
HOUSE BILL 1062

State of Washington

54th Legislature

1995 Regular Session

By Representatives Ballasiotes, Koster, Cooke, Costa, Schoesler, Morris, Boldt, Benton, Foreman, Sheldon, Kremen, Mastin, Lisk, Chandler and Carlson

Read first time 01/10/95. Referred to Committee on Corrections.

1 AN ACT Relating to using juvenile serious violent offenses as
2 criminal history for purposes of adult sentencing; and reenacting and
3 amending RCW 9.94A.360.

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

5 **Sec. 1.** RCW 9.94A.360 and 1992 c 145 s 10 and 1992 c 75 s 4 are
6 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

32 (a) Prior adult offenses which were found, under RCW
33 9.94A.400(1)(a), to encompass the same criminal conduct, shall be
34 counted as one offense, the offense that yields the highest offender
35 score. The current sentencing court shall determine with respect to
36 other prior adult offenses for which sentences were served concurrently
37 whether those offenses shall be counted as one offense or as separate
38 offenses, and if the court finds that they shall be counted as one

1 offense, then the offense that yields the highest offender score shall
2 be used;

3 (b) Juvenile prior convictions entered or sentenced on the same
4 date shall count as one offense, the offense that yields the highest
5 offender score, except for juvenile prior convictions for violent
6 offenses with separate victims, which shall count as separate offenses;
7 and

8 (c) In the case of multiple prior convictions for offenses
9 committed before July 1, 1986, for the purpose of computing the
10 offender score, count all adult convictions served concurrently as one
11 offense, and count all juvenile convictions entered on the same date as
12 one offense. Use the conviction for the offense that yields the
13 highest offender score.

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

17 (8) If the present conviction is for a nonviolent offense and not
18 covered by subsection (12) or (13) of this section, count one point for
19 each adult prior felony conviction and one point for each juvenile
20 prior violent felony conviction and 1/2 point for each juvenile prior
21 nonviolent felony conviction.

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

27 (10) If the present conviction is for Murder 1 or 2, Assault 1,
28 Assault of a Child 1, Kidnaping 1, Homicide by Abuse, or Rape 1, count
29 three points for prior adult and juvenile convictions for crimes in
30 these categories, two points for each prior adult and juvenile violent
31 conviction (not already counted), one point for each prior adult
32 nonviolent felony conviction, and 1/2 point for each prior juvenile
33 nonviolent felony conviction.

34 (11) If the present conviction is for Burglary 1, count prior
35 convictions as in subsection (9) of this section; however count two
36 points for each prior adult Burglary 2 or residential burglary
37 conviction, and one point for each prior juvenile Burglary 2 or
38 residential burglary conviction.

1 (12) If the present conviction is for a felony traffic offense
2 count two points for each adult or juvenile prior conviction for
3 Vehicular Homicide or Vehicular Assault; for each felony offense or
4 serious traffic offense, count one point for each adult and 1/2 point
5 for each juvenile prior conviction.

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

12 (14) If the present conviction is for Willful Failure to Return
13 from Furlough, RCW 72.66.060, Willful Failure to Return from Work
14 Release, RCW 72.65.070, or Escape from Community Custody, RCW
15 72.09.310, count only prior escape convictions in the offender score.
16 Count adult prior escape convictions as one point and juvenile prior
17 escape convictions as 1/2 point.

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

21 (16) If the present conviction is for Burglary 2 or residential
22 burglary, count priors as in subsection (8) of this section; however,
23 count two points for each adult and juvenile prior Burglary 1
24 conviction, two points for each adult prior Burglary 2 or residential
25 burglary conviction, and one point for each juvenile prior Burglary 2
26 or residential burglary conviction.

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

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

--- END ---