

HOUSE BILL 2263

State of Washington

61st Legislature

2009 Regular Session

By Representative Appleton

Read first time 02/19/09. Referred to Committee on Public Safety & Emergency Preparedness.

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

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

6 **Sec. 1.** RCW 9.94A.510 and 2002 c 290 s 10 are each amended to read
7 as follows:

9 TABLE 1A

10 Sentencing Grid

SERIOUSNESS		OFFENDER SCORE									
LEVEL		0	1	2	3	4	5	6	7	8	9 or more
XVI Life Sentence without Parole/Death Penalty											
		XV 23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y

1		240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
2		320	333	347	361	374	388	416	450	493	548
3	XIV	14y4m	15y4m	16y2m	17y	17y11m	18y9m	20y5m	22y2m	25y7m	29y
4		123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
5		220	234	244	254	265	275	295	316	357	397
6	XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
7		123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
8		164	178	192	205	219	233	260	288	342	397
9	XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
10		93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
11		123	136	147	160	171	184	216	236	277	318
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	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
16		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
17		68	75	82	89	96	102	130	144	171	198
18	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
19		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
20		41	48	54	61	68	75	102	116	144	171
21	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
22		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
23		27	34	41	48	54	61	89	102	116	144
24	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
25		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
26		20	27	34	41	48	54	75	89	102	116
27	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
28		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
29		14	20	27	34	41	48	61	75	89	102
30	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
31		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
32		12	14	17	20	29	43	54	68	82	96
33	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
34		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
35		9	12	14	17	20	29	43	57	70	84
36	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
37		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
38		3	8	12	12	16	22	29	43	57	68
39	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
40		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
41		Days	6	9	12	14	18	22	29	43	57
42	I			3m	4m	5m	8m	13m	16m	20m	2y2m
43		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
44		Days	Days	5	6	8	12	14	18	22	29

45 Numbers in the first horizontal row of each seriousness category

1 represent sentencing midpoints in years(y) and months(m). Numbers in
2 the second and third rows represent standard sentence ranges in months,
3 or in days if so designated. 12+ equals one year and one day.

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

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

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) ((Trafficking 1 (RCW 9A.40.100(1))))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) ((Malicious placement of an explosive 1 (RCW 70.74.270(1))))
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) ((Trafficking 2 (RCW 9A.40.100(2))))
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) ((Criminal Mistreatment 1 (RCW 9A.42.020)))

1 Indecent Liberties (with forcible
2 compulsion) (RCW
3 9A.44.100(1)(a))
4 Kidnapping 1 (RCW 9A.40.020)
5 Leading Organized Crime (RCW
6 9A.82.060(1)(a))
7 ~~((Malicious explosion 3 (RCW
8 70.74.280(3))))~~
9 Sexually Violent Predator Escape
10 (RCW 9A.76.115)
11 IX ~~((Abandonment of Dependent Person 1
12 (RCW 9A.42.060)))~~
13 Assault of a Child 2 (RCW 9A.36.130)
14 Explosive devices prohibited (RCW
15 70.74.180)
16 ~~((Hit and Run--Death (RCW
17 46.52.020(4)(a))))~~
18 Homicide by Watercraft, by being
19 under the influence of intoxicating
20 liquor or any drug (RCW
21 79A.60.050)
22 ~~((Inciting Criminal Profiteering (RCW
23 9A.82.060(1)(b)))~~
24 Malicious placement of an explosive 2
25 ~~(RCW 70.74.270(2)))~~
26 Robbery 1 (RCW 9A.56.200)
27 Sexual Exploitation (RCW 9.68A.040)
28 Vehicular Homicide, by being under
29 the influence of intoxicating liquor
30 or any drug (RCW 46.61.520)
31 VIII Arson 1 (RCW 9A.48.020)
32 Homicide by Watercraft, by the
33 operation of any vessel in a
34 reckless manner (RCW
35 79A.60.050)
36 Manslaughter 2 (RCW 9A.32.070)

1 ((Promoting Commercial Sexual Abuse
2 of a Minor (RCW 9.68A.101)))
3 Promoting Prostitution 1 (RCW
4 9A.88.070)
5 ((Theft of Ammonia (RCW
6 69.55.010)))
7 Vehicular Homicide, by the operation
8 of any vehicle in a reckless manner
9 (RCW 46.61.520)
10 VII Burglary 1 (RCW 9A.52.020)
11 Child Molestation 2 (RCW 9A.44.086)
12 ((Civil Disorder Training (RCW
13 9A.48.120)))
14 Dealing in depictions of minor engaged
15 in sexually explicit conduct (RCW
16 9.68A.050)
17 Drive-by Shooting (RCW 9A.36.045)
18 Homicide by Watercraft, by disregard
19 for the safety of others (RCW
20 79A.60.050)
21 Indecent Liberties (without forcible
22 compulsion) (RCW 9A.44.100(1)
23 (b) and (c))
24 ((Introducing Contraband 1 (RCW
25 9A.76.140)
26 Malicious placement of an explosive 3
27 (RCW 70.74.270(3))
28 Negligently Causing Death By Use of a
29 Signal Preemption Device (RCW
30 46.37.675)))
31 Sending, bringing into state depictions
32 of minor engaged in sexually
33 explicit conduct (RCW 9.68A.060)
34 ((Unlawful Possession of a Firearm in
35 the first degree (RCW
36 9.41.040(1))))

