

1 XI Rape 1 (RCW 9A.44.040)
2 Rape of a Child 1 (RCW 9A.44.073)
3 Arson 1 (RCW 9A.48.020)
4 Vehicular Homicide, by being under the influence of
5 intoxicating liquor or any drug or by the operation of
6 any vehicle in a reckless manner (RCW 46.61.520)
7 X Kidnapping 1 (RCW 9A.40.020)
8 Rape 2 (RCW 9A.44.050)
9 Rape of a Child 2 (RCW 9A.44.076)
10 Child Molestation 1 (RCW 9A.44.083)
11 Damaging building, etc., by explosion with threat to human
12 being (RCW 70.74.280(1))
13 Over 18 and deliver heroin or narcotic from Schedule I or
14 II to someone under 18 (RCW 69.50.406)
15 Leading Organized Crime (RCW 9A.82.060(1)(a))
16 IX Robbery 1 (RCW 9A.56.200)
17 Manslaughter 1 (RCW 9A.32.060)
18 Explosive devices prohibited (RCW 70.74.180)
19 Indecent Liberties (with forcible compulsion) (RCW
20 9A.44.100(1)(a))
21 Endangering life and property by explosives with threat to
22 human being (RCW 70.74.270)
23 Over 18 and deliver narcotic from Schedule III, IV, or V or
24 a nonnarcotic from Schedule I-V to someone under 18 and
25 3 years junior (RCW 69.50.406)
26 Controlled Substance Homicide (RCW 69.50.415)
27 Sexual Exploitation (RCW 9.68A.040)
28 Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
29 VIII (~~Arson 1 (RCW 9A.48.020)~~)
30 Promoting Prostitution 1 (RCW 9A.88.070)

1 Selling for profit (controlled or counterfeit) any
2 controlled substance (RCW 69.50.410)
3 Manufacture, deliver, or possess with intent to deliver
4 heroin or cocaine (RCW 69.50.401(a)(1)(i))
5 Manufacture, deliver, or possess with intent to deliver
6 methamphetamine (RCW 69.50.401(a)(1)(ii))
7 ~~((Vehicular Homicide, by being under the influence of
8 intoxicating liquor or any drug or by the operation of
9 any vehicle in a reckless manner (RCW 46.61.520))~~
10 VII Burglary 1 (RCW 9A.52.020)
11 Vehicular Homicide, by disregard for the safety of others
12 (RCW 46.61.520)
13 Introducing Contraband 1 (RCW 9A.76.140)
14 Indecent Liberties (without forcible compulsion) (RCW
15 9A.44.100(1) (b) and (c))
16 Child Molestation 2 (RCW 9A.44.086)
17 Dealing in depictions of minor engaged in sexually explicit
18 conduct (RCW 9.68A.050)
19 Sending, bringing into state depictions of minor engaged in
20 sexually explicit conduct (RCW 9.68A.060)
21 Involving a minor in drug dealing (RCW 69.50.401(f))
22 VI Bribery (RCW 9A.68.010)
23 Manslaughter 2 (RCW 9A.32.070)
24 Rape of a Child 3 (RCW 9A.44.079)
25 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
26 Damaging building, etc., by explosion with no threat to
27 human being (RCW 70.74.280(2))
28 Endangering life and property by explosives with no threat
29 to human being (RCW 70.74.270)
30 Incest 1 (RCW 9A.64.020(1))

