

## SHB 1268: Sentencing Enhancements

HB 1268 would “unstack” firearm and deadly weapon sentencing enhancements. Currently, where two or more enhancements are charged in a single case, the extra time they impose must be served consecutively to all other enhancements. This bill would provide courts with the discretion to run enhancements concurrently or consecutively where appropriate in each case. It is one of those rare bills that makes sense from both policy and political perspectives. It will help restore some fairness and balance to a system that is in dire need of both.

### Policy Reasons to Support SHB 1268:

- **These sentences disproportionately affect BIPOC and lower income communities.** Extremely long sentences have very destructive effects on the person incarcerated, their families, and communities – hindering the ability to easily reintegrate into society.
- **Incarceration rates have more than tripled in Washington since the 1970s.** Washington state now incarcerates more persons with life sentences than it did for all crimes in 1970. Nevertheless, extremely long sentences have not reduced crime or kept us safe while racial inequities continue to be a problem.
- **Sentences over 20 years are almost always unnecessary for public safety because they do not deter crime either individually or generally.** Incapacitating individuals with very long sentences is also unnecessary because almost all of them, including those who commit violent crimes, mature and age out of crime in their 30s and certainly by the age of 40.
- **Multiple surveys show they are not desired by the majority of victims of even violent crimes.** Most victims understand that other approaches to crime will make their communities safer. Approaches such as drug and mental health treatment, job training and education, housing assistance, and restorative justice were desired by victims.
- **Extremely long sentences are very expensive, costing the state thousands of dollars every year to house, feed, and care for the incarcerated.**

### Political Reasons to Support SHB 1268:

- **SHB 1268 does not eliminate weapons enhancements.** The bill aims to allow judges greater flexibility to impose sentences that are appropriate for the crime being punished. Currently, the sentencing court has no discretion and must impose all weapons enhancements consecutively, which judges often find leads to an excessively long sentence.
- **A diverse array of stakeholders has provided input into HB 1268** – and amendments were made to its original draft. Some of the amendments include: Removing retroactivity so this bill only affects newly convicted individuals; enhancements relating to school zones for drug dealing

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has been clarified to not be changed; and a section softening penalties for DUIs was removed.

- **Stakeholders have acknowledged the need for this legislation.** The Washington Association of Prosecuting Attorneys publicly acknowledged that mandatory consecutive sentencing enhancements have led to unjustly long sentences. The bill originated in the Washington State Criminal Sentencing Task Force and was not objected to by prosecutor or police representatives in that commission.
- **The public supports laws holding people accountable without overly punishing them.** In public surveys by the Vera Institute for Justice, it was found that prevention and rehabilitation oriented policies were more popular than harsher penalties by 53% - 47%. Many other public opinion surveys have found the same support for non-incarcerative solutions.

***For more information, contact:***

*Tony Sermonti:* 360.259.2330 or [tony@sermontipublicaffairs.com](mailto:tony@sermontipublicaffairs.com)

*Adán Espino Jr.:* 360-553-2874 or [adan@sermontipublicaffairs.com](mailto:adan@sermontipublicaffairs.com)

*David Trieweler:* [trieweler3@gmail.com](mailto:trieweler3@gmail.com)