
SUBSTITUTE HOUSE BILL 2338

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Kagi, Ballasiotes, O'Brien, Lantz, Dickerson, Linville, McIntire, Conway and Wood)

Read first time 01/25/2002. Referred to Committee on .

1 AN ACT Relating to the recommendations of the sentencing guidelines
2 commission regarding drug offenses; amending RCW 9.94A.525, 2.28.170,
3 9.94A.470, 9.94A.475, 9.94A.480, 9.94A.505, 9.94A.530, 9.94A.585,
4 9.94A.660, 9.94A.728, 9.94A.850, and 10.01.210; reenacting and amending
5 RCW 9.94A.515, 9.94A.515, and 9.94A.510; adding a new section to
6 chapter 70.96A RCW; adding a new section to chapter 43.135 RCW; adding
7 a new section to chapter 43.20A RCW; adding new sections to chapter
8 9.94A RCW; creating new sections; prescribing penalties; providing
9 effective dates; providing expiration dates; and declaring an
10 emergency.

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

12 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
13 increase the use of effective substance abuse treatment for defendants
14 and offenders in Washington in order to make frugal use of state and
15 local resources, thus reducing recidivism and increasing the likelihood
16 that defendants and offenders will become productive and law-abiding
17 persons. The legislature recognizes that substance abuse treatment can
18 be effective if it is well planned and involves adequate monitoring,
19 and that substance abuse and addiction is a public safety and public

1 health issue that must be more effectively addressed if recidivism is
2 to be reduced. The legislature intends that sentences for drug
3 offenses accurately reflect the adverse impact of substance abuse and
4 addiction on public safety, that the public must have protection from
5 violent offenders, and further intends that such sentences be based on
6 policies that are supported by research and public policy goals
7 established by the legislature.

8 **Sec. 2.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s
9 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to
10 read as follows:

11 TABLE 2

12 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

13	XVI	Aggravated Murder 1 (RCW 10.95.020)
14	XV	Homicide by abuse (RCW 9A.32.055)
15		Malicious explosion 1 (RCW 70.74.280(1))
16		Murder 1 (RCW 9A.32.030)
17	XIV	Murder 2 (RCW 9A.32.050)
18	XIII	Malicious explosion 2 (RCW 70.74.280(2))
19		Malicious placement of an explosive 1 (RCW
20		70.74.270(1))
21	XII	Assault 1 (RCW 9A.36.011)
22		Assault of a Child 1 (RCW 9A.36.120)
23		Malicious placement of an imitation device
24		1 (RCW 70.74.272(1)(a))
25		Rape 1 (RCW 9A.44.040)
26		Rape of a Child 1 (RCW 9A.44.073)
27	XI	Manslaughter 1 (RCW 9A.32.060)
28		Rape 2 (RCW 9A.44.050)
29		Rape of a Child 2 (RCW 9A.44.076)
30	X	Child Molestation 1 (RCW 9A.44.083)
31		Indecent Liberties (with forcible
32		compulsion) (RCW 9A.44.100(1)(a))
33		Kidnapping 1 (RCW 9A.40.020)

1 Leading Organized Crime (RCW
2 9A.82.060(1)(a))
3 Malicious explosion 3 (RCW 70.74.280(3))
4 Manufacture of methamphetamine (RCW
5 69.50.401(a)(1)(ii))
6 Over 18 and deliver heroin,
7 methamphetamine, a narcotic from
8 Schedule I or II, or flunitrazepam
9 from Schedule IV to someone under 18
10 (RCW 69.50.406)
11 Sexually Violent Predator Escape (RCW
12 9A.76.115)

13 IX Assault of a Child 2 (RCW 9A.36.130)
14 Controlled Substance Homicide (RCW
15 69.50.415)
16 Explosive devices prohibited (RCW
17 70.74.180)
18 Hit and Run--Death (RCW 46.52.020(4)(a))
19 Homicide by Watercraft, by being under the
20 influence of intoxicating liquor or
21 any drug (RCW 79A.60.050)
22 Inciting Criminal Profiteering (RCW
23 9A.82.060(1)(b))
24 Malicious placement of an explosive 2 (RCW
25 70.74.270(2))
26 Over 18 and deliver narcotic from Schedule
27 III, IV, or V or a nonnarcotic, except
28 flunitrazepam or methamphetamine, from
29 Schedule I-V to someone under 18 and 3
30 years junior (RCW 69.50.406)
31 Robbery 1 (RCW 9A.56.200)
32 Sexual Exploitation (RCW 9.68A.040)
33 Vehicular Homicide, by being under the
34 influence of intoxicating liquor or
35 any drug (RCW 46.61.520)

36 VIII Arson 1 (RCW 9A.48.020)

1 Deliver or possess with intent to deliver
2 methamphetamine (RCW
3 69.50.401(a)(1)(ii))
4 Homicide by Watercraft, by the operation of
5 any vessel in a reckless manner (RCW
6 79A.60.050)
7 Manslaughter 2 (RCW 9A.32.070)
8 Manufacture, deliver, or possess with
9 intent to deliver amphetamine (RCW
10 69.50.401(a)(1)(ii))
11 (~~Manufacture, deliver, or possess with~~
12 ~~intent to deliver heroin or cocaine~~
13 ~~(RCW 69.50.401(a)(1)(i))~~)
14 Possession of Ephedrine, Pseudoephedrine,
15 or Anhydrous Ammonia with intent to
16 manufacture methamphetamine (RCW
17 69.50.440)
18 Promoting Prostitution 1 (RCW 9A.88.070)
19 Selling for profit (controlled or
20 counterfeit) any controlled substance
21 (RCW 69.50.410)
22 Theft of Anhydrous Ammonia (RCW 69.55.010)
23 Vehicular Homicide, by the operation of any
24 vehicle in a reckless manner (RCW
25 46.61.520)
26 VII Burglary 1 (RCW 9A.52.020)
27 Child Molestation 2 (RCW 9A.44.086)
28 Dealing in depictions of minor engaged in
29 sexually explicit conduct (RCW
30 9.68A.050)
31 Drive-by Shooting (RCW 9A.36.045)
32 Homicide by Watercraft, by disregard for
33 the safety of others (RCW 79A.60.050)
34 Indecent Liberties (without forcible
35 compulsion) (RCW 9A.44.100(1) (b) and
36 (c))
37 Introducing Contraband 1 (RCW 9A.76.140)
38 Involving a minor in drug dealing (RCW
39 69.50.401(f))

1 Malicious placement of an explosive 3 (RCW
2 70.74.270(3))
3 Manufacture, deliver, or possess with
4 intent to deliver heroin or cocaine
5 (RCW 69.50.401(a)(1)(i))
6 Sending, bringing into state depictions of
7 minor engaged in sexually explicit
8 conduct (RCW 9.68A.060)
9 Unlawful Possession of a Firearm in the
10 first degree (RCW 9.41.040(1)(a))
11 Use of a Machine Gun in Commission of a
12 Felony (RCW 9.41.225)
13 Vehicular Homicide, by disregard for the
14 safety of others (RCW 46.61.520)

15 VI Bail Jumping with Murder 1 (RCW
16 9A.76.170(3)(a))
17 Bribery (RCW 9A.68.010)
18 Incest 1 (RCW 9A.64.020(1))
19 Intimidating a Judge (RCW 9A.72.160)
20 Intimidating a Juror/Witness (RCW
21 9A.72.110, 9A.72.130)
22 Malicious placement of an imitation device
23 2 (RCW 70.74.272(1)(b))
24 Manufacture, deliver, or possess with
25 intent to deliver narcotics from
26 Schedule I or II (except heroin or
27 cocaine) or flunitrazepam from
28 Schedule IV (RCW 69.50.401(a)(1)(i))
29 Rape of a Child 3 (RCW 9A.44.079)
30 Theft of a Firearm (RCW 9A.56.300)
31 Unlawful Storage of Anhydrous Ammonia (RCW
32 69.55.020)

33 V Abandonment of dependent person 1 (RCW
34 9A.42.060)
35 Advancing money or property for
36 extortionate extension of credit (RCW
37 9A.82.030)

1 Bail Jumping with class A Felony (RCW
2 9A.76.170(3)(b))
3 Child Molestation 3 (RCW 9A.44.089)
4 Criminal Mistreatment 1 (RCW 9A.42.020)
5 Custodial Sexual Misconduct 1 (RCW
6 9A.44.160)
7 Delivery of imitation controlled substance
8 by person eighteen or over to person
9 under eighteen (RCW 69.52.030(2))
10 Domestic Violence Court Order Violation
11 (RCW 10.99.040, 10.99.050, 26.09.300,
12 26.10.220, 26.26.138, 26.50.110,
13 26.52.070, or 74.34.145)
14 Extortion 1 (RCW 9A.56.120)
15 Extortionate Extension of Credit (RCW
16 9A.82.020)
17 Extortionate Means to Collect Extensions of
18 Credit (RCW 9A.82.040)
19 Incest 2 (RCW 9A.64.020(2))
20 Kidnapping 2 (RCW 9A.40.030)
21 Perjury 1 (RCW 9A.72.020)
22 Persistent prison misbehavior (RCW
23 9.94.070)
24 Possession of a Stolen Firearm (RCW
25 9A.56.310)
26 Rape 3 (RCW 9A.44.060)
27 Rendering Criminal Assistance 1 (RCW
28 9A.76.070)
29 Sexual Misconduct with a Minor 1 (RCW
30 9A.44.093)
31 Sexually Violating Human Remains (RCW
32 9A.44.105)
33 Stalking (RCW 9A.46.110)
34 IV Arson 2 (RCW 9A.48.030)
35 Assault 2 (RCW 9A.36.021)
36 Assault by Watercraft (RCW 79A.60.060)
37 Bribing a Witness/Bribe Received by Witness
38 (RCW 9A.72.090, 9A.72.100)
39 Commercial Bribery (RCW 9A.68.060)

1 Counterfeiting (RCW 9.16.035(4))
2 Escape 1 (RCW 9A.76.110)
3 Hit and Run--Injury (RCW 46.52.020(4)(b))
4 Hit and Run with Vessel--Injury Accident
5 (RCW 79A.60.200(3))
6 Identity Theft 1 (RCW 9.35.020(2)(a))
7 Indecent Exposure to Person Under Age
8 Fourteen (subsequent sex offense) (RCW
9 9A.88.010)
10 Influencing Outcome of Sporting Event (RCW
11 9A.82.070)
12 Knowingly Trafficking in Stolen Property
13 (RCW 9A.82.050(2))
14 Malicious Harassment (RCW 9A.36.080)
15 Manufacture, deliver, or possess with
16 intent to deliver narcotics from
17 Schedule III, IV, or V or nonnarcotics
18 from Schedule I-V (except marijuana,
19 amphetamine, methamphetamines, or
20 flunitrazepam) (RCW 69.50.401(a)(1)
21 (iii) through (v))
22 Residential Burglary (RCW 9A.52.025)
23 Robbery 2 (RCW 9A.56.210)
24 Theft of Livestock 1 (RCW 9A.56.080)
25 Threats to Bomb (RCW 9.61.160)
26 Use of Proceeds of Criminal Profiteering
27 (RCW 9A.82.080 (1) and (2))
28 Vehicular Assault, by being under the
29 influence of intoxicating liquor or
30 any drug, or by the operation or
31 driving of a vehicle in a reckless
32 manner (RCW 46.61.522)
33 Willful Failure to Return from Furlough
34 (RCW 72.66.060)
35 III Abandonment of dependent person 2 (RCW
36 9A.42.070)
37 Assault 3 (RCW 9A.36.031)
38 Assault of a Child 3 (RCW 9A.36.140)

