
SENATE BILL 6117

State of Washington

53rd Legislature

1994 Regular Session

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

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

1 AN ACT Relating to prior juvenile convictions of offenders; and
2 reenacting and amending RCW 9.94A.030 and 9.94A.360.

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

4 **Sec. 1.** RCW 9.94A.030 and 1994 c 1 s 3 (Initiative Measure No.
5 593), 1993 c 338 s 2, 1993 c 251 s 4, and 1993 c 164 s 1 are each
6 reenacted and amended to read as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Collect," or any derivative thereof, "collect and remit," or
10 "collect and deliver," when used with reference to the department of
11 corrections, means that the department is responsible for monitoring
12 and enforcing the offender's sentence with regard to the legal
13 financial obligation, receiving payment thereof from the offender, and,
14 consistent with current law, delivering daily the entire payment to the
15 superior court clerk without depositing it in a departmental account.

16 (2) "Commission" means the sentencing guidelines commission.

17 (3) "Community corrections officer" means an employee of the
18 department who is responsible for carrying out specific duties in

1 supervision of sentenced offenders and monitoring of sentence
2 conditions.

3 (4) "Community custody" means that portion of an inmate's sentence
4 of confinement in lieu of earned early release time served in the
5 community subject to controls placed on the inmate's movement and
6 activities by the department of corrections.

7 (5) "Community placement" means that period during which the
8 offender is subject to the conditions of community custody and/or
9 postrelease supervision, which begins either upon completion of the
10 term of confinement (postrelease supervision) or at such time as the
11 offender is transferred to community custody in lieu of earned early
12 release. Community placement may consist of entirely community
13 custody, entirely postrelease supervision, or a combination of the two.

14 (6) "Community service" means compulsory service, without compensa-
15 tion, performed for the benefit of the community by the offender.

16 (7) "Community supervision" means a period of time during which a
17 convicted offender is subject to crime-related prohibitions and other
18 sentence conditions imposed by a court pursuant to this chapter or RCW
19 46.61.524. For first-time offenders, the supervision may include
20 crime-related prohibitions and other conditions imposed pursuant to RCW
21 9.94A.120(5). For purposes of the interstate compact for out-of-state
22 supervision of parolees and probationers, RCW 9.95.270, community
23 supervision is the functional equivalent of probation and should be
24 considered the same as probation by other states.

25 (8) "Confinement" means total or partial confinement as defined in
26 this section.

27 (9) "Conviction" means an adjudication of guilt pursuant to Titles
28 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
29 acceptance of a plea of guilty.

30 (10) "Court-ordered legal financial obligation" means a sum of
31 money that is ordered by a superior court of the state of Washington
32 for legal financial obligations which may include restitution to the
33 victim, statutorily imposed crime victims' compensation fees as
34 assessed pursuant to RCW 7.68.035, court costs, county or interlocal
35 drug funds, court-appointed attorneys' fees, and costs of defense,
36 fines, and any other financial obligation that is assessed to the
37 offender as a result of a felony conviction. Upon conviction for
38 vehicular assault while under the influence of intoxicating liquor or
39 any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the

1 influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a),
2 legal financial obligations may also include payment to a public agency
3 of the expense of an emergency response to the incident resulting in
4 the conviction, subject to the provisions in RCW 38.52.430.

5 (11) "Crime-related prohibition" means an order of a court
6 prohibiting conduct that directly relates to the circumstances of the
7 crime for which the offender has been convicted, and shall not be
8 construed to mean orders directing an offender affirmatively to
9 participate in rehabilitative programs or to otherwise perform
10 affirmative conduct.

11 (12)(a) "Criminal history" means the list of a defendant's prior
12 convictions, whether in this state, in federal court, or elsewhere.
13 The history shall include, where known, for each conviction (i) whether
14 the defendant has been placed on probation and the length and terms
15 thereof; and (ii) whether the defendant has been incarcerated and the
16 length of incarceration.

