

1 Malicious placement of an explosive 1 (RCW
2 70.74.270(1))

3 XII Assault 1 (RCW 9A.36.011)
4 Assault of a Child 1 (RCW 9A.36.120)
5 Malicious placement of an imitation device
6 1 (RCW 70.74.272(1)(a))
7 Rape 1 (RCW 9A.44.040)
8 Rape of a Child 1 (RCW 9A.44.073)

9 XI Manslaughter 1 (RCW 9A.32.060)
10 Rape 2 (RCW 9A.44.050)
11 Rape of a Child 2 (RCW 9A.44.076)

12 X Child Molestation 1 (RCW 9A.44.083)
13 Indecent Liberties (with forcible
14 compulsion) (RCW 9A.44.100(1)(a))
15 Kidnapping 1 (RCW 9A.40.020)
16 Leading Organized Crime (RCW
17 9A.82.060(1)(a))
18 Malicious explosion 3 (RCW 70.74.280(3))
19 Manufacture of methamphetamine (RCW
20 69.50.401(a)(1)(ii))
21 Over 18 and deliver heroin,
22 methamphetamine, a narcotic from
23 Schedule I or II, or flunitrazepam
24 from Schedule IV to someone under 18
25 (RCW 69.50.406)

26 IX Assault of a Child 2 (RCW 9A.36.130)
27 Controlled Substance Homicide (RCW
28 69.50.415)
29 Explosive devices prohibited (RCW
30 70.74.180)
31 Homicide by Watercraft, by being under the
32 influence of intoxicating liquor or
33 any drug (RCW 79A.60.050)
34 Inciting Criminal Profiteering (RCW
35 9A.82.060(1)(b))
36 Malicious placement of an explosive 2 (RCW
37 70.74.270(2))

1 Over 18 and deliver narcotic from Schedule
2 III, IV, or V or a nonnarcotic, except
3 flunitrazepam or methamphetamine, from
4 Schedule I-V to someone under 18 and 3
5 years junior (RCW 69.50.406)
6 Robbery 1 (RCW 9A.56.200)
7 Sexual Exploitation (RCW 9.68A.040)
8 Vehicular Homicide, by being under the
9 influence of intoxicating liquor or
10 any drug (RCW 46.61.520)

11 VIII Arson 1 (RCW 9A.48.020)
12 Deliver or possess with intent to deliver
13 m e t h a m p h e t a m i n e (R C W
14 69.50.401(a)(1)(ii))
15 Hit and Run--Death (RCW 46.52.020(4)(a))
16 Homicide by Watercraft, by the operation of
17 any vessel in a reckless manner (RCW
18 79A.60.050)
19 Manslaughter 2 (RCW 9A.32.070)
20 Manufacture, deliver, or possess with
21 intent to deliver amphetamine (RCW
22 69.50.401(a)(1)(ii))
23 ~~((Manufacture, deliver, or possess with
24 intent to deliver heroin or cocaine
25 (RCW 69.50.401(a)(1)(i))))~~
26 Possession of Ephedrine, Pseudoephedrine,
27 or Anhydrous Ammonia with intent to
28 manufacture methamphetamine (RCW
29 69.50.440)
30 Promoting Prostitution 1 (RCW 9A.88.070)
31 Selling for profit (controlled or
32 counterfeit) any controlled substance
33 (RCW 69.50.410)
34 Theft of Anhydrous Ammonia (RCW 69.55.010)
35 Vehicular Homicide, by the operation of any
36 vehicle in a reckless manner (RCW
37 46.61.520)

38 VII Burglary 1 (RCW 9A.52.020)

1 Child Molestation 2 (RCW 9A.44.086)
2 Dealing in depictions of minor engaged in
3 sexually explicit conduct (RCW
4 9.68A.050)
5 Drive-by Shooting (RCW 9A.36.045)
6 Homicide by Watercraft, by disregard for
7 the safety of others (RCW 79A.60.050)
8 Indecent Liberties (without forcible
9 compulsion) (RCW 9A.44.100(1) (b) and
10 (c))
11 Introducing Contraband 1 (RCW 9A.76.140)
12 Involving a minor in drug dealing (RCW
13 69.50.401(f))
14 Malicious placement of an explosive 3 (RCW
15 70.74.270(3))
16 Manufacture, deliver, or possess with
17 intent to deliver heroin or cocaine
18 (RCW 69.50.401(a)(1)(i))
19 Sending, bringing into state depictions of
20 minor engaged in sexually explicit
21 conduct (RCW 9.68A.060)
22 Unlawful Possession of a Firearm in the
23 first degree (RCW 9.41.040(1)(a))
24 Use of a Machine Gun in Commission of a
25 Felony (RCW 9.41.225)
26 Vehicular Homicide, by disregard for the
27 safety of others (RCW 46.61.520)
28 VI Bail Jumping with Murder 1 (RCW
29 9A.76.170(2)(a))
30 Bribery (RCW 9A.68.010)
31 Incest 1 (RCW 9A.64.020(1))
32 Intimidating a Judge (RCW 9A.72.160)
33 Intimidating a Juror/Witness (RCW
34 9A.72.110, 9A.72.130)
35 Malicious placement of an imitation device
36 2 (RCW 70.74.272(1)(b))
37 Manufacture, deliver, or possess with
38 intent to deliver narcotics from
39 Schedule I or II (except heroin or

