
SUBSTITUTE SENATE BILL 5005

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Long, Hargrove, McCaslin, Haugen, Zarelli, Johnson, Winsley, Goings, Rasmussen, Oke and Roach)

Read first time 03/05/97.

1 AN ACT Relating to sentencing for multiple violent crimes; and
2 amending RCW 9.94A.400.

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

4 **Sec. 1.** RCW 9.94A.400 and 1996 c 199 s 3 are each amended to read
5 as follows:

6 (1)(a) Except as provided in (b) and (c) of this subsection,
7 whenever a person is to be sentenced for two or more current offenses,
8 the sentence range for each current offense shall be determined by
9 using all other current and prior convictions as if they were prior
10 convictions for the purpose of the offender score(~~(:—PROVIDED, That))~~).
11 However, if the court enters a finding that some or all of the current
12 offenses encompass the same criminal conduct then those current
13 offenses shall be counted as one crime. Sentences imposed under this
14 subsection shall be served concurrently. Consecutive sentences may
15 only be imposed under the exceptional sentence provisions of RCW
16 9.94A.120 and 9.94A.390(2)((~~f~~)) (g) or any other provision of RCW
17 9.94A.390. "Same criminal conduct," as used in this subsection, means
18 two or more crimes that require the same criminal intent, are committed
19 at the same time and place, and involve the same victim. This

1 definition applies in cases involving vehicular assault or vehicular
2 homicide even if the victims occupied the same vehicle.

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

15 (c) Whenever a person is convicted of two or more violent offenses,
16 but not more than one serious violent offense, as defined in RCW
17 9.94A.030, arising from separate and distinct criminal conduct, the
18 sentence range for the offense with the highest seriousness level under
19 RCW 9.94A.320 shall be determined using the offender's prior
20 convictions and other current convictions that are not violent offenses
21 in the offender score and the sentence range for other violent offenses
22 shall be determined by using an offender score of zero. The sentence
23 range for any offenses that are not violent offenses shall be
24 determined according to (a) of this subsection. All sentences imposed
25 under this subsection (1)(c) shall be served consecutively to each
26 other and concurrently with sentences imposed under (a) of this
27 subsection. If the total time of confinement determined under this
28 subsection (1)(c) is less than the total time of confinement that would
29 result from sentencing under (a) of this subsection, then the sentences
30 shall be determined under (a) of this subsection.

31 (2)(a) Except as provided in (b) of this subsection, whenever a
32 person while under sentence of felony commits another felony and is
33 sentenced to another term of confinement, the latter term shall not
34 begin until expiration of all prior terms.

35 (b) Whenever a second or later felony conviction results in
36 community supervision with conditions not currently in effect, under
37 the prior sentence or sentences of community supervision the court may
38 require that the conditions of community supervision contained in the
39 second or later sentence begin during the immediate term of community

1 supervision and continue throughout the duration of the consecutive
2 term of community supervision.

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

10 (4) Whenever any person granted probation under RCW 9.95.210 or
11 9.92.060, or both, has the probationary sentence revoked and a prison
12 sentence imposed, that sentence shall run consecutively to any sentence
13 imposed pursuant to this chapter, unless the court pronouncing the
14 subsequent sentence expressly orders that they be served concurrently.

15 (5) However, in the case of consecutive sentences, all periods of
16 total confinement shall be served before any partial confinement,
17 community service, community supervision, or any other requirement or
18 conditions of any of the sentences. Except for exceptional sentences
19 as authorized under RCW 9.94A.120(2), if two or more sentences that run
20 consecutively include periods of community supervision, the aggregate
21 of the community supervision period shall not exceed twenty-four
22 months.

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