

2 **SB 5695** - S AMD - 585
3 By Senator Roach

4 ADOPTED 2/9/98

5 On page 1, beginning on line 4, strike all of section 1 and insert
6 the following:

7 "**Sec. 1.** RCW 9.94A.310 and 1997 c 365 s 3 and 1997 c 338 s 50 are
8 each reenacted and amended to read as follows:

9 (1) TABLE 1

10 Sentencing Grid

11 SERIOUSNESS

12 SCORE

OFFENDER SCORE

	0	1	2	3	4	5	6	7	8	9 or more
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13
14
15
16 XV Life Sentence without Parole/Death Penalty

17											
18	XIV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y
19		240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
20		320	333	347	361	374	388	416	450	493	548

21											
22	XIII	14y4m	15y4m	16y2m	17y	17y11m	18y9m	20y5m	22y2m	25y7m	29y
23		123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
24		220	234	244	254	265	275	295	316	357	397

25											
26	XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
27		93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
28		123	136	147	160	171	184	216	236	277	318

29											
30	XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
31		78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
32		102	114	125	136	147	158	194	211	245	280

1	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
2		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
3		68	75	82	89	96	102	130	144	171	198
4											
5	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
6		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
7		41	48	54	61	68	75	102	116	144	171
8											
9	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
10		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
11		27	34	41	48	54	61	89	102	116	144
12											
13	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
14		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
15		20	27	34	41	48	54	75	89	102	116
16											
17	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
18		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
19		14	20	27	34	41	48	61	75	89	102
20											
21	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
22		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
23		12	14	17	20	29	43	54	68	82	96
24											
25	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
26		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
27		9	12	14	17	20	29	43	57	70	84
28											
29	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
30		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
31		3	8	12	12	16	22	29	43	57	68
32											
33	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
34		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
35		Days	6	9	12	14	18	22	29	43	57
36											

1	I		3m	4m	5m	8m	13m	16m	20m	2y2m	
2		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
3		Days	Days	5	6	8	12	14	18	22	29
4	<hr/>										

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

9 (2) For persons convicted of the anticipatory offenses of criminal
10 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
11 presumptive sentence is determined by locating the sentencing grid
12 sentence range defined by the appropriate offender score and the
13 seriousness level of the completed crime, and multiplying the range by
14 75 percent.

15 (3) The following additional times shall be added to the
16 presumptive sentence for felony crimes committed after July 23, 1995,
17 if the offender or an accomplice was armed with a firearm as defined in
18 RCW 9.41.010 and the offender is being sentenced for one of the crimes
19 listed in this subsection as eligible for any firearm enhancements
20 based on the classification of the completed felony crime. If the
21 offender is being sentenced for more than one offense, the firearm
22 enhancement or enhancements must be added to the total period of
23 confinement for all offenses, regardless of which underlying offense is
24 subject to a firearm enhancement. If the offender or an accomplice was
25 armed with a firearm as defined in RCW 9.41.010 and the offender is
26 being sentenced for an anticipatory offense under chapter 9A.28 RCW to
27 commit one of the crimes listed in this subsection as eligible for any
28 firearm enhancements, the following additional times shall be added to
29 the presumptive sentence determined under subsection (2) of this
30 section based on the felony crime of conviction as classified under RCW
31 9A.28.020:

32 (a) Five years for any felony defined under any law as a class A
33 felony or with a maximum sentence of at least twenty years, or both,
34 and not covered under (f) of this subsection.

35 (b) Three years for any felony defined under any law as a class B
36 felony or with a maximum sentence of ten years, or both, and not
37 covered under (f) of this subsection.

1 (c) Eighteen months for any felony defined under any law as a
2 class C felony or with a maximum sentence of five years, or both, and
3 not covered under (f) of this subsection.

4 (d) If the offender is being sentenced for any firearm
5 enhancements under (a), (b), and/or (c) of this subsection and the
6 offender has previously been sentenced for any deadly weapon
7 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
8 subsection or subsection (4)(a), (b), and/or (c) of this section, or
9 both, any and all firearm enhancements under this subsection shall be
10 twice the amount of the enhancement listed.

11 (e) Notwithstanding any other provision of law, any and all
12 firearm enhancements under this section are mandatory, shall be served
13 in total confinement, and shall ~~((not)) run ((concurrently with any))~~
14 consecutively to all other sentencing provisions, including other
15 firearm or deadly weapon enhancements, for all offenses sentenced under
16 this chapter.

