
HOUSE BILL 1412

State of Washington

56th Legislature

1999 Regular Session

By Representatives Schindler, Sheahan, Gombosky, Crouse, Wood, D. Sommers, Benson, Esser, McMorris, Lovick and Schoesler

Read first time . Referred to Committee on .

1 AN ACT Relating to attempting to elude a pursuing police vehicle;
2 amending RCW 46.20.311, 46.61.024, and 9.94A.360; reenacting and
3 amending RCW 46.20.285 and 9.94A.320; creating a new section; and
4 prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds and declares that:

7 (1) It is the policy of this state to discourage vehicles from
8 fleeing when signaled to stop by legitimate law enforcement officers;

9 (2) Vehicular flight presents serious and substantial risks to the
10 public and law enforcement officers;

11 (3) Because of the substantial risk created by flight, it is
12 appropriate to apply the same standard of recklessness to a person
13 charged with attempting to elude a pursuing police vehicle as applied
14 to persons charged with vehicular homicide and vehicular assault; and

15 (4) When a law enforcement officer signals a driver to stop, the
16 driver should be able to ascertain that the signal to stop is being
17 given by a legitimate law enforcement officer. However, law
18 enforcement officers should be provided reasonable flexibility
19 regarding uniforms and vehicle markings.

1 **Sec. 2.** RCW 46.20.285 and 1998 c 207 s 4 and 1998 c 41 s 3 are
2 each reenacted and amended to read as follows:

3 The department shall forthwith revoke the license of any driver for
4 the period of one calendar year unless otherwise provided in this
5 section, upon receiving a record of the driver's conviction of any of
6 the following offenses, when the conviction has become final:

7 (1) For vehicular homicide the period of revocation shall be two
8 years. The revocation period shall be tolled during any period of
9 total confinement for the offense;

10 (2) Vehicular assault. The revocation period shall be tolled
11 during any period of total confinement for the offense;

12 (3) Driving a motor vehicle while under the influence of
13 intoxicating liquor or a narcotic drug, or under the influence of any
14 other drug to a degree which renders the driver incapable of safely
15 driving a motor vehicle, for the period prescribed in RCW 46.61.5055;

16 (4) For attempting to elude a pursuing police vehicle the period of
17 revocation shall be two years;

18 (5) Any other felony in the commission of which a motor vehicle is
19 used;

20 (~~(+5)~~) (6) Failure to stop and give information or render aid as
21 required under the laws of this state in the event of a motor vehicle
22 accident resulting in the death or personal injury of another or
23 resulting in damage to a vehicle that is driven or attended by another;

24 (~~(+6)~~) (7) Perjury or the making of a false affidavit or statement
25 under oath to the department under Title 46 RCW or under any other law
26 relating to the ownership or operation of motor vehicles;

27 (~~(+7)~~) (8) Reckless driving upon a showing by the department's
28 records that the conviction is the third such conviction for the driver
29 within a period of two years.

30 **Sec. 3.** RCW 46.20.311 and 1998 c 212 s 1 are each amended to read
31 as follows:

32 (1)(a) The department shall not suspend a driver's license or
33 privilege to drive a motor vehicle on the public highways for a fixed
34 period of more than one year, except as specifically permitted under
35 RCW 46.20.342 or other provision of law. Except for a suspension under
36 RCW 46.20.289, 46.20.291(5), or 74.20A.320, whenever the license or
37 driving privilege of any person is suspended by reason of a conviction,
38 a finding that a traffic infraction has been committed, pursuant to

1 chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the
2 suspension shall remain in effect until the person gives and thereafter
3 maintains proof of financial responsibility for the future as provided
4 in chapter 46.29 RCW. If the suspension is the result of a violation
5 of RCW 46.61.502 or 46.61.504, the department shall determine the
6 person's eligibility for licensing based upon the reports provided by
7 the alcoholism agency or probation department designated under RCW
8 46.61.5056 and shall deny reinstatement until enrollment and
9 participation in an approved program has been established and the
10 person is otherwise qualified. Whenever the license or driving
11 privilege of any person is suspended as a result of certification of
12 noncompliance with a child support order under chapter 74.20A RCW or a
13 residential or visitation order, the suspension shall remain in effect
14 until the person provides a release issued by the department of social
15 and health services stating that the person is in compliance with the
16 order.

