

10:15 -
11:30am

Potential Recommendation 33: Offense Classification Proposal

Brief Reminder

- Felonies defined in Title 9A RCW have a “class”
 - Class A
 - Class B
 - Class C
- Severity of the offense may determine the class of felony. In WA Class A is the most serious.
- The class of an offense drops to a class lower if it is an anticipatory (attempt, conspiracy, or solicitation) offense, with a few exceptions.
- Some felony offenses are grouped by a specific definition into categories (which are not mutually exclusive) for example:
 - Sex Offenses
 - Serious Violent Offenses
 - Violent Offenses
 - Crimes Against a Person
 - Drug Offenses
 - Violation of the Controlled Substance Act

Brief Reminder

- Offense Seriousness Level: WA also uses sentencing levels based on the seriousness of the offense.
- Some felonies have an Offense Seriousness Level assigned - “ranked”
- Offenses that are not assigned a seriousness level are considered “unranked” offenses.
- The sentence range for all unranked felonies (regardless of whether they are a Class A, B, or C) is 0 to 12 months.
- The majority of felony offenses are unranked - There are over 300 unranked felony offenses.
- House Public Safety Committee requested the SGC “to examine ‘unranked’ felony offenses and make recommendations as to which of those offenses should be ranked on the adult felony sentencing grid, and which offenses could be advisably repealed”.

Some of the Functions Related to Offense Classification

Statutory Maximum Term
Washout Period
Vacation of Record
Violent Offense Status
Offense Severity (to certain extent)
Sex Offense Registration
Most Serious Offense
Mandatory Remand
Anticipatory

Reducing Complexity and Improving Effectiveness

- Many of the potential recommendations developed so far seek to better align and tighten the connections between offense class, stat max, and sentencing ranges.
- The Grid Subgroup has looked at whether it made sense to also try to tighten the connection between all functions of offense classification, i.e. stat max, washout, violent status, offense vacation, etc.

Current Grid, Current laws										
OSL	Class	In Years				Attempt/ Solicitation	Conspiracy	Violent	Most Serious Offense^	Mandatory Remand^^
16	A	Life	Life	NA	Life			SV	Any Class A	Any Class A w/Sex Mot
15	A	Life	Life	NA	Life	A/B	A/B	SV/V	Any Class A	Any Class A w/Sex Mot
14	A	Life	Life	NA	Life	A/B	B	SV	Any Class A	Any Class A w/Sex Mot
13	A	Life	Life	NA	Life	B	B	V	Any Class A	Any Class A w/Sex Mot
12	A/B	Life/10	Life/10	NA/10	Life/15	A/B/C	B/C	SV/V	Any Class A/B w/Sex Mot	Any Class A/B w/Sex Mot
11	A	Life	Life	NA	Life	A/B	B	SV/V	Any Class A	Any Class A w/Sex Mot
10	A/B	Life/10	Life/10	NA/10	Life/15	A/B/C	B/C	SV/V/NV	Any Class A/B w/Sex Mot	Any Class A/B w/Sex Mot
9	A/B	Life/10	Life/10	NA/10	Life/15	B/C	B/C	V/NV	Any Class A/B w/Sex Mot	Any Class A/B w/Sex Mot
8	A/B/C	Life/10/5	Life/10/5	NA/10/5	Life/15/5	B/C/GM	B/C/GM	V/NV	Any Class A/B w/Sex Mot	Any Class A/B w/Sex Mot
7	A/B*/C	Life/10/5	Life/10/5	NA/10/5	Life/15/5	B/C/GM	B/C/GM	V/NV	Any Class A/B w/Sex Mot	Any Class A/B w/Sex Mot
6	A/B/C	Life/10/5	Life/10/5	NA/10/5	Life/15/5	B/C/GM	B/C/GM	V/NV	Any Class A/B w/Sex Mot	Any Class A/B w/Sex Mot
5	A/B/C	Life/10/5	Life/10/5	NA/10/5	Life/15/5	B/C/GM	B/C/GM	V/NV	Any Class A/B w/Sex Mot	Any Class A/B w/Sex Mot
4	A/B/C	Life/10/5	Life/10/5	NA/10/5	Life/15/5	B/C/GM	B/C/GM	V/NV	Any Class A/B w/Sex Mot	Any Class A/B w/Sex Mot
3	B/C	10/5	10/5	10/5	15/10	C/GM	C/GM	NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot
2	B/C	10/5	10/5	10/5	15/10	C/GM	C/GM	NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot
1	B/C	10/5	10/5	10/5	15/10	C/GM	C/GM	NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot
Unranked Offenses										

