

# Untried Charges in Washington State

## For an Individual Serving a Felony Sentence at Dept. of Corrections



Chapter 9.98 RCW governs the handling of intrastate “untried indictments”

- ❖ 9.98.010 provides for a 120-day time period after a valid request for trial on the untried charges is received by the prosecutor and court.
  - This period starts to run upon receipt of the request for final disposition.
  - As the timeframe may exclude certain time and may be extended by the court, it is important for DOC to be notified of any changes to the period.

***State v. Peeler***, 183 Wn.2d 169, 177, 349 P.3d 842 (2015) (citing RCW 9.98.010). if the individual is not brought to trial within the 120-day period (plus any continuance granted by the court), “no court of the state shall any longer have jurisdiction therefore, nor shall the untried indictment, information, or complaint be of any further notice or effect, and the court shall enter an order dismissing the same with prejudice.”

Prior to 2021, the statute applied only to untried charges in superior court.

Effective 7/25/2021, the Legislature expanded the statute to include misdemeanors, gross misdemeanor, and juvenile charges for superior, district, municipal, and juvenile courts.

### ***What Changed?***

- ❖ Engrossed Substitute Senate Bill 5118 of the 2021 Regular Session.
- ❖ Purpose of the expansion was to support successful reentry to the community
  - DOC Impact: Reentry to the community includes transfer to partial confinement at a Reentry Center or Graduated Entry (via electronic home monitoring)
    - *Individuals may be prohibited from transfer to partial confinement when felony warrants are active; therefore, they are motivated to resolve untried charges.*

### ***DOC Actions***

- ❖ Individual arrives at DOC for a prison commitment
  - DOC Completes a Wants and Warrant check through Washington State Patrol Criminal history data base (WACIC/NCIC)
- ❖ If a warrant is identified for untried Washington charges, DOC will notify the individual and provide forms to request final disposition. Once the forms are completed, DOC will send a final disposition request via certified mail to the prosecutor.
- ❖ DOC will monitor for 120 days for a resolution of the untried charge(s)
  - After 120 days, DOC will run a Wants and Warrant check as a follow-up on the status of the untried charge and review the electronic court docket for court action taken
- ❖ If no action after 120 days, DOC will send a follow-up letter to request action be taken within 7 days

### ***Prosecutor Actions***

- ❖ Ensure warrants for District and/or Municipal Court cases are resolved following disposition of Superior Court matters.
- ❖ If sentence includes a “global resolution” for felony charges ensure all warrants associated with the sentence are cancelled
- ❖ Act within 120 days of receiving the request for final disposition
  - Or notify DOC if the time period will extend beyond 120 days