

SB 6415 - H COMM AMD

By Committee on Appropriations Subcommittee on General Government
& Information Technology

ADOPTED 03/07/2014

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9.94A.589 and 2002 c 175 s 7 are each amended to read
4 as follows:

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

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

1 subsection (1)(b) shall be served consecutively to each other and
2 concurrently with sentences imposed under (a) of this 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 (d) All sentences imposed under RCW 46.61.502(6), 46.61.504(6), or
14 46.61.5055(4) shall be served consecutively with any sentences imposed
15 under RCW 46.20.740 and 46.20.750.

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

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

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

35 (4) Whenever any person granted probation under RCW 9.95.210 or
36 9.92.060, or both, has the probationary sentence revoked and a prison
37 sentence imposed, that sentence shall run consecutively to any sentence

1 imposed pursuant to this chapter, unless the court pronouncing the
2 subsequent sentence expressly orders that they be served concurrently.

3 (5) In the case of consecutive sentences, all periods of total
4 confinement shall be served before any partial confinement, community
5 restitution, community supervision, or any other requirement or
6 conditions of any of the sentences. Except for exceptional sentences
7 as authorized under RCW 9.94A.535, if two or more sentences that run
8 consecutively include periods of community supervision, the aggregate
9 of the community supervision period shall not exceed twenty-four
10 months.

11 **Sec. 2.** RCW 46.20.740 and 2010 c 269 s 8 are each amended to read
12 as follows:

13 (1) The department shall attach or imprint a notation on the
14 driving record of any person restricted under RCW 46.20.720,
15 46.61.5055, or 10.05.140 stating that the person may operate only a
16 motor vehicle equipped with a functioning ignition interlock device.
17 The department shall determine the person's eligibility for licensing
18 based upon written verification by a company doing business in the
19 state that it has installed the required device on a vehicle owned or
20 operated by the person seeking reinstatement. If, based upon
21 notification from the interlock provider or otherwise, the department
22 determines that an ignition interlock required under this section is no
23 longer installed or functioning as required, the department shall
24 suspend the person's license or privilege to drive. Whenever the
25 license or driving privilege of any person is suspended or revoked as
26 a result of noncompliance with an ignition interlock requirement, the
27 suspension shall remain in effect until the person provides notice
28 issued by a company doing business in the state that a vehicle owned or
29 operated by the person is equipped with a functioning ignition
30 interlock device.

31 (2) It is a gross misdemeanor for a person with such a notation on
32 his or her driving record to operate a motor vehicle that is not so
33 equipped.

34 (3) Any sentence imposed for a violation of subsection (2) of this
35 section shall be served consecutively with any sentence imposed under
36 RCW 46.20.750, 46.61.502, 46.61.504, or 46.61.5055.

