

SB 6350 - H COMM AMD

By Committee on Public Safety

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

3 "Sec. 1. RCW 9.94A.525 and 2013 2nd sp.s. c 35 s 8 are each
4 amended to read as follows:

5 The offender score is measured on the horizontal axis of the
6 sentencing grid. The offender score rules are as follows:

7 The offender score is the sum of points accrued under this
8 section rounded down to the nearest whole number.

9 (1) A prior conviction is a conviction which exists before the
10 date of sentencing for the offense for which the offender score is
11 being computed. Convictions entered or sentenced on the same date as
12 the conviction for which the offender score is being computed shall
13 be deemed "other current offenses" within the meaning of RCW
14 9.94A.589.

15 (2)(a) Class A and sex prior felony convictions shall always be
16 included in the offender score.

17 (b) Class B prior felony convictions other than sex offenses
18 shall not be included in the offender score, if since the last date
19 of release from confinement (including full-time residential
20 treatment) pursuant to a felony conviction, if any, or entry of
21 judgment and sentence, the offender had spent ten consecutive years
22 in the community without committing any crime that subsequently
23 results in a conviction.

24 (c) Except as provided in (e) of this subsection, class C prior
25 felony convictions other than sex offenses shall not be included in
26 the offender score if, since the last date of release from
27 confinement (including full-time residential treatment) pursuant to a
28 felony conviction, if any, or entry of judgment and sentence, the
29 offender had spent five consecutive years in the community without
30 committing any crime that subsequently results in a conviction.

31 (d) Except as provided in (e) of this subsection, serious traffic
32 convictions shall not be included in the offender score if, since the

1 last date of release from confinement (including full-time
2 residential treatment) pursuant to a conviction, if any, or entry of
3 judgment and sentence, the offender spent five years in the community
4 without committing any crime that subsequently results in a
5 conviction.

6 (e) If the present conviction is felony driving while under the
7 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or
8 felony physical control of a vehicle while under the influence of
9 intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate
10 crimes for the offense as defined by RCW 46.61.5055(14) shall be
11 included in the offender score, and prior convictions for felony
12 driving while under the influence of intoxicating liquor or any drug
13 (RCW 46.61.502(6)) or felony physical control of a vehicle while
14 under the influence of intoxicating liquor or any drug (RCW
15 46.61.504(6)) shall always be included in the offender score. All
16 other convictions of the defendant shall be scored according to this
17 section.

18 (f) Prior convictions for a repetitive domestic violence offense,
19 as defined in RCW 9.94A.030, shall not be included in the offender
20 score if, since the last date of release from confinement or entry of
21 judgment and sentence, the offender had spent ten consecutive years
22 in the community without committing any crime that subsequently
23 results in a conviction.

24 (g) This subsection applies to both adult and juvenile prior
25 convictions.

26 (3) Out-of-state convictions for offenses shall be classified
27 according to the comparable offense definitions and sentences
28 provided by Washington law. Federal convictions for offenses shall be
29 classified according to the comparable offense definitions and
30 sentences provided by Washington law. If there is no clearly
31 comparable offense under Washington law or the offense is one that is
32 usually considered subject to exclusive federal jurisdiction, the
33 offense shall be scored as a class C felony equivalent if it was a
34 felony under the relevant federal statute.

35 (4) Score prior convictions for felony anticipatory offenses
36 (attempts, criminal solicitations, and criminal conspiracies) the
37 same as if they were convictions for completed offenses.

38 (5)(a) In the case of multiple prior convictions, for the purpose
39 of computing the offender score, count all convictions separately,
40 except:

1 (i) Prior offenses which were found, under RCW 9.94A.589(1)(a),
2 to encompass the same criminal conduct, shall be counted as one
3 offense, the offense that yields the highest offender score. The
4 current sentencing court shall determine with respect to other prior
5 adult offenses for which sentences were served concurrently or prior
6 juvenile offenses for which sentences were served consecutively,
7 whether those offenses shall be counted as one offense or as separate
8 offenses using the "same criminal conduct" analysis found in RCW
9 9.94A.589(1)(a), and if the court finds that they shall be counted as
10 one offense, then the offense that yields the highest offender score
11 shall be used. The current sentencing court may presume that such
12 other prior offenses were not the same criminal conduct from
13 sentences imposed on separate dates, or in separate counties or
14 jurisdictions, or in separate complaints, indictments, or
15 informations;

16 (ii) In the case of multiple prior convictions for offenses
17 committed before July 1, 1986, for the purpose of computing the
18 offender score, count all adult convictions served concurrently as
19 one offense, and count all juvenile convictions entered on the same
20 date as one offense. Use the conviction for the offense that yields
21 the highest offender score.