17 (b)(i) The department shall not issue to the person a new,
18 duplicate, or renewal license until the person pays a reissue fee of
19 twenty dollars.

20 (ii) If the suspension is the result of a violation of RCW
21 46.61.502 or 46.61.504, or is the result of administrative action under
22 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

23 (2)(a) Any person whose license or privilege to drive a motor
24 vehicle on the public highways has been revoked, unless the revocation
25 was for a cause which has been removed, is not entitled to have the
26 license or privilege renewed or restored until: (i) After the
27 expiration of one year from the date the license or privilege to drive
28 was revoked; (ii) after the expiration of the applicable revocation
29 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the
30 expiration of two years for persons convicted of vehicular homicide;
31 ~~((or))~~ (iv) after the expiration of the applicable revocation period
32 provided by RCW 46.20.265; or (v) after the expiration of the
33 applicable revocation period provided by RCW 46.20.285.

34 (b)(i) After the expiration of the appropriate period, the person
35 may make application for a new license as provided by law together with
36 a reissue fee in the amount of twenty dollars.

37 (ii) If the revocation is the result of a violation of RCW
38 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
39 hundred fifty dollars. If the revocation is the result of a violation

1 of RCW 46.61.502 or 46.61.504, the department shall determine the
2 person's eligibility for licensing based upon the reports provided by
3 the alcoholism agency or probation department designated under RCW
4 46.61.5056 and shall deny reissuance of a license, permit, or privilege
5 to drive until enrollment and participation in an approved program has
6 been established and the person is otherwise qualified.

7 (c) Except for a revocation under RCW 46.20.265, the department
8 shall not then issue a new license unless it is satisfied after
9 investigation of the driving ability of the person that it will be safe
10 to grant the privilege of driving a motor vehicle on the public
11 highways, and until the person gives and thereafter maintains proof of
12 financial responsibility for the future as provided in chapter 46.29
13 RCW. For a revocation under RCW 46.20.265, the department shall not
14 issue a new license unless it is satisfied after investigation of the
15 driving ability of the person that it will be safe to grant that person
16 the privilege of driving a motor vehicle on the public highways.

17 (3)(a) Whenever the driver's license of any person is suspended
18 pursuant to Article IV of the nonresident violators compact or RCW
19 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
20 to the person any new or renewal license until the person pays a
21 reissue fee of twenty dollars.

22 (b) If the suspension is the result of a violation of the laws of
23 this or any other state, province, or other jurisdiction involving (i)
24 the operation or physical control of a motor vehicle upon the public
25 highways while under the influence of intoxicating liquor or drugs, or
26 (ii) the refusal to submit to a chemical test of the driver's blood
27 alcohol content, the reissue fee shall be one hundred fifty dollars.

28 **Sec. 4.** RCW 46.61.024 and 1983 c 80 s 1 are each amended to read
29 as follows:

30 (1) Any driver of a motor vehicle who willfully fails or refuses to
31 immediately bring his vehicle to a stop and who drives his vehicle in
32 a reckless manner (~~((indicating a wanton or wilful disregard for the~~
33 ~~lives or property of others))~~) while attempting to elude a pursuing
34 police vehicle, after being given a visual or audible signal to bring
35 the vehicle to a stop, shall be guilty of a class C felony. The signal
36 given by the police officer may be by hand, voice, emergency light, or
37 siren. The officer giving such a signal shall either be in uniform

1 ((and his)) or, if the officer is in a vehicle, the vehicle shall be
2 appropriately marked showing it to be an official police vehicle.

3 (2) The license or permit to drive or any nonresident driving
4 privilege of a person convicted of a violation of this section shall be
5 revoked by the department of licensing for two years consecutive to any
6 other period of suspension or revocation. The revocation period is
7 tolled during a period of total confinement for an offense under this
8 section.