1 Use of a Machine Gun in Commission
2 of a Felony (RCW 9A.41.225)
3 Vehicular Homicide, by disregard for
4 the safety of others (RCW
5 46.61.520)
6 VI Bail Jumping with Murder 1 (RCW
7 9A.76.170(3)(a))
8 ~~((Bribery (RCW 9A.68.010))~~
9 Incest 1 (RCW 9A.64.020(1))
10 ~~((Intimidating a Judge (RCW
11 9A.72.160))~~
12 Intimidating a Juror/Witness (RCW
13 9A.72.110, 9A.72.130)
14 ~~((Malicious placement of an imitation
15 device 2 (RCW 70.74.272(1)(b)))~~
16 Possession of Depictions of a Minor
17 Engaged in Sexually Explicit
18 Conduct (RCW 9.68A.070)
19 Rape of a Child 3 (RCW 9A.44.079)
20 ~~((Theft of a Firearm (RCW 9A.56.300)~~
21 ~~Unlawful Storage of Ammonia (RCW
22 69.55.020))~~
23 V ~~((Abandonment of Dependent Person 2
24 (RCW 9A.42.070)~~
25 ~~Advancing money or property for
26 extortionate extension of credit
27 (RCW 9A.82.030))~~
28 Bail Jumping with class A Felony
29 (RCW 9A.76.170(3)(b))
30 Child Molestation 3 (RCW 9A.44.089)
31 ~~((Criminal Mistreatment 2 (RCW
32 9A.42.030))~~
33 Custodial Sexual Misconduct 1 (RCW
34 9A.44.160)

1 Domestic Violence Court Order
2 Violation (RCW 10.99.040,
3 10.99.050, 26.09.300, 26.10.220,
4 26.26.138, 26.50.110, 26.52.070,
5 or 74.34.145)
6 Driving While Under the Influence
7 (RCW 46.61.502(6))
8 Extortion 1 (RCW 9A.56.120)
9 ~~((Extortionate Extension of Credit~~
10 ~~(RCW 9A.82.020)~~
11 ~~Extortionate Means to Collect~~
12 ~~Extensions of Credit (RCW~~
13 ~~9A.82.040)))~~
14 Incest 2 (RCW 9A.64.020(2))
15 Kidnapping 2 (RCW 9A.40.030)
16 ~~((Perjury 1 (RCW 9A.72.020)~~
17 ~~Persistent prison misbehavior (RCW~~
18 ~~9.94.070)))~~
19 Physical Control of a Vehicle While
20 Under the Influence (RCW
21 46.61.504(6))
22 ~~((Possession of a Stolen Firearm (RCW~~
23 ~~9A.56.310)))~~
24 Rape 3 (RCW 9A.44.060)
25 ~~((Rendering Criminal Assistance 1~~
26 ~~(RCW 9A.76.070)))~~
27 Sexual Misconduct with a Minor 1
28 (RCW 9A.44.093)
29 Sexually Violating Human Remains
30 (RCW 9A.44.105)
31 Stalking (RCW 9A.46.110)
32 ~~((Taking Motor Vehicle Without~~
33 ~~Permission 1 (RCW 9A.56.070)))~~
34 IV Arson 2 (RCW 9A.48.030)
35 Assault 2 (RCW 9A.36.021)

1 Assault 3 (of a Peace Officer with a
2 Projectile Stun Gun) (RCW
3 9A.36.031(1)(h))
4 ~~((Assault by Watercraft (RCW
5 79A.60.060)~~
6 ~~Bribing a Witness/Bribe Received by
7 Witness (RCW 9A.72.090,
8 9A.72.100)~~
9 ~~Cheating 1 (RCW 9.46.1961)~~
10 ~~Commercial Bribery (RCW
11 9A.68.060))~~
12 ~~Counterfeiting (RCW 9.16.035(4))~~
13 ~~((Endangerment with a Controlled
14 Substance (RCW 9A.42.100)~~
15 ~~Escape 1 (RCW 9A.76.110)~~
16 ~~Hit and Run--Injury (RCW
17 46.52.020(4)(b))~~
18 ~~Hit and Run with Vessel--Injury
19 Accident (RCW 79A.60.200(3)))~~
20 ~~Identity Theft 1 (RCW 9.35.020(2))~~
21 ~~((Indecent Exposure to Person Under
22 Age Fourteen (subsequent sex
23 offense) (RCW 9A.88.010)~~
24 ~~Influencing Outcome of Sporting Event
25 (RCW 9A.82.070)~~
26 ~~Malicious Harassment (RCW
27 9A.36.080)~~
28 ~~Residential Burglary (RCW
29 9A.52.025))~~
30 ~~Robbery 2 (RCW 9A.56.210)~~
31 ~~((Theft of Livestock 1 (RCW
32 9A.56.080))~~
33 ~~Threats to Bomb (RCW 9.61.160)~~
34 ~~((Trafficking in Stolen Property 1
35 (RCW 9A.82.050)~~