22 (b) As used in this subsection (5), "served concurrently" means
23 that: (i) The latter sentence was imposed with specific reference to
24 the former; (ii) the concurrent relationship of the sentences was
25 judicially imposed; and (iii) the concurrent timing of the sentences
26 was not the result of a probation or parole revocation on the former
27 offense.

28 (6) If the present conviction is one of the anticipatory offenses
29 of criminal attempt, solicitation, or conspiracy, count each prior
30 conviction as if the present conviction were for a completed offense.
31 When these convictions are used as criminal history, score them the
32 same as a completed crime.

33 (7) If the present conviction is for a nonviolent offense and not
34 covered by subsection (11), (12), or (13) of this section, count one
35 point for each adult prior felony conviction and one point for each
36 juvenile prior violent felony conviction and 1/2 point for each
37 juvenile prior nonviolent felony conviction.

38 (8) If the present conviction is for a violent offense and not
39 covered in subsection (9), (10), (11), (12), or (13) of this section,
40 count two points for each prior adult and juvenile violent felony

1 conviction, one point for each prior adult nonviolent felony
2 conviction, and 1/2 point for each prior juvenile nonviolent felony
3 conviction.

4 (9) If the present conviction is for a serious violent offense,
5 count three points for prior adult and juvenile convictions for
6 crimes in this category, two points for each prior adult and juvenile
7 violent conviction (not already counted), one point for each prior
8 adult nonviolent felony conviction, and 1/2 point for each prior
9 juvenile nonviolent felony conviction.

10 (10) If the present conviction is for Burglary 1, count prior
11 convictions as in subsection (8) of this section; however count two
12 points for each prior adult Burglary 2 or residential burglary
13 conviction, and one point for each prior juvenile Burglary 2 or
14 residential burglary conviction.

15 (11) If the present conviction is for a felony traffic offense
16 count two points for each adult or juvenile prior conviction for
17 Vehicular Homicide or Vehicular Assault; for each felony offense
18 count one point for each adult and 1/2 point for each juvenile prior
19 conviction; for each serious traffic offense, other than those used
20 for an enhancement pursuant to RCW 46.61.520(2), count one point for
21 each adult and 1/2 point for each juvenile prior conviction; count
22 one point for each adult and 1/2 point for each juvenile prior
23 conviction for operation of a vessel while under the influence of
24 intoxicating liquor or any drug.

25 (12) If the present conviction is for homicide by watercraft or
26 assault by watercraft count two points for each adult or juvenile
27 prior conviction for homicide by watercraft or assault by watercraft;
28 for each felony offense count one point for each adult and 1/2 point
29 for each juvenile prior conviction; count one point for each adult
30 and 1/2 point for each juvenile prior conviction for driving under
31 the influence of intoxicating liquor or any drug, actual physical
32 control of a motor vehicle while under the influence of intoxicating
33 liquor or any drug, or operation of a vessel while under the
34 influence of intoxicating liquor or any drug.

35 (13) If the present conviction is for manufacture of
36 methamphetamine count three points for each adult prior manufacture
37 of methamphetamine conviction and two points for each juvenile
38 manufacture of methamphetamine offense. If the present conviction is
39 for a drug offense and the offender has a criminal history that
40 includes a sex offense or serious violent offense, count three points

1 for each adult prior felony drug offense conviction and two points
2 for each juvenile drug offense. All other adult and juvenile felonies
3 are scored as in subsection (8) of this section if the current drug
4 offense is violent, or as in subsection (7) of this section if the
5 current drug offense is nonviolent.

6 (14) If the present conviction is for Escape from Community
7 Custody, RCW 72.09.310, count only prior escape convictions in the
8 offender score. Count adult prior escape convictions as one point and
9 juvenile prior escape convictions as 1/2 point.

