

2 HB 1544 - S COMM AMD
3 By Committee on Judiciary

4 ADOPTED 4/14/99

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 9.94A.040 and 1997 c 365 s 2 and 1997 c 338 s 3 are
8 each reenacted and amended to read as follows:

9 (1) A sentencing guidelines commission is established as an agency
10 of state government.

11 (2) The legislature finds that the commission, having accomplished
12 its original statutory directive to implement this chapter, and having
13 expertise in sentencing practice and policies, shall:

14 (a) Evaluate state sentencing policy, to include whether the
15 sentencing ranges and standards are consistent with and further:

16 (i) The purposes of this chapter as defined in RCW 9.94A.010; and

17 (ii) The intent of the legislature to emphasize confinement for the
18 violent offender and alternatives to confinement for the nonviolent
19 offender.

20 The commission shall provide the governor and the legislature with
21 its evaluation and recommendations under this subsection not later than
22 December 1, 1996, and every two years thereafter;

23 (b) Recommend to the legislature revisions or modifications to the
24 standard sentence ranges, state sentencing policy, prosecuting
25 standards, and other standards. If implementation of the revisions or
26 modifications would result in exceeding the capacity of correctional
27 facilities, then the commission shall accompany its recommendation with
28 an additional list of standard sentence ranges which are consistent
29 with correction capacity;

30 (c) Study the existing criminal code and from time to time make
31 recommendations to the legislature for modification;

32 (d)(i) Serve as a clearinghouse and information center for the
33 collection, preparation, analysis, and dissemination of information on
34 state and local adult and juvenile sentencing practices; (ii) develop
35 and maintain a computerized adult and juvenile sentencing information
36 system by individual superior court judge consisting of offender,

1 offense, history, and sentence information entered from judgment and
2 sentence forms for all adult felons; and (iii) conduct ongoing research
3 regarding adult and juvenile sentencing guidelines, use of total
4 confinement and alternatives to total confinement, plea bargaining, and
5 other matters relating to the improvement of the adult criminal justice
6 system and the juvenile justice system;

7 (e) Assume the powers and duties of the juvenile disposition
8 standards commission after June 30, 1996;

9 (f) Evaluate the effectiveness of existing disposition standards
10 and related statutes in implementing policies set forth in RCW
11 13.40.010 generally, specifically review the guidelines relating to the
12 confinement of minor and first offenders as well as the use of
13 diversion, and review the application of current and proposed juvenile
14 sentencing standards and guidelines for potential adverse impacts on
15 the sentencing outcomes of racial and ethnic minority youth;

16 (g) Solicit the comments and suggestions of the juvenile justice
17 community concerning disposition standards, and make recommendations to
18 the legislature regarding revisions or modifications of the standards.
19 The evaluations shall be submitted to the legislature on December 1 of
20 each odd-numbered year. The department of social and health services
21 shall provide the commission with available data concerning the
22 implementation of the disposition standards and related statutes and
23 their effect on the performance of the department's responsibilities
24 relating to juvenile offenders, and with recommendations for
25 modification of the disposition standards. The office of the
26 administrator for the courts shall provide the commission with
27 available data on diversion and dispositions of juvenile offenders
28 under chapter 13.40 RCW; and

29 (h) Not later than December 1, 1997, and at least every two years
30 thereafter, based on available information, report to the governor and
31 the legislature on:

32 (i) Racial disproportionality in juvenile and adult sentencing;

33 (ii) The capacity of state and local juvenile and adult facilities
34 and resources; and

35 (iii) Recidivism information on adult and juvenile offenders.

36 (3) Each of the commission's recommended standard sentence ranges
37 shall include one or more of the following: Total confinement, partial
38 confinement, community supervision, community service, and a fine.

1 (4) The standard sentence ranges of total and partial confinement
2 under this chapter are subject to the following limitations:

3 (a) If the maximum term in the range is one year or less, the
4 minimum term in the range shall be no less than one-third of the
5 maximum term in the range, except that if the maximum term in the range
6 is ninety days or less, the minimum term may be less than one-third of
7 the maximum;

8 (b) If the maximum term in the range is greater than one year, the
9 minimum term in the range shall be no less than seventy-five percent of
10 the maximum term in the range, except that for murder in the second
11 degree in seriousness ((category XIII)) level XIV under RCW 9.94A.310,
12 the minimum term in the range shall be no less than fifty percent of
13 the maximum term in the range; and

14 (c) The maximum term of confinement in a range may not exceed the
15 statutory maximum for the crime as provided in RCW 9A.20.021.

16 (5) The commission shall exercise its duties under this section in
17 conformity with chapter 34.05 RCW.

18 **Sec. 2.** RCW 9.94A.310 and 1998 c 235 s 1 and 1998 c 211 s 3 are
19 each reenacted and amended to read as follows:

20 (1) TABLE 1

21 Sentencing Grid

22 SERIOUSNESS

23 ((SCORE))

24 LEVEL

OFFENDER SCORE

25 9 or
26 0 1 2 3 4 5 6 7 8 more

27
28 ((XV))

29 XVI Life Sentence without Parole/Death Penalty

30
31 ((XIV))

32 XV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m36y 40y
33 240- 250- 261- 271- 281- 291- 312- 338- 370- 411-
34 320 333 347 361 374 388 416 450 493 548

35
36 ((XIII))

37 XIV 14y4m 15y4m 16y2m 17y 17y11m18y9m 20y5m 22y2m 25y7m 29y

1		123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
2		220	234	244	254	265	275	295	316	357	397
3											
4	XIII	<u>12y</u>	<u>13y</u>	<u>14y</u>	<u>15y</u>	<u>16y</u>	<u>17y</u>	<u>19y</u>	<u>21y</u>	<u>25y</u>	<u>29y</u>
5		<u>123-</u>	<u>134-</u>	<u>144-</u>	<u>154-</u>	<u>165-</u>	<u>175-</u>	<u>195-</u>	<u>216-</u>	<u>257-</u>	<u>298-</u>
6		<u>164</u>	<u>178</u>	<u>192</u>	<u>205</u>	<u>219</u>	<u>233</u>	<u>260</u>	<u>288</u>	<u>342</u>	<u>397</u>
7											
8	XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
9		93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
10		123	136	147	160	171	184	216	236	277	318
11											
12	XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
13		78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
14		102	114	125	136	147	158	194	211	245	280
15											
16	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
17		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
18		68	75	82	89	96	102	130	144	171	198
19											
20	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
21		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
22		41	48	54	61	68	75	102	116	144	171
23											
24	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
25		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
26		27	34	41	48	54	61	89	102	116	144
27											
28	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
29		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
30		20	27	34	41	48	54	75	89	102	116
31											
32	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
33		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
34		14	20	27	34	41	48	61	75	89	102
35											
36	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
37		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
38		12	14	17	20	29	43	54	68	82	96
39											

1	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
2		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
3		9	12	14	17	20	29	43	57	70	84
4	<hr/>										
5	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
6		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
7		3	8	12	12	16	22	29	43	57	68
8	<hr/>										
9	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
10		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
11		Days	6	9	12	14	18	22	29	43	57
12	<hr/>										
13	I			3m	4m	5m	8m	13m	16m	20m	2y2m
14		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
15		Days	Days	5	6	8	12	14	18	22	29
16	<hr/>										

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

21 (2) For persons convicted of the anticipatory offenses of criminal
22 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
23 presumptive sentence is determined by locating the sentencing grid
24 sentence range defined by the appropriate offender score and the
25 seriousness level of the completed crime, and multiplying the range by
26 75 percent.

27 (3) The following additional times shall be added to the
28 presumptive sentence for felony crimes committed after July 23, 1995,
29 if the offender or an accomplice was armed with a firearm as defined in
30 RCW 9.41.010 and the offender is being sentenced for one of the crimes
31 listed in this subsection as eligible for any firearm enhancements
32 based on the classification of the completed felony crime. If the
33 offender is being sentenced for more than one offense, the firearm
34 enhancement or enhancements must be added to the total period of
35 confinement for all offenses, regardless of which underlying offense is
36 subject to a firearm enhancement. If the offender or an accomplice was
37 armed with a firearm as defined in RCW 9.41.010 and the offender is
38 being sentenced for an anticipatory offense under chapter 9A.28 RCW to
39 commit one of the crimes listed in this subsection as eligible for any

1 firearm enhancements, the following additional times shall be added to
2 the presumptive sentence determined under subsection (2) of this
3 section based on the felony crime of conviction as classified under RCW
4 9A.28.020:

5 (a) Five years for any felony defined under any law as a class A
6 felony or with a maximum sentence of at least twenty years, or both,
7 and not covered under (f) of this subsection.