17 (b) "Criminal history" shall always include juvenile convictions
18 for sex offenses and shall also include a defendant's other prior
19 convictions in juvenile court if: (i) The conviction was for an
20 offense which is a felony or a serious traffic offense and is criminal
21 history as defined in RCW 13.40.020(~~((6)(a))~~)(9); (ii) the defendant
22 was fifteen years of age or older at the time the offense was
23 committed; and (iii) with respect to prior juvenile class B and C
24 felonies (~~((or serious traffic offenses, the defendant was less than~~
25 ~~twenty-three years of age at the time the offense for which he or she~~
26 ~~is being sentenced was committed))~~ the offense would be included under
27 RCW 9.94A.360(2)).

28 (13) "Department" means the department of corrections.

29 (14) "Determinate sentence" means a sentence that states with
30 exactitude the number of actual years, months, or days of total
31 confinement, of partial confinement, of community supervision, the
32 number of actual hours or days of community service work, or dollars or
33 terms of a legal financial obligation. The fact that an offender
34 through "earned early release" can reduce the actual period of
35 confinement shall not affect the classification of the sentence as a
36 determinate sentence.

37 (15) "Disposable earnings" means that part of the earnings of an
38 individual remaining after the deduction from those earnings of any
39 amount required by law to be withheld. For the purposes of this

1 definition, "earnings" means compensation paid or payable for personal
2 services, whether denominated as wages, salary, commission, bonuses, or
3 otherwise, and, notwithstanding any other provision of law making the
4 payments exempt from garnishment, attachment, or other process to
5 satisfy a court-ordered legal financial obligation, specifically
6 includes periodic payments pursuant to pension or retirement programs,
7 or insurance policies of any type, but does not include payments made
8 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
9 or Title 74 RCW.

10 (16) "Drug offense" means:

11 (a) Any felony violation of chapter 69.50 RCW except possession of
12 a controlled substance (RCW 69.50.401(d)) or forged prescription for a
13 controlled substance (RCW 69.50.403);

14 (b) Any offense defined as a felony under federal law that relates
15 to the possession, manufacture, distribution, or transportation of a
16 controlled substance; or

17 (c) Any out-of-state conviction for an offense that under the laws
18 of this state would be a felony classified as a drug offense under (a)
19 of this subsection.

20 (17) "Escape" means:

21 (a) Escape in the first degree (RCW 9A.76.110), escape in the
22 second degree (RCW 9A.76.120), willful failure to return from furlough
23 (RCW 72.66.060), willful failure to return from work release (RCW
24 72.65.070), or willful failure to be available for supervision by the
25 department while in community custody (RCW 72.09.310); or

26 (b) Any federal or out-of-state conviction for an offense that
27 under the laws of this state would be a felony classified as an escape
28 under (a) of this subsection.

29 (18) "Felony traffic offense" means:

30 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
31 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
32 and-run injury-accident (RCW 46.52.020(4)); or

33 (b) Any federal or out-of-state conviction for an offense that
34 under the laws of this state would be a felony classified as a felony
35 traffic offense under (a) of this subsection.

36 (19) "Fines" means the requirement that the offender pay a specific
37 sum of money over a specific period of time to the court.

38 (20)(a) "First-time offender" means any person who is convicted of
39 a felony (i) not classified as a violent offense or a sex offense under

1 this chapter, or (ii) that is not the manufacture, delivery, or
2 possession with intent to manufacture or deliver a controlled substance
3 classified in schedule I or II that is a narcotic drug or the selling
4 for profit of any controlled substance or counterfeit substance
5 classified in schedule I, RCW 69.50.204, except leaves and flowering
6 tops of marihuana, and except as provided in (b) of this subsection,
7 who previously has never been convicted of a felony in this state,
8 federal court, or another state, and who has never participated in a
9 program of deferred prosecution for a felony offense.

10 (b) For purposes of (a) of this subsection, a juvenile adjudication
11 for an offense committed before the age of fifteen years is not a
12 previous felony conviction except for adjudications of sex offenses.