1 Bail Jumping with class B or C Felony (RCW
2 9A.76.170(3)(c))
3 Burglary 2 (RCW 9A.52.030)
4 Communication with a Minor for Immoral
5 Purposes (RCW 9.68A.090)
6 Criminal Gang Intimidation (RCW 9A.46.120)
7 Criminal Mistreatment 2 (RCW 9A.42.030)
8 Custodial Assault (RCW 9A.36.100)
9 Delivery of a material in lieu of a
10 controlled substance (RCW
11 69.50.401(c))
12 Escape 2 (RCW 9A.76.120)
13 Extortion 2 (RCW 9A.56.130)
14 Harassment (RCW 9A.46.020)
15 Intimidating a Public Servant (RCW
16 9A.76.180)
17 Introducing Contraband 2 (RCW 9A.76.150)
18 Maintaining a Dwelling or Place for
19 Controlled Substances (RCW
20 69.50.402(a)(6))
21 Malicious Injury to Railroad Property (RCW
22 81.60.070)
23 Manufacture, deliver, or possess with
24 intent to deliver marijuana (RCW
25 69.50.401(a)(1)(iii))
26 Manufacture, distribute, or possess with
27 intent to distribute an imitation
28 controlled substance (RCW
29 69.52.030(1))
30 Patronizing a Juvenile Prostitute (RCW
31 9.68A.100)
32 Perjury 2 (RCW 9A.72.030)
33 Possession of Incendiary Device (RCW
34 9.40.120)
35 Possession of Machine Gun or Short-Barreled
36 Shotgun or Rifle (RCW 9.41.190)
37 Promoting Prostitution 2 (RCW 9A.88.080)
38 Recklessly Trafficking in Stolen Property
39 (RCW 9A.82.050(1))

1 Securities Act violation (RCW 21.20.400)
2 Tampering with a Witness (RCW 9A.72.120)
3 Telephone Harassment (subsequent conviction
4 or threat of death) (RCW 9.61.230)
5 Theft of Livestock 2 (RCW 9A.56.080)
6 Unlawful Imprisonment (RCW 9A.40.040)
7 Unlawful possession of firearm in the
8 second degree (RCW 9.41.040(1)(b))
9 Unlawful Use of Building for Drug Purposes
10 (RCW 69.53.010)
11 Vehicular Assault, by the operation or
12 driving of a vehicle with disregard
13 for the safety of others (RCW
14 46.61.522)
15 Willful Failure to Return from Work Release
16 (RCW 72.65.070)

17 II Computer Trespass 1 (RCW 9A.52.110)
18 Counterfeiting (RCW 9.16.035(3))
19 Create, deliver, or possess a counterfeit
20 controlled substance (RCW
21 69.50.401(b))
22 Escape from Community Custody (RCW
23 72.09.310)
24 Health Care False Claims (RCW 48.80.030)
25 Identity Theft 2 (RCW 9.35.020(2)(b))
26 Improperly Obtaining Financial Information
27 (RCW 9.35.010)
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. 3.** RCW 9.94A.525 and 2001 c 264 s 5 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.589.

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.589(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.589(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)) manufacture of methamphetamine
33 offense. All other adult and juvenile felonies are scored as in
34 subsection (8) of this section if the current drug offense is violent,
35 or as in subsection (7) of this section if the current drug offense is
36 nonviolent.

37 (13) If the present conviction is for Escape from Community
38 Custody, RCW 72.09.310, count only prior escape convictions in the

1 offender score. Count adult prior escape convictions as one point and
2 juvenile prior 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. 4.** 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. Moneys in the account may be expended solely for: (a)
21 Substance abuse treatment for offenders with an addiction or a
22 substance abuse problem that, if not treated, would result in
23 addiction, against whom charges are filed by a prosecuting attorney in
24 Washington state; and (b) the provision of drug and alcohol services
25 for nonviolent offenders within a drug court program. Moneys in the
26 account may be spent only after appropriation.

27 (2) Revenues to the criminal justice treatment account consist of:
28 (a) Savings to the state general fund resulting from implementation of
29 this act, as calculated pursuant to this section; and (b) any other
30 revenues appropriated to or deposited in the account.

31 (3)(a) The department of corrections, the sentencing guidelines
32 commission, the office of financial management, and the caseload
33 forecast council shall develop a methodology for calculating the
34 projected biennial savings under this section. Savings shall be
35 projected for the fiscal biennium beginning on July 1, 2003, and for
36 each biennium thereafter. By September 1, 2002, the proposed
37 methodology shall be submitted to the governor and the appropriate
38 committees of the legislature. The methodology is deemed approved

1 unless the legislature enacts legislation to modify or reject the
2 methodology.

3 (b) When the department of corrections submits its biennial budget
4 request to the governor in 2002 and in each even-numbered year
5 thereafter, the department of corrections shall use the methodology
6 approved in (a) of this subsection to calculate savings to the state
7 general fund for the ensuing fiscal biennium resulting from reductions
8 in drug offender sentencing as a result of sections 2 and 3, chapter
9 . . . , Laws of 2002 (sections 2 and 3 this act) and sections 7, 8, and
10 9, chapter . . . , Laws of 2002 (sections 7, 8, and 9 this act). The
11 department shall report the dollar amount of the savings to the state
12 treasurer, the office of financial management, and the fiscal
13 committees of the legislature.

14 (c) For the fiscal biennium beginning July 1, 2003, and each fiscal
15 biennium thereafter, the state treasurer shall transfer seventy-five
16 percent of the amount reported in (b) of this subsection from the
17 general fund into the criminal justice treatment account, divided into
18 eight equal quarterly payments.

19 (d) For the fiscal biennium beginning July 1, 2003, and each
20 biennium thereafter, the state treasurer shall transfer twenty-five
21 percent of the amount reported in (b) of this subsection from the
22 general fund into the violence reduction and drug enforcement account,
23 divided into eight quarterly payments. The amounts transferred
24 pursuant to this subsection (3)(d) shall be used solely for providing
25 drug and alcohol treatment services to offenders receiving a reduced
26 sentence as a result of implementation of this act and who are assessed
27 with an addiction or a substance abuse problem that if not treated
28 would result in addiction. Any excess funds remaining after providing
29 drug and alcohol treatment services to offenders receiving a reduced
30 sentence as a result of implementation of this act may be expended to
31 provide treatment for offenders confined in a state correctional
32 facility and who are assessed with an addiction or a substance abuse
33 problem that contributed to the crime.

34 (e) In each odd-numbered year, the legislature shall appropriate
35 the amount transferred to the criminal justice treatment account in (c)
36 of this subsection to the division of alcohol and substance abuse for
37 the purposes of subsection (4) of this section.

38 (4) Moneys appropriated to the division of alcohol and substance
39 abuse from the criminal justice treatment account shall be distributed

1 as specified in this subsection. The department shall serve as the
2 fiscal agent for purposes of distribution.

3 (a) Seventy percent of amounts appropriated to the division from
4 the account shall be distributed to counties pursuant to the
5 distribution formula adopted under this section. The division of
6 alcohol and substance abuse, in consultation with the department of
7 corrections, the sentencing guidelines commission, the Washington state
8 association of counties, the Washington state association of drug court
9 professionals, the superior court judges' association, the Washington
10 association of prosecuting attorneys, representatives of the criminal
11 defense bar, representatives of substance abuse treatment providers,
12 and any other person deemed by the division to be necessary, shall
13 establish a fair and reasonable methodology for distribution to
14 counties of moneys in the criminal justice treatment account. County
15 or regional plans submitted for the expenditure of formula funds must
16 be approved by the panel established in (b) of this subsection.

17 (b) Thirty percent of the amounts appropriated to the division from
18 the account shall be distributed as grants for purposes of treating
19 offenders against whom charges are filed by a county prosecuting
20 attorney. The division shall appoint a panel of representatives from
21 the Washington association of prosecuting attorneys, the Washington
22 association of sheriffs and police chiefs, the superior court judges'
23 association, the Washington state association of counties, the
24 Washington defender's association or the Washington association of
25 criminal defense lawyers, the department of corrections, the Washington
26 state association of drug court professionals, substance abuse
27 treatment providers, and the division. The panel shall review county
28 or regional plans for funding under (a) of this subsection and grants
29 approved under this subsection. The panel shall attempt to ensure that
30 treatment as funded by the grants is available to offenders statewide.

31 (5) The county alcohol and drug coordinator, county prosecutor,
32 county sheriff, county superior court, a substance abuse treatment
33 provider appointed by the county legislative authority, a member of the
34 criminal defense bar appointed by the county legislative authority,
35 and, in counties with a drug court, a representative of the drug court
36 shall jointly submit a plan, approved by the county legislative
37 authority or authorities, to the panel established in subsection (4)(b)
38 of this section, for disposition of all the funds provided from the
39 criminal justice treatment account within that county. The funds shall

1 be used solely to provide approved alcohol and substance abuse
2 treatment pursuant to RCW 70.96A.090.

3 (6) Counties are encouraged to consider regional agreements and
4 submit regional plans for the efficient delivery of treatment under
5 this section.

6 (7) Moneys allocated under this section shall be used to
7 supplement, not supplant, other federal, state, and local funds used
8 for substance abuse treatment.

9 (8) Counties must meet the criteria established in RCW
10 2.28.170(3)(b).

11 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.135 RCW
12 to read as follows:

13 RCW 43.135.035(4) does not apply to the transfers established in
14 section 4 of this act.

15 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.20A RCW
16 to read as follows:

17 The department of social and health services shall annually review
18 and monitor the expenditures made by any county or group of counties
19 which is funded, in whole or in part, with funds provided by this act.
20 Counties shall repay any funds that are not spent in accordance with
21 the requirements of this act.

