# Washington State Criminal Sentencing Task Force Meeting

August 5, 2021 1:00pm-4:30pm

ZOOM Meeting

Agenda

## Meeting Goals

- Task Force introductions and updates.
- Debrief and reflections on July Task Force workshops. Revisit groundrules.
- Sentencing Grid Subgroup presentation and first offer of potential recommendations for Task Force input.

# Agenda

**1:00pm**
Review Agenda, Groundrules

**1:10pm**
Introductions and Updates

**1:40pm**
Debrief and Task Force Reflections on July Workshops – Revisit Groundrules

**2:00pm**
Sentencing Grid Subgroup Presentation – First Offer of Potential Recommendations

**2:45pm**
BREAK

**3:00pm**
Discussion and Input on First Offer Recommendations

**4:15pm**
Questions from Observers

**4:30pm**
Adjourn

# ZOOM: Virtual Meeting Groundrules

**Chat:** We have disabled the private chat function to adhere to your groundrule of no side conversations.

*****If you want to chat to the facilitators or pass along info to the Task Force, please send your chat to Molly Stenovec, who is monitoring the chat.**

**Phone Participation:** For those only on via phone, we will facilitate discussion similar to in-person meetings. During discussion, we will start w/Task Force members "in the room" and then those on phone.

# ZOOM: Virtual Meeting Groundrules

**When you want to speak:** To avoid talking over one another, we ask that those on video use the "raise your hand function". The Facilitation Team will monitor this and call on folks individually, similar to how we use table tents during in-person meetings.

To access the "raise your hand function":

Click on the "reactions" icon. Then "raise hand" button.

To lower "raised hand": click "reactions" icon.

Then "lower hand" button.

# Task Force Groundrules

## Criminal Sentencing Task Force Groundrules

- **Be Respectful**
  - One person speaks at a time; listen when others are speaking, avoid interrupting and side conversations.
  - Keep comments brief so everyone gets a chance to share their thoughts. Avoid dominating the discussion.
  - Hear and respect all opinions.
  - Silence cell phones and refrain from using laptops during the meeting, except to take notes.
- **Be Constructive**
  - Acknowledge that all participants bring with them legitimate purposes, goals, concerns, and interests, whether or not you are in agreement with them.
  - **Openly explore issues.**
  - Act in “good faith,” seeking to resolve conflicts and identify solutions.
  - State concerns and interests clearly, listen carefully to and assume the best in others. Leave negative assumptions and attitudes at the door.
  - **Share comments that are solution focused,** rather than repeating past discussions.
  - It’s OK to disagree, it is not OK to make personal attacks.
  - Minimize the use of jargon and acronyms, define and explain when used.
  - Work towards consensus. Be willing to compromise.
  - **Ask for clarification when uncertain** of what another person is saying. Ask questions rather than make assumptions.
- **Be Productive**
  - Begin and end meetings on time.
  - Respect time constraints.
  - Adhere to the agenda as much as possible, focusing on the subject at hand.

1:10-1:40pm

## Introductions

- **Members:** Please state name, affiliation, and constituency you represent on the Task Force.
- **Alternates:** Please state name, affiliation, and who you are an alternate for on the Task Force.

## Co-Chair Updates

## Sentencing Alternatives Work Group Updates

1:40–2:00pm

# Debrief and Task Force Reflections on July Workshops

# Revisit Groundrules

2:00–2:45pm

# Sentencing Grid Subgroup Presentation – First Offer Of Potential Recommendations

**The Sentencing Grid Subgroup is taking a three-pronged approach to address grid cell ranges, sentence lengths, and zones:**

1. Expanding and revising the southwest corner of the grid.
2. Addressing midrange OSL cells to avoid presumptive sentences that exceed statutory maximum of Class C and/or B felonies.
3. Ways to reduce excessively long sentences, while maintaining accountability for serious offenses.

