



1 XV Homicide by abuse (RCW 9A.32.055)  
2 Malicious explosion 1 (RCW  
3 70.74.280(1))  
4 Murder 1 (RCW 9A.32.030)  
5 XIV Murder 2 (RCW 9A.32.050)  
6 Trafficking 1 (RCW 9A.40.100(1))  
7 XIII Malicious explosion 2 (RCW  
8 70.74.280(2))  
9 Malicious placement of an explosive 1  
10 (RCW 70.74.270(1))  
11 XII Assault 1 (RCW 9A.36.011)  
12 Assault of a Child 1 (RCW 9A.36.120)  
13 Malicious placement of an imitation  
14 device 1 (RCW 70.74.272(1)(a))  
15 Promoting Commercial Sexual Abuse of  
16 a Minor (RCW 9.68A.101)  
17 Rape 1 (RCW 9A.44.040)  
18 Rape of a Child 1 (RCW 9A.44.073)  
19 Trafficking 2 (RCW 9A.40.100(3))  
20 XI Manslaughter 1 (RCW 9A.32.060)  
21 Rape 2 (RCW 9A.44.050)  
22 Rape of a Child 2 (RCW 9A.44.076)  
23 Vehicular Homicide, by being under the  
24 influence of intoxicating liquor or  
25 any drug (RCW 46.61.520)  
26 Vehicular Homicide, by the operation of  
27 any vehicle in a reckless manner  
28 (RCW 46.61.520)  
29 X Child Molestation 1 (RCW 9A.44.083)  
30 Criminal Mistreatment 1 (RCW  
31 9A.42.020)  
32 Indecent Liberties (with forcible  
33 compulsion) (RCW  
34 9A.44.100(1)(a))  
35 Kidnapping 1 (RCW 9A.40.020)

1 Leading Organized Crime (RCW  
2 9A.82.060(1)(a))  
3 Malicious explosion 3 (RCW  
4 70.74.280(3))  
5 Sexually Violent Predator Escape (RCW  
6 9A.76.115)  
7 IX Abandonment of Dependent Person 1  
8 (RCW 9A.42.060)  
9 Assault of a Child 2 (RCW 9A.36.130)  
10 Explosive devices prohibited (RCW  
11 70.74.180)  
12 Hit and Run—Death (RCW  
13 46.52.020(4)(a))  
14 Homicide by Watercraft, by being under  
15 the influence of intoxicating liquor  
16 or any drug (RCW 79A.60.050)  
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 Robbery 1 (RCW 9A.56.200)  
22 Sexual Exploitation (RCW 9.68A.040)  
23 VIII Arson 1 (RCW 9A.48.020)  
24 Commercial Sexual Abuse of a Minor  
25 (RCW 9.68A.100)  
26 Homicide by Watercraft, by the  
27 operation of any vessel in a reckless  
28 manner (RCW 79A.60.050)  
29 Manslaughter 2 (RCW 9A.32.070)  
30 Promoting Prostitution 1 (RCW  
31 9A.88.070)  
32 Theft of Ammonia (RCW 69.55.010)  
33 VII Air bag diagnostic systems (causing  
34 bodily injury or death) (RCW  
35 46.37.660(2)(b))

1 Air bag replacement requirements  
2 (causing bodily injury or death)  
3 (RCW 46.37.660(1)(b))  
4 Burglary 1 (RCW 9A.52.020)  
5 Child Molestation 2 (RCW 9A.44.086)  
6 Civil Disorder Training (RCW  
7 9A.48.120)  
8 Manufacture or import counterfeit,  
9 nonfunctional, damaged, or  
10 previously deployed air bag  
11 (causing bodily injury or death)  
12 (RCW 46.37.650(1)(b))  
13 Sale of, install, or reinstall counterfeit,  
14 nonfunctional, damaged, or  
15 previously deployed airbag (RCW  
16 46.37.650(2)(b))  
17 Dealing in depictions of minor engaged  
18 in sexually explicit conduct 1  
19 (RCW 9.68A.050(1))  
20 Drive-by Shooting (RCW 9A.36.045)  
21 Homicide by Watercraft, by disregard  
22 for the safety of others (RCW  
23 79A.60.050)  
24 Indecent Liberties (without forcible  
25 compulsion) (RCW 9A.44.100(1)  
26 (b) and (c))  
27 Introducing Contraband 1 (RCW  
28 9A.76.140)  
29 Malicious placement of an explosive 3  
30 (RCW 70.74.270(3))  
31 Negligently Causing Death By Use of a  
32 Signal Preemption Device (RCW  
33 46.37.675)  
34 Sending, bringing into state depictions  
35 of minor engaged in sexually  
36 explicit conduct 1 (RCW  
37 9.68A.060(1))

1 Unlawful Possession of a Firearm in the  
2 first degree (RCW 9A.1.040(1))  
3 Use of a Machine Gun in Commission  
4 of a Felony (RCW 9A.1.225)  
5 Vehicular Homicide, by disregard for  
6 the safety of others (RCW  
7 46.61.520)  
8 VI Bail Jumping with Murder 1 (RCW  
9 9A.76.170(3)(a))  
10 Bribery (RCW 9A.68.010)  
11 Incest 1 (RCW 9A.64.020(1))  
12 Intimidating a Judge (RCW 9A.72.160)  
13 Intimidating a Juror/Witness (RCW  
14 9A.72.110, 9A.72.130)  
15 Malicious placement of an imitation  
16 device 2 (RCW 70.74.272(1)(b))  
17 Possession of Depictions of a Minor  
18 Engaged in Sexually Explicit  
19 Conduct 1 (RCW 9.68A.070(1))  
20 Rape of a Child 3 (RCW 9A.44.079)  
21 Taking Motor Vehicle Without  
22 Permission 1 (third or subsequent  
23 offense) (RCW 9A.56.070)  
24 Theft of a Firearm (RCW 9A.56.300)  
25 Theft from a Vulnerable Adult 1 (RCW  
26 9A.56.---(1) (section 6(1), chapter  
27 266, Laws of 2017))  
28 Unlawful Storage of Ammonia (RCW  
29 69.55.020)  
30 V Abandonment of Dependent Person 2  
31 (RCW 9A.42.070)  
32 Advancing money or property for  
33 extortionate extension of credit  
34 (RCW 9A.82.030)  
35 Air bag diagnostic systems (RCW  
36 46.37.660(2)(c))

1 Air bag replacement requirements  
2 (RCW 46.37.660(1)(c))  
3 Bail Jumping with class A Felony  
4 (RCW 9A.76.170(3)(b))  
5 Child Molestation 3 (RCW 9A.44.089)  
6 Manufacture or import counterfeit,  
7 nonfunctional, damaged, or  
8 previously deployed air bag (RCW  
9 46.37.650(1)(c))  
10 Sale of, install, or reinstall counterfeit,  
11 nonfunctional, damaged, or  
12 previously deployed airbag (RCW  
13 46.37.650(2)(c))  
14 Criminal Mistreatment 2 (RCW  
15 9A.42.030)  
16 Custodial Sexual Misconduct 1 (RCW  
17 9A.44.160)  
18 Dealing in Depictions of Minor  
19 Engaged in Sexually Explicit  
20 Conduct 2 (RCW 9.68A.050(2))  
21 Domestic Violence Court Order  
22 Violation (RCW 10.99.040,  
23 10.99.050, 26.09.300, 26.10.220,  
24 26.26.138, 26.50.110, 26.52.070, or  
25 74.34.145)  
26 Extortion 1 (RCW 9A.56.120)  
27 Extortionate Extension of Credit (RCW  
28 9A.82.020)  
29 Extortionate Means to Collect  
30 Extensions of Credit (RCW  
31 9A.82.040)  
32 Incest 2 (RCW 9A.64.020(2))  
33 Kidnapping 2 (RCW 9A.40.030)  
34 Perjury 1 (RCW 9A.72.020)  
35 Persistent prison misbehavior (RCW  
36 9.94.070)

