
SUBSTITUTE HOUSE BILL 2621

State of Washington

60th Legislature

2008 Regular Session

By House Judiciary (originally sponsored by Representatives Hurst, Lantz, and Simpson)

READ FIRST TIME 02/06/08.

1 AN ACT Relating to requiring certain sentences for vehicular
2 homicide and vehicular assault to run consecutively; and amending RCW
3 9.94A.589.

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

5 **Sec. 1.** RCW 9.94A.589 and 2002 c 175 s 7 are each amended to read
6 as follows:

7 (1)(a)(i) Except as provided in (b) or (c) of this subsection,
8 whenever a person is to be sentenced for two or more current offenses,
9 the sentence range for each current offense shall be determined by
10 using all other current and prior convictions as if they were prior
11 convictions for the purpose of the offender score: PROVIDED, That if
12 the court enters a finding that some or all of the current offenses
13 encompass the same criminal conduct then those current offenses shall
14 be counted as one crime. Except as provided in (a)(ii) of this
15 subsection, sentences imposed under this subsection shall be served
16 concurrently. ((Consecutive sentences may only be imposed under the
17 exceptional sentence provisions of RCW 9.94A.535.)) "Same criminal
18 conduct," as used in this subsection, means two or more crimes that
19 require the same criminal intent, are committed at the same time and

1 place, and involve the same victim. This definition applies in cases
2 involving vehicular assault or vehicular homicide even if the victims
3 occupied the same vehicle.

4 (ii) Consecutive sentences may be imposed under the exceptional
5 sentence provisions of RCW 9.94A.535. Consecutive sentences shall be
6 imposed for more than one conviction for vehicular assault by being
7 under the influence of intoxicating liquor or any drug, more than one
8 conviction of vehicular homicide by being under the influence of
9 intoxicating liquor or any drug, or a combination of convictions for
10 vehicular assault by being under the influence of intoxicating liquor
11 or any drug and vehicular homicide by being under the influence of
12 intoxicating liquor or any drug, unless the court finds by a
13 preponderance of the evidence that the imposition of consecutive
14 sentences would be inconsistent with the purposes of this chapter as
15 articulated in RCW 9.94A.010.

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

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

1 (2)(a) Except as provided in (b) of this subsection, whenever a
2 person while under sentence for conviction of a felony commits another
3 felony and is sentenced to another term of confinement, the latter term
4 shall not begin until expiration of all prior terms.

5 (b) Whenever a second or later felony conviction results in
6 community supervision with conditions not currently in effect, under
7 the prior sentence or sentences of community supervision the court may
8 require that the conditions of community supervision contained in the
9 second or later sentence begin during the immediate term of community
10 supervision and continue throughout the duration of the consecutive
11 term of community supervision.

12 (3) Subject to subsections (1) and (2) of this section, whenever a
13 person is sentenced for a felony that was committed while the person
14 was not under sentence for conviction of a felony, the sentence shall
15 run concurrently with any felony sentence which has been imposed by any
16 court in this or another state or by a federal court subsequent to the
17 commission of the crime being sentenced unless the court pronouncing
18 the current sentence expressly orders that they be served
19 consecutively.

20 (4) Whenever any person granted probation under RCW 9.95.210 or
21 9.92.060, or both, has the probationary sentence revoked and a prison
22 sentence imposed, that sentence shall run consecutively to any sentence
23 imposed pursuant to this chapter, unless the court pronouncing the
24 subsequent sentence expressly orders that they be served concurrently.

25 (5) In the case of consecutive sentences, all periods of total
26 confinement shall be served before any partial confinement, community
27 restitution, community supervision, or any other requirement or
28 conditions of any of the sentences. Except for exceptional sentences
29 as authorized under RCW 9.94A.535, if two or more sentences that run
30 consecutively include periods of community supervision, the aggregate
31 of the community supervision period shall not exceed twenty-four
32 months.

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