17 (f) The firearm enhancements in this section shall apply to all
18 felony crimes except the following: Possession of a machine gun,
19 possessing a stolen firearm, drive-by shooting, theft of a firearm,
20 unlawful possession of a firearm in the first and second degree, and
21 use of a machine gun in a felony.

22 (g) If the presumptive sentence under this section exceeds the
23 statutory maximum for the offense, the statutory maximum sentence shall
24 be the presumptive sentence unless the offender is a persistent
25 offender as defined in RCW 9.94A.030. If the addition of a firearm
26 enhancement increases the sentence so that it would exceed the
27 statutory maximum for the offense, the portion of the sentence
28 representing the enhancement may not be reduced.

29 (4) The following additional times shall be added to the
30 presumptive sentence for felony crimes committed after July 23, 1995,
31 if the offender or an accomplice was armed with a deadly weapon as
32 defined in this chapter other than a firearm as defined in RCW 9.41.010
33 and the offender is being sentenced for one of the crimes listed in
34 this subsection as eligible for any deadly weapon enhancements based on
35 the classification of the completed felony crime. If the offender is
36 being sentenced for more than one offense, the deadly weapon
37 enhancement or enhancements must be added to the total period of
38 confinement for all offenses, regardless of which underlying offense is
39 subject to a deadly weapon enhancement. If the offender or an

1 accomplice was armed with a deadly weapon other than a firearm as
2 defined in RCW 9.41.010 and the offender is being sentenced for an
3 anticipatory offense under chapter 9A.28 RCW to commit one of the
4 crimes listed in this subsection as eligible for any deadly weapon
5 enhancements, the following additional times shall be added to the
6 presumptive sentence determined under subsection (2) of this section
7 based on the felony crime of conviction as classified under RCW
8 9A.28.020:

9 (a) Two years for any felony defined under any law as a class A
10 felony or with a maximum sentence of at least twenty years, or both,
11 and not covered under (f) of this subsection.

12 (b) One year for any felony defined under any law as a class B
13 felony or with a maximum sentence of ten years, or both, and not
14 covered under (f) of this subsection.

15 (c) Six months for any felony defined under any law as a class C
16 felony or with a maximum sentence of five years, or both, and not
17 covered under (f) of this subsection.

18 (d) If the offender is being sentenced under (a), (b), and/or (c)
19 of this subsection for any deadly weapon enhancements and the offender
20 has previously been sentenced for any deadly weapon enhancements after
21 July 23, 1995, under (a), (b), and/or (c) of this subsection or
22 subsection (3)(a), (b), and/or (c) of this section, or both, any and
23 all deadly weapon enhancements under this subsection shall be twice the
24 amount of the enhancement listed.

25 (e) Notwithstanding any other provision of law, any and all deadly
26 weapon enhancements under this section are mandatory, shall be served
27 in total confinement, and shall ~~((not)) run ((concurrently with any))~~
28 consecutively to all other sentencing provisions, including other
29 firearm or deadly weapon enhancements, for all offenses sentenced under
30 this chapter.

31 (f) The deadly weapon enhancements in this section shall apply to
32 all felony crimes except the following: Possession of a machine gun,
33 possessing a stolen firearm, drive-by shooting, theft of a firearm,
34 unlawful possession of a firearm in the first and second degree, and
35 use of a machine gun in a felony.

36 (g) If the presumptive sentence under this section exceeds the
37 statutory maximum for the offense, the statutory maximum sentence shall
38 be the presumptive sentence unless the offender is a persistent
39 offender as defined in RCW 9.94A.030. If the addition of a deadly

1 weapon enhancement increases the sentence so that it would exceed the
2 statutory maximum for the offense, the portion of the sentence
3 representing the enhancement may not be reduced.

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

16 (a) Eighteen months for offenses committed under RCW
17 69.50.401(a)(1) (i) or (ii) or 69.50.410;

18 (b) Fifteen months for offenses committed under RCW
19 69.50.401(a)(1) (iii), (iv), and (v);

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

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

24 (6) An additional twenty-four months shall be added to the
25 presumptive sentence for any ranked offense involving a violation of
26 chapter 69.50 RCW if the offense was also a violation of RCW
27 69.50.435."

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29 By Senator Roach

30 ADOPTED 2/9/98

31 In line 2 of the title, strike "9.94A.310, 9.94A.400, and
32 9.94A.420" and insert "9.94A.400 and 9.94A.420; reenacting and amending
33 RCW 9.94A.310"

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