

SHB 2053 - H AMD TO H APP COMM AMD H2278.5 **441 WITHDRAWN 4-23-93**
 By Representative Vance and others

On page 27, after line 18, insert the following:

"**Sec. 6.** RCW 9.94A.310 and 1992 c 145 s 9 are each amended to read as follows:

(1) TABLE 1

Sentencing Grid

SERIOUSNESS

SCORE

OFFENDER SCORE

9 or
more

	0	1	2	3	4	5	6	7	8	9 or more
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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

XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
	78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
	102	114	125	136	147	158	194	211	245	280

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

4

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

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

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

25 (a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW
26 9A.56.200), or Kidnapping 1 (RCW 9A.40.020), but if the offense was
27 committed with a firearm, the 24-month time period may be increased
28 up to 36 months;

29 (b) 18 months for Burglary 1 (RCW 9A.52.020), but if the
30 offense was committed with a firearm, the 18-month time period may
31 be increased up to 30 months;

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

1 9A.56.080), or any drug offense, but if the offense was committed
2 with a firearm, the 12-month time period may be increased up to 18
3 months.

4 (4) If the offender committed an offense listed in subsection
5 (3)(a) through (c) of this section while the offender or an
6 accomplice was armed with a firearm, and the offender had a prior
7 conviction for an offense committed with a firearm, then the
8 following times may be added to the presumptive range determined
9 under subsection (2) of this section:

10 (a) For a second conviction for an offense committed while
11 armed with a firearm, up to 60 months;

12 (b) For a third or subsequent conviction for an offense
13 committed while armed with a firearm, up to 84 months.

14 (5) If an offender or an accomplice was armed with a firearm
15 and fired upon a law enforcement officer while resisting arrest
16 under RCW 9A.76.040, up to 60 months may be added to the
17 presumptive sentence.

18 (6) The following additional times shall be added to the
19 presumptive sentence if the offender or an accomplice committed the
20 offense while in a county jail or state correctional facility as
21 that term is defined in this chapter and the offender is being
22 sentenced for one of the crimes listed in this subsection. If the
23 offender or an accomplice committed one of the crimes listed in
24 this subsection while in a county jail or state correctional
25 facility as that term is defined in this chapter, and the offender
26 is being sentenced for an anticipatory offense under chapter 9A.28
27 RCW to commit one of the crimes listed in this subsection, the
28 following times shall be added to the presumptive sentence range
29 determined under subsection (2) of this section:

30 (a) Eighteen months for offenses committed under RCW
31 69.50.401(a)(1)(i) or 69.50.410;

32 (b) Fifteen months for offenses committed under RCW
33 69.50.401(a)(1)(ii), (iii), and (iv);

34 (c) Twelve months for offenses committed under RCW
35 69.50.401(d).

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

4 ~~((5))~~ (7) An additional twenty-four months shall be added to
5 the presumptive sentence for any ranked offense involving a
6 violation of chapter 69.50 RCW if the offense was also a violation
7 of RCW 69.50.435.

8 **Sec. 7.** RCW 9.94A.370 and 1989 c 124 s 2 are each amended to
9 read as follows:

10 (1) The intersection of the column defined by the offender
11 score and the row defined by the offense seriousness score
12 determines the presumptive sentencing range (see RCW 9.94A.310,
13 (Table 1)). The additional time for deadly weapon findings or for
14 ~~((those offenses))~~ other circumstances enumerated in RCW
15 9.94A.310~~((4) that were committed in a state correctional facility
16 or county jail))~~ (3) through (7) shall be added to the entire
17 presumptive sentence range. The court may impose any sentence
18 within the range that it deems appropriate. All presumptive
19 sentence ranges are expressed in terms of total confinement.

20 (2) In determining any sentence, the trial court may rely on
21 no more information than is admitted by the plea agreement, or
22 admitted, acknowledged, or proved in a trial or at the time of
23 sentencing. Acknowledgement includes not objecting to information
24 stated in the presentence reports. Where the defendant disputes
25 material facts, the court must either not consider the fact or
26 grant an evidentiary hearing on the point. The facts shall be
27 deemed proved at the hearing by a preponderance of the evidence.
28 Facts that establish the elements of a more serious crime or
29 additional crimes may not be used to go outside the presumptive
30 sentence range except upon stipulation or when specifically
31 provided for in RCW 9.94A.390(2) (c), (d), and (e)."

32 Renumber the remaining sections consecutively and correct
33 internal references accordingly.

EFFECT: Increases penalties for offenses committed with a firearm.

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