1 cocaine) or flunitrazepam from
2 Schedule IV (RCW 69.50.401(a)(1)(i))
3 Rape of a Child 3 (RCW 9A.44.079)
4 Theft of a Firearm (RCW 9A.56.300)
5 Unlawful Storage of Anhydrous Ammonia (RCW
6 69.55.020)

7 V Abandonment of dependent person 1 (RCW
8 9A.42.060)

9 Advancing money or property for
10 extortionate extension of credit (RCW
11 9A.82.030)

12 Bail Jumping with class A Felony (RCW
13 9A.76.170(2)(b))

14 Child Molestation 3 (RCW 9A.44.089)

15 Criminal Mistreatment 1 (RCW 9A.42.020)

16 Custodial Sexual Misconduct 1 (RCW
17 9A.44.160)

18 Delivery of imitation controlled substance
19 by person eighteen or over to person
20 under eighteen (RCW 69.52.030(2))

21 Domestic Violence Court Order Violation
22 (RCW 10.99.040, 10.99.050, 26.09.300,
23 26.10.220, 26.26.138, 26.50.110,
24 26.52.070, or 74.34.145)

25 Extortion 1 (RCW 9A.56.120)

26 Extortionate Extension of Credit (RCW
27 9A.82.020)

28 Extortionate Means to Collect Extensions of
29 Credit (RCW 9A.82.040)

30 Incest 2 (RCW 9A.64.020(2))

31 Kidnapping 2 (RCW 9A.40.030)

32 Perjury 1 (RCW 9A.72.020)

33 Persistent prison misbehavior (RCW
34 9.94.070)

35 Possession of a Stolen Firearm (RCW
36 9A.56.310)

37 Rape 3 (RCW 9A.44.060)

38 Rendering Criminal Assistance 1 (RCW
39 9A.76.070)

1 Sexual Misconduct with a Minor 1 (RCW
2 9A.44.093)
3 Sexually Violating Human Remains (RCW
4 9A.44.105)
5 Stalking (RCW 9A.46.110)

6 IV Arson 2 (RCW 9A.48.030)
7 Assault 2 (RCW 9A.36.021)
8 Assault by Watercraft (RCW 79A.60.060)
9 Bribing a Witness/Bribe Received by Witness
10 (RCW 9A.72.090, 9A.72.100)
11 Commercial Bribery (RCW 9A.68.060)
12 Counterfeiting (RCW 9.16.035(4))
13 Escape 1 (RCW 9A.76.110)
14 Hit and Run--Injury (RCW 46.52.020(4)(b))
15 Hit and Run with Vessel--Injury Accident
16 (RCW 79A.60.200(3))
17 Indecent Exposure to Person Under Age
18 Fourteen (subsequent sex offense) (RCW
19 9A.88.010)
20 Influencing Outcome of Sporting Event (RCW
21 9A.82.070)
22 Knowingly Trafficking in Stolen Property
23 (RCW 9A.82.050(2))
24 Malicious Harassment (RCW 9A.36.080)
25 Manufacture, deliver, or possess with
26 intent to deliver narcotics from
27 Schedule III, IV, or V or nonnarcotics
28 from Schedule I-V (except marijuana,
29 amphetamine, methamphetamines, or
30 flunitrazepam) (RCW 69.50.401(a)(1)
31 (iii) through (v))
32 Residential Burglary (RCW 9A.52.025)
33 Robbery 2 (RCW 9A.56.210)
34 Theft of Livestock 1 (RCW 9A.56.080)
35 Threats to Bomb (RCW 9.61.160)
36 Use of Proceeds of Criminal Profiteering
37 (RCW 9A.82.080 (1) and (2))
38 Vehicular Assault (RCW 46.61.522)

