
HOUSE BILL 2621

State of Washington 60th Legislature 2008 Regular Session

By Representatives Hurst, Lantz, and Simpson

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1 AN ACT Relating to requiring certain sentences for vehicular
2 homicide and vehicular assault to run consecutively; and amending RCW
3 9.94A.589.

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

5 **Sec. 1.** RCW 9.94A.589 and 2002 c 175 s 7 are each amended to read
6 as follows:

7 (1)(a)(i) Except as provided in (b) or (c) of this subsection,
8 whenever a person is to be sentenced for two or more current offenses,
9 the sentence range for each current offense shall be determined by
10 using all other current and prior convictions as if they were prior
11 convictions for the purpose of the offender score: PROVIDED, That if
12 the court enters a finding that some or all of the current offenses
13 encompass the same criminal conduct then those current offenses shall
14 be counted as one crime. Except as provided in (a)(ii) of this
15 subsection, sentences imposed under this subsection shall be served
16 concurrently. ((Consecutive sentences may only be imposed under the
17 exceptional sentence provisions of RCW 9.94A.535.)) "Same criminal
18 conduct," as used in this subsection, means two or more crimes that
19 require the same criminal intent, are committed at the same time and

1 place, and involve the same victim. This definition applies in cases
2 involving vehicular assault or vehicular homicide even if the victims
3 occupied the same vehicle.

4 (ii) Consecutive sentences:

5 (A) May be imposed under the exceptional sentence provisions of RCW
6 9.94A.535; and

7 (B) Shall be imposed for more than one conviction for vehicular
8 assault by being under the influence of intoxicating liquor or any
9 drug, more than one conviction of vehicular homicide by being under the
10 influence of intoxicating liquor or any drug, or a combination of
11 convictions for vehicular assault by being under the influence of
12 intoxicating liquor or any drug and vehicular homicide by being under
13 the influence of intoxicating liquor or any drug, arising from the same
14 criminal conduct.

15 (b) Whenever a person is convicted of two or more serious violent
16 offenses arising from separate and distinct criminal conduct, the
17 standard sentence range for the offense with the highest seriousness
18 level under RCW 9.94A.515 shall be determined using the offender's
19 prior convictions and other current convictions that are not serious
20 violent offenses in the offender score and the standard sentence range
21 for other serious violent offenses shall be determined by using an
22 offender score of zero. The standard sentence range for any offenses
23 that are not serious violent offenses shall be determined according to
24 (a) of this subsection. All sentences imposed under (b) of this
25 subsection shall be served consecutively to each other and concurrently
26 with sentences imposed under (a) of this subsection.

27 (c) If an offender is convicted under RCW 9.41.040 for unlawful
28 possession of a firearm in the first or second degree and for the
29 felony crimes of theft of a firearm or possession of a stolen firearm,
30 or both, the standard sentence range for each of these current offenses
31 shall be determined by using all other current and prior convictions,
32 except other current convictions for the felony crimes listed in this
33 subsection (1)(c), as if they were prior convictions. The offender
34 shall serve consecutive sentences for each conviction of the felony
35 crimes listed in this subsection (1)(c), and for each firearm
36 unlawfully possessed.

37 (2)(a) Except as provided in (b) of this subsection, whenever a

1 person while under sentence for conviction of a felony commits another
2 felony and is sentenced to another term of confinement, the latter term
3 shall not begin until expiration of all prior terms.

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

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

19 (4) Whenever any person granted probation under RCW 9.95.210 or
20 9.92.060, or both, has the probationary sentence revoked and a prison
21 sentence imposed, that sentence shall run consecutively to any sentence
22 imposed pursuant to this chapter, unless the court pronouncing the
23 subsequent sentence expressly orders that they be served concurrently.

24 (5) In the case of consecutive sentences, all periods of total
25 confinement shall be served before any partial confinement, community
26 restitution, community supervision, or any other requirement or
27 conditions of any of the sentences. Except for exceptional sentences
28 as authorized under RCW 9.94A.535, if two or more sentences that run
29 consecutively include periods of community supervision, the aggregate
30 of the community supervision period shall not exceed twenty-four
31 months.

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