1 Unlawful factoring of a credit card or
2 payment card transaction (RCW
3 9A.56.290(4)(b))
4 Unlawful transaction of health
5 coverage as a health care service
6 contractor (RCW 48.44.016(3))
7 Unlawful transaction of health
8 coverage as a health maintenance
9 organization (RCW 48.46.033(3))
10 Unlawful transaction of insurance
11 business (RCW 48.15.023(3))
12 Unlicensed practice as an insurance
13 professional (RCW 48.17.063(3))
14 Use of Proceeds of Criminal
15 Profiteering (RCW 9A.82.080 (1)
16 and (2)))
17 Vehicular Assault, by being under the
18 influence of intoxicating liquor or
19 any drug, or by the operation or
20 driving of a vehicle in a reckless
21 manner (RCW 46.61.522)
22 ((Willful Failure to Return from
23 Furlough (RCW 72.66.060)))
24 III ((Animal Cruelty 1 (Sexual Conduct or
25 Contact) (RCW 16.52.205(3))))
26 Assault 3 (Except Assault 3 of a Peace
27 Officer With a Projectile Stun
28 Gun) (RCW 9A.36.031 except
29 subsection (1)(h))
30 Assault of a Child 3 (RCW 9A.36.140)
31 ((Bail Jumping with class B or C
32 Felony (RCW 9A.76.170(3)(e))
33 Burglary 2 (RCW 9A.52.030)
34 Commercial Sexual Abuse of a Minor
35 (RCW 9.68A.100)))

1 Communication with a Minor for
2 Immoral Purposes (RCW
3 9.68A.090)
4 ~~((Criminal Gang Intimidation (RCW
5 9A.46.120)))~~
6 Custodial Assault (RCW 9A.36.100)
7 ~~((Cyberstalking (subsequent conviction
8 or threat of death) (RCW
9 9.61.260(3))~~
10 ~~Escape 2 (RCW 9A.76.120)))~~
11 Extortion 2 (RCW 9A.56.130)
12 ~~((Harassment (RCW 9A.46.020)))~~
13 Intimidating a Public Servant (RCW
14 9A.76.180)
15 ~~((Introducing Contraband 2 (RCW
16 9A.76.150)~~
17 ~~Malicious Injury to Railroad Property
18 (RCW 81.60.070)~~
19 ~~Mortgage Fraud (RCW 19.144.080)~~
20 ~~Negligently Causing Substantial Bodily
21 Harm By Use of a Signal
22 Preemption Device (RCW
23 46.37.674)~~
24 ~~Organized Retail Theft 1 (RCW
25 9A.56.350(2))~~
26 ~~Perjury 2 (RCW 9A.72.030)~~
27 ~~Possession of Incendiary Device (RCW
28 9.40.120)~~
29 ~~Possession of Machine Gun or
30 Short-Barreled Shotgun or Rifle
31 (RCW 9.41.190)~~
32 ~~Promoting Prostitution 2 (RCW
33 9A.88.080)~~
34 ~~Retail Theft with Extenuating
35 Circumstances 1 (RCW
36 9A.56.360(2))~~

1 Organized Retail Theft 2 (RCW
2 9A.56.350(3))
3 Possession of Stolen Property 1 (RCW
4 9A.56.150)
5 Possession of a Stolen Vehicle (RCW
6 9A.56.068)
7 Retail Theft with Extenuating
8 Circumstances 2 (RCW
9 9A.56.360(3))
10 Theft 1 (RCW 9A.56.030)
11 Theft of a Motor Vehicle (RCW
12 9A.56.065)
13 Theft of Rental, Leased, or
14 Lease-purchased Property (valued
15 at one thousand five hundred
16 dollars or more) (RCW
17 9A.56.096(5)(a))
18 Theft with the Intent to Resell 2 (RCW
19 9A.56.340(3))
20 Trafficking in Insurance Claims (RCW
21 48.30A.015)
22 Unlawful factoring of a credit card or
23 payment card transaction (RCW
24 9A.56.290(4)(a))
25 Unlawful Practice of Law (RCW
26 2.48.180)
27 Unlicensed Practice of a Profession or
28 Business (RCW 18.130.190(7)))
29 Voyeurism (RCW 9A.44.115)
30 ((F Attempting to Elude a Pursuing Police
31 Vehicle (RCW 46.61.024)
32 False Verification for Welfare (RCW
33 74.08.055)
34 Forgery (RCW 9A.60.020)
35 Fraudulent Creation or Revocation of a
36 Mental Health Advance Directive
37 (RCW 9A.60.060)

