

---

SENATE BILL 6362

---

State of Washington

60th Legislature

2008 Regular Session

By Senators Marr, Brandland, Hargrove, Weinstein, Kauffman, McCaslin, Carrell, Hobbs, Benton, Prentice, Swecker, Berkey, Haugen, Morton, Kilmer, Stevens, Honeyford, Sheldon, Delvin, Shin, Oemig, Kohl-Welles, and Rasmussen

Read first time 01/16/08. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to the sentencing guidelines commission review of  
2 statutes of limitation regarding sex offenses in the Revised Code of  
3 Washington; and amending RCW 9.94A.850.

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

5 **Sec. 1.** RCW 9.94A.850 and 2005 c 282 s 19 are each amended to read  
6 as follows:

7 (1) A sentencing guidelines commission is established as an agency  
8 of state government.

9 (2) The legislature finds that the commission, having accomplished  
10 its original statutory directive to implement this chapter, and having  
11 expertise in sentencing practice and policies, shall:

12 (a) Evaluate state sentencing policy, to include whether the  
13 sentencing ranges and standards are consistent with and further:

14 (i) The purposes of this chapter as defined in RCW 9.94A.010; and

15 (ii) The intent of the legislature to emphasize confinement for the  
16 violent offender and alternatives to confinement for the nonviolent  
17 offender.

18 The commission shall provide the governor and the legislature with

1 its evaluation and recommendations under this subsection not later than  
2 December 1, 1996, and every two years thereafter;

3 (b) Recommend to the legislature revisions or modifications to the  
4 standard sentence ranges, state sentencing policy, prosecuting  
5 standards, and other standards. If implementation of the revisions or  
6 modifications would result in exceeding the capacity of correctional  
7 facilities, then the commission shall accompany its recommendation with  
8 an additional list of standard sentence ranges which are consistent  
9 with correction capacity;

10 (c) Study the existing criminal code and from time to time make  
11 recommendations to the legislature for modification;

12 (d)(i) Serve as a clearinghouse and information center for the  
13 collection, preparation, analysis, and dissemination of information on  
14 state and local adult and juvenile sentencing practices; (ii) develop  
15 and maintain a computerized adult and juvenile sentencing information  
16 system by individual superior court judge consisting of offender,  
17 offense, history, and sentence information entered from judgment and  
18 sentence forms for all adult felons; and (iii) conduct ongoing research  
19 regarding adult and juvenile sentencing guidelines, use of total  
20 confinement and alternatives to total confinement, plea bargaining, and  
21 other matters relating to the improvement of the adult criminal justice  
22 system and the juvenile justice system;

23 (e) Assume the powers and duties of the juvenile disposition  
24 standards commission after June 30, 1996;

25 (f) Evaluate the effectiveness of existing disposition standards  
26 and related statutes in implementing policies set forth in RCW  
27 13.40.010 generally, specifically review the guidelines relating to the  
28 confinement of minor and first-time offenders as well as the use of  
29 diversion, and review the application of current and proposed juvenile  
30 sentencing standards and guidelines for potential adverse impacts on  
31 the sentencing outcomes of racial and ethnic minority youth;

32 (g) Solicit the comments and suggestions of the juvenile justice  
33 community concerning disposition standards, and make recommendations to  
34 the legislature regarding revisions or modifications of the standards.  
35 The evaluations shall be submitted to the legislature on December 1 of  
36 each odd-numbered year. The department of social and health services  
37 shall provide the commission with available data concerning the  
38 implementation of the disposition standards and related statutes and

1 their effect on the performance of the department's responsibilities  
2 relating to juvenile offenders, and with recommendations for  
3 modification of the disposition standards. The administrative office  
4 of the courts shall provide the commission with available data on  
5 diversion, including the use of youth court programs, and dispositions  
6 of juvenile offenders under chapter 13.40 RCW; and

7 (h) Not later than December 1, 1997, and at least every two years  
8 thereafter, based on available information, report to the governor and  
9 the legislature on:

10 (i) Racial disproportionality in juvenile and adult sentencing,  
11 and, if available, the impact that diversions, such as youth courts,  
12 have on racial disproportionality in juvenile prosecution,  
13 adjudication, and sentencing;

14 (ii) The capacity of state and local juvenile and adult facilities  
15 and resources; and

16 (iii) Recidivism information on adult and juvenile offenders.

17 (3) Each of the commission's recommended standard sentence ranges  
18 shall include one or more of the following: Total confinement, partial  
19 confinement, community supervision, community restitution, and a fine.

20 (4) The standard sentence ranges of total and partial confinement  
21 under this chapter, except as provided in RCW 9.94A.517, are subject to  
22 the following limitations:

23 (a) If the maximum term in the range is one year or less, the  
24 minimum term in the range shall be no less than one-third of the  
25 maximum term in the range, except that if the maximum term in the range  
26 is ninety days or less, the minimum term may be less than one-third of  
27 the maximum;

28 (b) If the maximum term in the range is greater than one year, the  
29 minimum term in the range shall be no less than seventy-five percent of  
30 the maximum term in the range, except that for murder in the second  
31 degree in seriousness level XIV under RCW 9.94A.510, the minimum term  
32 in the range shall be no less than fifty percent of the maximum term in  
33 the range; and

34 (c) The maximum term of confinement in a range may not exceed the  
35 statutory maximum for the crime as provided in RCW 9A.20.021.

36 (5)(a) Not later than December 31, 1999, the commission shall  
37 propose to the legislature the initial community custody ranges to be  
38 included in sentences under RCW 9.94A.715 for crimes committed on or

1 after July 1, 2000. Not later than December 31 of each year, the  
2 commission may propose modifications to the ranges. The ranges shall  
3 be based on the principles in RCW 9.94A.010, and shall take into  
4 account the funds available to the department for community custody.  
5 The minimum term in each range shall not be less than one-half of the  
6 maximum term.

7 (b) The legislature may, by enactment of a legislative bill, adopt  
8 or modify the community custody ranges proposed by the commission. If  
9 the legislature fails to adopt or modify the initial ranges in its next  
10 regular session after they are proposed, the proposed ranges shall take  
11 effect without legislative approval for crimes committed on or after  
12 July 1, 2000.

13 (c) When the commission proposes modifications to ranges pursuant  
14 to this subsection, the legislature may, by enactment of a bill, adopt  
15 or modify the ranges proposed by the commission for crimes committed on  
16 or after July 1 of the year after they were proposed. Unless the  
17 legislature adopts or modifies the commission's proposal in its next  
18 regular session, the proposed ranges shall not take effect.

19 (6) The commission shall review existing Revised Code of Washington  
20 statutes of limitation for all sex offenses as defined in RCW  
21 9.94A.030, for both civil and criminal proceedings. Not later than  
22 December 31, 2008, the commission shall report to the legislature on  
23 any recommendations for changes to the existing statutes of limitation  
24 for any sex offense.

25 (7) The commission shall exercise its duties under this section in  
26 conformity with chapter 34.05 RCW.

--- END ---