1 Possession of a Stolen Firearm (RCW  
2 9A.56.310)  
3 Rape 3 (RCW 9A.44.060)  
4 Rendering Criminal Assistance 1 (RCW  
5 9A.76.070)  
6 Residential Burglary (RCW 9A.52.025)  
7 Sending, Bringing into State Depictions  
8 of Minor Engaged in Sexually  
9 Explicit Conduct 2 (RCW  
10 9.68A.060(2))  
11 Sexual Misconduct with a Minor 1  
12 (RCW 9A.44.093)  
13 Sexually Violating Human Remains  
14 (RCW 9A.44.105)  
15 Stalking (RCW 9A.46.110)  
16 Taking Motor Vehicle Without  
17 Permission 1 (RCW 9A.56.070)  
18 IV Arson 2 (RCW 9A.48.030)  
19 Assault 2 (RCW 9A.36.021)  
20 Assault 3 (of a Peace Officer with a  
21 Projectile Stun Gun) (RCW  
22 9A.36.031(1)(h))  
23 Assault 4 (third domestic violence  
24 offense) (RCW 9A.36.041(3))  
25 Assault by Watercraft (RCW  
26 79A.60.060)  
27 Bribing a Witness/Bribe Received by  
28 Witness (RCW 9A.72.090,  
29 9A.72.100)  
30 Cheating 1 (RCW 9.46.1961)  
31 Commercial Bribery (RCW 9A.68.060)  
32 Counterfeiting (RCW 9.16.035(4))  
33 Driving While Under the Influence  
34 (RCW 46.61.502(6))

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 Age  
10 Fourteen (subsequent sex offense)  
11 (RCW 9A.88.010)  
12 Influencing Outcome of Sporting Event  
13 (RCW 9A.82.070)  
14 Malicious Harassment (RCW  
15 9A.36.080)  
16 Physical Control of a Vehicle While  
17 Under the Influence (RCW  
18 46.61.504(6))  
19 Possession of Depictions of a Minor  
20 Engaged in Sexually Explicit  
21 Conduct 2 (RCW 9.68A.070(2))  
22 ~~((Residential Burglary (RCW  
23 9A.52.025)))~~  
24 Robbery 2 (RCW 9A.56.210)  
25 Theft of Livestock 1 (RCW 9A.56.080)  
26 Threats to Bomb (RCW 9.61.160)  
27 Trafficking in Stolen Property 1 (RCW  
28 9A.82.050)  
29 Unlawful factoring of a credit card or  
30 payment card transaction (RCW  
31 9A.56.290(4)(b))  
32 Unlawful transaction of health coverage  
33 as a health care service contractor  
34 (RCW 48.44.016(3))



1 Unlawful transaction of health coverage  
2 as a health maintenance  
3 organization (RCW 48.46.033(3))  
4 Unlawful transaction of insurance  
5 business (RCW 48.15.023(3))  
6 Unlicensed practice as an insurance  
7 professional (RCW 48.17.063(2))  
8 Use of Proceeds of Criminal  
9 Profiteering (RCW 9A.82.080 (1)  
10 and (2))  
11 Vehicle Prowling 2 (third or subsequent  
12 offense) (RCW 9A.52.100(3))  
13 Vehicular Assault, by being under the  
14 influence of intoxicating liquor or  
15 any drug, or by the operation or  
16 driving of a vehicle in a reckless  
17 manner (RCW 46.61.522)  
18 Viewing of Depictions of a Minor  
19 Engaged in Sexually Explicit  
20 Conduct 1 (RCW 9.68A.075(1))  
21 Willful Failure to Return from Furlough  
22 (RCW 72.66.060)  
23 III Animal Cruelty 1 (Sexual Conduct or  
24 Contact) (RCW 16.52.205(3))  
25 Assault 3 (Except Assault 3 of a Peace  
26 Officer With a Projectile Stun Gun)  
27 (RCW 9A.36.031 except subsection  
28 (1)(h))  
29 Assault of a Child 3 (RCW 9A.36.140)  
30 Bail Jumping with class B or C Felony  
31 (RCW 9A.76.170(3)(c))  
32 Burglary 2 (RCW 9A.52.030)  
33 Communication with a Minor for  
34 Immoral Purposes (RCW  
35 9.68A.090)

1 Criminal Gang Intimidation (RCW  
2 9A.46.120)  
3 Custodial Assault (RCW 9A.36.100)  
4 Cyberstalking (subsequent conviction or  
5 threat of death) (RCW 9.61.260(3))  
6 Escape 2 (RCW 9A.76.120)  
7 Extortion 2 (RCW 9A.56.130)  
8 Harassment (RCW 9A.46.020)  
9 Intimidating a Public Servant (RCW  
10 9A.76.180)  
11 Introducing Contraband 2 (RCW  
12 9A.76.150)  
13 Malicious Injury to Railroad Property  
14 (RCW 81.60.070)  
15 Malicious Mischief 1 (motor vehicle,  
16 third or subsequent offense) (RCW  
17 9A.48.070)  
18 Mortgage Fraud (RCW 19.144.080)  
19 Negligently Causing Substantial Bodily  
20 Harm By Use of a Signal  
21 Preemption Device (RCW  
22 46.37.674)  
23 Organized Retail Theft 1 (RCW  
24 9A.56.350(2))  
25 Perjury 2 (RCW 9A.72.030)  
26 Possession of Incendiary Device (RCW  
27 9.40.120)  
28 Possession of Machine Gun or Short-  
29 Barreled Shotgun or Rifle (RCW  
30 9.41.190)  
31 Possession of Stolen Vehicle (third or  
32 subsequent offense) (RCW  
33 9A.56.068)  
34 Promoting Prostitution 2 (RCW  
35 9A.88.080)

1 Retail Theft with Special Circumstances  
2 1 (RCW 9A.56.360(2))  
3 Securities Act violation (RCW  
4 21.20.400)  
5 Tampering with a Witness (RCW  
6 9A.72.120)  
7 Telephone Harassment (subsequent  
8 conviction or threat of death) (RCW  
9 9.61.230(2))  
10 Theft of Livestock 2 (RCW 9A.56.083)  
11 Theft of Motor Vehicle (third or  
12 subsequent offense) (RCW  
13 9A.56.065)  
14 Theft with the Intent to Resell 1 (RCW  
15 9A.56.340(2))  
16 Trafficking in Stolen Property 2 (RCW  
17 9A.82.055)  
18 Unlawful Hunting of Big Game 1 (RCW  
19 77.15.410(3)(b))  
20 Unlawful Imprisonment (RCW  
21 9A.40.040)  
22 Unlawful Misbranding of Food Fish or  
23 Shellfish 1 (RCW 69.04.938(3))  
24 Unlawful possession of firearm in the  
25 second degree (RCW 9.41.040(2))  
26 Unlawful Taking of Endangered Fish or  
27 Wildlife 1 (RCW 77.15.120(3)(b))  
28 Unlawful Trafficking in Fish, Shellfish,  
29 or Wildlife 1 (RCW  
30 77.15.260(3)(b))  
31 Unlawful Use of a Nondesignated  
32 Vessel (RCW 77.15.530(4))  
33 Vehicular Assault, by the operation or  
34 driving of a vehicle with disregard  
35 for the safety of others (RCW  
36 46.61.522)

1 Willful Failure to Return from Work  
2 Release (RCW 72.65.070)

3 II Commercial Fishing Without a License  
4 1 (RCW 77.15.500(3)(b))

5 Computer Trespass 1 (RCW 9A.90.040)

6 Counterfeiting (RCW 9.16.035(3))

7 Electronic Data Service Interference  
8 (RCW 9A.90.060)

9 Electronic Data Tampering 1 (RCW  
10 9A.90.080)

11 Electronic Data Theft (RCW 9A.90.100)

12 Engaging in Fish Dealing Activity  
13 Unlicensed 1 (RCW 77.15.620(3))

14 Escape from Community Custody  
15 (RCW 72.09.310)

16 Failure to Register as a Sex Offender  
17 (second or subsequent offense)  
18 (RCW 9A.44.130 prior to June 10,  
19 2010, and RCW 9A.44.132)