1 Malicious Mischief 2 (RCW
2 9A.48.080)
3 Mineral Trespass (RCW 78.44.330)
4 Possession of Stolen Property 2 (RCW
5 9A.56.160)
6 Reckless Burning 1 (RCW 9A.48.040)
7 Taking Motor Vehicle Without
8 Permission 2 (RCW 9A.56.075)
9 Theft 2 (RCW 9A.56.040)
10 Theft of Rental, Leased, or
11 Lease-purchased Property (valued
12 at two hundred fifty dollars or
13 more but less than one thousand
14 five hundred dollars) (RCW
15 9A.56.096(5)(b))
16 Transaction of insurance business
17 beyond the scope of licensure
18 (RCW 48.17.063(4))
19 Unlawful Issuance of Checks or Drafts
20 (RCW 9A.56.060)
21 Unlawful Possession of Fictitious
22 Identification (RCW 9A.56.320)
23 Unlawful Possession of Instruments of
24 Financial Fraud (RCW 9A.56.320)
25 Unlawful Possession of Payment
26 Instruments (RCW 9A.56.320)
27 Unlawful Possession of a Personal
28 Identification Device (RCW
29 9A.56.320)
30 Unlawful Production of Payment
31 Instruments (RCW 9A.56.320)
32 Unlawful Trafficking in Food Stamps
33 (RCW 9.91.142)
34 Unlawful Use of Food Stamps (RCW
35 9.91.144)
36 Vehicle Prowl 1 (RCW 9A.52.095))

37 NEW SECTION. **Sec. 3.**

TABLE 1B
SENTENCING GRID
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										
XV	17y5m	18y3m	19y	19y8m	20y5m	21y2m	22y8m	24y7m	27y	29y10m
	180-	188-	196-	203-	211-	218-	234-	254-	278-	308-
	240	250	260	271	281	291	312	338	370	411
XIV	10y7m	11y5m	12y1m	12y8m	13y5m	14y	15y3m	16y6m	19y2m	21y8m
	92-	101-	108-	116-	124-	131-	146-	162-	193-	224-
	165	176	183	191	199	206	221	237	268	298
XIII	9y	9y8m	10y5m	11y3m	12y	12y3m	14y2m	15y8m	18y8m	21y8m
	92-	101-	108-	116-	124-	131-	146-	162-	193-	224-
	123	134	144	154	164	175	195	216	257	298
XII	6y8m	7y5m	8y	8y8m	9y4m	10y	11y8m	13y	15y2m	17y5m
	70-	77-	83-	90-	97-	104-	122-	134-	157-	180-
	92	102	110	120	128	138	162	177	208	239
XI	5y7m	6y3m	6y9m	7y5m	8y	8y7m	10y7m	11y5m	13y5m	15y3m
	59-	65-	71-	77-	83-	90-	110-	119-	139-	158-
	77	86	94	102	110	119	146	158	184	210
X	3y7m	4y1m	4y5m	4y9m	5y3m	5y6m	7y2m	7y9m	9y4m	10y9m
	38-	43-	47-	50-	54-	58-	74-	81-	97-	112-
	51	56	62	67	72	77	98	108	128	149
IX	2y3m	2y6m	3y	3y4m	3y7m	4y1m	5y6m	6y3m	7y9m	9y3m
	23-	27-	31-	35-	38-	43-	58-	65-	81-	97-
	31	36	41	46	51	56	77	87	108	128
VIII	1y5m	1y9m	2y3m	2y6m	3y	3y4m	4y9m	5y6m	6y3m	7y9m
	16-	20-	23-	27-	31-	35-	50-	58-	65-	81-
	20	26	31	36	41	46	67	77	87	108
VII	13m	1y5m	1y9m	2y3m	2y6m	3y	4y1m	4y9m	5y6m	6y3m
	11-	16-	20-	23-	27-	31-	43-	50-	58-	65-
	15	20	26	31	36	41	56	67	77	87
VI	10m	13m	1y5m	1y9m	2y3m	2y6m	3y4m	4y1m	4y9m	5y6m
	9-	11-	16-	20-	23-	27-	35-	43-	50-	58-
	11	15	21	26	31	36	46	56	67	77
V	7m	10m	12m	13m	1y6m	2y4m	3y	3y7m	4y5m	5y3m
	5-	9+-	10-	11-	17-	25-	31-	38-	47-	54-
	9	11	13	15	22	32	41	51	62	72
IV	5m	7m	10m	12m	13m	1y6m	2y4m	3y	3y9m	4y6m
	2-	5-	9-	10-	11-	17-	25-	32-	40-	47-

