



SENTENCING REFORM ACT OVERVIEW

CASELOAD FORECAST COUNCIL

Washington State Criminal Sentencing Task Force
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Sentencing Reform Act Overview

- The Sentencing Reform Act (SRA) was enacted in 1981, effective for felony offenses committed on or after July 1, 1984.
- The SRA was designed as a determinate sentencing model for felony offenses, eliminating the indeterminate model of parole and probation.
- The goal of the SRA is to ensure that individuals who commit similar crimes and have similar criminal histories, receive similar sentences.
- The SRA guides judicial discretion by providing presumptive sentencing ranges for the courts to follow through a Sentencing Grid based on the seriousness of the offense and the criminal history score of the individual.

Sentencing Reform Act Overview - continued

- When the SRA was enacted, there was one grid for all the offenses that were ranked.
- A new, secondary grid was established for most of the drug offenses, effective for offenses committed on or after July 1, 2003.
- Sentences with greater than 12 months confinement are served in state prison facilities. Sentences of 12 months or less are served in county jails/no confinement. The “standard grid” (non-drug offenses) does not have any sentencing range cells that overlap the prison vs. jail dividing line. The current drug grid has one cell in which the court may impose either a prison or jail sentence. The standard range for offenses at Seriousness Level (SL) 1 with criminal history scores of between 3 and 5 is 6+ to 18 months (the “+” represents one day).
- The SRA is only applicable to felony offenses (unless specifically stated otherwise).
- Many factors that can cause a sentence to be imposed outside of the presumptive sentencing range.

Overview of Sentencing Elements that Can Impact Sentence Length

- Seriousness of the offense (ranked from SL 1 to level 16 on the Standard Grid and from 1 to 3 on the Drug Grid)
- Criminal History Score
- Statutory Maximum for the Offense
- Mandatory Minimum (Selected Offenses)
- Anticipatory Offense
- Enhancement Findings
- Alternative Sentences
- Exceptional Sentences
- Consecutive/Concurrent Structure
- Persistent Offender Sentence
- Community Custody Board Sentences
 - Determinate Plus Sex Offense Board Sentences
 - Juvenile Board Sentences

Felony Offenses

- All felonies have a “class”:
 - Class A
 - Class B
 - Class C

- 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 felonies have a Seriousness Level assigned or “ranked” (the majority of felony offenses are unranked)

- Some felony offenses are grouped by a specific definition into categories, which are not mutually exclusive):
 - Sex Offenses
 - Serious Violent Offenses
 - Violent Offenses
 - Crimes Against a Person
 - Drug Offenses
 - Violation of the Controlled Substance Act

Standard Grid (Non-Drug)

