

HOUSE BILL 1720

State of Washington 61st Legislature 2009 Regular Session

By Representatives Appleton, Roberts, Williams, Dickerson, and Hasegawa

Read first time 01/28/09. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to the sentencing grid; amending RCW 9.94A.505,
2 9.94A.530, 9.94A.589, and 9.94A.480; reenacting and amending RCW
3 9.94A.515; adding new sections to chapter 9.94A RCW; repealing RCW
4 9.94A.510; and providing an effective date.

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

6 NEW SECTION. Sec. 1.

7 TABLE 1A

8 SENTENCING GRID

9 FOR CRIMES COMMITTED AFTER JULY 24, 1999

SERIOUSNESS LEVEL	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XVI Life Sentence without Parole/Death Penalty	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y
	240-	250-	261-	271-	281-	291-	312-	338-	370-	411-

1		320	333	347	361	374	388	416	450	493	548
2	XIV	10y7m	11y5m	12y1m	12y8m	13y5m	14y	15y3m	16y6m	19y2m	21y8m
3		92-	101-	108-	116-	124-	131-	146-	162-	193-	224-
4		165	176	183	191	199	206	221	237	268	298
5	XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
6		123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
7		164	178	192	205	219	233	260	288	342	397
8	XII	6y8m	7y5m	8y	8y8m	9y4m	10y	11y8m	13y	15y2m	17y5m
9		70-	77-	83-	90-	97-	103-	122-	134-	157-	180-
10		92	102	110	120	128	138	162	177	208	239
11	XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
12		78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
13		102	114	125	136	147	158	194	211	245	280
14	X	3y7m	4y1m	4y5m	4y9m	5y3m	5y6m	7y2m	7y9m	9y4m	10y9m
15		38-	43-	47-	50-	54-	58-	74-	81-	97-	112-
16		51	56	62	67	72	77	98	108	128	149
17	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
18		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
19		41	48	54	61	68	75	102	116	144	171
20	VIII	1y5m	1y9m	2y3m	2y6m	3y	3y4m	4y9m	5y6m	6y4m	7y9m
21		16-	20-	23-	27-	31-	35-	50-	58-	66-	81-
22		20	26	31	36	41	46	67	77	87	108
23	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
24		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
25		20	27	34	41	48	54	75	89	102	116
26	VI	10m	13m	1y5m	1y9m	2y3m	2y6m	3y4m	4y1m	4y9m	5y6m
27		9+-	11-	16-	20-	23-	27-	35-	43-	50-	58-
28		11	15	21	26	31	36	46	56	67	77
29	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
30		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
31		12	14	17	20	29	43	54	68	82	96
32	IV	5m	7m	10m	12m	13m	1y6m	2y4m	3y	3y9m	4y6m
33		2-	5-	9+-	10-	11-	17-	25-	32-	40-	47-
34		7	9	11	13	15	22	32	43	53	63
35	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
36		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
37		3	8	12	12	16	22	29	43	57	68
38	II		4m	5m	6m	10m	13m	15m	1y6m	2y4m	3y1m
39		0-68	2-	2-	3-	9+-	11-	13-	17-	25-	32-
40		Days	5	7	9	11	14	17	22	32	43
41	I			3m	4m	5m	8m	13m	16m	20m	2y2m
42		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
43		Days	Days	5	6	8	12	14	18	22	29

44           **Sec. 2.** RCW 9.94A.515 and 2008 c 108 s 23 and 2008 c 38 s 1 are  
45 each reenacted and amended to read as follows:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37

TABLE 2A	
CRIMES INCLUDED WITHIN	
EACH SERIOUSNESS LEVEL	
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	<del>((Trafficking 1 (RCW 9A.40.100(1))))</del>
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	<del>((Malicious placement of an explosive 1 (RCW 70.74.270(1))))</del>
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	<del>((Trafficking 2 (RCW 9A.40.100(2))))</del>
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
X	Child Molestation 1 (RCW 9A.44.083)
	<del>((Criminal Mistreatment 1 (RCW 9A.42.020)))</del>
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	<del>((Malicious explosion 3 (RCW 70.74.280(3))))</del>

1 Sexually Violent Predator Escape  
2 (RCW 9A.76.115)  
3 IX ~~((Abandonment of Dependent Person 1~~  
4 ~~(RCW 9A.42.060)))~~  
5 Assault of a Child 2 (RCW 9A.36.130)  
6 Explosive devices prohibited (RCW  
7 70.74.180)  
8 ~~((Hit and Run--Death (RCW~~  
9 ~~46.52.020(4)(a))))~~  
10 Homicide by Watercraft, by being  
11 under the influence of intoxicating  
12 liquor or any drug (RCW  
13 79A.60.050)  
14 ~~((Inciting Criminal Profiteering (RCW~~  
15 ~~9A.82.060(1)(b))))~~  
16 ~~Malicious placement of an explosive 2~~  
17 ~~(RCW 70.74.270(2))))~~  
18 Robbery 1 (RCW 9A.56.200)  
19 Sexual Exploitation (RCW 9.68A.040)  
20 Vehicular Homicide, by being under  
21 the influence of intoxicating liquor  
22 or any drug (RCW 46.61.520)  
23 VIII Arson 1 (RCW 9A.48.020)  
24 Homicide by Watercraft, by the  
25 operation of any vessel in a  
26 reckless manner (RCW  
27 79A.60.050)  
28 Manslaughter 2 (RCW 9A.32.070)  
29 ~~((Promoting Commercial Sexual Abuse~~  
30 ~~of a Minor (RCW 9.68A.101)))~~  
31 Promoting Prostitution 1 (RCW  
32 9A.88.070)  
33 ~~((Theft of Ammonia (RCW~~  
34 ~~69.55.010))))~~  
35 Vehicular Homicide, by the operation  
36 of any vehicle in a reckless manner  
37 (RCW 46.61.520)

