1 **SB 6041** - H AMDS **1257 WITHDRAWN 3-4-94**

2   By Representative Caver

3   On page 3, beginning on line 27, strike all material through

4 "<u>acts.</u>" on line 30, and insert:

5   (13) <u>"Criminal organization" means any formal ongoing</u>

6 <u>organization, association, or group of three or more persons that</u>

7 <u>has as one of its primary activities the commission of a felonious</u>

8 <u>act or acts. The organization must have been in existence for at</u>

9 <u>least 12 months. This existence must be proved by affirmative</u>

10 <u>evidence of criminal acts committed by the organization in addition</u>

11 <u>to the charged acts. There must be a structure or hierarchy to the</u>

12 <u>organization and this must be proved by evidence independent of any</u>

13 <u>evidence of criminal actions committed by any organization member</u>

14 <u>in furtherance of the organization's activities or any independent</u>

15 <u>criminal act committed by an organization member.</u>"

16   On page 12, beginning on line 36, strike all material through

17 "<u>members.</u>" on line 39, and insert:

18   <u>(h) The offense was committed for the benefit of, at the</u>

19 <u>direction of, or in association with any criminal organization as</u>

20 <u>defined in RCW 9.94A.030, with the specific intent to promote,</u>

21 <u>further, or assist in any criminal conduct by organization members.</u>

22 <u>At least two other members of the criminal organization must be</u>

23 <u>specifically identified and their agreement or encouraging of the</u>

24 <u>charged defendant to commit the charged act must be proved by</u>

25 <u>evidence which is admissible under the Rules of Evidence and proved</u>

26 <u>beyond a reasonable doubt.</u>"

        <u>EFFECT:</u> Places additional restrictions on the imposition of
        an exceptional sentence by: (1) requiring the organization to
        have been in existence for 12 months; (2) requiring proof that

the organization committed other criminal acts; (3) requiring
that the organization be formal in nature; (4) requiring the
organization to have a structure or hierarchy; (5) requiring
the organization's criminal acts to be felonies; and (6)
requiring identification of other organization members and
proof of their agreement or encouragement of the defendant's
criminal act.