	7	9	11	13	15	22	32	43	53	63
III	1m	4m	6m	8m	11m	15m	1y6m	2y4m	3y1m	3y7m
	23 days-	2-	3-	7-	9-	13-	17-	25-	32-	38-
	2m	6	9	9	12	17	22	32	43	51
II		4m	5m	6m	10m	13m	15m	1y6m	2y4m	3y1m
	0-68	2-	2-	3-	9-	11-	13-	17-	25-	32-
	Days	5	7	9	11	14	17	22	32	43
I			3m	4m	4m	6m	10m	13m	15m	1y7m
	0-45	0-68	2-	2-	2-	3-	9-	11-	13-	17-
	Days	Days	4	5	6	9	11	14	17	22

11 Numbers in the first horizontal row of each seriousness category
12 represent sentencing midpoints in years(y) and months(m). Numbers in
13 the second and third rows represent standard sentence ranges in months,
14 or in days if so designated. 12+ equals one year and one day.

15 NEW SECTION. **Sec. 4.**

16 TABLE 2B
17 CRIMES INCLUDED WITHIN
18 EACH SERIOUSNESS LEVEL

19	XIV	Trafficking 1 (RCW 9A.40.100(1))
20	XIII	Malicious placement of an explosive 1
21		(RCW 70.74.270(1))
22	XII	Malicious placement of an imitation
23		device 1 (RCW 70.74.272(1)(a))
24		Trafficking 2 (RCW 9A.40.100(2))
25	X	Criminal Mistreatment 1 (RCW
26		9A.42.020)
27		Malicious explosion 3 (RCW
28		70.74.280(3))
29	IX	Abandonment of Dependent Person 1
30		(RCW 9A.42.060)
31		Hit and Run--Death (RCW
32		46.52.020(4)(a))
33		Inciting Criminal Profiteering (RCW
34		9A.82.060(1)(b))

1 Malicious placement of an explosive 2
2 (RCW 70.74.270(2))
3 VIII Promoting Commercial Sexual Abuse
4 of a Minor (RCW 9.68A.101)
5 Theft of Ammonia (RCW 69.55.010)
6 VII Civil Disorder Training (RCW
7 9A.48.120)
8 Introducing Contraband 1 (RCW
9 9A.76.140)
10 Malicious placement of an explosive 3
11 (RCW 70.74.270(3))
12 Negligently Causing Death By Use of a
13 Signal Preemption Device (RCW
14 46.37.675)
15 Unlawful Possession of a Firearm in
16 the first degree (RCW 9.41.040(1))
17 VI Bribery (RCW 9A.68.010)
18 Intimidating a Judge (RCW 9A.72.160)
19 Malicious placement of an imitation
20 device 2 (RCW 70.74.272(1)(b))
21 Theft of a Firearm (RCW 9A.56.300)
22 Unlawful Storage of Ammonia (RCW
23 69.55.020)
24 V Abandonment of Dependent Person 2
25 (RCW 9A.42.070)
26 Advancing money or property for
27 extortionate extension of credit
28 (RCW 9A.82.030)
29 Criminal Mistreatment 2 (RCW
30 9A.42.030)
31 Extortionate Extension of Credit (RCW
32 9A.82.020)
33 Extortionate Means to Collect
34 Extensions of Credit (RCW
35 9A.82.040)
36 Perjury 1 (RCW 9A.72.020)

1 Persistent prison misbehavior (RCW
2 9.94.070)
3 Possession of a Stolen Firearm (RCW
4 9A.56.310)
5 Rendering Criminal Assistance 1
6 (RCW 9A.76.070)
7 Taking Motor Vehicle Without
8 Permission 1 (RCW 9A.56.070)
9 IV Assault by Watercraft (RCW
10 79A.60.060)
11 Bribing a Witness/Bribe Received by
12 Witness (RCW 9A.72.090,
13 9A.72.100)
14 Cheating 1 (RCW 9.46.1961)
15 Commercial Bribery (RCW 9A.68.060)
16 Endangerment with a Controlled
17 Substance (RCW 9A.42.100)
18 Escape 1 (RCW 9A.76.110)
19 Hit and Run--Injury (RCW
20 46.52.020(4)(b))
21 Hit and Run with Vessel--Injury
22 Accident (RCW 79A.60.200(3))
23 Indecent Exposure to Person Under
24 Age Fourteen (subsequent sex
25 offense) (RCW 9A.88.010)
26 Influencing Outcome of Sporting Event
27 (RCW 9A.82.070)
28 Malicious Harassment (RCW
29 9A.36.080)
30 Residential Burglary (RCW
31 9A.52.025)
32 Theft of Livestock 1 (RCW 9A.56.080)
33 Trafficking in Stolen Property 1 (RCW
34 9A.82.050)
35 Unlawful factoring of a credit card or
36 payment card transaction (RCW
37 9A.56.290(4)(b))

