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HOUSE BILL 2504

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State of Washington

68th Legislature

2024 Regular Session

By Representative Goodman

Read first time 03/07/24. Referred to Committee on Community Safety, Justice, & Reentry.

1 AN ACT Relating to sentencing of felony offenses; amending RCW  
2 9.94A.518, 9.94A.525, 9.94A.537, 9.94A.585, 9.94A.030, 9.68A.040,  
3 46.61.504, 69.55.010, 18.64.046, 9.94A.470, 9.94A.475, 9.94A.505,  
4 9.94A.510, 9.94A.517, 9.94A.530, 9.94A.660, 9.94A.729, 9.94A.833, and  
5 10.01.210; reenacting and amending RCW 9.94A.533 and 9.94A.515;  
6 adding new sections to chapter 9.94A RCW; creating a new section;  
7 repealing RCW 9.94A.506; providing an effective date; and providing  
8 an expiration date.

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

10 PART I: NEW SENTENCING GRID, FELONY SERIOUSNESS LEVELS, AND RELATED  
11 PROVISIONS

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

14 TABLE 1  
15 Sentencing Grid - Offenses Committed On or After  
16 August 1, 2028  
17 OFFENDER SCORE

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1 2 3 4 5 6	SERIOUS NESS LEVEL	0	1	2	3	4	5	6	7	8	9+	AGGRAV ATED DEPART URE CAP	REPEAT SV/ VIOLENT , SEX, OR DV
7 8	XVIII	Life sentence without parole/death penalty for offenders at or over the age of 18. For offenders under the age of 18, a term of 25 years to life.										N/A	N/A
9 10 11 12	XVII	240- 320 <i>Zone</i> 4	249- 332 <i>Zone</i> 4	260- 347 <i>Zone</i> 4	274- 365 <i>Zone</i> 4	289- 385 <i>Zone</i> 4	306- 409 <i>Zone</i> 4	327- 436 <i>Zone</i> 4	350- 467 <i>Zone</i> 4	377- 502 <i>Zone</i> 4	407- 543 <i>Zone</i> 4	54	15%
13 14 15 16	XVI	128- 171 <i>Zone</i> 4	141- 188 <i>Zone</i> 4	155- 207 <i>Zone</i> 4	171- 228 <i>Zone</i> 4	188- 251 <i>Zone</i> 4	208- 278 <i>Zone</i> 4	230- 307 <i>Zone</i> 4	255- 340 <i>Zone</i> 4	282- 376 <i>Zone</i> 4	285- 380 <i>Zone</i> 4	38	15%
17 18 19 20	XV	114- 153 <i>Zone</i> 4	126- 168 <i>Zone</i> 4	138- 185 <i>Zone</i> 4	153- 204 <i>Zone</i> 4	169- 225 <i>Zone</i> 4	186- 248 <i>Zone</i> 4	206- 275 <i>Zone</i> 4	228- 304 <i>Zone</i> 4	252- 336 <i>Zone</i> 4	255- 340 <i>Zone</i> 4	34	15%
21 22 23 24	XIV	101- 135 <i>Zone</i> 4	111- 148 <i>Zone</i> 4	122- 163 <i>Zone</i> 4	135- 180 <i>Zone</i> 4	149- 198 <i>Zone</i> 4	164- 219 <i>Zone</i> 4	182- 242 <i>Zone</i> 4	201- 268 <i>Zone</i> 4	222- 297 <i>Zone</i> 4	225- 300 <i>Zone</i> 4	30	15%
25 26 27 28	XIII	70- 117 <i>Zone</i> 4	77- 128 <i>Zone</i> 4	84- 141 <i>Zone</i> 4	93- 155 <i>Zone</i> 4	102- 171 <i>Zone</i> 4	113- 188 <i>Zone</i> 4	124- 207 <i>Zone</i> 4	136- 227 <i>Zone</i> 4	150- 250 <i>Zone</i> 4	156- 260 <i>Zone</i> 4	26	15%
29 30 31 32	XII	60- 101 <i>Zone</i> 4	66- 111 <i>Zone</i> 4	73- 122 <i>Zone</i> 4	80- 134 <i>Zone</i> 4	88- 148 <i>Zone</i> 4	97- 163 <i>Zone</i> 4	107- 179 <i>Zone</i> 4	118- 197 <i>Zone</i> 4	130- 217 <i>Zone</i> 4	135- 225 <i>Zone</i> 4	22	15%
33 34 35 36	XI	51- 85 <i>Zone</i> 4	56- 94 <i>Zone</i> 4	62- 103 <i>Zone</i> 4	68- 113 <i>Zone</i> 4	75- 125 <i>Zone</i> 4	82- 137 <i>Zone</i> 4	90- 151 <i>Zone</i> 4	99- 166 <i>Zone</i> 4	109- 183 <i>Zone</i> 4	114- 190 <i>Zone</i> 4	19	15%

1	X	41- 69 <i>Zone</i> 4	46- 76 <i>Zone</i> 4	50- 84 <i>Zone</i> 4	55- 92 <i>Zone</i> 4	61- 102 <i>Zone</i> 4	67- 112 <i>Zone</i> 4	74- 123 <i>Zone</i> 4	81- 135 <i>Zone</i> 4	89- 149 <i>Zone</i> 4	93- 155 <i>Zone</i> 4	15	20%
2													
3													
4													
5	IX	19- 33 <i>Zone</i> 3	22- 37 <i>Zone</i> 3	26- 43 <i>Zone</i> 3	30- 50 <i>Zone</i> 3	34- 57 <i>Zone</i> 3	39- 66 <i>Zone</i> 3	45- 76 <i>Zone</i> 3	52- 87 <i>Zone</i> 4	60- 100 <i>Zone</i> 4	72- 120 <i>Zone</i> 4	12	20%
6													
7													
8													
9	VIII	17- 28 <i>Zone</i> 3	19- 33 <i>Zone</i> 3	22- 38 <i>Zone</i> 3	26- 43 <i>Zone</i> 3	30- 50 <i>Zone</i> 3	34- 58 <i>Zone</i> 3	40- 66 <i>Zone</i> 3	46- 76 <i>Zone</i> 3	52- 88 <i>Zone</i> 4	63- 105 <i>Zone</i> 4	10	20%
10													
11													
12													
13	VII	14- 24 <i>Zone</i> 3	17- 28 <i>Zone</i> 3	19- 32 <i>Zone</i> 3	22- 37 <i>Zone</i> 3	25- 43 <i>Zone</i> 3	29- 49 <i>Zone</i> 3	34- 57 <i>Zone</i> 3	39- 65 <i>Zone</i> 3	45- 75 <i>Zone</i> 3	54- 90 <i>Zone</i> 4	9	20%
14													
15													
16													
17	VI	12- 20 <i>Zone</i> 2	14- 23 <i>Zone</i> 3	16- 27 <i>Zone</i> 3	18- 31 <i>Zone</i> 3	21- 36 <i>Zone</i> 3	24- 41 <i>Zone</i> 3	28- 47 <i>Zone</i> 3	32- 54 <i>Zone</i> 3	37- 63 <i>Zone</i> 3	45- 75 <i>Zone</i> 3	7	20%
18													
19													
20													
21	V	3- 12 <i>Zone</i> 2	4- 14 <i>Zone</i> 2	5- 17 <i>Zone</i> 2	6- 20 <i>Zone</i> 2	7- 24 <i>Zone</i> 2	8- 29 <i>Zone</i> 2	10- 35 <i>Zone</i> 2	12- 42 <i>Zone</i> 2	15- 51 <i>Zone</i> 3	18- 60 <i>Zone</i> 3	6	25%
22													
23													
24													
25	IV	2- 9 <i>Zone</i> 1	3- 11 <i>Zone</i> 1	4- 14 <i>Zone</i> 2	5- 17 <i>Zone</i> 2	6- 20 <i>Zone</i> 2	7- 24 <i>Zone</i> 2	8- 29 <i>Zone</i> 2	10- 35 <i>Zone</i> 2	12- 42 <i>Zone</i> 2	14- 49 <i>Zone</i> 3	4	25%
26													
27													
28													
29	III	2- 7 <i>Zone</i> 1	2- 9 <i>Zone</i> 1	3- 11 <i>Zone</i> 1	4- 13 <i>Zone</i> 2	4- 16 <i>Zone</i> 2	5- 19 <i>Zone</i> 2	6- 23 <i>Zone</i> 2	8- 27 <i>Zone</i> 2	10- 33 <i>Zone</i> 2	11- 39 <i>Zone</i> 2	3	25%
30													
31													
32													
33	II	0-   	1-   	2-   	2-   	3-   	3-   	4-   	5-   	6-   	8-   	2	25%

1		3	6	7	8	11	12	14	17	21	28		
2		<i>Zone</i>	<i>Zone</i>	<i>Zone</i>	<i>Zone</i>	<i>Zone</i>	<i>Zone</i>	<i>Zone</i>	<i>Zone</i>	<i>Zone</i>	<i>Zone</i>		
3		1	1	1	1	1	1	2	2	2	2		
4	I	0-	0-	1-	1-	2-	2-	3-	3-	4-	5-	1	25%
5		2	3	5	6	7	8	10	12	14	18		
6		<i>Zone</i>	<i>Zone</i>	<i>Zone</i>	<i>Zone</i>	<i>Zone</i>	<i>Zone</i>	<i>Zone</i>	<i>Zone</i>	<i>Zone</i>	<i>Zone</i>		
7		1	1	1	1	1	1	1	1	2	2		

8 (1) Numbers on the vertical axis of the grid under the column  
9 titled "SERIOUSNESS LEVEL" represent the seriousness level of the  
10 offense, according to section 2 of this act. Numbers on the  
11 horizontal axis of the grid under the column titled "OFFENDER SCORE"  
12 represent the offender score as determined by RCW 9.94A.525.

13 (2) The following rules apply to the rows extending from the  
14 vertical axis of the sentencing grid:

15 (a) The row representing seriousness level 18 is reserved for the  
16 crime of aggravated murder in the first degree.

17 (b) No offense except for a class A felony may be sentenced  
18 according to the rows representing seriousness levels 10 and higher.

19 (c) No offense except for a class A or class B felony may be  
20 sentenced according to the rows representing seriousness levels six  
21 through nine.

22 (3) Numbers in the cells occupying the rows of each seriousness  
23 level category represent the minimum and maximum number of months of  
24 the standard range sentence for each offender score. The values in  
25 each cell are calculated using the following formulas:

26 (a) For the row representing seriousness level 17: The minimum  
27 standard range sentence for an offender score of zero is 240 months.  
28 The minimum standard range sentence is 75 percent of the maximum  
29 standard range sentence for each cell. The maximum standard range  
30 sentence increases by 104 percent for each additional criminal  
31 history score point.

32 (b) For the rows representing seriousness levels 14 through 16:

33 (i) The maximum standard range sentence for a seriousness level  
34 16 offense at an offender score of nine or more is 340 months. For  
35 each seriousness level from 14 through 16, the maximum standard range  
36 sentence for an offender score of nine or more is 40 months higher  
37 than the maximum standard range sentence for an offender score of  
38 nine or more for each seriousness level directly below.

1 (ii) The maximum standard range sentence for an offender score of  
2 zero is 45 percent of the maximum standard range sentence for an  
3 offender score of nine or more. The maximum standard range sentence  
4 increases by 110 percent for each additional criminal history score  
5 point.

6 (iii) The minimum standard range sentence is 75 percent of the  
7 maximum standard range sentence for each cell.

8 (c) For the rows representing seriousness levels 10 through 13:

9 (i) The maximum standard range sentence for a seriousness level  
10 13 offense at an offender score of nine or more is 220 months. For  
11 each seriousness level from 10 through 13, the maximum standard range  
12 sentence for an offender score of nine or more is 25 months higher  
13 than the maximum standard range sentence for an offender score of  
14 nine or more for each seriousness level directly below.

15 (ii) The maximum standard range sentence for an offender score of  
16 zero is 45 percent of the maximum standard range sentence for an  
17 offender score of nine or more. The maximum standard sentence  
18 increases by 110 percent for each additional criminal history score  
19 point.

20 (iii) The minimum standard sentence is 60 percent of the maximum  
21 standard sentence for each cell.

22 (d) For the rows representing seriousness levels six through  
23 nine:

24 (i) The maximum standard range sentence for a seriousness level  
25 nine offense at an offender score of nine or more is 120 months. For  
26 each seriousness level from six through nine, the maximum standard  
27 range sentence for an offender score of nine or more is 15 months  
28 higher than the maximum standard range sentence for an offender score  
29 of nine or more for each seriousness level directly below.

30 (ii) The maximum standard range sentence for an offender score of  
31 zero is 27.5 percent of the maximum standard range sentence for an  
32 offender score of nine or more. The maximum standard range sentence  
33 increases by 115 percent for each additional criminal history score  
34 point.

35 (iii) The minimum standard sentence is 60 percent of the maximum  
36 standard sentence for each cell.

37 (e) For the rows representing seriousness levels one through  
38 five:

39 (i) The maximum standard range sentence for a seriousness level  
40 five offense at an offender score of nine or more is 60 months. For

1 each decrease in seriousness level from five to one, the maximum  
2 standard sentence for an offender score of nine or more decreases by  
3 10.5 months rounded down to the nearest whole number.

4 (ii) The maximum standard range sentence for an offender score of  
5 zero is 20 percent of the maximum standard range sentence for an  
6 offender score of nine or more. The maximum standard range sentence  
7 increases by 120 percent for each additional criminal history score  
8 point.

9 (iii) The minimum standard range sentence is 30 percent of the  
10 maximum standard range sentence for each cell.

11 (4) The numbers in the column titled "AGGRAVATED DEPARTURE CAP"  
12 represent the number of months equal to 10 percent of the maximum  
13 standard range sentence in each seriousness level, rounded down to  
14 the nearest whole number. Exceptional sentences that exceed the  
15 maximum standard range sentence plus the number of months signified  
16 in this column are presumed to be clearly excessive under RCW  
17 9.94A.585.

18 (5) As depicted by the column titled "REPEAT SV/VIOLENT, SEX, OR  
19 DV," the maximum standard range sentence for any person whose present  
20 conviction is for a violent offense or serious violent offense and  
21 who has one or more prior adult convictions for a violent offense or  
22 serious violent offense conviction, whose present conviction is for a  
23 sex offense and who has one or more prior adult convictions for a sex  
24 offense, or whose present conviction is for an offense where domestic  
25 violence as defined in RCW 9.94A.030 was pleaded and proven and who  
26 has one or more prior adult convictions for an offense where domestic  
27 violence as defined in RCW 9.94A.030 was pleaded and proven,  
28 increases as follows:

29 (a) If the present conviction is for a seriousness level one  
30 through five offense, the maximum standard range sentence is  
31 increased by 25 percent or one month, whichever is greater;

32 (b) If the present conviction is for a seriousness level six  
33 through 10 offense, the maximum standard range sentence is increased  
34 by 20 percent or one month, whichever is greater; or

35 (c) If the present conviction is for a seriousness level 11  
36 through 17 offense, the maximum standard range sentence is increased  
37 by 15 percent or one month, whichever is greater.

38 (6) Each cell on the grid includes a zone number underneath the  
39 minimum and maximum number of months of the standard range sentence.  
40 The zone numbers, which include zone 1, zone 2, zone 3, and zone 4,

1 represent the following nonexhaustive list of available sentencing  
2 options depending on the zone of the present conviction:

3 (a) If the present conviction is for a zone 1 offense, the  
4 available sentencing options may include, but are not limited to:

5 (i) An intermediate sanctions sentencing alternative;

6 (ii) A residential substance use disorder treatment-based  
7 alternative under RCW 9.94A.664, if applicable; or

8 (iii) Confinement in a county jail.

9 (b) If the present conviction is for a zone 2 offense, the  
10 available sentencing options may include, but are not limited to:

11 (i) An intermediate sanctions sentencing alternative;

12 (ii) A residential substance use disorder treatment-based  
13 alternative under RCW 9.94A.664, or a prison-based drug offender  
14 sentencing alternative under RCW 9.94A.662, if applicable;

15 (iii) A parenting sentencing alternative under RCW 9.94A.655, if  
16 applicable; or

17 (iv) Confinement in a county jail or state correctional facility,  
18 depending on the length of the sentence.

19 (c) If the present conviction is for a zone 3 offense, the  
20 available sentencing options may include but are not limited to:

21 (i) A prison-based drug offender sentencing alternative under RCW  
22 9.94A.662, if applicable;

23 (ii) A parenting sentencing alternative under RCW 9.94A.655, if  
24 applicable; or

25 (iii) Confinement in a state correctional facility.

26 (d) If the present conviction is for a zone 4 offense, the  
27 available sentencing option is confinement in a state correctional  
28 facility.

29 (7) The maximum term of confinement in a sentence range may not  
30 exceed the statutory maximum for the crime as provided in RCW  
31 9A.20.021.

32 (8) This section applies to offenses that were committed on or  
33 after August 1, 2028, that are assigned a seriousness level under  
34 section 2 of this act.

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

37 TABLE 2

1 CRIMES INCLUDED WITHIN  
2 EACH SERIOUSNESS LEVEL -  
3 OFFENSES COMMITTED ON OR  
4 AFTER AUGUST 1, 2028

- 5 XVIII Aggravated Murder 1 (RCW  
6 10.95.020)
- 7 XVII Homicide by abuse (RCW 9A.32.055)  
8 Murder 1 (RCW 9A.32.030)
- 9 XVI Murder 2 (RCW 9A.32.050)
- 10 XV Malicious explosion 1 (RCW  
11 70.74.280(1))  
12 Trafficking 1 (RCW 9A.40.100(1))
- 13 XIV Assault 1 (RCW 9A.36.011)  
14 Assault of a Child 1 (RCW 9A.36.120)  
15 Malicious placement of an explosive 1  
16 (RCW 70.74.270(1))  
17 Promoting Commercial Sexual Abuse  
18 of a Minor (RCW 9.68A.101)  
19 Rape 1 (RCW 9A.44.040)  
20 Rape of a Child 1 (RCW 9A.44.073)
- 21 XIII Homicide by Watercraft, by being  
22 under the influence of intoxicating  
23 liquor or any drug (RCW  
24 79A.60.050(1)(a))  
25 Homicide by Watercraft, by the  
26 operation of any vessel in a reckless  
27 manner (RCW 79A.60.050(1)(b))  
28 Manslaughter 1 (RCW 9A.32.060)  
29 Rape 2 (RCW 9A.44.050)  
30 Rape of a Child 2 (RCW 9A.44.076)  
31 Trafficking 2 (RCW 9A.40.100(3))  
32 Vehicular Homicide, by being under  
33 the influence of intoxicating liquor or  
34 any drug (RCW 46.61.520(1)(a))



1 Vehicular Homicide, by the operation  
2 of any vehicle in a reckless manner  
3 (RCW 46.61.520(1)(b))  
4 XII Child Molestation 1 (RCW 9A.44.083)  
5 Indecent Liberties (with forcible  
6 compulsion) (RCW 9A.44.100(1)(a))  
7 Kidnapping 1 (RCW 9A.40.020)  
8 XI Leading Organized Crime (RCW  
9 9A.82.060(1)(a))  
10 X Sexual Exploitation (RCW 9.68A.040)  
11 Sexually Violent Predator Escape  
12 (RCW 9A.76.115)  
13 IX Abandonment of Dependent Person 1  
14 (RCW 9A.42.060)  
15 Arson 1 (RCW 9A.48.020)  
16 Assault of a Child 2 (RCW 9A.36.130)  
17 Criminal Mistreatment 1 (RCW  
18 9A.42.020)  
19 Explosive devices prohibited (RCW  
20 70.74.180)  
21 Hit and Run—Death (RCW  
22 46.52.020(4)(a))  
23 Inciting Criminal Profiteering (RCW  
24 9A.82.060(1)(b))  
25 Malicious explosion 2 (RCW  
26 70.74.280(2))  
27 Malicious explosion 3 (RCW  
28 70.74.280(3))  
29 Malicious placement of an explosive 2  
30 (RCW 70.74.270(2))  
31 Malicious placement of an imitation  
32 device 1 (RCW 70.74.272(1)(a))  
33 Robbery 1 (RCW 9A.56.200)  
34 VIII Child Molestation 2 (RCW 9A.44.086)

1 Commercial Sexual Abuse of a Minor  
2 (RCW 9.68A.100)  
3 Custodial Sexual Misconduct 1 (RCW  
4 9A.44.160)  
5 Manslaughter 2 (RCW 9A.32.070)  
6 Promoting Prostitution 1 (RCW  
7 9A.88.070)  
8 VII Burglary 1 (RCW 9A.52.020)  
9 Civil Disorder Training (RCW  
10 9A.48.120)  
11 Dealing in depictions of minor engaged  
12 in sexually explicit conduct 1 (RCW  
13 9.68A.050(1))  
14 Drive-by Shooting (RCW 9A.36.045)  
15 False Reporting 1 (RCW  
16 9A.84.040(2)(a))  
17 Homicide by Watercraft, by disregard  
18 for the safety of others (RCW  
19 79A.60.050(1)(c))  
20 Indecent Liberties (without forcible  
21 compulsion) (RCW 9A.44.100(1) (b)  
22 and (c))  
23 Intimidating a Judge (RCW 9A.72.160)  
24 Intimidating a Juror/Witness (RCW  
25 9A.72.110, 9A.72.130)  
26 Introducing Contraband 1 (RCW  
27 9A.76.140)  
28 Malicious placement of an explosive 3  
29 (RCW 70.74.270(3))  
30 Negligently Causing Death By Use of a  
31 Signal Preemption Device (RCW  
32 46.37.675)  
33 Unlawful Possession of a Firearm in  
34 the first degree (RCW 9.41.040(1))