1 VII Burglary 1 (RCW 9A.52.020)  
2 Child Molestation 2 (RCW 9A.44.086)  
3 ~~((Civil Disorder Training (RCW~~  
4 ~~9A.48.120)))~~  
5 Dealing in depictions of minor engaged  
6 in sexually explicit conduct (RCW  
7 9.68A.050)  
8 Drive-by Shooting (RCW 9A.36.045)  
9 Homicide by Watercraft, by disregard  
10 for the safety of others (RCW  
11 79A.60.050)  
12 Indecent Liberties (without forcible  
13 compulsion) (RCW 9A.44.100(1)  
14 (b) and (c))  
15 ~~((Introducing Contraband 1 (RCW~~  
16 ~~9A.76.140)~~  
17 ~~Malicious placement of an explosive 3~~  
18 ~~(RCW 70.74.270(3))~~  
19 ~~Negligently Causing Death By Use of a~~  
20 ~~Signal Preemption Device (RCW~~  
21 ~~46.37.675)))~~  
22 Sending, bringing into state depictions  
23 of minor engaged in sexually  
24 explicit conduct (RCW 9.68A.060)  
25 ~~((Unlawful Possession of a Firearm in~~  
26 ~~the first degree (RCW~~  
27 ~~9.41.040(1))))~~  
28 Use of a Machine Gun in Commission  
29 of a Felony (RCW 9.41.225)  
30 Vehicular Homicide, by disregard for  
31 the safety of others (RCW  
32 46.61.520)  
33 VI Bail Jumping with Murder 1 (RCW  
34 9A.76.170(3)(a))  
35 ~~((Bribery (RCW 9A.68.010)))~~  
36 Incest 1 (RCW 9A.64.020(1))

1 ((Intimidating a Judge (RCW  
2 9A.72.160)))  
3 Intimidating a Juror/Witness (RCW  
4 9A.72.110, 9A.72.130)  
5 ((Malicious placement of an imitation  
6 device 2 (RCW 70.74.272(1)(b))))  
7 Possession of Depictions of a Minor  
8 Engaged in Sexually Explicit  
9 Conduct (RCW 9.68A.070)  
10 Rape of a Child 3 (RCW 9A.44.079)  
11 ((Theft of a Firearm (RCW 9A.56.300)  
12 Unlawful Storage of Ammonia (RCW  
13 69.55.020)))  
14 V ((Abandonment of Dependent Person 2  
15 (RCW 9A.42.070)  
16 Advancing money or property for  
17 extortionate extension of credit  
18 (RCW 9A.82.030)))  
19 Bail Jumping with class A Felony  
20 (RCW 9A.76.170(3)(b))  
21 Child Molestation 3 (RCW 9A.44.089)  
22 ((Criminal Mistreatment 2 (RCW  
23 9A.42.030)))  
24 Custodial Sexual Misconduct 1 (RCW  
25 9A.44.160)  
26 Domestic Violence Court Order  
27 Violation (RCW 10.99.040,  
28 10.99.050, 26.09.300, 26.10.220,  
29 26.26.138, 26.50.110, 26.52.070,  
30 or 74.34.145)  
31 Driving While Under the Influence  
32 (RCW 46.61.502(6))  
33 Extortion 1 (RCW 9A.56.120)  
34 ((Extortionate Extension of Credit  
35 (RCW 9A.82.020))

1 Extortionate Means to Collect  
2 Extensions of Credit (RCW  
3 9A.82.040)))  
4 Incest 2 (RCW 9A.64.020(2))  
5 Kidnapping 2 (RCW 9A.40.030)  
6 ((Perjury 1 (RCW 9A.72.020)  
7 rsistent prison misbehavior (RCW  
8 9.94.070)))  
9 Physical Control of a Vehicle While  
10 Under the Influence (RCW  
11 46.61.504(6))  
12 ((Possession of a Stolen Firearm (RCW  
13 9A.56.310)))  
14 Rape 3 (RCW 9A.44.060)  
15 ((Rendering Criminal Assistance 1  
16 (RCW 9A.76.070)))  
17 Sexual Misconduct with a Minor 1  
18 (RCW 9A.44.093)  
19 Sexually Violating Human Remains  
20 (RCW 9A.44.105)  
21 Stalking (RCW 9A.46.110)  
22 ((Taking Motor Vehicle Without  
23 Permission 1 (RCW 9A.56.070)))  
24 IV Arson 2 (RCW 9A.48.030)  
25 Assault 2 (RCW 9A.36.021)  
26 Assault 3 (of a Peace Officer with a  
27 Projectile Stun Gun) (RCW  
28 9A.36.031(1)(h))  
29 ((Assault by Watercraft (RCW  
30 79A.60.060))  
31 Bribing a Witness/Bribe Received by  
32 Witness (RCW 9A.72.090,  
33 9A.72.100)  
34 Cheating 1 (RCW 9A.46.1961)  
35 Commercial Bribery (RCW  
36 9A.68.060)))  
37 Counterfeiting (RCW 9.16.035(4))