| Offense Seriousness Level | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 9+ | Total A | Total B | Total C | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| XVI | Life sentence without parole/death penalty for individuals at over the age of 18. For those under the age of 18, a term of 25 years to life. | | | | | | | | | | | | |
| XV | 240-320 m | 250-333 m | 261-347 m | 271-361 m | 281-374 m | 291-388 m | 312-416 m | 338-450 m | 370-493 m | 411-548 m | 31 | 0 | 0 | |
| XIV | 123-220 m | 134-234 m | 144-244 m | 154-254 m | 165-265 m | 175-275 m | 195-295 m | 216-316 m | 257-357 m | 298-397 m | 32 | 0 | 0 | |
| XIII | 123-164 m | 134-178 m | 144-192 m | 154-205 m | 165-219 m | 175-233 m | 195-260 m | 216-288 m | 257-342 m | 298-397 m | 1 | 0 | 0 | |
| XII | 93-123 m | 102-136 m | 111-147 m | 120-160 m | 129-171 m | 138-184 m | 162-216 m | 178-236 m | 209-277 m | 240-318 m | 76 | 0 | 0 | |
| XI | 78-102 m | 86-114 m | 95-125 m | 102-136 m | 111-147 m | 120-158 m | 146-194 m | 159-211 m | 185-245 m | 210-280 m | 40 | 0 | 0 | |
| X | 51-68 m | 57-75 m | 62-82 m | 67-89 m | 72-96 m | 77-102 m | 98-130 m | 108-144 m | 129-171 m | 149-198 m | 22 | 3 | 0 | |
| IX | 31-41 m | 36-48 m | 41-54 m | 46-61 m | 51-68 m | 57-75 m | 77-102 m | 87-116 m | 108-144 m | 129-171 m | 171 | 33 | 0 | |
| VIII | 21-27 m | 26-34 m | 31-41 m | 36-48 m | 41-54 m | 46-61 m | 67-89 m | 77-102 m | 86-116 m | 108-144 | 17 | 40 | 0 | |
| VII | 15-20 m | 21-27 m | 26-34 m | 31-41 m | 36-48 m | 41-54 m | 57-75 m | 67-89 m | 77-102 m | 87-116 m | 79 | 338 | 0 | |
| VI | 12+-14 m | 15-20 m | 21-27 m | 26-34 m | 31-41 m | 36-48 m | 46-61 m | 57-75 m | 67-89 m | 77-102 m | 0 | 129 | 41 | |
| V | 6-12 m | 12+-14 m | 13-17 m | 15-20 m | 22-29 m | 33-43 m | 41-54 m | 51-68 m | 62-82 m | 72-96 m | 0 | 105 | 680 | 785 |
| IV | 3-9 m | 6-12 m | 12+-14 m | 13-17 m | 15-20 m | 22-29 m | 33-43 m | 43-57 m | 53-70 m | 63-84 m | 0 | 1888 | 90 | 1978 |
| III | 1-3 m | 3-8 m | 4-12 m | 9-12 m | 12+-16 m | 17-22 m | 22-29 m | 33-43 m | 43-57 m | 51-68 m | 0 | 1002 | 2721 | 3723 |
| II | 0-90 d | 2-6 m | 3-9 m | 4-12 m | 12+-14 m | 14-18 m | 17-22 m | 22-29 m | 33-43 m | 43-57 m | 0 | 1269 | 851 | 2120 |
| I | 0-60 d | 0-90 d | 2-5 m | 2-6 m | 3-8 m | 4-12 m | 12+ -14 m | 14-18 m | 17-22 m | 22-29 m | 0 | 1 | 2746 | 2747 |
| | | | | | | | | | | | 0 | 284 | 2241 | |

Lower ranges to expand jail eligibility
Lower ranges to not exceed stat max
Lower ranges systematically by X% to reduce excessive incarceration lengths

# Potential Rec. 1

*The current supervision model based on surveillance is insufficient, and changes to the grid are based on a broader paradigm shift focused on providing the appropriate treatment and resources for individuals placed in state custody. To sufficiently achieve those goals, changes to the grid must include concurrent changes to the DOC community custody approach to fully adopt the i-COACH model or to adopt a separate form of Community Reentry.*

- Reducing incarceration or increasing reentry services may increase the number of individuals on community supervision.
- Ensure that the model of community supervision is supportive rather than surveillance-based.

# Laws Informing Sentencing

## Current system:

**Statutory Maximum Sentences:**

- Class A felony offense – Life in Prison
- Class B felony offense – 10 years (120 months) in prison
- Class C felony offense – 5 years (60 months) in prison

**Offense Seriousness Level:**

- Not tied to felony class
- Ranges from 1-16
- Also 300+ unranked offenses

**Presumptive Sentencing Ranges:**

- Based on offense seriousness level and criminal history score.
- Sentences increase as seriousness level increases and as criminal history score increases.

Sometimes, these three sentencing structures contradict.

# Potential Rec. 2

**Purpose:** creating consistency in the placement of offenses into different seriousness levels, based on felony class.

*Move all felony class B offenses to no higher than OSL 9. Move all felony class C offenses to no higher than OSL 5. Include new legislative/statutory language specifying that:*

> *"Class C felony offenses may not exceed offense seriousness level 5. Class B felony offenses may not exceed offense seriousness level 9."*

*OR*

> *"Offenses may not be placed in an offense seriousness level if the maximum standard punishment for the maximum criminal history score exceeds the statutory maximum punishment for the offense."*

# Potential Rec. 2

**Purpose:** creating consistency in the placement of offenses into different seriousness levels based on felony class

Effects:

- *Reclassify criminal mistreatment 1, malicious explosion 3, and malicious placement of imitation device 1 to OSL9 or lower.*
- *Move theft of anhydrous ammonia, and 4 airbag offenses, malicious placement of imitation device 2, rape of a child 3, unlawful storage of anhydrous ammonia to OSL5 or lower.*

