

SUBSTITUTE SENATE BILL 5934

State of Washington 65th Legislature 2017 1st Special Session

By Senate Law & Justice (originally sponsored by Senator Padden)

READ FIRST TIME 05/05/17.

1 AN ACT Relating to convicted persons; amending RCW 9.94A.589,
2 9.94B.050, 9.94A.501, 9.94A.533, 9.94A.525, 46.20.117, and 46.20.117;
3 amending 2013 2nd sp.s. c 14 s 10 (uncodified); reenacting and
4 amending RCW 9.94A.515; adding a new section to chapter 9.94B RCW;
5 adding new sections to chapter 9.94A RCW; adding a new section to
6 chapter 72.09 RCW; creating new sections; repealing 2015 c 291 s 9;
7 repealing 2015 c 291 ss 15 and 16 (uncodified); prescribing
8 penalties; providing an effective date; providing expiration dates;
9 and declaring an emergency.

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

PART I

SERIOUSNESS LEVEL OF CRIMES

13 **Sec. 101.** RCW 9.94A.515 and 2016 c 213 s 5, 2016 c 164 s 13, and
14 2016 c 6 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH
SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)

1 Malicious explosion 1 (RCW
2 70.74.280(1))
3 Murder 1 (RCW 9A.32.030)
4 XIV Murder 2 (RCW 9A.32.050)
5 Trafficking 1 (RCW 9A.40.100(1))
6 XIII Malicious explosion 2 (RCW
7 70.74.280(2))
8 Malicious placement of an explosive 1
9 (RCW 70.74.270(1))
10 Rape of a Child 1 (RCW 9A.44.073)
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 2 (RCW 9A.44.076)
20 Trafficking 2 (RCW 9A.40.100(3))
21 XI Child Molestation 1 (RCW 9A.44.083)
22 Manslaughter 1 (RCW 9A.32.060)
23 Rape 2 (RCW 9A.44.050)
24 (~~(Rape of a Child 2 (RCW 9A.44.076))~~)
25 Vehicular Homicide, by being under the
26 influence of intoxicating liquor or
27 any drug (RCW 46.61.520)
28 Vehicular Homicide, by the operation of
29 any vehicle in a reckless manner
30 (RCW 46.61.520)
31 X (~~(Child Molestation 1 (RCW~~
32 ~~9A.44.083))~~)
33 Criminal Mistreatment 1 (RCW
34 9A.42.020)

1 Indecent Liberties (with forcible
2 compulsion) (RCW
3 9A.44.100(1)(a))
4 Kidnapping 1 (RCW 9A.40.020)
5 Leading Organized Crime (RCW
6 9A.82.060(1)(a))
7 Malicious explosion 3 (RCW
8 70.74.280(3))
9 Sexually Violent Predator Escape (RCW
10 9A.76.115)
11 IX Abandonment of Dependent Person 1
12 (RCW 9A.42.060)
13 Assault of a Child 2 (RCW 9A.36.130)
14 Explosive devices prohibited (RCW
15 70.74.180)
16 Hit and Run—Death (RCW
17 46.52.020(4)(a))
18 Homicide by Watercraft, by being under
19 the influence of intoxicating liquor
20 or any drug (RCW 79A.60.050)
21 Inciting Criminal Profiteering (RCW
22 9A.82.060(1)(b))
23 Malicious placement of an explosive 2
24 (RCW 70.74.270(2))
25 Robbery 1 (RCW 9A.56.200)
26 Sexual Exploitation (RCW 9.68A.040)
27 VIII Arson 1 (RCW 9A.48.020)
28 Child Molestation 2 (RCW 9A.44.086)
29 Commercial Sexual Abuse of a Minor
30 (RCW 9.68A.100)
31 Homicide by Watercraft, by the
32 operation of any vessel in a reckless
33 manner (RCW 79A.60.050)
34 Manslaughter 2 (RCW 9A.32.070)

1 Promoting Prostitution 1 (RCW
2 9A.88.070)
3 Theft of Ammonia (RCW 69.55.010)
4 VII Air bag diagnostic systems (causing
5 bodily injury or death) (RCW
6 46.37.660(2)(b))
7 Air bag replacement requirements
8 (causing bodily injury or death)
9 (RCW 46.37.660(1)(b))
10 Burglary 1 (RCW 9A.52.020)
11 ~~((Child Molestation 2 (RCW~~
12 ~~9A.44.086)))~~
13 Civil Disorder Training (RCW
14 9A.48.120)
15 Dealing in depictions of minor engaged
16 in sexually explicit conduct 1
17 (RCW 9.68A.050(1))
18 Drive-by Shooting (RCW 9A.36.045)
19 Homicide by Watercraft, by disregard
20 for the safety of others (RCW
21 79A.60.050)
22 Indecent Liberties (without forcible
23 compulsion) (RCW 9A.44.100(1)
24 (b) and (c))
25 Introducing Contraband 1 (RCW
26 9A.76.140)
27 Malicious placement of an explosive 3
28 (RCW 70.74.270(3))
29 Manufacture or import counterfeit,
30 nonfunctional, damaged, or
31 previously deployed air bag
32 (causing bodily injury or death)
33 (RCW 46.37.650(1)(b))
34 Negligently Causing Death By Use of a
35 Signal Preemption Device (RCW
36 46.37.675)

