
SENATE BILL 6361

State of Washington 57th Legislature**2002 Regular Session****By Senators Kline, Long, Kohl-Welles, Hargrove, McCaslin and Oke**

Read first time 01/16/2002. Referred to Committee on Judiciary.

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 an expiration date; 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 issue that

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 reductions in drug
29 offender sentencing as a result of sections 2 and 3, chapter . . . ,
30 Laws of 2002 (sections 2 and 3 of this act), as calculated pursuant to
31 this section; and (b) any other revenues appropriated to or deposited
32 in the account.

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

1 methodology shall be submitted to the governor and the appropriate
2 committees of the legislature. The methodology is deemed approved
3 unless the legislature enacts legislation to modify or reject the
4 methodology.

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

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

21 (d) For the fiscal biennium beginning July 1, 2003, and each
22 biennium thereafter, the state treasurer shall transfer twenty-five
23 percent of the amount reported in (b) of this subsection from the
24 general fund into the violence reduction and drug enforcement account,
25 divided into eight quarterly payments. The amounts transferred
26 pursuant to this subsection (3)(d) shall be used solely for providing
27 drug and alcohol treatment services to offenders receiving a reduced
28 sentence as a result of sections 2 and 3, chapter . . . , Laws of 2002
29 (sections 2 and 3 of this act) and who are assessed with an addiction
30 or a substance abuse problem that if not treated would result in
31 addiction. Any excess funds remaining after providing drug and alcohol
32 treatment services to offenders receiving a reduced sentence as a
33 result of sections 2 and 3, chapter . . . , Laws of 2002 (sections 2 and
34 3 of this act) may be expended to provide treatment for sex or violent
35 offenders confined in a state correctional facility and who are
36 assessed with an addiction or a substance abuse problem that
37 contributed to the crime.

38 (e) In each odd-numbered year, the legislature shall appropriate
39 the amount transferred to the criminal justice treatment account in (c)

1 of this subsection to the division of alcohol and substance abuse for
2 the purposes of subsection (4) of this section.

3 (4) Moneys appropriated to the division of alcohol and substance
4 abuse from the criminal justice treatment account shall be distributed
5 as specified in this subsection. The department shall serve as the
6 fiscal agent for purposes of distribution.

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

21 (b) Thirty percent of the amounts appropriated to the division from
22 the account shall be distributed as grants for purposes of treating
23 offenders against whom charges are filed by a county prosecuting
24 attorney. The division shall appoint a panel of representatives from
25 the Washington association of prosecuting attorneys, the Washington
26 association of sheriffs and police chiefs, the superior court judges'
27 association, the Washington state association of counties, the
28 Washington defender's association or the Washington association of
29 criminal defense lawyers, the department of corrections, substance
30 abuse treatment providers, and the division. The panel shall award the
31 grants to eligible counties or groups of counties that have submitted
32 plans pursuant to (a) of this subsection and shall approve expenditure
33 plans for grant funds. The panel shall attempt to ensure that
34 treatment as funded by the grants is available to offenders statewide.

35 (5) The county chemical dependency specialist, county prosecutor,
36 county sheriff, county superior court, a substance abuse treatment
37 provider appointed by the county legislative authority, and a member of
38 the criminal defense bar appointed by the county legislative authority
39 shall jointly submit a plan, approved by the county legislative

1 authority or authorities, to the panel established in subsection (4)(b)
2 of this section, for disposition of all the funds provided from the
3 criminal justice treatment account within that county. The funds shall
4 be used solely to provide approved alcohol and substance abuse
5 treatment pursuant to RCW 70.96A.090.

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

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

12 (8) Counties must meet the criteria established in RCW
13 2.28.170(3)(b).

