

PREFACE TO THE THIRD EDITION

In criminal law, 20 years is a long time. In 1999, when the second edition of this Treatise was published, there was no crimes of identity theft or human trafficking. The only cybercrime defined by statute was computer trespass. There was no “determinate-plus” sentencing. Judges could impose sentences above the standard range, based on any circumstances that they found “substantial and compelling.” These changes, and many others, have required extensive changes to the Treatise.

The expanding scope of this Treatise has been reflected in the changing titles. The first edition was titled “Substantive Criminal Law.” The second edition became “Criminal Law with Sentencing Forms.” Although this new edition includes many sentencing forms, it has much more than that: it includes complete coverage of Washington sentencing law. It is therefore now titled “Criminal Law and Sentencing.”

Five new chapters have been added, covering Animal Cruelty (ch. 2), Cybercrimes (ch. 8), Drive-by Shooting and Reckless Endangerment (ch. 9), Human Trafficking (ch. 32), and Violation of Protection Orders (ch. 34). The coverage of Sex Offender Registration (ch. 28) and Voyeurism (ch. 35) have been expanded into full chapters.

The increasing complexity of the Sentencing Reform Act has required many new scoring sheets. There are now different scoring rules for crimes involving domestic violence. A finding of sexual motivation changes both the scoring rules and available sentencing alternatives. Anticipatory offenses (attempt, solicitation, and conspiracy) often have different sentencing alternatives, as well as different sentencing ranges. This means that a single crime may have as many as eight different scoring rules and sets of sentencing alternatives. This represents every permutation of completed or anticipatory offenses, with or without sexual motivation, and with or without a finding of sexual motivation. Forms have been created to cover most of these permutations.

To help readers find their way among these forms, two finding aids have been created. Each chapter that has multiple scoring forms now includes a Table of Scoring Forms. There is also an Index to Scoring Forms covering the entire Treatise. In the electronic edition, these are hyperlinked to the specific forms. Readers can thus readily find the scoring form that is applicable to each specific situation.

Other changes have been made to increase ease of use. Sections have been shortened. Terms of art are now set out in footnotes instead of separate sections. Each chapter dealing with substantive offenses includes a Table of Significant Dates, which allows readers to track relevant statutory changes.

One thing has not changed: this Treatise remains a guide for the practitioner. If it helps lawyers and judges in their daily efforts to achieve justice, the goal of the Treatise will be achieved.

This Treatise covers statutes and case law through May 31, 2019.

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