| Prison (FY19) | Non-Prison (FY19) | Offense Description | Class | Offense SL |
|---|---|---|---|---|
| 6 | | AGGRAVATED MURDER 1 | A | 16 |
| | | HOMICIDE BY ABUSE | A | 15 |
| | | MALICIOUS EXPLOSION 1 | A | 15 |
| 59 | | MURDER 1 | A | 15 |
| 60 | | MURDER 2 | A | 14 |
| | | TRAFFICKING 1ST DEGREE | A | 14 |
| | | MALICIOUS EXPLOSION 2 | A | 13 |
| | | MALICIOUS PLACEMENT OF EXPLOSIVES 1 | A | 13 |
| 81 | 1 | ASSAULT 1 | A | 12 |
| 2 | | ASSAULT OF A CHILD 1 | A | 12 |
| 4 | | COMMER SEX ABUSE A MINOR - PROMOTE | A | 12 |
| 10 | | RAPE 1 | A | 12 |
| 80 | 3 | RAPE OF A CHILD 1 | A | 12 |
| 2 | | TRAFFICKING 2ND DEGREE | A | 12 |
| | | MALICIOUS PLACEMENT OF IMITATION DEVICE 1 | B | 12 |
| 20 | | MANSLAUGHTER 1 | A | 11 |
| 20 | | RAPE 2 | A | 11 |
| 67 | | RAPE OF A CHILD 2 | A | 11 |
| 24 | | VEHICULAR HOMICIDE - DRUNK | A | 11 |
| 3 | | VEHICULAR HOMICIDE - RECKLESS | A | 11 |
| 104 | 3 | CHILD MOLEST 1 | A | 10 |
| 8 | | INDECENT LIBERTIES WITH FORCE | A | 10 |
| 12 | 1 | KIDNAPPING 1 | A | 10 |
| 2 | | LEADING ORGANIZED CRIME | A | 10 |
| | | SEXUALLY VIOLENT PREDATOR ESCAPE | A | 10 |
| 3 | | CRIMINAL MISTREATMENT 1 | B | 10 |
| | | MALICIOUS EXPLOSION 3 | B | 10 |

| Prison (FY19) | Non-Prison (FY19) | Offense Description | Class | Offense SL |
|---|---|---|---|---|
| 6 | | AGGRAVATED MURDER 1 | A | 16 |
| | | HOMICIDE BY ABUSE | A | 15 |
| | | MALICIOUS EXPLOSION 1 | A | 15 |
| 59 | | MURDER 1 | A | 15 |
| 60 | | MURDER 2 | A | 14 |
| | | TRAFFICKING 1ST DEGREE | A | 14 |
| | | MALICIOUS EXPLOSION 2 | A | 13 |
| | | MALICIOUS PLACEMENT OF E | A | 13 |
| 81 | 1 | ASSAULT 1 | A | 12 |
| 2 | | ASSAULT OF A CHILD 1 | A | 12 |
| 4 | | COMMER SEX ABUSE A MINO | A | 12 |
| 10 | | RAPE 1 | A | 12 |
| 80 | 3 | RAPE OF A CHILD 1 | A | 12 |
| 2 | | TRAFFICKING 2ND DEGREE | A | 12 |
| | | MALICIOUS PLACEMENT OF IMITATION DEVICE 1 | B | 12 |
| 20 | | MANSLAUGHTER 1 | A | 11 |
| 20 | | RAPE 2 | A | 11 |
| 67 | | RAPE OF A CHILD 2 | A | 11 |
| 24 | | VEHICULAR HOMICIDE - DRUNK | A | 11 |
| 3 | | VEHICULAR HOMICIDE - RECKLESS | A | 11 |
| 104 | 3 | CHILD MOLEST 1 | A | 10 |
| 8 | | INDECENT LIBERTIES WITH FORCE | A | 10 |
| 12 | 1 | KIDNAPPING 1 | A | 10 |
| 2 | | LEADING ORGANIZED CRIME | A | 10 |
| | | SEXUALLY VIOLENT PREDATOR ESCAPE | A | 10 |
| 3 | | CRIMINAL MISTREATMENT 1 | B | 10 |
| | | MALICIOUS EXPLOSION 3 | B | 10 |

**Reducing three offenses to seriousness level 9 makes seriousness levels 10-16 limited to only Class A felony offenses.**

