
SUBSTITUTE HOUSE BILL 1680

State of Washington

65th Legislature

2017 Regular Session

By House Public Safety (originally sponsored by Representatives Goodman, Klippert, and Pettigrew; by request of Department of Corrections)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to sentencing elements worksheet; amending RCW
2 9.94A.480 and 9.94A.585; adding a new section to chapter 9.94A RCW;
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A
6 RCW to read as follows:

7 In consultation with the Washington administrative office of the
8 courts, Washington superior court judges' association, Washington
9 association of prosecuting attorneys, Washington association of
10 criminal defense lawyers, Washington public defenders' association,
11 and Washington association of county clerks, the department shall
12 develop a mandatory sentencing elements worksheet. The worksheet
13 shall be used to identify and record the elements of the court's
14 order that are required by the department to calculate an offender's
15 confinement term, and community custody term when ordered. The
16 Washington administrative office of the courts must include the
17 mandatory sentencing elements worksheet in a specific section within
18 its felony judgment and sentence forms.

19 **Sec. 2.** RCW 9.94A.480 and 2011 1st sp.s. c 40 s 27 are each
20 amended to read as follows:

1 (1) A current, newly created or reworked judgment and sentence
2 document for each felony sentencing shall record any and all
3 recommended sentencing agreements or plea agreements and the
4 sentences for any and all felony crimes kept as public records under
5 RCW 9.94A.475 shall contain the clearly printed name and legal
6 signature of the sentencing judge. The judgment and sentence document
7 as defined in this section shall also provide additional space for
8 the sentencing judge's reasons for going either above or below the
9 presumptive sentence range for any and all felony crimes covered as
10 public records under RCW 9.94A.475. In addition, each felony judgment
11 and sentence document must contain in a specific section the
12 mandatory sentencing elements worksheet developed by the department
13 of corrections in section 1 of this act. Both the sentencing judge
14 and the prosecuting attorney's office shall each retain or receive a
15 completed copy of each sentencing document as defined in this section
16 for their own records.

17 (2) The caseload forecast council shall be sent a completed copy
18 of the judgment and sentence document upon conviction for each felony
19 sentencing under subsection (1) of this section.

20 (3) If any completed judgment and sentence document as defined in
21 subsection (1) of this section is not sent to the caseload forecast
22 council as required in subsection (2) of this section, the caseload
23 forecast council shall have the authority and shall undertake
24 reasonable and necessary steps to assure that all past, current, and
25 future sentencing documents as defined in subsection (1) of this
26 section are received by the caseload forecast council.

27 **Sec. 3.** RCW 9.94A.585 and 2002 c 290 s 19 are each amended to
28 read as follows:

29 (1) A sentence within the standard sentence range, under RCW
30 9.94A.510 or 9.94A.517, for an offense shall not be appealed. For
31 purposes of this section, a sentence imposed on a first-time offender
32 under RCW 9.94A.650 shall also be deemed to be within the standard
33 sentence range for the offense and shall not be appealed.

34 (2) A sentence outside the standard sentence range for the
35 offense is subject to appeal by the defendant or the state. The
36 appeal shall be to the court of appeals in accordance with rules
37 adopted by the supreme court.

1 (3) Pending review of the sentence, the sentencing court or the
2 court of appeals may order the defendant confined or placed on
3 conditional release, including bond.

4 (4) To reverse a sentence which is outside the standard sentence
5 range, the reviewing court must find: (a) Either that the reasons
6 supplied by the sentencing court are not supported by the record
7 which was before the judge or that those reasons do not justify a
8 sentence outside the standard sentence range for that offense; or (b)
9 that the sentence imposed was clearly excessive or clearly too
10 lenient.

11 (5) A review under this section shall be made solely upon the
12 record that was before the sentencing court. Written briefs shall not
13 be required and the review and decision shall be made in an expedited
14 manner according to rules adopted by the supreme court.

15 (6) The court of appeals shall issue a written opinion in support
16 of its decision whenever the judgment of the sentencing court is
17 reversed and may issue written opinions in any other case where the
18 court believes that a written opinion would provide guidance to
19 sentencing courts and others in implementing this chapter and in
20 developing a common law of sentencing within the state.

21 (7) The department may petition for a review of a sentence
22 committing an offender to the custody or jurisdiction of the
23 department. The review shall be limited to errors of law or to
24 address a missing, incomplete, or illegible mandatory sentencing
25 elements section required pursuant to RCW 9.94A.480(1). Such petition
26 shall be filed with the court of appeals no later than ninety days
27 after the department has actual knowledge of terms of the sentence.
28 The petition shall include a certification by the department that all
29 reasonable efforts to resolve the dispute at the superior court level
30 have been exhausted.

31 NEW SECTION. **Sec. 4.** This act applies to sentences imposed on
32 or after January 1, 2018.

--- END ---