1 Willful Failure to Return from Furlough
2 (RCW 72.66.060)

3 III Abandonment of dependent person 2 (RCW
4 9A.42.070)

5 Assault 3 (RCW 9A.36.031)

6 Assault of a Child 3 (RCW 9A.36.140)

7 Bail Jumping with class B or C Felony (RCW
8 9A.76.170(2)(c))

9 Burglary 2 (RCW 9A.52.030)

10 Communication with a Minor for Immoral
11 Purposes (RCW 9.68A.090)

12 Criminal Gang Intimidation (RCW 9A.46.120)

13 Criminal Mistreatment 2 (RCW 9A.42.030)

14 Custodial Assault (RCW 9A.36.100)

15 Delivery of a material in lieu of a
16 controlled substance (RCW
17 69.50.401(c))

18 Escape 2 (RCW 9A.76.120)

19 Extortion 2 (RCW 9A.56.130)

20 Harassment (RCW 9A.46.020)

21 Intimidating a Public Servant (RCW
22 9A.76.180)

23 Introducing Contraband 2 (RCW 9A.76.150)

24 Maintaining a Dwelling or Place for
25 Controlled Substances (RCW
26 69.50.402(a)(6))

27 Malicious Injury to Railroad Property (RCW
28 81.60.070)

29 Manufacture, deliver, or possess with
30 intent to deliver marijuana (RCW
31 69.50.401(a)(1)(iii))

32 Manufacture, distribute, or possess with
33 intent to distribute an imitation
34 controlled substance (RCW
35 69.52.030(1))

36 Patronizing a Juvenile Prostitute (RCW
37 9.68A.100)

38 Perjury 2 (RCW 9A.72.030)

1 Possession of Incendiary Device (RCW
2 9.40.120)
3 Possession of Machine Gun or Short-Barreled
4 Shotgun or Rifle (RCW 9.41.190)
5 Promoting Prostitution 2 (RCW 9A.88.080)
6 Recklessly Trafficking in Stolen Property
7 (RCW 9A.82.050(1))
8 Securities Act violation (RCW 21.20.400)
9 Tampering with a Witness (RCW 9A.72.120)
10 Telephone Harassment (subsequent conviction
11 or threat of death) (RCW 9.61.230)
12 Theft of Livestock 2 (RCW 9A.56.080)
13 Unlawful Imprisonment (RCW 9A.40.040)
14 Unlawful possession of firearm in the
15 second degree (RCW 9.41.040(1)(b))
16 Unlawful Use of Building for Drug Purposes
17 (RCW 69.53.010)
18 Willful Failure to Return from Work Release
19 (RCW 72.65.070)

20 II Computer Trespass 1 (RCW 9A.52.110)
21 Counterfeiting (RCW 9.16.035(3))
22 Create, deliver, or possess a counterfeit
23 controlled substance (RCW
24 69.50.401(b))
25 Escape from Community Custody (RCW
26 72.09.310)
27 Health Care False Claims (RCW 48.80.030)
28 Malicious Mischief 1 (RCW 9A.48.070)
29 Possession of controlled substance that is
30 either heroin or narcotics from
31 Schedule I or II or flunitrazepam from
32 Schedule IV (RCW 69.50.401(d))
33 Possession of phencyclidine (PCP) (RCW
34 69.50.401(d))
35 Possession of Stolen Property 1 (RCW
36 9A.56.150)
37 Theft 1 (RCW 9A.56.030)
38 Theft of Rental, Leased, or Lease-purchased
39 Property (valued at one thousand five

1 hundred dollars or more) (RCW
2 9A.56.096(4))
3 Trafficking in Insurance Claims (RCW
4 48.30A.015)
5 Unlawful Practice of Law (RCW 2.48.180)
6 Unlicensed Practice of a Profession or
7 Business (RCW 18.130.190(7))

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

1 **Sec. 2.** RCW 9.94A.360 and 2000 c 28 s 15 are each amended to read
2 as follows:

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

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

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

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

32 (3) Out-of-state convictions for offenses shall be classified
33 according to the comparable offense definitions and sentences provided
34 by Washington law. Federal convictions for offenses shall be
35 classified according to the comparable offense definitions and
36 sentences provided by Washington law. If there is no clearly
37 comparable offense under Washington law or the offense is one that is
38 usually considered subject to exclusive federal jurisdiction, the

1 offense shall be scored as a class C felony equivalent if it was a
2 felony under the relevant federal statute.

