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SENATE BILL 6115

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State of Washington

53rd Legislature

1994 Regular Session

By Senators Nelson, A. Smith, Oke, Prince, Amondson, Deccio, Sellar, Roach, Hochstatter, Schow, Haugen, Quigley, West, Morton, M. Rasmussen, Winsley, McDonald, Anderson, McCaslin and Moyer

Read first time 01/12/94. Referred to Committee on Law & Justice.

1 AN ACT Relating to offenses committed with deadly weapons; amending  
2 RCW 9.94A.310; reenacting and amending RCW 9.41.010; adding a new  
3 section to chapter 13.40 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9.41.010 and 1992 c 205 s 117 and 1992 c 145 s 5 are  
6 each reenacted and amended to read as follows:

7 (1) "Short firearm" or "pistol" as used in this chapter means any  
8 firearm with a barrel less than twelve inches in length.

9 (2) "Crime of violence" as used in this chapter means:

10 (a) Any of the following felonies, as now existing or hereafter  
11 amended: Any felony defined under any law as a class A felony or an  
12 attempt to commit a class A felony, criminal solicitation of or  
13 criminal conspiracy to commit a class A felony, manslaughter in the  
14 first degree, manslaughter in the second degree, reckless endangerment  
15 in the first degree, indecent liberties if committed by forcible  
16 compulsion, rape in the second degree, kidnapping in the second degree,  
17 arson in the second degree, assault in the second degree, assault of a  
18 child in the second degree, extortion in the first degree, residential

1 burglary, burglary in the second degree, and robbery in the second  
2 degree;

3 (b) Any conviction or adjudication for a felony offense in effect  
4 at any time prior to July 1, 1976, which is comparable to a felony  
5 classified as a crime of violence in subsection (2)(a) of this section;  
6 and

7 (c) Any federal or out-of-state conviction or adjudication for an  
8 offense comparable to a felony classified as a crime of violence under  
9 subsection (2) (a) or (b) of this section.

10 (3) "Firearm" as used in this chapter means a weapon or device from  
11 which a projectile may be fired by an explosive such as gunpowder.

12 (4) "Commercial seller" as used in this chapter means a person who  
13 has a federal firearms license.

14 **Sec. 2.** RCW 9.94A.310 and 1992 c 145 s 9 are each amended to read  
15 as follows:

16 (1)

TABLE 1

Sentencing Grid

SCORE	SERIOUSNESS									
	0	1	2	3	4	5	6	7	8	9 or more
XV	Life Sentence without Parole/Death Penalty									
XIV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y
	240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
	320	333	347	361	374	388	416	450	493	548
XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
	164	178	192	205	219	233	260	288	342	397
XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
	93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
	123	136	147	160	171	184	216	236	277	318

1	XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
2		78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
3		102	114	125	136	147	158	194	211	245	280
4											
5	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
6		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
7		68	75	82	89	96	102	130	144	171	198
8											
9	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
10		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
11		41	48	54	61	68	75	102	116	144	171
12											
13	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
14		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
15		27	34	41	48	54	61	89	102	116	144
16											
17	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
18		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
19		20	27	34	41	48	54	75	89	102	116
20											
21	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
22		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
23		14	20	27	34	41	48	61	75	89	102
24											
25	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
26		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
27		12	14	17	20	29	43	54	68	82	96
28											
29	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
30		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
31		9	12	14	17	20	29	43	57	70	84
32											
33	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
34		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
35		3	8	12	12	16	22	29	43	57	68
36											
37	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
38		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
39		Days	6	9	12	14	18	22	29	43	57

1  
2  
3  
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I		3m	4m	5m	8m	13m	16m	20m	2y2m	
	0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
	Days	Days	5	6	8	12	14	18	22	29

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6 NOTE: Numbers in the first horizontal row of each seriousness category  
7 represent sentencing midpoints in years(y) and months(m). Numbers in  
8 the second and third rows represent presumptive sentencing ranges in  
9 months, or in days if so designated. 12+ equals one year and one day.

10 (2) For persons convicted of the anticipatory offenses of criminal  
11 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the  
12 presumptive sentence is determined by locating the sentencing grid  
13 sentence range defined by the appropriate offender score and the  
14 seriousness level of the completed crime, and multiplying the range by  
15 75 percent.

16 (3) For any felony committed while the offender or an accomplice  
17 was armed with a firearm as defined in RCW 9.41.010, thirty-six months  
18 shall be added to the presumptive sentence. The following additional  
19 times shall be added to the presumptive sentence if the offender or an  
20 accomplice was armed with a deadly weapon as defined in this chapter  
21 other than a firearm and the offender is being sentenced for one of the  
22 crimes listed in this subsection. If the offender or an accomplice was  
23 armed with a deadly weapon other than a firearm and the offender is  
24 being sentenced for an anticipatory offense under chapter 9A.28 RCW to  
25 commit one of the crimes listed in this subsection, the following times  
26 shall be added to the presumptive range determined under subsection (2)  
27 of this section:

28 (a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.-  
29 200), or Kidnapping 1 (RCW 9A.40.020)

30 (b) 18 months for Burglary 1 (RCW 9A.52.020) or Residential  
31 Burglary (RCW 9A.52.025)

32 (c) 12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Assault  
33 of a Child 2 (RCW 9A.36.130), Reckless Endangerment 1 (RCW 9A.36.045),  
34 Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of  
35 a building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1  
36 or 2 (RCW 9A.56.080), or any drug offense.

37 (4) The following additional times shall be added to the  
38 presumptive sentence if the offender or an accomplice committed the

1 offense while in a county jail or state correctional facility as that  
2 term is defined in this chapter and the offender is being sentenced for  
3 one of the crimes listed in this subsection. If the offender or an  
4 accomplice committed one of the crimes listed in this subsection while  
5 in a county jail or state correctional facility as that term is defined  
6 in this chapter, and the offender is being sentenced for an anticipa-  
7 tory offense under chapter 9A.28 RCW to commit one of the crimes listed  
8 in this subsection, the following times shall be added to the  
9 presumptive sentence range determined under subsection (2) of this  
10 section:

11 (a) Eighteen months for offenses committed under RCW 69.50.401(a)-  
12 (1)(i) or 69.50.410;

13 (b) Fifteen months for offenses committed under RCW  
14 69.50.401(a)(1)(ii), (iii), and (iv);

15 (c) Twelve months for offenses committed under RCW 69.50.401(d).

16 For the purposes of this subsection, all of the real property of  
17 a state correctional facility or county jail shall be deemed to be part  
18 of that facility or county jail.

19 (5) An additional twenty-four months shall be added to the  
20 presumptive sentence for any ranked offense involving a violation of  
21 chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.40 RCW  
23 to read as follows:

24 For any disposition under this chapter the following times shall  
25 be added for any respondent who committed the offense while armed with  
26 a deadly weapon as defined in chapter 9.94A RCW:

27 (1) Twenty-six weeks for A, A-, or A+ offenses;

28 (2) Sixteen weeks for B or B+ offenses; and

29 (3) Twelve weeks for C+ or C offenses.

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