1 Unlawful transaction of health
2 coverage as a health care service
3 contractor (RCW 48.44.016(3))
4 Unlawful transaction of health
5 coverage as a health maintenance
6 organization (RCW 48.46.033(3))
7 Unlawful transaction of insurance
8 business (RCW 48.15.023(3))
9 Unlicensed practice as an insurance
10 professional (RCW 48.17.063(2))
11 Use of Proceeds of Criminal
12 Profiteering (RCW 9A.82.080 (1)
13 and (2))
14 Willful Failure to Return from
15 Furlough (RCW 72.66.060)
16 III Animal Cruelty 1 (Sexual Conduct or
17 Contact) (RCW 16.52.205(3))
18 Bail Jumping with class B or C Felony
19 (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 Criminal Gang Intimidation (RCW
24 9A.46.120)
25 Cyberstalking (subsequent conviction
26 or threat of death) (RCW
27 9.61.260(3))
28 Escape 2 (RCW 9A.76.120)
29 Harassment (RCW 9A.46.020)
30 Introducing Contraband 2 (RCW
31 9A.76.150)
32 Malicious Injury to Railroad Property
33 (RCW 81.60.070)
34 Mortgage Fraud (RCW 19.144.080)

1 Negligently Causing Substantial Bodily
2 Harm By Use of a Signal
3 Preemption Device (RCW
4 46.37.674)
5 Organized Retail Theft 1 (RCW
6 9A.56.350(2))
7 Perjury 2 (RCW 9A.72.030)
8 Possession of Incendiary Device (RCW
9 9.40.120)
10 Possession of Machine Gun or Short-
11 Barreled Shotgun or Rifle (RCW
12 9.41.190)
13 Promoting Prostitution 2 (RCW
14 9A.88.080)
15 Retail Theft with Extenuating
16 Circumstances 1 (RCW
17 9A.56.360(2))
18 Securities Act violation (RCW
19 21.20.400)
20 Tampering with a Witness (RCW
21 9A.72.120)
22 Telephone Harassment (subsequent
23 conviction or threat of death)
24 (RCW 9.61.230(2))
25 Theft of Livestock 2 (RCW 9A.56.083)
26 Theft with the Intent to Resell 1 (RCW
27 9A.56.340(2))
28 Trafficking in Stolen Property 2 (RCW
29 9A.82.055)
30 Unlawful possession of firearm in the
31 second degree (RCW 9.41.040(2))
32 Vehicular Assault, by the operation or
33 driving of a vehicle with disregard
34 for the safety of others (RCW
35 46.61.522)
36 Willful Failure to Return from Work
37 Release (RCW 72.65.070)

1 II Computer Trespass 1 (RCW
2 9A.52.110)
3 Counterfeiting (RCW 9.16.035(3))
4 Escape from Community Custody
5 (RCW 72.09.310)
6 Health Care False Claims (RCW
7 48.80.030)
8 Improperly Obtaining Financial
9 Information (RCW 9.35.010)
10 Malicious Mischief 1 (RCW
11 9A.48.070)
12 Organized Retail Theft 2 (RCW
13 9A.56.350(3))
14 Possession of Stolen Property 1 (RCW
15 9A.56.150)
16 Possession of a Stolen Vehicle (RCW
17 9A.56.068)
18 Retail Theft with Extenuating
19 Circumstances 2 (RCW
20 9A.56.360(3))
21 Theft 1 (RCW 9A.56.030)
22 Theft of a Motor Vehicle (RCW
23 9A.56.065)
24 Theft of Rental, Leased, or Lease-
25 purchased Property (valued at one
26 thousand five hundred dollars or
27 more) (RCW 9A.56.096(5)(a))
28 Theft with the Intent to Resell 2 (RCW
29 9A.56.340(3))
30 Trafficking in Insurance Claims (RCW
31 48.30A.015)
32 Unlawful factoring of a credit card or
33 payment card transaction (RCW
34 9A.56.290(4)(a))
35 Unlawful Practice of Law (RCW
36 2.48.180)