1 Rape of a Child 3 (RCW 9A.44.079)
2 Sale, install, ~~((for))~~ or reinstall
3 counterfeit, nonfunctional,
4 damaged, or previously deployed
5 airbag (RCW 46.37.650(2)(b))
6 Sending, bringing into state depictions
7 of minor engaged in sexually
8 explicit conduct 1 (RCW
9 9.68A.060(1))
10 Unlawful Possession of a Firearm in the
11 first degree (RCW 9.41.040(1))
12 Use of a Machine Gun in Commission
13 of a Felony (RCW 9.41.225)
14 Vehicular Homicide, by disregard for
15 the safety of others (RCW
16 46.61.520)
17 VI Bail Jumping with Murder 1 (RCW
18 9A.76.170(3)(a))
19 Bribery (RCW 9A.68.010)
20 Child Molestation 3 (RCW 9A.44.089)
21 Incest 1 (RCW 9A.64.020(1))
22 Intimidating a Judge (RCW 9A.72.160)
23 Intimidating a Juror/Witness (RCW
24 9A.72.110, 9A.72.130)
25 Malicious placement of an imitation
26 device 2 (RCW 70.74.272(1)(b))
27 Possession of Depictions of a Minor
28 Engaged in Sexually Explicit
29 Conduct 1 (RCW 9.68A.070(1))
30 ~~((Rape of a Child 3 (RCW 9A.44.079)))~~
31 Taking Motor Vehicle Without
32 Permission 1 (third or subsequent
33 offense) (RCW 9A.56.070)
34 Theft of a Firearm (RCW 9A.56.300)
35 Unlawful Storage of Ammonia (RCW
36 69.55.020)

1 V Abandonment of Dependent Person 2
2 (RCW 9A.42.070)
3 Advancing money or property for
4 extortionate extension of credit
5 (RCW 9A.82.030)
6 Air bag diagnostic systems (RCW
7 46.37.660(2)(c))
8 Air bag replacement requirements
9 (RCW 46.37.660(1)(c))
10 Bail Jumping with class A Felony
11 (RCW 9A.76.170(3)(b))
12 ((Child Molestation 3 (RCW
13 9A.44.089)))
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 Driving While Under the Influence
27 (RCW 46.61.502(6))
28 Extortion 1 (RCW 9A.56.120)
29 Extortionate Extension of Credit (RCW
30 9A.82.020)
31 Extortionate Means to Collect
32 Extensions of Credit (RCW
33 9A.82.040)
34 Incest 2 (RCW 9A.64.020(2))
35 Kidnapping 2 (RCW 9A.40.030)

1 Manufacture or import counterfeit,
2 nonfunctional, damaged, or
3 previously deployed air bag (RCW
4 46.37.650(1)(c))
5 Perjury 1 (RCW 9A.72.020)
6 Persistent prison misbehavior (RCW
7 9.94.070)
8 Physical Control of a Vehicle While
9 Under the Influence (RCW
10 46.61.504(6))
11 Possession of a Stolen Firearm (RCW
12 9A.56.310)
13 Rape 3 (RCW 9A.44.060)
14 Rendering Criminal Assistance 1 (RCW
15 9A.76.070)
16 Sale, install, (~~for~~) or reinstall
17 counterfeit, nonfunctional,
18 damaged, or previously deployed
19 airbag (RCW 46.37.650(2)(c))
20 Sending, Bringing into State Depictions
21 of Minor Engaged in Sexually
22 Explicit Conduct 2 (RCW
23 9.68A.060(2))
24 Sexual Misconduct with a Minor 1
25 (RCW 9A.44.093)
26 Sexually Violating Human Remains
27 (RCW 9A.44.105)
28 Stalking (RCW 9A.46.110)
29 Taking Motor Vehicle Without
30 Permission 1 (RCW 9A.56.070)
31 IV Arson 2 (RCW 9A.48.030)
32 Assault 2 (RCW 9A.36.021)
33 Assault 3 (of a Peace Officer with a
34 Projectile Stun Gun) (RCW
35 9A.36.031(1)(h))

1 Assault by Watercraft (RCW
2 79A.60.060)
3 Bribing a Witness/Bribe Received by
4 Witness (RCW 9A.72.090,
5 9A.72.100)
6 Cheating 1 (RCW 9.46.1961)
7 Commercial Bribery (RCW 9A.68.060)
8 Counterfeiting (RCW 9.16.035(4))
9 Endangerment with a Controlled
10 Substance (RCW 9A.42.100)
11 Escape 1 (RCW 9A.76.110)
12 Hit and Run—Injury (RCW
13 46.52.020(4)(b))
14 Hit and Run with Vessel—Injury
15 Accident (RCW 79A.60.200(3))
16 Identity Theft 1 (RCW 9.35.020(2))
17 Indecent Exposure to Person Under Age
18 Fourteen (subsequent sex offense)
19 (RCW 9A.88.010)
20 Influencing Outcome of Sporting Event
21 (RCW 9A.82.070)
22 Malicious Harassment (RCW
23 9A.36.080)
24 Possession of Depictions of a Minor
25 Engaged in Sexually Explicit
26 Conduct 2 (RCW 9.68A.070(2))
27 Residential Burglary (RCW 9A.52.025)
28 Robbery 2 (RCW 9A.56.210)
29 Theft of Livestock 1 (RCW 9A.56.080)
30 Threats to Bomb (RCW 9.61.160)
31 Trafficking in Stolen Property 1 (RCW
32 9A.82.050)
33 Unlawful factoring of a credit card or
34 payment card transaction (RCW
35 9A.56.290(4)(b))