		CRIMINAL HISTORY SCORE									
		0	1	2	3	4	5	6	7	8	9+
S E R I O U S N E S S L E V E L	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	280 m	291.5 m	304 m	316 m	327.5 m	339.5 m	364 m	394 m	431.5 m	479.5 m
		240 - 320	250 - 333	261 - 347	271 - 361	281 - 374	291 - 388	312 - 416	338 - 450	370 - 493	411 - 548
	XIV	171.5 m	184 m	194 m	204 m	215 m	225 m	245 m	266 m	307 m	347.5 m
		123 - 220	134 - 234	144 - 244	154 - 254	165 - 265	175 - 275	195 - 295	216 - 316	257 - 357	298 - 397
	XIII	143.5 m	156 m	168 m	179.5 m	192 m	204 m	227.5 m	252 m	299.5 m	347.5 m
		123 -164	134 -178	144 - 192	154 - 205	165 - 219	175 - 233	195 - 260	216 - 288	257 - 342	298 - 397
	XII	108 m	119 m	129 m	140 m	150 m	161 m	189 m	207 m	243 m	279 m
		93 - 123	102 - 136	111 - 147	120 - 160	129 - 171	138 -184	162 - 216	178 - 236	209 - 277	240 - 318
	XI	90 m	100 m	110 m	119 m	129 m	139 m	170 m	185 m	215 m	245 m
		78 - 102	86 - 114	95 - 125	102 - 136	111 - 147	120 - 158	146 - 194	159 - 211	185 - 245	210 - 280
	X	59.5 m	66 m	72 m	78 m	84 m	89.5 m	114 m	126 m	150 m	230.5 m
		51 - 68	57 - 75	62 - 82	67 - 89	72 - 96	77 - 102	98 - 130	108 - 144	129 - 171	149 - 198
	IX	36 m	42 m	47.5 m	53.5 m	59.5 m	66 m	89.5 m	101.5 m	126 m	150 m
		31 - 41	36 - 48	41 - 54	46 - 61	51 - 68	57 - 75	77 - 102	87 - 116	108 - 144	129 - 171
	VIII	24 m	30 m	36 m	42 m	47.5 m	53.5 m	78 m	89.5 m	101.5 m	126 m
		21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	46 - 61	67 - 89	77 - 102	87 - 116	108 - 144
	VII	17.5 m	24 m	30 m	36 m	42 m	47.5 m	66 m	78 m	89.5 m	101.5 m
	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	57 - 75	67 - 89	77 - 102	87 - 116	
VI	13m	18m	2y	2y 6m	3y	3y 6m	4y 6m	5y 6m	6y 6m	7y 6m	
	12+ - 14	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	46 - 61	57 - 75	67 - 89	77 - 102	
V	9m	13m	15m	17.5 m	25.5 m	38 m	47.5 m	59.5 m	72 m	84 m	
	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	41 - 54	51 - 68	62 - 82	72 - 96	
IV	6m	9m	13m	15m	17.5 m	25.5 m	38 m	50 m	61.5 m	73.5 m	
	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	43 - 57	53 - 70	63 - 84	
III	2m	5m	8m	11m	14m	19.5 m	25.5 m	38 m	50 m	59.5 m	
	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68	
II		4m	6m	8m	13m	16m	19.5 m	25.5 m	38 m	50 m	
	0 - 90 days	2 - 6	3 - 9	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29	33 - 43	43 - 57	
I			3m	4m	5.5m	8m	13m	16m	19.5 m	25.5 m	
	0 - 60 days	0 - 90 days	2 - 5	2 - 6	3 - 8	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29	

Selected Seriousness Levels – Standard Grid

XVI Aggravated Murder 1 (RCW 10.95.020)

XV Homicide by abuse (RCW 9A.32.055)
Malicious explosion 1 (RCW 70.74.280(1))
Murder 1 (RCW 9A.32.030)



VIII Arson 1 (RCW 9A.48.020)
Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
Manslaughter 2 (RCW 9A.32.070)
Promoting Prostitution 1 (RCW 9A.88.070)
Theft of Ammonia (RCW 69.55.010)



I* Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
False Verification for Welfare (RCW 74.08.055)
Forgery (RCW 9A.60.020)
Malicious Mischief 2 (RCW 9A.48.080)
Possession of Stolen Property 2 (RCW 9A.56.160)
Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
Theft 2 (RCW 9A.56.040)
Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Trafficking in Food Stamps (RCW 9.91.142)
Unlawful Use of Food Stamps (RCW 9.91.144)
Vehicle Prowl 1 (RCW 9A.52.095)

“Unranked Offenses”:

Offenses that are not assigned a seriousness level are considered unranked offenses and punishment ranges from 0 to 12 months.

There are over 300 unranked felony offenses.

