

Sentencing Guidelines Commission Work Plan Ideas for 2025

Ideas from last year:

Criminal Sentencing Task Force's (CSTF) last report contained recommendations related to Persistent Offender laws. Discussed areas of interest under Persistent Offender (PO) laws includes:

- History of WA PO statute
- What are other states doing/status of their persistent offender laws?
- Racial disparity in PO sentencing
- Data on the value of the PO sentencing scheme
- Does the PO statute impact the commission of MSO crimes? Lauren noted studies indicate it can increase violence against LEO when individuals already have two strikes and is facing a third. What is the impact of prison management of LWOP sentences? What kind of additional punishment can be given to individuals serving such sentences?
- Data on Assault 2 as a strike and its impact on individuals. Greg Link has an appendix of all folks serving PO sentences with Assault 2 as a current/past offense. He thought the data was easily attainable.
- Reviewing the MSO list
- Is any additional punishment given to people who receive a PO sentence?
- Consider PO sentencing as a determinate-plus model?
- Data showing the frequency of offenses as first, second and third strikes.
- Just looking at 3-strikes, not 2-strikes.

Judge Swan suggested looking at the continued emphasis on sentencing alternatives, or the ideas of therapy as an alternative to incarceration, including:

- How effective have sentencing alternatives been at reducing recidivism?
- Should alternatives be default consideration and court provide reason why it was not used. Seems as though there is already statutory language directing the court to do that, but it is not really used. Is stronger language needed?
- Eligibility criteria review. There was discussion about the exclusion of persons with historical violent offense in history.
- Look at all sentencing alternatives except SSOSA.

Members decided to triage the projects as follows:

- 1) ~~Re-ranking revisit~~
- 2) Sentencing Alternatives
- 3) Persistent Offender statute and offenses

Conduct a Review of the Drug Sentencing Grid (Criminal Code Review)

When the Legislature created the drug grid in 2002, they also included a review of the drug grid in the bill. That review was started but was never completed. The SGC believes that an evaluation needs to occur to see where the grid is working and where it is not before any recommendations for changes can be made.

Other topics to consider:

- > Review MSO list
- > Review Violent offense list
- > Assault 2 fix
- > Repeal habitual offender statute? RCW 9.92.090 (eff prior to 7/1/84)