1 Use of a Machine Gun or Bump-fire  
2 Stock in Commission of a Felony  
3 (RCW 9A.41.225)  
4 Vehicular Homicide, by disregard for  
5 the safety of others (RCW 46.61.520)  
6 VI Bail Jumping with Murder 1 (RCW  
7 9A.76.170(3)(a))  
8 Bribery (RCW 9A.68.010)  
9 Driving While Under the Influence  
10 (RCW 46.61.502(6))  
11 Incest 1 (RCW 9A.64.020(1))  
12 Physical Control of a Vehicle While  
13 Under the Influence (RCW  
14 46.61.504(6))  
15 Possession of Depictions of a Minor  
16 Engaged in Sexually Explicit Conduct  
17 1 (RCW 9.68A.070(1))  
18 Rendering Criminal Assistance 1  
19 (RCW 9A.76.070)  
20 Sending, Bringing into State  
21 Depictions of Minor Engaged in  
22 Sexually Explicit Conduct 2 (RCW  
23 9.68A.060(2))  
24 Theft from a Vulnerable Adult 1 (RCW  
25 9A.56.400(1))  
26 Theft of a Firearm (RCW 9A.56.300)  
27 Theft of Ammonia (RCW 69.55.010)  
28 V Abandonment of Dependent Person 2  
29 (RCW 9A.42.070)  
30 Advancing money or property for  
31 extortionate extension of credit (RCW  
32 9A.82.030)  
33 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) (RCW  
3 46.37.660(1)(b))  
4 Arson 2 (RCW 9A.48.030)  
5 Assault 2 (RCW 9A.36.021)  
6 Assault 3 (of a Peace Officer with a  
7 Projectile Stun Gun) (RCW  
8 9A.36.031(1)(h))  
9 Assault 4 (third domestic violence  
10 offense) (RCW 9A.36.041(3))  
11 Assault by Watercraft (RCW  
12 79A.60.060)  
13 Assault of a Child 3 (RCW 9A.36.140)  
14 Bail Jumping with class A Felony  
15 (RCW 9A.76.170(3)(b))  
16 Coercion of Involuntary Servitude  
17 (RCW 9A.40.110)  
18 Criminal Mistreatment 2 (RCW  
19 9A.42.030)  
20 Custodial Sexual Misconduct 2 (RCW  
21 9A.44.170)  
22 Dealing in Depictions of Minor  
23 Engaged in Sexually Explicit Conduct  
24 2 (RCW 9.68A.050(2))  
25 Domestic Violence Court Order  
26 Violation (RCW 7.105.450, 10.99.040,  
27 10.99.050, 26.09.300, 26.26B.050, or  
28 26.52.070)  
29 Escape 1 (RCW 9A.76.110)  
30 Extortion 1 (RCW 9A.56.120)  
31 Extortionate Extension of Credit (RCW  
32 9A.82.020)  
33 Extortionate Means to Collect  
34 Extensions of Credit (RCW 9A.82.040)  
35 Hate Crime (RCW 9A.36.080)

1 Hit and Run—Injury (RCW  
2 46.52.020(4)(b))  
3 Hit and Run with Vessel—Injury  
4 Accident (RCW 79A.60.200(3))  
5 Identity Theft 1 (RCW 9.35.020(2))  
6 Incest 2 (RCW 9A.64.020(2))  
7 Indecent Exposure to Person Under  
8 Age 14 (subsequent sex offense) (RCW  
9 9A.88.010)  
10 Kidnapping 2 (RCW 9A.40.030)  
11 Luring of a Child or Developmentally  
12 Disabled Person (RCW 9A.40.090)  
13 Malicious placement of an imitation  
14 device 2 (RCW 70.74.272(1)(b))  
15 Manufacture of Untraceable Firearm  
16 with Intent to Sell (RCW 9.41.190)  
17 Manufacture or import counterfeit,  
18 nonfunctional, damaged, or previously  
19 deployed air bag (causing bodily injury  
20 or death) (RCW 46.37.650(1)(b))  
21 Perjury 1 (RCW 9A.72.020)  
22 Persistent prison misbehavior (RCW  
23 9.94.070)  
24 Possession of a Stolen Firearm (RCW  
25 9A.56.310)  
26 Rape 3 (RCW 9A.44.060)  
27 Rape of a Child 3 (RCW 9A.44.079)  
28 Residential Burglary (RCW  
29 9A.52.025)  
30 Robbery 2 (RCW 9A.56.210)  
31 Sell, install, or reinstall counterfeit,  
32 nonfunctional, damaged, or previously  
33 deployed airbag (RCW  
34 46.37.650(2)(b))

1 Sending, Bringing into State  
2 Depictions of Minor Engaged in  
3 Sexually Explicit Conduct 2 (RCW  
4 9.68A.060(2))  
5 Sexual Misconduct with a Minor 1  
6 (RCW 9A.44.093)  
7 Sexually Violating Human Remains  
8 (RCW 9A.44.105)  
9 Stalking (RCW 9A.46.110)  
10 Taking Motor Vehicle Without  
11 Permission 1 (RCW 9A.56.070)  
12 Threats to Bomb (RCW 9.61.160)  
13 Unlawful Storage of Ammonia (RCW  
14 69.55.020)  
15 Vehicle Prowling 2 (third or  
16 subsequent offense) (RCW  
17 9A.52.100(3))  
18 Vehicular Assault, by being under the  
19 influence of intoxicating liquor or any  
20 drug, or by the operation or driving of  
21 a vehicle in a reckless manner (RCW  
22 46.61.522(1)(a) and (b))  
23 IV Air bag diagnostic systems (RCW  
24 46.37.660(2)(c))  
25 Air bag replacement requirements  
26 (RCW 46.37.660(1)(c))  
27 Assault 3 (Except Assault 3 of a Peace  
28 Officer With a Projectile Stun Gun)  
29 (RCW 9A.36.031 except subsection  
30 (1)(h))  
31 Bribing a Witness/Bribe Received by  
32 Witness (RCW 9A.72.090, 9A.72.100)  
33 Cheating 1 (RCW 9.46.1961)  
34 Child Molestation 3 (RCW 9A.44.089)  
35 Commercial Bribery (RCW  
36 9A.68.060)

1 Counterfeiting (RCW 9.16.035(4))  
2 Custodial Assault (RCW 9A.36.100)  
3 Disarming a Law Enforcement or  
4 Corrections Officer (RCW  
5 9A.76.023(2)(a))  
6 Disarming a Law Enforcement or  
7 Corrections Officer (Firearm is  
8 Discharged) (RCW 9A.76.023(2)(b))  
9 Endangerment with a Controlled  
10 Substance (RCW 9A.42.100)  
11 False Reporting 2 (RCW  
12 9A.84.040(2)(b))  
13 Influencing Outcome of Sporting Event  
14 (RCW 9A.82.070)  
15 Manufacture or Assembly of an  
16 Undetectable Firearm or Untraceable  
17 Firearm (RCW 9.41.325)  
18 Manufacture or import counterfeit,  
19 nonfunctional, damaged, or previously  
20 deployed air bag (RCW  
21 46.37.650(1)(c))  
22 Possession of Depictions of a Minor  
23 Engaged in Sexually Explicit Conduct  
24 2 (RCW 9.68A.070(2))  
25 Possession of Machine Gun, Bump-  
26 Fire Stock, Undetectable Firearm, or  
27 Short-Barreled Shotgun or Rifle (RCW  
28 9.41.190)  
29 Promoting a Suicide Attempt (RCW  
30 9A.36.060)  
31 Promoting Prostitution 2 (RCW  
32 9A.88.080)  
33 Sell, install, or reinstall counterfeit,  
34 nonfunctional, damaged, or previously  
35 deployed airbag (RCW  
36 46.37.650(2)(c))

1 Tampering with a Witness (RCW  
2 9A.72.120)  
3 Theft of Livestock 1 (RCW 9A.56.080)  
4 Threats Against Governor or Family  
5 (RCW 9A.36.090)  
6 Unlawful factoring of a credit card or  
7 payment card transaction (RCW  
8 9A.56.290(4)(b))  
9 Unlawful transaction of health  
10 coverage as a health care service  
11 contractor (RCW 48.44.016(3))  
12 Unlawful transaction of health  
13 coverage as a health maintenance  
14 organization (RCW 48.46.033(3))  
15 Unlawful transaction of insurance  
16 business (RCW 48.15.023(3))  
17 Unlicensed practice as an insurance  
18 professional (RCW 48.17.063(2))  
19 Use of Proceeds of Criminal  
20 Profiteering (RCW 9A.82.080 (1) and  
21 (2))  
22 Vehicular Assault, by the operation or  
23 driving of a vehicle with disregard for  
24 the safety of others (RCW  
25 46.61.522(1)(c))  
26 Viewing of Depictions of a Minor  
27 Engaged in Sexually Explicit Conduct  
28 1 (RCW 9.68A.075(1))  
29 III Animal Cruelty 1 (RCW 16.52.205)  
30 Animal Fighting (RCW  
31 16.52.117(2)(a))  
32 Animal Fighting (Mutilation) (RCW  
33 16.52.117(2)(b))  
34 Bail Jumping with class B or C Felony  
35 (RCW 9A.76.170(3)(c))  
36 Burglary 2 (RCW 9A.52.030)



1 Control of Real Property Resulting  
2 from Mortgage Fraud Activities (RCW  
3 19.144.100(2))  
4 Criminal Gang Intimidation (RCW  
5 9A.46.120)  
6 Cyber Harassment (RCW  
7 9A.90.120(2)(b))  
8 Escape 2 (RCW 9A.76.120)  
9 Extortion 2 (RCW 9A.56.130)  
10 Harassment (RCW 9A.46.020)  
11 Hazing (RCW 28B.10.901(2)(b))  
12 Identity Theft 2 (RCW 9.35.020(3))  
13 Intimidating a Public Servant (RCW  
14 9A.76.180)  
15 Introducing Contraband 2 (RCW  
16 9A.76.150)  
17 Malicious Injury to Railroad Property  
18 (RCW 81.60.070)  
19 Mortgage Fraud (RCW 19.144.080)  
20 Negligently Causing Substantial  
21 Bodily Harm By Use of a Signal  
22 Preemption Device (RCW 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 Retail Theft with Special  
29 Circumstances 1 (RCW 9A.56.360(2))  
30 Securities Act violation (RCW  
31 21.20.400)  
32 Telephone Harassment (subsequent  
33 conviction or threat of death) (RCW  
34 9.61.230(2))  
35 Theft of Livestock 2 (RCW 9A.56.083)

1 Theft with the Intent to Resell 1 (RCW  
2 9A.56.340(2))  
3 Trafficking in Stolen Property 1 (RCW  
4 9A.82.050)  
5 Trafficking in Stolen Property 2 (RCW  
6 9A.82.055)  
7 Unlawful factoring of a credit card or  
8 payment card transaction (RCW  
9 9A.56.290(4)(a))  
10 Unlawful Hunting of Big Game 1  
11 (RCW 77.15.410(3)(b))  
12 Unlawful Imprisonment (RCW  
13 9A.40.040)  
14 Unlawful Misbranding of Fish or  
15 Shellfish 1 (RCW 77.140.060(3))  
16 Unlawful possession of firearm in the  
17 second degree (RCW 9.41.040(2))  
18 Unlawful Taking of Endangered Fish  
19 or Wildlife 1 (RCW 77.15.120(3)(b))  
20 Unlawful Trafficking in Fish, Shellfish,  
21 or Wildlife 1 (RCW 77.15.260(3)(b))  
22 Unlawful Use of a Nondesignated  
23 Vessel (RCW 77.15.530(4))  
24 Use or Investment of Proceeds from  
25 Mortgage Fraud Activities (RCW  
26 19.144.100(1))  
27 II Attempting to Elude a Pursuing Police  
28 Vehicle (RCW 46.61.024)  
29 Commercial Fishing Without a License  
30 1 (RCW 77.15.500(3)(b))  
31 Communication with a Minor for  
32 Immoral Purposes (RCW 9.68A.090)  
33 Computer Trespass 1 (RCW  
34 9A.90.040)  
35 Counterfeiting (RCW 9.16.035(3))

1 Custodial Interference 1 (RCW  
2 9A.40.060)  
3 Electronic Data Service Interference  
4 (RCW 9A.90.060)  
5 Electronic Data Tampering 1 (RCW  
6 9A.90.080)  
7 Electronic Data Theft (RCW  
8 9A.90.100)  
9 Engaging in Fish Dealing Activity  
10 Unlicensed 1 (RCW 77.15.620(3))  
11 Equity Skimming (RCW 61.34.030)  
12 Escape from Community Custody  
13 (RCW 72.09.310)  
14 False Verification for Welfare (RCW  
15 74.08.055)  
16 Health Care False Claims (RCW  
17 48.80.030)  
18 Improperly Obtaining Financial  
19 Information (RCW 9.35.010)  
20 Malicious Mischief 1 (RCW  
21 9A.48.070)  
22 Malicious Mischief 2 (RCW  
23 9A.48.080)  
24 Organized Retail Theft 2 (RCW  
25 9A.56.350(3))  
26 Possession of a Stolen Vehicle (RCW  
27 9A.56.068)  
28 Possession of Stolen Property 1 (RCW  
29 9A.56.150)  
30 Reckless Burning 1 (RCW 9A.48.040)  
31 Retail Theft with Special  
32 Circumstances 2 (RCW 9A.56.360(3))  
33 Scrap Processing, Recycling, or  
34 Supplying Without a License (second  
35 or subsequent offense) (RCW  
36 19.290.100)

1 Theft 1 (RCW 9A.56.030)  
2 Theft from a Vulnerable Adult 2 (RCW  
3 9A.56.400(2))  
4 Theft of a Motor Vehicle (RCW  
5 9A.56.065)  
6 Theft of Rental, Leased, Lease-  
7 purchased, or Loaned Property (valued  
8 at \$5,000 or more) (RCW  
9 9A.56.096(5)(a))  
10 Theft with the Intent to Resell 2 (RCW  
11 9A.56.340(3))  
12 Trafficking in Insurance Claims (RCW  
13 48.30A.015)  
14 Unlawful Participation of Non-Indians  
15 in Indian Fishery (RCW 77.15.570(2))  
16 Unlawful Practice of Law (RCW  
17 2.48.180)  
18 Unlawful Purchase or Use of a License  
19 (RCW 77.15.650(3)(b))  
20 Unlawful Trafficking in Fish, Shellfish,  
21 or Wildlife 2 (RCW 77.15.260(3)(a))  
22 Unlicensed Practice of a Profession or  
23 Business (RCW 18.130.190(7))  
24 Vehicle Prowl 1 (RCW 9A.52.095)  
25 Voyeurism 1 (RCW 9A.44.115)  
26 I Forgery (RCW 9A.60.020)  
27 Fraudulent Creation or Revocation of a  
28 Mental Health Advance Directive  
29 (RCW 9A.60.060)  
30 Mineral Trespass (RCW 78.44.330)  
31 Possession of Stolen Property 2 (RCW  
32 9A.56.160)  
33 Spotlighting Big Game 1 (RCW  
34 77.15.450(3)(b))

1 Suspension of Department Privileges 1  
2 (RCW 77.15.670(3)(b))  
3 Taking Motor Vehicle Without  
4 Permission 2 (RCW 9A.56.075)  
5 Theft 2 (RCW 9A.56.040)  
6 Theft of Rental, Leased, Lease-  
7 purchased, or Loaned Property (valued  
8 at \$750 or more but less than \$5,000)  
9 (RCW 9A.56.096(5)(b))  
10 Transaction of insurance business  
11 beyond the scope of licensure (RCW  
12 48.17.063)  
13 Unlawful Fish and Shellfish Catch  
14 Accounting (RCW 77.15.630(3)(b))  
15 Unlawful Issuance of Checks or Drafts  
16 (RCW 9A.56.060)  
17 Unlawful Possession of a Personal  
18 Identification Device (RCW  
19 9A.56.320)  
20 Unlawful Possession of Fictitious  
21 Identification (RCW 9A.56.320)  
22 Unlawful Possession of Instruments of  
23 Financial Fraud (RCW 9A.56.320)  
24 Unlawful Possession of Payment  
25 Instruments (RCW 9A.56.320)  
26 Unlawful Production of Payment  
27 Instruments (RCW 9A.56.320)  
28 Unlawful Use of Food Stamps (RCW  
29 9.91.144)  
30 Unlawful Releasing, Planting,  
31 Possessing, or Placing Deleterious  
32 Exotic Wildlife (RCW  
33 77.15.250(2)(b))  
34 Unlawful Trafficking in Food Stamps  
35 (RCW 9.91.142)

1 Unlawful Use of Net to Take Fish 1  
2 (RCW 77.15.580(3)(b))  
3 Violating Commercial Fishing Area or  
4 Time 1 (RCW 77.15.550(3)(b))

5 **Sec. 3.** RCW 9.94A.518 and 2023 c 66 s 2 are each amended to read  
6 as follows:

7 TABLE ((4)) 6

8 DRUG OFFENSES  
9 INCLUDED WITHIN EACH  
10 SERIOUSNESS LEVEL

- 11 III Any felony offense under chapter  
12 69.50 RCW with a deadly weapon  
13 special verdict under RCW  
14 9.94A.825
- 15 Controlled Substance Homicide (RCW  
16 69.50.415)
- 17 Delivery of imitation controlled  
18 substance by person eighteen or  
19 over to person under eighteen  
20 (RCW 69.52.030(2))
- 21 Involving a minor in drug dealing  
22 (RCW 69.50.4015)
- 23 Manufacture of methamphetamine  
24 (RCW 69.50.401(2)(b))
- 25 Over 18 and deliver heroin,  
26 methamphetamine, a narcotic from  
27 Schedule I or II, or flunitrazepam  
28 from Schedule IV to someone  
29 under 18 (RCW 69.50.406)
- 30 Over 18 and deliver narcotic from  
31 Schedule III, IV, or V or a  
32 nonnarcotic, except flunitrazepam  
33 or methamphetamine, from  
34 Schedule I-V to someone under 18  
35 and 3 years junior (RCW  
36 69.50.406)

1 Possession of Ephedrine,  
2 Pseudoephedrine, or Anhydrous  
3 Ammonia with intent to  
4 manufacture methamphetamine  
5 (RCW 69.50.440)

6 Selling for profit (controlled or  
7 counterfeit) any controlled  
8 substance (RCW 69.50.410)

9 Unlawful selling of ephedrine,  
10 pseudoephedrine, or  
11 phenylpropanolamine by a  
12 wholesaler (RCW 18.64.046(7))

13 II Create or deliver a counterfeit  
14 controlled substance (RCW  
15 69.50.4011(1)(a))

16 Deliver or possess with intent to  
17 deliver methamphetamine (RCW  
18 69.50.401(2)(b))

19 Delivery of a material in lieu of a  
20 controlled substance (RCW  
21 69.50.4012)

22 Maintaining a Dwelling or Place for  
23 Controlled Substances (RCW  
24 69.50.402(1)(f))

25 Manufacture, deliver, or possess with  
26 intent to deliver amphetamine  
27 (RCW 69.50.401(2)(b))

28 Manufacture, deliver, or possess with  
29 intent to deliver narcotics from  
30 Schedule I or II or flunitrazepam  
31 from Schedule IV (RCW  
32 69.50.401(2)(a))

1 Manufacture, deliver, or possess with  
2 intent to deliver narcotics from  
3 Schedule III, IV, or V or  
4 nonnarcotics from Schedule I-V  
5 (except cannabis as defined in  
6 RCW 69.50.101, amphetamine,  
7 methamphetamines, or  
8 flunitrazepam) (RCW  
9 69.50.401(2) (c) through (e))  
10 Manufacture, distribute, or possess  
11 with intent to distribute an  
12 imitation controlled substance  
13 (RCW 69.52.030(1))  
14 Possess, purchase, deliver, sell, or  
15 possess with intent to sell a  
16 tableting machine or encapsulating  
17 machine (RCW 69.50.418)  
18 I Forged Prescription (RCW 69.41.020)  
19 Forged Prescription for a Controlled  
20 Substance (RCW 69.50.403)  
21 Manufacture, deliver, or possess with  
22 intent to deliver cannabis as  
23 defined in RCW 69.50.101 (RCW  
24 69.50.401(2)(c))  
25 Unlawful Use of Building for Drug  
26 Purposes (RCW 69.53.010)

27 **Sec. 4.** RCW 9.94A.525 and 2023 c 415 s 2 are each amended to  
28 read as follows:

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

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

33 (1) (a) A prior conviction is a conviction which exists before the  
34 date of sentencing for the offense for which the offender score is  
35 being computed. Convictions entered or sentenced on the same date as  
36 the conviction for which the offender score is being computed shall



1 be deemed "other current offenses" within the meaning of RCW  
2 9.94A.589.

3 (b) For the purposes of this section, adjudications of guilt  
4 pursuant to Title 13 RCW which are not murder in the first or second  
5 degree or class A felony sex offenses may not be included in the  
6 offender score.