| Prison (FY19) | Non-Prison (FY19) | Offense Description | Class | Offense SL |
|---|---|---|---|---|
| 13 | 2 | ARSON 1 | A | 8 |
| | | HOMICIDE BY WATERCRAFT-RECKLESS | A | 8 |
| 20 | | COMMER SEX ABUSE A MINOR | B | 8 |
| 22 | 2 | MANSLAUGHTER 2 | B | 8 |
| 1 | | PROMOTING PROSTITUTION 1 | B | 8 |
| | | THEFT OF ANHYDROUS AMMONIA | C | 8 |
| 71 | 1 | BURGLARY 1 | A | 7 |
| | | HOMICIDE BY WATERCRAFT-DISREGARD SAFETY | A | 7 |
| | | USE MACHINE GUN OR BUMP-FIRE STOCK IN COMMISSION OF A FELONY | A | 7 |
| 18 | 1 | VEHICULAR HOMICIDE - DISREGARD SAFETY OF OTHERS* | A | 7 |
| 88 | 10 | CHILD MOLEST 2 | B | 7 |
| | | CIVIL DISORDER TRAINING | B | 7 |
| 16 | | DEALING DEPICTIONS OF A MINOR 1ST DEGREE | B | 7 |
| 24 | 2 | DRIVE-BY-SHOOTING | B | 7 |
| | | FALSE REPORTING 1 *(EFFECTIVE 6/11/2020)* | B | 7 |
| 30 | 4 | INDECENT LIBERTIES W/O FORCE | B | 7 |
| 1 | | INTRODUCING CONTRABAND 1 | B | 7 |
| | | MALICIOUS PLACEMENT OF EXPLOSIVES 3 | B | 7 |
| | | NEGLIGENTLY CAUSING DEATH BY USE OF A SIGNAL PREEMPTION DEVICE | B | 7 |
| | | SEND/BRING SEXUAL DEPICTIONS OF MINOR 1ST DEGREE | B | 7 |
| 209 | 6 | UNLAWFUL POSSESSION OF FIREARM 1 | B | 7 |
| | | AIR BAG DIAGNOSTIC SYSTEMS (CAUSING BODILY INJURY OR DEATH) | C | 7 |
| | | AIR BAG REPLACEMENT REQUIREMENTS (CAUSING BODILY INJURY OR DEATH) | C | 7 |
| | | MANUFACTURE OR IMPORT COUNTERFEIT, NONFUNCTIONAL, DAMAGED, OR PREVIOUSLY DELPLOYED AIRBAG (CAUSING BODILY INJURY OR DEATH) | C | 7 |
| | | SELL, INSTALL, OR REINSTALL COUNTERFEIT, NONFUNCTIONAL, DAMAGED, OR PREVIOUSLY DELPLOYED AIRBAG (CAUSING BODILY INJURY OR DEATH) | C | 7 |
| | | BAIL JUMP WITH MURDER 1 | A | 6 |
| 1 | | BRIBERY | B | 6 |
| 8 | 4 | INCEST 1 | B | 6 |
| 2 | 2 | INTIMIDATING A JUDGE | B | 6 |
| | | INTIMIDATING A JUROR | B | 6 |
| 12 | 1 | INTIMIDATING A WITNESS | B | 6 |
| 55 | 1 | POSS OF DEPICTION OF MINOR 1ST DEGREE | B | 6 |
| 3 | 1 | THEFT FROM A VULNERABLE ADULT 1 | B | 6 |
| 47 | 26 | THEFT OF A FIREARM | B | 6 |
| | | MALICIOUS PLACEMENT OF IMITATION DEVICE 2 | C | 6 |
| 42 | 8 | RAPE OF A CHILD 3 | C | 6 |
| | | UNLAWFUL STORAGE OF ANHYDROUS AMMONIA | C | 6 |

| Prison (FY19) | Non-Prison (FY19) | Offense Description | Class | Offense SL |
|---|---|---|---|---|
| 13 | 2 | ARSON 1 | A | 8 |
| | | HOMICIDE BY WATERCRAFT-RECKLESS | A | 8 |
| 20 | | COMMER SEX ABUSE A MINOR | B | 8 |
| 22 | 2 | MANSLAUGHTER 2 | B | 8 |
| 1 | | PROMOTING PROSTITUTION 1 | B | 8 |
| | | THEFT OF ANHYDROUS AMMONIA | C | 8 |
| 71 | 1 | BURGLARY 1 | A | 7 |
| | | HOMICIDE BY WATERCRAFT-DISREGARD SAFETY | A | 7 |
| | | USE MACHINE GUN OR BUMP-FIRE STOCK IN C | A | 7 |
| 18 | 1 | VEHICULAR HOMICIDE - DISREGARD SAFETY OF | A | 7 |
| 88 | 10 | CHILD MOLEST 2 | B | 7 |
| | | CIVIL DISORDER TRAINING | B | 7 |
| 16 | | DEALING DEPICTIONS OF A MINOR 1ST DEGREE | B | 7 |
| 24 | 2 | DRIVE-BY-SHOOTING | B | 7 |
| | | FALSE REPORTING 1 *(EFFECTIVE 6/11/2020)* | B | 7 |
| 30 | 4 | INDECENT LIBERTIES W/O FORCE | B | 7 |
| 1 | | INTRODUCING CONTRABAND 1 | B | 7 |
| | | MALICIOUS PLACEMENT OF EXPLOSIVES 3 | B | 7 |
| | | NEGLIGENTLY CAUSING DEATH BY USE OF A SIG | B | 7 |
| | | SEND/BRING SEXUAL DEPICTIONS OF MINOR 1ST DEGREE | B | 7 |
| 209 | 6 | UNLAWFUL POSSESSION OF FIREARM 1 | B | 7 |
| | | AIR BAG DIAGNOSTIC SYSTEMS (CAUSING BODILY INJURY OR DEATH) | C | 7 |
| | | AIR BAG REPLACEMENT REQUIREMENTS (CAUSING BODILY INJURY OR DEATH) | C | 7 |
| | | MANUFACTURE OR IMPORT COUNTERFEIT, NONFUNCTIONAL, DAMAGED, OR PREVIOUSLY DELPLOYED AIRBAG (CAUSING BODILY INJURY OR DEATH) | C | 7 |
| | | SELL, INSTALL, OR REINSTALL COUNTERFEIT, NONFUNCTIONAL, DAMAGED, OR PREVIOUSLY DELPLOYED AIRBAG (CAUSING BODILY INJURY OR DEATH) | C | 7 |
| | | BAIL JUMP WITH MURDER 1 | A | 6 |
| 1 | | BRIBERY | B | 6 |
| 8 | 4 | INCEST 1 | B | 6 |
| 2 | 2 | INTIMIDATING A JUDGE | B | 6 |
| | | INTIMIDATING A JUROR | B | 6 |
| 12 | 1 | INTIMIDATING A WITNESS | B | 6 |
| 55 | 1 | POSS OF DEPICTION OF MINOR 1ST DEGREE | B | 6 |
| 3 | 1 | THEFT FROM A VULNERABLE ADULT 1 | B | 6 |
| 47 | 26 | THEFT OF A FIREARM | B | 6 |
| | | MALICIOUS PLACEMENT OF IMITATION DEVICE 2 | C | 6 |
| 42 | 8 | RAPE OF A CHILD 3 | C | 6 |
| | | UNLAWFUL STORAGE OF ANHYDROUS AMMONIA | C | 6 |