13 (21) "Most serious offense" means any of the following felonies or
14 a felony attempt to commit any of the following felonies, as now
15 existing or hereafter amended:

16 (a) Any felony defined under any law as a class A felony or
17 criminal solicitation of or criminal conspiracy to commit a class A
18 felony;

19 (b) Assault in the second degree;

20 (c) Assault of a child in the second degree;

21 (d) Child molestation in the second degree;

22 (e) Controlled substance homicide;

23 (f) Extortion in the first degree;

24 (g) Incest when committed against a child under age fourteen;

25 (h) Indecent liberties;

26 (i) Kidnapping in the second degree;

27 (j) Leading organized crime;

28 (k) Manslaughter in the first degree;

29 (l) Manslaughter in the second degree;

30 (m) Promoting prostitution in the first degree;

31 (n) Rape in the third degree;

32 (o) Robbery in the second degree;

33 (p) Sexual exploitation;

34 (q) Vehicular assault;

35 (r) Vehicular homicide, when proximately caused by the driving of
36 any vehicle by any person while under the influence of intoxicating
37 liquor or any drug as defined by RCW 46.61.502, or by the operation of
38 any vehicle in a reckless manner;

1 (s) Any other class B felony offense with a finding of sexual
2 motivation, as "sexual motivation" is defined under this section;

3 (t) Any other felony with a deadly weapon verdict under RCW
4 9.94A.125;

5 (u) Any felony offense in effect at any time prior to December 2,
6 1993, that is comparable to a most serious offense under this
7 subsection, or any federal or out-of-state conviction for an offense
8 that under the laws of this state would be a felony classified as a
9 most serious offense under this subsection.

10 (22) "Nonviolent offense" means an offense which is not a violent
11 offense.

12 (23) "Offender" means a person who has committed a felony
13 established by state law and is eighteen years of age or older or is
14 less than eighteen years of age but whose case has been transferred by
15 the appropriate juvenile court to a criminal court pursuant to RCW
16 13.40.110. Throughout this chapter, the terms "offender" and
17 "defendant" are used interchangeably.

18 (24) "Partial confinement" means confinement for no more than one
19 year in a facility or institution operated or utilized under contract
20 by the state or any other unit of government, or, if home detention or
21 work crew has been ordered by the court, in an approved residence, for
22 a substantial portion of each day with the balance of the day spent in
23 the community. Partial confinement includes work release, home
24 detention, work crew, and a combination of work crew and home detention
25 as defined in this section.

26 (25) "Persistent offender" is an offender who:

27 (a) Has been convicted in this state of any felony considered a
28 most serious offense; and

29 (b) Has, before the commission of the offense under (a) of this
30 subsection, been convicted as an offender on at least two separate
31 occasions, whether in this state or elsewhere, of felonies that under
32 the laws of this state would be considered most serious offenses and
33 would be included in the offender score under RCW 9.94A.360; provided
34 that of the two or more previous convictions, at least one conviction
35 must have occurred before the commission of any of the other most
36 serious offenses for which the offender was previously convicted.

37 (26) "Postrelease supervision" is that portion of an offender's
38 community placement that is not community custody.

1 (27) "Restitution" means the requirement that the offender pay a
2 specific sum of money over a specific period of time to the court as
3 payment of damages. The sum may include both public and private costs.
4 The imposition of a restitution order does not preclude civil redress.

5 (28) "Serious traffic offense" means:

6 (a) Driving while under the influence of intoxicating liquor or any
7 drug (RCW 46.61.502), actual physical control while under the influence
8 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
9 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
10 or

11 (b) Any federal, out-of-state, county, or municipal conviction for
12 an offense that under the laws of this state would be classified as a
13 serious traffic offense under (a) of this subsection.

14 (29) "Serious violent offense" is a subcategory of violent offense
15 and means:

16 (a) Murder in the first degree, homicide by abuse, murder in the
17 second degree, assault in the first degree, kidnapping in the first
18 degree, or rape in the first degree, assault of a child in the first
19 degree, or an attempt, criminal solicitation, or criminal conspiracy to
20 commit one of these felonies; or

21 (b) Any federal or out-of-state conviction for an offense that
22 under the laws of this state would be a felony classified as a serious
23 violent offense under (a) of this subsection.

24 (30) "Sentence range" means the sentencing court's discretionary
25 range in imposing a nonappealable sentence.

