

HOUSE BILL 2408

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Wineberry, Padden, Stevens, Schmidt, Cooke, Basich, Sehlin, Campbell, Sheahan, J. Kohl, Wood, Kremen, Chandler, Mastin, Jones and Orr

Read first time 01/14/94. Referred to Committee on Judiciary.

1 AN ACT Relating to increase of presumptive sentences; amending RCW
2 9.94A.310 and 9.94A.370; and prescribing penalties.

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

4 Sec. 1. RCW 9.94A.310 and 1992 c 145 s 9 are each amended to read
5 as follows:

6 (1) TABLE 1

7 Sentencing Grid

8 SERIOUSNESS

9 SCORE OFFENDER SCORE

10 9 or
11 0 1 2 3 4 5 6 7 8 more

12
13 XV Life Sentence without Parole/Death Penalty

14	XIV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y
15		240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
16		320	333	347	361	374	388	416	450	493	548

17
18

1	XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
2		123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
3		164	178	192	205	219	233	260	288	342	397
4											
5	XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
6		93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
7		123	136	147	160	171	184	216	236	277	318
8											
9	XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
10		78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
11		102	114	125	136	147	158	194	211	245	280
12											
13	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
14		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
15		68	75	82	89	96	102	130	144	171	198
16											
17	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
18		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
19		41	48	54	61	68	75	102	116	144	171
20											
21	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
22		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
23		27	34	41	48	54	61	89	102	116	144
24											
25	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
26		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
27		20	27	34	41	48	54	75	89	102	116
28											
29	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
30		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
31		14	20	27	34	41	48	61	75	89	102
32											
33	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
34		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
35		12	14	17	20	29	43	54	68	82	96
36											
37	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
38		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
39		9	12	14	17	20	29	43	57	70	84

1	<hr/>										
2	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
3		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
4		3	8	12	12	16	22	29	43	57	68
5	<hr/>										
6	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
7		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
8		Days	6	9	12	14	18	22	29	43	57
9	<hr/>										
10	I			3m	4m	5m	8m	13m	16m	20m	2y2m
11		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
12		Days	Days	5	6	8	12	14	18	22	29
13	<hr/>										

14 NOTE: Numbers in the first horizontal row of each seriousness category
15 represent sentencing midpoints in years(y) and months(m). Numbers in
16 the second and third rows represent presumptive sentencing ranges in
17 months, or in days if so designated. 12+ equals one year and one day.

18 (2) For persons convicted of the anticipatory offenses of criminal
19 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
20 presumptive sentence is determined by locating the sentencing grid
21 sentence range defined by the appropriate offender score and the
22 seriousness level of the completed crime, and multiplying the range by
23 75 percent.

24 (3) The following additional times shall be added to the
25 presumptive sentence if the offender or an accomplice was armed with a
26 deadly weapon as defined in this chapter and the offender is being
27 sentenced for one of the crimes listed in this subsection. If the
28 offender or an accomplice was armed with a deadly weapon and the
29 offender is being sentenced for an anticipatory offense under chapter
30 9A.28 RCW to commit one of the crimes listed in this subsection, the
31 following times shall be added to the presumptive range determined
32 under subsection (2) of this section:

33 (a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.-
34 200), or Kidnapping 1 (RCW 9A.40.020)

35 (b) 18 months for Burglary 1 (RCW 9A.52.020)

36 (c) 12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Assault
37 of a Child 2 (RCW 9A.36.130), Escape 1 (RCW 9A.76.110), Kidnapping 2
38 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW

1 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug
2 offense.

3 (4) When an offender's presumptive sentence is increased under
4 subsection (3) of this section, the presumptive sentence shall be
5 further increased by an additional eight years if the deadly weapon is
6 a firearm as defined in RCW 9.41.010. An offender whose presumptive
7 sentence is increased under this subsection shall not be eligible for
8 earned early release while serving this portion of the sentence.

9 (5) The following additional times shall be added to the
10 presumptive sentence if the offender or an accomplice committed the
11 offense while in a county jail or state correctional facility as that
12 term is defined in this chapter and the offender is being sentenced for
13 one of the crimes listed in this subsection. If the offender or an
14 accomplice committed one of the crimes listed in this subsection while
15 in a county jail or state correctional facility as that term is defined
16 in this chapter, and the offender is being sentenced for an anticipa-
17 tory offense under chapter 9A.28 RCW to commit one of the crimes listed
18 in this subsection, the following times shall be added to the
19 presumptive sentence range determined under subsection (2) of this
20 section:

21 (a) Eighteen months for offenses committed under RCW 69.50.401(a)-
22 (1)(i) or 69.50.410;

23 (b) Fifteen months for offenses committed under RCW
24 69.50.401(a)(1)(ii), (iii), and (iv);

25 (c) Twelve months for offenses committed under RCW 69.50.401(d).

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

29 ~~((+5))~~ (6) An additional twenty-four months shall be added to the
30 presumptive sentence for any ranked offense involving a violation of
31 chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

32 **Sec. 2.** RCW 9.94A.370 and 1989 c 124 s 2 are each amended to read
33 as follows:

34 (1) The intersection of the column defined by the offender score
35 and the row defined by the offense seriousness score determines the
36 presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The
37 additional time for deadly weapon findings or for those offenses
38 enumerated in RCW 9.94A.310~~((+4))~~ (5) that were committed in a state

1 correctional facility or county jail shall be added to the entire
2 presumptive sentence range. The court may impose any sentence within
3 the range that it deems appropriate. All presumptive sentence ranges
4 are expressed in terms of total confinement.

5 (2) In determining any sentence, the trial court may rely on no
6 more information than is admitted by the plea agreement, or admitted,
7 acknowledged, or proved in a trial or at the time of sentencing.
8 Acknowledgement includes not objecting to information stated in the
9 presentence reports. Where the defendant disputes material facts, the
10 court must either not consider the fact or grant an evidentiary hearing
11 on the point. The facts shall be deemed proved at the hearing by a
12 preponderance of the evidence. Facts that establish the elements of a
13 more serious crime or additional crimes may not be used to go outside
14 the presumptive sentence range except upon stipulation or when
15 specifically provided for in RCW 9.94A.390(2) (c), (d), and ~~((e))~~
16 (f).

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