**Reducing eight offenses to seriousness level 5 makes seriousness levels 6 - 9 limited to only Class A and B felony offenses.**

# Results of Rec 2

**Colors are illustrative only. Felony class would not be added to the grid, but the language in the recommendation would functionally sort offenses in OSL by felony class.**

**Increases consistency between felony class and OSL.**

| | Offense Seriousness Level | 0 | 1 | 2 | 3 | | | | | | 9+ |
|---|---|---|---|---|---|---|---|---|---|---|---|
| CLASS A | XVI | Life sentence without parole/death penalty for individuals at | | | | | | | | | |
| | XV | 240-320 m | 250-333 m | 261-347 m | 271-361 m | 281-37 | | | | | m |
| | XIV | 123-220 m | 134-234 m | 144-244 m | 154-254 m | 165-26 | | | | | m |
| | XIII | 123-164 m | 134-178 m | 144-192 m | 154-205 m | 165-21 | | | | | m |
| | XII | 93-123 m | 102-136 m | 111-147 m | 120-160 m | 129-17 | | | | | m |
| | XI | 78-102 m | 86-114 m | 95-125 m | 102-136 m | 111-147 m | 120-158 m | 146-194 m | 159-211 m | 185-245 m | 210-280 m |
| | X | 51-68 m | 57-75 m | 62-82 m | 67-89 m | 72-96 m | 77-102 m | 98-130 m | 108-144 m | 129-171 m | 149-198 m |
| CLASS A & B | IX | 31-41 m | 36-48 m | 41-54 m | 46-61 m | 51-68 m | 57-75 m | 77-102 m | 87-116 m | 108-144 m | 129-171 m |
| | VIII | 21-27 m | 26-34 m | 31-41 m | 36-48 m | 41-54 m | 46-61 m | 67-89 m | 77-102 m | 86-116 m | 108-144 |
| | VII | 15-20 m | 21-27 m | 26-34 m | 31-41 m | 36-48 m | 41-54 m | 57-75 m | 67-89 m | 77-102 m | 87-116 m |
| | VI | 12+-14 m | 15-20 m | 21-27 m | 26-34 m | 31-41 m | 36-48 m | 46-61 m | 57-75 m | 67-89 m | 77-102 m |
| CLASS A, B, & C | V | | 12+-14 m | 13-17 m | 15-20 m | 22-29 m | 33-43 m | 41-54 m | 51-68 m | 62-82 m | 72-96 m |
| | IV | | | 12+-14 m | 13-17 m | 15-20 m | 22-29 m | 33-43 m | 43-57 m | 53-70 m | 63-84 m |
| | III | | | | 9-12 m | 12+-16 m | 17-22 m | 22-29 m | 33-43 m | 43-57 m | 51-68 m |
| | II | | | | | 12+-14 m | 14-18 m | 17-22 m | 22-29 m | 33-43 m | 43-57 m |
| | I | | | | | | | 12+ -14 m | 14-18 m | 17-22 m | 22-29 m |

# Potential Rec. 2

## Purpose: creating consistency in the placement of offenses into different seriousness levels based on felony class

*Move all felony class B offenses to no higher than OSL 9. Move all felony class C offenses to no higher than OSL 5. Include new legislative/statutory language specifying that:*

> *"Class C felony offenses may not exceed offense seriousness level 5. Class B felony offenses may not exceed offense seriousness level 9."*

*OR*

> *"Offenses may not be placed in an offense seriousness level if the maximum standard punishment for the maximum criminal history score exceeds the statutory maximum punishment for the offense."*

**Statutory language helps make changes durable to future legislative decisions. However, legislature could decide to increase felony classes in order to make an offense fit a particular OSL.**

# Potential Rec. 3

*The  statutory maximum for class C and class B felonies is 5 and 10 years, respectively. Washington's current grid contains several cells where the courts are unable to sentence some crimes within the full or partial range because they are greater than the statutory maximum.*