20 Health Care False Claims (RCW  
21 48.80.030)

22 Identity Theft 2 (RCW 9.35.020(3))

23 Improperly Obtaining Financial  
24 Information (RCW 9.35.010)

25 Malicious Mischief 1 (RCW 9A.48.070)

26 Malicious Mischief 2 (motor vehicle,  
27 third or subsequent offense) (RCW  
28 9A.48.080)

29 Organized Retail Theft 2 (RCW  
30 9A.56.350(3))

31 Possession of Stolen Property 1 (RCW  
32 9A.56.150)

33 Possession of a Stolen Vehicle (RCW  
34 9A.56.068)

1 Retail Theft with Special Circumstances  
2 2 (RCW 9A.56.360(3))  
3 Scrap Processing, Recycling, or  
4 Supplying Without a License  
5 (second or subsequent offense)  
6 (RCW 19.290.100)  
7 Taking Motor Vehicle Without  
8 Permission 2 (third or subsequent  
9 offense) (RCW 9A.56.075)  
10 Theft 1 (RCW 9A.56.030)  
11 Theft of a Motor Vehicle (RCW  
12 9A.56.065)  
13 Theft of Rental, Leased, Lease-  
14 purchased, or Loaned Property  
15 (valued at five thousand dollars or  
16 more) (RCW 9A.56.096(5)(a))  
17 Theft with the Intent to Resell 2 (RCW  
18 9A.56.340(3))  
19 Trafficking in Insurance Claims (RCW  
20 48.30A.015)  
21 Unlawful factoring of a credit card or  
22 payment card transaction (RCW  
23 9A.56.290(4)(a))  
24 Unlawful Participation of Non-Indians  
25 in Indian Fishery (RCW  
26 77.15.570(2))  
27 Unlawful Practice of Law (RCW  
28 2.48.180)  
29 Unlawful Purchase or Use of a License  
30 (RCW 77.15.650(3)(b))  
31 Unlawful Trafficking in Fish, Shellfish,  
32 or Wildlife 2 (RCW  
33 77.15.260(3)(a))  
34 Unlicensed Practice of a Profession or  
35 Business (RCW 18.130.190(7))



1 Unlawful Fish and Shellfish Catch  
2 Accounting (RCW 77.15.630(3)(b))  
3 Unlawful Issuance of Checks or Drafts  
4 (RCW 9A.56.060)  
5 Unlawful Possession of Fictitious  
6 Identification (RCW 9A.56.320)  
7 Unlawful Possession of Instruments of  
8 Financial Fraud (RCW 9A.56.320)  
9 Unlawful Possession of Payment  
10 Instruments (RCW 9A.56.320)  
11 Unlawful Possession of a Personal  
12 Identification Device (RCW  
13 9A.56.320)  
14 Unlawful Production of Payment  
15 Instruments (RCW 9A.56.320)  
16 Unlawful Releasing, Planting,  
17 Possessing, or Placing Deleterious  
18 Exotic Wildlife (RCW  
19 77.15.250(2)(b))  
20 Unlawful Trafficking in Food Stamps  
21 (RCW 9.91.142)  
22 Unlawful Use of Food Stamps (RCW  
23 9.91.144)  
24 Unlawful Use of Net to Take Fish 1  
25 (RCW 77.15.580(3)(b))  
26 Unlawful Use of Prohibited Aquatic  
27 Animal Species (RCW  
28 77.15.253(3))  
29 Vehicle Prowl 1 (RCW 9A.52.095)  
30 Violating Commercial Fishing Area or  
31 Time 1 (RCW 77.15.550(3)(b))

32 **PART II**  
33 **COMMUNITY CUSTODY: CONCURRENT**

34 **Sec. 201.** RCW 9.94A.589 and 2015 2nd sp.s. c 3 s 13 are each  
35 amended to read as follows:

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

17 (b) Whenever a person is convicted of two or more serious violent  
18 offenses arising from separate and distinct criminal conduct, the  
19 standard sentence range for the offense with the highest seriousness  
20 level under RCW 9.94A.515 shall be determined using the offender's  
21 prior convictions and other current convictions that are not serious  
22 violent offenses in the offender score and the standard sentence  
23 range for other serious violent offenses shall be determined by using  
24 an offender score of zero. The standard sentence range for any  
25 offenses that are not serious violent offenses shall be determined  
26 according to (a) of this subsection. All sentences imposed under this  
27 subsection (1)(b) shall be served consecutively to each other and  
28 concurrently with sentences imposed under (a) of this subsection.  
29 However, unless the court expressly orders that the community custody  
30 terms run consecutively to each other, such terms shall run  
31 concurrently to each other even if the court orders the confinement  
32 terms to run consecutively to each other.

33 (c) If an offender is convicted under RCW 9.41.040 for unlawful  
34 possession of a firearm in the first or second degree and for the  
35 felony crimes of theft of a firearm or possession of a stolen  
36 firearm, or both, the standard sentence range for each of these  
37 current offenses shall be determined by using all other current and  
38 prior convictions, except other current convictions for the felony  
39 crimes listed in this subsection (1)(c), as if they were prior  
40 convictions. The offender shall serve consecutive sentences for each



1 conviction of the felony crimes listed in this subsection (1)(c), and  
2 for each firearm unlawfully possessed.

3 (d) All sentences imposed under RCW 46.61.502(6), 46.61.504(6),  
4 or 46.61.5055(4) shall be served consecutively to any sentences  
5 imposed under RCW 46.20.740 and 46.20.750.

6 (2)(a) (~~Except as provided in (b) of this subsection,~~) Whenever  
7 a person while under sentence for conviction of a felony commits  
8 another felony and is sentenced to another term of confinement, the  
9 latter term of confinement shall not begin until expiration of all  
10 prior terms of confinement. However, any terms of community custody  
11 shall run concurrently to each other, unless the court pronouncing  
12 the current sentence expressly orders that they be served  
13 consecutively.

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

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

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

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

9           **Sec. 202.** RCW 9.94B.050 and 2003 c 379 s 4 are each amended to  
10 read as follows:

11           When a court sentences an offender to a term of total confinement  
12 in the custody of the department for any of the offenses specified in  
13 this section, the court shall also sentence the offender to a term of  
14 community placement as provided in this section. Except as provided  
15 in RCW 9.94A.501, the department shall supervise any sentence of  
16 community placement imposed under this section.

17           (1) The court shall order a one-year term of community placement  
18 for the following:

19           (a) A sex offense or a serious violent offense committed after  
20 July 1, 1988, but before July 1, 1990; or

21           (b) An offense committed on or after July 1, 1988, but before  
22 July 25, 1999, that is:

23           (i) Assault in the second degree;

24           (ii) Assault of a child in the second degree;

25           (iii) A crime against persons where it is determined in  
26 accordance with RCW (~~9.94A.602~~) 9.94A.825 that the offender or an  
27 accomplice was armed with a deadly weapon at the time of commission;  
28 or

29           (iv) A felony offense under chapter 69.50 or 69.52 RCW not  
30 sentenced under RCW 9.94A.660.

31           (2) The court shall sentence the offender to a term of community  
32 placement of two years or up to the period of earned release awarded  
33 pursuant to RCW 9.94A.728, whichever is longer, for:

34           (a) An offense categorized as a sex offense committed on or after  
35 July 1, 1990, but before June 6, 1996, including those sex offenses  
36 also included in other offense categories;

37           (b) A serious violent offense other than a sex offense committed  
38 on or after July 1, 1990, but before July 1, 2000; or

1 (c) A vehicular homicide or vehicular assault committed on or  
2 after July 1, 1990, but before July 1, 2000.

3 (3) The community placement ordered under this section shall  
4 begin either upon completion of the term of confinement or at such  
5 time as the offender is transferred to community custody in lieu of  
6 earned release. When the court sentences an offender to the statutory  
7 maximum sentence then the community placement portion of the sentence  
8 shall consist entirely of the community custody to which the offender  
9 may become eligible. Any period of community custody actually served  
10 shall be credited against the community placement portion of the  
11 sentence. The community placement shall run concurrently to any  
12 period of probation, parole, community supervision, community  
13 placement, or community custody previously imposed by any court in  
14 any jurisdiction, unless the court pronouncing the current sentence  
15 expressly orders that they be served consecutively to each other.

16 (4) Unless a condition is waived by the court, the terms of any  
17 community placement imposed under this section shall include the  
18 following conditions:

19 (a) The offender shall report to and be available for contact  
20 with the assigned community corrections officer as directed;

21 (b) The offender shall work at department-approved education,  
22 employment, or community restitution, or any combination thereof;

23 (c) The offender shall not possess or consume controlled  
24 substances except pursuant to lawfully issued prescriptions;

25 (d) The offender shall pay supervision fees as determined by the  
26 department; and

27 (e) The residence location and living arrangements shall be  
28 subject to the prior approval of the department during the period of  
29 community placement.

30 (5) As a part of any terms of community placement imposed under  
31 this section, the court may also order one or more of the following  
32 special conditions:

33 (a) The offender shall remain within, or outside of, a specified  
34 geographical boundary;

35 (b) The offender shall not have direct or indirect contact with  
36 the victim of the crime or a specified class of individuals;

37 (c) The offender shall participate in crime-related treatment or  
38 counseling services;

39 (d) The offender shall not consume alcohol; or

1 (e) The offender shall comply with any crime-related  
2 prohibitions.