22 **Sec. 7.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s
23 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to
24 read as follows:

25 TABLE 2

26 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

27 XVI	Aggravated Murder 1 (RCW 10.95.020)
28 XV	Homicide by abuse (RCW 9A.32.055)
29	Malicious explosion 1 (RCW 70.74.280(1))
30	Murder 1 (RCW 9A.32.030)
31 XIV	Murder 2 (RCW 9A.32.050)
32 XIII	Malicious explosion 2 (RCW 70.74.280(2))

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 Sexually Violent Predator Escape (RCW
27 9A.76.115)

28 IX Assault of a Child 2 (RCW 9A.36.130)
29 (~~Controlled Substance Homicide (RCW~~
30 ~~69.50.415))~~)
31 Explosive devices prohibited (RCW
32 70.74.180)
33 Hit and Run--Death (RCW 46.52.020(4)(a))
34 Homicide by Watercraft, by being under the
35 influence of intoxicating liquor or
36 any drug (RCW 79A.60.050)

1 Inciting Criminal Profiteering (RCW
2 9A.82.060(1)(b))
3 Malicious placement of an explosive 2 (RCW
4 70.74.270(2))
5 (~~Over 18 and deliver narcotic from~~
6 ~~Schedule III, IV, or V or a~~
7 ~~nonnarcotic, except flunitrazepam or~~
8 ~~methamphetamine, from Schedule I-V to~~
9 ~~someone under 18 and 3 years junior~~
10 ~~(RCW 69.50.406))~~)
11 Robbery 1 (RCW 9A.56.200)
12 Sexual Exploitation (RCW 9.68A.040)
13 Vehicular Homicide, by being under the
14 influence of intoxicating liquor or
15 any drug (RCW 46.61.520)

16 VIII Arson 1 (RCW 9A.48.020)
17 (~~Deliver or possess with intent to deliver~~
18 ~~methamphetamine (RCW~~
19 ~~69.50.401(a)(1)(ii))~~)
20 Homicide by Watercraft, by the operation of
21 any vessel in a reckless manner (RCW
22 79A.60.050)
23 Manslaughter 2 (RCW 9A.32.070)
24 (~~Manufacture, deliver, or possess with~~
25 ~~intent to deliver amphetamine (RCW~~
26 ~~69.50.401(a)(1)(ii))~~)
27 ~~Manufacture, deliver, or possess with~~
28 ~~intent to deliver heroin or cocaine~~
29 ~~(RCW 69.50.401(a)(1)(i))~~)
30 ~~Possession of Ephedrine, Pseudoephedrine,~~
31 ~~or Anhydrous Ammonia with intent to~~
32 ~~manufacture methamphetamine (RCW~~
33 ~~69.50.440))~~)
34 Promoting Prostitution 1 (RCW 9A.88.070)
35 (~~Selling for profit (controlled or~~
36 ~~counterfeit) any controlled substance~~
37 ~~(RCW 69.50.410))~~)
38 Theft of Anhydrous Ammonia (RCW 69.55.010)

1 Vehicular Homicide, by the operation of any
2 vehicle in a reckless manner (RCW
3 46.61.520)

4 VII Burglary 1 (RCW 9A.52.020)
5 Child Molestation 2 (RCW 9A.44.086)
6 Dealing in depictions of minor engaged in
7 sexually explicit conduct (RCW
8 9.68A.050)
9 Drive-by Shooting (RCW 9A.36.045)
10 Homicide by Watercraft, by disregard for
11 the safety of others (RCW 79A.60.050)
12 Indecent Liberties (without forcible
13 compulsion) (RCW 9A.44.100(1) (b) and
14 (c))
15 Introducing Contraband 1 (RCW 9A.76.140)
16 (~~Involving a minor in drug dealing (RCW~~
17 ~~69.50.401(f))~~)
18 Malicious placement of an explosive 3 (RCW
19 70.74.270(3))
20 Sending, bringing into state depictions of
21 minor engaged in sexually explicit
22 conduct (RCW 9.68A.060)
23 Unlawful Possession of a Firearm in the
24 first degree (RCW 9.41.040(1)(a))
25 Use of a Machine Gun in Commission of a
26 Felony (RCW 9.41.225)
27 Vehicular Homicide, by disregard for the
28 safety of others (RCW 46.61.520)

29 VI Bail Jumping with Murder 1 (RCW
30 9A.76.170(3)(a))
31 Bribery (RCW 9A.68.010)
32 Incest 1 (RCW 9A.64.020(1))
33 Intimidating a Judge (RCW 9A.72.160)
34 Intimidating a Juror/Witness (RCW
35 9A.72.110, 9A.72.130)
36 Malicious placement of an imitation device
37 2 (RCW 70.74.272(1)(b))

1 ((Manufacture, deliver, or possess with
2 intent to deliver narcotics from
3 Schedule I or II (except heroin or
4 cocaine) or flunitrazepam from
5 Schedule IV (RCW 69.50.401(a)(1)(i)))
6 Rape of a Child 3 (RCW 9A.44.079)
7 Theft of a Firearm (RCW 9A.56.300)
8 Unlawful Storage of Anhydrous Ammonia (RCW
9 69.55.020)

10 V Abandonment of dependent person 1 (RCW
11 9A.42.060)
12 Advancing money or property for
13 extortionate extension of credit (RCW
14 9A.82.030)
15 Bail Jumping with class A Felony (RCW
16 9A.76.170(3)(b))
17 Child Molestation 3 (RCW 9A.44.089)
18 Criminal Mistreatment 1 (RCW 9A.42.020)
19 Custodial Sexual Misconduct 1 (RCW
20 9A.44.160)
21 ((Delivery of imitation controlled
22 substance by person eighteen or over
23 to person under eighteen (RCW
24 69.52.030(2))))
25 Domestic Violence Court Order Violation
26 (RCW 10.99.040, 10.99.050, 26.09.300,
27 26.10.220, 26.26.138, 26.50.110,
28 26.52.070, or 74.34.145)
29 Extortion 1 (RCW 9A.56.120)
30 Extortionate Extension of Credit (RCW
31 9A.82.020)
32 Extortionate Means to Collect Extensions of
33 Credit (RCW 9A.82.040)
34 Incest 2 (RCW 9A.64.020(2))
35 Kidnapping 2 (RCW 9A.40.030)
36 Perjury 1 (RCW 9A.72.020)
37 Persistent prison misbehavior (RCW
38 9.94.070)

1 Possession of a Stolen Firearm (RCW
2 9A.56.310)
3 Rape 3 (RCW 9A.44.060)
4 Rendering Criminal Assistance 1 (RCW
5 9A.76.070)
6 Sexual Misconduct with a Minor 1 (RCW
7 9A.44.093)
8 Sexually Violating Human Remains (RCW
9 9A.44.105)
10 Stalking (RCW 9A.46.110)
11 IV Arson 2 (RCW 9A.48.030)
12 Assault 2 (RCW 9A.36.021)
13 Assault by Watercraft (RCW 79A.60.060)
14 Bribing a Witness/Bribe Received by Witness
15 (RCW 9A.72.090, 9A.72.100)
16 Commercial Bribery (RCW 9A.68.060)
17 Counterfeiting (RCW 9.16.035(4))
18 Escape 1 (RCW 9A.76.110)
19 Hit and Run--Injury (RCW 46.52.020(4)(b))
20 Hit and Run with Vessel--Injury Accident
21 (RCW 79A.60.200(3))
22 Identity Theft 1 (RCW 9.35.020(2)(a))
23 Indecent Exposure to Person Under Age
24 Fourteen (subsequent sex offense) (RCW
25 9A.88.010)
26 Influencing Outcome of Sporting Event (RCW
27 9A.82.070)
28 Knowingly Trafficking in Stolen Property
29 (RCW 9A.82.050(2))
30 Malicious Harassment (RCW 9A.36.080)
31 (~~(Manufacture, deliver, or possess with~~
32 ~~intent to deliver narcotics from~~
33 ~~Schedule III, IV, or V or nonnarcotics~~
34 ~~from Schedule I-V (except marijuana,~~
35 ~~amphetamine, methamphetamines, or~~
36 ~~flunitrazepam) (RCW 69.50.401(a)(1)~~
37 ~~(iii) through (v)))~~)
38 Residential Burglary (RCW 9A.52.025)
39 Robbery 2 (RCW 9A.56.210)

1 Theft of Livestock 1 (RCW 9A.56.080)
2 Threats to Bomb (RCW 9.61.160)
3 Use of Proceeds of Criminal Profiteering
4 (RCW 9A.82.080 (1) and (2))
5 Vehicular Assault, by being under the
6 influence of intoxicating liquor or
7 any drug, or by the operation or
8 driving of a vehicle in a reckless
9 manner (RCW 46.61.522)
10 Willful Failure to Return from Furlough
11 (RCW 72.66.060)

12 III Abandonment of dependent person 2 (RCW
13 9A.42.070)
14 Assault 3 (RCW 9A.36.031)
15 Assault of a Child 3 (RCW 9A.36.140)
16 Bail Jumping with class B or C Felony (RCW
17 9A.76.170(3)(c))
18 Burglary 2 (RCW 9A.52.030)
19 Communication with a Minor for Immoral
20 Purposes (RCW 9.68A.090)
21 Criminal Gang Intimidation (RCW 9A.46.120)
22 Criminal Mistreatment 2 (RCW 9A.42.030)
23 Custodial Assault (RCW 9A.36.100)
24 ~~((Delivery of a material in lieu of a~~
25 ~~controlled substance (RCW~~
26 ~~69.50.401(c)))~~
27 Escape 2 (RCW 9A.76.120)
28 Extortion 2 (RCW 9A.56.130)
29 Harassment (RCW 9A.46.020)
30 Intimidating a Public Servant (RCW
31 9A.76.180)
32 Introducing Contraband 2 (RCW 9A.76.150)
33 ~~((Maintaining a Dwelling or Place for~~
34 ~~Controlled Substances (RCW~~
35 ~~69.50.402(a)(6)))~~
36 Malicious Injury to Railroad Property (RCW
37 81.60.070)

1 (~~(Manufacture, deliver, or possess with~~
2 ~~intent to deliver marijuana (RCW~~
3 ~~69.50.401(a)(1)(iii))~~)
4 ~~Manufacture, distribute, or possess with~~
5 ~~intent to distribute an imitation~~
6 ~~controlled substance (RCW~~
7 ~~69.52.030(1))~~)
8 Patronizing a Juvenile Prostitute (RCW
9 9.68A.100)
10 Perjury 2 (RCW 9A.72.030)
11 Possession of Incendiary Device (RCW
12 9.40.120)
13 Possession of Machine Gun or Short-Barreled
14 Shotgun or Rifle (RCW 9.41.190)
15 Promoting Prostitution 2 (RCW 9A.88.080)
16 Recklessly Trafficking in Stolen Property
17 (RCW 9A.82.050(1))
18 Securities Act violation (RCW 21.20.400)
19 Tampering with a Witness (RCW 9A.72.120)
20 Telephone Harassment (subsequent conviction
21 or threat of death) (RCW 9.61.230)
22 Theft of Livestock 2 (RCW 9A.56.080)
23 Unlawful Imprisonment (RCW 9A.40.040)
24 Unlawful possession of firearm in the
25 second degree (RCW 9.41.040(1)(b))
26 (~~(Unlawful Use of Building for Drug~~
27 ~~Purposes (RCW 69.53.010))~~)
28 Vehicular Assault, by the operation or
29 driving of a vehicle with disregard
30 for the safety of others (RCW
31 46.61.522)
32 Willful Failure to Return from Work Release
33 (RCW 72.65.070)
34 II Computer Trespass 1 (RCW 9A.52.110)
35 Counterfeiting (RCW 9.16.035(3))
36 (~~(Create, deliver, or possess a counterfeit~~
37 ~~controlled substance (RCW~~
38 ~~69.50.401(b))~~)