8 (b) Three years for any felony defined under any law as a class B
9 felony or with a maximum sentence of ten years, or both, and not
10 covered under (f) of this subsection.

11 (c) Eighteen months for any felony defined under any law as a
12 class C felony or with a maximum sentence of five years, or both, and
13 not covered under (f) of this subsection.

14 (d) If the offender is being sentenced for any firearm
15 enhancements under (a), (b), and/or (c) of this subsection and the
16 offender has previously been sentenced for any deadly weapon
17 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
18 subsection or subsection (4)(a), (b), and/or (c) of this section, or
19 both, any and all firearm enhancements under this subsection shall be
20 twice the amount of the enhancement listed.

21 (e) Notwithstanding any other provision of law, any and all
22 firearm enhancements under this section are mandatory, shall be served
23 in total confinement, and shall run consecutively to all other
24 sentencing provisions, including other firearm or deadly weapon
25 enhancements, for all offenses sentenced under this chapter.

26 (f) The firearm enhancements in this section shall apply to all
27 felony crimes except the following: Possession of a machine gun,
28 possessing a stolen firearm, drive-by shooting, theft of a firearm,
29 unlawful possession of a firearm in the first and second degree, and
30 use of a machine gun in a felony.

31 (g) If the presumptive sentence under this section exceeds the
32 statutory maximum for the offense, the statutory maximum sentence shall
33 be the presumptive sentence unless the offender is a persistent
34 offender as defined in RCW 9.94A.030. If the addition of a firearm
35 enhancement increases the sentence so that it would exceed the
36 statutory maximum for the offense, the portion of the sentence
37 representing the enhancement may not be reduced.

38 (4) The following additional times shall be added to the
39 presumptive sentence for felony crimes committed after July 23, 1995,

1 if the offender or an accomplice was armed with a deadly weapon as
2 defined in this chapter other than a firearm as defined in RCW 9.41.010
3 and the offender is being sentenced for one of the crimes listed in
4 this subsection as eligible for any deadly weapon enhancements based on
5 the classification of the completed felony crime. If the offender is
6 being sentenced for more than one offense, the deadly weapon
7 enhancement or enhancements must be added to the total period of
8 confinement for all offenses, regardless of which underlying offense is
9 subject to a deadly weapon enhancement. If the offender or an
10 accomplice was armed with a deadly weapon other than a firearm as
11 defined in RCW 9.41.010 and the offender is being sentenced for an
12 anticipatory offense under chapter 9A.28 RCW to commit one of the
13 crimes listed in this subsection as eligible for any deadly weapon
14 enhancements, the following additional times shall be added to the
15 presumptive sentence determined under subsection (2) of this section
16 based on the felony crime of conviction as classified under RCW
17 9A.28.020:

18 (a) Two years for any felony defined under any law as a class A
19 felony or with a maximum sentence of at least twenty years, or both,
20 and not covered under (f) of this subsection.

21 (b) One year for any felony defined under any law as a class B
22 felony or with a maximum sentence of ten years, or both, and not
23 covered under (f) of this subsection.

24 (c) Six months for any felony defined under any law as a class C
25 felony or with a maximum sentence of five years, or both, and not
26 covered under (f) of this subsection.

27 (d) If the offender is being sentenced under (a), (b), and/or (c)
28 of this subsection for any deadly weapon enhancements and the offender
29 has previously been sentenced for any deadly weapon enhancements after
30 July 23, 1995, under (a), (b), and/or (c) of this subsection or
31 subsection (3)(a), (b), and/or (c) of this section, or both, any and
32 all deadly weapon enhancements under this subsection shall be twice the
33 amount of the enhancement listed.

34 (e) Notwithstanding any other provision of law, any and all deadly
35 weapon enhancements under this section are mandatory, shall be served
36 in total confinement, and shall run consecutively to all other
37 sentencing provisions, including other firearm or deadly weapon
38 enhancements, for all offenses sentenced under this chapter.

1 (f) The deadly weapon enhancements in this section shall apply to
2 all felony crimes except the following: Possession of a machine gun,
3 possessing a stolen firearm, drive-by shooting, theft of a firearm,
4 unlawful possession of a firearm in the first and second degree, and
5 use of a machine gun in a felony.

6 (g) If the presumptive sentence under this section exceeds the
7 statutory maximum for the offense, the statutory maximum sentence shall
8 be the presumptive sentence unless the offender is a persistent
9 offender as defined in RCW 9.94A.030. If the addition of a deadly
10 weapon enhancement increases the sentence so that it would exceed the
11 statutory maximum for the offense, the portion of the sentence
12 representing the enhancement may not be reduced.

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

25 (a) Eighteen months for offenses committed under RCW
26 69.50.401(a)(1) (i) or (ii) or 69.50.410;

27 (b) Fifteen months for offenses committed under RCW
28 69.50.401(a)(1) (iii), (iv), and (v);

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

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

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

36 (7) An additional two years shall be added to the presumptive
37 sentence for vehicular homicide committed while under the influence of
38 intoxicating liquor or any drug as defined by RCW 46.61.502 for each
39 prior offense as defined in RCW 46.61.5055.

1 **Sec. 3.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c
2 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as
3 follows:

4 TABLE 2

5 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- 6 ((~~XV~~))
7 ~~XVI~~ Aggravated Murder 1 (RCW 10.95.020)
- 8 ((~~XIV~~))
9 ~~XV~~ Murder 1 (RCW 9A.32.030)
10 Homicide by abuse (RCW 9A.32.055)
11 Malicious explosion 1 (RCW 70.74.280(1))
- 12 ((~~XIII~~))
13 ~~XIV~~ Murder 2 (RCW 9A.32.050)
- 14 ~~XIII~~ Malicious explosion 2 (RCW 70.74.280(2))
15 Malicious placement of an explosive 1 (RCW
16 70.74.270(1))
- 17 ~~XII~~ Assault 1 (RCW 9A.36.011)
18 Assault of a Child 1 (RCW 9A.36.120)
19 Rape 1 (RCW 9A.44.040)
20 Rape of a Child 1 (RCW 9A.44.073)
21 Malicious placement of an imitation device 1
22 (RCW 70.74.272(1)(a))
- 23 ~~XI~~ Rape 2 (RCW 9A.44.050)
24 Rape of a Child 2 (RCW 9A.44.076)
25 Manslaughter 1 (RCW 9A.32.060)
- 26 ~~X~~ Kidnapping 1 (RCW 9A.40.020)
27 Child Molestation 1 (RCW 9A.44.083)
28 Malicious explosion 3 (RCW 70.74.280(3))
29 Over 18 and deliver heroin, methamphetamine,
30 a narcotic from Schedule I or II, or
31 flunitrazepam from Schedule IV to
32 someone under 18 (RCW 69.50.406)
33 Leading Organized Crime (RCW 9A.82.060(1)(a))
34 Indecent Liberties (with forcible compulsion)
35 (RCW 9A.44.100(1)(a))

1 Manufacture of methamphetamine (RCW
2 69.50.401(a)(1)(ii))

3 IX Assault of a Child 2 (RCW 9A.36.130)
4 Robbery 1 (RCW 9A.56.200)
5 Explosive devices prohibited (RCW 70.74.180)
6 Malicious placement of an explosive 2 (RCW
7 70.74.270(2))
8 Over 18 and deliver narcotic from Schedule
9 III, IV, or V or a nonnarcotic, except
10 flunitrazepam or methamphetamine, from
11 Schedule I-V to someone under 18 and 3
12 years junior (RCW 69.50.406)
13 Controlled Substance Homicide (RCW 69.50.415)
14 Sexual Exploitation (RCW 9.68A.040)
15 Inciting Criminal Profiteering (RCW
16 9A.82.060(1)(b))
17 Vehicular Homicide, by being under the
18 influence of intoxicating liquor or any
19 drug (RCW 46.61.520)
20 Homicide by Watercraft, by being under the
21 influence of intoxicating liquor or any
22 drug (RCW 88.12.029)

23 VIII Arson 1 (RCW 9A.48.020)
24 Promoting Prostitution 1 (RCW 9A.88.070)
25 Selling for profit (controlled or
26 counterfeit) any controlled substance
27 (RCW 69.50.410)
28 Manufacture, deliver, or possess with intent
29 to deliver heroin or cocaine (RCW
30 69.50.401(a)(1)(i))
31 Deliver or possess with intent to deliver
32 m e t h a m p h e t a m i n e (R C W
33 69.50.401(a)(1)(ii))
34 Manufacture, deliver, or possess with intent
35 to deliver amphetamine (RCW
36 69.50.401(a)(1)(ii))