1 Manufacture, deliver, or possess with intent to deliver
2 narcotics from Schedule I or II (except heroin or
3 cocaine) (RCW 69.50.401(a)(1)(i))
4 Intimidating a Judge (RCW 9A.72.160)
5 Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
6 V Criminal Mistreatment 1 (RCW 9A.42.020)
7 Rape 3 (RCW 9A.44.060)
8 Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
9 Child Molestation 3 (RCW 9A.44.089)
10 Kidnapping 2 (RCW 9A.40.030)
11 Extortion 1 (RCW 9A.56.120)
12 Incest 2 (RCW 9A.64.020(2))
13 Perjury 1 (RCW 9A.72.020)
14 Extortionate Extension of Credit (RCW 9A.82.020)
15 Advancing money or property for extortionate extension of
16 credit (RCW 9A.82.030)
17 Extortionate Means to Collect Extensions of Credit (RCW
18 9A.82.040)
19 Rendering Criminal Assistance 1 (RCW 9A.76.070)
20 Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
21 Delivery of imitation controlled substance by person
22 eighteen or over to person under eighteen (RCW
23 69.52.030(2))
24 IV Residential Burglary (RCW 9A.52.025)
25 Theft of Livestock 1 (RCW 9A.56.080)
26 Robbery 2 (RCW 9A.56.210)
27 Assault 2 (RCW 9A.36.021)
28 Escape 1 (RCW 9A.76.110)
29 Arson 2 (RCW 9A.48.030)

1 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090,
2 9A.72.100)
3 Malicious Harassment (RCW 9A.36.080)
4 Threats to Bomb (RCW 9.61.160)
5 Willful Failure to Return from Furlough (RCW 72.66.060)
6 Hit and Run -- Injury Accident (RCW 46.52.020(4))
7 Vehicular Assault (RCW 46.61.522)
8 Manufacture, deliver, or possess with intent to deliver
9 narcotics from Schedule III, IV, or V or nonnarcotics
10 from Schedule I-V (except marijuana or
11 methamphetamines) (RCW 69.50.401(a)(1)(ii) through
12 (iv))
13 Influencing Outcome of Sporting Event (RCW 9A.82.070)
14 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1)
15 and (2))
16 Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
17 III Criminal mistreatment 2 (RCW 9A.42.030)
18 Extortion 2 (RCW 9A.56.130)
19 Unlawful Imprisonment (RCW 9A.40.040)
20 Assault 3 (RCW 9A.36.031)
21 Custodial Assault (RCW 9A.36.100)
22 Unlawful possession of firearm or pistol by felon (RCW
23 9.41.040)
24 Harassment (RCW 9A.46.020)
25 Promoting Prostitution 2 (RCW 9A.88.080)
26 Willful Failure to Return from Work Release (RCW 72.65.070)
27 Burglary 2 (RCW 9A.52.030)
28 Introducing Contraband 2 (RCW 9A.76.150)
29 Communication with a Minor for Immoral Purposes (RCW
30 9.68A.090)

1 Patronizing a Juvenile Prostitute (RCW 9.68A.100)
2 Escape 2 (RCW 9A.76.120)
3 Perjury 2 (RCW 9A.72.030)
4 Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
5 Intimidating a Public Servant (RCW 9A.76.180)
6 Tampering with a Witness (RCW 9A.72.120)
7 Manufacture, deliver, or possess with intent to deliver
8 marijuana (RCW 69.50.401(a)(1)(ii))
9 Delivery of a material in lieu of a controlled substance
10 (RCW 69.50.401(c))
11 Manufacture, distribute, or possess with intent to
12 distribute an imitation controlled substance (RCW
13 69.52.030(1))
14 Recklessly Trafficking in Stolen Property (RCW
15 9A.82.050(1))
16 Theft of livestock 2 (RCW 9A.56.080)
17 Securities Act violation (RCW 21.20.400)
18 II Malicious Mischief 1(RCW 9A.48.070)
19 Possession of Stolen Property 1 (RCW 9A.56.150)
20 Theft 1 (RCW 9A.56.030)
21 Possession of controlled substance that is either heroin or
22 narcotics from Schedule I or II (RCW 69.50.401(d))
23 Possession of phencyclidine (PCP) (RCW 69.50.401(d))
24 Create, deliver, or possess a counterfeit controlled
25 substance (RCW 69.50.401(b))
26 Computer Trespass 1 (RCW 9A.52.110)
27 Reckless Endangerment 1 (RCW 9A.36.045)
28 I Theft 2 (RCW 9A.56.040)
29 Possession of Stolen Property 2 (RCW 9A.56.160)
30 Forgery (RCW 9A.60.020)