26 (31) "Sex offense" means:

27 (a) A felony that is a violation of chapter 9A.44 RCW or RCW
28 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal
29 attempt, criminal solicitation, or criminal conspiracy to commit such
30 crimes;

31 (b) A felony with a finding of sexual motivation under RCW
32 9.94A.127; or

33 (c) Any federal or out-of-state conviction for an offense that
34 under the laws of this state would be a felony classified as a sex
35 offense under (a) of this subsection.

36 (32) "Sexual motivation" means that one of the purposes for which
37 the defendant committed the crime was for the purpose of his or her
38 sexual gratification.

1 (33) "Total confinement" means confinement inside the physical
2 boundaries of a facility or institution operated or utilized under
3 contract by the state or any other unit of government for twenty-four
4 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

5 (34) "Transition training" means written and verbal instructions
6 and assistance provided by the department to the offender during the
7 two weeks prior to the offender's successful completion of the work
8 ethic camp program. The transition training shall include instructions
9 in the offender's requirements and obligations during the offender's
10 period of community custody.

11 (35) "Victim" means any person who has sustained emotional,
12 psychological, physical, or financial injury to person or property as
13 a direct result of the crime charged.

14 (36) "Violent offense" means:

15 (a) Any of the following felonies, as now existing or hereafter
16 amended: Any felony defined under any law as a class A felony or an
17 attempt to commit a class A felony, criminal solicitation of or
18 criminal conspiracy to commit a class A felony, manslaughter in the
19 first degree, manslaughter in the second degree, indecent liberties if
20 committed by forcible compulsion, kidnapping in the second degree,
21 arson in the second degree, assault in the second degree, assault of a
22 child in the second degree, extortion in the first degree, robbery in
23 the second degree, vehicular assault, and vehicular homicide, when
24 proximately caused by the driving of any vehicle by any person while
25 under the influence of intoxicating liquor or any drug as defined by
26 RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

27 (b) Any conviction for a felony offense in effect at any time prior
28 to July 1, 1976, that is comparable to a felony classified as a violent
29 offense in (a) of this subsection; and

30 (c) Any federal or out-of-state conviction for an offense that
31 under the laws of this state would be a felony classified as a violent
32 offense under (a) or (b) of this subsection.

33 (37) "Work crew" means a program of partial confinement consisting
34 of civic improvement tasks for the benefit of the community of not less
35 than thirty-five hours per week that complies with RCW 9.94A.135. The
36 civic improvement tasks shall have minimal negative impact on existing
37 private industries or the labor force in the county where the service
38 or labor is performed. The civic improvement tasks shall not affect
39 employment opportunities for people with developmental disabilities

1 contracted through sheltered workshops as defined in RCW 82.04.385.
2 Only those offenders sentenced to a facility operated or utilized under
3 contract by a county or the state are eligible to participate on a work
4 crew. Offenders sentenced for a sex offense as defined in subsection
5 (31) of this section are not eligible for the work crew program.

6 (38) "Work ethic camp" means an alternative incarceration program
7 designed to reduce recidivism and lower the cost of corrections by
8 requiring offenders to complete a comprehensive array of real-world job
9 and vocational experiences, character-building work ethics training,
10 life management skills development, substance abuse rehabilitation,
11 counseling, literacy training, and basic adult education.

12 (39) "Work release" means a program of partial confinement
13 available to offenders who are employed or engaged as a student in a
14 regular course of study at school. Participation in work release shall
15 be conditioned upon the offender attending work or school at regularly
16 defined hours and abiding by the rules of the work release facility.

17 (40) "Home detention" means a program of partial confinement
18 available to offenders wherein the offender is confined in a private
19 residence subject to electronic surveillance. Home detention may not
20 be imposed for offenders convicted of a violent offense, any sex
21 offense, any drug offense, reckless burning in the first or second
22 degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third
23 degree as defined in RCW 9A.36.031, assault of a child in the third
24 degree, unlawful imprisonment as defined in RCW 9A.40.040, or
25 harassment as defined in RCW 9A.46.020. Home detention may be imposed
26 for offenders convicted of possession of a controlled substance (RCW
27 69.50.401(d)) or forged prescription for a controlled substance (RCW
28 69.50.403) if the offender fulfills the participation conditions set
29 forth in this subsection and is monitored for drug use by treatment
30 alternatives to street crime (TASC) or a comparable court or agency-
31 referred program.