1 Possession of ephedrine or pseudoephedrine
2 with intent to manufacture
3 methamphetamine (RCW 69.50.440)
4 Vehicular Homicide, by the operation of any
5 vehicle in a reckless manner (RCW
6 46.61.520)
7 Homicide by Watercraft, by the operation of
8 any vessel in a reckless manner (RCW
9 88.12.029)
10 Manslaughter 2 (RCW 9A.32.070)

11 VII Burglary 1 (RCW 9A.52.020)
12 Vehicular Homicide, by disregard for the
13 safety of others (RCW 46.61.520)
14 Homicide by Watercraft, by disregard for the
15 safety of others (RCW 88.12.029)
16 Introducing Contraband 1 (RCW 9A.76.140)
17 Indecent Liberties (without forcible
18 compulsion) (RCW 9A.44.100(1) (b) and
19 (c))
20 Child Molestation 2 (RCW 9A.44.086)
21 Dealing in depictions of minor engaged in
22 sexually explicit conduct (RCW
23 9.68A.050)
24 Sending, bringing into state depictions of
25 minor engaged in sexually explicit
26 conduct (RCW 9.68A.060)
27 Involving a minor in drug dealing (RCW
28 69.50.401(f))
29 Drive-by Shooting (RCW 9A.36.045)
30 Unlawful Possession of a Firearm in the first
31 degree (RCW 9.41.040(1)(a))
32 Malicious placement of an explosive 3 (RCW
33 70.74.270(3))

34 VI Bribery (RCW 9A.68.010)
35 Rape of a Child 3 (RCW 9A.44.079)
36 Intimidating a Juror/Witness (RCW 9A.72.110,
37 9A.72.130)

1 Malicious placement of an imitation device 2
2 (RCW 70.74.272(1)(b))
3 Incest 1 (RCW 9A.64.020(1))
4 Manufacture, deliver, or possess with intent
5 to deliver narcotics from Schedule I or
6 II (except heroin or cocaine) or
7 flunitrazepam from Schedule IV (RCW
8 69.50.401(a)(1)(i))
9 Intimidating a Judge (RCW 9A.72.160)
10 Bail Jumping with Murder 1 (RCW
11 9A.76.170(2)(a))
12 Theft of a Firearm (RCW 9A.56.300)

13 V Persistent prison misbehavior (RCW 9.94.070)
14 Criminal Mistreatment 1 (RCW 9A.42.020)
15 Abandonment of dependent person 1 (RCW
16 9A.42.060)
17 Rape 3 (RCW 9A.44.060)
18 Sexual Misconduct with a Minor 1 (RCW
19 9A.44.093)
20 Child Molestation 3 (RCW 9A.44.089)
21 Kidnapping 2 (RCW 9A.40.030)
22 Extortion 1 (RCW 9A.56.120)
23 Incest 2 (RCW 9A.64.020(2))
24 Perjury 1 (RCW 9A.72.020)
25 Extortionate Extension of Credit (RCW
26 9A.82.020)
27 Advancing money or property for extortionate
28 extension of credit (RCW 9A.82.030)
29 Extortionate Means to Collect Extensions of
30 Credit (RCW 9A.82.040)
31 Rendering Criminal Assistance 1 (RCW
32 9A.76.070)
33 Bail Jumping with class A Felony (RCW
34 9A.76.170(2)(b))
35 Sexually Violating Human Remains (RCW
36 9A.44.105)
37 Delivery of imitation controlled substance by
38 person eighteen or over to person under
39 eighteen (RCW 69.52.030(2))

1 Possession of a Stolen Firearm (RCW
2 9A.56.310)

3 IV Residential Burglary (RCW 9A.52.025)
4 Theft of Livestock 1 (RCW 9A.56.080)
5 Robbery 2 (RCW 9A.56.210)
6 Assault 2 (RCW 9A.36.021)
7 Escape 1 (RCW 9A.76.110)
8 Arson 2 (RCW 9A.48.030)
9 Commercial Bribery (RCW 9A.68.060)
10 Bribing a Witness/Bribe Received by Witness
11 (RCW 9A.72.090, 9A.72.100)
12 Malicious Harassment (RCW 9A.36.080)
13 Threats to Bomb (RCW 9.61.160)
14 Willful Failure to Return from Furlough (RCW
15 72.66.060)
16 Hit and Run--Injury Accident (RCW
17 46.52.020(4))
18 Hit and Run with Vessel--Injury Accident (RCW
19 88.12.155(3))
20 Vehicular Assault (RCW 46.61.522)
21 Assault by Watercraft (RCW 88.12.032)
22 Manufacture, deliver, or possess with intent
23 to deliver narcotics from Schedule III,
24 IV, or V or nonnarcotics from Schedule
25 I-V (except marijuana, amphetamine,
26 methamphetamines, or flunitrazepam) (RCW
27 69.50.401(a)(1) (iii) through (v))
28 Influencing Outcome of Sporting Event (RCW
29 9A.82.070)
30 Use of Proceeds of Criminal Profiteering (RCW
31 9A.82.080 (1) and (2))
32 Knowingly Trafficking in Stolen Property (RCW
33 9A.82.050(2))

1 III Criminal Gang Intimidation (RCW 9A.46.120)
2 Criminal Mistreatment 2 (RCW 9A.42.030)
3 Abandonment of dependent person 2 (RCW
4 9A.42.070)
5 Extortion 2 (RCW 9A.56.130)
6 Unlawful Imprisonment (RCW 9A.40.040)
7 Assault 3 (RCW 9A.36.031)
8 Assault of a Child 3 (RCW 9A.36.140)
9 Custodial Assault (RCW 9A.36.100)
10 Unlawful possession of firearm in the second
11 degree (RCW 9.41.040(1)(b))
12 Harassment (RCW 9A.46.020)
13 Promoting Prostitution 2 (RCW 9A.88.080)
14 Willful Failure to Return from Work Release
15 (RCW 72.65.070)
16 Burglary 2 (RCW 9A.52.030)
17 Introducing Contraband 2 (RCW 9A.76.150)
18 Communication with a Minor for Immoral
19 Purposes (RCW 9.68A.090)
20 Patronizing a Juvenile Prostitute (RCW
21 9.68A.100)
22 Escape 2 (RCW 9A.76.120)
23 Perjury 2 (RCW 9A.72.030)
24 Bail Jumping with class B or C Felony (RCW
25 9A.76.170(2)(c))
26 Intimidating a Public Servant (RCW 9A.76.180)
27 Tampering with a Witness (RCW 9A.72.120)
28 Manufacture, deliver, or possess with intent
29 to deliver marijuana (RCW
30 69.50.401(a)(1)(iii))
31 Delivery of a material in lieu of a
32 controlled substance (RCW 69.50.401(c))
33 Manufacture, distribute, or possess with
34 intent to distribute an imitation
35 controlled substance (RCW 69.52.030(1))
36 Recklessly Trafficking in Stolen Property
37 (RCW 9A.82.050(1))
38 Theft of livestock 2 (RCW 9A.56.080)
39 Securities Act violation (RCW 21.20.400)

1 II Unlawful Practice of Law (RCW 2.48.180)
2 Malicious Mischief 1 (RCW 9A.48.070)
3 Possession of Stolen Property 1 (RCW
4 9A.56.150)
5 Theft 1 (RCW 9A.56.030)
6 Class B Felony Theft of Rental, Leased, or
7 Lease-purchased Property (RCW
8 9A.56.096(4))
9 Trafficking in Insurance Claims (RCW
10 48.30A.015)
11 Unlicensed Practice of a Profession or
12 Business (RCW 18.130.190(7))
13 Health Care False Claims (RCW 48.80.030)
14 Possession of controlled substance that is
15 either heroin or narcotics from Schedule
16 I or II or flunitrazepam from Schedule
17 IV (RCW 69.50.401(d))
18 Possession of phencyclidine (PCP) (RCW
19 69.50.401(d))
20 Create, deliver, or possess a counterfeit
21 controlled substance (RCW 69.50.401(b))
22 Computer Trespass 1 (RCW 9A.52.110)
23 Escape from Community Custody (RCW 72.09.310)

24 I Theft 2 (RCW 9A.56.040)
25 Class C Felony Theft of Rental, Leased, or
26 Lease-purchased Property (RCW
27 9A.56.096(4))
28 Possession of Stolen Property 2 (RCW
29 9A.56.160)
30 Forgery (RCW 9A.60.020)
31 Taking Motor Vehicle Without Permission (RCW
32 9A.56.070)
33 Vehicle Prowl 1 (RCW 9A.52.095)
34 Attempting to Elude a Pursuing Police Vehicle
35 (RCW 46.61.024)
36 Malicious Mischief 2 (RCW 9A.48.080)
37 Reckless Burning 1 (RCW 9A.48.040)
38 Unlawful Issuance of Checks or Drafts (RCW
39 9A.56.060)

1 Unlawful Use of Food Stamps (RCW 9.91.140 (2)
2 and (3))
3 False Verification for Welfare (RCW
4 74.08.055)
5 Forged Prescription (RCW 69.41.020)
6 Forged Prescription for a Controlled
7 Substance (RCW 69.50.403)
8 Possess Controlled Substance that is a
9 Narcotic from Schedule III, IV, or V or
10 Non-narcotic from Schedule I-V (except
11 phencyclidine or flunitrazepam) (RCW
12 69.50.401(d))

13 **Sec. 4.** RCW 9.94A.030 and 1998 c 290 s 3 are each amended to read
14 as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

17 (1) "Collect," or any derivative thereof, "collect and remit," or
18 "collect and deliver," when used with reference to the department of
19 corrections, means that the department is responsible for monitoring
20 and enforcing the offender's sentence with regard to the legal
21 financial obligation, receiving payment thereof from the offender, and,
22 consistent with current law, delivering daily the entire payment to the
23 superior court clerk without depositing it in a departmental account.