3 (6) An offender convicted of a felony sex offense against a minor  
4 victim after June 6, 1996, shall comply with any terms and conditions  
5 of community placement imposed by the department relating to contact  
6 between the sex offender and a minor victim or a child of similar age  
7 or circumstance as a previous victim.

8 (7) Prior to or during community placement, upon recommendation  
9 of the department, the sentencing court may remove or modify any  
10 conditions of community placement so as not to be more restrictive.

11 NEW SECTION. **Sec. 203.** A new section is added to chapter 9.94B  
12 RCW to read as follows:

13 Except for exceptional sentences as authorized under RCW  
14 9.94A.535, if two or more sentences that run consecutively include  
15 periods of community supervision that the court has expressly ordered  
16 to run consecutively, the aggregate of the community supervision  
17 period shall not exceed twenty-four months.

18 NEW SECTION. **Sec. 204.** The department of corrections must  
19 recalculate the scheduled end dates for terms of community custody,  
20 community supervision, and community placement so that they run  
21 concurrently to previously imposed sentences of community custody,  
22 community supervision, community placement, probation, and parole.  
23 This section applies to each offender currently in confinement or  
24 under active supervision, regardless of whether the offender is  
25 sentenced after the effective date of this section, and regardless of  
26 whether the offender's date of offense occurred prior to the  
27 effective date of this section or after.

28 NEW SECTION. **Sec. 205.** The legislature declares that the  
29 department of corrections' recalculations of community custody terms  
30 pursuant to this act do not create any expectations that a particular  
31 community custody term will end before July 1, 2017, and offenders  
32 have no reason to conclude that the recalculation of their community  
33 custody terms before July 1, 2017, is an entitlement or creates any  
34 liberty interest in their community custody term ending before July  
35 1, 2017.



1 (1) The department shall supervise the following offenders who  
2 are sentenced to probation in superior court, pursuant to RCW  
3 9.92.060, 9.95.204, or 9.95.210:

4 (a) Offenders convicted of:

5 (i) Sexual misconduct with a minor second degree;

6 (ii) Custodial sexual misconduct second degree;

7 (iii) Communication with a minor for immoral purposes; and

8 (iv) Violation of RCW 9A.44.132(2) (failure to register); and

9 (b) Offenders who have:

10 (i) A current conviction for a repetitive domestic violence  
11 offense where domestic violence has been pleaded and proven after  
12 August 1, 2011; and

13 (ii) A prior conviction for a repetitive domestic violence  
14 offense or domestic violence felony offense where domestic violence  
15 has been pleaded and proven after August 1, 2011.

16 (2) Misdemeanor and gross misdemeanor offenders supervised by the  
17 department pursuant to this section shall be placed on community  
18 custody.

19 (3) The department shall supervise every felony offender  
20 sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702  
21 whose risk assessment classifies the offender as one who is at a high  
22 risk to reoffend.

23 (4) Notwithstanding any other provision of this section, the  
24 department shall supervise an offender sentenced to community custody  
25 regardless of risk classification if the offender:

26 (a) Has a current conviction for a sex offense or a serious  
27 violent offense and was sentenced to a term of community custody  
28 pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

29 (b) Has been identified by the department as a dangerous mentally  
30 ill offender pursuant to RCW 72.09.370;

31 (c) Has an indeterminate sentence and is subject to parole  
32 pursuant to RCW 9.95.017;

33 (d) Has a current conviction for violating RCW 9A.44.132(1)  
34 (failure to register) and was sentenced to a term of community  
35 custody pursuant to RCW 9.94A.701;

36 (e)(i) Has a current conviction for a domestic violence felony  
37 offense where domestic violence has been pleaded and proven after  
38 August 1, 2011, and a prior conviction for a repetitive domestic  
39 violence offense or domestic violence felony offense where domestic

1 violence was pleaded and proven after August 1, 2011. This subsection  
2 (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

3 (ii) Has a current conviction for a domestic violence felony  
4 offense where domestic violence was pleaded and proven. The state and  
5 its officers, agents, and employees shall not be held criminally or  
6 civilly liable for its supervision of an offender under this  
7 subsection (4)(e)(ii) unless the state and its officers, agents, and  
8 employees acted with gross negligence;

9 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or  
10 9.94A.670;

11 (g) Is subject to supervision pursuant to RCW 9.94A.745; or

12 (h) Was convicted and sentenced under RCW 46.61.520 (vehicular  
13 homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6)  
14 (felony DUI), or RCW 46.61.504(6) (felony physical control).

15 (5) The department shall supervise any offender who is released  
16 by the indeterminate sentence review board and who was sentenced to  
17 community custody or subject to community custody under the terms of  
18 release.

19 (6) The department is not authorized to, and may not, supervise  
20 any offender sentenced to a term of community custody or any  
21 probationer unless the offender or probationer is one for whom  
22 supervision is required under this section or RCW 9.94A.5011.

23 (7) The department shall conduct a risk assessment for every  
24 felony offender sentenced to a term of community custody who may be  
25 subject to supervision under this section or RCW 9.94A.5011.

26 (8) The period of time the department is authorized to supervise  
27 an offender under this section may not exceed the duration of  
28 community custody specified under RCW 9.94B.050, 9.94A.701 (1)  
29 through (8), or 9.94A.702, except in cases where the court has  
30 imposed an exceptional term of community custody under RCW 9.94A.535.

31 (9) The period of time the department is authorized to supervise  
32 an offender under this section may be reduced by the earned award of  
33 positive achievement time pursuant to section 402 of this act.

34 NEW SECTION. Sec. 402. A new section is added to chapter 9.94A  
35 RCW to read as follows:

36 (1) If an offender sentenced under this chapter or chapter 9.94B  
37 RCW is supervised by the department, the offender may earn positive  
38 achievement time in accordance with procedures that are developed and  
39 adopted by the department.

1 (a) The positive achievement time shall be awarded to offenders  
2 who are in compliance with supervision terms and are making progress  
3 towards the goals of their individualized supervision case plan,  
4 including: Participation in specific targeted interventions, risk-  
5 related programming or treatment; or completing steps towards  
6 specific targeted goals that enhance protective factors and  
7 stability, as determined by the department.

8 (b) For each month of community custody served, offenders may  
9 earn positive achievement time of ten days.

10 (c) Positive achievement time is accrued monthly and time shall  
11 not be applied to an offender's term of supervision prior to the  
12 earning of the time.

13 (2) An offender is not eligible to earn positive achievement time  
14 if he or she:

15 (a) Was sentenced under RCW 9.94A.507 or 10.95.030;

16 (b) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or  
17 9.94A.670;

18 (c) Is subject to supervision pursuant to RCW 9.94A.745;

19 (d) Has been identified by the department as a dangerous mentally  
20 ill offender pursuant to RCW 72.09.370;

21 (e) Has an indeterminate sentence and is subject to parole  
22 pursuant to RCW 9.95.017; or

23 (f) Is serving community custody pursuant to early release under  
24 RCW 9.94A.730.

25 NEW SECTION. **Sec. 403.** The department of corrections has  
26 discretion to implement sections 401 and 402 of this act over a  
27 period of time not to exceed twelve months. For any offender under  
28 active supervision by the department as of the effective date of this  
29 section, he or she is not eligible to earn positive achievement time  
30 pursuant to section 402 of this act until he or she has received an  
31 orientation by the department regarding positive time.

32 **PART V**

33 **HABITUAL PROPERTY OFFENDERS**

34 NEW SECTION. **Sec. 501.** (1) The legislature finds there to be a  
35 significant number of property crimes in Washington and that the  
36 current practices in the criminal justice system are ineffective in  
37 reducing recidivism.



1 (2) The legislature further finds that a large portion of  
2 property crimes in Washington are committed by habitual offenders.  
3 Increasing the sanctions for habitual property offenders will provide  
4 more effective deterrents to recidivism. The legislature intends to  
5 enhance the courts' discretion to more appropriately sentence  
6 habitual property offenders with significant histories of burglary  
7 and theft.

8 NEW SECTION. **Sec. 502.** A new section is added to chapter 9.94A  
9 RCW to read as follows:

10 (1) The prosecuting attorney may file a special allegation when  
11 sufficient evidence exists to show that the accused is a habitual  
12 property offender.

13 (2) In a criminal case in which there has been a special  
14 allegation and the accused has been convicted of the underlying  
15 crime, the court shall make a finding of fact prior to sentencing  
16 whether the person is a habitual property offender based on the  
17 person's criminal history. If the court finds beyond a reasonable  
18 doubt that the person is a habitual property offender, the person  
19 shall be sentenced in accordance with RCW 9.94A.533(15).

