

**Chapter 10.64 RCW
JUDGMENTS AND SENTENCES**

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Rules of court: *Judgments and sentencing—CrR 7.1 through 7.4.*

Excessive bail or fines, cruel punishment prohibited: State Constitution Art. 1 s 14.

RCW 10.64.015 Judgment to include costs—Exception. When the defendant is found guilty, the court shall render judgment accordingly, and the defendant may be liable for all costs, unless the court or jury trying the cause expressly find otherwise. The court shall not order a defendant to pay costs, as described in RCW 10.01.160, if the court finds that the person at the time of sentencing is indigent as defined in RCW 10.01.160(3). [2022 c 260 s 11; 2018 c 269 s 10; Code 1881 s 1104; 1873 p 241 s 272; 1854 p 121 s 129; RRS s 2187. Formerly RCW 10.64.010, part.]

Construction—Effective date—2022 c 260: See notes following RCW 3.66.120.

Construction—2018 c 269: See note following RCW 10.82.090.

Requiring defendant to pay costs—Procedure: RCW 10.01.160, 10.01.170, chapter 10.82 RCW.

RCW 10.64.025 Detention of defendant. (1) A defendant who has been found guilty of a felony and is awaiting sentencing shall be detained unless the court finds by clear and convincing evidence that the defendant is not likely to flee or to pose a danger to the safety of any other person or the community if released. Any bail bond that was posted on behalf of a defendant shall, upon the defendant's conviction, be exonerated.

(2) A defendant who has been found guilty of one of the following offenses shall be detained pending sentencing: Rape in the first or second degree (RCW 9A.44.040 and 9A.44.050); rape of a child in the first, second, or third degree (RCW 9A.44.073, 9A.44.076, and 9A.44.079); child molestation in the first, second, or third degree (RCW 9A.44.083, 9A.44.086, and 9A.44.089); sexual misconduct with a

minor in the first or second degree (RCW 9A.44.093 and 9A.44.096); indecent liberties (RCW 9A.44.100); incest (RCW 9A.64.020); luring (RCW 9A.40.090); human trafficking in the first or second degree (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); any class A or B felony that is a sexually motivated offense as defined in RCW 9.94A.030; a felony violation of RCW 9.68A.090; or any offense that is, under chapter 9A.28 RCW, a criminal attempt, solicitation, or conspiracy to commit one of those offenses. [2011 c 111 s 4; 1996 c 275 s 10; 1989 c 276 s 2.]

Finding—1996 c 275: See note following RCW 9.94A.505.

Severability—1989 c 276: See note following RCW 9.95.062.

RCW 10.64.027 Conditions of release. In order to minimize the trauma to the victim, the court may attach conditions on release of a defendant under RCW 10.64.025 regarding the whereabouts of the defendant, contact with the victim, or other conditions. [1989 c 276 s 5.]

Severability—1989 c 276: See note following RCW 9.95.062.

RCW 10.64.060 Form of sentence to penitentiary. In every case where imprisonment in the penitentiary is awarded against any convict, the form of the sentence shall be, that he or she be punished by confinement at hard labor; and he or she may also be sentenced to solitary imprisonment for such term as the court shall direct, not exceeding twenty days at any one time; and in the execution of such punishment the solitary shall precede the punishment by hard labor, unless the court shall otherwise order. [2010 c 8 s 1056; Code 1881 s 1127; 1873 p 243 s 285; 1854 p 124 s 149; RRS s 2208.]

Indeterminate sentences: Chapter 9.95 RCW.

Sentencing, 1981 act: Chapter 9.94A RCW.

RCW 10.64.070 Recognizance to maintain good behavior or keep the peace. Every court before whom any person shall be convicted upon an indictment or information for an offense not punishable with death or imprisonment in the penitentiary may, in addition to the punishment prescribed by law, require such person to recognize with sufficient sureties in a reasonable sum to keep the peace, or to be of good behavior, or both, for any term not exceeding one year, and to stand committed until he or she shall so recognize. [2010 c 8 s 1057; 1891 c 28 s 83; Code 1881 s 1121; 1873 p 242 s 279; 1854 p 123 s 143; RRS s 2202. FORMER PART OF SECTION: Code 1881 s 1122; 1873 p 242 s 280; 1854 p 123 s 144; RRS s 2203, now codified as RCW 10.64.075.]

RCW 10.64.075 Breach of recognizance conditions. In case of the breach of the conditions of any such recognizance, the same proceedings shall be had that are by law prescribed in relation to

recognizances to keep the peace. [Code 1881 s 1122; 1873 p 242 s 280; 1854 p 123 s 144; RRS s 2203. Formerly RCW 10.64.070, part.]

RCW 10.64.080 Judgments a lien on realty. Judgments for fines in all criminal actions rendered, are, and may be made liens upon the real estate of the defendant in the same manner, and with like effect as judgments in civil actions. [Code 1881 s 1111; RRS s 2188.]