24 (2) "Commission" means the sentencing guidelines commission.

25 (3) "Community corrections officer" means an employee of the
26 department who is responsible for carrying out specific duties in
27 supervision of sentenced offenders and monitoring of sentence
28 conditions.

29 (4) "Community custody" means that portion of an inmate's sentence
30 of confinement in lieu of earned early release time or imposed pursuant
31 to RCW 9.94A.120 (6), (8), or (10) served in the community subject to
32 controls placed on the inmate's movement and activities by the
33 department of corrections.

34 (5) "Community placement" means that period during which the
35 offender is subject to the conditions of community custody and/or
36 postrelease supervision, which begins either upon completion of the
37 term of confinement (postrelease supervision) or at such time as the
38 offender is transferred to community custody in lieu of earned early

1 release. Community placement may consist of entirely community
2 custody, entirely postrelease supervision, or a combination of the two.

3 (6) "Community service" means compulsory service, without
4 compensation, performed for the benefit of the community by the
5 offender.

6 (7) "Community supervision" means a period of time during which a
7 convicted offender is subject to crime-related prohibitions and other
8 sentence conditions imposed by a court pursuant to this chapter or RCW
9 16.52.200(6) or 46.61.524. For first-time offenders, the supervision
10 may include crime-related prohibitions and other conditions imposed
11 pursuant to RCW 9.94A.120(5). For purposes of the interstate compact
12 for out-of-state supervision of parolees and probationers, RCW
13 9.95.270, community supervision is the functional equivalent of
14 probation and should be considered the same as probation by other
15 states.

16 (8) "Confinement" means total or partial confinement as defined in
17 this section.

18 (9) "Conviction" means an adjudication of guilt pursuant to Titles
19 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
20 acceptance of a plea of guilty.

21 (10) "Court-ordered legal financial obligation" means a sum of
22 money that is ordered by a superior court of the state of Washington
23 for legal financial obligations which may include restitution to the
24 victim, statutorily imposed crime victims' compensation fees as
25 assessed pursuant to RCW 7.68.035, court costs, county or interlocal
26 drug funds, court-appointed attorneys' fees, and costs of defense,
27 fines, and any other financial obligation that is assessed to the
28 offender as a result of a felony conviction. Upon conviction for
29 vehicular assault while under the influence of intoxicating liquor or
30 any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the
31 influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a),
32 legal financial obligations may also include payment to a public agency
33 of the expense of an emergency response to the incident resulting in
34 the conviction, subject to the provisions in RCW 38.52.430.

35 (11) "Crime-related prohibition" means an order of a court
36 prohibiting conduct that directly relates to the circumstances of the
37 crime for which the offender has been convicted, and shall not be
38 construed to mean orders directing an offender affirmatively to
39 participate in rehabilitative programs or to otherwise perform

1 affirmative conduct. However, affirmative acts necessary to monitor
2 compliance with the order of a court may be required by the department.

3 (12) "Criminal history" means the list of a defendant's prior
4 convictions and juvenile adjudications, whether in this state, in
5 federal court, or elsewhere. The history shall include, where known,
6 for each conviction (a) whether the defendant has been placed on
7 probation and the length and terms thereof; and (b) whether the
8 defendant has been incarcerated and the length of incarceration.

9 (13) "Day fine" means a fine imposed by the sentencing judge that
10 equals the difference between the offender's net daily income and the
11 reasonable obligations that the offender has for the support of the
12 offender and any dependents.

13 (14) "Day reporting" means a program of enhanced supervision
14 designed to monitor the defendant's daily activities and compliance
15 with sentence conditions, and in which the defendant is required to
16 report daily to a specific location designated by the department or the
17 sentencing judge.

18 (15) "Department" means the department of corrections.

19 (16) "Determinate sentence" means a sentence that states with
20 exactitude the number of actual years, months, or days of total
21 confinement, of partial confinement, of community supervision, the
22 number of actual hours or days of community service work, or dollars or
23 terms of a legal financial obligation. The fact that an offender
24 through "earned early release" can reduce the actual period of
25 confinement shall not affect the classification of the sentence as a
26 determinate sentence.

27 (17) "Disposable earnings" means that part of the earnings of an
28 individual remaining after the deduction from those earnings of any
29 amount required by law to be withheld. For the purposes of this
30 definition, "earnings" means compensation paid or payable for personal
31 services, whether denominated as wages, salary, commission, bonuses, or
32 otherwise, and, notwithstanding any other provision of law making the
33 payments exempt from garnishment, attachment, or other process to
34 satisfy a court-ordered legal financial obligation, specifically
35 includes periodic payments pursuant to pension or retirement programs,
36 or insurance policies of any type, but does not include payments made
37 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
38 or Title 74 RCW.

39 (18) "Drug offense" means:

1 (a) Any felony violation of chapter 69.50 RCW except possession of
2 a controlled substance (RCW 69.50.401(d)) or forged prescription for a
3 controlled substance (RCW 69.50.403);

4 (b) Any offense defined as a felony under federal law that relates
5 to the possession, manufacture, distribution, or transportation of a
6 controlled substance; or

7 (c) Any out-of-state conviction for an offense that under the laws
8 of this state would be a felony classified as a drug offense under (a)
9 of this subsection.

10 (19) "Escape" means:

11 (a) Escape in the first degree (RCW 9A.76.110), escape in the
12 second degree (RCW 9A.76.120), willful failure to return from furlough
13 (RCW 72.66.060), willful failure to return from work release (RCW
14 72.65.070), or willful failure to be available for supervision by the
15 department while in community custody (RCW 72.09.310); or

16 (b) Any federal or out-of-state conviction for an offense that
17 under the laws of this state would be a felony classified as an escape
18 under (a) of this subsection.

19 (20) "Felony traffic offense" means:

20 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
21 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
22 and-run injury-accident (RCW 46.52.020(4)); or

23 (b) Any federal or out-of-state conviction for an offense that
24 under the laws of this state would be a felony classified as a felony
25 traffic offense under (a) of this subsection.

26 (21) "Fines" means the requirement that the offender pay a
27 specific sum of money over a specific period of time to the court.

28 (22) "First-time offender" means any person who is convicted of a
29 felony (a) not classified as a violent offense or a sex offense under
30 this chapter, or (b) that is not the manufacture, delivery, or
31 possession with intent to manufacture or deliver a controlled substance
32 classified in Schedule I or II that is a narcotic drug or flunitrazepam
33 classified in Schedule IV, nor the manufacture, delivery, or possession
34 with intent to deliver methamphetamine, its salts, isomers, and salts
35 of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for
36 profit of any controlled substance or counterfeit substance classified
37 in Schedule I, RCW 69.50.204, except leaves and flowering tops of
38 marihuana, who previously has never been convicted of a felony in this

1 state, federal court, or another state, and who has never participated
2 in a program of deferred prosecution for a felony offense.