1 Taking Motor Vehicle Without Permission (RCW 9A.56.070)
2 Vehicle Prowl 1 (RCW 9A.52.095)
3 Attempting to Elude a Pursuing Police Vehicle (RCW
4 46.61.024)
5 Malicious Mischief 2 (RCW 9A.48.080)
6 Reckless Burning 1 (RCW 9A.48.040)
7 Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
8 Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
9 False Verification for Welfare (RCW 74.08.055)
10 Forged Prescription (RCW 69.41.020)
11 Forged Prescription for a Controlled Substance (RCW
12 69.50.403)
13 Possess Controlled Substance that is a Narcotic from
14 Schedule III, IV, or V or Non-narcotic from Schedule I-
15 V (except phencyclidine) (RCW 69.50.401(d))

16 **Sec. 2.** RCW 9.94A.360 and 1990 c 3 s 706 are each amended to read
17 as follows:

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

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

22 (1) A prior conviction is a conviction which exists before the date
23 of sentencing for the offense for which the offender score is being
24 computed. Convictions entered or sentenced on the same date as the
25 conviction for which the offender score is being computed shall be
26 deemed "other current offenses" within the meaning of RCW 9.94A.400.

27 (2) Except as provided in subsection (4) of this section, class A
28 and sex prior felony convictions shall always be included in the
29 offender score. Class B prior felony convictions other than sex

1 offenses shall not be included in the offender score, if since the last
2 date of release from confinement (including full-time residential
3 treatment) pursuant to a felony conviction, if any, or entry of
4 judgment and sentence, the offender had spent ten consecutive years in
5 the community without being convicted of any felonies. Class C prior
6 felony convictions other than sex offenses shall not be included in the
7 offender score if, since the last date of release from confinement
8 (including full-time residential treatment) pursuant to a felony
9 conviction, if any, or entry of judgment and sentence, the offender had
10 spent five consecutive years in the community without being convicted
11 of any felonies. Serious traffic convictions shall not be included in
12 the offender score if, since the last date of release from confinement
13 (including full-time residential treatment) pursuant to a felony
14 conviction, if any, or entry of judgment and sentence, the offender
15 spent five years in the community without being convicted of any
16 serious traffic or felony traffic offenses. This subsection applies to
17 both adult and juvenile prior convictions.

18 (3) Out-of-state convictions for offenses shall be classified
19 according to the comparable offense definitions and sentences provided
20 by Washington law.

21 (4) Always include juvenile convictions for sex offenses. Include
22 other class A juvenile felonies only if the offender was 15 or older at
23 the time the juvenile offense was committed. Include other class B and
24 C juvenile felony convictions only if the offender was 15 or older at
25 the time the juvenile offense was committed and the offender was less
26 than 23 at the time the offense for which he or she is being sentenced
27 was committed.

28 (5) Score prior convictions for felony anticipatory offenses
29 (attempts, criminal solicitations, and criminal conspiracies) the same
30 as if they were convictions for completed offenses.

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

3 (a) Prior adult offenses which were found, under RCW
4 9.94A.400(1)(a), to encompass the same criminal conduct, shall be
5 counted as one offense, the offense that yields the highest offender
6 score. The current sentencing court shall determine with respect to
7 other prior adult offenses for which sentences were served concurrently
8 whether those offenses shall be counted as one offense or as separate
9 offenses, and if the court finds that they shall be counted as one
10 offense, then the offense that yields the highest offender score shall
11 be used;

12 (b) Juvenile prior convictions entered or sentenced on the same
13 date shall count as one offense, the offense that yields the highest
14 offender score, except for juvenile prior convictions for violent
15 offenses with separate victims, which shall count as separate offenses;
16 and

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

23 (7) If the present conviction is one of the anticipatory offenses
24 of criminal attempt, solicitation, or conspiracy, count each prior
25 conviction as if the present conviction were for a completed offense.