1 ((Endangerment with a Controlled  
2 Substance (RCW 9A.42.100)  
3 Escape 1 (RCW 9A.76.110)  
4 Hit and Run--Injury (RCW  
5 46.52.020(4)(b))  
6 Hit and Run with Vessel--Injury  
7 Accident (RCW 79A.60.200(3)))  
8 Identity Theft 1 (RCW 9.35.020(2))  
9 ((Indecent Exposure to Person Under  
10 Age Fourteen (subsequent sex  
11 offense) (RCW 9A.88.010)  
12 Influencing Outcome of Sporting Event  
13 (RCW 9A.82.070)  
14 Malicious Harassment (RCW  
15 9A.36.080)  
16 Residential Burglary (RCW  
17 9A.52.025)))  
18 Robbery 2 (RCW 9A.56.210)  
19 ((Theft of Livestock 1 (RCW  
20 9A.56.080)))  
21 Threats to Bomb (RCW 9.61.160)  
22 ((Trafficking in Stolen Property 1  
23 (RCW 9A.82.050)  
24 Unlawful factoring of a credit card or  
25 payment card transaction (RCW  
26 9A.56.290(4)(b))  
27 Unlawful transaction of health  
28 coverage as a health care service  
29 contractor (RCW 48.44.016(3))  
30 Unlawful transaction of health  
31 coverage as a health maintenance  
32 organization (RCW 48.46.033(3))  
33 Unlawful transaction of insurance  
34 business (RCW 48.15.023(3))  
35 Unlicensed practice as an insurance  
36 professional (RCW 48.17.063(3))



1 Use of Proceeds of Criminal  
2 Profiteering (RCW 9A.82.080(1)  
3 and(2)))  
4 Vehicular Assault, by being under the  
5 influence of intoxicating liquor or  
6 any drug, or by the operation or  
7 driving of a vehicle in a reckless  
8 manner (RCW 46.61.522)  
9 ((Willful Failure to Return from  
10 Furlough (RCW 72.66.060)))  
11 III ((Animal Cruelty 1 (Sexual Conduct or  
12 Contact) (RCW 16.52.205(3)))  
13 Assault 3 (Except Assault 3 of a Peace  
14 Officer With a Projectile Stun  
15 Gun) (RCW 9A.36.031 except  
16 subsection (1)(h))  
17 Assault of a Child 3 (RCW 9A.36.140)  
18 ((Bail Jumping with class B or C  
19 Felony (RCW 9A.76.170(3)(c))  
20 Burglary 2 (RCW 9A.52.030)  
21 Commercial Sexual Abuse of a Minor  
22 (RCW 9.68A.100)))  
23 Communication with a Minor for  
24 Immoral Purposes (RCW  
25 9.68A.090)  
26 ((Criminal Gang Intimidation (RCW  
27 9A.46.120)))  
28 Custodial Assault (RCW 9A.36.100)  
29 ((Cyberstalking (subsequent conviction  
30 or threat of death) (RCW  
31 9.61.260(3))  
32 Escape 2 (RCW 9A.76.120)))  
33 Extortion 2 (RCW 9A.56.130)  
34 ((Harassment (RCW 9A.46.020)))  
35 Intimidating a Public Servant (RCW  
36 9A.76.180)

1 ((Introducing Contraband 2 (RCW  
2 9A.76.150)  
3 Malicious Injury to Railroad Property  
4 (RCW 81.60.070)  
5 Mortgage Fraud (RCW 19.144.080)  
6 Negligently Causing Substantial Bodily  
7 Harm By Use of a Signal  
8 Preemption Device (RCW  
9 46.37.674)  
10 Organized Retail Theft 1 (RCW  
11 9A.56.350(2))  
12 Perjury 2 (RCW 9A.72.030)  
13 Possession of Incendiary Device (RCW  
14 9.40.120)  
15 Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW  
16 9.41.190)  
17  
18 Promoting Prostitution 2 (RCW  
19 9A.88.080)  
20 Retail Theft with Extenuating  
21 Circumstances 1 (RCW  
22 9A.56.360(2))  
23 Securities Act violation (RCW  
24 21.20.400)  
25 Tampering with a Witness (RCW  
26 9A.72.120)  
27 Telephone Harassment (subsequent  
28 conviction or threat of death)  
29 (RCW 9.61.230(2))  
30 Theft of Livestock 2 (RCW 9A.56.083)  
31 Theft with the Intent to Resell 1 (RCW  
32 9A.56.340(2))  
33 Trafficking in Stolen Property 2 (RCW  
34 9A.82.055))  
35 Unlawful Imprisonment (RCW  
36 9A.40.040)

1 ((Unlawful possession of firearm in the  
2 second degree (RCW 9A.41.040(2))  
3 Vehicular Assault, by the operation or  
4 driving of a vehicle with disregard  
5 for the safety of others (RCW  
6 46.61.522)  
7 Willful Failure to Return from Work  
8 Release (RCW 72.65.070)))  
9 II ((Computer Trespass 1 (RCW  
10 9A.52.110)  
11 Counterfeiting (RCW 9.16.035(3))  
12 Escape from Community Custody  
13 (RCW 72.09.310)))  
14 Failure to Register as a Sex Offender  
15 (second or subsequent offense)  
16 (RCW 9A.44.130(11)(a))  
17 ((Health Care False Claims (RCW  
18 48.80.030)))  
19 Identity Theft 2 (RCW 9.35.020(3))  
20 ((Improperly Obtaining Financial  
21 Information (RCW 9.35.010)  
22 Malicious Mischief 1 (RCW  
23 9A.48.070)  
24 Organized Retail Theft 2 (RCW  
25 9A.56.350(3))  
26 Possession of Stolen Property 1 (RCW  
27 9A.56.150)  
28 Possession of a Stolen Vehicle (RCW  
29 9A.56.068)  
30 Retail Theft with Extenuating  
31 Circumstances 2 (RCW  
32 9A.56.360(3))  
33 Theft 1 (RCW 9A.56.030)  
34 Theft of a Motor Vehicle (RCW  
35 9A.56.065)