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

9 (b) Class B prior felony convictions other than sex offenses  
10 shall not be included in the offender score, if since the last date  
11 of release from confinement (including full-time residential  
12 treatment) pursuant to a felony conviction, if any, or entry of  
13 judgment and sentence, the offender had spent ten consecutive years  
14 in the community without committing any crime that subsequently  
15 results in a conviction. For sentencing pursuant to section 1 of this  
16 act, confinement due to a violation of community custody conditions  
17 does not qualify as confinement for purposes of calculating time  
18 since the last date of release from confinement under this  
19 subsection. For sentencing pursuant to section 1 of this act,  
20 convictions for simple misdemeanor offenses do not qualify as crimes  
21 subsequently resulting in a conviction for purposes of this  
22 subsection, unless the offender has three or more simple misdemeanor  
23 convictions during the 10-year period.

24 (c) Except as provided in (e) of this subsection, class C prior  
25 felony convictions other than sex offenses shall not be included in  
26 the offender score if, since the last date of release from  
27 confinement (including full-time residential treatment) pursuant to a  
28 felony conviction, if any, or entry of judgment and sentence, the  
29 offender had spent five consecutive years in the community without  
30 committing any crime that subsequently results in a conviction. For  
31 sentencing pursuant to section 1 of this act, confinement due to a  
32 violation of community custody conditions does not qualify as  
33 confinement for purposes of calculating time since the last date of  
34 release from confinement under this subsection. For sentencing  
35 pursuant to section 1 of this act, convictions for simple misdemeanor  
36 offenses do not qualify as crimes subsequently resulting in a  
37 conviction for purposes of this subsection, unless the offender has  
38 three or more simple misdemeanor convictions during the five-year  
39 period.

1 (d) Except as provided in (e) of this subsection, serious traffic  
2 convictions shall not be included in the offender score if, since the  
3 last date of release from confinement (including full-time  
4 residential treatment) pursuant to a conviction, if any, or entry of  
5 judgment and sentence, the offender spent five years in the community  
6 without committing any crime that subsequently results in a  
7 conviction. For sentencing pursuant to section 1 of this act,  
8 confinement due to a violation of community custody conditions does  
9 not qualify as confinement for purposes of calculating time since the  
10 last date of release from confinement under this subsection. For  
11 sentencing pursuant to section 1 of this act, convictions for simple  
12 misdemeanor offenses do not qualify as crimes subsequently resulting  
13 in a conviction for purposes of this subsection, unless the offender  
14 has three or more simple misdemeanor convictions during the five-year  
15 period.

16 (e) If the present conviction is felony driving while under the  
17 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or  
18 felony physical control of a vehicle while under the influence of  
19 intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate  
20 crimes for the offense as defined by RCW 46.61.5055(14) shall be  
21 included in the offender score except that any nonfelony predicate  
22 crimes shall not be included for purposes of sentencing pursuant to  
23 section 1 of this act, and prior convictions for felony driving while  
24 under the influence of intoxicating liquor or any drug (RCW  
25 46.61.502(6)) or felony physical control of a vehicle while under the  
26 influence of intoxicating liquor or any drug (RCW 46.61.504(6)) shall  
27 always be included in the offender score. All other convictions of  
28 the defendant shall be scored according to this section.

29 (f) Prior convictions for a repetitive domestic violence offense,  
30 as defined in RCW 9.94A.030, shall not be included in the offender  
31 score if, since the last date of release from confinement or entry of  
32 judgment and sentence, the offender had spent ten consecutive years  
33 in the community without committing any crime that subsequently  
34 results in a conviction. For sentencing pursuant to section 1 of this  
35 act, confinement due to a violation of community custody conditions  
36 does not qualify as confinement for purposes of calculating time  
37 since the last date of release from confinement under this  
38 subsection. For sentencing pursuant to section 1 of this act,  
39 convictions for simple misdemeanor offenses do not qualify as crimes  
40 subsequently resulting in a conviction for purposes of this

1 subsection, unless the offender has three or more simple misdemeanor  
2 convictions during the 10-year period.

3 (g) This subsection applies to both prior adult convictions and  
4 prior juvenile adjudications.

5 (3) Out-of-state convictions for offenses shall be classified  
6 according to the comparable offense definitions and sentences  
7 provided by Washington law. Federal convictions for offenses shall be  
8 classified according to the comparable offense definitions and  
9 sentences provided by Washington law. Neither out-of-state or federal  
10 convictions which would have been presumptively adjudicated in  
11 juvenile court under Washington law may be included in the offender  
12 score unless they are comparable to murder in the first or second  
13 degree or a class A felony sex offense. If there is no clearly  
14 comparable offense under Washington law or the offense is one that is  
15 usually considered subject to exclusive federal jurisdiction, the  
16 offense shall be scored as a class C felony equivalent if it was a  
17 felony under the relevant federal statute.

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

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

24 (i) Prior offenses which were found, under RCW 9.94A.589(1) (a),  
25 to encompass the same criminal conduct, shall be counted as one  
26 offense, the offense that yields the highest offender score. The  
27 current sentencing court shall determine with respect to other prior  
28 adult offenses for which sentences were served concurrently or prior  
29 juvenile offenses for which sentences were served consecutively,  
30 whether those offenses shall be counted as one offense or as separate  
31 offenses using the "same criminal conduct" analysis found in RCW  
32 9.94A.589(1) (a), and if the court finds that they shall be counted as  
33 one offense, then the offense that yields the highest offender score  
34 shall be used. The current sentencing court may presume that such  
35 other prior offenses were not the same criminal conduct from  
36 sentences imposed on separate dates, or in separate counties or  
37 jurisdictions, or in separate complaints, indictments, or  
38 informations;

39 (ii) In the case of multiple prior convictions for offenses  
40 committed before July 1, 1986, for the purpose of computing the

1 offender score, count all convictions or adjudications served  
2 concurrently as one offense. Use the conviction for the offense that  
3 yields the highest offender score.

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

10 (6) If the present conviction is one of the anticipatory offenses  
11 of criminal attempt, solicitation, or conspiracy, count each prior  
12 conviction as if the present conviction were for a completed offense.  
13 When these convictions are used as criminal history, score them the  
14 same as a completed crime.

15 (7) When calculating the offender score for offenses sentenced  
16 according to section 1 of this act:

17 (a) Except as provided in (b) through (e) of this subsection,  
18 count one point for each adult prior felony conviction and one point  
19 for each juvenile prior violent felony conviction which is scorable  
20 under subsection (1)(b) of this section.

21 (b) If the present conviction is for Escape from Community  
22 Custody, RCW 72.09.310, count only adult prior escape convictions in  
23 the offender score. Count prior escape convictions as one point.

24 (c) If the present conviction is for Escape 1, RCW 9A.76.110, or  
25 Escape 2, RCW 9A.76.120, count adult prior convictions as one point  
26 and juvenile prior convictions which are scorable under subsection  
27 (1)(b) of this section as 1/2 point.

28 (d) If the present conviction is for a felony traffic offense  
29 other than felony driving while under the influence of intoxicating  
30 liquor or any drug, RCW 46.61.502(6), or felony physical control of a  
31 vehicle while under the influence of intoxicating liquor or any drug,  
32 RCW 46.61.504(6), count one point for each adult prior felony  
33 conviction and 1/2 point for each juvenile prior violent felony  
34 conviction which is scorable under subsection (1)(b) of this section;  
35 for each serious traffic offense, other than those used for an  
36 enhancement pursuant to RCW 46.61.520(2), count one point for each  
37 adult prior conviction and 1/2 point for each juvenile prior  
38 conviction which is scorable under subsection (1)(b) of this section.

39 (e) If the present conviction is for homicide by watercraft or  
40 assault by watercraft count one point for each adult prior felony

1 conviction and 1/2 point for each juvenile prior violent felony  
2 conviction which is scorable under subsection (1)(b) of this section;  
3 count one point for each adult prior conviction for driving under the  
4 influence of intoxicating liquor or any drug, actual physical control  
5 of a motor vehicle while under the influence of intoxicating liquor  
6 or any drug, or operation of a vessel while under the influence of  
7 intoxicating liquor or any drug.

8 (8) When calculating the offender score for offenses sentenced  
9 according to RCW 9.94A.510:

10 (a) If the present conviction is for a nonviolent offense and not  
11 covered by (e), (f), or (g) of this subsection (~~((11), (12), or (13)~~  
12 ~~of this section))~~, count one point for each adult prior felony  
13 conviction and one point for each juvenile prior violent felony  
14 conviction which is scorable under subsection (1)(b) of this section.

15 ~~((8))~~ (b) If the present conviction is for a violent offense  
16 and not covered in (c), (d), (e), (f), or (g) of this subsection  
17 (~~((9), (10), (11), (12), or (13) of this section))~~, count two points  
18 for each prior adult violent felony conviction and juvenile violent  
19 felony conviction which is scorable under subsection (1)(b) of this  
20 section, and one point for each prior adult nonviolent felony  
21 conviction.

22 ~~((9))~~ (c) If the present conviction is for a serious violent  
23 offense, count three points for prior adult convictions and juvenile  
24 convictions which are scorable under subsection (1)(b) of this  
25 section for crimes in this category, two points for each prior adult  
26 and scorable juvenile violent conviction (not already counted), and  
27 one point for each prior adult nonviolent felony conviction.

28 ~~((10))~~ (d) If the present conviction is for Burglary 1, count  
29 prior convictions as in (b) of this subsection (~~((8) of this~~  
30 ~~section))~~; however count two points for each prior Burglary 2 or  
31 residential burglary conviction.

32 ~~((11))~~ (e) If the present conviction is for a felony traffic  
33 offense count two points for each prior conviction for Vehicular  
34 Homicide or Vehicular Assault; for each felony offense count one  
35 point for each adult prior conviction and 1/2 point for each juvenile  
36 prior conviction which is scorable under subsection (1)(b) of this  
37 section; for each serious traffic offense, other than those used for  
38 an enhancement pursuant to RCW 46.61.520(2), count one point for each  
39 adult prior conviction and 1/2 point for each juvenile prior  
40 conviction which is scorable under subsection (1)(b) of this section;

1 count one point for each adult prior conviction for operation of a  
2 vessel while under the influence of intoxicating liquor or any drug.

3 ~~((12))~~ (f) If the present conviction is for homicide by  
4 watercraft or assault by watercraft count two points for each adult  
5 prior conviction for homicide by watercraft or assault by watercraft;  
6 for each felony offense count one point for each adult prior  
7 conviction and 1/2 point for each juvenile prior conviction which  
8 would be scorable under subsection (1)(b) of this section; count one  
9 point for each adult prior conviction for driving under the influence  
10 of intoxicating liquor or any drug, actual physical control of a  
11 motor vehicle while under the influence of intoxicating liquor or any  
12 drug, or operation of a vessel while under the influence of  
13 intoxicating liquor or any drug.

14 ~~((13))~~ (g) If the present conviction is for manufacture of  
15 methamphetamine count three points for each adult prior manufacture  
16 of methamphetamine conviction. If the present conviction is for a  
17 drug offense and the offender has a criminal history that includes a  
18 sex offense or serious violent offense, count three points for each  
19 adult prior felony drug offense conviction. All other felonies are  
20 scored as in (b) of this subsection ~~((8) of this section)~~ if the  
21 current drug offense is violent, or as in (a) of this subsection  
22 ~~((7) of this section)~~ if the current drug offense is nonviolent.

23 ~~((14))~~ (h) If the present conviction is for Escape from  
24 Community Custody, RCW 72.09.310, count only adult prior escape  
25 convictions in the offender score. Count prior escape convictions as  
26 one point.

27 ~~((15))~~ (i) If the present conviction is for Escape 1, RCW  
28 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions  
29 as one point and juvenile prior convictions which are scorable under  
30 subsection (1)(b) of this section as 1/2 point.

31 ~~((16))~~ (j) If the present conviction is for Burglary 2 or  
32 residential burglary, count priors as in (a) of this subsection ~~((7)~~  
33 ~~of this section)~~; however, count two points for each prior Burglary  
34 1 conviction, and two points for each prior Burglary 2 or residential  
35 burglary conviction.

36 ~~((17))~~ (k) If the present conviction is for a sex offense,  
37 count priors as in ~~((subsections (7))~~ (a) through ~~((11))~~ (e) and  
38 ~~((13))~~ (g) through ~~((16))~~ (j) of this ~~((section))~~ subsection;  
39 however count three points for each adult prior sex offense

1 conviction and juvenile prior class A felony sex offense  
2 adjudication.

3 ~~((18))~~ (1) If the present conviction is for failure to register  
4 as a sex offender under RCW 9A.44.130 or 9A.44.132, count priors as  
5 in ~~((subsections—(7))~~ (a) through ~~((11))~~ (e) and ~~((13))~~ (g)  
6 through ~~((16))~~ (j) of this ~~((section))~~ subsection; however count  
7 three points for each adult prior sex offense conviction and juvenile  
8 prior sex offense conviction which is scorable under subsection  
9 (1)(b) of this section, excluding adult prior convictions for failure  
10 to register as a sex offender under RCW 9A.44.130 or 9A.44.132, which  
11 shall count as one point.

12 ~~((19))~~ (m) If the present conviction is for an offense  
13 committed while the offender was under community custody, add one  
14 point. For purposes of this subsection, community custody includes  
15 community placement or postrelease supervision, as defined in chapter  
16 9.94B RCW.

17 ~~((20))~~ (n) If the present conviction is for Theft of a Motor  
18 Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle  
19 Without Permission 1, or Taking a Motor Vehicle Without Permission 2,  
20 count priors as in ~~((subsections—(7))~~ (a) through ~~((18))~~ (1) of  
21 this ~~((section))~~ subsection; however count one point for prior  
22 convictions of Vehicle Prowling 2, and three points for each adult  
23 prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle),  
24 Possession of Stolen Property 1 (of a motor vehicle), Possession of  
25 Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle,  
26 Possession of a Stolen Vehicle, Taking a Motor Vehicle Without  
27 Permission 1, or Taking a Motor Vehicle Without Permission 2  
28 conviction.

29 ~~((21))~~ (o) If the present conviction is for a felony domestic  
30 violence offense where domestic violence as defined in RCW 9.94A.030  
31 was pleaded and proven, count priors as in ~~((subsections—(7))~~ (a)  
32 through ~~((20))~~ (n) of this ~~((section))~~ subsection; however, count  
33 points as follows:

34 ~~((a))~~ (i) Count two points for each adult prior conviction  
35 where domestic violence as defined in RCW 9.94A.030 was pleaded and  
36 proven after August 1, 2011, for any of the following offenses: A  
37 felony violation of a no-contact or protection order (RCW 7.105.450  
38 or former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)),  
39 felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020),  
40 Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful

1 imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2  
2 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW  
3 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or  
4 Arson 2 (RCW 9A.48.030);

5 ~~((b))~~ (ii) Count two points for each adult prior conviction  
6 where domestic violence as defined in RCW 9.94A.030 was pleaded and  
7 proven after July 23, 2017, for any of the following offenses:  
8 Assault of a child in the first degree, RCW 9A.36.120; Assault of a  
9 child in the second degree, RCW 9A.36.130; Assault of a child in the  
10 third degree, RCW 9A.36.140; Criminal Mistreatment in the first  
11 degree, RCW 9A.42.020; or Criminal Mistreatment in the second degree,  
12 RCW 9A.42.030; and

13 ~~((e))~~ (iii) Count one point for each adult prior conviction for  
14 a repetitive domestic violence offense as defined in RCW 9.94A.030,  
15 where domestic violence as defined in RCW 9.94A.030, was pleaded and  
16 proven after August 1, 2011.

17 ~~((22))~~ (p) The fact that a prior conviction was not included in  
18 an offender's offender score or criminal history at a previous  
19 sentencing shall have no bearing on whether it is included in the  
20 criminal history or offender score for the current offense. Prior  
21 convictions that were not counted in the offender score or included  
22 in criminal history under repealed or previous versions of the  
23 sentencing reform act shall be included in criminal history and shall  
24 count in the offender score if the current version of the sentencing  
25 reform act requires including or counting those convictions. Prior  
26 convictions that were not included in criminal history or in the  
27 offender score shall be included upon any resentencing to ensure  
28 imposition of an accurate sentence.

29 **Sec. 5.** RCW 9.94A.533 and 2020 c 330 s 1 and 2020 c 141 s 1 are  
30 each reenacted and amended to read as follows:

31 (1) The provisions of this section apply to the standard sentence  
32 ranges determined by section 1 of this act, RCW 9.94A.510, or  
33 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)(a) For sentences pursuant to section 1 of this act, the  
2 maximum standard range sentence is determined by locating the maximum  
3 sentencing grid standard sentence as defined by the appropriate  
4 offender score and the seriousness level of the completed crime and  
5 multiplying that sentence by 125, 120, or 115 percent depending on  
6 the seriousness level of the current offense as provided under  
7 section 1(5) of this act, or adding one month to the sentence,  
8 whichever results in the greater sentence, when the present  
9 conviction is for any of the following qualifying offenses:

10       (i) A violent offense or serious violent offense, if the person  
11 has one or more prior adult convictions for a violent offense or  
12 serious violent offense;

13       (ii) A sex offense, if the person has one or more prior adult  
14 convictions for a sex offense; or

15       (iii) A felony domestic violence offense where domestic violence  
16 as defined in RCW 9.94A.030 was pleaded and proven, if the person has  
17 one or more prior adult convictions for a felony domestic violence  
18 offense where domestic violence as defined in RCW 9.94A.030 was  
19 pleaded and proven.

20       (b) If the present conviction is for multiple qualifying  
21 offenses, the increase described in (a) of this subsection is applied  
22 to all the qualifying offenses.

23       (4) The following additional times shall be added to the standard  
24 sentence range for felony crimes committed after July 23, 1995, if  
25 the offender or an accomplice was armed with a firearm as defined in  
26 RCW 9.41.010 and the offender is being sentenced for one of the  
27 crimes listed in this subsection as eligible for any firearm  
28 enhancements based on the classification of the completed felony  
29 crime. If the offender is being sentenced for more than one offense,  
30 the firearm enhancement or enhancements must be added to the total  
31 period of confinement for all offenses, regardless of which  
32 underlying offense is subject to a firearm enhancement. If the  
33 offender or an accomplice was armed with a firearm as defined in RCW  
34 9.41.010 and the offender is being sentenced for an anticipatory  
35 offense under chapter 9A.28 RCW to commit one of the crimes listed in  
36 this subsection as eligible for any firearm enhancements, the  
37 following additional times shall be added to the standard sentence  
38 range determined under subsection (2) of this section based on the  
39 felony crime of conviction as classified under RCW 9A.28.020:

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

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

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

10 (d) If the offender is being sentenced for any firearm  
11 enhancements under (a), (b), and/or (c) of this subsection and the  
12 offender has previously been sentenced for any deadly weapon  
13 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
14 subsection or subsection ~~((4))~~ (5)(a), (b), and/or (c) of this  
15 section, or both, all firearm enhancements under this subsection  
16 shall be twice the amount of the enhancement listed;

17 (e) Notwithstanding any other provision of law, all firearm  
18 enhancements under this section are mandatory, shall be served in  
19 total confinement, and shall run consecutively to all other  
20 sentencing provisions, including other firearm or deadly weapon  
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 (f) The firearm enhancements in this section shall apply to all  
28 felony crimes except the following: Possession of a machine gun or  
29 bump-fire stock, possessing a stolen firearm, drive-by shooting,  
30 theft of a firearm, unlawful possession of a firearm in the first and  
31 second degree, and use of a machine gun or bump-fire stock in a  
32 felony;

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

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

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

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

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

29       (d) If the offender is being sentenced under (a), (b), and/or (c)  
30 of this subsection for any deadly weapon enhancements and the  
31 offender has previously been sentenced for any deadly weapon  
32 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
33 subsection or subsection (~~(3)~~) (4)(a), (b), and/or (c) of this  
34 section, or both, all deadly weapon enhancements under this  
35 subsection shall be twice the amount of the enhancement listed;

36       (e) Notwithstanding any other provision of law, all deadly weapon  
37 enhancements under this section are mandatory, shall be served in  
38 total confinement, and shall run consecutively to all other  
39 sentencing provisions, including other firearm or deadly weapon  
40 enhancements, for all offenses sentenced under this chapter. However,

1 whether or not a mandatory minimum term has expired, an offender  
2 serving a sentence under this subsection may be:

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

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

6 (f) The deadly weapon enhancements in this section shall apply to  
7 all felony crimes except the following: Possession of a machine gun  
8 or bump-fire stock, possessing a stolen firearm, drive-by shooting,  
9 theft of a firearm, unlawful possession of a firearm in the first and  
10 second degree, and use of a machine gun or bump-fire stock in a  
11 felony;

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

19 ~~((+5))~~ (6) The following additional times shall be added to the  
20 standard sentence range if the offender or an accomplice committed  
21 the offense while in a county jail or state correctional facility and  
22 the offender is being sentenced for one of the crimes listed in this  
23 subsection. If the offender or an accomplice committed one of the  
24 crimes listed in this subsection while in a county jail or state  
25 correctional facility, and the offender is being sentenced for an  
26 anticipatory offense under chapter 9A.28 RCW to commit one of the  
27 crimes listed in this subsection, the following additional times  
28 shall be added to the standard sentence range determined under  
29 subsection (2) of this section:

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

31 (a) or (b) or 69.50.410;

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

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

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

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

38 ~~((+6))~~ (7) An additional twenty-four months shall be added to  
39 the standard sentence range for any ranked offense involving a  
40 violation of chapter 69.50 RCW if the offense was also a violation of

1 RCW 69.50.435 or 9.94A.827. All enhancements under this subsection  
2 shall run consecutively to all other sentencing provisions, for all  
3 offenses sentenced under this chapter.