1 Unlawful transaction of health coverage
2 as a health care service contractor
3 (RCW 48.44.016(3))
4 Unlawful transaction of health coverage
5 as a health maintenance
6 organization (RCW 48.46.033(3))
7 Unlawful transaction of insurance
8 business (RCW 48.15.023(3))
9 Unlicensed practice as an insurance
10 professional (RCW 48.17.063(2))
11 Use of Proceeds of Criminal
12 Profiteering (RCW 9A.82.080 (1)
13 and (2))
14 Vehicle Prowling 2 (third or subsequent
15 offense) (RCW 9A.52.100(3))
16 Vehicular Assault, by being under the
17 influence of intoxicating liquor or
18 any drug, or by the operation or
19 driving of a vehicle in a reckless
20 manner (RCW 46.61.522)
21 Viewing of Depictions of a Minor
22 Engaged in Sexually Explicit
23 Conduct 1 (RCW 9.68A.075(1))
24 Willful Failure to Return from Furlough
25 (RCW 72.66.060)
26 III Animal Cruelty 1 (Sexual Conduct or
27 Contact) (RCW 16.52.205(3))
28 Assault 3 (Except Assault 3 of a Peace
29 Officer With a Projectile Stun Gun)
30 (RCW 9A.36.031 except subsection
31 (1)(h))
32 Assault of a Child 3 (RCW 9A.36.140)
33 Bail Jumping with class B or C Felony
34 (RCW 9A.76.170(3)(c))
35 Burglary 2 (RCW 9A.52.030)

1 Communication with a Minor for
2 Immoral Purposes (RCW
3 9.68A.090)
4 Criminal Gang Intimidation (RCW
5 9A.46.120)
6 Custodial Assault (RCW 9A.36.100)
7 Cyberstalking (subsequent conviction or
8 threat of death) (RCW 9.61.260(3))
9 Escape 2 (RCW 9A.76.120)
10 Extortion 2 (RCW 9A.56.130)
11 Harassment (RCW 9A.46.020)
12 Intimidating a Public Servant (RCW
13 9A.76.180)
14 Introducing Contraband 2 (RCW
15 9A.76.150)
16 Malicious Injury to Railroad Property
17 (RCW 81.60.070)
18 Malicious Mischief 1 (motor vehicle,
19 third or subsequent offense) (RCW
20 9A.48.070)
21 Mortgage Fraud (RCW 19.144.080)
22 Negligently Causing Substantial Bodily
23 Harm By Use of a Signal
24 Preemption Device (RCW
25 46.37.674)
26 Organized Retail Theft 1 (RCW
27 9A.56.350(2))
28 Perjury 2 (RCW 9A.72.030)
29 Possession of Incendiary Device (RCW
30 9.40.120)
31 Possession of Machine Gun or Short-
32 Barreled Shotgun or Rifle (RCW
33 9.41.190)
34 Possession of Stolen Vehicle (third or
35 subsequent offense) (RCW
36 9A.56.068)

1 Promoting Prostitution 2 (RCW
2 9A.88.080)
3 Retail Theft with Special Circumstances
4 1 (RCW 9A.56.360(2))
5 Securities Act violation (RCW
6 21.20.400)
7 Tampering with a Witness (RCW
8 9A.72.120)
9 Telephone Harassment (subsequent
10 conviction or threat of death) (RCW
11 9.61.230(2))
12 Theft of Livestock 2 (RCW 9A.56.083)
13 Theft of Motor Vehicle (third or
14 subsequent offense) (RCW
15 9A.56.065)
16 Theft with the Intent to Resell 1 (RCW
17 9A.56.340(2))
18 Trafficking in Stolen Property 2 (RCW
19 9A.82.055)
20 Unlawful Hunting of Big Game 1 (RCW
21 77.15.410(3)(b))
22 Unlawful Imprisonment (RCW
23 9A.40.040)
24 Unlawful Misbranding of Food Fish or
25 Shellfish 1 (RCW 69.04.938(3))
26 Unlawful possession of firearm in the
27 second degree (RCW 9.41.040(2))
28 Unlawful Taking of Endangered Fish or
29 Wildlife 1 (RCW 77.15.120(3)(b))
30 Unlawful Trafficking in Fish, Shellfish,
31 or Wildlife 1 (RCW
32 77.15.260(3)(b))
33 Unlawful Use of a Nondesignated
34 Vessel (RCW 77.15.530(4))

1 Vehicular Assault, by the operation or
2 driving of a vehicle with disregard
3 for the safety of others (RCW
4 46.61.522)

