

---

HOUSE BILL 1071

---

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Ludwig, Orr, Riley, R. Johnson, Van Luven, Foreman, I. Ballasiotes, Long, Kremen, Springer, Brough, Horn, Forner, Basich, Jacobsen, Edmondson, Lemmon, Tate, Vance, Mielke, Chandler, Lisk, Wood, Cooke and Silver

Read first time 01/13/93. Referred to Committee on Corrections.

1 AN ACT Relating to concurrent and consecutive sentences of adult  
2 offenders; amending RCW 9.94A.400; and prescribing penalties.

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

4 **Sec. 1.** RCW 9.94A.400 and 1990 c 3 s 704 are each amended to read  
5 as follows:

6 (1) (a) Except as provided in (b) of this subsection, whenever a  
7 person is to be sentenced for two or more current offenses, the  
8 sentence range for each current offense shall be determined by using  
9 all other current and prior convictions as if they were prior  
10 convictions for the purpose of the offender score: PROVIDED, That if  
11 the court enters a finding that some or all of the current offenses  
12 encompass the same criminal conduct then those current offenses shall  
13 be counted as one crime. Sentences imposed under this subsection shall  
14 be served concurrently. Consecutive sentences may only be imposed  
15 under the exceptional sentence provisions of RCW 9.94A.120 and  
16 9.94A.390(2)(f) or any other provision of RCW 9.94A.390. "Same  
17 criminal conduct," as used in this subsection, means two or more crimes  
18 that require the same criminal intent, are committed at the same time  
19 and place, and involve the same victim. This definition does not apply

1 in cases involving vehicular assault or vehicular homicide if the  
2 victims occupied the same vehicle. However, the sentencing judge may  
3 consider multiple victims in such instances as an aggravating  
4 circumstance under RCW 9.94A.390.

5 (b) Whenever a person is convicted of two or more serious violent  
6 offenses, as defined in RCW 9.94A.030, arising from separate and  
7 distinct criminal conduct, the sentence range for the offense with the  
8 highest seriousness level under RCW 9.94A.320 shall be determined using  
9 the offender's prior convictions and other current convictions that are  
10 not serious violent offenses in the offender score and the sentence  
11 range for other serious violent offenses shall be determined by using  
12 an offender score of zero. The sentence range for any offenses that  
13 are not serious violent offenses shall be determined according to (a)  
14 of this subsection. All sentences imposed under (b) of this subsection  
15 shall be served consecutively to each other and concurrently with  
16 sentences imposed under (a) of this subsection.

17 (2) Except as provided in subsection (5) of this section, whenever  
18 a person while under sentence of felony commits another felony and is  
19 sentenced to another term of confinement, the latter term shall not  
20 begin until expiration of all prior terms.

21 (3) Subject to subsections (1) and (2) of this section, whenever a  
22 person is sentenced for a felony that was committed while the person  
23 was not under sentence of a felony, the sentence shall run concurrently  
24 with any felony sentence which has been imposed by any court in this or  
25 another state or by a federal court subsequent to the commission of the  
26 crime being sentenced unless the court pronouncing the current sentence  
27 expressly orders that they be served consecutively.

28 (4) Whenever any person granted probation under RCW 9.95.210 or  
29 9.92.060, or both, has the probationary sentence revoked and a prison  
30 sentence imposed, that sentence shall run consecutively to any sentence  
31 imposed pursuant to this chapter, unless the court pronouncing the  
32 subsequent sentence expressly orders that they be served concurrently.

33 (5) When a parolee commits a felony which has resulted in or may  
34 result in parole revocation, any term of confinement imposed for the  
35 subsequent felony shall run consecutively to any term of confinement  
36 imposed pursuant to the parole revocation, unless the sentencing court  
37 expressly orders the terms be served concurrently.

38 (6) However, in the case of consecutive sentences, all periods of  
39 total confinement shall be served before any partial confinement,

1 community service, community supervision, or any other requirement or  
2 conditions of any of the sentences. Except for exceptional sentences  
3 as authorized under RCW 9.94A.120(2), if two or more sentences that run  
4 consecutively include periods of community supervision, the aggregate  
5 of the community supervision period shall not exceed twenty-four  
6 months.

--- END ---