10 (15) If the present conviction is for Escape 1, RCW 9A.76.110, or
11 Escape 2, RCW 9A.76.120, count adult prior convictions as one point
12 and juvenile prior convictions as 1/2 point.

13 (16) If the present conviction is for Burglary 2 or residential
14 burglary, count priors as in subsection (7) of this section; however,
15 count two points for each adult and juvenile prior Burglary 1
16 conviction, two points for each adult prior Burglary 2 or residential
17 burglary conviction, and one point for each juvenile prior Burglary 2
18 or residential burglary conviction.

19 (17) If the present conviction is for a sex offense, count priors
20 as in subsections (7) through (11) and (13) through (16) of this
21 section; however count three points for each adult and juvenile prior
22 sex offense conviction.

23 (18) If the present conviction is for failure to register as a
24 sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in
25 subsections (7) through (11) and (13) through (16) of this section;
26 however count three points for each adult and juvenile prior sex
27 offense conviction, excluding prior convictions for failure to
28 register as a sex offender under RCW 9A.44.130 or 9A.44.132, which
29 shall count as one point.

30 (19) If the present conviction is for an offense committed while
31 the offender was under community custody, add one point. For purposes
32 of this subsection, community custody includes community placement or
33 postrelease supervision, as defined in chapter 9.94B RCW.

34 (20) If the present conviction is for Theft of a Motor Vehicle,
35 Possession of a Stolen Vehicle, Taking a Motor Vehicle Without
36 Permission 1, or Taking a Motor Vehicle Without Permission 2, count
37 priors as in subsections (7) through (18) of this section; however
38 count one point for prior convictions of Vehicle Prowling 2, and
39 three points for each adult and juvenile prior Theft 1 (of a motor
40 vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property

1 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor
2 vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle,
3 Taking a Motor Vehicle Without Permission 1, (~~(or)~~) Taking a Motor
4 Vehicle Without Permission 2 conviction.

5 (21) If the present conviction is for a felony domestic violence
6 offense where domestic violence as defined in RCW 9.94A.030 was
7 (~~plead~~~~[pleaded]~~) pleaded and proven, count priors as in
8 subsections (7) through (20) of this section; however, count points
9 as follows:

10 (a) Count two points for each adult prior conviction where
11 domestic violence as defined in RCW 9.94A.030 was (~~plead~~~~[pleaded]~~)
12 pleaded and proven after August 1, 2011, for the following offenses:
13 A violation of a no-contact order that is a felony offense, a
14 violation of a protection order that is a felony offense, a felony
15 domestic violence harassment offense, a felony domestic violence
16 stalking offense, a domestic violence Burglary 1 offense, a domestic
17 violence Kidnapping 1 offense, a domestic violence Kidnapping 2
18 offense, a domestic violence unlawful imprisonment offense, a
19 domestic violence Robbery 1 offense, a domestic violence Robbery 2
20 offense, a domestic violence Assault 1 offense, a domestic violence
21 Assault 2 offense, a domestic violence Assault 3 offense, a domestic
22 violence Arson 1 offense, or a domestic violence Arson 2 offense;

23 (b) Count one point for each second and subsequent juvenile
24 conviction where domestic violence as defined in RCW 9.94A.030 was
25 (~~plead~~~~[pleaded]~~) pleaded and proven after August 1, 2011, for the
26 offenses listed in (a) of this subsection; and

27 (c) Count one point for each adult prior conviction for a
28 repetitive domestic violence offense as defined in RCW 9.94A.030,
29 where domestic violence as defined in RCW 9.94A.030, was (~~plead~~
30 ~~[pleaded]~~) pleaded and proven after August 1, 2011.

31 (22) The fact that a prior conviction was not included in an
32 offender's offender score or criminal history at a previous
33 sentencing shall have no bearing on whether it is included in the
34 criminal history or offender score for the current offense. Prior
35 convictions that were not counted in the offender score or included
36 in criminal history under repealed or previous versions of the
37 sentencing reform act shall be included in criminal history and shall
38 count in the offender score if the current version of the sentencing
39 reform act requires including or counting those convictions. Prior
40 convictions that were not included in criminal history or in the

1 offender score shall be included upon any resentencing to ensure
2 imposition of an accurate sentence.