Drug Grid

Ser. Lev.	Criminal History Score		
	0 - 2	3 - 5	6 - 9+
3	51 - 68 months	68+ - 100 months	100+ - 120 months
2	12+ - 20 months	20+ - 60 months	60+ - 120 months
1	0 - 6 months	6+ - 18 months	12+ - 24 months

Seriousness Levels – Selected Offenses on the Drug Grid

III* Any Felony Offense under Chapter 69.50 RCW with a Deadly Weapon Special Verdict
Controlled Substance Homicide
Delivery of an Imitation Controlled Substance by Person 18 or over to Person under 18
Involving a Minor in Drug Dealing
Manufacture of Methamphetamine
Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to Manufacture Methamphetamine

II Create, Deliver, or Possess a Counterfeit Controlled Substance
Deliver or Possess with intent to Deliver Methamphetamine
Maintaining a Dwelling or Place for Controlled Substances
Manufacture, Deliver, or Possess with intent to Deliver Amphetamine
Manufacture, Deliver, or Possess with intent to Deliver Narcotics from Schedule I or II or Flunitrazepam from Schedule IV
Manufacture, Deliver, or Possess with intent to Deliver Narcotics from Schedule III, IV, or V or Nonnarcotics from Schedule I-V
(except Marijuana, Amphetamine, Methamphetamines, or Flunitrazepam)
Manufacture, Distribute, or Possess with intent to Distribute an Imitation Controlled Substance

I Forged Prescription
Forged Prescription for a Controlled Substance
Manufacture, Deliver, or Possess with intent to Deliver Marijuana
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Nonnarcotic from Schedule I-V
Possession of Controlled Substance that is either Heroin or Narcotics from Schedule I or II
Unlawful Use of Building for Drug Purposes

**Not a complete list of offenses at SL III*

Criminal History Score

- The Criminal History Score (CHS) is comprised of prior convictions (convictions existing before the date of the sentence for which the score is being computed) and other current offenses (convictions entered on the same date as the offense being scored).
- The CHS moves a person across the grid, as the score gets higher, the longer the standard range becomes.
- Not all offenses are scored the same. Unless special scoring rules apply, one point is generated for each adult offense and ½ point for each juvenile offense (total score rounded down).
- There are many types of offenses that have “enhanced” scoring rules. For example, when scoring a sex offense, any prior/other current sex offenses score 3 points each, rather than one. Same for Serious Violent offenses. A Violent offense scores as 2 points against a Violent offense. For Escape offenses, only other escapes offenses score.
- Anticipatory offenses (both as the current offense or prior offenses) score as if a completed offense. For example, a completed Robbery 2 offense is violent, but an attempt is not. However, even though an attempted Robbery 2 is not violent, it would score as if it were.

PRIOR OFFENSES

CURRENT OFFENSE	Burg 1 (V)	Res. Burg Burg 2	Esc CC Will Fail to Return	Esc 1 Esc 2	Felony Traffic	NV	Drug	NV Sex	Manu Meth	SV Sex	SV	Violent	Violent Sex	Fail to Register Sex Offend. 1 st off
Burglary 1 (V)	2 (2)	2 (1)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	2 (2)	2 (2)	2 (2)	2 (2)	1 (1/2)
Res Burg/Burglary 2 (NV)	2 (2)	2 (1)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1)	1 (1)	1 (1)	1 (1)	1 (1/2)
Esc from CC/Will fail Return	0 (0)	0 (0)	1 (1/2)	1 (1/2)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	1 (1/2)
Escape1/Escape 2 (NV)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)
Felony Traffic** (NV)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)
Hom/Asslt by Watercraft	1 (1)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1)	1 (1)	1 (1)	1 (1)	1 (1/2)
Fail to Register (1 st offense)	1 (1)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	3 (3)	1 (1/2)	3 (3)	1 (1)	1 (1)	3 (3)	1 (1)
Non Violent (NV)	1 (1)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1)	1 (1)	1 (1)	1 (1)	1 (1/2)
Manuf Meth (no prior Sex/SV)	1 (1)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	3 (2)	1 (1/2)	3 (2)	1 (1)	1 (1)	1 (1)	1 (1)	1 (1/2)
Drug – no sex/SV history	1 (1)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	3 (2)	1 (1)	1 (1)	1 (1)	1 (1)	1 (1/2)
Drug w/prior sex/SV	1 (1)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	3 (2)	1 (1/2)	3 (2)	1 (1)	1 (1)	1 (1)	1 (1)	1 (1/2)
NV Sex	1 (1)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	3 (3)	1 (1/2)	3 (3)	1 (1)	1 (1)	3 (3)	1 (1/2)
Serous Violent Sex	2 (2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	3 (3)	1 (1/2)	3 (3)	3 (3)	2 (2)	3 (3)	1 (1/2)
Serious Violent	2 (2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	1 (1/2)	3 (3)	3 (3)	2 (2)	2 (2)	1 (1/2)