4 ~~((7))~~ (8) An additional two years shall be added to the  
5 standard sentence range for vehicular homicide committed while under  
6 the influence of intoxicating liquor or any drug as defined by RCW  
7 46.61.502 for each prior offense as defined in RCW 46.61.5055.

8 Notwithstanding any other provision of law, all impaired driving  
9 enhancements under this subsection are mandatory, shall be served in  
10 total confinement, and shall run consecutively to all other  
11 sentencing provisions, including other impaired driving enhancements,  
12 for all offenses sentenced under this chapter.

13 An offender serving a sentence under this subsection may be  
14 granted an extraordinary medical placement when authorized under RCW  
15 9.94A.728(1)(c).

16 ~~((8))~~ (9)(a) The following additional times shall be added to  
17 the standard sentence range for felony crimes committed on or after  
18 July 1, 2006, if the offense was committed with sexual motivation, as  
19 that term is defined in RCW 9.94A.030. If the offender is being  
20 sentenced for more than one offense, the sexual motivation  
21 enhancement must be added to the total period of total confinement  
22 for all offenses, regardless of which underlying offense is subject  
23 to a sexual motivation enhancement. If the offender committed the  
24 offense with sexual motivation and the offender is being sentenced  
25 for an anticipatory offense under chapter 9A.28 RCW, the following  
26 additional times shall be added to the standard sentence range  
27 determined under subsection (2) of this section based on the felony  
28 crime of conviction as classified under RCW 9A.28.020:

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

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

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

37 (iv) If the offender is being sentenced for any sexual motivation  
38 enhancements under (a)(i), (ii), and/or (iii) of this subsection and  
39 the offender has previously been sentenced for any sexual motivation  
40 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or

1 (iii) of this subsection, all sexual motivation enhancements under  
2 this subsection shall be twice the amount of the enhancement listed;

3 (b) Notwithstanding any other provision of law, all sexual  
4 motivation enhancements under this subsection are mandatory, shall be  
5 served in total confinement, and shall run consecutively to all other  
6 sentencing provisions, including other sexual motivation  
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 (c) The sexual motivation enhancements in this subsection apply  
14 to all felony crimes;

15 (d) If the standard sentence range under this subsection exceeds  
16 the statutory maximum sentence for the offense, the statutory maximum  
17 sentence shall be the presumptive sentence unless the offender is a  
18 persistent offender. If the addition of a sexual motivation  
19 enhancement increases the sentence so that it would exceed the  
20 statutory maximum for the offense, the portion of the sentence  
21 representing the enhancement may not be reduced;

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

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

28 ~~((9))~~ (10) An additional one-year enhancement shall be added to  
29 the standard sentence range for the felony crimes of RCW 9A.44.073,  
30 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on  
31 or after July 22, 2007, if the offender engaged, agreed, or offered  
32 to engage the victim in the sexual conduct in return for a fee. If  
33 the offender is being sentenced for more than one offense, the  
34 one-year enhancement must be added to the total period of total  
35 confinement for all offenses, regardless of which underlying offense  
36 is subject to the enhancement. If the offender is being sentenced for  
37 an anticipatory offense for the felony crimes of RCW 9A.44.073,  
38 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the  
39 offender attempted, solicited another, or conspired to engage, agree,  
40 or offer to engage the victim in the sexual conduct in return for a

1 fee, an additional one-year enhancement shall be added to the  
2 standard sentence range determined under subsection (2) of this  
3 section. For purposes of this subsection, "sexual conduct" means  
4 sexual intercourse or sexual contact, both as defined in chapter  
5 9A.44 RCW.

6 ~~((10))~~ (11) (a) For a person age eighteen or older convicted of  
7 any criminal street gang-related felony offense for which the person  
8 compensated, threatened, or solicited a minor in order to involve the  
9 minor in the commission of the felony offense, the standard sentence  
10 range is determined by locating the sentencing grid sentence range  
11 defined by the appropriate offender score and the seriousness level  
12 of the completed crime, and multiplying the range by one hundred  
13 twenty-five percent. If the standard sentence range under this  
14 subsection exceeds the statutory maximum sentence for the offense,  
15 the statutory maximum sentence is the presumptive sentence unless the  
16 offender is a persistent offender.

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

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

24 ~~((11))~~ (12) An additional twelve months and one day shall be  
25 added to the standard sentence range for a conviction of attempting  
26 to elude a police vehicle as defined by RCW 46.61.024, if the  
27 conviction included a finding by special allegation of endangering  
28 one or more persons under RCW 9.94A.834.

29 ~~((12))~~ (13) An additional twelve months shall be added to the  
30 standard sentence range for an offense that is also a violation of  
31 RCW 9.94A.831.

32 ~~((13))~~ (14) An additional twelve months shall be added to the  
33 standard sentence range for vehicular homicide committed while under  
34 the influence of intoxicating liquor or any drug as defined by RCW  
35 46.61.520 or for vehicular assault committed while under the  
36 influence of intoxicating liquor or any drug as defined by RCW  
37 46.61.522, or for any felony driving under the influence (RCW  
38 46.61.502(6)) or felony physical control under the influence (RCW  
39 46.61.504(6)) for each child passenger under the age of sixteen who  
40 is an occupant in the defendant's vehicle. These enhancements shall

1 be mandatory, shall be served in total confinement, and shall run  
2 consecutively to all other sentencing provisions, including other  
3 minor child enhancements, for all offenses sentenced under this  
4 chapter. If the addition of a minor child enhancement increases the  
5 sentence so that it would exceed the statutory maximum for the  
6 offense, the portion of the sentence representing the enhancement  
7 shall be mandatory, shall be served in total confinement, and shall  
8 run consecutively to all other sentencing provisions.

9 ~~((14))~~ (15) An additional twelve months shall be added to the  
10 standard sentence range for an offense that is also a violation of  
11 RCW 9.94A.832.

12 ~~((15))~~ (16) Regardless of any provisions in this section, if a  
13 person is being sentenced in adult court for a crime committed under  
14 age eighteen, the court has full discretion to depart from mandatory  
15 sentencing enhancements and to take the particular circumstances  
16 surrounding the defendant's youth into account.

17 **Sec. 6.** RCW 9.94A.537 and 2007 c 205 s 2 are each amended to  
18 read as follows:

19 (1) At any time prior to trial or entry of the guilty plea if  
20 substantial rights of the defendant are not prejudiced, the state may  
21 give notice that it is seeking a sentence above the standard  
22 sentencing range. The notice shall state aggravating circumstances  
23 upon which the requested sentence will be based.

24 (2) In any case where an exceptional sentence above the standard  
25 range was imposed and where a new sentencing hearing is required, the  
26 superior court may impanel a jury to consider any alleged aggravating  
27 circumstances listed in RCW 9.94A.535(3), that were relied upon by  
28 the superior court in imposing the previous sentence, at the new  
29 sentencing hearing.

30 (3) The facts supporting aggravating circumstances shall be  
31 proved to a jury beyond a reasonable doubt. The jury's verdict on the  
32 aggravating factor must be unanimous, and by special interrogatory.  
33 If a jury is waived, proof shall be to the court beyond a reasonable  
34 doubt, unless the defendant stipulates to the aggravating facts.

35 (4) Evidence regarding any facts supporting aggravating  
36 circumstances under RCW 9.94A.535(3) (a) through (y) shall be  
37 presented to the jury during the trial of the alleged crime, unless  
38 the jury has been impaneled solely for resentencing, or unless the  
39 state alleges the aggravating circumstances listed in RCW



1 9.94A.535(3) (e)(iv), (h)(i), (o), or (t). If one of these  
2 aggravating circumstances is alleged, the trial court may conduct a  
3 separate proceeding if the evidence supporting the aggravating fact  
4 is not part of the res geste of the charged crime, if the evidence is  
5 not otherwise admissible in trial of the charged crime, and if the  
6 court finds that the probative value of the evidence to the  
7 aggravated fact is substantially outweighed by its prejudicial effect  
8 on the jury's ability to determine guilt or innocence for the  
9 underlying crime.

10 (5) If the superior court conducts a separate proceeding to  
11 determine the existence of aggravating circumstances listed in RCW  
12 9.94A.535(3) (e)(iv), (h)(i), (o), or (t), the proceeding shall  
13 immediately follow the trial on the underlying conviction, if  
14 possible. If any person who served on the jury is unable to continue,  
15 the court shall substitute an alternate juror.

16 (6) If the jury finds, unanimously and beyond a reasonable doubt,  
17 one or more of the facts alleged by the state in support of an  
18 aggravated sentence, the court may sentence the offender pursuant to  
19 RCW 9.94A.535 to a term of confinement up to the maximum allowed  
20 under RCW 9A.20.021 for the underlying conviction if it finds,  
21 considering the purposes of this chapter, that the facts found are  
22 substantial and compelling reasons justifying an exceptional  
23 sentence. In imposing a sentence above the standard sentence range  
24 for an offense committed on or after August 1, 2028, the court shall  
25 consider the threshold at which the sentence is presumed to be  
26 clearly excessive as indicated by the standard range sentence plus  
27 the maximum number of months in the column titled "aggravated  
28 departure cap" in the sentencing grid under section 1 of this act and  
29 under RCW 9.94A.585(4).

30 **Sec. 7.** RCW 9.94A.585 and 2002 c 290 s 19 are each amended to  
31 read as follows:

32 (1) A sentence within the standard sentence range, under section  
33 1 of this act, RCW 9.94A.510, or 9.94A.517, for an offense shall not  
34 be appealed. For purposes of this section, a sentence imposed on a  
35 first-time offender under RCW 9.94A.650 shall also be deemed to be  
36 within the standard sentence range for the offense and shall not be  
37 appealed.

38 (2) A sentence outside the standard sentence range for the  
39 offense is subject to appeal by the defendant or the state. The

1 appeal shall be to the court of appeals in accordance with rules  
2 adopted by the supreme court.

3 (3) Pending review of the sentence, the sentencing court or the  
4 court of appeals may order the defendant confined or placed on  
5 conditional release, including bond.

6 (4) To reverse a sentence which is outside the standard sentence  
7 range, the reviewing court must find: (a) Either that the reasons  
8 supplied by the sentencing court are not supported by the record  
9 which was before the judge or that those reasons do not justify a  
10 sentence outside the standard sentence range for that offense; or (b)  
11 that the sentence imposed was clearly excessive or clearly too  
12 lenient. A sentence imposed for an offense committed on or after  
13 August 1, 2028, that exceeds the standard range sentence plus the  
14 maximum number of months in the column titled "aggravated departure  
15 cap" on the sentencing grid under section 1 of this act is presumed  
16 to be clearly excessive.

17 (5) A review under this section shall be made solely upon the  
18 record that was before the sentencing court. Written briefs shall not  
19 be required and the review and decision shall be made in an expedited  
20 manner according to rules adopted by the supreme court.

21 (6) The court of appeals shall issue a written opinion in support  
22 of its decision whenever the judgment of the sentencing court is  
23 reversed and may issue written opinions in any other case where the  
24 court believes that a written opinion would provide guidance to  
25 sentencing courts and others in implementing this chapter and in  
26 developing a common law of sentencing within the state.

27 (7) The department may petition for a review of a sentence  
28 committing an offender to the custody or jurisdiction of the  
29 department. The review shall be limited to errors of law. Such  
30 petition shall be filed with the court of appeals no later than  
31 ninety days after the department has actual knowledge of terms of the  
32 sentence. The petition shall include a certification by the  
33 department that all reasonable efforts to resolve the dispute at the  
34 superior court level have been exhausted.

35 PART II: INTERMEDIATE SANCTIONS AND REHABILITATIVE AND REINTEGRATION  
36 SERVICES

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

1           (1) The sentencing guidelines commission and the department of  
2 commerce shall collaborate to develop a community-based intermediate  
3 sanctions sentencing alternative option for persons convicted of  
4 certain felony offenses. This alternative must be served at and  
5 operated on the county level with state funding and in compliance  
6 with state standards, and must include both intermediate sanctions as  
7 well as access to rehabilitative and reintegration services and  
8 programs. In developing the sentencing alternative, the sentencing  
9 guidelines commission and the department of commerce must consult  
10 with counties, the department of corrections, victim advocacy groups,  
11 and other interested stakeholders.

12           (2) The sentencing guidelines commission and the department of  
13 commerce must create a framework for the structure, implementation,  
14 and operation of the intermediate sanctions sentencing alternative,  
15 which must, at a minimum, include a description of all of the  
16 following components:

17           (a) The operational structure of intermediate sanctions  
18 sentencing alternative programs, with a requirement that programs  
19 must be developed and operated at the county level;

20           (b) Which offenses qualify for an intermediate sanctions  
21 sentencing alternative sentence including, but not necessarily  
22 limited to, sentences occupying cells on the sentencing grid with  
23 standard ranges that include both local and state confinement  
24 sentences;

25           (c) The way in which this alternative would relate to other  
26 options already in place, such as existing sentencing alternatives  
27 and partial confinement programs;

28           (d) Parameters for sentence length and the extent of judicial  
29 discretion in fashioning an intermediate sanctions alternative  
30 sentence;

31           (e) Requirements regarding needs assessments and what entity  
32 should complete the assessments;

33           (f) The type and severity of sanctions that may be included in  
34 the intermediate sanctions sentencing alternative programs, and  
35 whether certain sanctions should be reserved for certain  
36 circumstances or offenses. Sanctions may include, for example:

37           (i) Intensive supervision probation;

38           (ii) Day reporting;

39           (iii) House arrest;

40           (iv) Electronic home monitoring;

1 (v) Community service;

2 (vi) Intermittent confinement;

3 (vii) Mandatory treatment for behavioral health conditions; and

4 (viii) Residential community corrections;

5 (g) The reintegration services that may be included in the

6 intermediate sanctions sentencing alternative programs, which may

7 include, for example:

8 (i) Education programs;

9 (ii) Employment or job training;

10 (iii) Assistance with housing and transportation;

11 (iv) Mentorship and credible messenger services; and

12 (v) Life skills classes and use of technology training;

13 (h) The rehabilitative services that may be included in

14 intermediate sanctions sentencing alternative programs, which may

15 include, for example:

16 (i) Substance use disorder treatment;

17 (ii) Mental health counseling;

18 (iii) Cognitive behavioral training; and

19 (iv) Other evidence-based programs;

20 (i) Reporting requirements to which the person undergoing an

21 intermediate sanctions sentencing alternative program must adhere,

22 with a foundational requirement that programs are consistent in

23 requiring reporting to just one jurisdiction, whether at the county

24 level or the department;

25 (j) The revocation process for the intermediate sanctions

26 sentencing alternative, including consistent standards for conduct

27 and circumstances that warrant revocation and return to

28 incarceration;

29 (k) Statewide standards for intermediate sanctions sentencing

30 alternative program operation;

31 (l) The method by which state funding is provided to the counties

32 to operate their intermediate sanctions sentencing alternative

33 programs, taking into consideration the juvenile block grant model;

34 (m) Requirements that must be met in order for counties'

35 intermediate sanctions sentencing alternative programs to be approved

36 for state funding, and a review process to ensure statewide standards

37 are adhered to over time;

38 (n) Requirements for regular data collection to ensure equitable

39 application of the program, utilizing a centralized database, if

1 possible, and regular evaluation of the data to ensure that state  
2 funding is being appropriately used;

3 (o) Recommendations for mitigating concerns related to tort  
4 liability for counties and the department;

5 (p) Recommendations for an implementation structure that most  
6 equitably serves individuals who do not reside in their county of  
7 conviction and court oversight;

8 (q) Recommendations for incorporating victim services and  
9 programs, including services and programs that respond to the  
10 emotional and physical needs of victims, such as: Support services  
11 throughout the criminal legal process, counseling, crisis  
12 intervention, shelter services, trauma and therapeutic services, and  
13 restorative justice; and

14 (r) Any other requirement that the sentencing guidelines  
15 commission and the department of commerce deem necessary for the  
16 success of the intermediate sanctions sentencing alternative system  
17 and programs.

18 (3) The sentencing guidelines commission and the department of  
19 commerce must produce a report to the appropriate committees of the  
20 legislature containing the framework for the intermediate sanctions  
21 sentencing alternative as described in this section. The report is  
22 due November 1, 2026.

23 (4) This section expires August 1, 2028.

24 **Sec. 9.** RCW 9.94A.030 and 2022 c 231 s 11 are each amended to  
25 read as follows:

26 Unless the context clearly requires otherwise, the definitions in  
27 this section apply throughout this chapter.

28 (1) "Board" means the indeterminate sentence review board created  
29 under chapter 9.95 RCW.

30 (2) "Collect," or any derivative thereof, "collect and remit," or  
31 "collect and deliver," when used with reference to the department,  
32 means that the department, either directly or through a collection  
33 agreement authorized by RCW 9.94A.760, is responsible for monitoring  
34 and enforcing the offender's sentence with regard to the legal  
35 financial obligation, receiving payment thereof from the offender,  
36 and, consistent with current law, delivering daily the entire payment  
37 to the superior court clerk without depositing it in a departmental  
38 account.

39 (3) "Commission" means the sentencing guidelines commission.

1 (4) "Community corrections officer" means an employee of the  
2 department who is responsible for carrying out specific duties in  
3 supervision of sentenced offenders and monitoring of sentence  
4 conditions.

5 (5) "Community custody" means that portion of an offender's  
6 sentence of confinement in lieu of earned release time or imposed as  
7 part of a sentence under this chapter and served in the community  
8 subject to controls placed on the offender's movement and activities  
9 by the department.

10 (6) "Community protection zone" means the area within 880 feet of  
11 the facilities and grounds of a public or private school.

12 (7) "Community restitution" means compulsory service, without  
13 compensation, performed for the benefit of the community by the  
14 offender.

15 (8) "Confinement" means total or partial confinement.

16 (9) "Conviction" means an adjudication of guilt pursuant to Title  
17 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,  
18 and acceptance of a plea of guilty.

19 (10) "Crime-related prohibition" means an order of a court  
20 prohibiting conduct that directly relates to the circumstances of the  
21 crime for which the offender has been convicted, and shall not be  
22 construed to mean orders directing an offender affirmatively to  
23 participate in rehabilitative programs or to otherwise perform  
24 affirmative conduct. However, affirmative acts necessary to monitor  
25 compliance with the order of a court may be required by the  
26 department.

27 (11) "Criminal history" means the list of a defendant's prior  
28 convictions and juvenile adjudications, whether in this state, in  
29 federal court, or elsewhere, and any issued certificates of  
30 restoration of opportunity pursuant to RCW 9.97.020.

31 (a) The history shall include, where known, for each conviction  
32 (i) whether the defendant has been placed on probation and the length  
33 and terms thereof; and (ii) whether the defendant has been  
34 incarcerated and the length of incarceration.

35 (b) A conviction may be removed from a defendant's criminal  
36 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,  
37 9.95.240, or a similar out-of-state statute, or if the conviction has  
38 been vacated pursuant to a governor's pardon. However, when a  
39 defendant is charged with a recidivist offense, "criminal history"  
40 includes a vacated prior conviction for the sole purpose of

1 establishing that such vacated prior conviction constitutes an  
2 element of the present recidivist offense as provided in RCW  
3 9.94A.640(4)(b) and 9.96.060(~~(7)~~) (8)(c).

4 (c) The determination of a defendant's criminal history is  
5 distinct from the determination of an offender score. A prior  
6 conviction that was not included in an offender score calculated  
7 pursuant to a former version of the sentencing reform act remains  
8 part of the defendant's criminal history.

9 (12) "Criminal street gang" means any ongoing organization,  
10 association, or group of three or more persons, whether formal or  
11 informal, having a common name or common identifying sign or symbol,  
12 having as one of its primary activities the commission of criminal  
13 acts, and whose members or associates individually or collectively  
14 engage in or have engaged in a pattern of criminal street gang  
15 activity. This definition does not apply to employees engaged in  
16 concerted activities for their mutual aid and protection, or to the  
17 activities of labor and bona fide nonprofit organizations or their  
18 members or agents.

19 (13) "Criminal street gang associate or member" means any person  
20 who actively participates in any criminal street gang and who  
21 intentionally promotes, furthers, or assists in any criminal act by  
22 the criminal street gang.

23 (14) "Criminal street gang-related offense" means any felony or  
24 misdemeanor offense, whether in this state or elsewhere, that is  
25 committed for the benefit of, at the direction of, or in association  
26 with any criminal street gang, or is committed with the intent to  
27 promote, further, or assist in any criminal conduct by the gang, or  
28 is committed for one or more of the following reasons:

29 (a) To gain admission, prestige, or promotion within the gang;

30 (b) To increase or maintain the gang's size, membership,  
31 prestige, dominance, or control in any geographical area;

32 (c) To exact revenge or retribution for the gang or any member of  
33 the gang;

34 (d) To obstruct justice, or intimidate or eliminate any witness  
35 against the gang or any member of the gang;

36 (e) To directly or indirectly cause any benefit, aggrandizement,  
37 gain, profit, or other advantage for the gang, its reputation,  
38 influence, or membership; or

39 (f) To provide the gang with any advantage in, or any control or  
40 dominance over any criminal market sector, including, but not limited

1 to, manufacturing, delivering, or selling any controlled substance  
2 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen  
3 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88  
4 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual  
5 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter  
6 9.68 RCW).

