
THIRD SUBSTITUTE HOUSE BILL 1789

State of Washington

65th Legislature

2018 Regular Session

By House Public Safety (originally sponsored by Representatives Jinkins, Pettigrew, Frame, Stambaugh, Ortiz-Self, Fitzgibbon, Macri, Ormsby, and Gregerson)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to rehabilitated offenders; and creating a new
2 section.

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

4 NEW SECTION. **Sec. 1.** (1) Subject to the availability of amounts
5 appropriated for this specific purpose, the sentencing guidelines
6 commission shall conduct a comprehensive review of the sentencing
7 reform act under chapter 9.94A RCW and make recommendations to
8 accomplish the following goals:

9 (a) Assess the degree to which the sentencing reform act as
10 applied has achieved each of its stated purposes;

11 (b) Ensure Washington sentencing policies and practices are
12 evidence-based, aligned with best practices, and consistent with
13 federal and state case law;

14 (c) Simplify Washington's sentencing laws to make them easier to
15 understand and apply; and

16 (d) Eliminate inconsistencies, which may have developed through
17 various amendatory changes.

18 (2) In conducting the review under this section, the sentencing
19 guidelines commission shall:

20 (a) Review the current sentencing grid and recommend changes to
21 simplify the grid and increase judicial discretion, which must

1 include, but is not limited to: Reviewing and simplifying RCW
2 9.94A.501, 9.94A.505, 9.94A.525, and 9.94A.533; reviewing and
3 simplifying the sentencing grid under RCW 9.94A.510 by reducing the
4 number of cells in the grid and creating broader sentencing ranges
5 for lower level offenses; reviewing and revising seriousness levels
6 under RCW 9.94A.515 to ensure offenses have appropriately designated
7 seriousness levels; reviewing the drug sentencing grid under RCW
8 9.94A.517 and 9.94A.518 to determine if drug offenses can be
9 incorporated into a new or revised sentencing grid; and reviewing
10 minimum term requirements under RCW 9.94A.540 to avoid
11 inconsistencies with proposed changes to the grid and other
12 sentencing policies;

13 (b) Review mitigating and aggravating factors under RCW 9.94A.535
14 and sentencing enhancements under RCW 9.94A.533, including mandatory
15 consecutive requirements, and recommend changes to reflect current
16 sentencing purposes and policies and case law;

17 (c) Review fines, fees, and other legal financial obligations
18 associated with criminal convictions, which must include, but is not
19 limited to, a review of: Fines under RCW 9.94A.550; restitution under
20 RCW 9.94A.750; and legal financial obligations under RCW 9.94A.760;

21 (d) Review community supervision and community custody programs
22 under RCW 9.94A.701 through 9.94A.723 and other related provisions,
23 which must include, but is not limited to: Reviewing and revising
24 eligibility criteria for community custody under RCW 9.94A.701 and
25 9.94A.702; reviewing the length and manner of supervision for various
26 offenses; reviewing earned time toward termination of supervision;
27 and reviewing the consequences for violations of conditions; and

28 (e) Review available alternatives to full confinement, which must
29 include, but is not limited to: Work crew under RCW 9.94A.725; and
30 home detention and electronic home monitoring under RCW 9.94A.734
31 through 9.94A.736.

32 (3) The sentencing guidelines commission shall report its
33 findings and recommendations to the governor and appropriate
34 committees of the legislature by May 1, 2019.

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