RCW 10.64.100 Final record—What to contain. The clerk of the court shall make a final record of all the proceedings in a criminal prosecution within six months after the same shall have been decided, which shall contain a copy of the minutes of the challenge to the panel of the grand jury, the indictment or information, journal entries, pleadings, minutes of challenges to panel of petit jurors, judgment, orders, or decision, and bill of exceptions. [1891 c 28 s 85; Code 1881 s 1134; 1873 p 245 s 292; 1854 p 125 s 156; RRS s 2224.]

RCW 10.64.110 Fingerprint of defendant in felony convictions.

(1) Following June 15, 1977, except as provided in subsection (3) of this section, there shall be affixed to the original of every judgment and sentence of a felony conviction in every court in this state and every order adjudicating a juvenile to be a delinquent based upon conduct which would be a felony if committed by an adult, a fingerprint of the defendant or juvenile who is the subject of the order. When requested by the clerk of the court, the actual affixing of fingerprints shall be done by a representative of the office of the county sheriff.

(2) The clerk of the court shall attest that the fingerprints appearing on the judgment in sentence, order of adjudication of delinquency, or docket, is that of the individual who is the subject of the judgment or conviction, order, or docket entry.

(3) Amended judgment and sentences issued pursuant to *State v. Blake*, No. 96873-0 (Feb. 25, 2021), are exempt from the fingerprinting requirements in subsection (1) of this section when there are no additional offenses of conviction from the original judgment and sentence and the defendant is in custody in a correctional facility. In such cases, the amended judgment and sentence shall reference the original judgment and sentence and the fingerprints affixed thereto. [2021 c 311 s 20; 1977 ex.s. c 259 s 1.]

Effective date—2021 c 311 ss 1-11 and 13-21: See note following RCW 71.24.115.

RCW 10.64.120 Referral assessments—Probation department oversight committee.

(1) Every judge of a court of limited jurisdiction shall have the authority to levy upon a person a monthly assessment not to exceed one hundred dollars for services provided whenever the person is referred by the court to the misdemeanor probation department for evaluation or supervision services. The assessment may also be made by a judge in superior court when such misdemeanor or gross misdemeanor cases are heard in the superior court. Nothing in this subsection prevents contracting jurisdictions

under RCW 39.34.180(6) from agreeing to the division of moneys received for probation supervision services.

(2) For the purposes of this section the administrative office of the courts shall define a probation department and adopt rules for the qualifications of probation officers based on occupational and educational requirements developed by an oversight committee. This oversight committee shall include a representative from the district and municipal court judges' association, the misdemeanor corrections association, the administrative office of the courts, and associations of cities and counties. The oversight committee shall consider qualifications that provide the training and education necessary to (a) conduct presentencing and postsentencing background investigations, including sentencing recommendations to the court regarding jail terms, alternatives to incarceration, and conditions of release; and (b) provide ongoing supervision and assessment of offenders' needs and the risk they pose to the community.

(3) It shall be the responsibility of the probation services office to implement local procedures approved by the court of limited jurisdiction to ensure collection and payment of such fees into the general fund of the city or county treasury.

(4) Revenues raised under this section shall be used to fund programs for probation services and shall be in addition to those funds provided in RCW 3.62.050.

(5) Assessments and fees levied upon a probationer under this section must be suspended while the probationer is being supervised by another state under RCW 9.94A.745, the interstate compact for adult offender supervision. [2021 c 41 s 4. Prior: 2005 c 400 s 7; 2005 c 282 s 22; 1996 c 298 s 6; 1991 c 247 s 3; 1982 c 207 s 4.]

Application—Effective date—2005 c 400: See notes following RCW 9.94A.74504.

RCW 10.64.140 Loss of voting rights—Acknowledgment. (1) When a person is convicted of a felony and sentenced to a term of total confinement under the jurisdiction of the department of corrections, the court shall require the defendant to sign a statement acknowledging that:

(a) The defendant's right to vote has been lost due to the felony conviction and sentence to a term of total confinement;

(b) If the defendant is registered to vote, the voter registration will be canceled;

(c) The right to vote is automatically restored as long as the defendant is not serving a sentence of total confinement under the jurisdiction of the department of corrections;

(d) The defendant must reregister before voting; and

(e) Voting before the right is restored is a class C felony under RCW 29A.84.660.

(2) For the purposes of this section:

(a) A sentence of total confinement does not include confinement imposed as a sanction for a community custody violation under RCW 9.94A.633(1).

(b) "Total confinement" has the same meaning as in RCW 9.94A.030. [2021 c 10 s 5; 2009 c 325 s 5; 2005 c 246 s 1.]

Effective date—2021 c 10: See note following RCW 29A.08.520.

Effective date—2005 c 246: "This act takes effect January 1, 2006." [2005 c 246 s 26.]