
SENATE BILL 5022

State of Washington

55th Legislature

1997 Regular Session

By Senator Hochstatter

Read first time 01/13/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to offender scoring while under supervision;
2 amending RCW 13.40.0354; and reenacting and amending RCW 9.94A.360.

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

4 **Sec. 1.** RCW 9.94A.360 and 1995 c 316 s 1 and 1995 c 101 s 1 are
5 each reenacted and amended to read as follows:

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

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

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

15 (2) Except as provided in subsection (4) of this section, class A
16 and sex prior felony convictions shall always be included in the
17 offender score. Class B prior felony convictions other than sex
18 offenses shall not be included in the offender score, if since the last
19 date of release from confinement (including full-time residential

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

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

26 (4) Always include juvenile convictions for sex offenses and
27 serious violent offenses. Include other class A juvenile felonies only
28 if the offender was 15 or older at the time the juvenile offense was
29 committed. Include other class B and C juvenile felony convictions
30 only if the offender was 15 or older at the time the juvenile offense
31 was committed and the offender was less than 23 at the time the offense
32 for which he or she is being sentenced was committed.

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

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

1 (i) Prior adult offenses which were found, under RCW
2 9.94A.400(1)(a), to encompass the same criminal conduct, shall be
3 counted as one offense, the offense that yields the highest offender
4 score. The current sentencing court shall determine with respect to
5 other prior adult offenses for which sentences were served concurrently
6 whether those offenses shall be counted as one offense or as separate
7 offenses using the "same criminal conduct" analysis found in RCW
8 9.94A.400(1)(a), and if the court finds that they shall be counted as
9 one offense, then the offense that yields the highest offender score
10 shall be used. The current sentencing court may presume that such
11 other prior adult offenses were not the same criminal conduct from
12 sentences imposed on separate dates, or in separate counties or
13 jurisdictions, or in separate complaints, indictments, or informations;

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

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

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

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

34 (8) If the present conviction is for a nonviolent offense and not
35 covered by subsection (12) or (13) of this section, count one point for
36 each adult prior felony conviction and one point for each juvenile
37 prior violent felony conviction and « point for each juvenile prior
38 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 «
5 point for each prior juvenile nonviolent felony conviction.

6 (10) If the present conviction is for Murder 1 or 2, Assault 1,
7 Assault of a Child 1, Kidnaping 1, Homicide by Abuse, or Rape 1, count
8 three points for prior adult and juvenile convictions for crimes in
9 these 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 « 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 two points for each adult or juvenile prior conviction for
20 Vehicular Homicide or Vehicular Assault; for each felony offense or
21 serious traffic offense, count one point for each adult and « point for
22 each juvenile prior conviction.

23 (13) If the present conviction is for a drug offense count three
24 points for each adult prior felony drug offense conviction and two
25 points for each juvenile drug offense. All other adult and juvenile
26 felonies are scored as in subsection (9) of this section if the current
27 drug offense is violent, or as in subsection (8) of this section if the
28 current drug offense is nonviolent.

29 (14) If the present conviction is for Willful Failure to Return
30 from Furlough, RCW 72.66.060, Willful Failure to Return from Work
31 Release, RCW 72.65.070, or Escape from Community Custody, RCW
32 72.09.310, count only prior escape convictions in the offender score.
33 Count adult prior escape convictions as one point and juvenile prior
34 escape convictions as « point.

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

38 (16) If the present conviction is for Burglary 2 or residential
39 burglary, count priors as in subsection (8) of this section; however,

1 count two points for each adult and juvenile prior Burglary 1
2 conviction, two points for each adult prior Burglary 2 or residential
3 burglary conviction, and one point for each juvenile prior Burglary 2
4 or residential burglary conviction.

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

8 (18) If the present conviction is for an offense committed while
9 the offender was under community supervision, community custody, or
10 community placement, add one point.

11 **Sec. 2.** RCW 13.40.0354 and 1994 sp.s. c 7 s 521 are each amended
12 to read as follows:

13 The total current offense points for use in the standards range
14 matrix of schedules D-1, D-2, and D-3 are computed as follows:

15 (1) The disposition offense category is determined by the offense
16 of conviction. Offenses are divided into ten levels of seriousness,
17 ranging from low (seriousness level E) to high (seriousness level A+),
18 see schedule A, RCW 13.40.0357.

19 (2) The prior offense increase factor is summarized in schedule B,
20 RCW 13.40.0357. The increase factor is determined for each prior
21 offense by using the time span and the offense category in the prior
22 offense increase factor grid. Time span is computed from the date of
23 the prior offense to the date of the current offense. The total
24 increase factor is determined by totalling the increase factors for
25 each prior offense and adding a constant factor of 1.0.

26 (3) The current offense points are summarized in schedule C, RCW
27 13.40.0357. The current offense points are determined for each current
28 offense by locating the juvenile's age on the horizontal axis and using
29 the offense category on the vertical axis. The juvenile's age is
30 determined as of the time of the current offense and is rounded down to
31 the nearest whole number.

32 (4) The total current offense points are determined for each
33 current offense by multiplying the total increase factor by the current
34 offense points. The total current offense points are rounded down to
35 the nearest whole number.

36 (5) All current offense points calculated in schedules D-1, D-2,
37 and D-3 shall be increased by a factor of five percent if the offense

1 is committed by a juvenile who is in a program of parole, community
2 supervision, or deferred adjudication under this chapter.

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