9 **Sec. 5.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c
10 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as
11 follows:

12 TABLE 2

13 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

14	XV	Aggravated Murder 1 (RCW 10.95.020)
15	XIV	Murder 1 (RCW 9A.32.030)
16		Homicide by abuse (RCW 9A.32.055)
17		Malicious explosion 1 (RCW 70.74.280(1))
18	XIII	Murder 2 (RCW 9A.32.050)
19		Malicious explosion 2 (RCW 70.74.280(2))
20		Malicious placement of an explosive 1 (RCW
21		70.74.270(1))
22	XII	Assault 1 (RCW 9A.36.011)
23		Assault of a Child 1 (RCW 9A.36.120)
24		Rape 1 (RCW 9A.44.040)
25		Rape of a Child 1 (RCW 9A.44.073)
26		Malicious placement of an imitation device
27		1 (RCW 70.74.272(1)(a))
28	XI	Rape 2 (RCW 9A.44.050)
29		Rape of a Child 2 (RCW 9A.44.076)
30		Manslaughter 1 (RCW 9A.32.060)
31	X	Kidnapping 1 (RCW 9A.40.020)
32		Child Molestation 1 (RCW 9A.44.083)
33		Malicious explosion 3 (RCW 70.74.280(3))

1 Over 18 and deliver heroin, a narcotic from
2 Schedule I or II, or flunitrazepam
3 from Schedule IV to someone under 18
4 (RCW 69.50.406)
5 Leading Organized Crime (RCW
6 9A.82.060(1)(a))
7 Indecent Liberties (with forcible
8 compulsion) (RCW 9A.44.100(1)(a))
9 Manufacture of methamphetamine (RCW
10 69.50.401(a)(1)(ii))
11 IX Assault of a Child 2 (RCW 9A.36.130)
12 Robbery 1 (RCW 9A.56.200)
13 Explosive devices prohibited (RCW
14 70.74.180)
15 Malicious placement of an explosive 2 (RCW
16 70.74.270(2))
17 Over 18 and deliver narcotic from Schedule
18 III, IV, or V or a nonnarcotic, except
19 flunitrazepam, from Schedule I-V to
20 someone under 18 and 3 years junior
21 (RCW 69.50.406)
22 Controlled Substance Homicide (RCW
23 69.50.415)
24 Sexual Exploitation (RCW 9.68A.040)
25 Inciting Criminal Profiteering (RCW
26 9A.82.060(1)(b))
27 Vehicular Homicide, by being under the
28 influence of intoxicating liquor or
29 any drug (RCW 46.61.520)
30 Homicide by Watercraft, by being under the
31 influence of intoxicating liquor or
32 any drug (RCW 88.12.029)
33 VIII Arson 1 (RCW 9A.48.020)
34 Promoting Prostitution 1 (RCW 9A.88.070)
35 Selling for profit (controlled or
36 counterfeit) any controlled substance
37 (RCW 69.50.410)

1 Manufacture, deliver, or possess with
2 intent to deliver heroin or cocaine
3 (RCW 69.50.401(a)(1)(i))
4 Deliver or possess with intent to deliver
5 methamphetamine (RCW
6 69.50.401(a)(1)(ii))
7 Manufacture, deliver, or possess with
8 intent to deliver amphetamine (RCW
9 69.50.401(a)(1)(ii))
10 Possession of ephedrine or pseudoephedrine
11 with intent to manufacture
12 methamphetamine (RCW 69.50.440)
13 Vehicular Homicide, by the operation of any
14 vehicle in a reckless manner (RCW
15 46.61.520)
16 Homicide by Watercraft, by the operation of
17 any vessel in a reckless manner (RCW
18 88.12.029)
19 Manslaughter 2 (RCW 9A.32.070)
20 VII Burglary 1 (RCW 9A.52.020)
21 Vehicular Homicide, by disregard for the
22 safety of others (RCW 46.61.520)
23 Homicide by Watercraft, by disregard for
24 the safety of others (RCW 88.12.029)
25 Introducing Contraband 1 (RCW 9A.76.140)
26 Indecent Liberties (without forcible
27 compulsion) (RCW 9A.44.100(1) (b) and
28 (c))
29 Child Molestation 2 (RCW 9A.44.086)
30 Dealing in depictions of minor engaged in
31 sexually explicit conduct (RCW
32 9.68A.050)
33 Sending, bringing into state depictions of
34 minor engaged in sexually explicit
35 conduct (RCW 9.68A.060)
36 Involving a minor in drug dealing (RCW
37 69.50.401(f))
38 Drive-by Shooting (RCW 9A.36.045)