1 Escape from Community Custody (RCW
2 72.09.310)
3 Health Care False Claims (RCW 48.80.030)
4 Identity Theft 2 (RCW 9.35.020(2)(b))
5 Improperly Obtaining Financial Information
6 (RCW 9.35.010)
7 Malicious Mischief 1 (RCW 9A.48.070)
8 ~~((Possession of controlled substance that
9 is either heroin or narcotics from
10 Schedule I or II or flunitrazepam from
11 Schedule IV (RCW 69.50.401(d))
12 Possession of phencyclidine (PCP) (RCW
13 69.50.401(d))))~~
14 Possession of Stolen Property 1 (RCW
15 9A.56.150)
16 Theft 1 (RCW 9A.56.030)
17 Theft of Rental, Leased, or Lease-purchased
18 Property (valued at one thousand five
19 hundred dollars or more) (RCW
20 9A.56.096(4))
21 Trafficking in Insurance Claims (RCW
22 48.30A.015)
23 Unlawful Practice of Law (RCW 2.48.180)
24 Unlicensed Practice of a Profession or
25 Business (RCW 18.130.190(7))
26 I Attempting to Elude a Pursuing Police
27 Vehicle (RCW 46.61.024)
28 False Verification for Welfare (RCW
29 74.08.055)
30 ~~((Forged Prescription (RCW 69.41.020)
31 Forged Prescription for a Controlled
32 Substance (RCW 69.50.403))))~~
33 Forgery (RCW 9A.60.020)
34 Malicious Mischief 2 (RCW 9A.48.080)
35 ~~((Possess Controlled Substance that is a
36 Narcotic from Schedule III, IV, or V
37 or Non-narcotic from Schedule I-V
38 (except phencyclidine or
39 flunitrazepam) (RCW 69.50.401(d))))~~

1 Possession of Stolen Property 2 (RCW
 2 9A.56.160)
 3 Reckless Burning 1 (RCW 9A.48.040)
 4 Taking Motor Vehicle Without Permission
 5 (RCW 9A.56.070)
 6 Theft 2 (RCW 9A.56.040)
 7 Theft of Rental, Leased, or Lease-purchased
 8 Property (valued at two hundred fifty
 9 dollars or more but less than one
 10 thousand five hundred dollars) (RCW
 11 9A.56.096(4))
 12 Unlawful Issuance of Checks or Drafts (RCW
 13 9A.56.060)
 14 Unlawful Use of Food Stamps (RCW 9.91.140
 15 (2) and (3))
 16 Vehicle Prowl 1 (RCW 9A.52.095)

17 NEW SECTION. **Sec. 8.** A new section is added to chapter 9.94A RCW
 18 to read as follows:

19 (1) TABLE 3

20 DRUG OFFENSE SENTENCING GRID

21 Seriousness	Offender Score	Offender Score	Offender Score
22 Level	0 to 2	3 to 5	6 to 9 or more
23 III	51 to 68 months	68+ to 100 months	100+ to 120 months
24 II	12+ to 20 months	20+ to 60 months	60+ to 120 months
25 I	0 to 6 months	6+ to 18 months	12+ to 24 months

26 References to months represent the standard sentence ranges. 12+
 27 equals one year and one day.

28 (2) The court may utilize any other sanctions or alternatives as
 29 authorized by law, including but not limited to the special drug
 30 offender sentencing alternative under RCW 9.94A.660 or drug court under
 31 RCW 2.28.170.

32 (3) Nothing in this section creates an entitlement for a criminal
 33 defendant to any specific sanction, alternative, sentence option, or
 34 substance abuse treatment.

1 Deliver or possess with intent to deliver
2 methamphetamine (RCW
3 69.50.401(a)(1)(ii))
4 Delivery of a material in lieu of a
5 controlled substance (RCW
6 69.50.401(c))
7 Maintaining a Dwelling or Place for
8 Controlled Substances (RCW
9 69.50.402(a)(6))
10 Manufacture, deliver, or possess with
11 intent to deliver amphetamine (RCW
12 69.50.401(a)(1)(ii))
13 Manufacture, deliver, or possess with
14 intent to deliver narcotics from
15 Schedule I or II or flunitrazepam from
16 Schedule IV (RCW 69.50.401(a)(1)(i))
17 Manufacture, deliver, or possess with
18 intent to deliver narcotics from
19 Schedule III, IV, or V or nonnarcotics
20 from Schedule I-V (except marijuana,
21 amphetamine, methamphetamines, or
22 flunitrazepam) (RCW 69.50.401(a)(1)
23 (iii) through (v))
24 Manufacture, distribute, or possess with
25 intent to distribute an imitation
26 controlled substance (RCW
27 69.52.030(1))
28 I Forged Prescription (RCW 69.41.020)
29 Forged Prescription for a Controlled
30 Substance (RCW 69.50.403)
31 Manufacture, deliver, or possess with
32 intent to deliver marijuana (RCW
33 69.50.401(a)(1)(iii))
34 Possess Controlled Substance that is a
35 Narcotic from Schedule III, IV, or V
36 or Non-narcotic from Schedule I-V (RCW
37 69.50.401(d))

1 Possession of Controlled Substance that is
 2 either heroin or narcotics from
 3 Schedule I or II (RCW 69.50.401(d))
 4 Unlawful Use of Building for Drug Purposes
 5 (RCW 69.53.010)

6 **Sec. 10.** RCW 9.94A.510 and 2000 c 132 s 2 and 2000 c 28 s 11 are
 7 each reenacted and amended to read as follows:

8 ((+1))

TABLE 1

9 Sentencing Grid

10 SERIOUSNESS
 11 LEVEL OFFENDER SCORE
 12
 13 0 1 2 3 4 5 6 7 8 9 or more

14
 15 XVI Life Sentence without Parole/Death Penalty

16
 17 XV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m 36y 40y
 18 240- 250- 261- 271- 281- 291- 312- 338- 370- 411-
 19 320 333 347 361 374 388 416 450 493 548

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

24
 25 XIII 12y 13y 14y 15y 16y 17y 19y 21y 25y 29y
 26 123- 134- 144- 154- 165- 175- 195- 216- 257- 298-
 27 164 178 192 205 219 233 260 288 342 397

28
 29 XII 9y 9y11m 10y9m 11y8m 12y6m 13y5m 15y9m 17y3m 20y3m 23y3m
 30 93- 102- 111- 120- 129- 138- 162- 178- 209- 240-
 31 123 136 147 160 171 184 216 236 277 318

32
 33 XI 7y6m 8y4m 9y2m 9y11m 10y9m 11y7m 14y2m 15y5m 17y11m 20y5m
 34 78- 86- 95- 102- 111- 120- 146- 159- 185- 210-
 35 102 114 125 136 147 158 194 211 245 280

36
 37 X 5y 5y6m 6y 6y6m 7y 7y6m 9y6m 10y6m 12y6m 14y6m
 38 51- 57- 62- 67- 72- 77- 98- 108- 129- 149-
 39 68 75 82 89 96 102 130 144 171 198

40
 41 IX 3y 3y6m 4y 4y6m 5y 5y6m 7y6m 8y6m 10y6m 12y6m
 42 31- 36- 41- 46- 51- 57- 77- 87- 108- 129-
 43 41 48 54 61 68 75 102 116 144 171

1	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
2		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
3		27	34	41	48	54	61	89	102	116	144
4	<hr/>										
5	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
6		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
7		20	27	34	41	48	54	75	89	102	116
8	<hr/>										
9	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
10		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
11		14	20	27	34	41	48	61	75	89	102
12	<hr/>										
13	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
14		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
15		12	14	17	20	29	43	54	68	82	96
16	<hr/>										
17	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
18		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
19		9	12	14	17	20	29	43	57	70	84
20	<hr/>										
21	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
22		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
23		3	8	12	12	16	22	29	43	57	68
24	<hr/>										
25	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
26		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
27		Days	6	9	12	14	18	22	29	43	57
28	<hr/>										
29	I			3m	4m	5m	8m	13m	16m	20m	2y2m
30		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
31		Days	Days	5	6	8	12	14	18	22	29
32	<hr/>										

33 Numbers in the first horizontal row of each seriousness category
34 represent sentencing midpoints in years(y) and months(m). Numbers in
35 the second and third rows represent standard sentence ranges in months,
36 or in days if so designated. 12+ equals one year and one day.

37 ~~((2) For persons convicted of the anticipatory offenses of~~
38 ~~criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW,~~
39 ~~the standard sentence range is determined by locating the sentencing~~
40 ~~grid sentence range defined by the appropriate offender score and the~~
41 ~~seriousness level of the completed crime, and multiplying the range by~~
42 ~~75 percent.~~

43 (3) ~~The following additional times shall be added to the standard~~
44 ~~sentence range for felony crimes committed after July 23, 1995, if the~~
45 ~~offender or an accomplice was armed with a firearm as defined in RCW~~
46 ~~9.41.010 and the offender is being sentenced for one of the crimes~~
47 ~~listed in this subsection as eligible for any firearm enhancements~~

1 based on the classification of the completed felony crime. If the
2 offender is being sentenced for more than one offense, the firearm
3 enhancement or enhancements must be added to the total period of
4 confinement for all offenses, regardless of which underlying offense is
5 subject to a firearm enhancement. If the offender or an accomplice was
6 armed with a firearm as defined in RCW 9.41.010 and the offender is
7 being sentenced for an anticipatory offense under chapter 9A.28 RCW to
8 commit one of the crimes listed in this subsection as eligible for any
9 firearm enhancements, the following additional times shall be added to
10 the standard sentence range determined under subsection (2) of this
11 section based on the felony crime of conviction as classified under RCW
12 9A.28.020:

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

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

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

22 (d) If the offender is being sentenced for any firearm enhancements
23 under (a), (b), and/or (c) of this subsection and the offender has
24 previously been sentenced for any deadly weapon enhancements after July
25 23, 1995, under (a), (b), and/or (c) of this subsection or subsection
26 (4)(a), (b), and/or (c) of this section, or both, all firearm
27 enhancements under this subsection shall be twice the amount of the
28 enhancement listed.

29 (e) Notwithstanding any other provision of law, all firearm
30 enhancements under this section are mandatory, shall be served in total
31 confinement, and shall run consecutively to all other sentencing
32 provisions, including other firearm or deadly weapon enhancements, for
33 all offenses sentenced under this chapter. However, whether or not a
34 mandatory minimum term has expired, an offender serving a sentence
35 under this subsection may be granted an extraordinary medical placement
36 when authorized under RCW 9.94A.728(4).

37 (f) The firearm enhancements in this section shall apply to all
38 felony crimes except the following: Possession of a machine gun,
39 possessing a stolen firearm, drive by shooting, theft of a firearm,

1 ~~unlawful possession of a firearm in the first and second degree, and~~
2 ~~use of a machine gun in a felony.~~

3 ~~(g) If the standard sentence range under this section exceeds the~~
4 ~~statutory maximum sentence for the offense, the statutory maximum~~
5 ~~sentence shall be the presumptive sentence unless the offender is a~~
6 ~~persistent offender. If the addition of a firearm enhancement~~
7 ~~increases the sentence so that it would exceed the statutory maximum~~
8 ~~for the offense, the portion of the sentence representing the~~
9 ~~enhancement may not be reduced.~~

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

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

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

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

37 ~~(d) If the offender is being sentenced under (a), (b), and/or (c)~~
38 ~~of this subsection for any deadly weapon enhancements and the offender~~
39 ~~has previously been sentenced for any deadly weapon enhancements after~~

1 July 23, 1995, under (a), (b), and/or (c) of this subsection or
2 subsection (3)(a), (b), and/or (c) of this section, or both, all deadly
3 weapon enhancements under this subsection shall be twice the amount of
4 the enhancement listed.

