consult with the Administrative Office of the Courts (AOC), Washington Superior Court Judges' Association, Washington Association of Prosecuting Attorneys, Washington Association of Criminal Defense Lawyers, Washington Public Defenders' Association, and Washington Association of County Clerks.

The AOC must include the mandatory sentencing elements worksheet in a specific section within its felony Judgment and Sentence forms.

For all felony sentences imposed on or after January 1, 2018, a Judgment and Sentence must contain the mandatory sentencing elements worksheet in a section of the document.

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 a missing, incomplete, or illegible sentencing elements worksheet.

### **Substitute Bill Compared to Original Bill:**

The DOC must consult with the Washington Superior Court Judges' Association, Washington Association of Prosecuting Attorneys, Washington Association of Criminal Defense Lawyers, Washington Public Defenders' Association, and Washington Association of County Clerks when developing the mandatory sentencing elements worksheet (in addition to the AOC).

The AOC must include the mandatory sentencing elements worksheet in a specific section within its felony Judgment and Sentence forms.

Sentencing courts must include the mandatory sentencing elements worksheet in a specific section of Judgment and Sentence documents.

The DOC is authorized to file a petition for the review of a sentence before the Court of Appeals to address when a mandatory sentencing elements worksheet is missing from a Judgment and Sentence document (in addition to authorizing petitions for when a worksheet is incomplete or illegible).

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) The DOC frequently faces situations where sentences imposed by the court are flawed, either because of illegible paperwork or miscalculations on the part of the court. In addition, the DOC must decipher hundreds of different types of judgment and sentence documents. However, the DOC is required to enforce the court's order, regardless of flaws. The state should address this problem through the development of a mandatory uniform sentencing elements worksheet. This will provide the DOC with clear and correct sentencing instructions from the courts, and ensure that correct and legal sentences are carried out.

The DOC, prosecutors, defense attorneys, the courts, and others have been collaborating on this effort, and will all have a seat at the table during the development of the sentencing elements worksheet.

(Opposed) None.

(Other) By consulting with the courts and stakeholders, the group will ensure that the courts are not receiving duplicative or incorrect information. The bill should be amended to specify that the worksheet can be a section within the Judgment and Sentence document. The courts do not need a separate form.

**Persons Testifying:** (In support) Representative Goodman, prime sponsor; Julie Martin, Department of Corrections; and Tom McBride, Washington Association of Prosecuting Attorneys.

(Other) Brady Horenstein, Administrative Office of the Courts.

**Persons Signed In To Testify But Not Testifying:** None.