3 (23) "Most serious offense" means any of the following felonies or
4 a felony attempt to commit any of the following felonies, as now
5 existing or hereafter amended:

6 (a) Any felony defined under any law as a class A felony or
7 criminal solicitation of or criminal conspiracy to commit a class A
8 felony;

9 (b) Assault in the second degree;

10 (c) Assault of a child in the second degree;

11 (d) Child molestation in the second degree;

12 (e) Controlled substance homicide;

13 (f) Extortion in the first degree;

14 (g) Incest when committed against a child under age fourteen;

15 (h) Indecent liberties;

16 (i) Kidnapping in the second degree;

17 (j) Leading organized crime;

18 (k) Manslaughter in the first degree;

19 (l) Manslaughter in the second degree;

20 (m) Promoting prostitution in the first degree;

21 (n) Rape in the third degree;

22 (o) Robbery in the second degree;

23 (p) Sexual exploitation;

24 (q) Vehicular assault;

25 (r) Vehicular homicide, when proximately caused by the driving of
26 any vehicle by any person while under the influence of intoxicating
27 liquor or any drug as defined by RCW 46.61.502, or by the operation of
28 any vehicle in a reckless manner;

29 (s) Any other class B felony offense with a finding of sexual
30 motivation, as "sexual motivation" is defined under this section;

31 (t) Any other felony with a deadly weapon verdict under RCW
32 9.94A.125;

33 (u) Any felony offense in effect at any time prior to December 2,
34 1993, that is comparable to a most serious offense under this
35 subsection, or any federal or out-of-state conviction for an offense
36 that under the laws of this state would be a felony classified as a
37 most serious offense under this subsection;

38 (v)(i) A prior conviction for indecent liberties under RCW
39 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess.

1 as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as
2 it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)
3 (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

4 (ii) A prior conviction for indecent liberties under RCW
5 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
6 if: (A) The crime was committed against a child under the age of
7 fourteen; or (B) the relationship between the victim and perpetrator is
8 included in the definition of indecent liberties under RCW
9 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997,
10 or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993,
11 through July 27, 1997.

12 (24) "Nonviolent offense" means an offense which is not a violent
13 offense.

14 (25) "Offender" means a person who has committed a felony
15 established by state law and is eighteen years of age or older or is
16 less than eighteen years of age but whose case is under superior court
17 jurisdiction under RCW 13.04.030 or has been transferred by the
18 appropriate juvenile court to a criminal court pursuant to RCW
19 13.40.110. Throughout this chapter, the terms "offender" and
20 "defendant" are used interchangeably.

21 (26) "Partial confinement" means confinement for no more than one
22 year in a facility or institution operated or utilized under contract
23 by the state or any other unit of government, or, if home detention or
24 work crew has been ordered by the court, in an approved residence, for
25 a substantial portion of each day with the balance of the day spent in
26 the community. Partial confinement includes work release, home
27 detention, work crew, and a combination of work crew and home detention
28 as defined in this section.

29 (27) "Persistent offender" is an offender who:

30 (a)(i) Has been convicted in this state of any felony considered
31 a most serious offense; and

32 (ii) Has, before the commission of the offense under (a) of this
33 subsection, been convicted as an offender on at least two separate
34 occasions, whether in this state or elsewhere, of felonies that under
35 the laws of this state would be considered most serious offenses and
36 would be included in the offender score under RCW 9.94A.360; provided
37 that of the two or more previous convictions, at least one conviction
38 must have occurred before the commission of any of the other most
39 serious offenses for which the offender was previously convicted; or

1 (b)(i) Has been convicted of: (A) Rape in the first degree, rape
2 of a child in the first degree, child molestation in the first degree,
3 rape in the second degree, rape of a child in the second degree, or
4 indecent liberties by forcible compulsion; (B) murder in the first
5 degree, murder in the second degree, homicide by abuse, kidnapping in
6 the first degree, kidnapping in the second degree, assault in the first
7 degree, assault in the second degree, assault of a child in the first
8 degree, or burglary in the first degree, with a finding of sexual
9 motivation; or (C) an attempt to commit any crime listed in this
10 subsection (27)(b)(i); and

11 (ii) Has, before the commission of the offense under (b)(i) of
12 this subsection, been convicted as an offender on at least one
13 occasion, whether in this state or elsewhere, of an offense listed in
14 (b)(i) of this subsection. A conviction for rape of a child in the
15 first degree constitutes a conviction under subsection (27)(b)(i) only
16 when the offender was sixteen years of age or older when the offender
17 committed the offense. A conviction for rape of a child in the second
18 degree constitutes a conviction under subsection (27)(b)(i) only when
19 the offender was eighteen years of age or older when the offender
20 committed the offense.

21 (28) "Postrelease supervision" is that portion of an offender's
22 community placement that is not community custody.

23 (29) "Restitution" means the requirement that the offender pay a
24 specific sum of money over a specific period of time to the court as
25 payment of damages. The sum may include both public and private costs.
26 The imposition of a restitution order does not preclude civil redress.

27 (30) "Serious traffic offense" means:

28 (a) Driving while under the influence of intoxicating liquor or
29 any drug (RCW 46.61.502), actual physical control while under the
30 influence of intoxicating liquor or any drug (RCW 46.61.504), reckless
31 driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW
32 46.52.020(5)); or

33 (b) Any federal, out-of-state, county, or municipal conviction for
34 an offense that under the laws of this state would be classified as a
35 serious traffic offense under (a) of this subsection.

36 (31) "Serious violent offense" is a subcategory of violent offense
37 and means:

38 (a) Murder in the first degree, homicide by abuse, murder in the
39 second degree, manslaughter in the first degree, assault in the first

1 degree, kidnapping in the first degree, or rape in the first degree,
2 assault of a child in the first degree, or an attempt, criminal
3 solicitation, or criminal conspiracy to commit one of these felonies;
4 or

5 (b) Any federal or out-of-state conviction for an offense that
6 under the laws of this state would be a felony classified as a serious
7 violent offense under (a) of this subsection.

8 (32) "Sentence range" means the sentencing court's discretionary
9 range in imposing a nonappealable sentence.

10 (33) "Sex offense" means:

11 (a) A felony that is a violation of chapter 9A.44 RCW, other than
12 RCW 9A.44.130(10), or RCW 9A.64.020 or 9.68A.090 or a felony that is,
13 under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or
14 criminal conspiracy to commit such crimes;

15 (b) Any conviction for a felony offense in effect at any time
16 prior to July 1, 1976, that is comparable to a felony classified as a
17 sex offense in (a) of this subsection;

18 (c) A felony with a finding of sexual motivation under RCW
19 9.94A.127 or 13.40.135; or

20 ((+e)) (d) Any federal or out-of-state conviction for an offense
21 that under the laws of this state would be a felony classified as a sex
22 offense under (a) of this subsection.

23 (34) "Sexual motivation" means that one of the purposes for which
24 the defendant committed the crime was for the purpose of his or her
25 sexual gratification.

26 (35) "Total confinement" means confinement inside the physical
27 boundaries of a facility or institution operated or utilized under
28 contract by the state or any other unit of government for twenty-four
29 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

30 (36) "Transition training" means written and verbal instructions
31 and assistance provided by the department to the offender during the
32 two weeks prior to the offender's successful completion of the work
33 ethic camp program. The transition training shall include instructions
34 in the offender's requirements and obligations during the offender's
35 period of community custody.

36 (37) "Victim" means any person who has sustained emotional,
37 psychological, physical, or financial injury to person or property as
38 a direct result of the crime charged.

39 (38) "Violent offense" means:

1 (a) Any of the following felonies, as now existing or hereafter
2 amended: Any felony defined under any law as a class A felony or an
3 attempt to commit a class A felony, criminal solicitation of or
4 criminal conspiracy to commit a class A felony, manslaughter in the
5 first degree, manslaughter in the second degree, indecent liberties if
6 committed by forcible compulsion, kidnapping in the second degree,
7 arson in the second degree, assault in the second degree, assault of a
8 child in the second degree, extortion in the first degree, robbery in
9 the second degree, drive-by shooting, vehicular assault, and vehicular
10 homicide, when proximately caused by the driving of any vehicle by any
11 person while under the influence of intoxicating liquor or any drug as
12 defined by RCW 46.61.502, or by the operation of any vehicle in a
13 reckless manner;

14 (b) Any conviction for a felony offense in effect at any time
15 prior to July 1, 1976, that is comparable to a felony classified as a
16 violent offense in (a) of this subsection; and

17 (c) Any federal or out-of-state conviction for an offense that
18 under the laws of this state would be a felony classified as a violent
19 offense under (a) or (b) of this subsection.

20 (39) "Work crew" means a program of partial confinement consisting
21 of civic improvement tasks for the benefit of the community of not less
22 than thirty-five hours per week that complies with RCW 9.94A.135. The
23 civic improvement tasks shall have minimal negative impact on existing
24 private industries or the labor force in the county where the service
25 or labor is performed. The civic improvement tasks shall not affect
26 employment opportunities for people with developmental disabilities
27 contracted through sheltered workshops as defined in RCW 82.04.385.
28 Only those offenders sentenced to a facility operated or utilized under
29 contract by a county or the state are eligible to participate on a work
30 crew. Offenders sentenced for a sex offense as defined in subsection
31 (33) of this section are not eligible for the work crew program.