7 (15) "Day fine" means a fine imposed by the sentencing court that  
8 equals the difference between the offender's net daily income and the  
9 reasonable obligations that the offender has for the support of the  
10 offender and any dependents.

11 (16) "Day reporting" means a program of enhanced supervision  
12 designed to monitor the offender's daily activities and compliance  
13 with sentence conditions, and in which the offender is required to  
14 report daily to a specific location designated by the department or  
15 the sentencing court.

16 (17) "Department" means the department of corrections.

17 (18) "Determinate sentence" means a sentence that states with  
18 exactitude the number of actual years, months, or days of total  
19 confinement, of partial confinement, of community custody, the number  
20 of actual hours or days of community restitution work, or dollars or  
21 terms of a legal financial obligation. The fact that an offender  
22 through earned release can reduce the actual period of confinement  
23 shall not affect the classification of the sentence as a determinate  
24 sentence.

25 (19) "Disposable earnings" means that part of the earnings of an  
26 offender remaining after the deduction from those earnings of any  
27 amount required by law to be withheld. For the purposes of this  
28 definition, "earnings" means compensation paid or payable for  
29 personal services, whether denominated as wages, salary, commission,  
30 bonuses, or otherwise, and, notwithstanding any other provision of  
31 law making the payments exempt from garnishment, attachment, or other  
32 process to satisfy a court-ordered legal financial obligation,  
33 specifically includes periodic payments pursuant to pension or  
34 retirement programs, or insurance policies of any type, but does not  
35 include payments made under Title 50 RCW, except as provided in RCW  
36 50.40.020 and 50.40.050, or Title 74 RCW.

37 (20)(a) "Domestic violence" has the same meaning as defined in  
38 RCW 10.99.020.

39 (b) "Domestic violence" also means: (i) Physical harm, bodily  
40 injury, assault, or the infliction of fear of imminent physical harm,



1 bodily injury, or assault, sexual assault, or stalking, as defined in  
2 RCW 9A.46.110, of one intimate partner by another intimate partner as  
3 defined in RCW 10.99.020; or (ii) physical harm, bodily injury,  
4 assault, or the infliction of fear of imminent physical harm, bodily  
5 injury, or assault, sexual assault, or stalking, as defined in RCW  
6 9A.46.110, of one family or household member by another family or  
7 household member as defined in RCW 10.99.020.

8 (21) "Drug offender sentencing alternative" is a sentencing  
9 option available to persons convicted of a felony offense who are  
10 eligible for the option under RCW 9.94A.660.

11 (22) "Drug offense" means:

12 (a) Any felony violation of chapter 69.50 RCW except possession  
13 of a controlled substance (RCW 69.50.4013) or forged prescription for  
14 a controlled substance (RCW 69.50.403);

15 (b) Any offense defined as a felony under federal law that  
16 relates to the possession, manufacture, distribution, or  
17 transportation of a controlled substance; or

18 (c) Any out-of-state conviction for an offense that under the  
19 laws of this state would be a felony classified as a drug offense  
20 under (a) of this subsection.

21 (23) "Earned release" means earned release from confinement as  
22 provided in RCW 9.94A.728.

23 (24) "Electronic monitoring" means tracking the location of an  
24 individual through the use of technology that is capable of  
25 determining or identifying the monitored individual's presence or  
26 absence at a particular location including, but not limited to:

27 (a) Radio frequency signaling technology, which detects if the  
28 monitored individual is or is not at an approved location and  
29 notifies the monitoring agency of the time that the monitored  
30 individual either leaves the approved location or tampers with or  
31 removes the monitoring device; or

32 (b) Active or passive global positioning system technology, which  
33 detects the location of the monitored individual and notifies the  
34 monitoring agency of the monitored individual's location and which  
35 may also include electronic monitoring with victim notification  
36 technology that is capable of notifying a victim or protected party,  
37 either directly or through a monitoring agency, if the monitored  
38 individual enters within the restricted distance of a victim or  
39 protected party, or within the restricted distance of a designated  
40 location.

1 (25) "Escape" means:

2 (a) Sexually violent predator escape (RCW 9A.76.115), escape in  
3 the first degree (RCW 9A.76.110), escape in the second degree (RCW  
4 9A.76.120), willful failure to return from furlough (RCW 72.66.060),  
5 willful failure to return from work release (RCW 72.65.070), or  
6 willful failure to be available for supervision by the department  
7 while in community custody (RCW 72.09.310); or

8 (b) Any federal or out-of-state conviction for an offense that  
9 under the laws of this state would be a felony classified as an  
10 escape under (a) of this subsection.

11 (26) "Felony traffic offense" means:

12 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW  
13 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-  
14 run injury-accident (RCW 46.52.020(4)), felony driving while under  
15 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),  
16 or felony physical control of a vehicle while under the influence of  
17 intoxicating liquor or any drug (RCW 46.61.504(6)); or

18 (b) Any federal or out-of-state conviction for an offense that  
19 under the laws of this state would be a felony classified as a felony  
20 traffic offense under (a) of this subsection.

21 (27) "Fine" means a specific sum of money ordered by the  
22 sentencing court to be paid by the offender to the court over a  
23 specific period of time.

24 (28) "First-time offender" means any person who has no prior  
25 convictions for a felony and is eligible for the first-time offender  
26 waiver under RCW 9.94A.650.

27 (29) "Home detention" is a subset of electronic monitoring and  
28 means a program of partial confinement available to offenders wherein  
29 the offender is confined in a private residence 24 hours a day,  
30 unless an absence from the residence is approved, authorized, or  
31 otherwise permitted in the order by the court or other supervising  
32 agency that ordered home detention, and the offender is subject to  
33 electronic monitoring.

34 (30) "Homelessness" or "homeless" means a condition where an  
35 individual lacks a fixed, regular, and adequate nighttime residence  
36 and who has a primary nighttime residence that is:

37 (a) A supervised, publicly or privately operated shelter designed  
38 to provide temporary living accommodations;

39 (b) A public or private place not designed for, or ordinarily  
40 used as, a regular sleeping accommodation for human beings; or

1 (c) A private residence where the individual stays as a transient  
2 invitee.

3 (31) "Intermediate sanctions sentencing alternative" means the  
4 sentencing alternative established under section 8 of this act, which  
5 includes, but is not limited to, the following community-based  
6 sentencing options for persons convicted of qualifying offenses:

7 (a) Intermediate sanctions, including:

8 (i) Intensive supervision probation;

9 (ii) Day reporting centers;

10 (iii) House arrest;

11 (iv) Electronic home monitoring;

12 (v) Community service;

13 (vi) Intermittent confinement;

14 (vii) Mandatory treatment for conditions; and

15 (viii) Residential community corrections;

16 (b) Reintegration services, including:

17 (i) Education programs;

18 (ii) Employment and job training;

19 (iii) Assistance with housing and transportation;

20 (iv) Mentorship and credible messenger services; and

21 (v) Life skills classes and training in the use of technology;

22 and

23 (c) Rehabilitative services, including:

24 (i) Substance use disorder treatment;

25 (ii) Mental health counseling;

26 (iii) Cognitive behavioral training; and

27 (iv) Other evidence-based programs.

28 (32) "Legal financial obligation" means a sum of money that is  
29 ordered by a superior court of the state of Washington for legal  
30 financial obligations which may include restitution to the victim,  
31 statutorily imposed crime victims' compensation fees as assessed  
32 pursuant to RCW 7.68.035, court costs, county or interlocal drug  
33 funds, court-appointed attorneys' fees, and costs of defense, fines,  
34 and any other financial obligation that is assessed to the offender  
35 as a result of a felony conviction. Upon conviction for vehicular  
36 assault while under the influence of intoxicating liquor or any drug,  
37 RCW 46.61.522(1)(b), or vehicular homicide while under the influence  
38 of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal  
39 financial obligations may also include payment to a public agency of

1 the expense of an emergency response to the incident resulting in the  
2 conviction, subject to RCW 38.52.430.

3 (~~(32)~~) (33) "Most serious offense" means any of the following  
4 felonies or a felony attempt to commit any of the following felonies:

5 (a) Any felony defined under any law as a class A felony or  
6 criminal solicitation of or criminal conspiracy to commit a class A  
7 felony;

8 (b) Assault in the second degree;

9 (c) Assault of a child in the second degree;

10 (d) Child molestation in the second degree;

11 (e) Controlled substance homicide;

12 (f) Extortion in the first degree;

13 (g) Incest when committed against a child under age 14;

14 (h) Indecent liberties;

15 (i) Kidnapping in the second degree;

16 (j) Leading organized crime;

17 (k) Manslaughter in the first degree;

18 (l) Manslaughter in the second degree;

19 (m) Promoting prostitution in the first degree;

20 (n) Rape in the third degree;

21 (o) Sexual exploitation;

22 (p) Vehicular assault, when caused by the operation or driving of  
23 a vehicle by a person while under the influence of intoxicating  
24 liquor or any drug or by the operation or driving of a vehicle in a  
25 reckless manner;

26 (q) Vehicular homicide, when proximately caused by the driving of  
27 any vehicle by any person while under the influence of intoxicating  
28 liquor or any drug as defined by RCW 46.61.502, or by the operation  
29 of any vehicle in a reckless manner;

30 (r) Any other class B felony offense with a finding of sexual  
31 motivation;

32 (s) Any other felony with a deadly weapon verdict under RCW  
33 9.94A.825;

34 (t) Any felony offense in effect at any time prior to December 2,  
35 1993, that is comparable to a most serious offense under this  
36 subsection, or any federal or out-of-state conviction for an offense  
37 that under the laws of this state would be a felony classified as a  
38 most serious offense under this subsection;

39 (u) (i) A prior conviction for indecent liberties under RCW  
40 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.

1 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),  
2 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW  
3 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,  
4 until July 1, 1988;

5 (ii) A prior conviction for indecent liberties under RCW  
6 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,  
7 if: (A) The crime was committed against a child under the age of 14;  
8 or (B) the relationship between the victim and perpetrator is  
9 included in the definition of indecent liberties under RCW  
10 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,  
11 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,  
12 1993, through July 27, 1997;

13 (v) Any out-of-state conviction for a felony offense with a  
14 finding of sexual motivation if the minimum sentence imposed was 10  
15 years or more; provided that the out-of-state felony offense must be  
16 comparable to a felony offense under this title and Title 9A RCW and  
17 the out-of-state definition of sexual motivation must be comparable  
18 to the definition of sexual motivation contained in this section.

19 (~~(33)~~) (34) "Nonviolent offense" means an offense which is not  
20 a violent offense.

21 (~~(34)~~) (35) "Offender" means a person who has committed a  
22 felony established by state law and is 18 years of age or older or is  
23 less than 18 years of age but whose case is under superior court  
24 jurisdiction under RCW 13.04.030 or has been transferred by the  
25 appropriate juvenile court to a criminal court pursuant to RCW  
26 13.40.110. In addition, for the purpose of community custody  
27 requirements under this chapter, "offender" also means a misdemeanor  
28 or gross misdemeanor probationer ordered by a superior court to  
29 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and  
30 supervised by the department pursuant to RCW 9.94A.501 and  
31 9.94A.5011. Throughout this chapter, the terms "offender" and  
32 "defendant" are used interchangeably.

33 (~~(35)~~) (36) "Partial confinement" means confinement for no more  
34 than one year in a facility or institution operated or utilized under  
35 contract by the state or any other unit of government, or, if home  
36 detention, electronic monitoring, or work crew has been ordered by  
37 the court or home detention has been ordered by the department as  
38 part of the parenting program or the graduated reentry program, in an  
39 approved residence, for a substantial portion of each day with the  
40 balance of the day spent in the community. Partial confinement

1 includes work release, home detention, work crew, electronic  
2 monitoring, and a combination of work crew, electronic monitoring,  
3 and home detention.

4 (~~(36)~~) (37) "Pattern of criminal street gang activity" means:

5 (a) The commission, attempt, conspiracy, or solicitation of, or  
6 any prior juvenile adjudication of or adult conviction of, two or  
7 more of the following criminal street gang-related offenses:

8 (i) Any "serious violent" felony offense as defined in this  
9 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a  
10 Child 1 (RCW 9A.36.120);

11 (ii) Any "violent" offense as defined by this section, excluding  
12 Assault of a Child 2 (RCW 9A.36.130);

13 (iii) Deliver or Possession with Intent to Deliver a Controlled  
14 Substance (chapter 69.50 RCW);

15 (iv) Any violation of the firearms and dangerous weapon act  
16 (chapter 9.41 RCW);

17 (v) Theft of a Firearm (RCW 9A.56.300);

18 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);

19 (vii) Hate Crime (RCW 9A.36.080);

20 (viii) Harassment where a subsequent violation or deadly threat  
21 is made (RCW 9A.46.020(2)(b));

22 (ix) Criminal Gang Intimidation (RCW 9A.46.120);

23 (x) Any felony conviction by a person 18 years of age or older  
24 with a special finding of involving a juvenile in a felony offense  
25 under RCW 9.94A.833;

26 (xi) Residential Burglary (RCW 9A.52.025);

27 (xii) Burglary 2 (RCW 9A.52.030);

28 (xiii) Malicious Mischief 1 (RCW 9A.48.070);

29 (xiv) Malicious Mischief 2 (RCW 9A.48.080);

30 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);

31 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

32 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW  
33 9A.56.070);

34 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW  
35 9A.56.075);

36 (xix) Extortion 1 (RCW 9A.56.120);

37 (xx) Extortion 2 (RCW 9A.56.130);

38 (xxi) Intimidating a Witness (RCW 9A.72.110);

39 (xxii) Tampering with a Witness (RCW 9A.72.120);

40 (xxiii) Reckless Endangerment (RCW 9A.36.050);

1 (xxiv) Coercion (RCW 9A.36.070);

2 (xxv) Harassment (RCW 9A.46.020); or

3 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);

4 (b) That at least one of the offenses listed in (a) of this  
5 subsection shall have occurred after July 1, 2008;

6 (c) That the most recent committed offense listed in (a) of this  
7 subsection occurred within three years of a prior offense listed in  
8 (a) of this subsection; and

9 (d) Of the offenses that were committed in (a) of this  
10 subsection, the offenses occurred on separate occasions or were  
11 committed by two or more persons.

12 (~~(37)~~) (38) "Persistent offender" is an offender who:

13 (a) (i) Has been convicted in this state of any felony considered  
14 a most serious offense; and

15 (ii) Has, before the commission of the offense under (a) of this  
16 subsection, been convicted as an offender on at least two separate  
17 occasions, whether in this state or elsewhere, of felonies that under  
18 the laws of this state would be considered most serious offenses and  
19 would be included in the offender score under RCW 9.94A.525; provided  
20 that of the two or more previous convictions, at least one conviction  
21 must have occurred before the commission of any of the other most  
22 serious offenses for which the offender was previously convicted; or

23 (b) (i) Has been convicted of: (A) Rape in the first degree, rape  
24 of a child in the first degree, child molestation in the first  
25 degree, rape in the second degree, rape of a child in the second  
26 degree, or indecent liberties by forcible compulsion; (B) any of the  
27 following offenses with a finding of sexual motivation: Murder in the  
28 first degree, murder in the second degree, homicide by abuse,  
29 kidnapping in the first degree, kidnapping in the second degree,  
30 assault in the first degree, assault in the second degree, assault of  
31 a child in the first degree, assault of a child in the second degree,  
32 or burglary in the first degree; or (C) an attempt to commit any  
33 crime listed in this subsection (~~(37)~~) (38) (b) (i); and

34 (ii) Has, before the commission of the offense under (b) (i) of  
35 this subsection, been convicted as an offender on at least one  
36 occasion, whether in this state or elsewhere, of an offense listed in  
37 (b) (i) of this subsection or any federal or out-of-state offense or  
38 offense under prior Washington law that is comparable to the offenses  
39 listed in (b) (i) of this subsection. A conviction for rape of a child  
40 in the first degree constitutes a conviction under (b) (i) of this

1 subsection only when the offender was 16 years of age or older when  
2 the offender committed the offense. A conviction for rape of a child  
3 in the second degree constitutes a conviction under (b)(i) of this  
4 subsection only when the offender was 18 years of age or older when  
5 the offender committed the offense.

6 ~~((38))~~ (39) "Predatory" means: (a) The perpetrator of the crime  
7 was a stranger to the victim, as defined in this section; (b) the  
8 perpetrator established or promoted a relationship with the victim  
9 prior to the offense and the victimization of the victim was a  
10 significant reason the perpetrator established or promoted the  
11 relationship; or (c) the perpetrator was: (i) A teacher, counselor,  
12 volunteer, or other person in authority in any public or private  
13 school and the victim was a student of the school under his or her  
14 authority or supervision. For purposes of this subsection, "school"  
15 does not include home-based instruction as defined in RCW  
16 28A.225.010; (ii) a coach, trainer, volunteer, or other person in  
17 authority in any recreational activity and the victim was a  
18 participant in the activity under his or her authority or  
19 supervision; (iii) a pastor, elder, volunteer, or other person in  
20 authority in any church or religious organization, and the victim was  
21 a member or participant of the organization under his or her  
22 authority; or (iv) a teacher, counselor, volunteer, or other person  
23 in authority providing home-based instruction and the victim was a  
24 student receiving home-based instruction while under his or her  
25 authority or supervision. For purposes of this subsection: (A) "Home-  
26 based instruction" has the same meaning as defined in RCW  
27 28A.225.010; and (B) "teacher, counselor, volunteer, or other person  
28 in authority" does not include the parent or legal guardian of the  
29 victim.

30 ~~((39))~~ (40) "Private school" means a school regulated under  
31 chapter 28A.195 or 28A.205 RCW.

32 ~~((40))~~ (41) "Public school" has the same meaning as in RCW  
33 28A.150.010.

34 ~~((41))~~ (42) "Recidivist offense" means a felony offense where a  
35 prior conviction of the same offense or other specified offense is an  
36 element of the crime including, but not limited to:

37 (a) Assault in the fourth degree where domestic violence is  
38 pleaded and proven, RCW 9A.36.041(3);

39 (b) Cyber harassment, RCW 9A.90.120(2)(b)(i);

40 (c) Harassment, RCW 9A.46.020(2)(b)(i);



1 (d) Indecent exposure, RCW 9A.88.010(2)(c);  
2 (e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);  
3 (f) Telephone harassment, RCW 9.61.230(2)(a); and  
4 (g) Violation of a no-contact or protection order, RCW 7.105.450  
5 or former RCW 26.50.110(5).

6 (~~(42)~~) (43) "Repetitive domestic violence offense" means any:

7 (a)(i) Domestic violence assault that is not a felony offense  
8 under RCW 9A.36.041;

9 (ii) Domestic violence violation of a no-contact order under  
10 chapter 10.99 RCW that is not a felony offense;

11 (iii) Domestic violence violation of a protection order under  
12 chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or  
13 violation of a domestic violence protection order under chapter 7.105  
14 RCW, that is not a felony offense;

15 (iv) Domestic violence harassment offense under RCW 9A.46.020  
16 that is not a felony offense; or

17 (v) Domestic violence stalking offense under RCW 9A.46.110 that  
18 is not a felony offense; or

19 (b) Any federal, out-of-state, tribal court, military, county, or  
20 municipal conviction for an offense that under the laws of this state  
21 would be classified as a repetitive domestic violence offense under  
22 (a) of this subsection.

23 (~~(43)~~) (44) "Restitution" means a specific sum of money ordered  
24 by the sentencing court to be paid by the offender to the court over  
25 a specified period of time as payment of damages. The sum may include  
26 both public and private costs.

27 (~~(44)~~) (45) "Risk assessment" means the application of the risk  
28 instrument recommended to the department by the Washington state  
29 institute for public policy as having the highest degree of  
30 predictive accuracy for assessing an offender's risk of reoffense.

31 (~~(45)~~) (46) "Serious traffic offense" means:

32 (a) Nonfelony driving while under the influence of intoxicating  
33 liquor or any drug (RCW 46.61.502), nonfelony actual physical control  
34 while under the influence of intoxicating liquor or any drug (RCW  
35 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an  
36 attended vehicle (RCW 46.52.020(5)); or

37 (b) Any federal, out-of-state, county, or municipal conviction  
38 for an offense that under the laws of this state would be classified  
39 as a serious traffic offense under (a) of this subsection.