5 (e) Notwithstanding any other provision of law, all deadly weapon
6 enhancements under this section are mandatory, shall be served in total
7 confinement, and shall run consecutively to all other sentencing
8 provisions, including other firearm or deadly weapon enhancements, for
9 all offenses sentenced under this chapter. However, whether or not a
10 mandatory minimum term has expired, an offender serving a sentence
11 under this subsection may be granted an extraordinary medical placement
12 when authorized under RCW 9.94A.728(4).

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

18 (g) If the standard sentence range under this section exceeds the
19 statutory maximum sentence for the offense, the statutory maximum
20 sentence shall be the presumptive sentence unless the offender is a
21 persistent offender. If the addition of a deadly weapon enhancement
22 increases the sentence so that it would exceed the statutory maximum
23 for the offense, the portion of the sentence representing the
24 enhancement may not be reduced.

25 (5) The following additional times shall be added to the standard
26 sentence range if the offender or an accomplice committed the offense
27 while in a county jail or state correctional facility and the offender
28 is being sentenced for one of the crimes listed in this subsection. If
29 the offender or an accomplice committed one of the crimes listed in
30 this subsection while in a county jail or state correctional facility,
31 and the offender is being sentenced for an anticipatory offense under
32 chapter 9A.28 RCW to commit one of the crimes listed in this
33 subsection, the following additional times shall be added to the
34 standard sentence range determined under subsection (2) of this
35 section:

36 (a) Eighteen months for offenses committed under RCW
37 69.50.401(a)(1) (i) or (ii) or 69.50.410;

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

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

2 ~~For the purposes of this subsection, all of the real property of a~~
3 ~~state correctional facility or county jail shall be deemed to be part~~
4 ~~of that facility or county jail.~~

5 ~~(6) An additional twenty four months shall be added to the standard~~
6 ~~sentence range for any ranked offense involving a violation of chapter~~
7 ~~69.50 RCW if the offense was also a violation of RCW 69.50.435 or~~
8 ~~9.94A.605.~~

9 ~~(7) An additional two years shall be added to the standard sentence~~
10 ~~range for vehicular homicide committed while under the influence of~~
11 ~~intoxicating liquor or any drug as defined by RCW 46.61.502 for each~~
12 ~~prior offense as defined in RCW 46.61.5055.))~~

13 NEW SECTION. **Sec. 11.** A new section is added to chapter 9.94A RCW
14 to read as follows:

15 (1) The provisions of this section apply to the standard sentence
16 ranges determined by RCW 9.94A.510 or section 8 of this act.

17 (2) For persons convicted of the anticipatory offenses of criminal
18 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
19 standard sentence range is determined by locating the sentencing grid
20 sentence range defined by the appropriate offender score and the
21 seriousness level of the completed crime, and multiplying the range by
22 seventy-five percent.

23 (3) The following additional times shall be added to the standard
24 sentence range for felony crimes committed after July 23, 1995, if the
25 offender or an accomplice was armed with a firearm as defined in RCW
26 9.41.010 and the offender is being sentenced for one of the crimes
27 listed in this subsection as eligible for any firearm enhancements
28 based on the classification of the completed felony crime. If the
29 offender is being sentenced for more than one offense, the firearm
30 enhancement or enhancements must be added to the total period of
31 confinement for all offenses, regardless of which underlying offense is
32 subject to a firearm enhancement. If the offender or an accomplice was
33 armed with a firearm as defined in RCW 9.41.010 and the offender is
34 being sentenced for an anticipatory offense under chapter 9A.28 RCW to
35 commit one of the crimes listed in this subsection as eligible for any
36 firearm enhancements, the following additional times shall be added to
37 the standard sentence range determined under subsection (2) of this

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

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

6 (b) Three years for any felony defined under any law as a class B
7 felony or with a statutory maximum sentence of ten years, or both, and
8 not covered under (f) of this subsection;

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

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

19 (e) Notwithstanding any other provision of law, all firearm
20 enhancements under this section are mandatory, shall be served in total
21 confinement, and shall run consecutively to all other sentencing
22 provisions, including other firearm or deadly weapon enhancements, for
23 all offenses sentenced under this chapter. However, whether or not a
24 mandatory minimum term has expired, an offender serving a sentence
25 under this subsection may be granted an extraordinary medical placement
26 when authorized under RCW 9.94A.728(4);

27 (f) The firearm enhancements in this section shall apply to all
28 felony crimes except the following: Possession of a machine gun,
29 possessing a stolen firearm, drive-by shooting, theft of a firearm,
30 unlawful possession of a firearm in the first and second degree, and
31 use of a machine gun in a felony;

32 (g) If the standard sentence range under this section exceeds the
33 statutory maximum sentence for the offense, the statutory maximum
34 sentence shall be the presumptive sentence unless the offender is a
35 persistent offender. If the addition of a firearm enhancement
36 increases the sentence so that it would exceed the statutory maximum
37 for the offense, the portion of the sentence representing the
38 enhancement may not be reduced.

1 (4) The following additional times shall be added to the standard
2 sentence range for felony crimes committed after July 23, 1995, if the
3 offender or an accomplice was armed with a deadly weapon other than a
4 firearm as defined in RCW 9.41.010 and the offender is being sentenced
5 for one of the crimes listed in this subsection as eligible for any
6 deadly weapon enhancements based on the classification of the completed
7 felony crime. If the offender is being sentenced for more than one
8 offense, the deadly weapon enhancement or enhancements must be added to
9 the total period of confinement for all offenses, regardless of which
10 underlying offense is subject to a deadly weapon enhancement. If the
11 offender or an accomplice was armed with a deadly weapon other than a
12 firearm as defined in RCW 9.41.010 and the offender is being sentenced
13 for an anticipatory offense under chapter 9A.28 RCW to commit one of
14 the crimes listed in this subsection as eligible for any deadly weapon
15 enhancements, the following additional times shall be added to the
16 standard sentence range determined under subsection (2) of this section
17 based on the felony crime of conviction as classified under RCW
18 9A.28.020:

19 (a) Two years for any felony defined under any law as a class A
20 felony or with a statutory maximum sentence of at least twenty years,
21 or both, and not covered under (f) of this subsection;

22 (b) One year for any felony defined under any law as a class B
23 felony or with a statutory maximum sentence of ten years, or both, and
24 not covered under (f) of this subsection;

25 (c) Six months for any felony defined under any law as a class C
26 felony or with a statutory maximum sentence of five years, or both, and
27 not covered under (f) of this subsection;

28 (d) If the offender is being sentenced under (a), (b), and/or (c)
29 of this subsection for any deadly weapon enhancements and the offender
30 has previously been sentenced for any deadly weapon enhancements after
31 July 23, 1995, under (a), (b), and/or (c) of this subsection or
32 subsection (3)(a), (b), and/or (c) of this section, or both, all deadly
33 weapon enhancements under this subsection shall be twice the amount of
34 the enhancement listed;

35 (e) Notwithstanding any other provision of law, all deadly weapon
36 enhancements under this section are mandatory, shall be served in total
37 confinement, and shall run consecutively to all other sentencing
38 provisions, including other firearm or deadly weapon enhancements, for
39 all offenses sentenced under this chapter. However, whether or not a

1 mandatory minimum term has expired, an offender serving a sentence
2 under this subsection may be granted an extraordinary medical placement
3 when authorized under RCW 9.94A.728(4);

4 (f) The deadly weapon enhancements in this section shall apply to
5 all felony crimes except the following: Possession of a machine gun,
6 possessing a stolen firearm, drive-by shooting, theft of a firearm,
7 unlawful possession of a firearm in the first and second degree, and
8 use of a machine gun in a felony;

9 (g) If the standard sentence range under this section exceeds the
10 statutory maximum sentence for the offense, the statutory maximum
11 sentence shall be the presumptive sentence unless the offender is a
12 persistent offender. If the addition of a deadly weapon enhancement
13 increases the sentence so that it would exceed the statutory maximum
14 for the offense, the portion of the sentence representing the
15 enhancement may not be reduced.

16 (5) The following additional times shall be added to the standard
17 sentence range if the offender or an accomplice committed the offense
18 while in a county jail or state correctional facility and the offender
19 is being sentenced for one of the crimes listed in this subsection. If
20 the offender or an accomplice committed one of the crimes listed in
21 this subsection while in a county jail or state correctional facility,
22 and the offender is being sentenced for an anticipatory offense under
23 chapter 9A.28 RCW to commit one of the crimes listed in this
24 subsection, the following additional times shall be added to the
25 standard sentence range determined under subsection (2) of this
26 section:

27 (a) Eighteen months for offenses committed under RCW
28 69.50.401(a)(1) (i) or (ii) or 69.50.410;

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

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

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

35 (6) An additional twenty-four months shall be added to the standard
36 sentence range for any ranked offense involving a violation of chapter
37 69.50 RCW if the offense was also a violation of RCW 69.50.435 or
38 9.94A.605.

1 (7) An additional two years shall be added to the standard sentence
2 range for vehicular homicide committed while under the influence of
3 intoxicating liquor or any drug as defined by RCW 46.61.502 for each
4 prior offense as defined in RCW 46.61.5055.

5 NEW SECTION. **Sec. 12.** (1) A joint select committee on the drug
6 offense sentencing grid is established.

7 (2) The committee shall consist of the following persons:

8 (a) One member from each of the two largest caucuses of the senate,
9 appointed by the president of the senate;

10 (b) One member from each of the two largest caucuses of the house
11 of representatives, appointed by the speaker of the house;

12 (c) A superior court judge, selected by the superior court judges
13 association;

14 (d) A prosecuting attorney, selected by the Washington association
15 of prosecuting attorneys;

16 (e) A member selected by the Washington state bar association,
17 whose practice includes a significant amount of time devoted to
18 criminal defense work;

19 (f) An elected sheriff or a police chief, selected by the
20 Washington association of sheriffs and police chiefs;

21 (g) A representative from the division of alcohol and substance
22 abuse in the department of social and health services;

23 (h) A member of the sentencing guidelines commission;

24 (i) A member of the caseload forecast council;

25 (j) A representative from the governor's office of financial
26 management;

27 (k) A representative from the department of corrections;

28 (l) A representative from the Washington state association of
29 counties;

30 (m) A chemical dependency treatment provider; and

31 (n) A representative from the Washington state association of drug
32 court professionals.

33 (3) The chair and vice-chair of the committee shall be chosen by
34 the members of the committee.

35 (4) The committee shall review and make recommendations to the
36 legislature and governor regarding the drug offense sentencing grid
37 created pursuant to section 8 of this act. In preparing the
38 recommendations, the committee shall:

1 (a) Establish a methodology of determining the fiscal consequences
2 to the state and local governments, including the calculation of
3 savings to be dedicated to substance abuse treatment, resulting from
4 the implementation of the grid and any recommended revisions to the
5 grid;

6 (b) Review and recommend any changes in the sentencing levels and
7 penalties in the drug sentencing grid;

8 (c) Consider the proportionality of sentencing based on the
9 quantity of controlled substances;

10 (d) Examine methods for addressing issues of racial
11 disproportionality in sentencing;

12 (e) Recommend a statewide method of evaluating the success of drug
13 courts in terms of reducing recidivism and increasing the number of
14 persons who participate in drug court programs and remain free of
15 substance abuse;

16 (f) Review and make any appropriate revisions in statewide criteria
17 for funding substance abuse treatment programs for defendants and
18 offenders; and

19 (g) Review and make any recommendations for changes in the method
20 of distribution of funding methods established in this act for
21 defendant and offender drug treatment programs.