1 Unlicensed Practice of a Profession or
2 Business (RCW 18.130.190(7))
3 I Attempting to Elude a Pursuing Police
4 Vehicle (RCW 46.61.024)
5 False Verification for Welfare (RCW
6 74.08.055)
7 Forgery (RCW 9A.60.020)
8 Fraudulent Creation or Revocation of a
9 Mental Health Advance Directive
10 (RCW 9A.60.060)
11 Malicious Mischief 2 (RCW
12 9A.48.080)
13 Mineral Trespass (RCW 78.44.330)
14 Possession of Stolen Property 2 (RCW
15 9A.56.160)
16 Reckless Burning 1 (RCW 9A.48.040)
17 Taking Motor Vehicle Without
18 Permission 2 (RCW 9A.56.075)
19 Theft 2 (RCW 9A.56.040)
20 Theft of Rental, Leased, or Lease-
21 purchased Property (valued at two
22 hundred fifty dollars or more but
23 less than one thousand five
24 hundred dollars) (RCW
25 9A.56.096(5)(b))
26 Transaction of insurance business
27 beyond the scope of licensure
28 (RCW 48.17.063)
29 Unlawful Issuance of Checks or Drafts
30 (RCW 9A.56.060)
31 Unlawful Possession of Fictitious
32 Identification (RCW 9A.56.320)
33 Unlawful Possession of Instruments of
34 Financial Fraud (RCW 9A.56.320)
35 Unlawful Possession of Payment
36 Instruments (RCW 9A.56.320)

1 Unlawful Possession of a Personal
2 Identification Device (RCW
3 9A.56.320)
4 Unlawful Production of Payment
5 Instruments (RCW 9A.56.320)
6 Unlawful Trafficking in Food Stamps
7 (RCW 9.91.142)
8 Unlawful Use of Food Stamps (RCW
9 9.91.144)
10 Vehicle Prowl 1 (RCW 9A.52.095)

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

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

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

17 (i) Unless another term of confinement applies, a sentence within
18 the standard sentence range established in RCW 9.94A.510, section 3 of
19 this act, or RCW 9.94A.517;

20 (ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

21 (iii) RCW 9.94A.570, relating to persistent offenders;

22 (iv) RCW 9.94A.540, relating to mandatory minimum terms;

23 (v) RCW 9.94A.650, relating to the first-time offender waiver;

24 (vi) RCW 9.94A.660, relating to the drug offender sentencing
25 alternative;

26 (vii) RCW 9.94A.670, relating to the special sex offender
27 sentencing alternative;

28 (viii) RCW ((~~9.94A.712~~)) 9.94A.507, relating to certain sex
29 offenses;

30 (ix) RCW 9.94A.535, relating to exceptional sentences;

31 (x) RCW 9.94A.589, relating to consecutive and concurrent
32 sentences;

33 (xi) RCW 9.94A.603, relating to felony driving while under the
34 influence of intoxicating liquor or any drug and felony physical
35 control of a vehicle while under the influence of intoxicating liquor
36 or any drug.

1 (b) If a standard sentence range has not been established for the
2 offender's crime, the court shall impose a determinate sentence which
3 may include not more than one year of confinement; community
4 restitution work; a term of community custody not to exceed one year;
5 and/or other legal financial obligations. The court may impose a
6 sentence which provides more than one year of confinement if the court
7 finds reasons justifying an exceptional sentence as provided in RCW
8 9.94A.535.

9 (3) If the court imposes a sentence requiring confinement of thirty
10 days or less, the court may, in its discretion, specify that the
11 sentence be served on consecutive or intermittent days. A sentence
12 requiring more than thirty days of confinement shall be served on
13 consecutive days. Local jail administrators may schedule court-ordered
14 intermittent sentences as space permits.

15 (4) If a sentence imposed includes payment of a legal financial
16 obligation, it shall be imposed as provided in RCW 9.94A.750,
17 9.94A.753, 9.94A.760, and 43.43.7541.

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

22 (6) The sentencing court shall give the offender credit for all
23 confinement time served before the sentencing if that confinement was
24 solely in regard to the offense for which the offender is being
25 sentenced.

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

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

31 (9) In any sentence of partial confinement, the court may require
32 the offender to serve the partial confinement in work release, in a
33 program of home detention, on work crew, or in a combined program of
34 work crew and home detention.

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

37 (1) The intersection of the column defined by the offender score

1 and the row defined by the offense seriousness score determines the
2 standard sentence range (see RCW 9.94A.510, (Table 1A), section 3 of
3 this act, (Table 1B) and RCW 9.94A.517, (Table 3)). The additional
4 time for deadly weapon findings or for other adjustments as specified
5 in RCW 9.94A.533 shall be added to the entire standard sentence range.
6 The court may impose any sentence within the range that it deems
7 appropriate. All standard sentence ranges are expressed in terms of
8 total confinement.

9 (2) In determining any sentence other than a sentence above the
10 standard range, the trial court may rely on no more information than is
11 admitted by the plea agreement, or admitted, acknowledged, or proved in
12 a trial or at the time of sentencing, or proven pursuant to RCW
13 9.94A.537. Acknowledgment includes not objecting to information stated
14 in the presentence reports and not objecting to criminal history
15 presented at the time of sentencing. Where the defendant disputes
16 material facts, the court must either not consider the fact or grant an
17 evidentiary hearing on the point. The facts shall be deemed proved at
18 the hearing by a preponderance of the evidence, except as otherwise
19 specified in RCW 9.94A.537. On remand for resentencing following
20 appeal or collateral attack, the parties shall have the opportunity to
21 present and the court to consider all relevant evidence regarding
22 criminal history, including criminal history not previously presented.