20 (3) For purposes of this section, a person is a habitual property  
21 offender if:

22 (a) The present felony conviction for which the person is being  
23 sentenced is for residential burglary, burglary in the second degree,  
24 theft in the first degree, theft in the second degree, theft of a  
25 firearm, unlawful issuance of checks or drafts, organized retail  
26 theft, theft with special circumstances, or mail theft;

27 (b) The person has an offender score of nine points or higher;

28 (c) At least nine of the points in the person's offender score  
29 result from any combination of the following felony offenses:  
30 Residential burglary, burglary in the second degree, theft in the  
31 first degree, theft in the second degree, theft of a firearm,  
32 unlawful issuance of checks or drafts, organized retail theft, theft  
33 with special circumstances, or mail theft; and

34 (d) The person has either received drug treatment related to any  
35 felony conviction or has refused drug treatment related to any felony  
36 conviction.

37 **Sec. 503.** RCW 9.94A.533 and 2016 c 203 s 7 are each amended to  
38 read as follows:

1 (1) The provisions of this section apply to the standard sentence  
2 ranges determined by RCW 9.94A.510 or 9.94A.517.

3 (2) For persons convicted of the anticipatory offenses of  
4 criminal attempt, solicitation, or conspiracy under chapter 9A.28  
5 RCW, the standard sentence range is determined by locating the  
6 sentencing grid sentence range defined by the appropriate offender  
7 score and the seriousness level of the completed crime, and  
8 multiplying the range by seventy-five percent.

9 (3) The following additional times shall be added to the standard  
10 sentence range for felony crimes committed after July 23, 1995, if  
11 the offender or an accomplice was armed with a firearm as defined in  
12 RCW 9.41.010 and the offender is being sentenced for one of the  
13 crimes listed in this subsection as eligible for any firearm  
14 enhancements based on the classification of the completed felony  
15 crime. If the offender is being sentenced for more than one offense,  
16 the firearm enhancement or enhancements must be added to the total  
17 period of confinement for all offenses, regardless of which  
18 underlying offense is subject to a firearm enhancement. If the  
19 offender or an accomplice was armed with a firearm as defined in RCW  
20 9.41.010 and the offender is being sentenced for an anticipatory  
21 offense under chapter 9A.28 RCW to commit one of the crimes listed in  
22 this subsection as eligible for any firearm enhancements, the  
23 following additional times shall be added to the standard sentence  
24 range determined under subsection (2) of this section based on the  
25 felony crime of conviction as classified under RCW 9A.28.020:

26 (a) Five years for any felony defined under any law as a class A  
27 felony or with a statutory maximum sentence of at least twenty years,  
28 or both, and not covered under (f) of this subsection;

29 (b) Three years for any felony defined under any law as a class B  
30 felony or with a statutory maximum sentence of ten years, or both,  
31 and not covered under (f) of this subsection;

32 (c) Eighteen months for any felony defined under any law as a  
33 class C felony or with a statutory maximum sentence of five years, or  
34 both, and not covered under (f) of this subsection;

35 (d) If the offender is being sentenced for any firearm  
36 enhancements under (a), (b), and/or (c) of this subsection and the  
37 offender has previously been sentenced for any deadly weapon  
38 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
39 subsection or subsection (4)(a), (b), and/or (c) of this section, or

1 both, all firearm enhancements under this subsection shall be twice  
2 the amount of the enhancement listed;

3 (e) Notwithstanding any other provision of law, all firearm  
4 enhancements under this section are mandatory, shall be served in  
5 total confinement, and shall run consecutively to all other  
6 sentencing provisions, including other firearm or deadly weapon  
7 enhancements, for all offenses sentenced under this chapter. However,  
8 whether or not a mandatory minimum term has expired, an offender  
9 serving a sentence under this subsection may be:

10 (i) Granted an extraordinary medical placement when authorized  
11 under RCW 9.94A.728(1)(c); or

12 (ii) Released under the provisions of RCW 9.94A.730;

13 (f) The firearm enhancements in this section shall apply to all  
14 felony crimes except the following: Possession of a machine gun,  
15 possessing a stolen firearm, drive-by shooting, theft of a firearm,  
16 unlawful possession of a firearm in the first and second degree, and  
17 use of a machine gun in a felony;

18 (g) If the standard sentence range under this section exceeds the  
19 statutory maximum sentence for the offense, the statutory maximum  
20 sentence shall be the presumptive sentence unless the offender is a  
21 persistent offender. If the addition of a firearm enhancement  
22 increases the sentence so that it would exceed the statutory maximum  
23 for the offense, the portion of the sentence representing the  
24 enhancement may not be reduced.

25 (4) The following additional times shall be added to the standard  
26 sentence range for felony crimes committed after July 23, 1995, if  
27 the offender or an accomplice was armed with a deadly weapon other  
28 than a firearm as defined in RCW 9.41.010 and the offender is being  
29 sentenced for one of the crimes listed in this subsection as eligible  
30 for any deadly weapon enhancements based on the classification of the  
31 completed felony crime. If the offender is being sentenced for more  
32 than one offense, the deadly weapon enhancement or enhancements must  
33 be added to the total period of confinement for all offenses,  
34 regardless of which underlying offense is subject to a deadly weapon  
35 enhancement. If the offender or an accomplice was armed with a deadly  
36 weapon other than a firearm as defined in RCW 9.41.010 and the  
37 offender is being sentenced for an anticipatory offense under chapter  
38 9A.28 RCW to commit one of the crimes listed in this subsection as  
39 eligible for any deadly weapon enhancements, the following additional  
40 times shall be added to the standard sentence range determined under

1 subsection (2) of this section based on the felony crime of  
2 conviction as classified under RCW 9A.28.020:

3 (a) Two years for any felony defined under any law as a class A  
4 felony or with a statutory maximum sentence of at least twenty years,  
5 or both, and not covered under (f) of this subsection;

6 (b) One year for any felony defined under any law as a class B  
7 felony or with a statutory maximum sentence of ten years, or both,  
8 and not covered under (f) of this subsection;

9 (c) Six months for any felony defined under any law as a class C  
10 felony or with a statutory maximum sentence of five years, or both,  
11 and not covered under (f) of this subsection;

12 (d) If the offender is being sentenced under (a), (b), and/or (c)  
13 of this subsection for any deadly weapon enhancements and the  
14 offender has previously been sentenced for any deadly weapon  
15 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
16 subsection or subsection (3)(a), (b), and/or (c) of this section, or  
17 both, all deadly weapon enhancements under this subsection shall be  
18 twice the amount of the enhancement listed;

19 (e) Notwithstanding any other provision of law, all deadly weapon  
20 enhancements under this section are mandatory, shall be served in  
21 total confinement, and shall run consecutively to all other  
22 sentencing provisions, including other firearm or deadly weapon  
23 enhancements, for all offenses sentenced under this chapter. However,  
24 whether or not a mandatory minimum term has expired, an offender  
25 serving a sentence under this subsection may be:

26 (i) Granted an extraordinary medical placement when authorized  
27 under RCW 9.94A.728(1)(c); or

28 (ii) Released under the provisions of RCW 9.94A.730;

29 (f) The deadly weapon enhancements in this section shall apply to  
30 all felony crimes except the following: Possession of a machine gun,  
31 possessing a stolen firearm, drive-by shooting, theft of a firearm,  
32 unlawful possession of a firearm in the first and second degree, and  
33 use of a machine gun in a felony;

34 (g) If the standard sentence range under this section exceeds the  
35 statutory maximum sentence for the offense, the statutory maximum  
36 sentence shall be the presumptive sentence unless the offender is a  
37 persistent offender. If the addition of a deadly weapon enhancement  
38 increases the sentence so that it would exceed the statutory maximum  
39 for the offense, the portion of the sentence representing the  
40 enhancement may not be reduced.

1 (5) The following additional times shall be added to the standard  
2 sentence range if the offender or an accomplice committed the offense  
3 while in a county jail or state correctional facility and the  
4 offender is being sentenced for one of the crimes listed in this  
5 subsection. If the offender or an accomplice committed one of the  
6 crimes listed in this subsection while in a county jail or state  
7 correctional facility, and the offender is being sentenced for an  
8 anticipatory offense under chapter 9A.28 RCW to commit one of the  
9 crimes listed in this subsection, the following additional times  
10 shall be added to the standard sentence range determined under  
11 subsection (2) of this section:

12 (a) Eighteen months for offenses committed under RCW 69.50.401(2)

13 (a) or (b) or 69.50.410;

14 (b) Fifteen months for offenses committed under RCW 69.50.401(2)

15 (c), (d), or (e);

16 (c) Twelve months for offenses committed under RCW 69.50.4013.

