

2 SSB 5861 - S AMD - 586  
3 By Senator Roach

4 ADOPTED 2/9/98

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 9.92.010 and 1996 c 44 s 2 are each amended to read  
8 as follows:

9 Every person convicted of a felony for which no maximum punishment  
10 is specially prescribed by any statutory provision in force at the time  
11 of conviction and sentence, shall be punished by confinement or fine  
12 which shall not exceed confinement in a state correctional institution  
13 for (~~a term~~) the sum of ten years plus any firearm or deadly weapon  
14 penalty enhancement imposed under RCW 9.94A.125, and either RCW  
15 9.94A.310 (3) or (4), or by a fine in an amount fixed by the court of  
16 not more than twenty thousand dollars, or by both such confinement and  
17 fine and the offense shall be classified as a class B felony.

18 Sec. 2. RCW 9A.20.021 and 1982 c 192 s 10 are each amended to read  
19 as follows:

20 (1) Felony. No person convicted of a classified felony shall be  
21 punished by confinement or fine exceeding the following:

22 (a) For a class A felony, by confinement in a state correctional  
23 institution for a term of life imprisonment, or by a fine in an amount  
24 fixed by the court of fifty thousand dollars, or by both such  
25 confinement and fine;

26 (b) For a class B felony, by confinement in a state correctional  
27 institution for (~~a term~~) the sum of ten years plus any firearm or  
28 deadly weapon penalty enhancement imposed under RCW 9.94A.125, and  
29 either RCW 9.94A.310 (3) or (4), or by a fine in an amount fixed by the  
30 court of twenty thousand dollars, or by both such confinement and fine;

31 (c) For a class C felony, by confinement in a state correctional  
32 institution for the sum of five years plus any firearm or deadly weapon  
33 penalty enhancement imposed under RCW 9.94A.125, and either RCW  
34 9.94A.310 (3) or (4), or by a fine in an amount fixed by the court of  
35 ten thousand dollars, or by both such confinement and fine.

1 (2) Gross misdemeanor. Every person convicted of a gross  
 2 misdemeanor defined in Title 9A RCW shall be punished by imprisonment  
 3 in the county jail for a maximum term fixed by the court of not more  
 4 than one year, or by a fine in an amount fixed by the court of not more  
 5 than five thousand dollars, or by both such imprisonment and fine.

6 (3) Misdemeanor. Every person convicted of a misdemeanor defined  
 7 in Title 9A RCW shall be punished by imprisonment in the county jail  
 8 for a maximum term fixed by the court of not more than ninety days, or  
 9 by a fine in an amount fixed by the court of not more than one thousand  
 10 dollars, or by both such imprisonment and fine.

11 (4) This section applies to only those crimes committed on or after  
 12 July 1, 1984.

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

15 (1) TABLE 1

16 Sentencing Grid

17 SERIOUSNESS

18 SCORE OFFENDER SCORE

19 0 1 2 3 4 5 6 7 8 9 or more

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20 XV Life Sentence without Parole/Death Penalty

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21

22 XIV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m 36y 40y

23

24 240- 250- 261- 271- 281- 291- 312- 338- 370- 411-

25 320 333 347 361 374 388 416 450 493 548

26

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27

28 XIII 14y4m 15y4m 16y2m 17y 17y11m 18y9m 20y5m 22y2m 25y7m 29y

29 123- 134- 144- 154- 165- 175- 195- 216- 257- 298-

30 220 234 244 254 265 275 295 316 357 397

31

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32 XII 9y 9y11m 10y9m 11y8m 12y6m 13y5m 15y9m 17y3m 20y3m 23y3m

33 93- 102- 111- 120- 129- 138- 162- 178- 209- 240-

34 123 136 147 160 171 184 216 236 277 318

35

1	XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
2		78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
3		102	114	125	136	147	158	194	211	245	280
4											
5	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
6		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
7		68	75	82	89	96	102	130	144	171	198
8											
9	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
10		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
11		41	48	54	61	68	75	102	116	144	171
12											
13	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
14		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
15		27	34	41	48	54	61	89	102	116	144
16											
17	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
18		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
19		20	27	34	41	48	54	75	89	102	116
20											
21	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
22		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
23		14	20	27	34	41	48	61	75	89	102
24											
25	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
26		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
27		12	14	17	20	29	43	54	68	82	96
28											
29	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
30		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
31		9	12	14	17	20	29	43	57	70	84
32											
33	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
34		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
35		3	8	12	12	16	22	29	43	57	68
36											
37	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
38		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
39		Days	6	9	12	14	18	22	29	43	57

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

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

10 (2) For persons convicted of the anticipatory offenses of criminal  
11 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the  
12 presumptive sentence is determined by locating the sentencing grid  
13 sentence range defined by the appropriate offender score and the  
14 seriousness level of the completed crime, and multiplying the range by  
15 75 percent.

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

29 (a) Five years for any felony defined under any law as a class A  
30 felony or with a maximum sentence of at least twenty years, or both,  
31 and not covered under ((+f+)) (e) of this subsection.

32 (b) Three years for any felony defined under any law as a class B  
33 felony or with a maximum sentence of ten years, or both, and not  
34 covered under ((+f+)) (e) of this subsection.

35 (c) Eighteen months for any felony defined under any law as a  
36 class C felony or with a maximum sentence of five years, or both, and  
37 not covered under ((+f+)) (e) of this subsection.