5 Willful Failure to Return from Work
6 Release (RCW 72.65.070)

7 II Commercial Fishing Without a License
8 1 (RCW 77.15.500(3)(b))

9 Computer Trespass 1 (RCW 9A.90.040)

10 Counterfeiting (RCW 9.16.035(3))

11 Electronic Data Service Interference
12 (RCW 9A.90.060)

13 Electronic Data Tampering 1 (RCW
14 9A.90.080)

15 Electronic Data Theft (RCW 9A.90.100)

16 Engaging in Fish Dealing Activity
17 Unlicensed 1 (RCW 77.15.620(3))

18 Escape from Community Custody
19 (RCW 72.09.310)

20 Failure to Register as a Sex Offender
21 (second or subsequent offense)
22 (RCW 9A.44.130 prior to June 10,
23 2010, and RCW 9A.44.132)

24 Health Care False Claims (RCW
25 48.80.030)

26 Identity Theft 2 (RCW 9.35.020(3))

27 Improperly Obtaining Financial
28 Information (RCW 9.35.010)

29 Malicious Mischief 1 (RCW 9A.48.070)

30 Malicious Mischief 2 (motor vehicle,
31 third or subsequent offense) (RCW
32 9A.48.080)

33 Organized Retail Theft 2 (RCW
34 9A.56.350(3))

35 Possession of Stolen Property 1 (RCW
36 9A.56.150)

1 Possession of a Stolen Vehicle (RCW
2 9A.56.068)
3 Retail Theft with Special Circumstances
4 2 (RCW 9A.56.360(3))
5 Scrap Processing, Recycling, or
6 Supplying Without a License
7 (second or subsequent offense)
8 (RCW 19.290.100)
9 Taking Motor Vehicle Without
10 Permission 2 (third or subsequent
11 offense) (RCW 9A.56.075)
12 Theft 1 (RCW 9A.56.030)
13 Theft of a Motor Vehicle (RCW
14 9A.56.065)
15 Theft of Rental, Leased, Lease-
16 purchased, or Loaned Property
17 (valued at five thousand dollars or
18 more) (RCW 9A.56.096(5)(a))
19 Theft with the Intent to Resell 2 (RCW
20 9A.56.340(3))
21 Trafficking in Insurance Claims (RCW
22 48.30A.015)
23 Unlawful factoring of a credit card or
24 payment card transaction (RCW
25 9A.56.290(4)(a))
26 Unlawful Participation of Non-Indians
27 in Indian Fishery (RCW
28 77.15.570(2))
29 Unlawful Practice of Law (RCW
30 2.48.180)
31 Unlawful Purchase or Use of a License
32 (RCW 77.15.650(3)(b))
33 Unlawful Trafficking in Fish, Shellfish,
34 or Wildlife 2 (RCW
35 77.15.260(3)(a))

1 Unlicensed Practice of a Profession or
2 Business (RCW 18.130.190(7))
3 Vehicle Prowl 1 (third or subsequent
4 offense) (RCW 9A.52.095)
5 Voyeurism (RCW 9A.44.115)
6 I Attempting to Elude a Pursuing Police
7 Vehicle (RCW 46.61.024)
8 False Verification for Welfare (RCW
9 74.08.055)
10 Forgery (RCW 9A.60.020)
11 Fraudulent Creation or Revocation of a
12 Mental Health Advance Directive
13 (RCW 9A.60.060)
14 Malicious Mischief 2 (RCW 9A.48.080)
15 Mineral Trespass (RCW 78.44.330)
16 Possession of Stolen Property 2 (RCW
17 9A.56.160)
18 Reckless Burning 1 (RCW 9A.48.040)
19 Spotlighting Big Game 1 (RCW
20 77.15.450(3)(b))
21 Suspension of Department Privileges 1
22 (RCW 77.15.670(3)(b))
23 Taking Motor Vehicle Without
24 Permission 2 (RCW 9A.56.075)
25 Theft 2 (RCW 9A.56.040)
26 Theft of Rental, Leased, Lease-
27 purchased, or Loaned Property
28 (valued at seven hundred fifty
29 dollars or more but less than five
30 thousand dollars) (RCW
31 9A.56.096(5)(b))
32 Transaction of insurance business
33 beyond the scope of licensure
34 (RCW 48.17.063)
35 Unlawful Fish and Shellfish Catch
36 Accounting (RCW 77.15.630(3)(b))

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

30 **PART II**
31 **COMMUNITY CUSTODY: CONCURRENT**

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

34 (1)(a) Except as provided in (b), (c), or (d) of this subsection,
35 whenever a person is to be sentenced for two or more current

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

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

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

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

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

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

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

32 (4) Whenever any person granted probation under RCW 9.95.210 or
33 9.92.060, or both, has the probationary sentence revoked and a prison
34 sentence imposed, that sentence shall run consecutively to any
35 sentence imposed pursuant to this chapter, unless the court
36 pronouncing the subsequent sentence expressly orders that they be
37 served concurrently.