32 (40) "Work ethic camp" means an alternative incarceration program
33 designed to reduce recidivism and lower the cost of corrections by
34 requiring offenders to complete a comprehensive array of real-world job
35 and vocational experiences, character-building work ethics training,
36 life management skills development, substance abuse rehabilitation,
37 counseling, literacy training, and basic adult education.

38 (41) "Work release" means a program of partial confinement
39 available to offenders who are employed or engaged as a student in a

1 regular course of study at school. Participation in work release shall
2 be conditioned upon the offender attending work or school at regularly
3 defined hours and abiding by the rules of the work release facility.

4 (42) "Home detention" means a program of partial confinement
5 available to offenders wherein the offender is confined in a private
6 residence subject to electronic surveillance.

7 **Sec. 5.** RCW 9A.44.130 and 1998 c 220 s 1 and 1998 c 139 s 1 are
8 each reenacted and amended to read as follows:

9 (1) Any adult or juvenile residing, or who is a student, is
10 employed, or carries on a vocation in this state who has been found to
11 have committed or has been convicted of any sex offense or kidnapping
12 offense, or who has been found not guilty by reason of insanity under
13 chapter 10.77 RCW of committing any sex offense or kidnapping offense,
14 shall register with the county sheriff for the county of the person's
15 residence, or if the person is not a resident of Washington, the county
16 of the person's school, or place of employment or vocation. Where a
17 person required to register under this section is in custody of the
18 state department of corrections, the state department of social and
19 health services, a local division of youth services, or a local jail or
20 juvenile detention facility as a result of a sex offense or kidnapping
21 offense, the person shall also register at the time of release from
22 custody with an official designated by the agency that has jurisdiction
23 over the person. In addition, any such adult or juvenile who is
24 admitted to a public or private institution of higher education shall,
25 within ten days of enrolling or by the first business day after
26 arriving at the institution, whichever is earlier, notify the sheriff
27 for the county of the person's residence of the person's intent to
28 attend the institution. Persons required to register under this
29 section who are enrolled in a public or private institution of higher
30 education on June 11, 1998, must notify the county sheriff immediately.
31 The sheriff shall notify the institution's department of public safety
32 and shall provide that department with the same information provided to
33 a county sheriff under subsection (3) of this section.

34 (2) This section may not be construed to confer any powers
35 pursuant to RCW 4.24.500 upon the public safety department of any
36 public or private institution of higher education.

37 (3) The person shall provide the following information when
38 registering: (a) Name; (b) address; (c) date and place of birth; (d)

1 place of employment; (e) crime for which convicted; (f) date and place
2 of conviction; (g) aliases used; (h) social security number; (i)
3 photograph; and (j) fingerprints.

4 (4)(a) Offenders shall register with the county sheriff within the
5 following deadlines. For purposes of this section the term
6 "conviction" refers to adult convictions and juvenile adjudications for
7 sex offenses or kidnapping offenses:

8 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
9 offense on, before, or after February 28, 1990, and who, on or after
10 July 28, 1991, are in custody, as a result of that offense, of the
11 state department of corrections, the state department of social and
12 health services, a local division of youth services, or a local jail or
13 juvenile detention facility, and (B) kidnapping offenders who on or
14 after July 27, 1997, are in custody of the state department of
15 corrections, the state department of social and health services, a
16 local division of youth services, or a local jail or juvenile detention
17 facility, must register at the time of release from custody with an
18 official designated by the agency that has jurisdiction over the
19 offender. The agency shall within three days forward the registration
20 information to the county sheriff for the county of the offender's
21 anticipated residence. The offender must also register within twenty-
22 four hours from the time of release with the county sheriff for the
23 county of the person's residence, or if the person is not a resident of
24 Washington, the county of the person's school, or place of employment
25 or vocation. The agency that has jurisdiction over the offender shall
26 provide notice to the offender of the duty to register. Failure to
27 register at the time of release and within twenty-four hours of release
28 constitutes a violation of this section and is punishable as provided
29 in subsection (9) of this section.

30 When the agency with jurisdiction intends to release an offender
31 with a duty to register under this section, and the agency has
32 knowledge that the offender is eligible for developmental disability
33 services from the department of social and health services, the agency
34 shall notify the division of developmental disabilities of the release.
35 Notice shall occur not more than thirty days before the offender is to
36 be released. The agency and the division shall assist the offender in
37 meeting the initial registration requirement under this section.
38 Failure to provide such assistance shall not constitute a defense for
39 any violation of this section.

1 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
2 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
3 but are under the jurisdiction of the indeterminate sentence review
4 board or under the department of correction's active supervision, as
5 defined by the department of corrections, the state department of
6 social and health services, or a local division of youth services, for
7 sex offenses committed before, on, or after February 28, 1990, must
8 register within ten days of July 28, 1991. Kidnapping offenders who,
9 on July 27, 1997, are not in custody but are under the jurisdiction of
10 the indeterminate sentence review board or under the department of
11 correction's active supervision, as defined by the department of
12 corrections, the state department of social and health services, or a
13 local division of youth services, for kidnapping offenses committed
14 before, on, or after July 27, 1997, must register within ten days of
15 July 27, 1997. A change in supervision status of a sex offender who
16 was required to register under this subsection (4)(a)(ii) as of July
17 28, 1991, or a kidnapping offender required to register as of July 27,
18 1997, shall not relieve the offender of the duty to register or to
19 reregister following a change in residence. The obligation to register
20 shall only cease pursuant to RCW 9A.44.140.

21 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
22 or after July 23, 1995, and kidnapping offenders who, on or after July
23 27, 1997, as a result of that offense are in the custody of the United
24 States bureau of prisons or other federal or military correctional
25 agency for sex offenses committed before, on, or after February 28,
26 1990, or kidnapping offenses committed on, before, or after July 27,
27 1997, must register within twenty-four hours from the time of release
28 with the county sheriff for the county of the person's residence, or if
29 the person is not a resident of Washington, the county of the person's
30 school, or place of employment or vocation. Sex offenders who, on July
31 23, 1995, are not in custody but are under the jurisdiction of the
32 United States bureau of prisons, United States courts, United States
33 parole commission, or military parole board for sex offenses committed
34 before, on, or after February 28, 1990, must register within ten days
35 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not
36 in custody but are under the jurisdiction of the United States bureau
37 of prisons, United States courts, United States parole commission, or
38 military parole board for kidnapping offenses committed before, on, or
39 after July 27, 1997, must register within ten days of July 27, 1997.

1 A change in supervision status of a sex offender who was required to
2 register under this subsection (4)(a)(iii) as of July 23, 1995, or a
3 kidnapping offender required to register as of July 27, 1997 shall not
4 relieve the offender of the duty to register or to reregister following
5 a change in residence, or if the person is not a resident of
6 Washington, the county of the person's school, or place of employment
7 or vocation. The obligation to register shall only cease pursuant to
8 RCW 9A.44.140.

9 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
10 who are convicted of a sex offense on or after July 28, 1991, for a sex
11 offense that was committed on or after February 28, 1990, and
12 kidnapping offenders who are convicted on or after July 27, 1997, for
13 a kidnapping offense that was committed on or after July 27, 1997, but
14 who are not sentenced to serve a term of confinement immediately upon
15 sentencing, shall report to the county sheriff to register immediately
16 upon completion of being sentenced.

17 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
18 RESIDENTS. Sex offenders and kidnapping offenders who move to
19 Washington state from another state or a foreign country that are not
20 under the jurisdiction of the state department of corrections, the
21 indeterminate sentence review board, or the state department of social
22 and health services at the time of moving to Washington, must register
23 within thirty days of establishing residence or reestablishing
24 residence if the person is a former Washington resident. The duty to
25 register under this subsection applies to sex offenders convicted under
26 the laws of another state or a foreign country, federal or military
27 statutes, or Washington state for offenses committed on or after
28 February 28, 1990, and to kidnapping offenders convicted under the laws
29 of another state or a foreign country, federal or military statutes, or
30 Washington state for offenses committed on or after July 27, 1997. Sex
31 offenders and kidnapping offenders from other states or a foreign
32 country who, when they move to Washington, are under the jurisdiction
33 of the department of corrections, the indeterminate sentence review
34 board, or the department of social and health services must register
35 within twenty-four hours of moving to Washington. The agency that has
36 jurisdiction over the offender shall notify the offender of the
37 registration requirements before the offender moves to Washington.