17 For the purposes of this subsection, all of the real property of  
18 a state correctional facility or county jail shall be deemed to be  
19 part of that facility or county jail.

20 (6) An additional twenty-four months shall be added to the  
21 standard sentence range for any ranked offense involving a violation  
22 of chapter 69.50 RCW if the offense was also a violation of RCW  
23 69.50.435 or 9.94A.827. All enhancements under this subsection shall  
24 run consecutively to all other sentencing provisions, for all  
25 offenses sentenced under this chapter.

26 (7) An additional two years shall be added to the standard  
27 sentence range for vehicular homicide committed while under the  
28 influence of intoxicating liquor or any drug as defined by RCW  
29 46.61.502 for each prior offense as defined in RCW 46.61.5055.

30 Notwithstanding any other provision of law, all impaired driving  
31 enhancements under this subsection are mandatory, shall be served in  
32 total confinement, and shall run consecutively to all other  
33 sentencing provisions, including other impaired driving enhancements,  
34 for all offenses sentenced under this chapter.

35 An offender serving a sentence under this subsection may be  
36 granted an extraordinary medical placement when authorized under RCW  
37 9.94A.728(1)(c).

38 (8)(a) The following additional times shall be added to the  
39 standard sentence range for felony crimes committed on or after July  
40 1, 2006, if the offense was committed with sexual motivation, as that

1 term is defined in RCW 9.94A.030. If the offender is being sentenced  
2 for more than one offense, the sexual motivation enhancement must be  
3 added to the total period of total confinement for all offenses,  
4 regardless of which underlying offense is subject to a sexual  
5 motivation enhancement. If the offender committed the offense with  
6 sexual motivation and the offender is being sentenced for an  
7 anticipatory offense under chapter 9A.28 RCW, the following  
8 additional times shall be added to the standard sentence range  
9 determined under subsection (2) of this section based on the felony  
10 crime of conviction as classified under RCW 9A.28.020:

11 (i) Two years for any felony defined under the law as a class A  
12 felony or with a statutory maximum sentence of at least twenty years,  
13 or both;

14 (ii) Eighteen months for any felony defined under any law as a  
15 class B felony or with a statutory maximum sentence of ten years, or  
16 both;

17 (iii) One year for any felony defined under any law as a class C  
18 felony or with a statutory maximum sentence of five years, or both;

19 (iv) If the offender is being sentenced for any sexual motivation  
20 enhancements under (a)(i), (ii), and/or (iii) of this subsection and  
21 the offender has previously been sentenced for any sexual motivation  
22 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or  
23 (iii) of this subsection, all sexual motivation enhancements under  
24 this subsection shall be twice the amount of the enhancement listed;

25 (b) Notwithstanding any other provision of law, all sexual  
26 motivation enhancements under this subsection are mandatory, shall be  
27 served in total confinement, and shall run consecutively to all other  
28 sentencing provisions, including other sexual motivation  
29 enhancements, for all offenses sentenced under this chapter. However,  
30 whether or not a mandatory minimum term has expired, an offender  
31 serving a sentence under this subsection may be:

32 (i) Granted an extraordinary medical placement when authorized  
33 under RCW 9.94A.728(1)(c); or

34 (ii) Released under the provisions of RCW 9.94A.730;

35 (c) The sexual motivation enhancements in this subsection apply  
36 to all felony crimes;

37 (d) If the standard sentence range under this subsection exceeds  
38 the statutory maximum sentence for the offense, the statutory maximum  
39 sentence shall be the presumptive sentence unless the offender is a  
40 persistent offender. If the addition of a sexual motivation

1 enhancement increases the sentence so that it would exceed the  
2 statutory maximum for the offense, the portion of the sentence  
3 representing the enhancement may not be reduced;

4 (e) The portion of the total confinement sentence which the  
5 offender must serve under this subsection shall be calculated before  
6 any earned early release time is credited to the offender;

7 (f) Nothing in this subsection prevents a sentencing court from  
8 imposing a sentence outside the standard sentence range pursuant to  
9 RCW 9.94A.535.

10 (9) An additional one-year enhancement shall be added to the  
11 standard sentence range for the felony crimes of RCW 9A.44.073,  
12 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on  
13 or after July 22, 2007, if the offender engaged, agreed, or offered  
14 to engage the victim in the sexual conduct in return for a fee. If  
15 the offender is being sentenced for more than one offense, the  
16 one-year enhancement must be added to the total period of total  
17 confinement for all offenses, regardless of which underlying offense  
18 is subject to the enhancement. If the offender is being sentenced for  
19 an anticipatory offense for the felony crimes of RCW 9A.44.073,  
20 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the  
21 offender attempted, solicited another, or conspired to engage, agree,  
22 or offer to engage the victim in the sexual conduct in return for a  
23 fee, an additional one-year enhancement shall be added to the  
24 standard sentence range determined under subsection (2) of this  
25 section. For purposes of this subsection, "sexual conduct" means  
26 sexual intercourse or sexual contact, both as defined in chapter  
27 9A.44 RCW.

28 (10)(a) For a person age eighteen or older convicted of any  
29 criminal street gang-related felony offense for which the person  
30 compensated, threatened, or solicited a minor in order to involve the  
31 minor in the commission of the felony offense, the standard sentence  
32 range is determined by locating the sentencing grid sentence range  
33 defined by the appropriate offender score and the seriousness level  
34 of the completed crime, and multiplying the range by one hundred  
35 twenty-five percent. If the standard sentence range under this  
36 subsection exceeds the statutory maximum sentence for the offense,  
37 the statutory maximum sentence is the presumptive sentence unless the  
38 offender is a persistent offender.

1 (b) This subsection does not apply to any criminal street gang-  
2 related felony offense for which involving a minor in the commission  
3 of the felony offense is an element of the offense.

4 (c) The increased penalty specified in (a) of this subsection is  
5 unavailable in the event that the prosecution gives notice that it  
6 will seek an exceptional sentence based on an aggravating factor  
7 under RCW 9.94A.535.

8 (11) An additional twelve months and one day shall be added to  
9 the standard sentence range for a conviction of attempting to elude a  
10 police vehicle as defined by RCW 46.61.024, if the conviction  
11 included a finding by special allegation of endangering one or more  
12 persons under RCW 9.94A.834.

13 (12) An additional twelve months shall be added to the standard  
14 sentence range for an offense that is also a violation of RCW  
15 9.94A.831.

16 (13) An additional twelve months shall be added to the standard  
17 sentence range for vehicular homicide committed while under the  
18 influence of intoxicating liquor or any drug as defined by RCW  
19 46.61.520 or for vehicular assault committed while under the  
20 influence of intoxicating liquor or any drug as defined by RCW  
21 46.61.522, or for any felony driving under the influence (RCW  
22 46.61.502(6)) or felony physical control under the influence (RCW  
23 46.61.504(6)) for each child passenger under the age of sixteen who  
24 is an occupant in the defendant's vehicle. These enhancements shall  
25 be mandatory, shall be served in total confinement, and shall run  
26 consecutively to all other sentencing provisions. If the addition of  
27 a minor child enhancement increases the sentence so that it would  
28 exceed the statutory maximum for the offense, the portion of the  
29 sentence representing the enhancement may not be reduced.

30 (14) An additional twelve months shall be added to the standard  
31 sentence range for an offense that is also a violation of RCW  
32 9.94A.832.

33 (15)(a) The following additional times shall be added to the  
34 standard sentence range if the court finds that the offender is a  
35 habitual property offender pursuant to section 502 of this act:

36 (i) Twenty-four months if the offender is being sentenced for a  
37 felony defined as a class B felony;

38 (ii) Twelve months if the offender is being sentenced for a  
39 felony defined as a class C felony.



1 (b) A sentence imposed pursuant to this subsection is not to  
2 exceed the statutory maximum for the crime as established in RCW  
3 9A.20.021.

4 (c) Notwithstanding any other provision of law, all habitual  
5 property offender enhancements imposed under this subsection (15) are  
6 mandatory and shall be served in total confinement. However, whether  
7 or not the mandatory minimum term has expired, an offender serving a  
8 sentence under this subsection may be granted an extraordinary  
9 medical placement when authorized under RCW 9.94A.728(1)(c).