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

6 (5)(a) In the case of multiple prior convictions, for the purpose
7 of computing the offender score, count all convictions separately,
8 except:

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

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

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

35 (6) If the present conviction is one of the anticipatory offenses
36 of criminal attempt, solicitation, or conspiracy, count each prior
37 conviction as if the present conviction were for a completed offense.
38 When these convictions are used as criminal history, score them the
39 same as a completed crime.

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

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

11 (9) If the present conviction is for a serious violent offense,
12 count three points for prior adult and juvenile convictions for crimes
13 in this category, two points for each prior adult and juvenile violent
14 conviction (not already counted), one point for each prior adult
15 nonviolent felony conviction, and 1/2 point for each prior juvenile
16 nonviolent felony conviction.

17 (10) If the present conviction is for Burglary 1, count prior
18 convictions as in subsection (8) of this section; however count two
19 points for each prior adult Burglary 2 or residential burglary
20 conviction, and one point for each prior juvenile Burglary 2 or
21 residential burglary conviction.

22 (11) If the present conviction is for a felony traffic offense
23 count two points for each adult or juvenile prior conviction for
24 Vehicular Homicide or Vehicular Assault; for each felony offense count
25 one point for each adult and 1/2 point for each juvenile prior
26 conviction; for each serious traffic offense, other than those used for
27 an enhancement pursuant to RCW 46.61.520(2), count one point for each
28 adult and 1/2 point for each juvenile prior conviction.

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

36 (13) If the present conviction is for Willful Failure to Return
37 from Furlough, RCW 72.66.060, Willful Failure to Return from Work
38 Release, RCW 72.65.070, or Escape from Community Custody, RCW
39 72.09.310, count only prior escape convictions in the offender score.

1 Count adult prior escape convictions as one point and juvenile prior
2 escape convictions as 1/2 point.

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

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

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

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

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.96A RCW
18 to read as follows:

19 (1) The criminal justice treatment account is created in the state
20 treasury. The amount transferred to the criminal justice treatment
21 account from the general fund--state for fiscal year 2004 through
22 fiscal year 2007 shall be the estimated savings to the state general
23 fund realized under sections 1 and 2, chapter . . . , Laws of 2001
24 (sections 1 and 2 of this act). The amount transferred to the criminal
25 justice treatment account from the general fund--state shall be two
26 million four hundred fifteen thousand dollars in fiscal year 2003;
27 seven million six hundred eighty thousand dollars in fiscal year 2004;
28 eleven million five hundred thirty-five thousand dollars in fiscal year
29 2005; fourteen million two hundred seventy-seven thousand dollars in
30 fiscal year 2006; and sixteen million three hundred twenty-two thousand
31 dollars in fiscal year 2007. Transfers in subsequent years shall be
32 based on the fiscal year 2007 transfer adjusted for the Seattle/Tacoma
33 consumer price index for all urban consumers. Moneys in the account
34 may be spent only after appropriation.

35 (2) The secretary of the department of corrections in consultation
36 with the division of alcohol and substance abuse, the sentencing
37 guidelines commission, and any other person deemed by the secretary to
38 be necessary, shall establish a fair and equitable method to distribute

1 funds from the criminal justice treatment account to counties.
2 Beginning in fiscal year 2004, seventy percent of the funds in the
3 account shall be subject to this distribution formula. The remaining
4 thirty percent of the funds in the account shall be distributed as
5 grants. A panel consisting of representatives from the Washington
6 association of prosecuting attorneys, the Washington association of
7 sheriffs and police chiefs, the superior court judges association, the
8 department of corrections, and the division of alcohol and substance
9 abuse shall award the grants. The panel shall attempt to ensure that
10 treatment is available to offenders statewide. The panel shall also
11 approve county plans submitted for the disposition of both formula and
12 grant funds. Funds must be used to provide treatment for offenders
13 filed upon by the prosecuting attorney.

14 (3) The county prosecutor, county sheriff, and county superior
15 court shall jointly submit a plan for disposition of all the funds
16 provided from the criminal justice treatment account within that
17 county. The funds shall be used solely to provide approved alcohol and
18 substance abuse treatment pursuant to RCW 70.96A.090.

19 (4) Counties are encouraged to consider regional agreements for the
20 efficient delivery of treatment under this section.

21 NEW SECTION. **Sec. 4.** The sum of two million four hundred fifteen
22 thousand dollars, or as much thereof as may be necessary, is
23 appropriated for the fiscal year ending June 30, 2003, from the general
24 fund to the criminal justice treatment account for the purposes of this
25 act.

26 NEW SECTION. **Sec. 5.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

30 NEW SECTION. **Sec. 6.** This act applies to crimes committed on or
31 after July 1, 2001.

32 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 July 1, 2001.

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