*To address cells where the presumptive sentencing range exceeds the statutory maximum for class C and class B felonies, make maximum of the range in CHS 9+ for OSL V 54 months and for OSL IX 108 months.*

| Offense Seriousness Level | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9+ | Total A | Total B | Total C | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **XVI** | Life sentence without parole/death penalty for individuals at over the age of 18. For those under the age of 18, a term of 25 years to life. | | | | | | | | | | | | | |
| **XV** | 240-320 m | 250-333 m | 261-347 m | 271-361 m | 281-374 m | 291-388 m | 312-416 m | 338-450 m | 370-493 m | 411-548 m | 31 | 0 | 0 | |
| **XIV** | 123-220 m | 134-234 m | 144-244 m | 154-254 m | 165- | | -316 m | 257-357 m | 298-397 m | | 32 | 0 | 0 | |
| **XIII** | 123-164 m | 134-178 m | 144-192 m | 154-205 m | 165- | | -288 m | 257-342 m | 298-397 m | | 1 | 0 | 0 | |
| **XII** | 93-123 m | 102-136 m | 111-147 m | 120-160 m | 129- | | -236 m | 209-277 m | 240-318 m | | 76 | 0 | 0 | |
| **XI** | 78-102 m | 86-114 m | 95-125 m | 102-136 m | 111- | | -211 m | 185-245 m | 210-280 m | | 40 | 0 | 0 | |
| **X** | 51-68 m | 57-75 m | 62-82 m | 67-89 m | 72-9 | | -144 m | 129-171 m | 149-198 m | | 22 | ~~3~~ | 0 | |
| **IX** | 31-41 m | 36-48 m | 41-54 m | 46-61 m | 51-68 m | 57-75 m | 77-102 m | 87-116 m | 108-144 m | 129-171 m | 171 | 33 | 0 | |
| **VIII** | 21-27 m | 26-34 m | 31-41 m | 36-48 | | | m | 77-102 m | 86-116 m | 108-144 | 17 | 40 | 0 | |
| **VII** | 15-20 m | 21-27 m | 26-34 m | 31-41 | | | m | 67-89 m | 77-102 m | 87-116 m | 79 | 338 | 0 | |
| **VI** | 12+-14 m | 15-20 m | 21-27 m | 26-34 | | | m | 57-75 m | 67-89 m | 77-102 m | 0 | 129 | ~~41~~ | |
| **V** | 6-12 m | 12+-14 m | 13-17 m | 15-20 | | | m | 51-68 m | 62-82 m | 72-96 m | 0 | 105 | 680 | 785 |
| **IV** | 6-9 m | 6-12 m | 12+-14 m | 13-17 m | 15-20 m | 22-29 m | 33-43 m | 43-57 m | 53-70 m | 63-84 m | 0 | 1888 | 90 | 1978 |
| **III** | 2-9 m | 2-9 m | 6-12 m | 9-12 m | 12+-16 m | 17-22 m | 22-29 m | 33-43 m | 43-57 m | 51-68 m | 0 | 1002 | 2721 | 3723 |
| **II** | 0-9 m | 2-9 m | 3-9 m | 6-12 m | 12+-14 m | 14-18 m | 17-22 m | 22-29 m | 33-43 m | 43-57 m | 0 | 1269 | 851 | 2120 |
| **I** | 0-9 m | 0-9 m | 2-9 m | 2-9 m | 3-9 m | 6-12 m | 12+ -14 m | 14-18 m | 17-22 m | 22-29 m | 0 | 1 | 2746 | 2747 |

**Class B stat max is 120 months. (assumes changes under Rec 2 with no class B offenses above OSL IX)**

**Class C stat max is 60 months. (assumes changes under Rec. 2 with no class C offenses above OSL V)**

| Offense Seriousness Level | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9+ | Total A | Total B | Total C | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **XVI** | Life sentence without parole/death penalty for individuals at over the age of 18. For those under the age of 18, a term of 25 years to life. | | | | | | | | | | | | | |
| **XV** | 240-320 m | 250-333 m | 261-347 m | 271-361 m | 281-374 m | 291-388 m | 312-416 m | 338-450 m | 370-493 m | 411-548 m | 31 | 0 | 0 | |
| **XIV** | 123-220 m | 134-234 m | 144-244 m | 154-254 m | 165- | | -316 m | 257-357 m | 298-397 m | | 32 | 0 | 0 | |
| **XIII** | 123-164 m | 134-178 m | 144-192 m | 154-205 m | 165- | | -288 m | 257-342 m | 298-397 m | | 1 | 0 | 0 | |
| **XII** | 93-123 m | 102-136 m | 111-147 m | 120-160 m | 129- | | -236 m | 209-277 m | 240-318 m | | 76 | 0 | 0 | |
| **XI** | 78-102 m | 86-114 m | 95-125 m | 102-136 m | 111-147 m | 120-158 m | 146-194 m | 159-211 m | 185-245 m | 210-280 m | 40 | 0 | 0 | |
| **X** | 51-68 m | 57-75 m | 62-82 m | 67-89 m | 72-96 m | 77-102 m | 98-130 m | 108-144 m | 129-171 m | 149-198 m | 22 | ~~3~~ | 0 | |
| **IX** | 31-41 m | 36-48 m | 41-54 m | 46-61 m | 51-68 m | 57-75 m | 77-102 m | 87-116 m | 108-144 m | **129-171 m** | 171 | 33 | 0 | |
| **VIII** | 21-27 m | 26-34 m | 31-41 m | 36-48 | | m | 77-102 m | 86-116 m | 108-144 | | 17 | 40 | 0 | |
| **VII** | 15-20 m | 21-27 m | 26-34 m | 31-41 | | m | 67-89 m | 77-102 m | 87-116 m | | 79 | 338 | 0 | |
| **VI** | 12+-14 m | 15-20 m | 21-27 m | 26-34 | | m | 57-75 m | 67-89 m | 77-102 m | | 0 | 129 | ~~41~~ | |
| **V** | 6-12 m | 12+-14 m | 13-17 m | 15-20 m | 22-29 m | 33-43 m | 41-54 m | 51-68 m | 62-82 m | **72-96 m** | 0 | 105 | 680 | 785 |
| **IV** | 2-9 m | 6-12 m | 12+-14 m | 13-17 m | 15-20 m | 22-29 m | 33-43 m | 43-57 m | 53-70 m | 63-84 m | 0 | 1888 | 90 | 1978 |
| **III** | 2-9 m | 2-9 m | 6-12 m | 9-12 m | 12+-16 m | 17-22 m | 22-29 m | 33-43 m | 43-57 m | 51-68 m | 0 | 1002 | 2721 | 3723 |
| **II** | 0-9 m | 2-9 m | 6-9 m | 6-12 m | 12+-14 m | 14-18 m | 17-22 m | 22-29 m | 33-43 m | 43-57 m | 0 | 1269 | 851 | 2120 |
| **I** | 0-9 m | 0-9 m | 2-9 m | 2-9 m | 3-9 m | 6-12 m | 12+ -14 m | 14-18 m | 17-22 m | 22-29 m | 0 | 1 | 2746 | 2747 |