10 **PART VI**

11 **MOTOR VEHICLE PROPERTY OFFENDERS**

12 **Sec. 601.** RCW 9.94A.525 and 2017 c 272 s 3 are each amended to  
13 read as follows:

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

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

18 (1) A prior conviction is a conviction which exists before the  
19 date of sentencing for the offense for which the offender score is  
20 being computed. Convictions entered or sentenced on the same date as  
21 the conviction for which the offender score is being computed shall  
22 be deemed "other current offenses" within the meaning of RCW  
23 9.94A.589.

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

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

33 (c) Except as provided in (e) of this subsection, class C prior  
34 felony convictions other than sex offenses shall not be included in  
35 the offender score if, since the last date of release from  
36 confinement (including full-time residential treatment) pursuant to a  
37 felony conviction, if any, or entry of judgment and sentence, the

1 offender had spent five consecutive years in the community without  
2 committing any crime that subsequently results in a conviction.

3 (d) Except as provided in (e) of this subsection, serious traffic  
4 convictions shall not be included in the offender score if, since the  
5 last date of release from confinement (including full-time  
6 residential treatment) pursuant to a conviction, if any, or entry of  
7 judgment and sentence, the offender spent five years in the community  
8 without committing any crime that subsequently results in a  
9 conviction.

10 (e) If the present conviction is felony driving while under the  
11 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or  
12 felony physical control of a vehicle while under the influence of  
13 intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate  
14 crimes for the offense as defined by RCW 46.61.5055(14) shall be  
15 included in the offender score, and prior convictions for felony  
16 driving while under the influence of intoxicating liquor or any drug  
17 (RCW 46.61.502(6)) or felony physical control of a vehicle while  
18 under the influence of intoxicating liquor or any drug (RCW  
19 46.61.504(6)) shall always be included in the offender score. All  
20 other convictions of the defendant shall be scored according to this  
21 section.

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

28 (g) This subsection applies to both adult and juvenile prior  
29 convictions.

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

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

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

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

22 (ii) In the case of multiple prior convictions for offenses  
23 committed before July 1, 1986, for the purpose of computing the  
24 offender score, count all adult convictions served concurrently as  
25 one offense, and count all juvenile convictions entered on the same  
26 date as one offense. Use the conviction for the offense that yields  
27 the highest offender score.

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

34 (6) If the present conviction is one of the anticipatory offenses  
35 of criminal attempt, solicitation, or conspiracy, count each prior  
36 conviction as if the present conviction were for a completed offense.  
37 When these convictions are used as criminal history, score them the  
38 same as a completed crime.

39 (7) If the present conviction is for a nonviolent offense and not  
40 covered by subsection (11), (12), or (13) of this section, count one

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

4 (8) If the present conviction is for a violent offense and not  
5 covered in subsection (9), (10), (11), (12), or (13) of this section,  
6 count two points for each prior adult and juvenile violent felony  
7 conviction, one point for each prior adult nonviolent felony  
8 conviction, and 1/2 point for each prior juvenile nonviolent felony  
9 conviction.

10 (9) If the present conviction is for a serious violent offense,  
11 count three points for prior adult and juvenile convictions for  
12 crimes in this category, two points for each prior adult and juvenile  
13 violent conviction (not already counted), one point for each prior  
14 adult nonviolent felony conviction, and 1/2 point for each prior  
15 juvenile nonviolent felony conviction.

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

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

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

1 (13) If the present conviction is for manufacture of  
2 methamphetamine count three points for each adult prior manufacture  
3 of methamphetamine conviction and two points for each juvenile  
4 manufacture of methamphetamine offense. If the present conviction is  
5 for a drug offense and the offender has a criminal history that  
6 includes a sex offense or serious violent offense, count three points  
7 for each adult prior felony drug offense conviction and two points  
8 for each juvenile drug offense. All other adult and juvenile felonies  
9 are scored as in subsection (8) of this section if the current drug  
10 offense is violent, or as in subsection (7) of this section if the  
11 current drug offense is nonviolent.

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

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

19 (16) If the present conviction is for Burglary 2 or residential  
20 burglary, count priors as in subsection (7) of this section; however,  
21 count two points for each adult and juvenile prior Burglary 1  
22 conviction, two points for each adult prior Burglary 2 or residential  
23 burglary conviction, and one point for each juvenile prior Burglary 2  
24 or residential burglary conviction.

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

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

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

1 (20) If the present conviction is for Theft of a Motor Vehicle,  
2 Possession of a Stolen Vehicle, Taking a Motor Vehicle Without  
3 Permission 1, ((~~or~~)) Taking a Motor Vehicle Without Permission 2,  
4 Malicious Mischief 1 (motor vehicle), or Malicious Mischief 2 (motor  
5 vehicle), count priors as in subsections (7) through (18) of this  
6 section; however count one point for prior convictions of Vehicle  
7 Prowling 2, and three points for each adult and juvenile prior Theft  
8 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of  
9 Stolen Property 1 (of a motor vehicle), Possession of Stolen Property  
10 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a  
11 Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, ((~~or~~))  
12 Taking a Motor Vehicle Without Permission 2, Malicious Mischief 1  
13 (motor vehicle), or Malicious Mischief 2 (motor vehicle) conviction.

14 (21) If the present conviction is for a felony domestic violence  
15 offense where domestic violence as defined in RCW 9.94A.030 was  
16 pleaded and proven, count priors as in subsections (7) through (20)  
17 of this section; however, count points as follows:

18 (a) Count two points for each adult prior conviction where  
19 domestic violence as defined in RCW 9.94A.030 was pleaded and proven  
20 after August 1, 2011, for any of the following offenses: A felony  
21 violation of a no-contact or protection order RCW 26.50.110, felony  
22 Harassment (RCW 9A.46.020(2)(b)), felony Stalking (RCW  
23 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020), Kidnapping 1 (RCW  
24 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful imprisonment (RCW  
25 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2 (RCW 9A.56.210),  
26 Assault 1 (RCW 9A.36.011), Assault 2 (RCW 9A.36.021), Assault 3 (RCW  
27 9A.36.031), Arson 1 (RCW 9A.48.020), or Arson 2 (RCW 9A.48.030);

28 (b) Count two points for each adult prior conviction where  
29 domestic violence as defined in RCW 9.94A.030 was pleaded and proven  
30 after July 23, 2017, for any of the following offenses: Assault of a  
31 child in the first degree, RCW 9A.36.120; Assault of a child in the  
32 second degree, RCW 9A.36.130; Assault of a child in the third degree,  
33 RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW  
34 9A.42.020; or Criminal Mistreatment in the second degree, RCW  
35 9A.42.030;

36 (c) Count one point for each second and subsequent juvenile  
37 conviction where domestic violence as defined in RCW 9.94A.030 was  
38 pleaded and proven after August 1, 2011, for the offenses listed in  
39 (a) of this subsection; and

1 (d) Count one point for each adult prior conviction for a  
2 repetitive domestic violence offense as defined in RCW 9.94A.030,  
3 where domestic violence as defined in RCW 9.94A.030, was pleaded and  
4 proven after August 1, 2011.

5 (22) The fact that a prior conviction was not included in an  
6 offender's offender score or criminal history at a previous  
7 sentencing shall have no bearing on whether it is included in the  
8 criminal history or offender score for the current offense. Prior  
9 convictions that were not counted in the offender score or included  
10 in criminal history under repealed or previous versions of the  
11 sentencing reform act shall be included in criminal history and shall  
12 count in the offender score if the current version of the sentencing  
13 reform act requires including or counting those convictions. Prior  
14 convictions that were not included in criminal history or in the  
15 offender score shall be included upon any resentencing to ensure  
16 imposition of an accurate sentence.

17 **PART VII**

18 **IDENTICARDS FOR PERSONS RELEASED FROM DEPARTMENT OF CORRECTIONS**

19 NEW SECTION. **Sec. 701.** The legislature intends to create an  
20 identicard program to assist incarcerated offenders to obtain a  
21 state-issued identicard to aid and prepare offenders for release from  
22 prison and reentry into the community. The legislature finds that  
23 each step that assists individuals being released from prisons helps  
24 incarcerated offenders avoid predictable conditions that lead to  
25 future recidivism. In accordance with executive order 16-05 building  
26 safe and strong communities through successful reentry, this act  
27 intends to ensure that offenders released from state prisons have  
28 adequate identification in order to increase public safety and reduce  
29 recidivism.

30 NEW SECTION. **Sec. 702.** A new section is added to chapter 72.09  
31 RCW to read as follows:

32 (1) Subject to the availability of amounts appropriated for this  
33 specific purpose, the department, working in conjunction with the  
34 department of licensing, shall create and implement an identicard  
35 program to provide offenders released within Washington state a  
36 state-issued identicard pursuant to RCW 46.20.117.