Criminal History Score - continued

- If two or more offenses are ruled same criminal conduct (same criminal intent, at the same time and place, and involve the same victim) they count as one offense in the calculation of the CHS.
- If the individual was on community custody at the time of the current offense, one point is added to the CHS.
- Some prior convictions may “wash out” – they are still considered a prior conviction, but they are not included in the criminal history score:
 - Prior Convictions for Class A offenses, Sex offenses, and Felony DUI never wash out.
 - Prior Convictions Class B that are not Sex or felony DUI, wash out after spending 10 consecutive years in the community after release, without committing any crime that subsequently results in a conviction
 - Prior Convictions Class C that are not Sex, or Felony DUI wash out after 5 consecutive years in the community.
 - Prior Convictions for repetitive Domestic Violence offenses (certain misdemeanors) wash out after 10 consecutive years in the community.

Factors that Can Result in Sentences outside the Standard Range

- **Statutory Maximum** – the “ceiling” for sentences. Based on the class of an offense, the sentence (confinement plus community custody period), can’t exceed:
 - 5 years for a Class C felony
 - 10 years for a Class B felony
 - Life for a Class A felony

- **Mandatory Minimum** – There are a handful of offenses that have a “floor” that the court may not impose a sentence less than the mandatory minimum if one exists:
 - **Aggravated Murder I** – when the individual committed the offense prior to his/her 18th birthday, shall not be sentenced to less than 25 years
 - **Murder I*** – not less than 20 years
 - **Assault I*** - not less than 5 years (when the individual used force or means likely to result in death or intended to kill the victim)
 - **Assault of a Child I*** - not less than 5 years (when the individual used force or means likely to result in death or intended to kill the victim)
 - **Rape I*** – not less than 5 years
 - **Sexually Violent Predator Escape*** – not less than 60 months

**Does not apply in sentencing of juveniles tried as adults for crimes committed on or after 7/24/2005*

Factors that Can Result in Sentences outside the Standard Range - continued

- **Exceptional Sentences** - The court may impose a sentence outside the standard sentence range for an offense if it finds that there are substantial and compelling reasons justifying an exceptional sentence. The law has a list of factors for the court to consider when imposing an aggravated exceptional sentence (above the standard range) or a mitigated exceptional sentence (below the standard range).

- **Enhancements:** There are 12 sentencing enhancements - some are calculated and added to a sentence within the standard range and some just increase the standard range. Some enhancements run consecutively and some are concurrent. Some are eligible for earned time and some are not.
 - Armed with a Firearm
 - Armed with a Deadly Weapon
 - Committed while in a County Jail or State Correctional facility
 - Protected Zone
 - Manufacture Meth in the presence of a child
 - Impaired Driving – previous DUI convictions
 - Sexual Motivation

Factors that Can Result in Sentences outside the Standard Range - continued

➤ **Enhancements continued:**

- Sexual Conduct in return for a fee
- Criminal Street Gang
- Endangerment while Eluding a Police Vehicle
- Assault of law enforcement personnel with a firearm
- Impaired Driving – minors in vehicle

➤ **Sentence Alternatives:** There are several sentencing alternatives available for individuals convicted of felony offenses, based on eligibility:

- **First-time Offender Waiver (FTOW)** – For individuals facing either jail or prison, with a current offense that is non-violent and non-sex and has no felony criminal history, the standard range is waived and the court may impose up to 90 days confinement followed by either 6 months community custody (when no treatment required) or 12 months (with treatment required). Often results in sentence that would have been in the range already (individuals with a 0–60 or 0-90 day standard sentence).