3 **Sec. 2.** RCW 9.94A.515 and 2015 c 261 s 11 are each amended to
4 read as follows:

5 TABLE 2

6 CRIMES INCLUDED WITHIN
7 EACH SERIOUSNESS LEVEL

- 8 XVI Aggravated Murder 1 (RCW
9 10.95.020)
- 10 XV Homicide by abuse (RCW 9A.32.055)
11 Malicious explosion 1 (RCW
12 70.74.280(1))
13 Murder 1 (RCW 9A.32.030)
- 14 XIV Murder 2 (RCW 9A.32.050)
15 Trafficking 1 (RCW 9A.40.100(1))
- 16 XIII Malicious explosion 2 (RCW
17 70.74.280(2))
18 Malicious placement of an explosive 1
19 (RCW 70.74.270(1))
- 20 XII Assault 1 (RCW 9A.36.011)
21 Assault of a Child 1 (RCW 9A.36.120)
22 Malicious placement of an imitation
23 device 1 (RCW 70.74.272(1)(a))
24 Promoting Commercial Sexual Abuse
25 of a Minor (RCW 9.68A.101)
26 Rape 1 (RCW 9A.44.040)
27 Rape of a Child 1 (RCW 9A.44.073)
28 Trafficking 2 (RCW 9A.40.100(3))
- 29 XI Manslaughter 1 (RCW 9A.32.060)
30 Rape 2 (RCW 9A.44.050)
31 Rape of a Child 2 (RCW 9A.44.076)
32 Vehicular Homicide, by being under
33 the influence of intoxicating liquor
34 or any drug (RCW 46.61.520)

1 X Child Molestation 1 (RCW 9A.44.083)
2 Criminal Mistreatment 1 (RCW
3 9A.42.020)
4 Indecent Liberties (with forcible
5 compulsion) (RCW
6 9A.44.100(1)(a))
7 Kidnapping 1 (RCW 9A.40.020)
8 Leading Organized Crime (RCW
9 9A.82.060(1)(a))
10 Malicious explosion 3 (RCW
11 70.74.280(3))
12 Sexually Violent Predator Escape
13 (RCW 9A.76.115)
14 IX Abandonment of Dependent Person 1
15 (RCW 9A.42.060)
16 Assault of a Child 2 (RCW 9A.36.130)
17 Explosive devices prohibited (RCW
18 70.74.180)
19 Hit and Run—Death (RCW
20 46.52.020(4)(a))
21 Homicide by Watercraft, by being
22 under the influence of intoxicating
23 liquor or any drug (RCW
24 79A.60.050)
25 Inciting Criminal Profiteering (RCW
26 9A.82.060(1)(b))
27 Malicious placement of an explosive 2
28 (RCW 70.74.270(2))
29 Robbery 1 (RCW 9A.56.200)
30 Sexual Exploitation (RCW 9.68A.040)
31 VIII Arson 1 (RCW 9A.48.020)
32 Commercial Sexual Abuse of a Minor
33 (RCW 9.68A.100)

1 Homicide by Watercraft, by the
2 operation of any vessel in a
3 reckless manner (RCW
4 79A.60.050)
5 Manslaughter 2 (RCW 9A.32.070)
6 Promoting Prostitution 1 (RCW
7 9A.88.070)
8 Theft of Ammonia (RCW 69.55.010)
9 Vehicular Homicide, by the operation
10 of any vehicle in a reckless
11 manner (RCW 46.61.520)
12 VII Burglary 1 (RCW 9A.52.020)
13 Child Molestation 2 (RCW 9A.44.086)
14 Civil Disorder Training (RCW
15 9A.48.120)
16 Dealing in depictions of minor engaged
17 in sexually explicit conduct 1
18 (RCW 9.68A.050(1))
19 Drive-by Shooting (RCW 9A.36.045)
20 Homicide by Watercraft, by disregard
21 for the safety of others (RCW
22 79A.60.050)
23 Indecent Liberties (without forcible
24 compulsion) (RCW 9A.44.100(1)
25 (b) and (c))
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 Sending, bringing into state depictions
34 of minor engaged in sexually
35 explicit conduct 1 (RCW
36 9.68A.060(1))