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

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

31 (1)(a) Except as provided in (b) or (c) of this subsection,
32 whenever a person is to be sentenced for two or more current offenses,
33 the sentence range for each current offense shall be determined by
34 using all other current and prior convictions as if they were prior
35 convictions for the purpose of the offender score: PROVIDED, That if
36 the court enters a finding that some or all of the current offenses
37 encompass the same criminal conduct then those current offenses shall

1 be counted as one crime. Sentences imposed under this subsection shall
2 be served concurrently. Consecutive sentences may only be imposed
3 under the exceptional sentence provisions of RCW 9.94A.535. "Same
4 criminal conduct," as used in this subsection, means two or more crimes
5 that require the same criminal intent, are committed at the same time
6 and place, and involve the same victim. This definition applies in
7 cases involving vehicular assault or vehicular homicide even if the
8 victims occupied the same vehicle.

9 (b) Whenever a person is convicted of two or more serious violent
10 offenses arising from separate and distinct criminal conduct, the
11 standard sentence range for the offense with the highest seriousness
12 level under RCW 9.94A.515 or section 4 of this act shall be determined
13 using the offender's prior convictions and other current convictions
14 that are not serious violent offenses in the offender score and the
15 standard sentence range for other serious violent offenses shall be
16 determined by using an offender score of zero. The standard sentence
17 range for any offenses that are not serious violent offenses shall be
18 determined according to (a) of this subsection. All sentences imposed
19 under (b) of this subsection shall be served consecutively to each
20 other and concurrently with sentences imposed under (a) of this
21 subsection.

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

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

36 (b) Whenever a second or later felony conviction results in
37 community supervision with conditions not currently in effect, under
38 the prior sentence or sentences of community supervision the court may

1 require that the conditions of community supervision contained in the
2 second or later sentence begin during the immediate term of community
3 supervision and continue throughout the duration of the consecutive
4 term of community supervision.

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

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

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

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

28 (1) A current, newly created or reworked judgment and sentence
29 document for each felony sentencing shall record any and all
30 recommended sentencing agreements or plea agreements and the sentences
31 for any and all felony crimes kept as public records under RCW
32 9.94A.475 shall contain the clearly printed name and legal signature of
33 the sentencing judge. The judgment and sentence document as defined in
34 this section shall also provide additional space for the sentencing
35 judge's reasons for going either above or below the presumptive
36 sentence range for any and all felony crimes covered as public records

1 under RCW 9.94A.475. Both the sentencing judge and the prosecuting
2 attorney's office shall each retain or receive a completed copy of each
3 sentencing document as defined in this section for their own records.

4 (2) The sentencing guidelines commission shall be sent a completed
5 copy of the judgment and sentence document upon conviction for each
6 felony sentencing under subsection (1) of this section and shall
7 compile a yearly and cumulative judicial record of each sentencing
8 judge in regards to his or her sentencing practices for any and all
9 felony crimes involving:

10 (a) Any violent offense as defined in this chapter;

11 (b) Any most serious offense as defined in this chapter;

12 (c) Any felony with any deadly weapon special verdict under RCW
13 9.94A.602;

14 (d) Any felony with any deadly weapon enhancements under RCW
15 9.94A.533 (3) or (4), or both; and/or

16 (e) The felony crimes of possession of a machine gun, possessing a
17 stolen firearm, drive-by shooting, theft of a firearm, unlawful
18 possession of a firearm in the first or second degree, and/or use of a
19 machine gun in a felony.

20 (3) The sentencing guidelines commission shall compare each
21 individual judge's sentencing practices to the standard or presumptive
22 sentence range for any and all felony crimes listed in subsection (2)
23 of this section for the appropriate offense level as defined in RCW
24 9.94A.515 or 9.94A.518, or section 4 of this act, offender score as
25 defined in RCW 9.94A.525, and any applicable deadly weapon enhancements
26 as defined in RCW 9.94A.533 (3) or (4), or both. These comparative
27 records shall be retained and made available to the public for review
28 in a current, newly created or reworked official published document by
29 the sentencing guidelines commission.

30 (4) Any and all felony sentences which are either above or below
31 the standard or presumptive sentence range in subsection (3) of this
32 section shall also mark whether the prosecuting attorney in the case
33 also recommended a similar sentence, if any, which was either above or
34 below the presumptive sentence range and shall also indicate if the
35 sentence was in conjunction with an approved alternative sentencing
36 option including a first-time offender waiver, sex offender sentencing
37 alternative, or other prescribed sentencing option.

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

8 NEW SECTION. **Sec. 9.** Sections 3 and 4 of this act are each added
9 to chapter 9.94A RCW.

10 NEW SECTION. **Sec. 10.** This act takes effect August 1, 2009.

--- END ---