1 Theft of Rental, Leased, or Lease-purchased Property (valued at one  
2 thousand five hundred dollars or  
3 more) (RCW 9A.56.096(5)(a))  
4  
5 Theft with the Intent to Resell 2 (RCW  
6 9A.56.340(3))  
7 Trafficking in Insurance Claims (RCW  
8 48.30A.015)  
9 Unlawful factoring of a credit card or  
10 payment card transaction (RCW  
11 9A.56.290(4)(a))  
12 Unlawful Practice of Law (RCW  
13 2.48.180)  
14 Unlicensed Practice of a Profession or  
15 Business (RCW 18.130.190(7)))  
16 Voyeurism (RCW 9A.44.115)  
17 ((F Attempting to Elude a Pursuing Police  
18 Vehicle (RCW 46.61.024)  
19 False Verification for Welfare (RCW  
20 74.08.055)  
21 Forgery (RCW 9A.60.020)  
22 Fraudulent Creation or Revocation of a  
23 Mental Health Advance Directive  
24 (RCW 9A.60.060)  
25 Malicious Mischief 2 (RCW  
26 9A.48.080)  
27 Mineral Trespass (RCW 78.44.330)  
28 Possession of Stolen Property 2 (RCW  
29 9A.56.160)  
30 Reckless Burning 1 (RCW 9A.48.040)  
31 Taking Motor Vehicle Without  
32 Permission 2 (RCW 9A.56.075)  
33 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-purchased Property (valued at two  
2 hundred fifty dollars or more but  
3 less than one thousand five  
4 hundred dollars) (RCW  
5 9A.56.096(5)(b))  
6  
7 Transaction of insurance business  
8 beyond the scope of licensure  
9 (RCW 48.17.063(4))  
10 Unlawful Issuance of Checks or Drafts  
11 (RCW 9A.56.060)  
12 Unlawful Possession of Fictitious  
13 Identification (RCW 9A.56.320)  
14 Unlawful Possession of Instruments of  
15 Financial Fraud (RCW 9A.56.320)  
16 Unlawful Possession of Payment  
17 Instruments (RCW 9A.56.320)  
18 Unlawful Possession of a Personal  
19 Identification Device (RCW  
20 9A.56.320)  
21 Unlawful Production of Payment  
22 Instruments (RCW 9A.56.320)  
23 Unlawful Trafficking in Food Stamps  
24 (RCW 9.91.142)  
25 Unlawful Use of Food Stamps (RCW  
26 9.91.144)  
27 Vehicle Prowl (RCW 9A.52.095))

28 NEW SECTION. **Sec. 3.**

29 TABLE 1B

30 SENTENCING GRID

31 FOR CRIMES COMMITTED AFTER JULY 24, 1999

32 SERIOUSNESS

33 LEVEL

OFFENDER SCORE

	0	1	2	3	4	5	6	7	8	9 or more
XVI Life Sentence without Parole/Death Penalty										
XV	17y5m	18y3m	19y	19y8m	20y5m	21y2m	22y8m	24y7m	27y1m	29y10m
	180-240	188-250	196-260	203-271	211-281	218-291	234-312	254-338	278-372	308-411
XIV	14y4m	15y4m	16y2m	17y	17y11m	18y9m	20y5m	22y2m	25y7m	29y
	123-220	134-234	144-244	154-254	165-265	175-275	195-295	216-316	257-357	298-397
XIII	9y	9y8m	10y5m	11y3m	12y	12y3m	14y2m	15y8m	18y8m	21y8m
	93-123	101-134	108-144	116-154	124-164	131-175	146-195	162-216	193-257	224-298
XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
	93-123	102-136	111-147	120-160	129-171	138-184	162-216	178-236	209-277	240-318
XI	5y7m	6y3m	6y9m	7y5m	8y3m	8y7m	10y7m	11y5m	13y5m	15y3m
	59-77	65-86	71-94	77-102	88-110	90-119	110-146	119-158	139-184	158-210
X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
	51-68	57-75	62-82	67-89	72-96	77-102	98-130	108-144	129-171	149-198
IX	2y3m	2y6m	3y	3y4m	3y7m	4y1m	5y6m	6y3m	7y9m	9y3m
	23-31	27-36	31-41	35-46	38-51	43-56	58-77	65-87	81-108	97-128
VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
	21-27	26-34	31-41	36-48	41-54	46-61	67-89	77-102	87-116	108-144
VII	13m	1y5m	1y9m	2y3m	2y6m	3y	4y1m	4y9m	5y6m	6y3m
	11-15	16-20	20-26	23-31	27-36	31-41	43-56	50-67	58-77	65-87
VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
	12+-14	15-20	21-27	26-34	31-41	36-48	46-61	57-75	67-89	77-102
V	7m	10m	12m	13m	1y6m	2y4m	3y	3y7m	4y5m	5y3m
	5-9	9+-11	10-13	11-15	17-22	25-32	31-41	38-51	47-62	54-72
IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
	3-9	6-12	12+-14	13-17	15-20	22-29	33-43	43-57	53-70	63-84
III	1m	5m	6m	8m	11m	15m	1y6m	2y4m	3y1m	3y7m
	23 days-2m	3-6	3-9	7-9	9+-12	13-17	17-22	25-32	32-43	38-51
II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
	0-90 Days	2-6	3-9	4-12	12+-14	14-18	17-22	22-29	33-43	43-57
I			3m	4m	4m	6m	10m	13m	15m	1y7m
	0-45	0-68	2-2	2-2	2-2	3-3	9+-11	11-13	13-17	