22 (5) The committee shall complete its review and submit its
23 recommendations to the legislature and governor not later than June 1,
24 2003.

25 (6) The staff of the legislature, the sentencing guidelines
26 commission, and the caseload forecast council shall provide support to
27 the committee.

28 (7) Nonlegislative members of the committee shall serve without
29 compensation, but shall be reimbursed for travel expenses as provided
30 in RCW 43.03.050 and 43.03.060. Legislative members of the committee
31 shall be reimbursed for travel expenses as provided in RCW 44.04.120.

32 (8) This section expires December 31, 2003.

33 **Sec. 13.** RCW 2.28.170 and 1999 c 197 s 9 are each amended to read
34 as follows:

35 (1) Counties may establish and operate drug courts.

36 (2) For the purposes of this section, "drug court" means a court
37 that has special calendars or dockets designed to achieve a reduction
38 in recidivism and substance abuse among nonviolent, substance abusing

1 offenders by increasing their likelihood for successful rehabilitation
2 through early, continuous, and intense judicially supervised treatment;
3 mandatory periodic drug testing; and the use of appropriate sanctions
4 and other rehabilitation services.

5 (3)(a) Any jurisdiction that seeks a state appropriation to fund a
6 drug court program must first:

7 (~~(a)~~) (i) Exhaust all federal funding received from the office of
8 national drug control policy that is available to support the
9 operations of its drug court and associated services; and

10 (~~(b)~~) (ii) Match, on a dollar-for-dollar basis, state moneys
11 allocated for drug court programs with local cash or in-kind resources.
12 Moneys allocated by the state must be used to supplement, not supplant,
13 other federal, state, and local funds for drug court operations and
14 associated services.

15 (b) Any county that establishes a drug court pursuant to this
16 section shall establish minimum requirements for the participation of
17 offenders in the program. The drug court may adopt local requirements
18 that are more stringent than the minimum. The minimum requirements
19 are:

20 (i) The offender would benefit from substance abuse treatment;

21 (ii) The offender has not previously been convicted of a serious
22 violent offense or sex offense as defined in RCW 9.94A.030; and

23 (iii) Without regard to whether proof of any of these elements is
24 required to convict, the offender is not currently charged with or
25 convicted of an offense:

26 (A) That is a sex offense;

27 (B) That is a serious violent offense;

28 (C) During which the defendant used a firearm; or

29 (D) During which the defendant caused substantial or great bodily
30 harm or death to another person.

31 (4) The drug court shall have the discretion to admit or deny a
32 person's entry into drug court. A drug court's decision to admit or
33 deny entry is not appealable.

34 (5) If a court finds that the offender substantially meets the
35 criteria for entry into drug court, the court on its own motion, or the
36 motion of the state or the offender, may admit the defendant into drug
37 court.

1 **Sec. 14.** RCW 9.94A.470 and 1995 c 129 s 4 are each amended to read
2 as follows:

3 Notwithstanding the current placement or listing of crimes in
4 categories or classifications of prosecuting standards for deciding to
5 prosecute under RCW 9.94A.411(2), any and all felony crimes involving
6 any deadly weapon special verdict under RCW 9.94A.602, any deadly
7 weapon enhancements under ((~~RCW 9.94A.510~~)) section 11 (3) or (4) of
8 this act, or both, and any and all felony crimes as defined in ((~~RCW~~
9 ~~9.94A.510~~)) section 11 (3)(f) or (4)(f) of this act, or both, which are
10 excluded from the deadly weapon enhancements shall all be treated as
11 crimes against a person and subject to the prosecuting standards for
12 deciding to prosecute under RCW 9.94A.411(2) as crimes against persons.

13 **Sec. 15.** RCW 9.94A.475 and 1997 c 338 s 48 are each amended to
14 read as follows:

15 Any and all recommended sentencing agreements or plea agreements
16 and the sentences for any and all felony crimes shall be made and
17 retained as public records if the felony crime involves:

- 18 (1) Any violent offense as defined in this chapter;
- 19 (2) Any most serious offense as defined in this chapter;
- 20 (3) Any felony with a deadly weapon special verdict under RCW
21 9.94A.602;
- 22 (4) Any felony with any deadly weapon enhancements under ((~~RCW~~
23 ~~9.94A.510~~)) section 11 (3) or (4) of this act, or both; and/or
- 24 (5) The felony crimes of possession of a machine gun, possessing a
25 stolen firearm, drive-by shooting, theft of a firearm, unlawful
26 possession of a firearm in the first or second degree, and/or use of a
27 machine gun in a felony.

28 **Sec. 16.** RCW 9.94A.480 and 1997 c 338 s 49 are each amended to
29 read as follows:

30 (1) A current, newly created or reworked judgment and sentence
31 document for each felony sentencing shall record any and all
32 recommended sentencing agreements or plea agreements and the sentences
33 for any and all felony crimes kept as public records under RCW
34 9.94A.475 shall contain the clearly printed name and legal signature of
35 the sentencing judge. The judgment and sentence document as defined in
36 this section shall also provide additional space for the sentencing
37 judge's reasons for going either above or below the presumptive

1 sentence range for any and all felony crimes covered as public records
2 under RCW 9.94A.475. Both the sentencing judge and the prosecuting
3 attorney's office shall each retain or receive a completed copy of each
4 sentencing document as defined in this section for their own records.

5 (2) The sentencing guidelines commission shall be sent a completed
6 copy of the judgment and sentence document upon conviction for each
7 felony sentencing under subsection (1) of this section and shall
8 compile a yearly and cumulative judicial record of each sentencing
9 judge in regards to his or her sentencing practices for any and all
10 felony crimes involving:

11 (a) Any violent offense as defined in this chapter;

12 (b) Any most serious offense as defined in this chapter;

13 (c) Any felony with any deadly weapon special verdict under RCW
14 9.94A.602;

15 (d) Any felony with any deadly weapon enhancements under ((RCW
16 9.94A.510)) section 11 (3) or (4) of this act, or both; and/or

17 (e) The felony crimes of possession of a machine gun, possessing a
18 stolen firearm, drive-by shooting, theft of a firearm, unlawful
19 possession of a firearm in the first or second degree, and/or use of a
20 machine gun in a felony.

21 (3) The sentencing guidelines commission shall compare each
22 individual judge's sentencing practices to the standard or presumptive
23 sentence range for any and all felony crimes listed in subsection (2)
24 of this section for the appropriate offense level as defined in RCW
25 9.94A.515 or section 9 of this act, offender score as defined in RCW
26 9.94A.525, and any applicable deadly weapon enhancements as defined in
27 ((RCW 9.94A.510)) section 11 (3) or (4) of this act, or both. These
28 comparative records shall be retained and made available to the public
29 for review in a current, newly created or reworked official published
30 document by the sentencing guidelines commission.

31 (4) Any and all felony sentences which are either above or below
32 the standard or presumptive sentence range in subsection (3) of this
33 section shall also mark whether the prosecuting attorney in the case
34 also recommended a similar sentence, if any, which was either above or
35 below the presumptive sentence range and shall also indicate if the
36 sentence was in conjunction with an approved alternative sentencing
37 option including a first-time offender waiver, sex offender sentencing
38 alternative, or other prescribed sentencing option.

1 (5) If any completed judgment and sentence document as defined in
2 subsection (1) of this section is not sent to the sentencing guidelines
3 commission as required in subsection (2) of this section, the
4 sentencing guidelines commission shall have the authority and shall
5 undertake reasonable and necessary steps to assure that all past,
6 current, and future sentencing documents as defined in subsection (1)
7 of this section are received by the sentencing guidelines commission.

8 **Sec. 17.** RCW 9.94A.505 and 2001 2nd sp.s. c 12 s 312 are each
9 amended to read as follows:

10 (1) When a person is convicted of a felony, the court shall impose
11 punishment as provided in this chapter.

12 (2)(a) The court shall impose a sentence as provided in the
13 following sections and as applicable in the case:

14 (i) Unless another term of confinement applies, the court shall
15 impose a sentence within the standard sentence range established in RCW
16 9.94A.510 or section 8 of this act;

17 (ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

18 (iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;

19 (iv) RCW 9.94A.545, relating to community custody for offenders
20 whose term of confinement is one year or less;

21 (v) RCW 9.94A.570, relating to persistent offenders;

22 (vi) RCW 9.94A.540, relating to mandatory minimum terms;

23 (vii) RCW 9.94A.650, relating to the first-time offender waiver;

24 (viii) RCW 9.94A.660, relating to the drug offender sentencing
25 alternative;

26 (ix) RCW 9.94A.670, relating to the special sex offender sentencing
27 alternative;

28 (x) RCW 9.94A.712, relating to certain sex offenses;

29 (xi) RCW 9.94A.535, relating to exceptional sentences;

30 (xii) RCW 9.94A.589, relating to consecutive and concurrent
31 sentences.

32 (b) If a standard sentence range has not been established for the
33 offender's crime, the court shall impose a determinate sentence which
34 may include not more than one year of confinement; community service
35 work; until July 1, 2000, a term of community supervision not to exceed
36 one year and on and after July 1, 2000, a term of community custody not
37 to exceed one year, subject to conditions and sanctions as authorized
38 in RCW 9.94A.710 (2) and (3); and/or other legal financial obligations.

1 The court may impose a sentence which provides more than one year of
2 confinement if the court finds reasons justifying an exceptional
3 sentence as provided in RCW 9.94A.535.

4 (3) If the court imposes a sentence requiring confinement of thirty
5 days or less, the court may, in its discretion, specify that the
6 sentence be served on consecutive or intermittent days. A sentence
7 requiring more than thirty days of confinement shall be served on
8 consecutive days. Local jail administrators may schedule court-ordered
9 intermittent sentences as space permits.

10 (4) If a sentence imposed includes payment of a legal financial
11 obligation, it shall be imposed as provided in RCW 9.94A.750,
12 9.94A.753, and 9.94A.760.

13 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a
14 court may not impose a sentence providing for a term of confinement or
15 community supervision, community placement, or community custody which
16 exceeds the statutory maximum for the crime as provided in chapter
17 9A.20 RCW.

18 (6) The sentencing court shall give the offender credit for all
19 confinement time served before the sentencing if that confinement was
20 solely in regard to the offense for which the offender is being
21 sentenced.

22 (7) The court shall order restitution as provided in RCW 9.94A.750
23 and 9.94A.753.

24 (8) As a part of any sentence, the court may impose and enforce
25 crime-related prohibitions and affirmative conditions as provided in
26 this chapter.