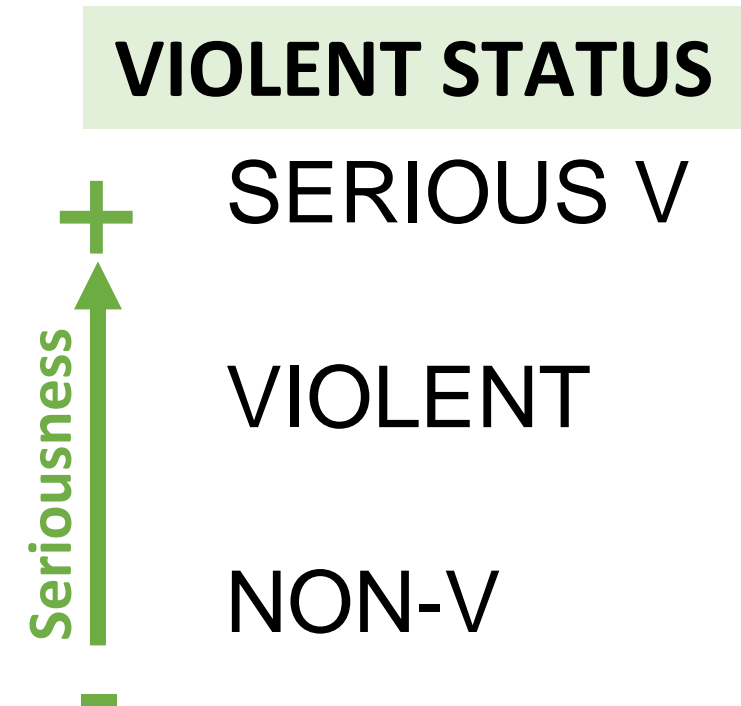
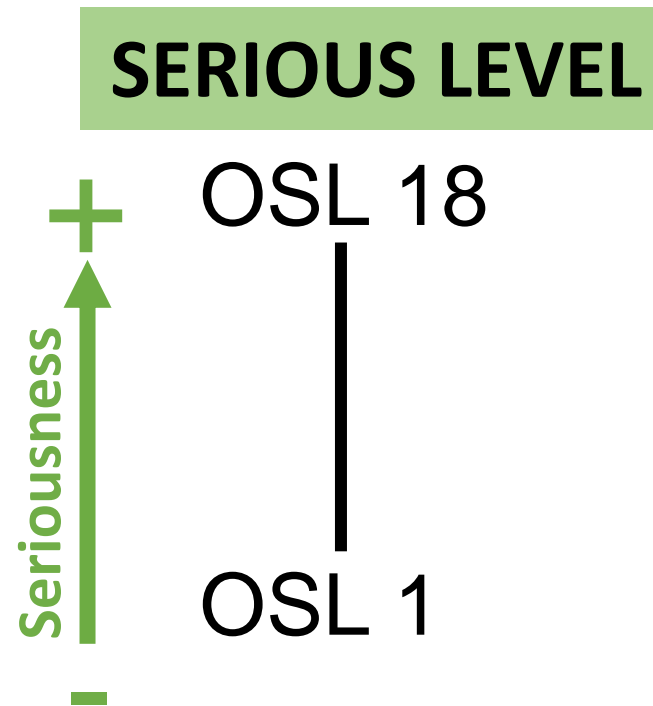
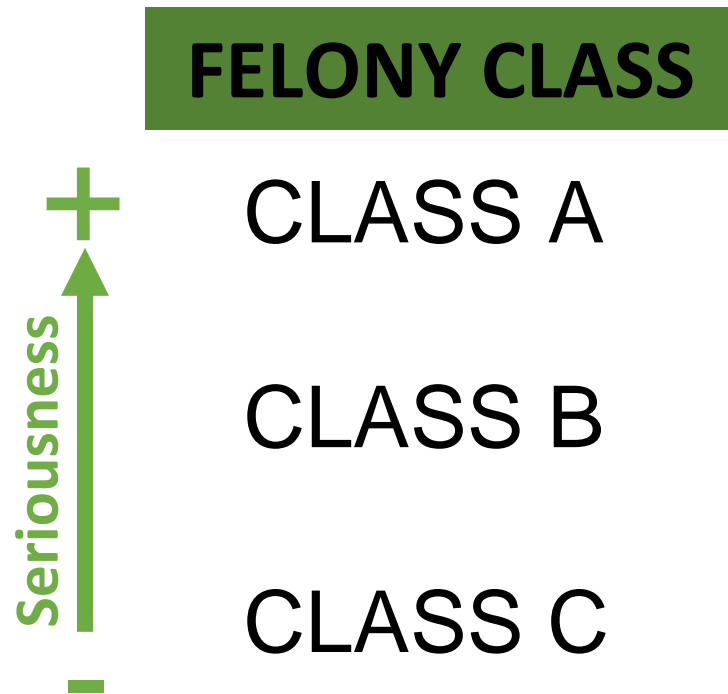
Simulated Grid										
OSL	Class	In Years				Attempt/ Solicitation	Conspiracy	Violent	Most Serious Offense	Mandatory Remand
18	A	Life	Life	NA	Life			SV	Any Class A	Any Class A w/Sex Mot
17	A	Life	Life	NA	Life	A/B	A/B	SV	Any Class A	Any Class A w/Sex Mot
16	A	Life	Life	NA	Life	A	B	SV	Any Class A	Any Class A w/Sex Mot
15	A	Life	Life	NA	Life	A/B	B	SV/V	Any Class A	Any Class A w/Sex Mot
14	A	Life	Life	NA	Life	B	B	SV/V	Any Class A	Any Class A w/Sex Mot
13	A	Life	Life	NA	Life	A/B	B	SV/V	Any Class A	Any Class A w/Sex Mot
12	A	Life	Life	NA	Life	A/B	B	SV/V	Any Class A	Any Class A w/Sex Mot
11	A	Life	Life	NA	Life	A/B	B	SV/V	Any Class A	Any Class A w/Sex Mot
10	A	Life	Life	NA	Life	A/B	B	V	Any Class A	Any Class A w/Sex Mot
9	A/B	Life/10	Life/10	NA/10	Life/15	B/C	B/C	V/NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot
8	A/B	Life/10	Life/10	NA/10	Life/15	B/C	B/C	V/NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot
7	A/B	Life/10	Life/10	NA/10	Life/15	B/C	B/C	V/NV	Any Class A/B w/Sex Mot	Any Class A/B w/Sex Mot
6	A/B	Life/10	Life/10	NA/10	Life/15	B/C	B/C	V/NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot
5	A/B/C	Life/10/5	Life/10/5	NA/10/5	Life/15/10	B/C/GM	B/C/GM	V/NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot
4	A/B/C	Life/10/5	Life/10/5	NA/10/5	Life/15/10	B/C/GM	B/C/GM	V/NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot
3	B/C	10/5	10/5	10/5	15/10	C/GM	C/GM	NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot
2	B/C	10/5	10/5	10/5	15/10	C/GM	C/GM	NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot
1	B/C	10/5	10/5	10/5	15/10	C/GM	C/GM	NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot
Unranked Offenses										