2 NEW SECTION. **Sec. 4.**

3 TABLE 2B

4 CRIMES INCLUDED WITHIN  
5 EACH SERIOUSNESS LEVEL

- 6 XII Malicious placement of an imitation
- 7 device 1 (RCW 70.74.272(1)(a))
- 8 Trafficking 2 (RCW 9A.40.100(2))
- 9 X Criminal Mistreatment 1 (RCW
- 10 9A.42.020)
- 11 Malicious explosion 3 (RCW
- 12 70.74.280(3))
- 13 IX Abandonment of Dependent Person 1
- 14 (RCW 9A.42.060)
- 15 Hit and Run--Death (RCW
- 16 46.52.020(4)(a))
- 17 Inciting Criminal Profiteering (RCW
- 18 9A.82.060(1)(b))
- 19 Malicious placement of an explosive 2
- 20 (RCW 70.74.270(2))
- 21 VIII Promoting Commercial Sexual Abuse
- 22 of a Minor (RCW 9.68A.101)
- 23 Theft of Ammonia (RCW 69.55.010)
- 24 VII Civil Disorder Training (RCW
- 25 9A.48.120)
- 26 Introducing Contraband 1 (RCW
- 27 9A.76.140)
- 28 Malicious placement of an explosive 3
- 29 (RCW 70.74.270(3))
- 30 Negligently Causing Death By Use of a
- 31 Signal Preemption Device (RCW
- 32 46.37.675)
- 33 Unlawful Possession of a Firearm in
- 34 the first degree (RCW 9.41.040(1))
- 35 VI Bribery (RCW 9A.68.010)

1 Intimidating a Judge (RCW 9A.72.160)  
2 Malicious placement of an imitation  
3 device 2 (RCW 70.74.272(1)(b))  
4 Theft of a Firearm (RCW 9A.56.300)  
5 Unlawful Storage of Ammonia (RCW  
6 69.55.020)  
7 V Abandonment of Dependent Person 2  
8 (RCW 9A.42.070)  
9 Advancing money or property for  
10 extortionate extension of credit  
11 (RCW 9A.82.030)  
12 Criminal Mistreatment 2 (RCW  
13 9A.42.030)  
14 Extortionate Extension of Credit (RCW  
15 9A.82.020)  
16 Extortionate Means to Collect  
17 Extensions of Credit (RCW  
18 9A.82.040)  
19 Perjury 1 (RCW 9A.72.020)  
20 Persistent prison misbehavior (RCW  
21 9.94.070)  
22 Possession of a Stolen Firearm (RCW  
23 9A.56.310)  
24 Rendering Criminal Assistance 1  
25 (RCW 9A.76.070)  
26 Taking Motor Vehicle Without  
27 Permission 1 (RCW 9A.56.070)  
28 IV Assault by Watercraft (RCW  
29 79A.60.060)  
30 Bribing a Witness/Bribe Received by  
31 Witness (RCW 9A.72.090,  
32 9A.72.100)  
33 Cheating 1 (RCW 9.46.1961)  
34 Commercial Bribery (RCW 9A.68.060)  
35 Endangerment with a Controlled  
36 Substance (RCW 9A.42.100)  
37 Escape 1 (RCW 9A.76.110)



1 Hit and Run--Injury (RCW  
2 46.52.020(4)(b))  
3 Hit and Run with Vessel--Injury  
4 Accident (RCW 79A.60.200(3))  
5 Indecent Exposure to Person Under  
6 Age Fourteen (subsequent sex  
7 offense) (RCW 9A.88.010)  
8 Influencing Outcome of Sporting Event  
9 (RCW 9A.82.070)  
10 Malicious Harassment (RCW  
11 9A.36.080)  
12 Residential Burglary (RCW  
13 9A.52.025)  
14 Theft of Livestock 1 (RCW 9A.56.080)  
15 Trafficking in Stolen Property 1 (RCW  
16 9A.82.050)  
17 Unlawful factoring of a credit card or  
18 payment card transaction (RCW  
19 9A.56.290(4)(b))  
20 Unlawful transaction of health  
21 coverage as a health care service  
22 contractor (RCW 48.44.016(3))  
23 Unlawful transaction of health  
24 coverage as a health maintenance  
25 organization (RCW 48.46.033(3))  
26 Unlawful transaction of insurance  
27 business (RCW 48.15.023(3))  
28 Unlicensed practice as an insurance  
29 professional (RCW 48.17.063(2))  
30 Use of Proceeds of Criminal  
31 Profiteering (RCW 9A.82.080 (1)  
32 and (2))  
33 Willful Failure to Return from  
34 Furlough (RCW 72.66.060)  
35 III Animal Cruelty 1 (Sexual Conduct or  
36 Contact) (RCW 16.52.205(3))