38 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
39 or juvenile who has been found not guilty by reason of insanity under

1 chapter 10.77 RCW of (A) committing a sex offense on, before, or after
2 February 28, 1990, and who, on or after July 23, 1995, is in custody,
3 as a result of that finding, of the state department of social and
4 health services, or (B) committing a kidnapping offense on, before, or
5 after July 27, 1997, and who on or after July 27, 1997, is in custody,
6 as a result of that finding, of the state department of social and
7 health services, must register within twenty-four hours from the time
8 of release with the county sheriff for the county of the person's
9 residence. The state department of social and health services shall
10 provide notice to the adult or juvenile in its custody of the duty to
11 register. Any adult or juvenile who has been found not guilty by
12 reason of insanity of committing a sex offense on, before, or after
13 February 28, 1990, but who was released before July 23, 1995, or any
14 adult or juvenile who has been found not guilty by reason of insanity
15 of committing a kidnapping offense but who was released before July 27,
16 1997, shall be required to register within twenty-four hours of
17 receiving notice of this registration requirement. The state
18 department of social and health services shall make reasonable attempts
19 within available resources to notify sex offenders who were released
20 before July 23, 1995, and kidnapping offenders who were released before
21 July 27, 1997. Failure to register within twenty-four hours of
22 release, or of receiving notice, constitutes a violation of this
23 section and is punishable as provided in subsection (9) of this
24 section.

25 (b) Failure to register within the time required under this
26 section constitutes a per se violation of this section and is
27 punishable as provided in subsection (9) of this section. The county
28 sheriff shall not be required to determine whether the person is living
29 within the county.

30 (c) An arrest on charges of failure to register, service of an
31 information, or a complaint for a violation of this section, or
32 arraignment on charges for a violation of this section, constitutes
33 actual notice of the duty to register. Any person charged with the
34 crime of failure to register under this section who asserts as a
35 defense the lack of notice of the duty to register shall register
36 immediately following actual notice of the duty through arrest,
37 service, or arraignment. Failure to register as required under this
38 subsection (4)(c) constitutes grounds for filing another charge of
39 failing to register. Registering following arrest, service, or

1 arraignment on charges shall not relieve the offender from criminal
2 liability for failure to register prior to the filing of the original
3 charge.

4 (d) The deadlines for the duty to register under this section do
5 not relieve any sex offender of the duty to register under this section
6 as it existed prior to July 28, 1991.

7 (5)(a) If any person required to register pursuant to this section
8 changes his or her residence address within the same county, the person
9 must send written notice of the change of address to the county sheriff
10 within seventy-two hours of moving. If any person required to register
11 pursuant to this section moves to a new county, the person must send
12 written notice of the change of address at least fourteen days before
13 moving to the county sheriff in the new county of residence and must
14 register with that county sheriff within twenty-four hours of moving.
15 The person must also send written notice within ten days of the change
16 of address in the new county to the county sheriff with whom the person
17 last registered. The county sheriff with whom the person last
18 registered shall promptly forward the information concerning the change
19 of address to the county sheriff for the county of the person's new
20 residence. If any person required to register pursuant to this section
21 moves out of Washington state, the person must also send written notice
22 within ten days of moving to the new state or a foreign country to the
23 county sheriff with whom the person last registered in Washington
24 state. Upon receipt of notice of change of address to a new state, the
25 county sheriff shall promptly forward the information regarding the
26 change of address to the agency designated by the new state as the
27 state's offender registration agency.

28 (b) It is an affirmative defense to a charge that the person
29 failed to send a notice at least fourteen days in advance of moving as
30 required under (a) of this subsection that the person did not know the
31 location of his or her new residence at least fourteen days before
32 moving. The defendant must establish the defense by a preponderance of
33 the evidence and, to prevail on the defense, must also prove by a
34 preponderance that the defendant sent the required notice within
35 twenty-four hours of determining the new address.

36 (6) A sex offender subject to registration requirements under this
37 section who applies to change his or her name under RCW 4.24.130 or any
38 other law shall submit a copy of the application to the county sheriff
39 of the county of the person's residence and to the state patrol not

1 fewer than five days before the entry of an order granting the name
2 change. No sex offender under the requirement to register under this
3 section at the time of application shall be granted an order changing
4 his or her name if the court finds that doing so will interfere with
5 legitimate law enforcement interests, except that no order shall be
6 denied when the name change is requested for religious or legitimate
7 cultural reasons or in recognition of marriage or dissolution of
8 marriage. A sex offender under the requirement to register under this
9 section who receives an order changing his or her name shall submit a
10 copy of the order to the county sheriff of the county of the person's
11 residence and to the state patrol within five days of the entry of the
12 order.

13 (7) The county sheriff shall obtain a photograph of the individual
14 and shall obtain a copy of the individual's fingerprints.

15 (8) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
16 70.48.470, and 72.09.330:

17 (a) "Sex offense" means any offense defined as a sex offense by
18 RCW 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation
19 of a minor), 9.68A.050 (dealing in depictions of minor engaged in
20 sexually explicit conduct), 9.68A.060 (sending, bringing into state
21 depictions of minor engaged in sexually explicit conduct), 9.68A.090
22 (communication with minor for immoral purposes), 9.68A.100 (patronizing
23 juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in
24 the second degree), as well as any gross misdemeanor that is, under
25 chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or
26 criminal conspiracy to commit an offense that is classified as a sex
27 offense under RCW 9.94A.030.

28 (b) "Kidnapping offense" means the crimes of kidnapping in the
29 first degree, kidnapping in the second degree, and unlawful
30 imprisonment as defined in chapter 9A.40 RCW, where the victim is a
31 minor and the offender is not the minor's parent.

32 (c) "Employed" or "carries on a vocation" means employment that is
33 full-time or part-time for a period of time exceeding fourteen days, or
34 for an aggregate period of time exceeding thirty days during any
35 calendar year. A person is employed or carries on a vocation whether
36 the person's employment is financially compensated, volunteered, or for
37 the purpose of government or educational benefit.

38 (d) "Student" means a person who is enrolled, on a full-time or
39 part-time basis, in any public or private educational institution. An

1 educational institution includes any secondary school, trade or
2 professional institution, or institution of higher education.

3 (9) A person who knowingly fails to register with the county
4 sheriff or notify the county sheriff, or who changes his or her name
5 without notifying the county sheriff and the state patrol, as required
6 by this section is guilty of a class C felony if the crime for which
7 the individual was convicted was a felony sex offense as defined in
8 subsection (8)(a) of this section or a federal or out-of-state
9 conviction for an offense that under the laws of this state would be a
10 felony sex offense as defined in subsection (8)(a) of this section. If
11 the crime was other than a felony or a federal or out-of-state
12 conviction for an offense that under the laws of this state would be
13 other than a felony, violation of this section is a gross misdemeanor.

14 (10) A person who knowingly fails to register or who moves without
15 notifying the county sheriff as required by this section is guilty of
16 a class C felony if the crime for which the individual was convicted
17 was a felony kidnapping offense as defined in subsection (8)(b) of this
18 section or a federal or out-of-state conviction for an offense that
19 under the laws of this state would be a felony kidnapping offense as
20 defined in subsection (8)(b) of this section. If the crime was other
21 than a felony or a federal or out-of-state conviction for an offense
22 that under the laws of this state would be other than a felony,
23 violation of this section is a gross misdemeanor.

24 **Sec. 6.** RCW 9.94A.360 and 1998 c 211 s 4 are each amended to read
25 as follows:

26 The offender score is measured on the horizontal axis of the
27 sentencing grid. The offender score rules are as follows:

28 The offender score is the sum of points accrued under this section
29 rounded down to the nearest whole number.

30 (1) A prior conviction is a conviction which exists before the
31 date of sentencing for the offense for which the offender score is
32 being computed. Convictions entered or sentenced on the same date as
33 the conviction for which the offender score is being computed shall be
34 deemed "other current offenses" within the meaning of RCW 9.94A.400.

35 (2) Class A and sex prior felony convictions shall always be
36 included in the offender score. Class B prior felony convictions other
37 than sex offenses shall not be included in the offender score, if since
38 the last date of release from confinement (including full-time

1 residential treatment) pursuant to a felony conviction, if any, or
2 entry of judgment and sentence, the offender had spent ten consecutive
3 years in the community without committing any crime that subsequently
4 results in a conviction. Class C prior felony convictions other than
5 sex offenses shall not be included in the offender score if, since the
6 last date of release from confinement (including full-time residential
7 treatment) pursuant to a felony conviction, if any, or entry of
8 judgment and sentence, the offender had spent five consecutive years in
9 the community without committing any crime that subsequently results in
10 a conviction. Serious traffic convictions shall not be included in the
11 offender score if, since the last date of release from confinement
12 (including full-time residential treatment) pursuant to a felony
13 conviction, if any, or entry of judgment and sentence, the offender
14 spent five years in the community without committing any crime that
15 subsequently results in a conviction. This subsection applies to both
16 adult and juvenile prior convictions.

