

2 **E2SHB 2319** - S AMD TO S AMD (S-5375.4/94)
3 By Senator Ludwig

4 ADOPTED 3/4/94

5 On page 56, after line 2 of the amendment, insert the following:

6 "Sec. 431. RCW 9.94A.310 and 1992 c 145 s 9 are each amended to
7 read as follows:

8 (1) TABLE 1

9 Sentencing Grid

10 SERIOUSNESS

11 SCORE

OFFENDER SCORE

12 9 or
13 0 1 2 3 4 5 6 7 8 more

14
15 XV Life Sentence without Parole/Death Penalty

16
17 XIV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m 36y 40y
18 240- 250- 261- 271- 281- 291- 312- 338- 370- 411-
19 320 333 347 361 374 388 416 450 493 548

20
21 XIII 12y 13y 14y 15y 16y 17y 19y 21y 25y 29y
22 123- 134- 144- 154- 165- 175- 195- 216- 257- 298-
23 164 178 192 205 219 233 260 288 342 397

24
25 XII 9y 9y11m 10y9m 11y8m 12y6m 13y5m 15y9m 17y3m 20y3m 23y3m
26 93- 102- 111- 120- 129- 138- 162- 178- 209- 240-
27 123 136 147 160 171 184 216 236 277 318

28
29 XI 7y6m 8y4m 9y2m 9y11m 10y9m 11y7m 14y2m 15y5m 17y11m 20y5m
30 78- 86- 95- 102- 111- 120- 146- 159- 185- 210-
31 102 114 125 136 147 158 194 211 245 280

32

1	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
2		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
3		68	75	82	89	96	102	130	144	171	198
4											
5	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
6		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
7		41	48	54	61	68	75	102	116	144	171
8											
9	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
10		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
11		27	34	41	48	54	61	89	102	116	144
12											
13	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
14		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
15		20	27	34	41	48	54	75	89	102	116
16											
17	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
18		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
19		14	20	27	34	41	48	61	75	89	102
20											
21	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
22		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
23		12	14	17	20	29	43	54	68	82	96
24											
25	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
26		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
27		9	12	14	17	20	29	43	57	70	84
28											
29	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
30		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
31		3	8	12	12	16	22	29	43	57	68
32											
33	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
34		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
35		Days	6	9	12	14	18	22	29	43	57
36											

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	<hr/>										

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

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

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

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

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

31 (c) 12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Assault
32 of a Child 2 (RCW 9A.36.130), Escape 1 (RCW 9A.76.110), Kidnapping 2
33 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW
34 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug
35 offense, but if the offense was committed with a firearm, the 12-month
36 time period may be increased up to 18 months.

37 (4) If the offender committed an offense listed in subsection
38 (3)(a) through (c) of this section while the offender or an accomplice
39 was armed with a firearm, and the offender had a prior conviction for

1 an offense committed with a firearm, then the following times may be
2 added to the presumptive range determined under subsection (2) of this
3 section:

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

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

8 (5) If an offender or an accomplice was armed with a firearm and
9 fired upon a law enforcement officer while resisting arrest under RCW
10 9A.76.040, up to 60 months may be added to the presumptive sentence.

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

23 (a) Eighteen months for offenses committed under RCW
24 69.50.401(a)(1)(i) or 69.50.410;

25 (b) Fifteen months for offenses committed under RCW
26 69.50.401(a)(1)(ii), (iii), and (iv);

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

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

31 ((+5)) (7) An additional twenty-four months shall be added to the
32 presumptive sentence for any ranked offense involving a violation of
33 chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

34 **Sec. 432.** RCW 9.94A.370 and 1989 c 124 s 2 are each amended to
35 read as follows:

36 (1) The intersection of the column defined by the offender score
37 and the row defined by the offense seriousness score determines the
38 presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The

1 additional time for deadly weapon findings or for (~~these offenses~~)
2 other circumstances enumerated in RCW 9.94A.310(~~(4) that were~~
3 ~~committed in a state correctional facility or county jail~~) (3) through
4 (7) shall be added to the entire presumptive sentence range. The court
5 may impose any sentence within the range that it deems appropriate.
6 All presumptive sentence ranges are expressed in terms of total
7 confinement.

8 (2) In determining any sentence, the trial court may rely on no
9 more information than is admitted by the plea agreement, or admitted,
10 acknowledged, or proved in a trial or at the time of sentencing.
11 Acknowledgement includes not objecting to information stated in the
12 presentence reports. Where the defendant disputes material facts, the
13 court must either not consider the fact or grant an evidentiary hearing
14 on the point. The facts shall be deemed proved at the hearing by a
15 preponderance of the evidence. Facts that establish the elements of a
16 more serious crime or additional crimes may not be used to go outside
17 the presumptive sentence range except upon stipulation or when
18 specifically provided for in RCW 9.94A.390(2) (c), (d), and (e)."

19 Renumber the sections consecutively and correct any internal
20 references accordingly.

21 **E2SHB 2319** - S AMD TO S AMD (S-5375.4/94)
22 By Senator Ludwig

23 ADOPTED 3/4/94

24 On page 159, line 24 of the title amendment, after "9.41.280,"
25 insert "9.94A.310, 9.94A.370,"

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