1       (~~(46)~~) (47) "Serious violent offense" is a subcategory of  
2 violent offense and means:  
3       (a) (i) Murder in the first degree;  
4       (ii) Homicide by abuse;  
5       (iii) Murder in the second degree;  
6       (iv) Manslaughter in the first degree;  
7       (v) Assault in the first degree;  
8       (vi) Kidnapping in the first degree;  
9       (vii) Rape in the first degree;  
10       (viii) Assault of a child in the first degree; or  
11       (ix) An attempt, criminal solicitation, or criminal conspiracy to  
12 commit one of these felonies; or  
13       (b) Any federal or out-of-state conviction for an offense that  
14 under the laws of this state would be a felony classified as a  
15 serious violent offense under (a) of this subsection.  
16       (~~(47)~~) (48) "Sex offense" means:  
17       (a) (i) A felony that is a violation of chapter 9A.44 RCW other  
18 than RCW 9A.44.132;  
19       (ii) A violation of RCW 9A.64.020;  
20       (iii) A felony that is a violation of chapter 9.68A RCW other  
21 than RCW 9.68A.080;  
22       (iv) A felony that is, under chapter 9A.28 RCW, a criminal  
23 attempt, criminal solicitation, or criminal conspiracy to commit such  
24 crimes; or  
25       (v) A felony violation of RCW 9A.44.132(1) (failure to register  
26 as a sex offender) if the person has been convicted of violating RCW  
27 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130  
28 prior to June 10, 2010, on at least one prior occasion;  
29       (b) Any conviction for a felony offense in effect at any time  
30 prior to July 1, 1976, that is comparable to a felony classified as a  
31 sex offense in (a) of this subsection;  
32       (c) A felony with a finding of sexual motivation under RCW  
33 9.94A.835 or 13.40.135; or  
34       (d) Any federal or out-of-state conviction for an offense that  
35 under the laws of this state would be a felony classified as a sex  
36 offense under (a) of this subsection.  
37       (~~(48)~~) (49) "Sexual motivation" means that one of the purposes  
38 for which the defendant committed the crime was for the purpose of  
39 his or her sexual gratification.

1       (~~(49)~~) (50) "Standard sentence range" means the sentencing  
2 court's discretionary range in imposing a nonappealable sentence.

3       (~~(50)~~) (51) "Statutory maximum sentence" means the maximum  
4 length of time for which an offender may be confined as punishment  
5 for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the  
6 statute defining the crime, or other statute defining the maximum  
7 penalty for a crime.

8       (~~(51)~~) (52) "Stranger" means that the victim did not know the  
9 offender 24 hours before the offense.

10       (~~(52)~~) (53) "Total confinement" means confinement inside the  
11 physical boundaries of a facility or institution operated or utilized  
12 under contract by the state or any other unit of government for 24  
13 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

14       (~~(53)~~) (54) "Transition training" means written and verbal  
15 instructions and assistance provided by the department to the  
16 offender during the two weeks prior to the offender's successful  
17 completion of the work ethic camp program. The transition training  
18 shall include instructions in the offender's requirements and  
19 obligations during the offender's period of community custody.

20       (~~(54)~~) (55) "Victim" means any person who has sustained  
21 emotional, psychological, physical, or financial injury to person or  
22 property as a direct result of the crime charged.

23       (~~(55)~~) (56) "Victim of domestic violence" means an intimate  
24 partner or household member who has been subjected to the infliction  
25 of physical harm or sexual and psychological abuse by an intimate  
26 partner or household member as part of a pattern of assaultive,  
27 coercive, and controlling behaviors directed at achieving compliance  
28 from or control over that intimate partner or household member.  
29 Domestic violence includes, but is not limited to, the offenses  
30 listed in RCW 10.99.020 and 26.50.010 committed by an intimate  
31 partner or household member against a victim who is an intimate  
32 partner or household member.

33       (~~(56)~~) (57) "Victim of sex trafficking, prostitution, or  
34 commercial sexual abuse of a minor" means a person who has been  
35 forced or coerced to perform a commercial sex act including, but not  
36 limited to, being a victim of offenses defined in RCW 9A.40.100,  
37 9A.88.070, 9.68A.101, and the trafficking victims protection act of  
38 2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to  
39 perform a commercial sex act when they were less than 18 years of age

1 including but not limited to the offenses defined in chapter 9.68A  
2 RCW.

3 ~~((57))~~ (58) "Victim of sexual assault" means any person who is  
4 a victim of a sexual assault offense, nonconsensual sexual conduct,  
5 or nonconsensual sexual penetration and as a result suffers physical,  
6 emotional, financial, or psychological impacts. Sexual assault  
7 offenses include, but are not limited to, the offenses defined in  
8 chapter 9A.44 RCW.

9 ~~((58))~~ (59) "Violent offense" means:

10 (a) Any of the following felonies:

11 (i) Any felony defined under any law as a class A felony or an  
12 attempt to commit a class A felony;

13 (ii) Criminal solicitation of or criminal conspiracy to commit a  
14 class A felony;

15 (iii) Manslaughter in the first degree;

16 (iv) Manslaughter in the second degree;

17 (v) Indecent liberties if committed by forcible compulsion;

18 (vi) Kidnapping in the second degree;

19 (vii) Arson in the second degree;

20 (viii) Assault in the second degree;

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

22 (x) Extortion in the first degree;

23 (xi) Robbery in the second degree;

24 (xii) Drive-by shooting;

25 (xiii) Vehicular assault, when caused by the operation or driving  
26 of a vehicle by a person while under the influence of intoxicating  
27 liquor or any drug or by the operation or driving of a vehicle in a  
28 reckless manner; and

29 (xiv) Vehicular homicide, when proximately caused by the driving  
30 of any vehicle by any person while under the influence of  
31 intoxicating liquor or any drug as defined by RCW 46.61.502, or by  
32 the operation of any vehicle in a reckless manner;

33 (b) Any conviction for a felony offense in effect at any time  
34 prior to July 1, 1976, that is comparable to a felony classified as a  
35 violent offense in (a) of this subsection; and

36 (c) Any federal or out-of-state conviction for an offense that  
37 under the laws of this state would be a felony classified as a  
38 violent offense under (a) or (b) of this subsection.

1       (~~(59)~~) (60) "Work crew" means a program of partial confinement  
2 consisting of civic improvement tasks for the benefit of the  
3 community that complies with RCW 9.94A.725.

4       (~~(60)~~) (61) "Work ethic camp" means an alternative  
5 incarceration program as provided in RCW 9.94A.690 designed to reduce  
6 recidivism and lower the cost of corrections by requiring offenders  
7 to complete a comprehensive array of real-world job and vocational  
8 experiences, character-building work ethics training, life management  
9 skills development, substance abuse rehabilitation, counseling,  
10 literacy training, and basic adult education.

11       (~~(61)~~) (62) "Work release" means a program of partial  
12 confinement available to offenders who are employed or engaged as a  
13 student in a regular course of study at school.

14                                   PART III: RECLASSIFICATION OF FELONY OFFENSES  
15

16       **Sec. 10.** RCW 9.68A.040 and 1989 c 32 s 2 are each amended to  
17 read as follows:

18       (1) A person is guilty of sexual exploitation of a minor if the  
19 person:

20       (a) Compels a minor by threat or force to engage in sexually  
21 explicit conduct, knowing that such conduct will be photographed or  
22 part of a live performance;

23       (b) Aids, invites, employs, authorizes, or causes a minor to  
24 engage in sexually explicit conduct, knowing that such conduct will  
25 be photographed or part of a live performance; or

26       (c) Being a parent, legal guardian, or person having custody or  
27 control of a minor, permits the minor to engage in sexually explicit  
28 conduct, knowing that the conduct will be photographed or part of a  
29 live performance.

30       (2) Sexual exploitation of a minor is a class ~~(B)~~ A felony  
31 punishable under chapter 9A.20 RCW.

32       **Sec. 11.** RCW 46.61.504 and 2022 c 16 s 42 are each amended to  
33 read as follows:

34       (1) A person is guilty of being in actual physical control of a  
35 motor vehicle while under the influence of intoxicating liquor or any  
36 drug if the person has actual physical control of a vehicle within  
37 this state:

1 (a) And the person has, within two hours after being in actual  
2 physical control of the vehicle, an alcohol concentration of 0.08 or  
3 higher as shown by analysis of the person's breath or blood made  
4 under RCW 46.61.506; or

5 (b) The person has, within two hours after being in actual  
6 physical control of a vehicle, a THC concentration of 5.00 or higher  
7 as shown by analysis of the person's blood made under RCW 46.61.506;  
8 or

9 (c) While the person is under the influence of or affected by  
10 intoxicating liquor or any drug; or

11 (d) While the person is under the combined influence of or  
12 affected by intoxicating liquor and any drug.

13 (2) The fact that a person charged with a violation of this  
14 section is or has been entitled to use a drug under the laws of this  
15 state does not constitute a defense against any charge of violating  
16 this section. No person may be convicted under this section and it is  
17 an affirmative defense to any action pursuant to RCW 46.20.308 to  
18 suspend, revoke, or deny the privilege to drive if, prior to being  
19 pursued by a law enforcement officer, the person has moved the  
20 vehicle safely off the roadway.

21 (3)(a) It is an affirmative defense to a violation of subsection  
22 (1)(a) of this section which the defendant must prove by a  
23 preponderance of the evidence that the defendant consumed a  
24 sufficient quantity of alcohol after the time of being in actual  
25 physical control of the vehicle and before the administration of an  
26 analysis of the person's breath or blood to cause the defendant's  
27 alcohol concentration to be 0.08 or more within two hours after being  
28 in such control. The court shall not admit evidence of this defense  
29 unless the defendant notifies the prosecution prior to the omnibus or  
30 pretrial hearing in the case of the defendant's intent to assert the  
31 affirmative defense.

32 (b) It is an affirmative defense to a violation of subsection  
33 (1)(b) of this section, which the defendant must prove by a  
34 preponderance of the evidence, that the defendant consumed a  
35 sufficient quantity of cannabis after the time of being in actual  
36 physical control of the vehicle and before the administration of an  
37 analysis of the person's blood to cause the defendant's THC  
38 concentration to be 5.00 or more within two hours after being in  
39 control of the vehicle. The court shall not admit evidence of this  
40 defense unless the defendant notifies the prosecution prior to the

1 omnibus or pretrial hearing in the case of the defendant's intent to  
2 assert the affirmative defense.

3 (4) (a) Analyses of blood or breath samples obtained more than two  
4 hours after the alleged being in actual physical control of a vehicle  
5 may be used as evidence that within two hours of the alleged being in  
6 such control, a person had an alcohol concentration of 0.08 or more  
7 in violation of subsection (1)(a) of this section, and in any case in  
8 which the analysis shows an alcohol concentration above 0.00 may be  
9 used as evidence that a person was under the influence of or affected  
10 by intoxicating liquor or any drug in violation of subsection (1)(c)  
11 or (d) of this section.

12 (b) Analyses of blood samples obtained more than two hours after  
13 the alleged being in actual physical control of a vehicle may be used  
14 as evidence that within two hours of the alleged being in control of  
15 the vehicle, a person had a THC concentration of 5.00 or more in  
16 violation of subsection (1)(b) of this section, and in any case in  
17 which the analysis shows a THC concentration above 0.00 may be used  
18 as evidence that a person was under the influence of or affected by  
19 cannabis in violation of subsection (1)(c) or (d) of this section.

20 (5) Except as provided in subsection (6) of this section, a  
21 violation of this section is a gross misdemeanor.

22 (6) It is a class ((€)) B felony punishable under chapter 9.94A  
23 RCW, or chapter 13.40 RCW if the person is a juvenile, if:

24 (a) The person has three or more prior offenses within ten years  
25 as defined in RCW 46.61.5055; or

26 (b) The person has ever previously been convicted of:

27 (i) Vehicular homicide while under the influence of intoxicating  
28 liquor or any drug, RCW 46.61.520(1)(a);

29 (ii) Vehicular assault while under the influence of intoxicating  
30 liquor or any drug, RCW 46.61.522(1)(b);

31 (iii) An out-of-state offense comparable to the offense specified  
32 in (b)(i) or (ii) of this subsection; or

33 (iv) A violation of this subsection (6) or RCW 46.61.502(6).

34 **Sec. 12.** RCW 69.55.010 and 2002 c 133 s 1 are each amended to  
35 read as follows:

36 (1) A person who, with intent to deprive the owner or owner's  
37 agent, wrongfully obtains pressurized ammonia gas or pressurized  
38 ammonia gas solution, is guilty of theft of ammonia.

39 (2) Theft of ammonia is a class ((€)) B felony.

1       **Sec. 13.** RCW 18.64.046 and 2023 c 195 s 3 are each amended to  
2 read as follows:

3       (1) Except as provided in subsection (6)(b) of this section, the  
4 owner of each place of business which sells legend drugs and  
5 nonprescription drugs, or nonprescription drugs at wholesale shall  
6 pay a license fee to be determined by the secretary, and thereafter,  
7 on or before a date to be determined by the secretary as provided in  
8 RCW 43.70.250 and 43.70.280, a like fee to be determined by the  
9 secretary, for which the owner shall receive a license of location  
10 from the department, which shall entitle such owner to either sell  
11 legend drugs and nonprescription drugs or nonprescription drugs at  
12 wholesale at the location specified for the period ending on a date  
13 to be determined by the secretary, and each such owner shall at the  
14 time of payment of such fee file with the department, on a blank  
15 therefor provided, a declaration of ownership and location, which  
16 declaration of ownership and location so filed as aforesaid shall be  
17 deemed presumptive evidence of the ownership of such place of  
18 business mentioned therein. It shall be the duty of the owner to  
19 notify immediately the department of any change of location and  
20 ownership and to keep the license of location or the renewal thereof  
21 properly exhibited in such place of business.

22       (2) Failure to conform with this section is a misdemeanor, and  
23 each day that the failure continues is a separate offense.

24       (3) In event the license fee remains unpaid on the date due, no  
25 renewal or new license shall be issued except upon compliance with  
26 administrative procedures, administrative requirements, and fees  
27 determined as provided in RCW 43.70.250 and 43.70.280.

28       (4) No wholesaler may sell any quantity of drug products  
29 containing ephedrine, pseudoephedrine, phenylpropanolamine, or their  
30 salts, isomers, or salts of isomers, if the total monthly sales of  
31 these products to persons within the state of Washington exceed five  
32 percent of the wholesaler's total prior monthly sales of  
33 nonprescription drugs to persons within the state in March through  
34 October. In November through February, no wholesaler may sell any  
35 quantity of drug products containing ephedrine, pseudoephedrine, or  
36 phenylpropanolamine, or their salts, isomers, or salts of isomers if  
37 the total monthly sales of these products to persons within the state  
38 of Washington exceed ten percent of the wholesaler's total prior  
39 monthly sales of nonprescription drugs to persons within the state.  
40 For purposes of this section, monthly sales means total dollars paid



1 by buyers. The commission may suspend or revoke the license of any  
2 wholesaler that violates this section.

3 (5) The commission may exempt a wholesaler from the limitations  
4 of subsection (4) of this section if it finds that the wholesaler  
5 distributes nonprescription drugs only through transactions between  
6 divisions, subsidiaries, or related companies when the wholesaler and  
7 the retailer are related by common ownership, and that neither the  
8 wholesaler nor the retailer has a history of suspicious transactions  
9 in precursor drugs as defined in RCW 69.43.035.

10 (6) (a) The requirements for a license apply to all persons, in  
11 Washington and outside of Washington, who sell both legend drugs and  
12 nonprescription drugs and to those who sell only nonprescription  
13 drugs, at wholesale to pharmacies, practitioners, and shopkeepers in  
14 Washington.

15 (b) For purposes of the actions authorized by section 1, chapter  
16 195, Laws of 2023, the department of corrections is exempt from  
17 obtaining a wholesaler license as required by this section.

18 (7) (a) No wholesaler may sell any product containing any  
19 detectable quantity of ephedrine, pseudoephedrine,  
20 phenylpropanolamine, or their salts, isomers, or salts of isomers, to  
21 any person in Washington other than a pharmacy licensed under this  
22 chapter, a shopkeeper or itinerant vendor registered under this  
23 chapter, a practitioner as defined in RCW 18.64.011, or a traditional  
24 Chinese herbal practitioner as defined in RCW 69.43.105.

25 (b) A violation of this subsection is punishable as a class ((€))  
26 B felony according to chapter 9A.20 RCW, and each sale in violation  
27 of this subsection constitutes a separate offense.

28 PART IV: AMENDATORY PROVISIONS  
29

30 **Sec. 14.** RCW 9.94A.470 and 2002 c 290 s 14 are each amended to  
31 read as follows:

32 Notwithstanding the current placement or listing of crimes in  
33 categories or classifications of prosecuting standards for deciding  
34 to prosecute under RCW 9.94A.411(2), any and all felony crimes  
35 involving any deadly weapon special verdict under RCW ((9.94A.602))  
36 9.94A.825, any deadly weapon enhancements under RCW 9.94A.533 ((~~(3)~~  
37 ~~or~~) (4) or (5), or both, and any and all felony crimes as defined in  
38 RCW 9.94A.533 ((~~(3)~~(~~f~~—~~or~~)) (4) (f) or (5) (f), or both, which are

1 excluded from the deadly weapon enhancements shall all be treated as  
2 crimes against a person and subject to the prosecuting standards for  
3 deciding to prosecute under RCW 9.94A.411(2) as crimes against  
4 persons.

5 **Sec. 15.** RCW 9.94A.475 and 2018 c 7 s 6 are each amended to read  
6 as follows:

7 Any and all recommended sentencing agreements or plea agreements  
8 and the sentences for any and all felony crimes shall be made and  
9 retained as public records if the felony crime involves:

- 10 (1) Any violent offense as defined in this chapter;  
11 (2) Any most serious offense as defined in this chapter;  
12 (3) Any felony with a deadly weapon special verdict under RCW  
13 9.94A.825;

14 (4) Any felony with any deadly weapon enhancements under RCW  
15 9.94A.533 (~~((3) or (4))~~) (4) or (5), or both;

16 (5) The felony crimes of possession of a machine gun or bump-fire  
17 stock, possessing a stolen firearm, drive-by shooting, theft of a  
18 firearm, unlawful possession of a firearm in the first or second  
19 degree, and/or use of a machine gun or bump-fire stock in a felony;  
20 or

21 (6) The felony crime of driving a motor vehicle while under the  
22 influence of intoxicating liquor or any drug as defined in RCW  
23 46.61.502, and felony physical control of a motor vehicle while under  
24 the influence of intoxicating liquor or any drug as defined in RCW  
25 46.61.504.

26 **Sec. 16.** RCW 9.94A.505 and 2022 c 260 s 23 are each amended to  
27 read as follows:

28 (1) When a person is convicted of a felony, the court shall  
29 impose punishment as provided in this chapter.

30 (2)(a) The court shall impose a sentence as provided in the  
31 following sections and as applicable in the case:

32 (i) Unless another term of confinement applies, a sentence within  
33 the standard sentence range established in section 1 of this act, RCW  
34 9.94A.510, or 9.94A.517;

35 (ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

36 (iii) RCW 9.94A.570, relating to persistent offenders;

37 (iv) RCW 9.94A.540, relating to mandatory minimum terms;

38 (v) RCW 9.94A.650, relating to the first-time offender waiver;

1 (vi) RCW 9.94A.660, relating to the drug offender sentencing  
2 alternative;

3 (vii) RCW 9.94A.670, relating to the special sex offender  
4 sentencing alternative;

5 (viii) RCW 9.94A.655, relating to the parenting sentencing  
6 alternative;

7 (ix) RCW 9.94A.695, relating to the mental health sentencing  
8 alternative;

9 (x) RCW 9.94A.507, relating to certain sex offenses;

10 (xi) RCW 9.94A.535, relating to exceptional sentences;

11 (xii) RCW 9.94A.589, relating to consecutive and concurrent  
12 sentences;

13 (xiii) RCW 9.94A.603, relating to felony driving while under the  
14 influence of intoxicating liquor or any drug and felony physical  
15 control of a vehicle while under the influence of intoxicating liquor  
16 or any drug;

17 (xiv) RCW 9.94A.711, relating to the theft or taking of a motor  
18 vehicle.

19 (b) If a standard sentence range has not been established for the  
20 offender's crime, the court shall impose a determinate sentence which  
21 may include not more than one year of confinement; community  
22 restitution work; a term of community custody under RCW 9.94A.702 not  
23 to exceed one year; and/or other legal financial obligations. The  
24 court may impose a sentence which provides more than one year of  
25 confinement and a community custody term under RCW 9.94A.701 if the  
26 court finds reasons justifying an exceptional sentence as provided in  
27 RCW 9.94A.535.

28 (3) If the court imposes a sentence requiring confinement of 30  
29 days or less, the court may, in its discretion, specify that the  
30 sentence be served on consecutive or intermittent days. A sentence  
31 requiring more than 30 days of confinement shall be served on  
32 consecutive days. Local jail administrators may schedule court-  
33 ordered intermittent sentences as space permits.

34 (4) If a sentence imposed includes payment of a legal financial  
35 obligation, it shall be imposed as provided in RCW 9.94A.750,  
36 9.94A.753, and 9.94A.760.

37 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a  
38 court may not impose a sentence providing for a term of confinement  
39 or community custody that exceeds the statutory maximum for the crime  
40 as provided in chapter 9A.20 RCW.

1 (6) The sentencing court shall give the offender credit for all  
2 confinement time served before the sentencing if that confinement was  
3 solely in regard to the offense for which the offender is being  
4 sentenced.