17 (3) Out-of-state convictions for offenses shall be classified
18 according to the comparable offense definitions and sentences provided
19 by Washington law. Federal convictions for offenses shall be
20 classified according to the comparable offense definitions and
21 sentences provided by Washington law. If there is no clearly
22 comparable offense under Washington law or the offense is one that is
23 usually considered subject to exclusive federal jurisdiction, the
24 offense shall be scored as a class C felony equivalent if it was a
25 felony under the relevant federal statute.

26 (4) Score prior convictions for felony anticipatory offenses
27 (attempts, criminal solicitations, and criminal conspiracies) the same
28 as if they were convictions for completed offenses.

29 (5)(a) In the case of multiple prior convictions, for the purpose
30 of computing the offender score, count all convictions separately,
31 except:

32 (i) Prior offenses which were found, under RCW 9.94A.400(1)(a), to
33 encompass the same criminal conduct, shall be counted as one offense,
34 the offense that yields the highest offender score. The current
35 sentencing court shall determine with respect to other prior adult
36 offenses for which sentences were served concurrently or prior juvenile
37 offenses for which sentences were served consecutively, whether those
38 offenses shall be counted as one offense or as separate offenses using
39 the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and

1 if the court finds that they shall be counted as one offense, then the
2 offense that yields the highest offender score shall be used. The
3 current sentencing court may presume that such other prior offenses
4 were not the same criminal conduct from sentences imposed on separate
5 dates, or in separate counties or jurisdictions, or in separate
6 complaints, indictments, or informations;

7 (ii) In the case of multiple prior convictions for offenses
8 committed before July 1, 1986, for the purpose of computing the
9 offender score, count all adult convictions served concurrently as one
10 offense, and count all juvenile convictions entered on the same date as
11 one offense. Use the conviction for the offense that yields the
12 highest offender score.

13 (b) As used in this subsection (5), "served concurrently" means
14 that: (i) The latter sentence was imposed with specific reference to
15 the former; (ii) the concurrent relationship of the sentences was
16 judicially imposed; and (iii) the concurrent timing of the sentences
17 was not the result of a probation or parole revocation on the former
18 offense.

19 (6) If the present conviction is one of the anticipatory offenses
20 of criminal attempt, solicitation, or conspiracy, count each prior
21 conviction as if the present conviction were for a completed offense.

22 (7) If the present conviction is for a nonviolent offense and not
23 covered by subsection (11) or (12) of this section, count one point for
24 each adult prior felony conviction and one point for each juvenile
25 prior violent felony conviction and 1/2 point for each juvenile prior
26 nonviolent felony conviction.

27 (8) If the present conviction is for a violent offense and not
28 covered in subsection (9), (10), (11), or (12) of this section, count
29 two points for each prior adult and juvenile violent felony conviction,
30 one point for each prior adult nonviolent felony conviction, and 1/2
31 point for each prior juvenile nonviolent felony conviction.

32 (9) If the present conviction is for (~~Murder 1 or 2, Assault 1,~~
33 ~~Assault of a Child 1, Kidnapping 1, Homicide by Abuse, or Rape 1~~) a
34 serious violent offense, count three points for prior adult and
35 juvenile convictions for crimes in (~~these categories~~) this category,
36 two points for each prior adult and juvenile violent conviction (not
37 already counted), one point for each prior adult nonviolent felony
38 conviction, and 1/2 point for each prior juvenile nonviolent felony
39 conviction.

1 (10) If the present conviction is for Burglary 1, count prior
2 convictions as in subsection (8) of this section; however count two
3 points for each prior adult Burglary 2 or residential burglary
4 conviction, and one point for each prior juvenile Burglary 2 or
5 residential burglary conviction.

6 (11) If the present conviction is for a felony traffic offense
7 count two points for each adult or juvenile prior conviction for
8 Vehicular Homicide or Vehicular Assault; for each felony offense (~~or~~
9 ~~serious traffic offense,~~) count one point for each adult and 1/2 point
10 for each juvenile prior conviction(~~(. This subsection shall not apply~~
11 ~~when additional time is added to a sentence pursuant to RCW~~
12 ~~46.61.520(2))~~); for each serious traffic offense, other than those used
13 for an enhancement pursuant to RCW 46.61.520(2), count one point for
14 each adult and 1/2 point for each juvenile prior conviction.

15 (12) If the present conviction is for a drug offense count three
16 points for each adult prior felony drug offense conviction and two
17 points for each juvenile drug offense. All other adult and juvenile
18 felonies are scored as in subsection (8) of this section if the current
19 drug offense is violent, or as in subsection (7) of this section if the
20 current drug offense is nonviolent.

21 (13) If the present conviction is for Willful Failure to Return
22 from Furlough, RCW 72.66.060, Willful Failure to Return from Work
23 Release, RCW 72.65.070, or Escape from Community Custody, RCW
24 72.09.310, count only prior escape convictions in the offender score.
25 Count adult prior escape convictions as one point and juvenile prior
26 escape convictions as 1/2 point.

27 (14) If the present conviction is for Escape 1, RCW 9A.76.110, or
28 Escape 2, RCW 9A.76.120, count adult prior convictions as one point and
29 juvenile prior convictions as 1/2 point.

30 (15) If the present conviction is for Burglary 2 or residential
31 burglary, count priors as in subsection (7) of this section; however,
32 count two points for each adult and juvenile prior Burglary 1
33 conviction, two points for each adult prior Burglary 2 or residential
34 burglary conviction, and one point for each juvenile prior Burglary 2
35 or residential burglary conviction.

36 (16) If the present conviction is for a sex offense, count priors
37 as in subsections (7) through (15) of this section; however count three
38 points for each adult and juvenile prior sex offense conviction.

1 (17) If the present conviction is for an offense committed while
2 the offender was under community placement, add one point.

3 **Sec. 7.** RCW 9.94A.400 and 1998 c 235 s 2 are each amended to read
4 as follows:

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

21 (b) Whenever a person is convicted of two or more serious violent
22 offenses, as defined in RCW 9.94A.030, arising from separate and
23 distinct criminal conduct, the sentence range for the offense with the
24 highest seriousness level under RCW 9.94A.320 shall be determined using
25 the offender's prior convictions and other current convictions that are
26 not serious violent offenses in the offender score and the sentence
27 range for other serious violent offenses shall be determined by using
28 an offender score of zero. The sentence range for any offenses that
29 are not serious violent offenses shall be determined according to (a)
30 of this subsection. All sentences imposed under (b) of this subsection
31 shall be served consecutively to each other and concurrently with
32 sentences imposed under (a) of this subsection.

33 (c) If an offender is convicted under RCW 9.41.040 for unlawful
34 possession of a firearm in the first or second degree and for the
35 felony crimes of theft of a firearm or possession of a stolen firearm,
36 or both, ~~((then))~~ the sentence range for each of these current offenses
37 shall be determined by using all other current and prior convictions,
38 except other current convictions for the felony crimes listed in this

1 subsection (1)(c), as if they were prior convictions. The offender
2 shall serve consecutive sentences for each conviction of the felony
3 crimes listed in this subsection (1)(c), and for each firearm
4 unlawfully possessed.

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

9 (b) Whenever a second or later felony conviction results in
10 community supervision with conditions not currently in effect, under
11 the prior sentence or sentences of community supervision the court may
12 require that the conditions of community supervision contained in the
13 second or later sentence begin during the immediate term of community
14 supervision and continue throughout the duration of the consecutive
15 term of community supervision.

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

23 (4) Whenever any person granted probation under RCW 9.95.210 or
24 9.92.060, or both, has the probationary sentence revoked and a prison
25 sentence imposed, that sentence shall run consecutively to any sentence
26 imposed pursuant to this chapter, unless the court pronouncing the
27 subsequent sentence expressly orders that they be served concurrently.

28 (5) However, in the case of consecutive sentences, all periods of
29 total confinement shall be served before any partial confinement,
30 community service, community supervision, or any other requirement or
31 conditions of any of the sentences. Except for exceptional sentences
32 as authorized under RCW 9.94A.120(2), if two or more sentences that run
33 consecutively include periods of community supervision, the aggregate
34 of the community supervision period shall not exceed twenty-four
35 months."

1 **HB 1544** - S COMM AMD
2 By Committee on Judiciary

ADOPTED 4/14/99

3
4 On page 1, line 1 of the title, after "offenders;" strike the
5 remainder of the title and insert "amending RCW 9.94A.030, 9.94A.360,
6 and 9.94A.400; reenacting and amending RCW 9.94A.040, 9.94A.310,
7 9.94A.320, and 9A.44.130; and prescribing penalties."

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