

SENATE BILL REPORT

SHB 1680

As of March 22, 2017

Title: An act relating to sentencing elements worksheet.

Brief Description: Concerning the sentencing elements worksheet.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Goodman, Klippert and Pettigrew; by request of Department of Corrections).

Brief History: Passed House: 3/01/17, 98-0.

Committee Activity: Law & Justice: 3/22/17.

Brief Summary of Bill

- Requires the Department of Corrections, in consultation with the courts, prosecuting attorneys, and defense attorneys, to develop a sentencing elements worksheet which must be included as part of any judgment and sentence entered after January 1, 2018.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Shani Bauer (786-7468)

Background: The Administrative Office of the Courts (AOC) has developed model forms for use by county courts, including the form of Judgment and Sentence. The Department of Corrections (DOC) uses the form to enter the sentence components into the system that determine an offender's length of incarceration and term of community supervision. Many counties choose to use their own form or modify the form in some manner.

DOC may petition the court for review of a sentence committing a person to DOC custody or jurisdiction. The review is limited to errors of law and must be submitted no later than 90 days after DOC is provided with the sentence.

Summary of Bill: DOC is required to develop a mandatory sentencing elements worksheet in consultation with the following entities:

- AOC;
- Superior Court Judges Association;

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- Washington Association of Prosecuting Attorneys;
- Washington Association of Criminal Defense Lawyers and the Washington Defender Association; and
- Association of County Clerks.

The worksheet must include the necessary elements to allow DOC to calculate and record the offender's term of confinement and term of community custody. AOC must include the worksheet in a specific section of the felony judgment and sentence form.

DOC may petition the court for review of any sentence committing a person to DOC custody to address any missing, incomplete, or illegible elements required by the sentencing elements worksheet.

The act applies to sentences imposed on or after January 1, 2018.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill addresses the problem of incorrect sentences for inmates at DOC. There are more than 100 different judgment forms in use around the state with problems of illegible handwriting, missing information, and incorrect calculations. DOC tries to follow up with the responsible court, but clarification does not always happen. Requiring a specific form of judgment and sentence does not work for the various jurisdictions. This bill requires a specific worksheet that only contains those elements needed by DOC. The worksheet must be included as part of the judgment and sentence form. It is critical that DOC be able to rely on a consistent and uniform worksheet. This would be a major improvement to make sure sentences are correct.

The stakeholders are currently working collaboratively towards this goal and are committed to this process with or without a bill. The necessary elements have been identified and a draft is currently being circulated. The workgroup hopes to have a final worksheet out to counties by the end of June. Courts have two primary concerns: (1) the worksheet may be difficult to implement in all counties by January of 2018, and (2) the worksheet should be limited to the bare essential items as the judgment and sentence is already very time consuming to complete.

Persons Testifying: PRO: Representative Roger Goodman; Dianne Ashlock, Department of Corrections; Brady Horenstein, AOC; Judge Sean O'Donnell, Superior Court Judges' Association

Persons Signed In To Testify But Not Testifying: No one.