

PROPOSAL
SEX OFFENSE SENTENCING GRID
325 – Sentencing Guidelines Commission
July 7, 2009

SUMMARY

This proposal creates a separate sentencing grid for sex offenses. This grid does not create any new sentencing ranges but merely collapses seriousness levels 1 through 4 into one seriousness level and collapses the offender scores from nine columns to four.

EXPENDITURES

Assumptions.

The adult jail and prison bed impacts for this bill were calculated under the following assumptions:

- Sentences are based on Sentencing Guidelines Commission Fiscal Year 2008 adult felony sentencing data, and assume no changes in crime rates, filings, plea agreement practices or sentencing volumes, *etc.* (*i.e.*, there will be an identical number of sentences each year).
- Sentences are distributed evenly by month.
- Sentences are discounted by the ratio of sentences to jail or prison admissions.
- Length of stay in jail is calculated using a figure for average earned release, based on a survey of local jails by the Sentencing Guidelines Commission, the Office of Community Development and the Washington State Association of Counties.
- Bed impacts are calculated with a phase-in factor for child sex offenses
- The prospective length of stay in prison factors in the amount of time served in jail prior to transferring to the Department of Corrections based on the average time served for specific offenses as reported by DOC.
- **The definition of sex offense excludes offenses with a sexual motivation finding and Failure to Register offenses**
- All sentencing alternatives were excluded with the exception of DOSA and Determinate Plus sentences.

Proposed Sex Offense Sentencing Grid

Seriousness Level	Offender Score				Current SL Levels
	0 to 1	2 to 4	5 to 7	8 to 9+	
IX	93 - 136	111 - 171	138 - 236	209 - 318	12
VIII	78 - 114	95 - 147	120 - 211	185 - 280	11
VII	51 - 68	62 - 96	77 - 144	129 - 198	10
VI	31 - 48	41 - 68	57 - 116	108 - 171	9
V	21 - 27	31 - 54	46 - 102	87 - 144	8
IV	15 - 27	26 - 48	41 - 89	77 - 116	7
III	12.03 - 20	21 - 41	36 - 75	67 - 102	6
II	6 - 12	12.03 - 29	33 - 68	62 - 96	5
I	0 - 8	3 - 16	14 - 43	33 - 68	1, 2, 3, 4

Impact on prison and jail beds.

In FY08, there was a total of 362 sex offenses whose sentence length was affected by the proposed grid. Of those 29 were jail sentences and 333 were prison sentences.

It is believed that the bed impacts are slightly over-estimated because some offenders who were sentenced at the low end of the range under the current grid may not be sentenced at the low end of the proposed grid due to the collapsing of the offender score columns. For example, under the current grid, offenders with a score of 2 or a score of 4 may be sentenced to the low end of the range under the related seriousness level. Under the proposed grid, offenders with a score of 2 or 4 are now in the same column and would undoubtedly both receive a sentence length equal to the low end of the range.

**Average Monthly Population Jail and Prison Impacts
Sex Offender Grid - Test 1
Sentencing Guidelines Commission
July 1, 2009**

	Fiscal Year									
	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
Jail AMP	0	1	1	2	2	2	2	2	2	2
Prison AMP (DOSA)	0	0	0	0	0	0	0	0	0	0
Prison AMP (Non-DOSA)	0	0	3	6	7	4	-2	-11	-21	-32
Prison AMP (Total)	0	0	3	6	7	4	-2	-11	-21	-32

	Fiscal Year									
	FY20	FY21	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29
Jail AMP	2	2	2	2	2	2	2	2	2	2
Prison AMP (DOSA)	0	0	0	0	0	0	0	0	0	0
Prison AMP (Non-DOSA)	-40	-48	-57	-65	-73	-81	-89	-96	-102	-106
Prison AMP (Total)	-40	-48	-57	-65	-73	-81	-89	-96	-102	-106