1 (2) An offender is eligible for an original, renewal, or  
2 replacement identicard pursuant to this section, provided he or she:

3 (a) Meets the department of licensing criteria under RCW  
4 46.20.117;

5 (b) Is sentenced to the custody of the department, and is  
6 incarcerated within a correctional facility with an earned release  
7 date that is more than one year from his or her admission date;

8 (c) Has not been found to be subject to an immigration detainer  
9 or removal order and does not become subject to a removal order  
10 during the period of incarceration. The department must inquire as to  
11 a person's immigration status prior to issuance of an identicard in a  
12 manner consistent with RCW 10.70.140;

13 (d) Is expected to be released to a location within Washington  
14 state; and

15 (e) Pays a fee of eighteen dollars for the cost of the  
16 identicard.

17 **Sec. 703.** RCW 46.20.117 and 2017 c 122 s 1 are each amended to  
18 read as follows:

19 (1) **Issuance.** The department shall issue an identicard,  
20 containing a picture, if the applicant:

21 (a)~~(i)~~ Does not hold a valid Washington driver's license;

22 ~~((b))~~ (ii) Proves his or her identity as required by RCW  
23 46.20.035; and

24 ~~((c))~~ (iii) Pays the required fee. Except as provided in (b) of  
25 this subsection or subsection (5) of this section, the fee is fifty-  
26 four dollars, unless an applicant is: ~~((i))~~ (A) A recipient of  
27 continuing public assistance grants under Title 74 RCW, who is  
28 referred in writing by the secretary of social and health services;  
29 or ~~((ii))~~ (B) under the age of eighteen and does not have a  
30 permanent residence address as determined by the department by rule.  
31 For those persons, the fee must be the actual cost of production of  
32 the identicard; or

33 (b) Is eligible for issuance of an identicard under section 702  
34 of this act.

35 (i) A valid identification card issued by the department of  
36 corrections may serve as sufficient proof of identity and residency  
37 for an applicant under this subsection (1)(b);



1 (ii) An identicard issued under this subsection (1)(b) must  
2 expire two years from the first anniversary of the offender's  
3 birthdate after issuance; and

4 (iii) The department shall charge a fee of eighteen dollars for  
5 an identicard issued under this subsection (1)(b).

6 (2) **Design and term.** The identicard must:

7 (a) Be distinctly designed so that it will not be confused with  
8 the official driver's license; and

9 (b) Except as provided in subsection (1)(b) or (5) of this  
10 section, expire on the sixth anniversary of the applicant's birthdate  
11 after issuance.

12 (3) **Renewal.** An application for identicard renewal may be  
13 submitted by means of:

14 (a) Personal appearance before the department; or

15 (b)(i) Mail or electronic commerce, if permitted by rule of the  
16 department and if the applicant did not renew his or her identicard  
17 by mail or by electronic commerce when it last expired.

18 (ii) An identicard may not be renewed by mail or by electronic  
19 commerce unless the renewal issued by the department includes a  
20 photograph of the identicard holder.

21 (4) **Cancellation.** The department may cancel an identicard if the  
22 holder of the identicard used the card or allowed others to use the  
23 card in violation of RCW 46.20.0921.

24 (5) **Alternative issuance/renewal/extension.** The department may  
25 issue or renew an identicard for a period other than six years, or  
26 may extend by mail or electronic commerce an identicard that has  
27 already been issued, in order to evenly distribute, as nearly as  
28 possible, the yearly renewal rate of identicard holders. The fee for  
29 an identicard issued or renewed for a period other than six years, or  
30 that has been extended by mail or electronic commerce, is nine  
31 dollars for each year that the identicard is issued, renewed, or  
32 extended. The department may adopt any rules as are necessary to  
33 carry out this subsection.

34 **Sec. 704.** RCW 46.20.117 and 2017 c 122 s 2 are each amended to  
35 read as follows:

36 (1) **Issuance.** The department shall issue an identicard,  
37 containing a picture, if the applicant:

38 (a)(i) Does not hold a valid Washington driver's license;

1       (~~(b)~~) (ii) Proves his or her identity as required by RCW  
2 46.20.035; and

3       (~~(c)~~) (iii) Pays the required fee. Except as provided in (b) of  
4 this subsection or subsection (5) of this section, the fee is fifty-  
5 four dollars, unless an applicant is: (~~(i)~~) (A) A recipient of  
6 continuing public assistance grants under Title 74 RCW, who is  
7 referred in writing by the secretary of social and health services;  
8 or (~~(ii)~~) (B) under the age of eighteen and does not have a  
9 permanent residence address as determined by the department by rule.  
10 For those persons, the fee must be the actual cost of production of  
11 the identicard; or

12       (b) Is eligible for issuance of an identicard under section 702  
13 of this act.

14       (i) A valid identification card issued by the department of  
15 corrections may serve as sufficient proof of identity and residency  
16 for an applicant under this subsection (1)(b);

17       (ii) An identicard issued under this subsection (1)(b) must  
18 expire two years from the first anniversary of the offender's  
19 birthdate after issuance; and

20       (iii) The department shall charge a fee of eighteen dollars for  
21 an identicard issued under this subsection (1)(b).

22       (2)(a) **Design and term.** The identicard must:

23       (i) Be distinctly designed so that it will not be confused with  
24 the official driver's license; and

25       (ii) Except as provided in subsection (1)(b) or (5) of this  
26 section, expire on the sixth anniversary of the applicant's birthdate  
27 after issuance.

28       (b) The identicard may include the person's status as a veteran,  
29 consistent with RCW 46.20.161(2).

30       (3) **Renewal.** An application for identicard renewal may be  
31 submitted by means of:

32       (a) Personal appearance before the department; or

33       (b)(i) Mail or electronic commerce, if permitted by rule of the  
34 department and if the applicant did not renew his or her identicard  
35 by mail or by electronic commerce when it last expired.

36       (ii) An identicard may not be renewed by mail or by electronic  
37 commerce unless the renewal issued by the department includes a  
38 photograph of the identicard holder.

1 (4) **Cancellation.** The department may cancel an identicard if the  
2 holder of the identicard used the card or allowed others to use the  
3 card in violation of RCW 46.20.0921.

4 (5) **Alternative issuance/renewal/extension.** The department may  
5 issue or renew an identicard for a period other than six years, or  
6 may extend by mail or electronic commerce an identicard that has  
7 already been issued, in order to evenly distribute, as nearly as  
8 possible, the yearly renewal rate of identicard holders. The fee for  
9 an identicard issued or renewed for a period other than six years, or  
10 that has been extended by mail or electronic commerce, is nine  
11 dollars for each year that the identicard is issued, renewed, or  
12 extended. The department may adopt any rules as are necessary to  
13 carry out this subsection.

14 NEW SECTION. **Sec. 705.** The department of corrections and the  
15 department of licensing may enter into a memorandum of understanding  
16 to meet the requirements of sections 702 through 704 of this act, and  
17 have discretion to implement sections 702 through 704 of this act  
18 over a period of time not to exceed twelve months from the effective  
19 date of this section.

20 **PART VIII**  
21 **APPLICABILITY AND EXPIRATION**

22 **Sec. 801.** 2013 2nd sp.s. c 14 s 10 (uncodified) is amended to  
23 read as follows:

24 Section(~~s 1 and~~) 5 of this act expires July 1, 2018.

25 NEW SECTION. **Sec. 802.** The following acts or parts of acts are  
26 each repealed:

- 27 (1) 2015 c 291 s 9;  
28 (2) 2015 c 291 s 15 (uncodified); and  
29 (3) 2015 c 291 s 16 (uncodified).

30 NEW SECTION. **Sec. 803.** Sections 201 through 204 of this act  
31 apply retroactively and prospectively regardless of the date of an  
32 offender's underlying offense.

33 NEW SECTION. **Sec. 804.** Section 704 of this act is necessary for  
34 the immediate preservation of the public peace, health, or safety, or

1 support of the state government and its existing public institutions,  
2 and takes effect August 30, 2017.

3 NEW SECTION. **Sec. 805.** Section 703 of this act expires August  
4 30, 2017.

5 NEW SECTION. **Sec. 806.** Sections 201 through 206, 401 through  
6 403, and 703 of this act are necessary for the immediate preservation  
7 of the public peace, health, or safety, or support of the state  
8 government and its existing public institutions, and take effect  
9 immediately.

--- END ---