1 Unlawful Possession of a Firearm in the
2 first degree (RCW 9.41.040(1)(a))
3 Malicious placement of an explosive 3 (RCW
4 70.74.270(3))

5 VI Bribery (RCW 9A.68.010)
6 Rape of a Child 3 (RCW 9A.44.079)
7 Intimidating a Juror/Witness (RCW
8 9A.72.110, 9A.72.130)
9 Malicious placement of an imitation device
10 2 (RCW 70.74.272(1)(b))
11 Incest 1 (RCW 9A.64.020(1))
12 Manufacture, deliver, or possess with
13 intent to deliver narcotics from
14 Schedule I or II (except heroin or
15 cocaine) or flunitrazepam from
16 Schedule IV (RCW 69.50.401(a)(1)(i))
17 Intimidating a Judge (RCW 9A.72.160)
18 Bail Jumping with Murder 1 (RCW
19 9A.76.170(2)(a))
20 Theft of a Firearm (RCW 9A.56.300)

21 V Persistent prison misbehavior (RCW
22 9.94.070)
23 Criminal Mistreatment 1 (RCW 9A.42.020)
24 Abandonment of dependent person 1 (RCW
25 9A.42.060)
26 Rape 3 (RCW 9A.44.060)
27 Sexual Misconduct with a Minor 1 (RCW
28 9A.44.093)
29 Child Molestation 3 (RCW 9A.44.089)
30 Kidnapping 2 (RCW 9A.40.030)
31 Extortion 1 (RCW 9A.56.120)
32 Incest 2 (RCW 9A.64.020(2))
33 Perjury 1 (RCW 9A.72.020)
34 Extortionate Extension of Credit (RCW
35 9A.82.020)
36 Advancing money or property for
37 extortionate extension of credit (RCW
38 9A.82.030)

1 Extortionate Means to Collect Extensions of
2 Credit (RCW 9A.82.040)
3 Rendering Criminal Assistance 1 (RCW
4 9A.76.070)
5 Bail Jumping with class A Felony (RCW
6 9A.76.170(2)(b))
7 Sexually Violating Human Remains (RCW
8 9A.44.105)
9 Delivery of imitation controlled substance
10 by person eighteen or over to person
11 under eighteen (RCW 69.52.030(2))
12 Possession of a Stolen Firearm (RCW
13 9A.56.310)

14 IV Residential Burglary (RCW 9A.52.025)
15 Theft of Livestock 1 (RCW 9A.56.080)
16 Robbery 2 (RCW 9A.56.210)
17 Assault 2 (RCW 9A.36.021)
18 Escape 1 (RCW 9A.76.110)
19 Arson 2 (RCW 9A.48.030)
20 Commercial Bribery (RCW 9A.68.060)
21 Bribing a Witness/Bribe Received by Witness
22 (RCW 9A.72.090, 9A.72.100)
23 Malicious Harassment (RCW 9A.36.080)
24 Threats to Bomb (RCW 9.61.160)
25 Willful Failure to Return from Furlough
26 (RCW 72.66.060)
27 Hit and Run--Injury Accident (RCW
28 46.52.020(4))
29 Hit and Run with Vessel--Injury Accident
30 (RCW 88.12.155(3))
31 Vehicular Assault (RCW 46.61.522)
32 Assault by Watercraft (RCW 88.12.032)