26 (8) If the present conviction is for a nonviolent offense and not
27 covered by subsection (12) or (13) of this section, count one point for
28 each adult prior felony conviction and one point for each juvenile
29 prior violent felony conviction and 1/2 point for each juvenile prior
30 nonviolent felony conviction.

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

6 (10) If the present conviction is for Murder 1 or 2, Assault 1,
7 Kidnaping 1, Homicide by Abuse, Arson 1, or Rape 1, count three points
8 for prior adult and juvenile convictions for crimes in these
9 categories, two points for each prior adult and juvenile violent
10 conviction (not already counted), one point for each prior adult
11 nonviolent felony conviction, and 1/2 point for each prior juvenile
12 nonviolent felony conviction.

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

18 (12) If the present conviction is for a felony traffic offense
19 count three points for each adult or juvenile prior conviction for
20 vehicular homicide by being under the influence of intoxicating liquor
21 or any drug or by the operation of any vehicle in a reckless manner;
22 count two points for each adult or juvenile prior conviction for
23 Vehicular Homicide by disregard for the safety of others or Vehicular
24 Assault; for each felony offense or serious traffic offense, count one
25 point for each adult and 1/2 point for each juvenile prior conviction.

26 (13) If the present conviction is for a drug offense count three
27 points for each adult prior felony drug offense conviction and two
28 points for each juvenile drug offense. All other adult and juvenile
29 felonies are scored as in subsection (9) of this section if the current

1 drug offense is violent, or as in subsection (8) of this section if the
2 current drug offense is nonviolent.

3 (14) If the present conviction is for Willful Failure to Return
4 from Furlough, RCW 72.66.060, or Willful Failure to Return from Work
5 Release, RCW 72.65.070, count only prior escape convictions in the
6 offender score. Count adult prior escape convictions as one point and
7 juvenile prior escape convictions as 1/2 point.

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

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

17 (17) If the present conviction is for a sex offense, count priors
18 as in subsections (8) through (16) of this section; however count three
19 points for each adult and juvenile prior sex offense conviction.

20 (18) If the present conviction is for an offense committed while
21 the offender was under community placement, add one point.

22 **Sec. 3.** RCW 46.61.520 and 1991 c 348 s 1 are each amended to read
23 as follows:

24 (1) When the death of any person ensues within three years as a
25 proximate result of injury proximately caused by the driving of any
26 vehicle by any person, the driver is guilty of vehicular homicide if
27 the driver was operating a motor vehicle:

28 (a) While under the influence of intoxicating liquor or any drug,
29 as defined by RCW 46.61.502; or

1 (b) In a reckless manner; or

2 (c) With disregard for the safety of others.

3 (2) Vehicular homicide is a class ((B)) A felony punishable under
4 chapter 9A.20 RCW.

5 **Sec. 4.** RCW 46.20.285 and 1990 c 250 s 43 are each amended to read
6 as follows:

7 The department shall forthwith revoke the license of any driver for
8 the period of one calendar year unless otherwise provided in this
9 section, upon receiving a record of the driver's conviction of any of
10 the following offenses, when the conviction has become final:

11 (1) For vehicular homicide, by being under the influence of
12 intoxicating liquor or any drug or by the operation of any vehicle in
13 a reckless manner, the period of revocation shall be eight years. For
14 vehicular homicide by disregard for the safety of others the period of
15 revocation shall be two years;

16 (2) Vehicular assault;

17 (3) Driving a motor vehicle while under the influence of
18 intoxicating liquor or a narcotic drug, or under the influence of any
19 other drug to a degree which renders the driver incapable of safely
20 driving a motor vehicle, upon a showing by the department's records
21 that the conviction is the second such conviction for the driver within
22 a period of five years. Upon a showing that the conviction is the
23 third such conviction for the driver within a period of five years, the
24 period of revocation shall be two years;

25 (4) Any felony in the commission of which a motor vehicle is used;

26 (5) Failure to stop and give information or render aid as required
27 under the laws of this state in the event of a motor vehicle accident
28 resulting in the death or personal injury of another or resulting in
29 damage to a vehicle that is driven or attended by another;

1 (6) Perjury or the making of a false affidavit or statement under
2 oath to the department under Title 46 RCW or under any other law
3 relating to the ownership or operation of motor vehicles;

4 (7) Reckless driving upon a showing by the department's records
5 that the conviction is the third such conviction for the driver within
6 a period of two years.