5 (7) The sentencing court shall not give the offender credit for  
6 any time the offender was required to comply with an electronic  
7 monitoring program prior to sentencing if the offender was convicted  
8 of one of the following offenses:

- 9 (a) A violent offense;
- 10 (b) Any sex offense;
- 11 (c) Any drug offense;
- 12 (d) Reckless burning in the first or second degree as defined in  
13 RCW 9A.48.040 or 9A.48.050;
- 14 (e) Assault in the third degree as defined in RCW 9A.36.031;
- 15 (f) Assault of a child in the third degree;
- 16 (g) Unlawful imprisonment as defined in RCW 9A.40.040; or
- 17 (h) Harassment as defined in RCW 9A.46.020.

18 (8) The court shall order restitution as provided in RCW  
19 9.94A.750 and 9.94A.753.

20 (9) As a part of any sentence, the court may impose and enforce  
21 crime-related prohibitions and affirmative conditions as provided in  
22 this chapter. "Crime-related prohibitions" may include a prohibition  
23 on the use or possession of alcohol or controlled substances if the  
24 court finds that any chemical dependency or substance abuse  
25 contributed to the offense.

26 (10) In any sentence of partial confinement, the court may  
27 require the offender to serve the partial confinement in work  
28 release, in a program of home detention, on work crew, or in a  
29 combined program of work crew and home detention.

30 **Sec. 17.** RCW 9.94A.510 and 2014 c 130 s 1 are each amended to  
31 read as follows:

32 TABLE ((±)) 3  
33 Sentencing Grid - Offenses Not Sentenced According To Section 1 Of  
34 This Act

35 SERIOUSNESS

36 LEVEL

OFFENDER SCORE

1  
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	0	1	2	3	4	5	6	7	8	9 or more
XVI	Life sentence without parole/death penalty for offenders at or over the age of eighteen. For offenders under the age of eighteen, a term of twenty-five years to life.									
XV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y
	240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
	320	333	347	361	374	388	416	450	493	548
XIV	14y4m	15y4m	16y2m	17y	17y11m	18y9m	20y5m	22y2m	25y7m	29y
	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
	220	234	244	254	265	275	295	316	357	397
XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
	164	178	192	205	219	233	260	288	342	397
XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
	93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
	123	136	147	160	171	184	216	236	277	318
XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
	78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
	102	114	125	136	147	158	194	211	245	280
X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
	51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
	68	75	82	89	96	102	130	144	171	198
IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
	31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
	41	48	54	61	68	75	102	116	144	171
VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
	21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
	27	34	41	48	54	61	89	102	116	144
VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
	15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
	20	27	34	41	48	54	75	89	102	116
VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m

1		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
2		14	20	27	34	41	48	61	75	89	102
3	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
4		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
5		12	14	17	20	29	43	54	68	82	96
6	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
7		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
8		9	12	14	17	20	29	43	57	70	84
9	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
10		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
11		3	8	12	12	16	22	29	43	57	68
12	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
13		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
14		Days	6	9	12	14	18	22	29	43	57
15	I			3m	4m	5m	8m	13m	16m	20m	2y2m
16		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
17		Days	Days	5	6	8	12	14	18	22	29

18 Numbers in the first horizontal row of each seriousness category  
 19 represent sentencing midpoints in years(y) and months(m). Numbers in  
 20 the second and third rows represent standard sentence ranges in  
 21 months, or in days if so designated. 12+ equals one year and one day.

22 **Sec. 18.** RCW 9.94A.515 and 2023 c 196 s 3 and 2023 c 7 s 3 are  
 23 each reenacted and amended to read as follows:

24 **TABLE ((2)) 4**

25 **CRIMES INCLUDED WITHIN EACH**

26 **SERIOUSNESS LEVEL -**

27 **SENTENCED ACCORDING TO RCW**

28 **9.94A.510**

29 **XVI Aggravated Murder 1 (RCW 10.95.020)**

30 **XV Homicide by abuse (RCW 9A.32.055)**

31 **Malicious explosion 1 (RCW**

32 **70.74.280(1))**

33 **Murder 1 (RCW 9A.32.030)**

1 XIV Murder 2 (RCW 9A.32.050)  
2 Trafficking 1 (RCW 9A.40.100(1))  
3 XIII Malicious explosion 2 (RCW  
4 70.74.280(2))  
5 Malicious placement of an explosive 1  
6 (RCW 70.74.270(1))  
7 XII Assault 1 (RCW 9A.36.011)  
8 Assault of a Child 1 (RCW 9A.36.120)  
9 Malicious placement of an imitation  
10 device 1 (RCW 70.74.272(1)(a))  
11 Promoting Commercial Sexual Abuse of  
12 a Minor (RCW 9.68A.101)  
13 Rape 1 (RCW 9A.44.040)  
14 Rape of a Child 1 (RCW 9A.44.073)  
15 Trafficking 2 (RCW 9A.40.100(3))  
16 XI Manslaughter 1 (RCW 9A.32.060)  
17 Rape 2 (RCW 9A.44.050)  
18 Rape of a Child 2 (RCW 9A.44.076)  
19 Vehicular Homicide, by being under the  
20 influence of intoxicating liquor or  
21 any drug (RCW 46.61.520)  
22 Vehicular Homicide, by the operation of  
23 any vehicle in a reckless manner  
24 (RCW 46.61.520)  
25 X Child Molestation 1 (RCW 9A.44.083)  
26 Criminal Mistreatment 1 (RCW  
27 9A.42.020)  
28 Indecent Liberties (with forcible  
29 compulsion) (RCW  
30 9A.44.100(1)(a))  
31 Kidnapping 1 (RCW 9A.40.020)  
32 Leading Organized Crime (RCW  
33 9A.82.060(1)(a))  
34 Malicious explosion 3 (RCW  
35 70.74.280(3))

1 Sexually Violent Predator Escape (RCW  
2 9A.76.115)

3 IX Abandonment of Dependent Person 1  
4 (RCW 9A.42.060)

5 Assault of a Child 2 (RCW 9A.36.130)

6 Explosive devices prohibited (RCW  
7 70.74.180)

8 Hit and Run—Death (RCW  
9 46.52.020(4)(a))

10 Homicide by Watercraft, by being under  
11 the influence of intoxicating liquor  
12 or any drug (RCW 79A.60.050)

13 Inciting Criminal Profiteering (RCW  
14 9A.82.060(1)(b))

15 Malicious placement of an explosive 2  
16 (RCW 70.74.270(2))

17 Robbery 1 (RCW 9A.56.200)

18 Sexual Exploitation (RCW 9.68A.040)

19 VIII Arson 1 (RCW 9A.48.020)

20 Commercial Sexual Abuse of a Minor  
21 (RCW 9.68A.100)

22 Homicide by Watercraft, by the  
23 operation of any vessel in a reckless  
24 manner (RCW 79A.60.050)

25 Manslaughter 2 (RCW 9A.32.070)

26 Promoting Prostitution 1 (RCW  
27 9A.88.070)

28 Theft of Ammonia (RCW 69.55.010)

29 VII Air bag diagnostic systems (causing  
30 bodily injury or death) (RCW  
31 46.37.660(2)(b))

32 Air bag replacement requirements  
33 (causing bodily injury or death)  
34 (RCW 46.37.660(1)(b))

35 Burglary 1 (RCW 9A.52.020)



1 Child Molestation 2 (RCW 9A.44.086)  
2 Civil Disorder Training (RCW  
3 9A.48.120)  
4 Custodial Sexual Misconduct 1 (RCW  
5 9A.44.160)  
6 Dealing in depictions of minor engaged  
7 in sexually explicit conduct 1  
8 (RCW 9.68A.050(1))  
9 Drive-by Shooting (RCW 9A.36.045)  
10 False Reporting 1 (RCW  
11 9A.84.040(2)(a))  
12 Homicide by Watercraft, by disregard  
13 for the safety of others (RCW  
14 79A.60.050)  
15 Indecent Liberties (without forcible  
16 compulsion) (RCW 9A.44.100(1)  
17 (b) and (c))  
18 Introducing Contraband 1 (RCW  
19 9A.76.140)  
20 Malicious placement of an explosive 3  
21 (RCW 70.74.270(3))  
22 Manufacture or import counterfeit,  
23 nonfunctional, damaged, or  
24 previously deployed air bag  
25 (causing bodily injury or death)  
26 (RCW 46.37.650(1)(b))  
27 Negligently Causing Death By Use of a  
28 Signal Preemption Device (RCW  
29 46.37.675)  
30 Sell, install, or reinstall counterfeit,  
31 nonfunctional, damaged, or  
32 previously deployed airbag (RCW  
33 46.37.650(2)(b))  
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 or Bump-fire  
4 Stock in Commission of a Felony  
5 (RCW 9A.1.225)  
6 Vehicular Homicide, by disregard for  
7 the safety of others (RCW  
8 46.61.520)  
9 VI Bail Jumping with Murder 1 (RCW  
10 9A.76.170(3)(a))  
11 Bribery (RCW 9A.68.010)  
12 Incest 1 (RCW 9A.64.020(1))  
13 Intimidating a Judge (RCW 9A.72.160)  
14 Intimidating a Juror/Witness (RCW  
15 9A.72.110, 9A.72.130)  
16 Malicious placement of an imitation  
17 device 2 (RCW 70.74.272(1)(b))  
18 Possession of Depictions of a Minor  
19 Engaged in Sexually Explicit  
20 Conduct 1 (RCW 9.68A.070(1))  
21 Rape of a Child 3 (RCW 9A.44.079)  
22 Theft of a Firearm (RCW 9A.56.300)  
23 Theft from a Vulnerable Adult 1 (RCW  
24 9A.56.400(1))  
25 Unlawful Storage of Ammonia (RCW  
26 69.55.020)  
27 V Abandonment of Dependent Person 2  
28 (RCW 9A.42.070)  
29 Advancing money or property for  
30 extortionate extension of credit  
31 (RCW 9A.82.030)  
32 Air bag diagnostic systems (RCW  
33 46.37.660(2)(c))  
34 Air bag replacement requirements  
35 (RCW 46.37.660(1)(c))

1 Bail Jumping with class A Felony  
2 (RCW 9A.76.170(3)(b))  
3 Child Molestation 3 (RCW 9A.44.089)  
4 Criminal Mistreatment 2 (RCW  
5 9A.42.030)  
6 Custodial Sexual Misconduct 2 (RCW  
7 9A.44.170)  
8 Dealing in Depictions of Minor  
9 Engaged in Sexually Explicit  
10 Conduct 2 (RCW 9.68A.050(2))  
11 Domestic Violence Court Order  
12 Violation (RCW 7.105.450,  
13 10.99.040, 10.99.050, 26.09.300,  
14 26.26B.050, or 26.52.070)  
15 Extortion 1 (RCW 9A.56.120)  
16 Extortionate Extension of Credit (RCW  
17 9A.82.020)  
18 Extortionate Means to Collect  
19 Extensions of Credit (RCW  
20 9A.82.040)  
21 Incest 2 (RCW 9A.64.020(2))  
22 Kidnapping 2 (RCW 9A.40.030)  
23 Manufacture or import counterfeit,  
24 nonfunctional, damaged, or  
25 previously deployed air bag (RCW  
26 46.37.650(1)(c))  
27 Perjury 1 (RCW 9A.72.020)  
28 Persistent prison misbehavior (RCW  
29 9.94.070)  
30 Possession of a Stolen Firearm (RCW  
31 9A.56.310)  
32 Rape 3 (RCW 9A.44.060)  
33 Rendering Criminal Assistance 1 (RCW  
34 9A.76.070)

1 Sell, install, or reinstall counterfeit,  
2 nonfunctional, damaged, or  
3 previously deployed airbag (RCW  
4 46.37.650(2)(c))  
5 Sending, Bringing into State Depictions  
6 of Minor Engaged in Sexually  
7 Explicit Conduct 2 (RCW  
8 9.68A.060(2))  
9 Sexual Misconduct with a Minor 1  
10 (RCW 9A.44.093)  
11 Sexually Violating Human Remains  
12 (RCW 9A.44.105)  
13 Stalking (RCW 9A.46.110)  
14 Taking Motor Vehicle Without  
15 Permission 1 (RCW 9A.56.070)  
16 IV Arson 2 (RCW 9A.48.030)  
17 Assault 2 (RCW 9A.36.021)  
18 Assault 3 (of a Peace Officer with a  
19 Projectile Stun Gun) (RCW  
20 9A.36.031(1)(h))  
21 Assault 4 (third domestic violence  
22 offense) (RCW 9A.36.041(3))  
23 Assault by Watercraft (RCW  
24 79A.60.060)  
25 Bribing a Witness/Bribe Received by  
26 Witness (RCW 9A.72.090,  
27 9A.72.100)  
28 Cheating 1 (RCW 9.46.1961)  
29 Commercial Bribery (RCW 9A.68.060)  
30 Counterfeiting (RCW 9.16.035(4))  
31 Driving While Under the Influence  
32 (RCW 46.61.502(6))  
33 Endangerment with a Controlled  
34 Substance (RCW 9A.42.100)  
35 Escape 1 (RCW 9A.76.110)

1 Hate Crime (RCW 9A.36.080)  
2 Hit and Run—Injury (RCW  
3 46.52.020(4)(b))  
4 Hit and Run with Vessel—Injury  
5 Accident (RCW 79A.60.200(3))  
6 Identity Theft 1 (RCW 9.35.020(2))  
7 Indecent Exposure to Person Under Age  
8 14 (subsequent sex offense) (RCW  
9 9A.88.010)  
10 Influencing Outcome of Sporting Event  
11 (RCW 9A.82.070)  
12 Physical Control of a Vehicle While  
13 Under the Influence (RCW  
14 46.61.504(6))  
15 Possession of Depictions of a Minor  
16 Engaged in Sexually Explicit  
17 Conduct 2 (RCW 9.68A.070(2))  
18 Residential Burglary (RCW 9A.52.025)  
19 Robbery 2 (RCW 9A.56.210)  
20 Theft of Livestock 1 (RCW 9A.56.080)  
21 Threats to Bomb (RCW 9.61.160)  
22 Trafficking in Stolen Property 1 (RCW  
23 9A.82.050)  
24 Unlawful factoring of a credit card or  
25 payment card transaction (RCW  
26 9A.56.290(4)(b))  
27 Unlawful transaction of health coverage  
28 as a health care service contractor  
29 (RCW 48.44.016(3))  
30 Unlawful transaction of health coverage  
31 as a health maintenance  
32 organization (RCW 48.46.033(3))  
33 Unlawful transaction of insurance  
34 business (RCW 48.15.023(3))  
35 Unlicensed practice as an insurance  
36 professional (RCW 48.17.063(2))

1 Use of Proceeds of Criminal  
2 Profiteering (RCW 9A.82.080 (1)  
3 and (2))  
4 Vehicle Prowling 2 (third or subsequent  
5 offense) (RCW 9A.52.100(3))  
6 Vehicular Assault, by being under the  
7 influence of intoxicating liquor or  
8 any drug, or by the operation or  
9 driving of a vehicle in a reckless  
10 manner (RCW 46.61.522)  
11 Viewing of Depictions of a Minor  
12 Engaged in Sexually Explicit  
13 Conduct 1 (RCW 9.68A.075(1))  
14 III Animal Cruelty 1 (Sexual Conduct or  
15 Contact) (RCW 16.52.205(3))  
16 Assault 3 (Except Assault 3 of a Peace  
17 Officer With a Projectile Stun Gun)  
18 (RCW 9A.36.031 except subsection  
19 (1)(h))  
20 Assault of a Child 3 (RCW 9A.36.140)  
21 Bail Jumping with class B or C Felony  
22 (RCW 9A.76.170(3)(c))  
23 Burglary 2 (RCW 9A.52.030)  
24 Communication with a Minor for  
25 Immoral Purposes (RCW  
26 9.68A.090)  
27 Criminal Gang Intimidation (RCW  
28 9A.46.120)  
29 Custodial Assault (RCW 9A.36.100)  
30 Cyber Harassment (RCW  
31 9A.90.120(2)(b))  
32 Escape 2 (RCW 9A.76.120)  
33 Extortion 2 (RCW 9A.56.130)  
34 False Reporting 2 (RCW  
35 9A.84.040(2)(b))  
36 Harassment (RCW 9A.46.020)

1 Hazing (RCW 28B.10.901(2)(b))  
2 Intimidating a Public Servant (RCW  
3 9A.76.180)  
4 Introducing Contraband 2 (RCW  
5 9A.76.150)  
6 Malicious Injury to Railroad Property  
7 (RCW 81.60.070)  
8 Manufacture of Untraceable Firearm  
9 with Intent to Sell (RCW 9.41.190)  
10 Manufacture or Assembly of an  
11 Undetectable Firearm or  
12 Untraceable Firearm (RCW  
13 9.41.325)  
14 Mortgage Fraud (RCW 19.144.080)  
15 Negligently Causing Substantial Bodily  
16 Harm By Use of a Signal  
17 Preemption Device (RCW  
18 46.37.674)  
19 Organized Retail Theft 1 (RCW  
20 9A.56.350(2))  
21 Perjury 2 (RCW 9A.72.030)  
22 Possession of Incendiary Device (RCW  
23 9.40.120)  
24 Possession of Machine Gun, Bump-Fire  
25 Stock, Undetectable Firearm, or  
26 Short-Barreled Shotgun or Rifle  
27 (RCW 9.41.190)  
28 Promoting Prostitution 2 (RCW  
29 9A.88.080)  
30 Retail Theft with Special Circumstances  
31 1 (RCW 9A.56.360(2))  
32 Securities Act violation (RCW  
33 21.20.400)  
34 Tampering with a Witness (RCW  
35 9A.72.120)

1 Telephone Harassment (subsequent  
2 conviction or threat of death) (RCW  
3 9.61.230(2))  
4 Theft of Livestock 2 (RCW 9A.56.083)  
5 Theft with the Intent to Resell 1 (RCW  
6 9A.56.340(2))  
7 Trafficking in Stolen Property 2 (RCW  
8 9A.82.055)  
9 Unlawful Hunting of Big Game 1 (RCW  
10 77.15.410(3)(b))  
11 Unlawful Imprisonment (RCW  
12 9A.40.040)  
13 Unlawful Misbranding of Fish or  
14 Shellfish 1 (RCW 77.140.060(3))  
15 Unlawful possession of firearm in the  
16 second degree (RCW 9.41.040(2))  
17 Unlawful Taking of Endangered Fish or  
18 Wildlife 1 (RCW 77.15.120(3)(b))  
19 Unlawful Trafficking in Fish, Shellfish,  
20 or Wildlife 1 (RCW  
21 77.15.260(3)(b))  
22 Unlawful Use of a Nondesignated  
23 Vessel (RCW 77.15.530(4))  
24 Vehicular Assault, by the operation or  
25 driving of a vehicle with disregard  
26 for the safety of others (RCW  
27 46.61.522)  
28 II Commercial Fishing Without a License  
29 1 (RCW 77.15.500(3)(b))  
30 Computer Trespass 1 (RCW 9A.90.040)  
31 Counterfeiting (RCW 9.16.035(3))  
32 Electronic Data Service Interference  
33 (RCW 9A.90.060)  
34 Electronic Data Tampering 1 (RCW  
35 9A.90.080)  
36 Electronic Data Theft (RCW 9A.90.100)



1 Engaging in Fish Dealing Activity  
2 Unlicensed 1 (RCW 77.15.620(3))  
3 Escape from Community Custody  
4 (RCW 72.09.310)  
5 Failure to Register as a Sex Offender  
6 (second or subsequent offense)  
7 (RCW 9A.44.130 prior to June 10,  
8 2010, and RCW 9A.44.132)  
9 Health Care False Claims (RCW  
10 48.80.030)  
11 Identity Theft 2 (RCW 9.35.020(3))  
12 Improperly Obtaining Financial  
13 Information (RCW 9.35.010)  
14 Malicious Mischief 1 (RCW 9A.48.070)  
15 Organized Retail Theft 2 (RCW  
16 9A.56.350(3))  
17 Possession of Stolen Property 1 (RCW  
18 9A.56.150)  
19 Possession of a Stolen Vehicle (RCW  
20 9A.56.068)  
21 Retail Theft with Special Circumstances  
22 2 (RCW 9A.56.360(3))  
23 Scrap Processing, Recycling, or  
24 Supplying Without a License  
25 (second or subsequent offense)  
26 (RCW 19.290.100)  
27 Theft 1 (RCW 9A.56.030)  
28 Theft of a Motor Vehicle (RCW  
29 9A.56.065)  
30 Theft of Rental, Leased, Lease-  
31 purchased, or Loaned Property  
32 (valued at \$5,000 or more) (RCW  
33 9A.56.096(5)(a))  
34 Theft with the Intent to Resell 2 (RCW  
35 9A.56.340(3))

1 Trafficking in Insurance Claims (RCW  
2 48.30A.015)  
3 Unlawful factoring of a credit card or  
4 payment card transaction (RCW  
5 9A.56.290(4)(a))  
6 Unlawful Participation of Non-Indians  
7 in Indian Fishery (RCW  
8 77.15.570(2))  
9 Unlawful Practice of Law (RCW  
10 2.48.180)  
11 Unlawful Purchase or Use of a License  
12 (RCW 77.15.650(3)(b))  
13 Unlawful Trafficking in Fish, Shellfish,  
14 or Wildlife 2 (RCW  
15 77.15.260(3)(a))  
16 Unlicensed Practice of a Profession or  
17 Business (RCW 18.130.190(7))  
18 Voyeurism 1 (RCW 9A.44.115)  
19 I Attempting to Elude a Pursuing Police  
20 Vehicle (RCW 46.61.024)  
21 False Verification for Welfare (RCW  
22 74.08.055)  
23 Forgery (RCW 9A.60.020)  
24 Fraudulent Creation or Revocation of a  
25 Mental Health Advance Directive  
26 (RCW 9A.60.060)  
27 Malicious Mischief 2 (RCW 9A.48.080)  
28 Mineral Trespass (RCW 78.44.330)  
29 Possession of Stolen Property 2 (RCW  
30 9A.56.160)  
31 Reckless Burning 1 (RCW 9A.48.040)  
32 Spotlighting Big Game 1 (RCW  
33 77.15.450(3)(b))  
34 Suspension of Department Privileges 1  
35 (RCW 77.15.670(3)(b))