1 Bail Jumping with class B or C Felony  
2 (RCW 9A.76.170(3)(c))  
3 Burglary 2 (RCW 9A.52.030)  
4 Commercial Sexual Abuse of a Minor  
5 (RCW 9.68A.100)  
6 Criminal Gang Intimidation (RCW  
7 9A.46.120)  
8 Cyberstalking (subsequent conviction  
9 or threat of death) (RCW  
10 9.61.260(3))  
11 Escape 2 (RCW 9A.76.120)  
12 Harassment (RCW 9A.46.020)  
13 Introducing Contraband 2 (RCW  
14 9A.76.150)  
15 Malicious Injury to Railroad Property  
16 (RCW 81.60.070)  
17 Mortgage Fraud (RCW 19.144.080)  
18 Negligently Causing Substantial Bodily  
19 Harm By Use of a Signal  
20 Preemption Device (RCW  
21 46.37.674)  
22 Organized Retail Theft 1 (RCW  
23 9A.56.350(2))  
24 Perjury 2 (RCW 9A.72.030)  
25 Possession of Incendiary Device (RCW  
26 9.40.120)  
27 Possession of Machine Gun or Short-  
28 Barreled Shotgun or Rifle (RCW  
29 9.41.190)  
30 Promoting Prostitution 2 (RCW  
31 9A.88.080)  
32 Retail Theft with Extenuating  
33 Circumstances 1 (RCW  
34 9A.56.360(2))  
35 Securities Act violation (RCW  
36 21.20.400)

1 Tampering with a Witness (RCW  
2 9A.72.120)  
3 Telephone Harassment (subsequent  
4 conviction or threat of death)  
5 (RCW 9.61.230(2))  
6 Theft of Livestock 2 (RCW 9A.56.083)  
7 Theft with the Intent to Resell 1 (RCW  
8 9A.56.340(2))  
9 Trafficking in Stolen Property 2 (RCW  
10 9A.82.055)  
11 Unlawful possession of firearm in the  
12 second degree (RCW 9.41.040(2))  
13 Vehicular Assault, by the operation or  
14 driving of a vehicle with disregard  
15 for the safety of others (RCW  
16 46.61.522)  
17 Willful Failure to Return from Work  
18 Release (RCW 72.65.070)  
19 II Computer Trespass 1 (RCW  
20 9A.52.110)  
21 Counterfeiting (RCW 9.16.035(3))  
22 Escape from Community Custody  
23 (RCW 72.09.310)  
24 Health Care False Claims (RCW  
25 48.80.030)  
26 Improperly Obtaining Financial  
27 Information (RCW 9.35.010)  
28 Malicious Mischief 1 (RCW  
29 9A.48.070)  
30 Organized Retail Theft 2 (RCW  
31 9A.56.350(3))  
32 Possession of Stolen Property 1 (RCW  
33 9A.56.150)  
34 Possession of a Stolen Vehicle (RCW  
35 9A.56.068)

1 Retail Theft with Extenuating  
2 Circumstances 2 (RCW  
3 9A.56.360(3))  
4 Theft 1 (RCW 9A.56.030)  
5 Theft of a Motor Vehicle (RCW  
6 9A.56.065)  
7 Theft of Rental, Leased, or Lease-  
8 purchased Property (valued at one  
9 thousand five hundred dollars or  
10 more) (RCW 9A.56.096(5)(a))  
11 Theft with the Intent to Resell 2 (RCW  
12 9A.56.340(3))  
13 Trafficking in Insurance Claims (RCW  
14 48.30A.015)  
15 Unlawful factoring of a credit card or  
16 payment card transaction (RCW  
17 9A.56.290(4)(a))  
18 Unlawful Practice of Law (RCW  
19 2.48.180)  
20 Unlicensed Practice of a Profession or  
21 Business (RCW 18.130.190(7))  
22 I Attempting to Elude a Pursuing Police  
23 Vehicle (RCW 46.61.024)  
24 False Verification for Welfare (RCW  
25 74.08.055)  
26 Forgery (RCW 9A.60.020)  
27 Fraudulent Creation or Revocation of a  
28 Mental Health Advance Directive  
29 (RCW 9A.60.060)  
30 Malicious Mischief 2 (RCW  
31 9A.48.080)  
32 Mineral Trespass (RCW 78.44.330)  
33 Possession of Stolen Property 2 (RCW  
34 9A.56.160)  
35 Reckless Burning 1 (RCW 9A.48.040)  
36 Taking Motor Vehicle Without  
37 Permission 2 (RCW 9A.56.075)

1 Theft 2 (RCW 9A.56.040)  
2 Theft of Rental, Leased, or Lease-  
3 purchased Property (valued at two  
4 hundred fifty dollars or more but  
5 less than one thousand five  
6 hundred dollars) (RCW  
7 9A.56.096(5)(b))  
8 Transaction of insurance business  
9 beyond the scope of licensure  
10 (RCW 48.17.063)  
11 Unlawful Issuance of Checks or Drafts  
12 (RCW 9A.56.060)  
13 Unlawful Possession of Fictitious  
14 Identification (RCW 9A.56.320)  
15 Unlawful Possession of Instruments of  
16 Financial Fraud (RCW 9A.56.320)  
17 Unlawful Possession of Payment  
18 Instruments (RCW 9A.56.320)  
19 Unlawful Possession of a Personal  
20 Identification Device (RCW  
21 9A.56.320)  
22 Unlawful Production of Payment  
23 Instruments (RCW 9A.56.320)  
24 Unlawful Trafficking in Food Stamps  
25 (RCW 9.91.142)  
26 Unlawful Use of Food Stamps (RCW  
27 9.91.144)  
28 Vehicle Prowl 1 (RCW 9A.52.095)

29 **Sec. 5.** RCW 9.94A.505 and 2008 c 231 s 25 are each amended to read  
30 as follows:

31 (1) When a person is convicted of a felony, the court shall impose  
32 punishment as provided in this chapter.