1 Manufacture, deliver, or possess with
2 intent to deliver narcotics from
3 Schedule III, IV, or V or nonnarcotics
4 from Schedule I-V (except marijuana,
5 amphetamine, methamphetamines, or
6 flunitrazepam) (RCW 69.50.401(a)(1)
7 (iii) through (v))
8 Influencing Outcome of Sporting Event (RCW
9 9A.82.070)
10 Use of Proceeds of Criminal Profiteering
11 (RCW 9A.82.080 (1) and (2))
12 Knowingly Trafficking in Stolen Property
13 (RCW 9A.82.050(2))
14 III Criminal Gang Intimidation (RCW 9A.46.120)
15 Criminal Mistreatment 2 (RCW 9A.42.030)
16 Abandonment of dependent person 2 (RCW
17 9A.42.070)
18 Extortion 2 (RCW 9A.56.130)
19 Unlawful Imprisonment (RCW 9A.40.040)
20 Assault 3 (RCW 9A.36.031)
21 Assault of a Child 3 (RCW 9A.36.140)
22 Custodial Assault (RCW 9A.36.100)
23 Unlawful possession of firearm in the
24 second degree (RCW 9.41.040(1)(b))
25 Harassment (RCW 9A.46.020)
26 Promoting Prostitution 2 (RCW 9A.88.080)
27 Willful Failure to Return from Work Release
28 (RCW 72.65.070)
29 Burglary 2 (RCW 9A.52.030)
30 Introducing Contraband 2 (RCW 9A.76.150)
31 Communication with a Minor for Immoral
32 Purposes (RCW 9.68A.090)
33 Patronizing a Juvenile Prostitute (RCW
34 9.68A.100)
35 Escape 2 (RCW 9A.76.120)
36 Perjury 2 (RCW 9A.72.030)
37 Bail Jumping with class B or C Felony (RCW
38 9A.76.170(2)(c))

1 Intimidating a Public Servant (RCW
2 9A.76.180)
3 Tampering with a Witness (RCW 9A.72.120)
4 Attempting to Elude a Pursuing Police
5 Vehicle (RCW 46.61.024)
6 Manufacture, deliver, or possess with
7 intent to deliver marijuana (RCW
8 69.50.401(a)(1)(iii))
9 Delivery of a material in lieu of a
10 controlled substance (RCW
11 69.50.401(c))
12 Manufacture, distribute, or possess with
13 intent to distribute an imitation
14 controlled substance (RCW
15 69.52.030(1))
16 Recklessly Trafficking in Stolen Property
17 (RCW 9A.82.050(1))
18 Theft of livestock 2 (RCW 9A.56.080)
19 Securities Act violation (RCW 21.20.400)
20 II Unlawful Practice of Law (RCW 2.48.180)
21 Malicious Mischief 1 (RCW 9A.48.070)
22 Possession of Stolen Property 1 (RCW
23 9A.56.150)
24 Theft 1 (RCW 9A.56.030)
25 Class B Felony Theft of Rental, Leased, or
26 Lease-purchased Property (RCW
27 9A.56.096(4))
28 Trafficking in Insurance Claims (RCW
29 48.30A.015)
30 Unlicensed Practice of a Profession or
31 Business (RCW 18.130.190(7))
32 Health Care False Claims (RCW 48.80.030)
33 Possession of controlled substance that is
34 either heroin or narcotics from
35 Schedule I or II or flunitrazepam from
36 Schedule IV (RCW 69.50.401(d))
37 Possession of phencyclidine (PCP) (RCW
38 69.50.401(d))

1 Create, deliver, or possess a counterfeit
2 controlled substance (RCW
3 69.50.401(b))
4 Computer Trespass 1 (RCW 9A.52.110)
5 Escape from Community Custody (RCW
6 72.09.310)