1 Taking Motor Vehicle Without  
2 Permission 2 (RCW 9A.56.075)  
3 Theft 2 (RCW 9A.56.040)  
4 Theft from a Vulnerable Adult 2 (RCW  
5 9A.56.400(2))  
6 Theft of Rental, Leased, Lease-  
7 purchased, or Loaned Property  
8 (valued at \$750 or more but less  
9 than \$5,000) (RCW  
10 9A.56.096(5)(b))  
11 Transaction of insurance business  
12 beyond the scope of licensure  
13 (RCW 48.17.063)  
14 Unlawful Fish and Shellfish Catch  
15 Accounting (RCW 77.15.630(3)(b))  
16 Unlawful Issuance of Checks or Drafts  
17 (RCW 9A.56.060)  
18 Unlawful Possession of Fictitious  
19 Identification (RCW 9A.56.320)  
20 Unlawful Possession of Instruments of  
21 Financial Fraud (RCW 9A.56.320)  
22 Unlawful Possession of Payment  
23 Instruments (RCW 9A.56.320)  
24 Unlawful Possession of a Personal  
25 Identification Device (RCW  
26 9A.56.320)  
27 Unlawful Production of Payment  
28 Instruments (RCW 9A.56.320)  
29 Unlawful Releasing, Planting,  
30 Possessing, or Placing Deleterious  
31 Exotic Wildlife (RCW  
32 77.15.250(2)(b))  
33 Unlawful Trafficking in Food Stamps  
34 (RCW 9.91.142)  
35 Unlawful Use of Food Stamps (RCW  
36 9.91.144)

1 Unlawful Use of Net to Take Fish 1

2 (RCW 77.15.580(3)(b))

3 Vehicle Prowl 1 (RCW 9A.52.095)

4 Violating Commercial Fishing Area or

5 Time 1 (RCW 77.15.550(3)(b))

6 **Sec. 19.** RCW 9.94A.517 and 2015 c 291 s 9 are each amended to  
7 read as follows:

8 (1)

9 TABLE ((3)) 5

10 DRUG OFFENSE SENTENCING GRID

11 Seriousness	Offender Score	Offender Score	Offender Score
12 Level	0 to 2	3 to 5	6 to 9 or more
13 III	51 to 68 months	68+ to 100 months	100+ to 120 months
14 II	12+ to 20 months	20+ to 60 months	60+ to 120 months
15 I	0 to 6 months	6+ to 18 months	12+ to 24 months

16 References to months represent the standard sentence ranges. 12+  
17 equals one year and one day.

18 (2) The court may utilize any other sanctions or alternatives as  
19 authorized by law, including but not limited to the special drug  
20 offender sentencing alternative under RCW 9.94A.660 or drug court  
21 under chapter 2.30 RCW.

22 (3) Nothing in this section creates an entitlement for a criminal  
23 defendant to any specific sanction, alternative, sentence option, or  
24 substance abuse treatment.

25 **Sec. 20.** RCW 9.94A.530 and 2023 c 102 s 15 are each amended to  
26 read as follows:

27 (1) The intersection of the column defined by the offender score  
28 and the row defined by the offense seriousness score determines the  
29 standard sentence range (see ((RCW 9.94A.510)) section 1 of this act,  
30 (Table 1), RCW 9.94A.510, (Table 3), and RCW 9.94A.517, (Table ((3))  
31 5)). The additional time for deadly weapon findings or for other  
32 adjustments as specified in RCW 9.94A.533 shall be added to the  
33 entire standard sentence range. The court may impose any sentence

1 within the range that it deems appropriate. All standard sentence  
2 ranges are expressed in terms of total confinement.

3 (2) In determining any sentence other than a sentence above the  
4 standard range, the trial court may rely on no more information than  
5 is admitted by the plea agreement, or admitted, acknowledged, or  
6 proved in a trial or at the time of sentencing, or proven pursuant to  
7 RCW 9.94A.537. Where the defendant disputes material facts, the court  
8 must either not consider the fact or grant an evidentiary hearing on  
9 the point. The facts shall be deemed proved at the hearing by a  
10 preponderance of the evidence, except as otherwise specified in RCW  
11 9.94A.537. On remand for resentencing following appeal or collateral  
12 attack, the parties shall have the opportunity to present and the  
13 court to consider all relevant evidence regarding criminal history,  
14 including criminal history not previously presented.

15 (3) In determining any sentence above the standard sentence  
16 range, the court shall follow the procedures set forth in RCW  
17 9.94A.537. Facts that establish the elements of a more serious crime  
18 or additional crimes may not be used to go outside the standard  
19 sentence range except upon stipulation or when specifically provided  
20 for in RCW 9.94A.535(3)(d), (e), (g), and (h).

21 **Sec. 21.** RCW 9.94A.660 and 2021 c 215 s 102 are each amended to  
22 read as follows:

23 (1) An offender is eligible for the special drug offender  
24 sentencing alternative if:

25 (a) The offender is convicted of a felony that is not a violent  
26 offense and the violation does not involve a sentence enhancement  
27 under RCW 9.94A.533 (~~((3) or (4))~~) (4) or (5);

28 (b) The offender is convicted of a felony that is not a felony  
29 driving while under the influence of intoxicating liquor or any drug  
30 under RCW 46.61.502(6) or felony physical control of a vehicle while  
31 under the influence of intoxicating liquor or any drug under RCW  
32 46.61.504(6);

33 (c) The offender has no current or prior convictions for a sex  
34 offense for which the offender is currently or may be required to  
35 register pursuant to RCW 9A.44.130;

36 (d) The offender has no prior convictions in this state, and no  
37 prior convictions for an equivalent out-of-state or federal offense,  
38 for the following offenses during the following time frames:

1 (i) Robbery in the second degree that did not involve the use of  
2 a firearm and was not reduced from robbery in the first degree within  
3 seven years before conviction of the current offense; or

4 (ii) Any other violent offense within ten years before conviction  
5 of the current offense;

6 (e) For a violation of the uniform controlled substances act  
7 under chapter 69.50 RCW or a criminal solicitation to commit such a  
8 violation under chapter 9A.28 RCW, the offense involved only a small  
9 quantity of the particular controlled substance as determined by the  
10 judge upon consideration of such factors as the weight, purity,  
11 packaging, sale price, and street value of the controlled substance;

12 (f) The offender has not been found by the United States attorney  
13 general to be subject to a deportation detainer or order and does not  
14 become subject to a deportation order during the period of the  
15 sentence; and

16 (g) The offender has not received a drug offender sentencing  
17 alternative more than once in the prior ten years before the current  
18 offense.

19 (2) A motion for a special drug offender sentencing alternative  
20 may be made by the court, the offender, or the state.

21 (3) If the sentencing court determines that the offender is  
22 eligible for an alternative sentence under this section and that the  
23 alternative sentence is appropriate, the court shall waive imposition  
24 of a sentence within the standard sentence range and impose a  
25 sentence consisting of either a prison-based alternative under RCW  
26 9.94A.662 or a residential substance use disorder treatment-based  
27 alternative under RCW 9.94A.664. The residential substance use  
28 disorder treatment-based alternative is only available if the  
29 midpoint of the standard range is twenty-six months or less.

30 (4) (a) To assist the court in making its determination, the court  
31 may order the department to complete either or both a risk assessment  
32 report and a substance use disorder screening report as provided in  
33 RCW 9.94A.500.

34 (b) To assist the court in making its determination in domestic  
35 violence cases, the court shall order the department to complete a  
36 presentence investigation and a chemical dependency screening report  
37 as provided in RCW 9.94A.500, unless otherwise specifically waived by  
38 the court.

39 (5) If the court is considering imposing a sentence under the  
40 residential substance use disorder treatment-based alternative, the

1 court may order an examination of the offender by the department. The  
2 examination must be performed by an agency certified by the  
3 department of health to provide substance use disorder services. The  
4 examination shall, at a minimum, address the following issues:

5 (a) Whether the offender suffers from a substance use disorder;

6 (b) Whether the substance use disorder is such that there is a  
7 probability that criminal behavior will occur in the future;

8 (c) Whether effective treatment for the offender's substance use  
9 disorder is available from a provider that has been licensed or  
10 certified by the department of health, and where applicable, whether  
11 effective domestic violence perpetrator treatment is available from a  
12 state-certified domestic violence treatment provider pursuant to RCW  
13 43.20A.735; and

14 (d) Whether the offender and the community will benefit from the  
15 use of the alternative.

16 (6) When a court imposes a sentence of community custody under  
17 this section:

18 (a) The court may impose conditions as provided in RCW 9.94A.703  
19 and may impose other affirmative conditions as the court considers  
20 appropriate. In addition, an offender may be required to pay thirty  
21 dollars per month while on community custody to offset the cost of  
22 monitoring for alcohol or controlled substances, or in cases of  
23 domestic violence for monitoring with global positioning system  
24 technology for compliance with a no-contact order.

25 (b) The department may impose conditions and sanctions as  
26 authorized in RCW 9.94A.704 and 9.94A.737.

27 (7)(a) The court may bring any offender sentenced under this  
28 section back into court at any time on its own initiative to evaluate  
29 the offender's progress in treatment or to determine if any  
30 violations of the conditions of the sentence have occurred.

31 (b) If the offender is brought back to court, the court may  
32 modify the conditions of the community custody or impose sanctions  
33 under (c) of this subsection.

34 (c) The court may order the offender to serve a term of total  
35 confinement within the standard range of the offender's current  
36 offense at any time during the period of community custody if the  
37 offender violates the conditions or requirements of the sentence or  
38 if the offender is failing to make satisfactory progress in  
39 treatment.

1 (d) An offender ordered to serve a term of total confinement  
2 under (c) of this subsection shall receive credit for time previously  
3 served in total or partial confinement and inpatient treatment under  
4 this section, and shall receive fifty percent credit for time  
5 previously served in community custody under this section.

6 (8) In serving a term of community custody imposed upon failure  
7 to complete, or administrative termination from, the special drug  
8 offender sentencing alternative program, the offender shall receive  
9 no credit for time served in community custody prior to termination  
10 of the offender's participation in the program.

11 (9) An offender sentenced under this section shall be subject to  
12 all rules relating to earned release time with respect to any period  
13 served in total confinement.

14 (10) The Washington state institute for public policy shall  
15 submit a report to the governor and the appropriate committees of the  
16 legislature by November 1, 2022, analyzing the effectiveness of the  
17 drug offender sentencing alternative in reducing recidivism among  
18 various offender populations. An additional report is due November 1,  
19 2028, and every five years thereafter. The Washington state institute  
20 for public policy may coordinate with the department and the caseload  
21 forecast council in tracking data and preparing the report.

22 **Sec. 22.** RCW 9.94A.729 and 2022 c 29 s 1 are each amended to  
23 read as follows:

24 (1)(a) The term of the sentence of an offender committed to a  
25 correctional facility operated by the department may be reduced by  
26 earned release time in accordance with procedures that shall be  
27 developed and adopted by the correctional agency having jurisdiction  
28 in which the offender is confined. The earned release time shall be  
29 for good behavior and good performance, as determined by the  
30 correctional agency having jurisdiction. The correctional agency  
31 shall not credit the offender with earned release credits in advance  
32 of the offender actually earning the credits.

33 (b) Any program established pursuant to this section shall allow  
34 an offender to earn early release credits for presentence  
35 incarceration. If an offender is transferred from a county jail to  
36 the department, the administrator of a county jail facility shall  
37 certify to the department the amount of time spent in custody at the  
38 facility and the number of days of early release credits lost or not  
39 earned. The department may approve a jail certification from a



1 correctional agency that calculates early release time based on the  
2 actual amount of confinement time served by the offender before  
3 sentencing when an erroneous calculation of confinement time served  
4 by the offender before sentencing appears on the judgment and  
5 sentence. The department must adjust an offender's rate of early  
6 release listed on the jail certification to be consistent with the  
7 rate applicable to offenders in the department's facilities. However,  
8 the department is not authorized to adjust the number of presentence  
9 early release days that the jail has certified as lost or not earned.

10 (2) (a) An offender who has been convicted of a felony committed  
11 after July 23, 1995, that involves any applicable deadly weapon  
12 enhancements under RCW 9.94A.533 (~~((3) or (4))~~) (4) or (5), or both,  
13 shall not receive any good time credits or earned release time for  
14 that portion of his or her sentence that results from any deadly  
15 weapon enhancements.

16 (b) An offender whose sentence includes any impaired driving  
17 enhancements under RCW 9.94A.533 (~~((7))~~) (8), minor child enhancements  
18 under RCW 9.94A.533 (~~((13))~~) (14), or both, shall not receive any good  
19 time credits or earned release time for any portion of his or her  
20 sentence that results from those enhancements.

21 (3) An offender may earn early release time as follows:

22 (a) In the case of an offender sentenced pursuant to RCW  
23 10.95.030 (~~((3))~~) (2) or 10.95.035, the offender may not receive any  
24 earned early release time during the minimum term of confinement  
25 imposed by the court; for any remaining portion of the sentence  
26 served by the offender, the aggregate earned release time may not  
27 exceed 10 percent of the sentence.

28 (b) In the case of an offender convicted of a serious violent  
29 offense, or a sex offense that is a class A felony, committed on or  
30 after July 1, 1990, and before July 1, 2003, the aggregate earned  
31 release time may not exceed 15 percent of the sentence.

32 (c) In the case of an offender convicted of a serious violent  
33 offense, or a sex offense that is a class A felony, committed on or  
34 after July 1, 2003, the aggregate earned release time may not exceed  
35 10 percent of the sentence.

36 (d) An offender is qualified to earn up to 50 percent of  
37 aggregate earned release time if he or she:

38 (i) Is not classified as an offender who is at a high risk to  
39 reoffend as provided in subsection (4) of this section;

40 (ii) Is not confined pursuant to a sentence for:

1 (A) A sex offense;

2 (B) A violent offense;

3 (C) A crime against persons as defined in RCW 9.94A.411;

4 (D) A felony that is domestic violence as defined in RCW  
5 10.99.020;

6 (E) A violation of RCW 9A.52.025 (residential burglary);

7 (F) A violation of, or an attempt, solicitation, or conspiracy to  
8 violate, RCW 69.50.401 by manufacture or delivery or possession with  
9 intent to deliver methamphetamine; or

10 (G) A violation of, or an attempt, solicitation, or conspiracy to  
11 violate, RCW 69.50.406 (delivery of a controlled substance to a  
12 minor);

13 (iii) Has no prior conviction for the offenses listed in (d)(ii)  
14 of this subsection;

15 (iv) Participates in programming or activities as directed by the  
16 offender's individual reentry plan as provided under RCW 72.09.270 to  
17 the extent that such programming or activities are made available by  
18 the department; and

19 (v) Has not committed a new felony after July 22, 2007, while  
20 under community custody.

21 (e) In no other case shall the aggregate earned release time  
22 exceed one-third of the total sentence.

23 (4) The department shall perform a risk assessment of each  
24 offender who may qualify for earned early release under subsection  
25 (3)(d) of this section utilizing the risk assessment tool recommended  
26 by the Washington state institute for public policy. Subsection  
27 (3)(d) of this section does not apply to offenders convicted after  
28 July 1, 2010.

29 (5)(a) A person who is eligible for earned early release as  
30 provided in this section and who will be supervised by the department  
31 pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to  
32 community custody in lieu of earned release time;

33 (b) The department shall, as a part of its program for release to  
34 the community in lieu of earned release, require the offender to  
35 propose a release plan that includes an approved residence and living  
36 arrangement. All offenders with community custody terms eligible for  
37 release to community custody in lieu of earned release shall provide  
38 an approved residence and living arrangement prior to release to the  
39 community;

1 (c) The department may deny transfer to community custody in lieu  
2 of earned release time if the department determines an offender's  
3 release plan, including proposed residence location and living  
4 arrangements, may violate the conditions of the sentence or  
5 conditions of supervision, place the offender at risk to violate the  
6 conditions of the sentence, place the offender at risk to reoffend,  
7 or present a risk to victim safety or community safety. The  
8 department's authority under this section is independent of any  
9 court-ordered condition of sentence or statutory provision regarding  
10 conditions for community custody;

11 (d) If the department is unable to approve the offender's release  
12 plan, the department may do one or more of the following:

13 (i) Transfer an offender to partial confinement in lieu of earned  
14 early release for a period not to exceed three months. The three  
15 months in partial confinement is in addition to that portion of the  
16 offender's term of confinement that may be served in partial  
17 confinement as provided in RCW 9.94A.728(1)(e);

18 (ii) Provide rental vouchers to the offender for a period not to  
19 exceed six months if rental assistance will result in an approved  
20 release plan.

21 A voucher must be provided in conjunction with additional  
22 transition support programming or services that enable an offender to  
23 participate in services including, but not limited to, substance  
24 abuse treatment, mental health treatment, sex offender treatment,  
25 educational programming, or employment programming;

26 (e) The department shall maintain a list of housing providers  
27 that meets the requirements of RCW 72.09.285. If more than two  
28 voucher recipients will be residing per dwelling unit, as defined in  
29 RCW 59.18.030, rental vouchers for those recipients may only be paid  
30 to a housing provider on the department's list;

31 (f) For each offender who is the recipient of a rental voucher,  
32 the department shall gather data as recommended by the Washington  
33 state institute for public policy in order to best demonstrate  
34 whether rental vouchers are effective in reducing recidivism.

35 (6) An offender serving a term of confinement imposed under RCW  
36 9.94A.670(5)(a) is not eligible for earned release credits under this  
37 section.

38 **Sec. 23.** RCW 9.94A.833 and 2008 c 276 s 302 are each amended to  
39 read as follows:

1 (1) In a prosecution of a criminal street gang-related felony  
2 offense, the prosecution may file a special allegation that the  
3 felony offense involved the compensation, threatening, or  
4 solicitation of a minor in order to involve that minor in the  
5 commission of the felony offense, as described under RCW  
6 9.94A.533(~~(+10)~~) (11)(a).

7 (2) The state has the burden of proving a special allegation made  
8 under this section beyond a reasonable doubt. If a jury is had, the  
9 jury shall, if it finds the defendant guilty, also find a special  
10 verdict as to whether the criminal street gang-related felony offense  
11 involved the compensation, threatening, or solicitation of a minor in  
12 order to involve that minor in the commission of the felony offense.  
13 If no jury is had, the court shall make a finding of fact as to  
14 whether the criminal street gang-related felony offense involved the  
15 compensation, threatening, or solicitation of a minor in order to  
16 involve that minor in the commission of the felony offense.

17 **Sec. 24.** RCW 10.01.210 and 2002 c 290 s 23 are each amended to  
18 read as follows:

19 Any and all law enforcement agencies and personnel, criminal  
20 justice attorneys, sentencing judges, and state and local  
21 correctional facilities and personnel may, but are not required to,  
22 give any and all offenders either written or oral notice, or both, of  
23 the sanctions imposed and criminal justice changes regarding armed  
24 offenders, including but not limited to the subjects of:

25 (1) Felony crimes involving any deadly weapon special verdict  
26 under RCW (~~(9.94A.602)~~) 9.94A.825;

27 (2) Any and all deadly weapon enhancements under RCW 9.94A.533  
28 (~~((3) or~~) (4) or (5), or both, as well as any federal firearm,  
29 ammunition, or other deadly weapon enhancements;

30 (3) Any and all felony crimes requiring the possession, display,  
31 or use of any deadly weapon as well as the many increased penalties  
32 for these crimes including the creation of theft of a firearm and  
33 possessing a stolen firearm;

34 (4) New prosecuting standards established for filing charges for  
35 all crimes involving any deadly weapons;

36 (5) Removal of good time for any and all deadly weapon  
37 enhancements; and

38 (6) Providing the death penalty for those who commit first degree  
39 murder: (a) To join, maintain, or advance membership in an

1 identifiable group; (b) as part of a drive-by shooting; or (c) to  
2 avoid prosecution as a persistent offender as defined in RCW  
3 9.94A.030.

4 PART V: MISCELLANEOUS PROVISIONS

5 NEW SECTION. **Sec. 25.** If any amendments to any sections enacted  
6 or affected by this act are enacted in a 2024 legislative session  
7 that do not take cognizance of this act, the code reviser shall  
8 prepare a bill for introduction in the 2025 legislative session that  
9 incorporates any such amendments into the sections adopted by this  
10 act and corrects any incorrect cross-references.

11 NEW SECTION. **Sec. 26.** RCW 9.94A.506 (Standard sentence ranges—  
12 Limitations) and 2011 1st sp.s. c 40 s 26 are each repealed.

13 NEW SECTION. **Sec. 27.** Except for section 8 of this act, this  
14 act takes effect August 1, 2028.

--- END ---