33 (2)(a) The court shall impose a sentence as provided in the  
34 following sections and as applicable in the case:

35 (i) Unless another term of confinement applies, a sentence within  
36 the standard sentence range established in (~~RCW 9.94A.510~~) sections  
37 1 and 3 of this act or RCW 9.94A.517;

- 1 (ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;  
2 (iii) RCW 9.94A.570, relating to persistent offenders;  
3 (iv) RCW 9.94A.540, relating to mandatory minimum terms;  
4 (v) RCW 9.94A.650, relating to the first-time offender waiver;  
5 (vi) RCW 9.94A.660, relating to the drug offender sentencing  
6 alternative;  
7 (vii) RCW 9.94A.670, relating to the special sex offender  
8 sentencing alternative;  
9 (viii) RCW (~~9.94A.712~~) 9.94A.507, relating to certain sex  
10 offenses;  
11 (ix) RCW 9.94A.535, relating to exceptional sentences;  
12 (x) RCW 9.94A.589, relating to consecutive and concurrent  
13 sentences;  
14 (xi) RCW 9.94A.603, relating to felony driving while under the  
15 influence of intoxicating liquor or any drug and felony physical  
16 control of a vehicle while under the influence of intoxicating liquor  
17 or any drug.

18 (b) If a standard sentence range has not been established for the  
19 offender's crime, the court shall impose a determinate sentence which  
20 may include not more than one year of confinement; community  
21 restitution work; a term of community custody not to exceed one year;  
22 and/or other legal financial obligations. The court may impose a  
23 sentence which provides more than one year of confinement if the court  
24 finds reasons justifying an exceptional sentence as provided in RCW  
25 9.94A.535.

26 (3) If the court imposes a sentence requiring confinement of thirty  
27 days or less, the court may, in its discretion, specify that the  
28 sentence be served on consecutive or intermittent days. A sentence  
29 requiring more than thirty days of confinement shall be served on  
30 consecutive days. Local jail administrators may schedule court-ordered  
31 intermittent sentences as space permits.

32 (4) If a sentence imposed includes payment of a legal financial  
33 obligation, it shall be imposed as provided in RCW 9.94A.750,  
34 9.94A.753, 9.94A.760, and 43.43.7541.

35 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a  
36 court may not impose a sentence providing for a term of confinement or  
37 community custody that exceeds the statutory maximum for the crime as  
38 provided in chapter 9A.20 RCW.

1 (6) The sentencing court shall give the offender credit for all  
2 confinement time served before the sentencing if that confinement was  
3 solely in regard to the offense for which the offender is being  
4 sentenced.

5 (7) The court shall order restitution as provided in RCW 9.94A.750  
6 and 9.94A.753.

7 (8) As a part of any sentence, the court may impose and enforce  
8 crime-related prohibitions and affirmative conditions as provided in  
9 this chapter.

10 (9) In any sentence of partial confinement, the court may require  
11 the offender to serve the partial confinement in work release, in a  
12 program of home detention, on work crew, or in a combined program of  
13 work crew and home detention.

14 **Sec. 6.** RCW 9.94A.530 and 2008 c 231 s 4 are each amended to read  
15 as follows:

16 (1) The intersection of the column defined by the offender score  
17 and the row defined by the offense seriousness score determines the  
18 standard sentence range (see ((~~RCW 9.94A.510, (Table 1)~~)) sections 1  
19 and 3 of this act and RCW 9.94A.517, (Table 3)). The additional time  
20 for deadly weapon findings or for other adjustments as specified in RCW  
21 9.94A.533 shall be added to the entire standard sentence range. The  
22 court may impose any sentence within the range that it deems  
23 appropriate. All standard sentence ranges are expressed in terms of  
24 total confinement.

25 (2) In determining any sentence other than a sentence above the  
26 standard range, the trial court may rely on no more information than is  
27 admitted by the plea agreement, or admitted, acknowledged, or proved in  
28 a trial or at the time of sentencing, or proven pursuant to RCW  
29 9.94A.537. Acknowledgment includes not objecting to information stated  
30 in the presentence reports and not objecting to criminal history  
31 presented at the time of sentencing. Where the defendant disputes  
32 material facts, the court must either not consider the fact or grant an  
33 evidentiary hearing on the point. The facts shall be deemed proved at  
34 the hearing by a preponderance of the evidence, except as otherwise  
35 specified in RCW 9.94A.537. On remand for resentencing following  
36 appeal or collateral attack, the parties shall have the opportunity to

1 present and the court to consider all relevant evidence regarding  
2 criminal history, including criminal history not previously presented.

3 (3) In determining any sentence above the standard sentence range,  
4 the court shall follow the procedures set forth in RCW 9.94A.537.  
5 Facts that establish the elements of a more serious crime or additional  
6 crimes may not be used to go outside the standard sentence range except  
7 upon stipulation or when specifically provided for in RCW 9.94A.535(3)  
8 (d), (e), (g), and (h).

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

11 (1)(a) Except as provided in (b) or (c) of this subsection,  
12 whenever a person is to be sentenced for two or more current offenses,  
13 the sentence range for each current offense shall be determined by  
14 using all other current and prior convictions as if they were prior  
15 convictions for the purpose of the offender score: PROVIDED, That if  
16 the court enters a finding that some or all of the current offenses  
17 encompass the same criminal conduct then those current offenses shall  
18 be counted as one crime. Sentences imposed under this subsection shall  
19 be served concurrently. Consecutive sentences may only be imposed  
20 under the exceptional sentence provisions of RCW 9.94A.535. "Same  
21 criminal conduct," as used in this subsection, means two or more crimes  
22 that require the same criminal intent, are committed at the same time  
23 and place, and involve the same victim. This definition applies in  
24 cases involving vehicular assault or vehicular homicide even if the  
25 victims occupied the same vehicle.