1 Unlawful Possession of a Firearm in
2 the first degree (RCW
3 9.41.040(1))
4 Use of a Machine Gun in Commission
5 of a Felony (RCW 9.41.225)
6 Vehicular Homicide, by disregard for
7 the safety of others (RCW
8 46.61.520)
9 VI Bail Jumping with Murder 1 (RCW
10 9A.76.170(3)(a))
11 Bribery (RCW 9A.68.010)
12 Incest 1 (RCW 9A.64.020(1))
13 Intimidating a Judge (RCW 9A.72.160)
14 Intimidating a Juror/Witness (RCW
15 9A.72.110, 9A.72.130)
16 Malicious placement of an imitation
17 device 2 (RCW 70.74.272(1)(b))
18 Possession of Depictions of a Minor
19 Engaged in Sexually Explicit
20 Conduct 1 (RCW 9.68A.070(1))
21 Rape of a Child 3 (RCW 9A.44.079)
22 Taking Motor Vehicle Without
23 Permission 1 (third or subsequent
24 offense) (RCW 9A.56.070)
25 Theft of a Firearm (RCW 9A.56.300)
26 Unlawful Storage of Ammonia (RCW
27 69.55.020)
28 V Abandonment of Dependent Person 2
29 (RCW 9A.42.070)
30 Advancing money or property for
31 extortionate extension of credit
32 (RCW 9A.82.030)
33 Bail Jumping with class A Felony
34 (RCW 9A.76.170(3)(b))
35 Child Molestation 3 (RCW 9A.44.089)

1 Criminal Mistreatment 2 (RCW
2 9A.42.030)
3 Custodial Sexual Misconduct 1 (RCW
4 9A.44.160)
5 Dealing in Depictions of Minor
6 Engaged in Sexually Explicit
7 Conduct 2 (RCW 9.68A.050(2))
8 Domestic Violence Court Order
9 Violation (RCW 10.99.040,
10 10.99.050, 26.09.300, 26.10.220,
11 26.26.138, 26.50.110, 26.52.070,
12 or 74.34.145)
13 Driving While Under the Influence
14 (RCW 46.61.502(6))
15 Extortion 1 (RCW 9A.56.120)
16 Extortionate Extension of Credit (RCW
17 9A.82.020)
18 Extortionate Means to Collect
19 Extensions of Credit (RCW
20 9A.82.040)
21 Incest 2 (RCW 9A.64.020(2))
22 Kidnapping 2 (RCW 9A.40.030)
23 Perjury 1 (RCW 9A.72.020)
24 Persistent prison misbehavior (RCW
25 9.94.070)
26 Physical Control of a Vehicle While
27 Under the Influence (RCW
28 46.61.504(6))
29 Possession of a Stolen Firearm (RCW
30 9A.56.310)
31 Rape 3 (RCW 9A.44.060)
32 Rendering Criminal Assistance 1
33 (RCW 9A.76.070)

1 Sending, Bringing into State
2 Depictions of Minor Engaged in
3 Sexually Explicit Conduct 2
4 (RCW 9.68A.060(2))
5 Sexual Misconduct with a Minor 1
6 (RCW 9A.44.093)
7 Sexually Violating Human Remains
8 (RCW 9A.44.105)
9 Stalking (RCW 9A.46.110)
10 Taking Motor Vehicle Without
11 Permission 1 (RCW 9A.56.070)
12 IV Arson 2 (RCW 9A.48.030)
13 Assault 2 (RCW 9A.36.021)
14 Assault 3 (of a Peace Officer with a
15 Projectile Stun Gun) (RCW
16 9A.36.031(1)(h))
17 Assault by Watercraft (RCW
18 79A.60.060)
19 Bribing a Witness/Bribe Received by
20 Witness (RCW 9A.72.090,
21 9A.72.100)
22 Cheating 1 (RCW 9.46.1961)
23 Commercial Bribery (RCW
24 9A.68.060)
25 Counterfeiting (RCW 9.16.035(4))
26 Endangerment with a Controlled
27 Substance (RCW 9A.42.100)
28 Escape 1 (RCW 9A.76.110)
29 Hit and Run—Injury (RCW
30 46.52.020(4)(b))
31 Hit and Run with Vessel—Injury
32 Accident (RCW 79A.60.200(3))
33 Identity Theft 1 (RCW 9.35.020(2))