32 (a) Home detention may be imposed for offenders convicted of
33 burglary in the second degree as defined in RCW 9A.52.030 or
34 residential burglary conditioned upon the offender: (i) Successfully
35 completing twenty-one days in a work release program, (ii) having no
36 convictions for burglary in the second degree or residential burglary
37 during the preceding two years and not more than two prior convictions
38 for burglary or residential burglary, (iii) having no convictions for
39 a violent felony offense during the preceding two years and not more

1 than two prior convictions for a violent felony offense, (iv) having no
2 prior charges of escape, and (v) fulfilling the other conditions of the
3 home detention program.

4 (b) Participation in a home detention program shall be conditioned
5 upon: (i) The offender obtaining or maintaining current employment or
6 attending a regular course of school study at regularly defined hours,
7 or the offender performing parental duties to offspring or minors
8 normally in the custody of the offender, (ii) abiding by the rules of
9 the home detention program, and (iii) compliance with court-ordered
10 legal financial obligations. The home detention program may also be
11 made available to offenders whose charges and convictions do not
12 otherwise disqualify them if medical or health-related conditions,
13 concerns or treatment would be better addressed under the home
14 detention program, or where the health and welfare of the offender,
15 other inmates, or staff would be jeopardized by the offender's
16 incarceration. Participation in the home detention program for medical
17 or health-related reasons is conditioned on the offender abiding by the
18 rules of the home detention program and complying with court-ordered
19 restitution.

20 **Sec. 2.** RCW 9.94A.360 and 1992 c 145 s 10 and 1992 c 75 s 4 are
21 each reenacted and amended to read as follows:

22 The offender score is measured on the horizontal axis of the
23 sentencing grid. The offender score rules are as follows:

24 The offender score is the sum of points accrued under this section
25 rounded down to the nearest whole number.

26 (1) A prior conviction is a conviction which exists before the date
27 of sentencing for the offense for which the offender score is being
28 computed. Convictions entered or sentenced on the same date as the
29 conviction for which the offender score is being computed shall be
30 deemed "other current offenses" within the meaning of RCW 9.94A.400.

31 (2) Except as provided in subsection (4) of this section, class A
32 and sex prior felony convictions shall always be included in the
33 offender score. Class B prior felony convictions other than sex
34 offenses shall not be included in the offender score, if since the last
35 date of release from confinement (including full-time residential
36 treatment) pursuant to a felony conviction, if any, or entry of
37 judgment and sentence, the offender had spent ten consecutive years in
38 the community without being convicted of any felonies. Class C prior

1 felony convictions other than sex offenses shall not be included in the
2 offender score if, since the last date of release from confinement
3 (including full-time residential treatment) pursuant to a felony
4 conviction, if any, or entry of judgment and sentence, the offender had
5 spent five consecutive years in the community without being convicted
6 of any felonies. Serious traffic convictions shall not be included in
7 the offender score if, since the last date of release from confinement
8 (including full-time residential treatment) pursuant to a felony
9 conviction, if any, or entry of judgment and sentence, the offender
10 spent five years in the community without being convicted of any
11 serious traffic or felony traffic offenses. This subsection applies to
12 both adult and juvenile prior convictions.

13 (3) Out-of-state convictions for offenses shall be classified
14 according to the comparable offense definitions and sentences provided
15 by Washington law.

16 (4) Always include juvenile convictions for sex offenses. Include
17 other class A juvenile felonies only if the offender was 15 or older at
18 the time the juvenile offense was committed. Include other class B and
19 C juvenile felony convictions only if the offender was 15 or older at
20 the time the juvenile offense was committed and the (~~offender was less~~
21 ~~than 23 at the time the offense for which he or she is being sentenced~~
22 ~~was committed~~) offense would be included under subsection (2) of this
23 section.

24 (5) Score prior convictions for felony anticipatory offenses
25 (attempts, criminal solicitations, and criminal conspiracies) the same
26 as if they were convictions for completed offenses.