Factors that Can Result in Sentences outside the Standard Range - continued

➤ Sentence Alternatives – continued

- **Special Sex Offender Sentencing Alternative (SSOSA)** – confinement alternative of up to 12 months for individuals with a current sex offense (excluding sex offenses that are SV or for Rape 2) that are facing a sentence of less than 11 years and have no prior sex offenses or prior violent offenses committed within five years of the date of the current offense.
- **Parenting Sentencing Alternative (FOSA)** - non-confinement alternative to a prison sentence for individuals convicted of non-violent, non-sex offense and are a parent of a minor child.
- **Drug Offender Sentencing Alternative, Prison (Prison DOSA)** – confinement alternative of 1/2 midpoint of standard range for individuals facing a prison sentence that have a current non-sex, non-violent offense, non-weapon enhancement offense and has never had a prior sex offense, or a violent offense within 10 years of the current offense. Changes in the 2019 session allow for some violent history.
- **Drug Offender Sentencing Alternative, Residential (Residential DOSA)** - non-confinement alternative (inpatient treatment of 3-6 months) for individuals facing either a prison or jail sentence that have a current non-sex, non-violent offense, non-weapon enhancement offense and have never had a prior sex offense, or a violent offense within 10 years of the current offense. Changes in the 2019 session allow for some violent history and allow individuals with a jail sentence to be eligible.

Factors that Can Result in Sentences outside the Standard Range - continued

➤ **RCW 9.94A.507 (Determinate Plus Sex Offenders):**

- For a list of specified sex offenses, the court imposes a sentence within the standard range, which is the minimum sentence.
- The maximum sentence is the statutory maximum for the offenses (mostly all are Class A sex offenses with a statutory maximum of life).
- The Indeterminate Sentence Review Board has a hearing at the minimum sentence to determine if the person is more likely than to not to commit another sex offense if released.
- If the Board determines the person is not more likely, the person is released and placed on community custody for the statutory maximum term.
- If they are not found releasable, the Board will set a date for another hearing in the future for the person to be considered again for release.

Factors that Can Result in Sentences outside the Standard Range - continued

➤ **Persistent Offenders:**

3-strike: A sentence of life without the possibility of parole for an individual convicted of a “most-serious” offense, who had at least two prior convictions for such offenses, that would be included in the offender score. In order to count as a strike, the first prior conviction must have occurred before the second prior conviction. Juvenile offenses do not count as a strike, unless they are declined from juvenile court and sentenced as an adult.

2-strike: The 2-strike law applies to an individual convicted of certain sex offenses. To be qualify as a 2-striker, an individual has to be convicted of Rape I or 2, Rape of a Child I or 2, Child Molestation I, Indecent Liberties with Force (or attempts) or a list of specified offenses that had a finding of Sexual Motivation; **and** have one prior conviction for such an offense. Juvenile offenses do not count as a strike, unless they are declined from juvenile court and sentenced as an adult. Also, for a current conviction of Rape of a Child I, the individual must be 16 or older when the individual committed the offense and for a current conviction of Rape of a Child 2, the individual must be 18 or older when the individual committed the offense.