7 **Sec. 5.** RCW 46.20.311 and 1990 c 250 s 45 are each amended to read
8 as follows:

9 (1) The department shall not suspend a driver's license or
10 privilege to drive a motor vehicle on the public highways for a fixed
11 period of more than one year, except as permitted under RCW 46.20.342
12 or 46.61.515. Whenever the license or driving privilege of any person
13 is suspended by reason of a conviction, a finding that a traffic
14 infraction has been committed, pursuant to chapter 46.29 RCW, or
15 pursuant to RCW 46.20.291, the suspension shall remain in effect until
16 the person gives and thereafter maintains proof of financial
17 responsibility for the future as provided in chapter 46.29 RCW. The
18 department shall not issue to the person a new, duplicate, or renewal
19 license until the person pays a reissue fee of twenty dollars. If the
20 suspension is the result of a violation of RCW 46.61.502 or 46.61.504,
21 the reissue fee shall be fifty dollars.

22 (2) Any person whose license or privilege to drive a motor vehicle
23 on the public highways has been revoked, unless the revocation was for
24 a cause which has been removed, is not entitled to have the license or
25 privilege renewed or restored until: (a) After the expiration of one
26 year from the date the license or privilege to drive was revoked; (b)
27 after the expiration of the applicable revocation period provided by
28 RCW 46.61.515(3) (b) or (c); (c) After the expiration of eight years
29 for persons convicted of vehicular homicide, by being under the

1 influence of intoxicating liquor or any drug or by the operation of any
2 vehicle in a reckless manner; (d) after the expiration of two years for
3 persons convicted of vehicular homicide by disregard for the safety of
4 others; ((+d)) (e) after the expiration of one year in cases of
5 revocation for the first refusal within five years to submit to a
6 chemical test under RCW 46.20.308; ((+e)) (f) after the expiration of
7 two years in cases of revocation for the second refusal within five
8 years to submit to a chemical test under RCW 46.20.308; or ((+f)) (g)
9 after the expiration of the applicable revocation period provided by
10 RCW 46.20.265. After the expiration of the appropriate period, the
11 person may make application for a new license as provided by law
12 together with a reissue fee in the amount of twenty dollars, but if the
13 revocation is the result of a violation of RCW 46.20.308, 46.61.502, or
14 46.61.504, the reissue fee shall be fifty dollars. Except for a
15 revocation under RCW 46.20.265, the department shall not then issue a
16 new license unless it is satisfied after investigation of the driving
17 ability of the person that it will be safe to grant the privilege of
18 driving a motor vehicle on the public highways, and until the person
19 gives and thereafter maintains proof of financial responsibility for
20 the future as provided in chapter 46.29 RCW. For a revocation under
21 RCW 46.20.265, the department shall not issue a new license unless it
22 is satisfied after investigation of the driving ability of the person
23 that it will be safe to grant that person the privilege of driving a
24 motor vehicle on the public highways.

25 (3) Whenever the driver's license of any person is suspended
26 pursuant to Article IV of the nonresident violators compact or RCW
27 46.23.020, the department shall not issue to the person any new or
28 renewal license until the person pays a reissue fee of twenty dollars.
29 If the suspension is the result of a violation of the laws of another
30 state, province, or other jurisdiction involving (a) the operation or

1 physical control of a motor vehicle upon the public highways while
2 under the influence of intoxicating liquor or drugs, or (b) the refusal
3 to submit to a chemical test of the driver's blood alcohol content, the
4 reissue fee shall be fifty dollars.