38 (5) (~~In the case of consecutive sentences,~~) All periods of
39 total confinement shall be served before any partial confinement,
40 community (~~restitution, community supervision~~) custody, or any

1 other requirement or conditions of any of the sentences. (~~Except for~~
2 ~~exceptional sentences as authorized under RCW 9.94A.535, if two or~~
3 ~~more sentences that run consecutively include periods of community~~
4 ~~supervision, the aggregate of the community supervision period shall~~
5 ~~not exceed twenty four months.~~)

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

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

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

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

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

20 (i) Assault in the second degree;

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

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

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

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

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

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

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

38 (3) The community placement ordered under this section shall
39 begin either upon completion of the term of confinement or at such

1 time as the offender is transferred to community custody in lieu of
2 earned release. When the court sentences an offender to the statutory
3 maximum sentence then the community placement portion of the sentence
4 shall consist entirely of the community custody to which the offender
5 may become eligible. Any period of community custody actually served
6 shall be credited against the community placement portion of the
7 sentence. The community placement shall run concurrently to any
8 period of probation, parole, community supervision, community
9 placement, or community custody previously imposed by any court in
10 any jurisdiction, unless the court pronouncing the current sentence
11 expressly orders that they be served consecutively to each other.

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

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

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

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

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

23 (e) The residence location and living arrangements shall be
24 subject to the prior approval of the department during the period of
25 community placement.

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

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

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

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

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

36 (e) The offender shall comply with any crime-related
37 prohibitions.

38 (6) An offender convicted of a felony sex offense against a minor
39 victim after June 6, 1996, shall comply with any terms and conditions
40 of community placement imposed by the department relating to contact

1 between the sex offender and a minor victim or a child of similar age
2 or circumstance as a previous victim.

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

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

8 Except for exceptional sentences as authorized under RCW
9 9.94A.535, if two or more sentences that run consecutively include
10 periods of community supervision that the court has expressly ordered
11 to run consecutively, the aggregate of the community supervision
12 period shall not exceed twenty-four months.

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

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

31 NEW SECTION. **Sec. 206.** The department of corrections has the
32 authority to begin implementing sections 201 through 204 of this act
33 upon the effective date of this section.

34 **PART III**
35 **COMMUNITY CUSTODY: MOTOR VEHICLE OFFENSE PILOT**

1 NEW SECTION. **Sec. 301.** A new section is added to chapter 9.94A

2 RCW to read as follows:

3 (1) Subject to the availability of amounts appropriated for this
4 purpose, a pilot program is established for the supervision of
5 offenders convicted of felonies relating to the theft or taking of a
6 motor vehicle.

7 (2) Notwithstanding the provisions of RCW 9.94A.701, until June
8 30, 2019, the court may sentence an offender to community custody for
9 a term of one year when the court sentences the person to the custody
10 of the department for theft of a motor vehicle (RCW 9A.56.065),
11 possession of a stolen vehicle (RCW 9A.56.068), taking a motor
12 vehicle without permission in the first degree (RCW 9A.56.070),
13 taking a motor vehicle without permission in the second degree (RCW
14 9A.56.075), or a crime against property with a prior conviction for
15 one of the preceding motor vehicle crimes.

16 (3) Notwithstanding the provisions of RCW 9.94A.501, the
17 department shall supervise any offender sentenced to community
18 custody pursuant to subsection (2) of this section.

19 (4) No later than November 1, 2020, the department must submit a
20 report to the governor and the appropriate committees of the
21 legislature analyzing the effectiveness of supervision in reducing
22 recidivism among offenders committing felonies relating to the theft
23 or taking of a motor vehicle. The department shall consult with the
24 Washington state institute for public policy in guiding its data
25 tracking efforts and preparing the report.

26 (5) This section expires December 31, 2020.

27 **PART IV**

28 **COMMUNITY CUSTODY: GOOD TIME**

29 **Sec. 401.** RCW 9.94A.501 and 2016 sp.s. c 28 s 1 are each amended
30 to read as follows:

31 (1) The department shall supervise the following offenders who
32 are sentenced to probation in superior court, pursuant to RCW
33 9.92.060, 9.95.204, or 9.95.210:

- 34 (a) Offenders convicted of:
 - 35 (i) Sexual misconduct with a minor second degree;
 - 36 (ii) Custodial sexual misconduct second degree;
 - 37 (iii) Communication with a minor for immoral purposes; and
 - 38 (iv) Violation of RCW 9A.44.132(2) (failure to register); and

1 (b) Offenders who have:

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

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

8 (2) Misdemeanor and gross misdemeanor offenders supervised by the
9 department pursuant to this section shall be placed on community
10 custody.

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

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

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

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

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

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

28 (e)(i) Has a current conviction for a domestic violence felony
29 offense where domestic violence has been pleaded and proven after
30 August 1, 2011, and a prior conviction for a repetitive domestic
31 violence offense or domestic violence felony offense where domestic
32 violence was pleaded and proven after August 1, 2011. This subsection
33 (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

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

1 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or
2 9.94A.670;

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

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

7 (5) The department shall supervise any offender who is released
8 by the indeterminate sentence review board and who was sentenced to
9 community custody or subject to community custody under the terms of
10 release.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 NEW SECTION. **Sec. 403.** The department of corrections has
19 discretion to implement sections 401 and 402 of this act over a
20 period of time not to exceed twelve months. For any offender under
21 active supervision by the department as of the effective date of this
22 section, he or she is not eligible to earn positive achievement time
23 pursuant to section 402 of this act until he or she has received an
24 orientation by the department regarding positive time.