7 I Theft 2 (RCW 9A.56.040)
8 Class C Felony Theft of Rental, Leased, or
9 Lease-purchased Property (RCW
10 9A.56.096(4))
11 Possession of Stolen Property 2 (RCW
12 9A.56.160)
13 Forgery (RCW 9A.60.020)
14 Taking Motor Vehicle Without Permission
15 (RCW 9A.56.070)
16 Vehicle Prowl 1 (RCW 9A.52.095)
17 (~~Attempting to Elude a Pursuing Police~~
18 ~~Vehicle (RCW 46.61.024))~~)
19 Malicious Mischief 2 (RCW 9A.48.080)
20 Reckless Burning 1 (RCW 9A.48.040)
21 Unlawful Issuance of Checks or Drafts (RCW
22 9A.56.060)
23 Unlawful Use of Food Stamps (RCW 9.91.140
24 (2) and (3))
25 False Verification for Welfare (RCW
26 74.08.055)
27 Forged Prescription (RCW 69.41.020)
28 Forged Prescription for a Controlled
29 Substance (RCW 69.50.403)
30 Possess Controlled Substance that is a
31 Narcotic from Schedule III, IV, or V
32 or Non-narcotic from Schedule I-V
33 (except phencyclidine or
34 flunitrazepam) (RCW 69.50.401(d))

35 **Sec. 6.** RCW 9.94A.360 and 1998 c 211 s 4 are each amended to read
36 as follows:

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

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

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

8 (2) Class A and sex prior felony convictions shall always be
9 included in the offender score. Class B prior felony convictions other
10 than sex offenses shall not be included in the offender score, if since
11 the last date of release from confinement (including full-time
12 residential treatment) pursuant to a felony conviction, if any, or
13 entry of judgment and sentence, the offender had spent ten consecutive
14 years in the community without committing any crime that subsequently
15 results in a conviction. Class C prior felony convictions other than
16 sex offenses shall not be included in the offender score if, since the
17 last date of release from confinement (including full-time residential
18 treatment) pursuant to a felony conviction, if any, or entry of
19 judgment and sentence, the offender had spent five consecutive years in
20 the community without committing any crime that subsequently results in
21 a conviction. Serious traffic convictions shall not be included in the
22 offender score if, since the last date of release from confinement
23 (including full-time residential treatment) pursuant to a felony
24 conviction, if any, or entry of judgment and sentence, the offender
25 spent five years in the community without committing any crime that
26 subsequently results in a conviction. This subsection applies to both
27 adult and juvenile prior convictions.

28 (3) Out-of-state convictions for offenses shall be classified
29 according to the comparable offense definitions and sentences provided
30 by Washington law. Federal convictions for offenses shall be
31 classified according to the comparable offense definitions and
32 sentences provided by Washington law. If there is no clearly
33 comparable offense under Washington law or the offense is one that is
34 usually considered subject to exclusive federal jurisdiction, the
35 offense shall be scored as a class C felony equivalent if it was a
36 felony under the relevant federal statute.

37 (4) Score prior convictions for felony anticipatory offenses
38 (attempts, criminal solicitations, and criminal conspiracies) the same
39 as if they were convictions for completed offenses.

1 (5)(a) In the case of multiple prior convictions, for the purpose
2 of computing the offender score, count all convictions separately,
3 except:

4 (i) Prior offenses which were found, under RCW 9.94A.400(1)(a), to
5 encompass the same criminal conduct, shall be counted as one offense,
6 the offense that yields the highest offender score. The current
7 sentencing court shall determine with respect to other prior adult
8 offenses for which sentences were served concurrently or prior juvenile
9 offenses for which sentences were served consecutively, whether those
10 offenses shall be counted as one offense or as separate offenses using
11 the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and
12 if the court finds that they shall be counted as one offense, then the
13 offense that yields the highest offender score shall be used. The
14 current sentencing court may presume that such other prior offenses
15 were not the same criminal conduct from sentences imposed on separate
16 dates, or in separate counties or jurisdictions, or in separate
17 complaints, indictments, or informations;

18 (ii) In the case of multiple prior convictions for offenses
19 committed before July 1, 1986, for the purpose of computing the
20 offender score, count all adult convictions served concurrently as one
21 offense, and count all juvenile convictions entered on the same date as
22 one offense. Use the conviction for the offense that yields the
23 highest offender score.