27 (9) The court may order an offender whose sentence includes
28 community placement or community supervision to undergo a mental status
29 evaluation and to participate in available outpatient mental health
30 treatment, if the court finds that reasonable grounds exist to believe
31 that the offender is a mentally ill person as defined in RCW 71.24.025,
32 and that this condition is likely to have influenced the offense. An
33 order requiring mental status evaluation or treatment must be based on
34 a presentence report and, if applicable, mental status evaluations that
35 have been filed with the court to determine the offender's competency
36 or eligibility for a defense of insanity. The court may order
37 additional evaluations at a later date if deemed appropriate.

38 (10) In any sentence of partial confinement, the court may require
39 the offender to serve the partial confinement in work release, in a

1 program of home detention, on work crew, or in a combined program of
2 work crew and home detention.

3 (11) In sentencing an offender convicted of a crime of domestic
4 violence, as defined in RCW 10.99.020, if the offender has a minor
5 child, or if the victim of the offense for which the offender was
6 convicted has a minor child, the court may, as part of any term of
7 community supervision, community placement, or community custody, order
8 the offender to participate in a domestic violence perpetrator program
9 approved under RCW 26.50.150.

10 **Sec. 18.** RCW 9.94A.530 and 2000 c 28 s 12 are each amended to read
11 as follows:

12 (1) The intersection of the column defined by the offender score
13 and the row defined by the offense seriousness score determines the
14 standard sentence range (see RCW 9.94A.510, (Table 1) and section 8 of
15 this act, (Table 3)). The additional time for deadly weapon findings
16 or for those offenses enumerated in (~~RCW 9.94A.510~~) section 11(4) of
17 this act that were committed in a state correctional facility or county
18 jail shall be added to the entire standard sentence range. The court
19 may impose any sentence within the range that it deems appropriate.
20 All standard sentence ranges are expressed in terms of total
21 confinement.

22 (2) In determining any sentence, the trial court may rely on no
23 more information than is admitted by the plea agreement, or admitted,
24 acknowledged, or proved in a trial or at the time of sentencing.
25 Acknowledgement includes not objecting to information stated in the
26 presentence reports. Where the defendant disputes material facts, the
27 court must either not consider the fact or grant an evidentiary hearing
28 on the point. The facts shall be deemed proved at the hearing by a
29 preponderance of the evidence. Facts that establish the elements of a
30 more serious crime or additional crimes may not be used to go outside
31 the standard sentence range except upon stipulation or when
32 specifically provided for in RCW 9.94A.535(2) (d), (e), (g), and (h).

33 **Sec. 19.** RCW 9.94A.585 and 2000 c 28 s 10 are each amended to read
34 as follows:

35 (1) A sentence within the standard sentence range, under RCW
36 9.94A.510 or section 8 of this act, for (~~the~~) an offense shall not be
37 appealed. For purposes of this section, a sentence imposed on a first-

1 time offender under RCW 9.94A.650 shall also be deemed to be within the
2 standard sentence range for the offense and shall not be appealed.

3 (2) A sentence outside the standard sentence range for the offense
4 is subject to appeal by the defendant or the state. The appeal shall
5 be to the court of appeals in accordance with rules adopted by the
6 supreme court.

7 (3) Pending review of the sentence, the sentencing court or the
8 court of appeals may order the defendant confined or placed on
9 conditional release, including bond.

10 (4) To reverse a sentence which is outside the standard sentence
11 range, the reviewing court must find: (a) Either that the reasons
12 supplied by the sentencing court are not supported by the record which
13 was before the judge or that those reasons do not justify a sentence
14 outside the standard sentence range for that offense; or (b) that the
15 sentence imposed was clearly excessive or clearly too lenient.

16 (5) A review under this section shall be made solely upon the
17 record that was before the sentencing court. Written briefs shall not
18 be required and the review and decision shall be made in an expedited
19 manner according to rules adopted by the supreme court.

20 (6) The court of appeals shall issue a written opinion in support
21 of its decision whenever the judgment of the sentencing court is
22 reversed and may issue written opinions in any other case where the
23 court believes that a written opinion would provide guidance to
24 sentencing courts and others in implementing this chapter and in
25 developing a common law of sentencing within the state.

26 (7) The department may petition for a review of a sentence
27 committing an offender to the custody or jurisdiction of the
28 department. The review shall be limited to errors of law. Such
29 petition shall be filed with the court of appeals no later than ninety
30 days after the department has actual knowledge of terms of the
31 sentence. The petition shall include a certification by the department
32 that all reasonable efforts to resolve the dispute at the superior
33 court level have been exhausted.

34 **Sec. 20.** RCW 9.94A.660 and 2001 c 10 s 4 are each amended to read
35 as follows:

36 (1) An offender is eligible for the special drug offender
37 sentencing alternative if:

1 (a) The offender is convicted of a felony that is not a violent
2 offense or sex offense and the violation does not involve a sentence
3 enhancement under ((RCW 9.94A.510)) section 11 (3) or (4) of this act;

4 (b) The offender has no current or prior convictions for a sex
5 offense or violent offense in this state, another state, or the United
6 States;

7 (c) For a violation of the Uniform Controlled Substances Act under
8 chapter 69.50 RCW or a criminal solicitation to commit such a violation
9 under chapter 9A.28 RCW, the offense involved only a small quantity of
10 the particular controlled substance as determined by the judge upon
11 consideration of such factors as the weight, purity, packaging, sale
12 price, and street value of the controlled substance; and

13 (d) The offender has not been found by the United States attorney
14 general to be subject to a deportation detainer or order and does not
15 become subject to a deportation order during the period of the
16 sentence.

17 (2) If the standard sentence range is greater than one year and the
18 sentencing court determines that the offender is eligible for this
19 alternative and that the offender and the community will benefit from
20 the use of the alternative, the judge may waive imposition of a
21 sentence within the standard sentence range and impose a sentence that
22 must include a period of total confinement in a state facility for one-
23 half of the midpoint of the standard sentence range. During
24 incarceration in the state facility, offenders sentenced under this
25 subsection shall undergo a comprehensive substance abuse assessment and
26 receive, within available resources, treatment services appropriate for
27 the offender. The treatment services shall be designed by the division
28 of alcohol and substance abuse of the department of social and health
29 services, in cooperation with the department of corrections.

30 The court shall also impose:

31 (a) The remainder of the midpoint of the standard range as a term
32 of community custody which must include appropriate substance abuse
33 treatment in a program that has been approved by the division of
34 alcohol and substance abuse of the department of social and health
35 services;

36 (b) Crime-related prohibitions including a condition not to use
37 illegal controlled substances;

38 (c) A requirement to submit to urinalysis or other testing to
39 monitor that status; and

1 (d) A term of community custody pursuant to RCW 9.94A.715 to be
2 imposed upon failure to complete or administrative termination from the
3 special drug offender sentencing alternative program.

4 The court may prohibit the offender from using alcohol or
5 controlled substances and may require that the monitoring for
6 controlled substances be conducted by the department or by a treatment
7 alternatives to street crime program or a comparable court or agency-
8 referred program. The offender may be required to pay thirty dollars
9 per month while on community custody to offset the cost of monitoring.
10 In addition, the court shall impose three or more of the following
11 conditions:

12 (i) Devote time to a specific employment or training;

13 (ii) Remain within prescribed geographical boundaries and notify
14 the court or the community corrections officer before any change in the
15 offender's address or employment;

16 (iii) Report as directed to a community corrections officer;

17 (iv) Pay all court-ordered legal financial obligations;

18 (v) Perform community service work;

19 (vi) Stay out of areas designated by the sentencing court;

20 (vii) Such other conditions as the court may require such as
21 affirmative conditions.

22 (3) If the offender violates any of the sentence conditions in
23 subsection (2) of this section or is found by the United States
24 attorney general to be subject to a deportation order, a violation
25 hearing shall be held by the department unless waived by the offender.

26 (a) If the department finds that conditions have been willfully
27 violated, the offender may be reclassified to serve the remaining
28 balance of the original sentence.

29 (b) If the department finds that the offender is subject to a valid
30 deportation order, the department may administratively terminate the
31 offender from the program and reclassify the offender to serve the
32 remaining balance of the original sentence.

33 (4) The department shall determine the rules for calculating the
34 value of a day fine based on the offender's income and reasonable
35 obligations which the offender has for the support of the offender and
36 any dependents. These rules shall be developed in consultation with
37 the administrator for the courts, the office of financial management,
38 and the commission.

1 (5) An offender who fails to complete the special drug offender
2 sentencing alternative program or who is administratively terminated
3 from the program shall be reclassified to serve the unexpired term of
4 his or her sentence as ordered by the sentencing court and shall be
5 subject to all rules relating to earned release time. An offender who
6 violates any conditions of supervision as defined by the department
7 shall be sanctioned. Sanctions may include, but are not limited to,
8 reclassifying the offender to serve the unexpired term of his or her
9 sentence as ordered by the sentencing court. If an offender is
10 reclassified to serve the unexpired term of his or her sentence, the
11 offender shall be subject to all rules relating to earned release time.

12 **Sec. 21.** RCW 9.94A.728 and 2000 c 28 s 28 are each amended to read
13 as follows:

14 No person serving a sentence imposed pursuant to this chapter and
15 committed to the custody of the department shall leave the confines of
16 the correctional facility or be released prior to the expiration of the
17 sentence except as follows:

18 (1) Except as otherwise provided for in subsection (2) of this
19 section, the term of the sentence of an offender committed to a
20 correctional facility operated by the department may be reduced by
21 earned release time in accordance with procedures that shall be
22 developed and promulgated by the correctional agency having
23 jurisdiction in which the offender is confined. The earned release
24 time shall be for good behavior and good performance, as determined by
25 the correctional agency having jurisdiction. The correctional agency
26 shall not credit the offender with earned release credits in advance of
27 the offender actually earning the credits. Any program established
28 pursuant to this section shall allow an offender to earn early release
29 credits for presentence incarceration. If an offender is transferred
30 from a county jail to the department, the administrator of a county
31 jail facility shall certify to the department the amount of time spent
32 in custody at the facility and the amount of earned release time. An
33 offender who has been convicted of a felony committed after July 23,
34 1995, that involves any applicable deadly weapon enhancements under
35 (~~RCW 9.94A.510~~) section 11 (3) or (4) of this act, or both, shall not
36 receive any good time credits or earned release time for that portion
37 of his or her sentence that results from any deadly weapon
38 enhancements. In the case of an offender convicted of a serious

1 violent offense, or a sex offense that is a class A felony, committed
2 on or after July 1, 1990, the aggregate earned release time may not
3 exceed fifteen percent of the sentence. In no other case shall the
4 aggregate earned release time exceed one-third of the total sentence;

5 (2)(a) A person convicted of a sex offense or an offense
6 categorized as a serious violent offense, assault in the second degree,
7 vehicular homicide, vehicular assault, assault of a child in the second
8 degree, any crime against persons where it is determined in accordance
9 with RCW 9.94A.602 that the offender or an accomplice was armed with a
10 deadly weapon at the time of commission, or any felony offense under
11 chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become
12 eligible, in accordance with a program developed by the department, for
13 transfer to community custody status in lieu of earned release time
14 pursuant to subsection (1) of this section;

15 (b) A person convicted of a sex offense, a violent offense, any
16 crime against persons under RCW 9.94A.411(2), or a felony offense under
17 chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may
18 become eligible, in accordance with a program developed by the
19 department, for transfer to community custody status in lieu of earned
20 release time pursuant to subsection (1) of this section;

21 (3) An offender may leave a correctional facility pursuant to an
22 authorized furlough or leave of absence. In addition, offenders may
23 leave a correctional facility when in the custody of a corrections
24 officer or officers;

25 (4)(a) The secretary may authorize an extraordinary medical
26 placement for an offender when all of the following conditions exist:

27 (i) The offender has a medical condition that is serious enough to
28 require costly care or treatment;

29 (ii) The offender poses a low risk to the community because he or
30 she is physically incapacitated due to age or the medical condition;
31 and

32 (iii) Granting the extraordinary medical placement will result in
33 a cost savings to the state.