25 **PART V**

26 **HABITUAL PROPERTY OFFENDERS**

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

31 (2) The legislature further finds that a large portion of
32 property crimes in Washington are committed by habitual offenders.
33 Increasing the sanctions for habitual property offenders will provide
34 more effective deterrents to recidivism. The legislature intends to
35 enhance the courts' discretion to more appropriately sentence
36 habitual property offenders with significant histories of burglary
37 and theft.

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

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

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

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

15 (a) The present felony conviction for which the person is being
16 sentenced is for residential burglary, burglary in the second degree,
17 theft in the first degree, theft in the second degree, theft of a
18 firearm, unlawful issuance of checks or drafts, organized retail
19 theft, theft with special circumstances, or mail theft;

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

21 (c) At least nine of the points in the person's offender score
22 result from any combination of the following felony offenses:
23 Residential burglary, burglary in the second degree, theft in the
24 first degree, theft in the second degree, theft of a firearm,
25 unlawful issuance of checks or drafts, organized retail theft, theft
26 with special circumstances, or mail theft; and

27 (d) The person has either received drug treatment related to any
28 felony conviction or has refused drug treatment related to any felony
29 conviction.

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

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

34 (2) For persons convicted of the anticipatory offenses of
35 criminal attempt, solicitation, or conspiracy under chapter 9A.28
36 RCW, the standard sentence range is determined by locating the
37 sentencing grid sentence range defined by the appropriate offender
38 score and the seriousness level of the completed crime, and
39 multiplying the range by seventy-five percent.

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

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

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

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

27 (d) If the offender is being sentenced for any firearm
28 enhancements under (a), (b), and/or (c) of this subsection and the
29 offender has previously been sentenced for any deadly weapon
30 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
31 subsection or subsection (4)(a), (b), and/or (c) of this section, or
32 both, all firearm enhancements under this subsection shall be twice
33 the amount of the enhancement listed;

34 (e) Notwithstanding any other provision of law, all firearm
35 enhancements under this section are mandatory, shall be served in
36 total confinement, and shall run consecutively to all other
37 sentencing provisions, including other firearm or deadly weapon
38 enhancements, for all offenses sentenced under this chapter. However,
39 whether or not a mandatory minimum term has expired, an offender
40 serving a sentence under this subsection may be:

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

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

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

9 (g) If the standard sentence range under this section exceeds the
10 statutory maximum sentence for the offense, the statutory maximum
11 sentence shall be the presumptive sentence unless the offender is a
12 persistent offender. If the addition of a firearm enhancement
13 increases the sentence so that it would exceed the statutory maximum
14 for the offense, the portion of the sentence representing the
15 enhancement may not be reduced.

16 (4) The following additional times shall be added to the standard
17 sentence range for felony crimes committed after July 23, 1995, if
18 the offender or an accomplice was armed with a deadly weapon other
19 than a firearm as defined in RCW 9.41.010 and the offender is being
20 sentenced for one of the crimes listed in this subsection as eligible
21 for any deadly weapon enhancements based on the classification of the
22 completed felony crime. If the offender is being sentenced for more
23 than one offense, the deadly weapon enhancement or enhancements must
24 be added to the total period of confinement for all offenses,
25 regardless of which underlying offense is subject to a deadly weapon
26 enhancement. If the offender or an accomplice was armed with a deadly
27 weapon other than a firearm as defined in RCW 9.41.010 and the
28 offender is being sentenced for an anticipatory offense under chapter
29 9A.28 RCW to commit one of the crimes listed in this subsection as
30 eligible for any deadly weapon enhancements, the following additional
31 times shall be added to the standard sentence range determined under
32 subsection (2) of this section based on the felony crime of
33 conviction as classified under RCW 9A.28.020:

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

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

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

4 (d) If the offender is being sentenced under (a), (b), and/or (c)
5 of this subsection for any deadly weapon enhancements and the
6 offender has previously been sentenced for any deadly weapon
7 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
8 subsection or subsection (3)(a), (b), and/or (c) of this section, or
9 both, all deadly weapon enhancements under this subsection shall be
10 twice the amount of the enhancement listed;

11 (e) Notwithstanding any other provision of law, all deadly weapon
12 enhancements under this section are mandatory, shall be served in
13 total confinement, and shall run consecutively to all other
14 sentencing provisions, including other firearm or deadly weapon
15 enhancements, for all offenses sentenced under this chapter. However,
16 whether or not a mandatory minimum term has expired, an offender
17 serving a sentence under this subsection may be:

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

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

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

26 (g) If the standard sentence range under this section exceeds the
27 statutory maximum sentence for the offense, the statutory maximum
28 sentence shall be the presumptive sentence unless the offender is a
29 persistent offender. If the addition of a deadly weapon enhancement
30 increases the sentence so that it would exceed the statutory maximum
31 for the offense, the portion of the sentence representing the
32 enhancement may not be reduced.

