
SENATE BILL 5005

State of Washington

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By Senators Long, Hargrove, McCaslin, Haugen, Zarelli, Johnson, Winsley, Goings, Rasmussen, Oke and Roach

Read first time 01/13/97. Referred to Committee on Law & Justice.

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

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

20 (b) Whenever a second or later felony conviction results in
21 community supervision with conditions not currently in effect, under
22 the prior sentence or sentences of community supervision the court may
23 require that the conditions of community supervision contained in the
24 second or later sentence begin during the immediate term of community
25 supervision and continue throughout the duration of the consecutive
26 term of community supervision.

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

34 (4) Whenever any person granted probation under RCW 9.95.210 or
35 9.92.060, or both, has the probationary sentence revoked and a prison
36 sentence imposed, that sentence shall run consecutively to any sentence
37 imposed pursuant to this chapter, unless the court pronouncing the
38 subsequent sentence expressly orders that they be served concurrently.

1 (5) However, in the case of consecutive sentences, all periods of
2 total confinement shall be served before any partial confinement,
3 community service, community supervision, or any other requirement or
4 conditions of any of the sentences. Except for exceptional sentences
5 as authorized under RCW 9.94A.120(2), if two or more sentences that run
6 consecutively include periods of community supervision, the aggregate
7 of the community supervision period shall not exceed twenty-four
8 months.

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