

Washington's "3-Strikes" Law

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3 **WHEREAS** RCW 9.94A.010 requires that punishment for crimes be proportionate to the
4 seriousness of the crimes and commensurate with punishment provided for similar
5 crimes;

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7 **WHEREAS** Initiative 593, approved in 1993, states: "Punishments for criminal offenses
8 should be proportionate to both the seriousness of the crime and the prior criminal
9 history. By sentencing three-time most serious offenders to prison for life without the
10 possibility of parole, the people intend to: improve public safety by placing the most
11 dangerous criminals in prison"; and

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13 **WHEREAS** RCW 9.94A, which enacts the reforms called for under Initiative 593 and is
14 often referred to as the "3-Strikes" law, includes Robbery 2 and Assault 2 on the list of
15 "most serious offenses" that trigger life imprisonment;

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17 **WHEREAS** Washington's Sentencing Guidelines Commission (The Commission), the
18 state agency charged with evaluating sentencing policies and recommending
19 modifications to the Governor and Legislature, recommended to the Legislature 2001
20 that it remove Robbery 2, and consider removing some forms of Assault 2, from the list
21 of offenses triggering life imprisonment under 3-Strikes, noting that the range of
22 behaviors associated with Robbery 2 and some instances of Assault 2 do not rise to the
23 level of "most serious" offenses and that, specifically, in the case of Robbery 2, these
24 behaviors pose "little risk of physical injury"; and,

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26 **WHEREAS** life imprisonment for crimes that are not "most serious" violates the
27 proportionality requirements of RCW 9.94A.010 and I-593, violates the intent in I-593 to
28 address the "most dangerous" criminals, is unjust to individuals serving life sentences
29 for these crimes and to their families, causes significant unnecessary expense, and
30 reduces respect for the law;

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32 **WHEREAS** each year, bills to comply with the recommendations of The Commission
33 are introduced in the state legislature without success;

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35 **WHEREAS** racial disparity exists throughout Washington State's criminal justice
36 system but is perhaps at its most severe in the 3-Strikes population which comprises
37 45% African Americans in comparison to our state population which is 3.5% African
38 American.

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40 **WHEREAS** the 2006 Washington State Democratic Party platform declares the
41 following: "We also recognize that in the pursuit of civil order, we cannot abandon the
42 legal principles upon which a free and democratic society relies. We ... believe that
43 criminal justice and human rights are linked."

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45 **THEREFORE BE IT RESOLVED** that we call upon Washington's governor and each of
46 our state's legislators to vigorously support and defend legislation that removes
47 Robbery 2 and any Assault 2 or other offenses not reasonably qualifying as "most
48 dangerous" and "most serious" from the list of offenses that trigger life imprisonment
49 under 3-Strikes;

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51 **THEREFORE BE IT FURTHER RESOLVED** that we call on Washington's governor
52 and each of our state's legislators to acknowledge and address the racial disparity in
53 our criminal justice system which manifests in perhaps its most extreme form among
54 those incarcerated under Washington's 3-Strikes law, and to act with due haste to
55 eliminate this disparity.

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58 Submitted by the Grays Harbor County Democrats to the Democratic Central
59 Committee for consideration at its June 14 convention in Spokane. (Date Submitted
60 4/12/2008)

61
62 Submitted by the 45th LD Democrats to the Democratic Central Committee for
63 consideration at its June 14 convention in Spokane. (Date Submitted 4/21/2008)

64
65 Submitted by the King County Democrats to the Democratic Central Committee for
66 consideration at its June 14 convention in Spokane. (Date Submitted 4/21/2008)

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68 Submitted by the Spokane County Democrats to the Democratic Central Committee for
69 consideration at its June 14 convention in Spokane. (Date Submitted 4/23/2008)

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71 Submitted by the Island County Democrats to the Democratic Central Committee for
72 consideration at its June 14 convention in Spokane. (Date Submitted 4/29/2008)

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74 Submitted by the Benton County Democrats to the Democratic Central Committee for
75 consideration at its June 14 convention on Spokane. (Date Submitted 5/3/2008)

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77 The Resolutions Committee "RECOMMENDED A PASS" at its June 13, 2008 meeting in
78 Spokane.

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80 The Washington State Democratic Convention "PASSED" this resolution at its June 14,
81 2008 meeting in Spokane.