REMINDER

- Potential Recommendation 2 has makes it so that all Class B offenses are to be no higher than OSL 9. And all Class C offenses no higher than OSL 5.
- Potential Recommendation 13 and 13a (which has many parts) increases the number of OSLs from 16-18 and moves up offenses, establishes formula (etc.)

Potential Recommendation 33 will focus (primarily) on the connection between OSL, felony class and violent offense status

Simulated Grid		In Years									
OSL	Class	Stat Max	Washout	Vacation	SO Registration	Attempt/ Solicitation	Conspiracy	Violent	Most Serious Offense	Mandatory Remand	
18	A	Life	Life	NA	Life			SV	Any Class A	Any Class A w/Sex Mot	
17	A	Life	Life	NA	Life	A/B	A/B	SV	Any Class A	Any Class A w/Sex Mot	
16	A	Life	Life	NA	Life	A	B	SV	Any Class A	Any Class A w/Sex Mot	
15	A	Life	Life	NA	Life	A/B	B	SV/V	Any Class A	Any Class A w/Sex Mot	
14	A	Life	Life	NA	Life	B	B	SV/V	Any Class A	Any Class A w/Sex Mot	
13	A	Life	Life	NA	Life	A/B	B	SV/V	Any Class A	Any Class A w/Sex Mot	
12	A	Life	Life	NA	Life	A/B	B	SV/V	Any Class A	Any Class A w/Sex Mot	
11	A	Life	Life	NA	Life	A/B	B	SV/V	Any Class A	Any Class A w/Sex Mot	
10	A	Life	Life	NA	Life	A/B	B	V	Any Class A	Any Class A w/Sex Mot	
9	A/B	Life/10	Life/10	NA/10	Life/15	B/C	B/C	V/NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot	
8	A/B	Life/10	Life/10	NA/10	Life/15	B/C	B/C	V/NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot	
7	A/B	Life/10	Life/10	NA/10	Life/15	B/C	B/C	V/NV	Any Class A/B w/Sex Mot	Any Class A/B w/Sex Mot	
6	A/B	Life/10	Life/10	NA/10	Life/15	B/C	B/C	V/NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot	
5	A/B/C	Life/10/5	Life/10/5	NA/10/5	Life/15/10	B/C/GM	B/C/GM	V/NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot	
4	A/B/C	Life/10/5	Life/10/5	NA/10/5	Life/15/10	B/C/GM	B/C/GM	V/NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot	
3	B/C	10/5	10/5	10/5	15/10	C/GM	C/GM	NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot	
2	B/C	10/5	10/5	10/5	15/10	C/GM	C/GM	NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot	
1	B/C	10/5	10/5	10/5	15/10	C/GM	C/GM	NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot	
Unranked Offenses											



Proposal A

Proposal B

		In Years				
OSL	Class	Stat Max	Washout	Vacation	Violent Prop A	Violent Prop B
18	A1	Life	Life	NA	SV	SV
17	A2	Life	Life	NA	SV	SV
16	A2	Life	Life	NA	SV	SV
15	A2	Life	Life	NA	SV	SV
14	A2	Life	Life	NA	SV	SV
13	A3	Life	Life	NA	V	V
12	A3	Life	Life	NA	V	V
11	A3	Life	Life	NA	V	V
10	A3	Life	Life	NA	V	V
9	B	10	10	10	NV	V/NV
8	B	10	10	10	NV	NV
7	A/B*	10	10	NA/10	NV	NV
6	B	10	10	10	NV	NV
5	B/C	10/5	10/5	10/5	NV	NV
4	B/C	10/5	'10/5	10/5	NV	NV
3	B/C	10/5	'10/5	10/5	NV	NV
2	B/C	10/5	'10/5	10/5	NV	NV
1	B/C	10/5	'10/5	10/5	NV	NV
Unranked Offenses						

Potential Recommendation 33

OSL	Class	In Years			Violent Prop A	Violent Prop B
		Stat Max	Washout	Vacation		
18	A1	Life	Life	NA	SV	SV
17	A2	Life	Life	NA	SV	SV
16	A2	Life	Life	NA	SV	SV
15	A2	Life	Life	NA	SV	SV
14	A2	Life	Life	NA	SV	SV
13	A3	Life	Life	NA	V	V
12	A3	Life	Life	NA	V	V
11	A3	Life	Life	NA	V	V
10	A3	Life	Life	NA	V	V
9	B	10	10	10	NV	V/NV
8	B	10	10	10	NV	NV
7	A/B*	10	10	NA/10	NV	NV
6	B	10	10	10	NV	NV
5	B/C	10/5	10/5	10/5	NV	NV
4	B/C	10/5	'10/5	10/5	NV	NV
3	B/C	10/5	'10/5	10/5	NV	NV
2	B/C	10/5	'10/5	10/5	NV	NV
1	B/C	10/5	'10/5	10/5	NV	NV
Unranked Offenses						