**Recommendation reduces the highest punishment to 108.**

**Recommendation reduces the highest punishment to 54.**

# Potential Rec. 3

*The statutory maximum for class C and class B felonies is 5 and 10 years, respectively. Washington's current grid contains several cells where the courts are unable to sentence some crimes within the full or partial range because they are greater than the statutory maximum.*

*To address cells where the presumptive sentencing range exceeds the statutory maximum for class C and class B felonies, make maximum of the range in CHS 9+ for OSL V 54 months and for OSL IX 108 months.*

## Effects:

- Allows for up to 6 months community custody or aggravated sentence for class C felonies
- Allows for up to 12 months community custody or aggravated sentence for class B felonies
- Would reduce the standard ranges for sentences at OSL 9 or lower.

# Potential Rec. 4

*Establish a sunset committee that reviews offenses that have not been sentenced in the last 5-10-20 years for potential elimination from the criminal code.*

**Justifications:**

- Need to simplify the criminal code.
- Eliminate offenses that were created as the result of particular incidents that are extremely rare and have not since reoccurred or are no longer applicable.
- We have methods of creating new crimes, but no standard method of eliminating outdated crimes.

# Potential Rec. 5

*Require ongoing monitoring and larger, more in-depth statistical reviews after the first few years.*

**Justifications:**

- Need to provide a way to monitor the effects of implementation on an ongoing basis rather than once every 40 years.
- If early implementation indicates unintended consequences or exacerbation of racial disproportionality, ongoing monitoring will allow for more timely reforms to address concerns.
- Value in both ongoing monitoring and occasional, wholistic reviews (e.g., basic annual reports and larger reports every 5-10 years to assess patterns that have insufficient sample sizes on an individual year-over-year basis).

2:45-3:00pm

# BREAK

3:00–4:15pm

# Task Force Discussion, Questions, and Input on Potential Recommendations

4:15 – 4:30pm

# Questions from Observers

4:30pm

# ADJOURN

| Offense Seriousness Level | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9+ | Total A | Total B | Total C | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **XVI** | Life sentence without parole/death penalty for inc | | | | | | der the age of 18, a term of 25 years to life. | | | | | | | |
| **XV** | 240-320 m | 250-333 m | 261-347 m | 271-361 | | | m | 338-450 m | 370-493 m | 411-548 m | 31 | 0 | 0 | |
| **XIV** | 123-220 m | 134-234 m | 144-244 m | 154-254 | | | m | 216-316 m | 257-357 m | 298-397 m | 32 | 0 | 0 | |
| **XIII** | 123-164 m | 134-178 m | 144-192 m | 154-205 | | | m | 216-288 m | 257-342 m | 298-397 m | 1 | 0 | 0 | |
| **XII** | 93-123 m | 102-136 m | 111-147 m | 120-160 | | | m | 178-236 m | 209-277 m | 240-318 m | 76 | 0 | 0 | |
| **XI** | 78-102 m | 86-114 m | 95-125 m | 102-136 m | 111-147 m | 120-158 m | 146-194 m | 159-211 m | 185-245 m | 210-280 m | 40 | 0 | 0 | |
| **X** | 51-68 m | 57- | | | | m | 98-130 m | 108-144 m | 129-171 m | 149-198 m | 22 | 3 | 0 | |
| **IX** | 31-41 m | 36- | | | | n | 77-102 m | 87-116 m | 108-144 m | 129-171 m | 171 | 33 | 0 | |
| **VIII** | 21-27 m | 26- | | | | n | 67-89 m | 77-102 m | 86-116 m | 108-144 | 17 | 40 | 0 | |
| **VII** | 15-20 m | 21- | | | | n | 57-75 m | 67-89 m | 77-102 m | 87-116 m | 79 | 338 | 0 | |
| **VI** | 12+-14 m | 15-20 m | 21-27 m | 26-34 m | 31-41 m | 36-48 m | 46-61 m | 57-75 m | 67-89 m | 77-102 m | 0 | 129 | 41 | |
| **V** | [illegible] | 12+-14 m | 13-17 m | 15-20 m | 22-29 m | 33-43 m | 41-54 m | 51-68 m | 62-82 m | 72-96 m | 0 | 105 | 680 | 785 |
| **IV** | [illegible] | [illegible] | 12+-14 m | 13-17 m | 15-20 m | 22-29 m | 33-43 m | 43-57 m | 53-70 m | 63-84 m | 0 | 1888 | 90 | 1978 |
| **III** | [illegible] | [illegible] | [illegible] | 9-12 m | 12+-16 m | 17-22 m | 22-29 m | 33-43 m | 43-57 m | 51-68 m | 0 | 1002 | 2721 | 3723 |
| **II** | [illegible] | [illegible] | [illegible] | [illegible] | 12+-14 m | 14-18 m | 17-22 m | 22-29 m | 33-43 m | 43-57 m | 0 | 1269 | 851 | 2120 |
| **I** | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | 12+ -14 m | 14-18 m | 17-22 m | 22-29 m | 0 | 1 | 2746 | 2747 |