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

8 ~~(e) ((Notwithstanding any other provision of law, any and all  
9 firearm enhancements under this section are mandatory, shall be served  
10 in total confinement, and shall not run concurrently with any other  
11 sentencing provisions.~~

12 ~~(f))~~ The firearm enhancements in this section shall apply to all  
13 felony crimes except the following: Possession of a machine gun,  
14 possessing a stolen firearm, drive-by shooting, theft of a firearm,  
15 unlawful possession of a firearm in the first and second degree, and  
16 use of a machine gun in a felony.

17 ~~((g))~~ (f) If the presumptive sentence under this section exceeds  
18 the statutory maximum for the offense, the statutory maximum sentence  
19 shall be the presumptive sentence unless the offender is a persistent  
20 offender as defined in RCW 9.94A.030.

21 (g) Notwithstanding any other provision of law, including the  
22 maximum term, any and all firearm enhancements under this section are  
23 mandatory, shall be served in total confinement, and shall run  
24 consecutive to any other sentencing provisions, including other firearm  
25 or deadly weapon enhancements, for all offenses sentenced under this  
26 chapter.

27 (4) The following additional times shall be added to the  
28 presumptive sentence for felony crimes committed after July 23, 1995,  
29 if the offender or an accomplice was armed with a deadly weapon as  
30 defined in this chapter other than a firearm as defined in RCW 9.41.010  
31 and the offender is being sentenced for one of the crimes listed in  
32 this subsection as eligible for any deadly weapon enhancements based on  
33 the classification of the completed felony crime. If the offender or  
34 an accomplice was armed with a deadly weapon other than a firearm as  
35 defined in RCW 9.41.010 and the offender is being sentenced for an  
36 anticipatory offense under chapter 9A.28 RCW to commit one of the  
37 crimes listed in this subsection as eligible for any deadly weapon  
38 enhancements, the following additional times shall be added to the  
39 presumptive sentence determined under subsection (2) of this section

1 based on the felony crime of conviction as classified under RCW  
2 9A.28.020:

3 (a) Two years for any felony defined under any law as a class A  
4 felony or with a maximum sentence of at least twenty years, or both,  
5 and not covered under ~~((f))~~ (e) of this subsection.

6 (b) One year for any felony defined under any law as a class B  
7 felony or with a maximum sentence of ten years, or both, and not  
8 covered under ~~((f))~~ (e) of this subsection.

9 (c) Six months for any felony defined under any law as a class C  
10 felony or with a maximum sentence of five years, or both, and not  
11 covered under ~~((f))~~ (e) of this subsection.

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

19 ~~((Notwithstanding any other provision of law, any and all  
20 deadly weapon enhancements under this section are mandatory, shall be  
21 served in total confinement, and shall not run concurrently with any  
22 other sentencing provisions.~~

23 ~~(f))~~ The deadly weapon enhancements in this section shall apply  
24 to all felony crimes except the following: Possession of a machine  
25 gun, possessing a stolen firearm, drive-by shooting, theft of a  
26 firearm, unlawful possession of a firearm in the first and second  
27 degree, and use of a machine gun in a felony.

28 ~~((g))~~ (f) If the presumptive sentence under this section exceeds  
29 the statutory maximum for the offense, the statutory maximum sentence  
30 shall be the presumptive sentence unless the offender is a persistent  
31 offender as defined in RCW 9.94A.030.

32 (g) Notwithstanding any other provision of law, including the  
33 maximum term, any and all firearm enhancements under this section are  
34 mandatory, shall be served in total confinement, and shall run  
35 consecutive to any other sentencing provisions, including other firearm  
36 or deadly weapon enhancements, for all offenses sentenced under this  
37 chapter.

38 (5) The following additional times shall be added to the  
39 presumptive sentence if the offender or an accomplice committed the

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

11 (a) Eighteen months for offenses committed under RCW  
12 69.50.401(a)(1) (i) or (ii) or 69.50.410;

13 (b) Fifteen months for offenses committed under RCW  
14 69.50.401(a)(1) (iii), (iv), and (v);

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

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

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

22 **Sec. 4.** RCW 9.94A.470 and 1995 c 129 s 4 are each amended to read  
23 as follows:

24 Notwithstanding the current placement or listing of crimes in  
25 categories or classifications of prosecuting standards for deciding to  
26 prosecute under RCW 9.94A.440(2), any and all felony crimes involving  
27 any deadly weapon special verdict under RCW 9.94A.125, any deadly  
28 weapon enhancements under RCW 9.94A.310 (3) or (4), or both, and any  
29 and all felony crimes as defined in RCW 9.94A.310 (3)((~~f~~)) (e) or  
30 (4)((~~f~~)) (e), or both, which are excluded from the deadly weapon  
31 enhancements shall all be treated as crimes against a person and  
32 subject to the prosecuting standards for deciding to prosecute under  
33 RCW 9.94A.440(2) as crimes against persons.

34 NEW SECTION. **Sec. 5.** The amendments to RCW 9A.20.021 in section  
35 2 of this act apply to only those crimes committed after the effective  
36 date of this act."

1 **SSB 5861** - S AMD - 586

2 By Senator Roach

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ADOPTED 2/9/98

4 On page 1, line 2 of the title, after "weapons;" strike the  
5 remainder of the title and insert "amending RCW 9.92.010, 9A.20.021,  
6 and 9.94A.470; reenacting and amending RCW 9.94A.310; creating a new  
7 section; and prescribing penalties."

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