27 (6) In the case of multiple prior convictions, for the purpose of
28 computing the offender score, count all convictions separately, except:

29 (a) Prior adult offenses which were found, under RCW
30 9.94A.400(1)(a), to encompass the same criminal conduct, shall be
31 counted as one offense, the offense that yields the highest offender
32 score. The current sentencing court shall determine with respect to
33 other prior adult offenses for which sentences were served concurrently
34 whether those offenses shall be counted as one offense or as separate
35 offenses, and if the court finds that they shall be counted as one
36 offense, then the offense that yields the highest offender score shall
37 be used;

38 (b) Juvenile prior convictions entered or sentenced on the same
39 date shall count as one offense, the offense that yields the highest

1 offender score, except for juvenile prior convictions for violent
2 offenses with separate victims, which shall count as separate offenses;
3 and

4 (c) In the case of multiple prior convictions for offenses
5 committed before July 1, 1986, for the purpose of computing the
6 offender score, count all adult convictions served concurrently as one
7 offense, and count all juvenile convictions entered on the same date as
8 one offense. Use the conviction for the offense that yields the
9 highest offender score.

10 (7) If the present conviction is one of the anticipatory offenses
11 of criminal attempt, solicitation, or conspiracy, count each prior
12 conviction as if the present conviction were for a completed offense.

13 (8) If the present conviction is for a nonviolent offense and not
14 covered by subsection (12) or (13) of this section, count one point for
15 each adult prior felony conviction and one point for each juvenile
16 prior violent felony conviction and 1/2 point for each juvenile prior
17 nonviolent felony conviction.

18 (9) If the present conviction is for a violent offense and not
19 covered in subsection (10), (11), (12), or (13) of this section, count
20 two points for each prior adult and juvenile violent felony conviction,
21 one point for each prior adult nonviolent felony conviction, and 1/2
22 point for each prior juvenile nonviolent felony conviction.

23 (10) If the present conviction is for Murder 1 or 2, Assault 1,
24 Assault of a Child 1, Kidnaping 1, Homicide by Abuse, or Rape 1, count
25 three points for prior adult and juvenile convictions for crimes in
26 these categories, two points for each prior adult and juvenile violent
27 conviction (not already counted), one point for each prior adult
28 nonviolent felony conviction, and 1/2 point for each prior juvenile
29 nonviolent felony conviction.

30 (11) If the present conviction is for Burglary 1, count prior
31 convictions as in subsection (9) of this section; however count two
32 points for each prior adult Burglary 2 or residential burglary
33 conviction, and one point for each prior juvenile Burglary 2 or
34 residential burglary conviction.

35 (12) If the present conviction is for a felony traffic offense
36 count two points for each adult or juvenile prior conviction for
37 Vehicular Homicide or Vehicular Assault; for each felony offense or
38 serious traffic offense, count one point for each adult and 1/2 point
39 for each juvenile prior conviction.

1 (13) If the present conviction is for a drug offense count three
2 points for each adult prior felony drug offense conviction and two
3 points for each juvenile drug offense. All other adult and juvenile
4 felonies are scored as in subsection (9) of this section if the current
5 drug offense is violent, or as in subsection (8) of this section if the
6 current drug offense is nonviolent.

7 (14) If the present conviction is for Willful Failure to Return
8 from Furlough, RCW 72.66.060, Willful Failure to Return from Work
9 Release, RCW 72.65.070, or Escape from Community Custody, RCW
10 72.09.310, count only prior escape convictions in the offender score.
11 Count adult prior escape convictions as one point and juvenile prior
12 escape convictions as 1/2 point.

13 (15) If the present conviction is for Escape 1, RCW 9A.76.110, or
14 Escape 2, RCW 9A.76.120, count adult prior convictions as one point and
15 juvenile prior convictions as 1/2 point.

16 (16) If the present conviction is for Burglary 2 or residential
17 burglary, count priors as in subsection (8) of this section; however,
18 count two points for each adult and juvenile prior Burglary 1
19 conviction, two points for each adult prior Burglary 2 or residential
20 burglary conviction, and one point for each juvenile prior Burglary 2
21 or residential burglary conviction.

22 (17) If the present conviction is for a sex offense, count priors
23 as in subsections (8) through (16) of this section; however count three
24 points for each adult and juvenile prior sex offense conviction.

25 (18) If the present conviction is for an offense committed while
26 the offender was under community placement, add one point.

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