1 Indecent Exposure to Person Under
2 Age Fourteen (subsequent sex
3 offense) (RCW 9A.88.010)
4 Influencing Outcome of Sporting Event
5 (RCW 9A.82.070)
6 Malicious Harassment (RCW
7 9A.36.080)
8 Possession of Depictions of a Minor
9 Engaged in Sexually Explicit
10 Conduct 2 (RCW 9.68A.070(2))
11 Residential Burglary (RCW
12 9A.52.025)
13 Robbery 2 (RCW 9A.56.210)
14 Theft of Livestock 1 (RCW 9A.56.080)
15 Threats to Bomb (RCW 9.61.160)
16 Trafficking in Stolen Property 1 (RCW
17 9A.82.050)
18 Unlawful factoring of a credit card or
19 payment card transaction (RCW
20 9A.56.290(4)(b))
21 Unlawful transaction of health
22 coverage as a health care service
23 contractor (RCW 48.44.016(3))
24 Unlawful transaction of health
25 coverage as a health maintenance
26 organization (RCW 48.46.033(3))
27 Unlawful transaction of insurance
28 business (RCW 48.15.023(3))
29 Unlicensed practice as an insurance
30 professional (RCW 48.17.063(2))
31 Use of Proceeds of Criminal
32 Profiteering (RCW 9A.82.080 (1)
33 and (2))
34 Vehicle Prowling 2 (third or
35 subsequent offense) (RCW
36 9A.52.100(3))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)

6 Viewing of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.075(1))

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 Felony
19 (RCW 9A.76.170(3)(c))

20 Burglary 2 (RCW 9A.52.030)

21 Communication with a Minor for
22 Immoral Purposes (RCW
23 9.68A.090)

24 Criminal Gang Intimidation (RCW
25 9A.46.120)

26 Custodial Assault (RCW 9A.36.100)

27 Cyberstalking (subsequent conviction
28 or threat of death) (RCW
29 9.61.260(3))

30 Escape 2 (RCW 9A.76.120)

31 Extortion 2 (RCW 9A.56.130)

32 Harassment (RCW 9A.46.020)

33 Intimidating a Public Servant (RCW
34 9A.76.180)

35 Introducing Contraband 2 (RCW
36 9A.76.150)

1 Malicious Injury to Railroad Property
2 (RCW 81.60.070)
3 Malicious Mischief 1 (motor vehicle,
4 third or subsequent offense) (RCW
5 9A.48.070)
6 Mortgage Fraud (RCW 19.144.080)
7 Negligently Causing Substantial
8 Bodily Harm By Use of a Signal
9 Preemption Device (RCW
10 46.37.674)
11 Organized Retail Theft 1 (RCW
12 9A.56.350(2))
13 Perjury 2 (RCW 9A.72.030)
14 Possession of Incendiary Device (RCW
15 9.40.120)
16 Possession of Machine Gun or Short-
17 Barreled Shotgun or Rifle (RCW
18 9.41.190)
19 Possession of Stolen Vehicle (third or
20 subsequent offense) (RCW
21 9A.56.068)
22 Promoting Prostitution 2 (RCW
23 9A.88.080)
24 Retail Theft with Special
25 Circumstances 1 (RCW
26 9A.56.360(2))
27 Securities Act violation (RCW
28 21.20.400)
29 Tampering with a Witness (RCW
30 9A.72.120)
31 Telephone Harassment (subsequent
32 conviction or threat of death)
33 (RCW 9.61.230(2))
34 Theft of Livestock 2 (RCW 9A.56.083)

1 Escape from Community Custody
2 (RCW 72.09.310)

3 Failure to Register as a Sex Offender
4 (second or subsequent offense)
5 (RCW 9A.44.130 prior to June 10,
6 2010, and RCW 9A.44.132)