Proposal A

1. **Divide Class A Felonies into 3 Groups**
 - i. A1: Offenses receiving Life Without Parole/Death sentence
 - ii. A2: Serious Violent offenses
 - iii. A3: Class A Violent offenses (excluding serious violent)
2. **Recalibrate the seriousness level of A2 offenses into OSLs 14 – 17**
3. **Recalibrate the seriousness level of A3 offenses into OSL 10 – 13**
4. **Add statutory language so that:**
 - a) serious violent offenses are a standalone category and not a subset of violent offenses by definition
 - b) class A2 offenses consist only of serious violent offenses
 - c) *all violent offenses must be a class A3 offense*

**Veh Hom - Disregard for Safety is a class A offense, however, under State v. Stately (152, Wn.App. 604, 216 P.3d 1102 (2009)) it is not considered a violent offense*

Proposal A

		In Years				
OSL	Class	Stat Max	Washout	Vacation	Violent Prop A	Violent Prop B
18	A1	Life	Life	NA	SV	SV
17	A2	Life	Life	NA	SV	SV
16	A2	Life	Life	NA	SV	SV
15	A2	Life	Life	NA	SV	SV
14	A2	Life	Life	NA	SV	SV
13	A3	Life	Life	NA	V	V
12	A3	Life	Life	NA	V	V
11	A3	Life	Life	NA	V	V
10	A3	Life	Life	NA	V	V
9	B	10	10	10	NV	V/NV
8	B	10	10	10	NV	NV
7	A/B*	10	10	NA/10	NV	NV
6	B	10	10	10	NV	NV
5	B/C	10/5	10/5	10/5	NV	NV
4	B/C	10/5	10/5	10/5	NV	NV
3	B/C	10/5	10/5	10/5	NV	NV
2	B/C	10/5	10/5	10/5	NV	NV
1	B/C	10/5	10/5	10/5	NV	NV
Unranked Offenses						

Effects:

1. Serious Violent Offenses would be in OSL 14 and above.
2. ***All violent offenses must be a class A3 offense*** - Violent offenses would be in OSL 10-13.
3. This means all Class A offenses will be in OSL 10 - 18.
4. If Violent offenses are to be in OSL 10-13, and OSL 10-18 are for Class A offenses, then will need to recalibrate class B violent offenses (9 total offenses) to either class A3 or as non-violent.
 - OSL 1-9 would be Class B and C
 - OSL 1-9 would be non-violent offenses

Potential Recommendation 33

OSL	Class	In Years			Violent Prop A	Violent Prop B
		Stat Max	Washout	Vacation		
18	A1	Life	Life	NA	SV	SV
17	A2	Life	Life	NA	SV	SV
16	A2	Life	Life	NA	SV	SV
15	A2	Life	Life	NA	SV	SV
14	A2	Life	Life	NA	SV	SV
13	A3	Life	Life	NA	V	V
12	A3	Life	Life	NA	V	V
11	A3	Life	Life	NA	V	V
10	A3	Life	Life	NA	V	V
9	B	10	10	10	NV	V/NV
8	B	10	10	10	NV	NV
7	A/B*	10	10	NA/10	NV	NV
6	B	10	10	10	NV	NV
5	B/C	10/5	10/5	10/5	NV	NV
4	B/C	10/5	'10/5	10/5	NV	NV
3	B/C	10/5	'10/5	10/5	NV	NV
2	B/C	10/5	'10/5	10/5	NV	NV
1	B/C	10/5	'10/5	10/5	NV	NV
Unranked Offenses						

Proposal B

1. **Divide Class A Felonies into 3 Groups**
 - i. A1: Offenses receiving Life Without Parole/Death sentence
 - ii. A2: Serious Violent offenses
 - iii. A3: Class A Violent offenses (excluding serious violent)
2. **Recalibrate the seriousness level of A2 offenses into SLs 14 – 17**
3. **Recalibrate the seriousness level of A3 offenses into SL 10 – 13**
4. **Add statutory language so that:**
 - a) serious violent offenses are a standalone category and not a subset of violent offenses by definition
 - b) class A2 offenses consist only of serious violent offenses
 - c) *class A3 offenses consist of only violent offenses*
 - d) *class B violent offenses must be assigned SL 9*