33 (5) The following additional times shall be added to the standard
34 sentence range if the offender or an accomplice committed the offense
35 while in a county jail or state correctional facility and the
36 offender is being sentenced for one of the crimes listed in this
37 subsection. If the offender or an accomplice committed one of the
38 crimes listed in this subsection while in a county jail or state
39 correctional facility, and the offender is being sentenced for an
40 anticipatory offense under chapter 9A.28 RCW to commit one of the

1 crimes listed in this subsection, the following additional times
2 shall be added to the standard sentence range determined under
3 subsection (2) of this section:

4 (a) Eighteen months for offenses committed under RCW 69.50.401(2)
5 (a) or (b) or 69.50.410;

6 (b) Fifteen months for offenses committed under RCW 69.50.401(2)
7 (c), (d), or (e);

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

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

12 (6) An additional twenty-four months shall be added to the
13 standard sentence range for any ranked offense involving a violation
14 of chapter 69.50 RCW if the offense was also a violation of RCW
15 69.50.435 or 9.94A.827. All enhancements under this subsection shall
16 run consecutively to all other sentencing provisions, for all
17 offenses sentenced under this chapter.

18 (7) An additional two years shall be added to the standard
19 sentence range for vehicular homicide committed while under the
20 influence of intoxicating liquor or any drug as defined by RCW
21 46.61.502 for each prior offense as defined in RCW 46.61.5055.

22 Notwithstanding any other provision of law, all impaired driving
23 enhancements under this subsection are mandatory, shall be served in
24 total confinement, and shall run consecutively to all other
25 sentencing provisions, including other impaired driving enhancements,
26 for all offenses sentenced under this chapter.

27 An offender serving a sentence under this subsection may be
28 granted an extraordinary medical placement when authorized under RCW
29 9.94A.728(1)(c).

30 (8)(a) The following additional times shall be added to the
31 standard sentence range for felony crimes committed on or after July
32 1, 2006, if the offense was committed with sexual motivation, as that
33 term is defined in RCW 9.94A.030. If the offender is being sentenced
34 for more than one offense, the sexual motivation enhancement must be
35 added to the total period of total confinement for all offenses,
36 regardless of which underlying offense is subject to a sexual
37 motivation enhancement. If the offender committed the offense with
38 sexual motivation and the offender is being sentenced for an
39 anticipatory offense under chapter 9A.28 RCW, the following
40 additional times shall be added to the standard sentence range

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

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

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

9 (iii) One year 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 (iv) If the offender is being sentenced for any sexual motivation
12 enhancements under (a)(i), (ii), and/or (iii) of this subsection and
13 the offender has previously been sentenced for any sexual motivation
14 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or
15 (iii) of this subsection, all sexual motivation enhancements under
16 this subsection shall be twice the amount of the enhancement listed;

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

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

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

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

29 (d) If the standard sentence range under this subsection exceeds
30 the statutory maximum sentence for the offense, the statutory maximum
31 sentence shall be the presumptive sentence unless the offender is a
32 persistent offender. If the addition of a sexual motivation
33 enhancement increases the sentence so that it would exceed the
34 statutory maximum for the offense, the portion of the sentence
35 representing the enhancement may not be reduced;

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

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

4 (9) An additional one-year enhancement shall be added to the
5 standard sentence range for the felony crimes of RCW 9A.44.073,
6 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on
7 or after July 22, 2007, if the offender engaged, agreed, or offered
8 to engage the victim in the sexual conduct in return for a fee. If
9 the offender is being sentenced for more than one offense, the
10 one-year enhancement must be added to the total period of total
11 confinement for all offenses, regardless of which underlying offense
12 is subject to the enhancement. If the offender is being sentenced for
13 an anticipatory offense for the felony crimes of RCW 9A.44.073,
14 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the
15 offender attempted, solicited another, or conspired to engage, agree,
16 or offer to engage the victim in the sexual conduct in return for a
17 fee, an additional one-year enhancement shall be added to the
18 standard sentence range determined under subsection (2) of this
19 section. For purposes of this subsection, "sexual conduct" means
20 sexual intercourse or sexual contact, both as defined in chapter
21 9A.44 RCW.

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

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

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

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

6 (12) An additional twelve months shall be added to the standard
7 sentence range for an offense that is also a violation of RCW
8 9.94A.831.

9 (13) An additional twelve months shall be added to the standard
10 sentence range for vehicular homicide committed while under the
11 influence of intoxicating liquor or any drug as defined by RCW
12 46.61.520 or for vehicular assault committed while under the
13 influence of intoxicating liquor or any drug as defined by RCW
14 46.61.522, or for any felony driving under the influence (RCW
15 46.61.502(6)) or felony physical control under the influence (RCW
16 46.61.504(6)) for each child passenger under the age of sixteen who
17 is an occupant in the defendant's vehicle. These enhancements shall
18 be mandatory, shall be served in total confinement, and shall run
19 consecutively to all other sentencing provisions. If the addition of
20 a minor child enhancement increases the sentence so that it would
21 exceed the statutory maximum for the offense, the portion of the
22 sentence representing the enhancement may not be reduced.

23 (14) An additional twelve months shall be added to the standard
24 sentence range for an offense that is also a violation of RCW
25 9.94A.832.

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

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

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

33 (b) A sentence imposed pursuant to this subsection is not to
34 exceed the statutory maximum for the crime as established in RCW
35 9A.20.021.