26 (b) Whenever a person is convicted of two or more serious violent  
27 offenses arising from separate and distinct criminal conduct, the  
28 standard sentence range for the offense with the highest seriousness  
29 level under RCW 9.94A.515 or section 4 of this act shall be determined  
30 using the offender's prior convictions and other current convictions  
31 that are not serious violent offenses in the offender score and the  
32 standard sentence range for other serious violent offenses shall be  
33 determined by using an offender score of zero. The standard sentence  
34 range for any offenses that are not serious violent offenses shall be  
35 determined according to (a) of this subsection. All sentences imposed  
36 under (b) of this subsection shall be served consecutively to each



1 other and concurrently with sentences imposed under (a) of this  
2 subsection.

3 (c) If an offender is convicted under RCW 9.41.040 for unlawful  
4 possession of a firearm in the first or second degree and for the  
5 felony crimes of theft of a firearm or possession of a stolen firearm,  
6 or both, the standard sentence range for each of these current offenses  
7 shall be determined by using all other current and prior convictions,  
8 except other current convictions for the felony crimes listed in this  
9 subsection (1)(c), as if they were prior convictions. The offender  
10 shall serve consecutive sentences for each conviction of the felony  
11 crimes listed in this subsection (1)(c), and for each firearm  
12 unlawfully possessed.

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

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

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

32 (4) Whenever any person granted probation under RCW 9.95.210 or  
33 9.92.060, or both, has the probationary sentence revoked and a prison  
34 sentence imposed, that sentence shall run consecutively to any sentence  
35 imposed pursuant to this chapter, unless the court pronouncing the  
36 subsequent sentence expressly orders that they be served concurrently.

37 (5) In the case of consecutive sentences, all periods of total  
38 confinement shall be served before any partial confinement, community

1 restitution, community supervision, or any other requirement or  
2 conditions of any of the sentences. Except for exceptional sentences  
3 as authorized under RCW 9.94A.535, if two or more sentences that run  
4 consecutively include periods of community supervision, the aggregate  
5 of the community supervision period shall not exceed twenty-four  
6 months.

7 **Sec. 8.** RCW 9.94A.480 and 2002 c 290 s 16 are each amended to read  
8 as follows:

9 (1) A current, newly created or reworked judgment and sentence  
10 document for each felony sentencing shall record any and all  
11 recommended sentencing agreements or plea agreements and the sentences  
12 for any and all felony crimes kept as public records under RCW  
13 9.94A.475 shall contain the clearly printed name and legal signature of  
14 the sentencing judge. The judgment and sentence document as defined in  
15 this section shall also provide additional space for the sentencing  
16 judge's reasons for going either above or below the presumptive  
17 sentence range for any and all felony crimes covered as public records  
18 under RCW 9.94A.475. Both the sentencing judge and the prosecuting  
19 attorney's office shall each retain or receive a completed copy of each  
20 sentencing document as defined in this section for their own records.

21 (2) The sentencing guidelines commission shall be sent a completed  
22 copy of the judgment and sentence document upon conviction for each  
23 felony sentencing under subsection (1) of this section and shall  
24 compile a yearly and cumulative judicial record of each sentencing  
25 judge in regards to his or her sentencing practices for any and all  
26 felony crimes involving:

27 (a) Any violent offense as defined in this chapter;  
28 (b) Any most serious offense as defined in this chapter;  
29 (c) Any felony with any deadly weapon special verdict under RCW  
30 9.94A.602;

31 (d) Any felony with any deadly weapon enhancements under RCW  
32 9.94A.533 (3) or (4), or both; and/or

33 (e) The felony crimes of possession of a machine gun, possessing a  
34 stolen firearm, drive-by shooting, theft of a firearm, unlawful  
35 possession of a firearm in the first or second degree, and/or use of a  
36 machine gun in a felony.

1 (3) The sentencing guidelines commission shall compare each  
2 individual judge's sentencing practices to the standard or presumptive  
3 sentence range for any and all felony crimes listed in subsection (2)  
4 of this section for the appropriate offense level as defined in RCW  
5 9.94A.515 or 9.94A.518, or section 4 of this act, offender score as  
6 defined in RCW 9.94A.525, and any applicable deadly weapon enhancements  
7 as defined in RCW 9.94A.533 (3) or (4), or both. These comparative  
8 records shall be retained and made available to the public for review  
9 in a current, newly created or reworked official published document by  
10 the sentencing guidelines commission.

11 (4) Any and all felony sentences which are either above or below  
12 the standard or presumptive sentence range in subsection (3) of this  
13 section shall also mark whether the prosecuting attorney in the case  
14 also recommended a similar sentence, if any, which was either above or  
15 below the presumptive sentence range and shall also indicate if the  
16 sentence was in conjunction with an approved alternative sentencing  
17 option including a first-time offender waiver, sex offender sentencing  
18 alternative, or other prescribed sentencing option.

19 (5) If any completed judgment and sentence document as defined in  
20 subsection (1) of this section is not sent to the sentencing guidelines  
21 commission as required in subsection (2) of this section, the  
22 sentencing guidelines commission shall have the authority and shall  
23 undertake reasonable and necessary steps to assure that all past,  
24 current, and future sentencing documents as defined in subsection (1)  
25 of this section are received by the sentencing guidelines commission.

26 NEW SECTION. **Sec. 9.** RCW 9.94A.510 (Table 1--Sentencing grid) and  
27 2002 c 290 s 10 are each repealed.

28 NEW SECTION. **Sec. 10.** Sections 1, 3, and 4 of this act are each  
29 added to chapter 9.94A RCW.

30 NEW SECTION. **Sec. 11.** This act takes effect August 1, 2009.

--- END ---