24 (b) As used in this subsection (5), "served concurrently" means
25 that: (i) The latter sentence was imposed with specific reference to
26 the former; (ii) the concurrent relationship of the sentences was
27 judicially imposed; and (iii) the concurrent timing of the sentences
28 was not the result of a probation or parole revocation on the former
29 offense.

30 (6) If the present conviction is one of the anticipatory offenses
31 of criminal attempt, solicitation, or conspiracy, count each prior
32 conviction as if the present conviction were for a completed offense.

33 (7) If the present conviction is for a nonviolent offense and not
34 covered by subsection (11) or (12) of this section, count one point for
35 each adult prior felony conviction and one point for each juvenile
36 prior violent felony conviction and 1/2 point for each juvenile prior
37 nonviolent felony conviction.

38 (8) If the present conviction is for a violent offense and not
39 covered in subsection (9), (10), (11), or (12) of this section, count

1 two points for each prior adult and juvenile violent felony conviction,
2 one point for each prior adult nonviolent felony conviction, and 1/2
3 point for each prior juvenile nonviolent felony conviction.

4 (9) If the present conviction is for Murder 1 or 2, Assault 1,
5 Assault of a Child 1, Kidnapping 1, Homicide by Abuse, or Rape 1, count
6 three points for prior adult and juvenile convictions for crimes in
7 these categories, two points for each prior adult and juvenile violent
8 conviction (not already counted), one point for each prior adult
9 nonviolent felony conviction, and 1/2 point for each prior juvenile
10 nonviolent felony conviction.

11 (10) If the present conviction is for Burglary 1, count prior
12 convictions as in subsection (8) of this section; however count two
13 points for each prior adult Burglary 2 or residential burglary
14 conviction, and one point for each prior juvenile Burglary 2 or
15 residential burglary conviction.

16 (11) If the present conviction is for a felony traffic offense
17 count two points for each adult or juvenile prior conviction for
18 Vehicular Homicide or Vehicular Assault; for each felony offense or
19 serious traffic offense, count one point for each adult and 1/2 point
20 for each juvenile prior conviction. If the present conviction is for
21 Attempting to Elude a Pursuing Police Vehicle, count two points for
22 each prior adult or juvenile conviction for that offense. This
23 subsection shall not apply when additional time is added to a sentence
24 pursuant to RCW 46.61.520(2).

25 (12) If the present conviction is for a drug offense count three
26 points for each adult prior felony drug offense conviction and two
27 points for each juvenile drug offense. All other adult and juvenile
28 felonies are scored as in subsection (8) of this section if the current
29 drug offense is violent, or as in subsection (7) of this section if the
30 current drug offense is nonviolent.

31 (13) If the present conviction is for Willful Failure to Return
32 from Furlough, RCW 72.66.060, Willful Failure to Return from Work
33 Release, RCW 72.65.070, or Escape from Community Custody, RCW
34 72.09.310, count only prior escape convictions in the offender score.
35 Count adult prior escape convictions as one point and juvenile prior
36 escape convictions as 1/2 point.

37 (14) If the present conviction is for Escape 1, RCW 9A.76.110, or
38 Escape 2, RCW 9A.76.120, count adult prior convictions as one point and
39 juvenile prior convictions as 1/2 point.

1 (15) If the present conviction is for Burglary 2 or residential
2 burglary, count priors as in subsection (7) of this section; however,
3 count two points for each adult and juvenile prior Burglary 1
4 conviction, two points for each adult prior Burglary 2 or residential
5 burglary conviction, and one point for each juvenile prior Burglary 2
6 or residential burglary conviction.

7 (16) If the present conviction is for a sex offense, count priors
8 as in subsections (7) through (15) of this section; however count three
9 points for each adult and juvenile prior sex offense conviction.

10 (17) If the present conviction is for an offense committed while
11 the offender was under community placement, add one point.

--- END ---