36 (c) Notwithstanding any other provision of law, all habitual
37 property offender enhancements imposed under this subsection (15) are
38 mandatory and shall be served in total confinement. However, whether
39 or not the mandatory minimum term has expired, an offender serving a

1 sentence under this subsection may be granted an extraordinary
2 medical placement when authorized under RCW 9.94A.728(1)(c).

3 **PART VI**

4 **MOTOR VEHICLE PROPERTY OFFENDERS**

5 **Sec. 601.** RCW 9.94A.525 and 2013 2nd sp.s. c 35 s 8 are each
6 amended to read as follows:

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

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

11 (1) A prior conviction is a conviction which exists before the
12 date of sentencing for the offense for which the offender score is
13 being computed. Convictions entered or sentenced on the same date as
14 the conviction for which the offender score is being computed shall
15 be deemed "other current offenses" within the meaning of RCW
16 9.94A.589.

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

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

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

33 (d) Except as provided in (e) of this subsection, serious traffic
34 convictions shall not be included in the offender score if, since the
35 last date of release from confinement (including full-time
36 residential treatment) pursuant to a conviction, if any, or entry of
37 judgment and sentence, the offender spent five years in the community

1 without committing any crime that subsequently results in a
2 conviction.

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

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

21 (g) This subsection applies to both adult and juvenile prior
22 convictions.

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

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

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

38 (i) Prior offenses which were found, under RCW 9.94A.589(1)(a),
39 to encompass the same criminal conduct, shall be counted as one
40 offense, the offense that yields the highest offender score. The

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

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

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

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

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

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

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

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

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

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

32 (13) If the present conviction is for manufacture of
33 methamphetamine count three points for each adult prior manufacture
34 of methamphetamine conviction and two points for each juvenile
35 manufacture of methamphetamine offense. If the present conviction is
36 for a drug offense and the offender has a criminal history that
37 includes a sex offense or serious violent offense, count three points
38 for each adult prior felony drug offense conviction and two points
39 for each juvenile drug offense. All other adult and juvenile felonies
40 are scored as in subsection (8) of this section if the current drug

1 offense is violent, or as in subsection (7) of this section if the
2 current drug offense is nonviolent.

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

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

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

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

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

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

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

1 Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, ((~~or~~))
2 Taking a Motor Vehicle Without Permission 2, Malicious Mischief 1
3 (motor vehicle), or Malicious Mischief 2 (motor vehicle) conviction.

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

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

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

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

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

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

5 NEW SECTION. **Sec. 701.** The legislature intends to create an
6 identicard program to assist incarcerated offenders to obtain a
7 state-issued identicard to aid and prepare offenders for release from
8 prison and reentry into the community. The legislature finds that
9 each step that assists individuals being released from prisons helps
10 incarcerated offenders avoid predictable conditions that lead to
11 future recidivism. In accordance with executive order 16-05 building
12 safe and strong communities through successful reentry, this act
13 intends to ensure that offenders released from state prisons have
14 adequate identification in order to increase public safety and reduce
15 recidivism.

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

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

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

25 (a) Meets the department of licensing criteria under RCW
26 46.20.117;

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

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

35 (d) Is expected to be released to a location within Washington
36 state; and

1 (e) Pays a fee of eighteen dollars for the cost of the
2 identicard.

3 (3) A state law enforcement agency, court, or the department may
4 not be prohibited from investigating the legal presence of a person
5 or identifying a defendant's legal presence on a judgment and
6 sentence form or any other investigatory or arrest materials provided
7 to the department after conviction for the purposes of this act.

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

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

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

13 ~~((b))~~ (ii) Proves his or her identity as required by RCW
14 46.20.035; and

15 ~~((e))~~ (iii) Pays the required fee. Except as provided in (b) of
16 this subsection or subsection (5) of this section, the fee is fifty-
17 four dollars, unless an applicant is: ~~((i))~~ (A) A recipient of
18 continuing public assistance grants under Title 74 RCW, who is
19 referred in writing by the secretary of social and health services;
20 or ~~((ii))~~ (B) under the age of eighteen and does not have a
21 permanent residence address as determined by the department by rule.
22 For those persons, the fee must be the actual cost of production of
23 the identicard; or

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

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

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

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

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

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

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

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

3 (a) Personal appearance before the department; or

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

7 An identicard may not be renewed by mail or by electronic
8 commerce unless the renewal issued by the department includes a
9 photograph of the identicard holder.

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

13 (5) **Alternative issuance/renewal/extension.** The department may
14 issue or renew an identicard for a period other than six years, or
15 may extend by mail or electronic commerce an identicard that has
16 already been issued, in order to evenly distribute, as nearly as
17 possible, the yearly renewal rate of identicard holders. The fee for
18 an identicard issued or renewed for a period other than six years, or
19 that has been extended by mail or electronic commerce, is nine
20 dollars for each year that the identicard is issued, renewed, or
21 extended. The department may adopt any rules as are necessary to
22 carry out this subsection.

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

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

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

28 ((+b+)) (ii) Proves his or her identity as required by RCW
29 46.20.035; and

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

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

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

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

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

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

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

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

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

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

21 (a) Personal appearance before the department; or

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

25 An identicard may not be renewed by mail or by electronic
26 commerce unless the renewal issued by the department includes a
27 photograph of the identicard holder.

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

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