**Veh Hom - Disregard for Safety is a class A offense, however, under State v. Stately (152, Wn.App. 604, 216 P.3d 1102 (2009)) it is not considered a violent offense*

Proposal B

OSL	Class	In Years			Violent Prop A	Violent Prop B
		Stat Max	Washout	Vacation		
18	A1	Life	Life	NA	SV	SV
17	A2	Life	Life	NA	SV	SV
16	A2	Life	Life	NA	SV	SV
15	A2	Life	Life	NA	SV	SV
14	A2	Life	Life	NA	SV	SV
13	A3	Life	Life	NA	V	V
12	A3	Life	Life	NA	V	V
11	A3	Life	Life	NA	V	V
10	A3	Life	Life	NA	V	V
9	B	10	10	10	NV	V/NV
8	B	10	10	10	NV	NV
7	A/B*	10	10	NA/10	NV	NV
6	B	10	10	10	NV	NV
5	B/C	10/5	10/5	10/5	NV	NV
4	B/C	10/5	10/5	10/5	NV	NV
3	B/C	10/5	10/5	10/5	NV	NV
2	B/C	10/5	10/5	10/5	NV	NV
1	B/C	10/5	10/5	10/5	NV	NV
Unranked Offenses						

Effects:

1. Serious Violent Offenses would be in OSL 14 and above. *(Same as Proposal A)*
2. **Class A Violent offenses would be in OSL 10-13.**
3. This means all Class A (1,2,3) offenses will be in OSL 10 - 18. *(Same as Proposal A)*
4. OSL 1-9 would be Class B and C *(Same as Proposal A)*
5. ***OSL 9 will have both V and NV offenses. Class B violent offenses must be assigned OSL 9.***
Therefore, will need to recalibrate Class B violent offenses (9 total offenses). Moving them to OSL 9 or as non-violent.

Proposal A

1. Divide Class A Felonies into 3 Groups
 - i. **A1:** Offenses receiving Life Without Parole/Death sentence
 - ii. **A2:** Serious Violent offenses
 - iii. **A3:** Class A Violent offenses (excluding serious violent)
2. Recalibrate the seriousness level of A2 offenses into SLs 14 – 17
3. Recalibrate the seriousness level of A3 offenses into SL 10 – 13
4. Add statutory language so that:
 - a) serious violent offenses are a standalone category and not a subset of violent offenses by definition
 - b) class A2 offenses consist only of serious violent offenses
 - c) **all violent offenses must be a class A3 offense**

		In Years				
	OSL	Class	Stat Max	Washout	Vacation	Violent Prop A
18		A1	Life	Life	NA	SV
17		A2	Life	Life	NA	SV
16		A2	Life	Life	NA	SV
15		A2	Life	Life	NA	SV
14		A2	Life	Life	NA	SV
13		A3	Life	Life	NA	V
12		A3	Life	Life	NA	V
11		A3	Life	Life	NA	V
10		A3	Life	Life	NA	V
9		B	10	10	10	NV
8		B	10	10	10	NV
7		A/B*	10	10	NA/10	NV
6		B	10	10	10	NV
5		B/C	10/5	10/5	10/5	NV
4		B/C	10/5	'10/5	10/5	NV
3		B/C	10/5	'10/5	10/5	NV
2		B/C	10/5	'10/5	10/5	NV
1		B/C	10/5	'10/5	10/5	NV
Unranked Offenses						

Proposal B

1. Divide Class A Felonies into 3 Groups
 - i. **A1:** Offenses receiving Life Without Parole/Death sentence
 - ii. **A2:** Serious Violent offenses
 - iii. **A3:** Class A Violent offenses (excluding serious violent)
2. Recalibrate the seriousness level of A2 offenses into SLs 14 – 17
3. Recalibrate the seriousness level of A3 offenses into SL 10 – 13
4. Add statutory language so that:
 - a) serious violent offenses are a standalone category and not a subset of violent offenses by definition
 - b) class A2 offenses consist only of serious violent offenses
 - c) **class A3 offenses consist of only violent offenses**
 - d) **class B violent offenses must be assigned OSL 9**