34 (b) An offender sentenced to death or to life imprisonment without
35 the possibility of release or parole is not eligible for an
36 extraordinary medical placement.

37 (c) The secretary shall require electronic monitoring for all
38 offenders in extraordinary medical placement unless the electronic
39 monitoring equipment interferes with the function of the offender's

1 medical equipment or results in the loss of funding for the offender's
2 medical care. The secretary shall specify who shall provide the
3 monitoring services and the terms under which the monitoring shall be
4 performed.

5 (d) The secretary may revoke an extraordinary medical placement
6 under this subsection at any time.

7 (5) The governor, upon recommendation from the clemency and pardons
8 board, may grant an extraordinary release for reasons of serious health
9 problems, senility, advanced age, extraordinary meritorious acts, or
10 other extraordinary circumstances;

11 (6) No more than the final six months of the sentence may be served
12 in partial confinement designed to aid the offender in finding work and
13 reestablishing himself or herself in the community;

14 (7) The governor may pardon any offender;

15 (8) The department may release an offender from confinement any
16 time within ten days before a release date calculated under this
17 section; and

18 (9) An offender may leave a correctional facility prior to
19 completion of his or her sentence if the sentence has been reduced as
20 provided in RCW 9.94A.870.

21 Notwithstanding any other provisions of this section, an offender
22 sentenced for a felony crime listed in RCW 9.94A.540 as subject to a
23 mandatory minimum sentence of total confinement shall not be released
24 from total confinement before the completion of the listed mandatory
25 minimum sentence for that felony crime of conviction unless allowed
26 under RCW 9.94A.540, however persistent offenders are not eligible for
27 extraordinary medical placement.

28 **Sec. 22.** RCW 9.94A.850 and 2000 c 28 s 41 are each amended to read
29 as follows:

30 (1) A sentencing guidelines commission is established as an agency
31 of state government.

32 (2) The legislature finds that the commission, having accomplished
33 its original statutory directive to implement this chapter, and having
34 expertise in sentencing practice and policies, shall:

35 (a) Evaluate state sentencing policy, to include whether the
36 sentencing ranges and standards are consistent with and further:

37 (i) The purposes of this chapter as defined in RCW 9.94A.010; and

1 (ii) The intent of the legislature to emphasize confinement for the
2 violent offender and alternatives to confinement for the nonviolent
3 offender.

4 The commission shall provide the governor and the legislature with
5 its evaluation and recommendations under this subsection not later than
6 December 1, 1996, and every two years thereafter;

7 (b) Recommend to the legislature revisions or modifications to the
8 standard sentence ranges, state sentencing policy, prosecuting
9 standards, and other standards. If implementation of the revisions or
10 modifications would result in exceeding the capacity of correctional
11 facilities, then the commission shall accompany its recommendation with
12 an additional list of standard sentence ranges which are consistent
13 with correction capacity;

14 (c) Study the existing criminal code and from time to time make
15 recommendations to the legislature for modification;

16 (d)(i) Serve as a clearinghouse and information center for the
17 collection, preparation, analysis, and dissemination of information on
18 state and local adult and juvenile sentencing practices; (ii) develop
19 and maintain a computerized adult and juvenile sentencing information
20 system by individual superior court judge consisting of offender,
21 offense, history, and sentence information entered from judgment and
22 sentence forms for all adult felons; and (iii) conduct ongoing research
23 regarding adult and juvenile sentencing guidelines, use of total
24 confinement and alternatives to total confinement, plea bargaining, and
25 other matters relating to the improvement of the adult criminal justice
26 system and the juvenile justice system;

27 (e) Assume the powers and duties of the juvenile disposition
28 standards commission after June 30, 1996;

29 (f) Evaluate the effectiveness of existing disposition standards
30 and related statutes in implementing policies set forth in RCW
31 13.40.010 generally, specifically review the guidelines relating to the
32 confinement of minor and first-time offenders as well as the use of
33 diversion, and review the application of current and proposed juvenile
34 sentencing standards and guidelines for potential adverse impacts on
35 the sentencing outcomes of racial and ethnic minority youth;

36 (g) Solicit the comments and suggestions of the juvenile justice
37 community concerning disposition standards, and make recommendations to
38 the legislature regarding revisions or modifications of the standards.
39 The evaluations shall be submitted to the legislature on December 1 of

1 each odd-numbered year. The department of social and health services
2 shall provide the commission with available data concerning the
3 implementation of the disposition standards and related statutes and
4 their effect on the performance of the department's responsibilities
5 relating to juvenile offenders, and with recommendations for
6 modification of the disposition standards. The office of the
7 administrator for the courts shall provide the commission with
8 available data on diversion and dispositions of juvenile offenders
9 under chapter 13.40 RCW; and

10 (h) Not later than December 1, 1997, and at least every two years
11 thereafter, based on available information, report to the governor and
12 the legislature on:

13 (i) Racial disproportionality in juvenile and adult sentencing;

14 (ii) The capacity of state and local juvenile and adult facilities
15 and resources; and

16 (iii) Recidivism information on adult and juvenile offenders.

17 (3) Each of the commission's recommended standard sentence ranges
18 shall include one or more of the following: Total confinement, partial
19 confinement, community supervision, community service, and a fine.

20 (4) The standard sentence ranges of total and partial confinement
21 under this chapter, except as provided in section 8 of this act, are
22 subject to the following limitations:

23 (a) If the maximum term in the range is one year or less, the
24 minimum term in the range shall be no less than one-third of the
25 maximum term in the range, except that if the maximum term in the range
26 is ninety days or less, the minimum term may be less than one-third of
27 the maximum;

28 (b) If the maximum term in the range is greater than one year, the
29 minimum term in the range shall be no less than seventy-five percent of
30 the maximum term in the range, except that for murder in the second
31 degree in seriousness level XIV under RCW 9.94A.510, the minimum term
32 in the range shall be no less than fifty percent of the maximum term in
33 the range; and

34 (c) The maximum term of confinement in a range may not exceed the
35 statutory maximum for the crime as provided in RCW 9A.20.021.

36 (5)(a) Not later than December 31, 1999, the commission shall
37 propose to the legislature the initial community custody ranges to be
38 included in sentences under RCW 9.94A.715 for crimes committed on or
39 after July 1, 2000. Not later than December 31 of each year, the

1 commission may propose modifications to the ranges. The ranges shall
2 be based on the principles in RCW 9.94A.010, and shall take into
3 account the funds available to the department for community custody.
4 The minimum term in each range shall not be less than one-half of the
5 maximum term.

6 (b) The legislature may, by enactment of a legislative bill, adopt
7 or modify the community custody ranges proposed by the commission. If
8 the legislature fails to adopt or modify the initial ranges in its next
9 regular session after they are proposed, the proposed ranges shall take
10 effect without legislative approval for crimes committed on or after
11 July 1, 2000.

12 (c) When the commission proposes modifications to ranges pursuant
13 to this subsection, the legislature may, by enactment of a bill, adopt
14 or modify the ranges proposed by the commission for crimes committed on
15 or after July 1 of the year after they were proposed. Unless the
16 legislature adopts or modifies the commission's proposal in its next
17 regular session, the proposed ranges shall not take effect.

18 (6) The commission shall exercise its duties under this section in
19 conformity with chapter 34.05 RCW.

20 **Sec. 23.** RCW 10.01.210 and 1995 c 129 s 18 are each amended to
21 read as follows:

22 Any and all law enforcement agencies and personnel, criminal
23 justice attorneys, sentencing judges, and state and local correctional
24 facilities and personnel may, but are not required to, give any and all
25 offenders either written or oral notice, or both, of the sanctions
26 imposed and criminal justice changes regarding armed offenders,
27 including but not limited to the subjects of:

28 (1) Felony crimes involving any deadly weapon special verdict under
29 RCW 9.94A.602;

30 (2) Any and all deadly weapon enhancements under (~~RCW 9.94A.510~~)
31 section 11 (3) or (4) of this act, or both, as well as any federal
32 firearm, ammunition, or other deadly weapon enhancements;

33 (3) Any and all felony crimes requiring the possession, display, or
34 use of any deadly weapon as well as the many increased penalties for
35 these crimes including the creation of theft of a firearm and
36 possessing a stolen firearm;

37 (4) New prosecuting standards established for filing charges for
38 all crimes involving any deadly weapons;

1 (5) Removal of good time for any and all deadly weapon
2 enhancements; and

3 (6) Providing the death penalty for those who commit first degree
4 murder: (a) To join, maintain, or advance membership in an
5 identifiable group; (b) as part of a drive-by shooting; or (c) to avoid
6 prosecution as a persistent offender as defined in RCW 9.94A.030.

7 NEW SECTION. **Sec. 24.** A new section is added to chapter 9.94A RCW
8 to read as follows:

9 The Washington state institute for public policy shall evaluate the
10 effectiveness of the drug offense sentencing grid in reducing
11 recidivism and its financial impact. The Washington state institute
12 for public policy shall present a preliminary report to the legislature
13 by December 1, 2007, and shall present a final report regarding long-
14 term recidivism and its financial impacts to the legislature by
15 December 1, 2008.

16 NEW SECTION. **Sec. 25.** Nothing in this act creates an entitlement
17 for a criminal defendant to any specific sanction, alternative,
18 sentence option, or substance abuse treatment.

19 NEW SECTION. **Sec. 26.** If specific funding for the purposes of
20 this act, referencing this act by bill or chapter number, is not
21 provided by June 30, 2002, in the omnibus appropriations act, this act
22 is null and void.

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

27 NEW SECTION. **Sec. 28.** Sections 2 and 3 of this act take effect
28 July 1, 2002, and apply to crimes committed on or after July 1, 2002.

29 NEW SECTION. **Sec. 29.** Section 2 of this act expires July 1, 2004.

30 NEW SECTION. **Sec. 30.** Sections 7 through 11 and 14 through 23 of
31 this act take effect July 1, 2004, and apply to crimes committed on or
32 after July 1, 2004.

1 NEW SECTION. **Sec. 31.** Sections 1, 4 through 6, 12, 13, 25, and 26
2 of this act are necessary for the immediate preservation of the public
3 peace, health, or safety, or support of the state government and its
4 existing public institutions, and take effect immediately.

5 NEW SECTION. **Sec. 32.** If specific funding for the purposes of
6 this act, referencing this act by bill or chapter number, is not
7 appropriated by the legislature for any future biennium, sections 2, 3,
8 7 through 11, and 14 through 16 of this act are null and void.

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