Factors that Can Impact the Amount of a Sentence that is Served

➤ **Juveniles Sentenced as Adults**

Individuals that were convicted as an adult of an offense that was committed prior to his/her 18th birthday may be eligible for release by the Board prior to serving his or her standard sentence. The presumption is release, unless the Board finds the individual more likely than not to commit a new offense. There are two categories of sentence categories for Juveniles:

- **Aggravated Murder:** for juveniles (sentenced as an adult) the court imposes a minimum term and a maximum term. For individuals that committed his/her offense prior to age 16, the minimum term must be 25 years and the maximum term is life. For individuals that were at least 16 but less than 18 at time of the offense, the court may set the minimum term from 25 years, up to life. (*Miller vs. Alabama allows juveniles to receive a life sentence, it just may not be an automatic life sentence*)
- **Long-term Juveniles:** for juveniles (sentenced as an adult) convicted of an offense that is not an Aggravated Murder offense or a CCB Sex offense, the individual may petition the Board for release after serving 20 years. Anyone released by the Board is to be supervised by DOC for a term of community custody as determined by the Board.

Factors that Can Impact the Amount of a Sentence that is Served – cont.

➤ **Earned Release Time:**

A sentence of confinement may be reduced by earned release time. An individual may earn early release time in a DOC facility as follows:

- Serious Violent offense or a Class A sex offense, committed on or after 7/1/1990 and before 7/1/2003 may earn up to 15% of the sentence.
- Serious Violent offense or a Class A sex offense, committed on or after 7/1/2003 may earn up to 10% of the sentence.
- Convictions prior to 7/2/2010 that meet the following criteria, can earn up to 50%:
 - Current offense is not a Sex, Violent, Crime Against a Person, a DV, Residential Burglary, Man/Deliver/Possess with Intent to Deliver Meth, or a Delivery of a CS to a Minor;
 - Has no priors of the offenses above;
 - Does not have a risk level of High or High Non-Violent;
 - Participates in programming as directed, and to the extent such programming is made available by DOC; and
 - Has not committed a new felony after 7/22/2007 while under community custody
- All others may earn up to 33.3%.

Note: No earned time is allowed during the mandatory minimum term, for Weapon or Sexual Motivation enhancement portion of a sentence. 2020 Legislative Session included a bill that does not allow earned time during the Impaired Driving enhancements.

Factors that Can Impact the Amount of a Sentence that is Served – cont.

Community Parenting Alternative (CPA) - allows DOC to transfer individuals convicted of non-violent, non-sex offense and are a parent of a minor child to partial confinement (EHM) and supervision for the parenting program for up to the last 12 months of his/her sentence.

Extraordinary Medical Placement (EMP) – allows DOC to transfer individuals to EHM in the community when all the following exist:

- The individual has a medical condition that is serious and is expected to require costly care or treatment;
- The individual poses a low risk to the community because he or she is currently physically incapacitated due to age or the medical condition or is expected to be so at the time of release; and
- It is expected that granting the extraordinary medical placement will result in a cost savings to the state.

An individual sentenced to death or to life imprisonment without the possibility of release or parole, or is a persistent offender, is not eligible for an EMP. The secretary may revoke community placement at any time until expiration of the sentence.

Factors that Can Impact the Amount of a Sentence that is Served – cont.

Graduated Reentry Program - allows DOC to transfer individuals that have served at least 12 months total confinement in DOC to partial confinement (EHM) in the community and community custody for up to the last 6 months of his/her sentence.

Alien Offenders - allows DOC to place eligible individuals that have a final deportation order on conditional release prior to the expiration of his/her sentence. The individual is released to ICE for deportation. Individuals are eligible if the current conviction is a non-violent, non-sex offense and the individual has not been deported under this authority before.

Consecutive Sentences – While a sentence may be within the standard sentence range, multiple counts may be presumptively consecutive (serious violent offenses) or not presumptively consecutive but ordered so under an exceptional sentence.