**Class B stat max is 120 months. (assumes no changes under Rec 2 with no class B offenses above OSL X)**

**Class C stat max is 60 months. (assumes no changes under Rec. 2 with no class C offenses above OSL VI)**

| Offense Seriousness Level | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9+ | Total A | Total B | Total C | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **XVI** | Life sentence without parole/death penalty for individuals at over the age of 18. For those under the age of 18, a term of 25 years to life. | | | | | | | | | | | | | |
| **XV** | 240-320 m | 250-333 m | 261-347 m | 271-361 m | 281-374 m | [illegible] | [illegible] | [illegible] | 370-493 m | 411-548 m | 31 | 0 | 0 | |
| **XIV** | 123-220 m | 134-234 m | 144-244 m | 154-254 m | 165-265 m | [illegible] | [illegible] | [illegible] | 257-357 m | 298-397 m | 32 | 0 | 0 | |
| **XIII** | 123-164 m | 134-178 m | 144-192 m | 154-205 m | 165-219 m | [illegible] | [illegible] | [illegible] | 257-342 m | 298-397 m | 1 | 0 | 0 | |
| **XII** | 93-123 m | 102-136 m | 111-147 m | 120-160 m | 129-171 m | 138-184 m | 162-216 m | 178-236 m | 209-277 m | 240-318 m | 76 | 0 | 0 | |
| **XI** | 78-102 m | 86-114 m | 95-125 m | 102-136 m | 111-147 m | 120-158 m | 146-194 m | 159-211 m | 185-245 m | 210-280 m | 40 | 0 | 0 | |
| **X** | 51-68 m | 57-75 m | 62-82 m | 67-89 m | 72-96 m | 77-102 m | 98-130 m | 108-144 m | 129-171 m | **149-198 m** | 22 | 3 | 0 | |
| **IX** | 31-41 m | 36-48 m | 41-[illegible] | [illegible] | [illegible] | [illegible] | [illegible] m | 87-116 m | 108-144 m | 129-171 m | 171 | 33 | 0 | |
| **VIII** | 21-27 m | 26-34 m | 31-[illegible] | [illegible] | [illegible] | [illegible] | [illegible] m | 77-102 m | 86-116 m | 108-144 | 17 | 40 | 0 | |
| **VII** | 15-20 m | 21-27 m | 26-34 m | 31-41 m | 36-48 m | 41-54 m | 57-75 m | 67-89 m | 77-102 m | 87-116 m | 79 | 338 | 0 | |
| **VI** | 12+-14 m | 15-20 m | 21-27 m | 26-34 m | 31-41 m | 36-48 m | 46-61 m | 57-75 m | 67-89 m | **77-102 m** | 0 | 129 | 41 | |
| **V** | [illegible] | 12+-14 m | 13-17 m | 15-20 m | 22-29 m | 33-43 m | 41-54 m | 51-68 m | 62-82 m | 72-96 m | 0 | 105 | 680 | 785 |
| **IV** | [illegible] | [illegible] | 12+-14 m | 13-17 m | 15-20 m | 22-29 m | 33-43 m | 43-57 m | 53-70 m | 63-84 m | 0 | 1888 | 90 | 1978 |
| **III** | [illegible] | [illegible] | [illegible] | 9-12 m | 12+-16 m | 17-22 m | 22-29 m | 33-43 m | 43-57 m | 51-68 m | 0 | 1002 | 2721 | 3723 |
| **II** | [illegible] | [illegible] | [illegible] | [illegible] | 12+-14 m | 14-18 m | 17-22 m | 22-29 m | 33-43 m | 43-57 m | 0 | 1269 | 851 | 2120 |
| **I** | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | 12+ -14 m | 14-18 m | 17-22 m | 22-29 m | 0 | 1 | 2746 | 2747 |

**Recommendation reduces the highest punishment to 108.**

**Recommendation reduces the highest punishment to 54.**