
HOUSE BILL 2374

State of Washington

61st Legislature

2009 Regular Session

By Representatives Klippert, Taylor, O'Brien, Kretz, Grant-Herriot, Haler, Shea, and Pearson

1 AN ACT Relating to imposing a mandatory minimum sentence for rape
2 in the third degree; amending RCW 9.94A.540; and prescribing penalties.

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

4 **Sec. 1.** RCW 9.94A.540 and 2005 c 437 s 2 are each amended to read
5 as follows:

6 (1) Except to the extent provided in subsection (3) of this
7 section, the following minimum terms of total confinement are mandatory
8 and shall not be varied or modified under RCW 9.94A.535:

9 (a) An offender convicted of the crime of murder in the first
10 degree shall be sentenced to a term of total confinement not less than
11 twenty years.

12 (b) An offender convicted of the crime of assault in the first
13 degree or assault of a child in the first degree where the offender
14 used force or means likely to result in death or intended to kill the
15 victim shall be sentenced to a term of total confinement not less than
16 five years.

17 (c) An offender convicted of the crime of rape in the first degree
18 shall be sentenced to a term of total confinement not less than five
19 years.

1 (d) An offender convicted of the crime of rape in the third degree
2 shall be sentenced to a term of total confinement not less than one
3 year.

4 (e) An offender convicted of the crime of sexually violent predator
5 escape shall be sentenced to a minimum term of total confinement not
6 less than sixty months.

7 (2) During such minimum terms of total confinement, no offender
8 subject to the provisions of this section is eligible for community
9 custody, earned release time, furlough, home detention, partial
10 confinement, work crew, work release, or any other form of early
11 release authorized under RCW 9.94A.728, or any other form of authorized
12 leave of absence from the correctional facility while not in the direct
13 custody of a corrections officer. The provisions of this subsection
14 shall not apply: (a) In the case of an offender in need of emergency
15 medical treatment; (b) for the purpose of commitment to an inpatient
16 treatment facility in the case of an offender convicted of the crime of
17 rape in the first degree; or (c) for an extraordinary medical placement
18 when authorized under RCW 9.94A.728(4).

19 (3)(a) Subsection (1) of this section shall not be applied in
20 sentencing of juveniles tried as adults pursuant to RCW
21 13.04.030(1)(e)(i).

22 (b) This subsection (3) applies only to crimes committed on or
23 after July 24, 2005.

--- END ---