DOC Community Custody (supervision in the community)

- Not all offenses are eligible for community custody (CC). The Courts only have authority to order supervision for certain offense types, and some are only allowed for individuals releasing from prison.
- Of those with orders of CC, DOC only has authority to supervise a sub-set of individuals (some require CC if certain factors exist such as must be High Risk to reoffend, has been identified as dangerously mentally ill, or whose offense is plead/proven Domestic Violence).
- The length of CC is determined by statute for individuals releasing from prison. From non-prison sentences, the court *may* order up to 12 months CC.
- Alternative sentences have specific requirements for CC.
- DOC may also be required to supervise non-felony offenses if convicted in superior court. Example: Charge of Rape 3 but convicted of Attempted Rape 3 which drops to a gross misdemeanor.

DOC Community Custody - Felony Offenses

➤ Court's Authority to Order CC:

Offense Type	Released from State Prisons (RCW 9.94A.701)*	Released from Jail or No Confinement (RCW 9.94A.702)
Serious Violent	Shall order 36 months	May order up to 12 months
Sex	Shall order 36 months	May order up to 12 months
Violent	Shall order 18 months	May order up to 12 months
Crimes Against a Person (9.94A.411)	Shall order 12 months	May order up to 12 months
Violation of 69.50 or 69.52 (Drug)	Shall order 12 months	May order up to 12 months
Unlawful Possession of Firearm by Gang Member	Shall order 12 months	No authority to Impose
1st Fail to Register Sex Offender (non-sex offense)	Shall order 12 months	May order up to 12 months
Alternative Sentences	As required by the Alternative: <ul style="list-style-type: none"> • Prison DOSA – ½ the midpoint or 12 mos, whichever is greater • SSOSA Non-D Plus* – the length of the suspended sentence or 36 months, whichever is greater • SSOSA – D plus – the maximum term imposed 	As required by the Alternative: <ul style="list-style-type: none"> • FTOW: 6 mos w/o treatment or 12 mos with • FOSA: 12 months • Residential DOSA: ½ the midpoint or 24 mos, whichever is greater
D Plus Sex (9.94A.507) released by the ISRB: <ul style="list-style-type: none"> ○ Class A – life ○ Class B – 10 years ○ Class C – 5 years 	Any period of time the person is released from total confinement before the expiration of the maximum sentence	N/A
Specified Motor Veh Offenses prior to 6/30/2026	May order 6 – 12 months (convert some confinement at 1 to 3 ratio) if midpoint of range is greater than 1 year	N/A

DOC Community Custody - Felony Offenses

➤ DOC's Authority to Supervise Individuals with CC Orders:

Offense Type	Releasing from State Prisons (9.94A.701)	Releasing from Jail or No Confinement (9.94A.702)
Serious Violent	All risk levels	All risk levels
Sex	All risk levels	All risk levels
Violent	High Risk	High Risk
Crimes Against a Person	High Risk	High Risk
Violation of 69.50 or 69.52 (Drug)	High Risk	High Risk
Unlawful Possession of a Firearm by Gang Member	High Risk	not allowed
1 st Fail to Register Sex Offender	All risk levels	High Risk
Vehicular Assault or Homicide, Felony DUI, or Felony Actual Physical Control	All risk levels	All risk levels
Alternative Sentences	All risk levels	All risk levels
ID'd as Dangerously Mentally Ill	All risk levels	All risk levels
Plead & Proven DV (committed after 7/24/16)*	All risk levels	All risk levels
Pre-SRA Parole	All risk levels	All risk levels
Individuals released by the ISRB: <ul style="list-style-type: none"> • D Plus Sex Offenders (9.94A.507): <ul style="list-style-type: none"> ○ Class A – life ○ Class B – 10 years ○ Class C – 5 years 	All risk levels	N/A

ADDED COMPLEXITY

- Sentences are generally determined by the laws that were in effect on the date the crime was committed.
 - The exception is for law changes that result in less punishment. That type of change can be applied to any sentences imposed on or after the effective date of the bill that made the change, regardless of the date of offense.
- Court cases that have ruled on an interpretation of the SRA also have to be taken into account.