7 Health Care False Claims (RCW
8 48.80.030)

9 Identity Theft 2 (RCW 9.35.020(3))

10 Improperly Obtaining Financial
11 Information (RCW 9.35.010)

12 Malicious Mischief 1 (RCW
13 9A.48.070)

14 Malicious Mischief 2 (motor vehicle,
15 third or subsequent offense) (RCW
16 9A.48.080)

17 Organized Retail Theft 2 (RCW
18 9A.56.350(3))

19 Possession of Stolen Property 1 (RCW
20 9A.56.150)

21 Possession of a Stolen Vehicle (RCW
22 9A.56.068)

23 Retail Theft with Special
24 Circumstances 2 (RCW
25 9A.56.360(3))

26 Scrap Processing, Recycling, or
27 Supplying Without a License
28 (second or subsequent offense)
29 (RCW 19.290.100)

30 Taking Motor Vehicle Without
31 Permission 2 (third or subsequent
32 offense) (RCW 9A.56.075)

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-
2 purchased, or Loaned Property
3 (valued at ~~((one))~~ five thousand
4 ~~((five hundred))~~ dollars or more)
5 (RCW 9A.56.096(5)(a))
6 Theft with the Intent to Resell 2 (RCW
7 9A.56.340(3))
8 Trafficking in Insurance Claims (RCW
9 48.30A.015)
10 Unlawful factoring of a credit card or
11 payment card transaction (RCW
12 9A.56.290(4)(a))
13 Unlawful Participation of Non-Indians
14 in Indian Fishery (RCW
15 77.15.570(2))
16 Unlawful Practice of Law (RCW
17 2.48.180)
18 Unlawful Purchase or Use of a License
19 (RCW 77.15.650(3)(b))
20 Unlawful Trafficking in Fish, Shellfish,
21 or Wildlife 2 (RCW
22 77.15.260(3)(a))
23 Unlicensed Practice of a Profession or
24 Business (RCW 18.130.190(7))
25 Vehicle Prowl 1 (third or subsequent
26 offense) (RCW 9A.52.095)
27 Voyeurism (RCW 9A.44.115)
28 I Attempting to Elude a Pursuing Police
29 Vehicle (RCW 46.61.024)
30 False Verification for Welfare (RCW
31 74.08.055)
32 Forgery (RCW 9A.60.020)
33 Fraudulent Creation or Revocation of a
34 Mental Health Advance Directive
35 (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 Spotlighting Big Game 1 (RCW
8 77.15.450(3)(b))
9 Suspension of Department Privileges 1
10 (RCW 77.15.670(3)(b))
11 Taking Motor Vehicle Without
12 Permission 2 (RCW 9A.56.075)
13 Theft 2 (RCW 9A.56.040)
14 Theft of Rental, Leased, ~~((one))~~ Lease-
15 purchased, or Loaned Property
16 (valued at ~~((two))~~ seven hundred
17 fifty dollars or more but less than
18 ~~((one))~~ five thousand ~~((five~~
19 ~~hundred))~~ dollars) (RCW
20 9A.56.096(5)(b))
21 Transaction of insurance business
22 beyond the scope of licensure
23 (RCW 48.17.063)
24 Unlawful Fish and Shellfish Catch
25 Accounting (RCW
26 77.15.630(3)(b))
27 Unlawful Issuance of Checks or Drafts
28 (RCW 9A.56.060)
29 Unlawful Possession of Fictitious
30 Identification (RCW 9A.56.320)
31 Unlawful Possession of Instruments of
32 Financial Fraud (RCW 9A.56.320)
33 Unlawful Possession of Payment
34 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 Releasing, Planting,
7 Possessing, or Placing Deleterious
8 Exotic Wildlife (RCW
9 77.15.250(2)(b))
10 Unlawful Trafficking in Food Stamps
11 (RCW 9.91.142)
12 Unlawful Use of Food Stamps (RCW
13 9.91.144)
14 Unlawful Use of Net to Take Fish 1
15 (RCW 77.15.580(3)(b))
16 Unlawful Use of Prohibited Aquatic
17 Animal Species (RCW
18 77.15.253(3))
19 Vehicle Prowl 1 (RCW 9A.52.095)
20 Violating Commercial Fishing Area or
21 Time 1 (RCW 77.15.550(3)(b))"

22 Correct the title.

EFFECT: Eliminates triple scoring, for purposes of sentencing, for the crimes of Malicious Mischief (motor vehicle) in the first and second degree.

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