

Appropriation Tasks for SRA Review

Below are the tasks as set out in the budget appropriation for the SRA review. I created this list to illustrate the work that needs to be completed before June. This list does not include the review and finalizing of the final report.

I have added notes to the areas where I remember the SGC has either completed work or had discussions.

- 1) Review the current sentencing grid and recommend changes to simplify the grid and increase judicial discretion, including:
 - a. Review and simplify:
 - i. RCW 9.94A.501 (Dept must supervise specific offenders – risk assessment of felony offenders)
 - ii. RCW 9.94A.505 (Sentences)
 - iii. RCW 9.94A.525 (Offender score)
 - iv. RCW 9.94A.533 (Adjustment to standard sentences)
 - b. Review and simplify the sentencing grid by:
 - i. Reducing the number of cells in the grid
 - ii. Creating broader sentencing ranges for lower level offenses

The work produced by the two sentencing work groups has provided two different sentencing grid proposals; the Incremental proposal creates broader sentencing ranges and the Guided Discretion proposal creates broader ranges and reduces the number of cells while increasing the offender score columns from 9+ to 10+.

The Guided Discretion proposal addresses mitigating factors, aggravating factors, and enhancements.

- c. Review and revise seriousness levels under RCW 9.94.515 to ensure offenses have appropriately designated seriousness levels.

Three members provided input on modifications to the current seriousness level list. Draft documents have been created for a proposed seriousness level using an expanded version of offense classification. Another idea has been floated that uses crime type (serious violent, violent, sex, crime against a person, drug and property) to represent the seriousness level.

- d. Review drug sentencing grid to determine if drug offenses can be incorporated into a new or revised sentencing grid.

The Guided Discretion proposal subsumes the drug grid.

- e. Review minimum term requirements under 9.94A.540 to avoid inconsistencies with proposed changes to the grid and other sentencing policies.

- 2) Review mitigating and aggravating factors under RCW 9.94A.533, sentencing enhancements under RCW 9.94A.533, including mandatory consecutive requirements. Recommend changes to reflect current sentencing purposes and policies and case law.

The Guided Discretion proposal addresses mitigating factors, aggravating factors, and enhancements. There have been some discussions about keeping the firearm enhancement.

- 3) Review fines, fees, and other legal financial obligations associated with criminal convictions, including a review of:
 - a. Fines under RCW 9.94A.550
 - b. Restitution under RCW 9.94a.750
 - c. Legal financial obligations under RCW 9.94A.760

The LFO work group provided recommendations to the SGC. The Minority & Justice Commission received federal grant money to do a thorough analysis of fines and legal financial obligations. They will be presenting a LFO tool they created at an upcoming meeting. Their grant ends in September and that is when their final report is due.

- 4) Review community supervision and community custody programs under RCW 9.94A.701 through .723 and other related provisions including:
 - a. Reviewing and revising eligibility criteria for community custody under RVW 9.94A.701 and .702
 - b. Reviewing the length and manner of supervision for various offenses

The CSG presented on the state of the art of community supervision to the SGC in November. A work group has met to discuss community supervision issues, such as alternatives to incarceration and identifying a gap in resources for individuals who release from jail but do not have community supervision. The CSG will present their analysis of sentencing data at the February meeting. This will add to the community supervision discussion.

- c. Reviewing earned time toward termination of supervision

In the community supervision work group, a summary of states that have attempted or passed legislation for supervision credit was created.

- d. Reviewing the consequences for violations of conditions

- 5) Review available alternatives to full confinement including:
 - a. Work crew under 9.94A.725
 - b. Home detention and electronic home monitoring under RCW 9.94A.734 through .736