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

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

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

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

25 **Sec. 7.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s
26 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to
27 read as follows:

28 TABLE 2

29 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

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

1 XIII Malicious explosion 2 (RCW 70.74.280(2))
2 Malicious placement of an explosive 1 (RCW
3 70.74.270(1))

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

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

13 X Child Molestation 1 (RCW 9A.44.083)
14 Indecent Liberties (with forcible
15 compulsion) (RCW 9A.44.100(1)(a))
16 Kidnapping 1 (RCW 9A.40.020)
17 Leading Organized Crime (RCW
18 9A.82.060(1)(a))
19 Malicious explosion 3 (RCW 70.74.280(3))
20 (~~Manufacture of methamphetamine (RCW~~
21 ~~69.50.401(a)(1)(ii))~~
22 ~~Over 18 and deliver heroin,~~
23 ~~methamphetamine, a narcotic from~~
24 ~~Schedule I or II, or flunitrazepam~~
25 ~~from Schedule IV to someone under 18~~
26 ~~(RCW 69.50.406))~~
27 Sexually Violent Predator Escape (RCW
28 9A.76.115)

29 IX Assault of a Child 2 (RCW 9A.36.130)
30 (~~Controlled Substance Homicide (RCW~~
31 ~~69.50.415))~~
32 Explosive devices prohibited (RCW
33 70.74.180)
34 Hit and Run--Death (RCW 46.52.020(4)(a))
35 Homicide by Watercraft, by being under the
36 influence of intoxicating liquor or
37 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 Purposes
27 (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 also impose any other sanctions authorized by
 29 law.

30 (3) Nothing in this section creates an entitlement for a criminal
 31 defendant to any specific sentence option or substance abuse treatment.

32 NEW SECTION. **Sec. 9.** A new section is added to chapter 9.94A RCW
 33 to read as follows:

TABLE 4

DRUG OFFENSES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- 1
- 2
- 3 III Any felony offense under chapter 69.50 RCW
- 4 with a deadly weapon special verdict
- 5 under RCW 9.94A.602
- 6 Controlled Substance Homicide (RCW
- 7 69.50.415)
- 8 Delivery of imitation controlled substance
- 9 by person eighteen or over to person
- 10 under eighteen (RCW 69.52.030(2))
- 11 Involving a minor in drug dealing (RCW
- 12 69.50.401(f))
- 13 Manufacture of methamphetamine (RCW
- 14 69.50.401(a)(1)(ii))
- 15 Over 18 and deliver heroin,
- 16 methamphetamine, a narcotic from
- 17 Schedule I or II, or flunitrazepam
- 18 from Schedule IV to someone under 18
- 19 (RCW 69.50.406)
- 20 Over 18 and deliver narcotic from Schedule
- 21 III, IV, or V or a nonnarcotic, except
- 22 flunitrazepam or methamphetamine, from
- 23 Schedule I-V to someone under 18 and 3
- 24 years junior (RCW 69.50.406)
- 25 Possession of Ephedrine, Pseudoephedrine,
- 26 or Anhydrous Ammonia with intent to
- 27 manufacture methamphetamine (RCW
- 28 69.50.440)
- 29 Selling for profit (controlled or
- 30 counterfeit) any controlled substance
- 31 (RCW 69.50.410)
- 32 II Create, deliver, or possess a counterfeit
- 33 controlled substance (RCW
- 34 69.50.401(b))
- 35 Deliver or possess with intent to deliver
- 36 m e t h a m p h e t a m i n e (R C W
- 37 69.50.401(a)(1)(ii))

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

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

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

29 ~~((2) For persons convicted of the anticipatory offenses of~~
30 ~~criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW,~~
31 ~~the standard sentence range is determined by locating the sentencing~~
32 ~~grid sentence range defined by the appropriate offender score and the~~
33 ~~seriousness level of the completed crime, and multiplying the range by~~
34 ~~75 percent.~~

35 ~~(3) The following additional times shall be added to the standard~~
36 ~~sentence range for felony crimes committed after July 23, 1995, if the~~
37 ~~offender or an accomplice was armed with a firearm as defined in RCW~~
38 ~~9.41.010 and the offender is being sentenced for one of the crimes~~
39 ~~listed in this subsection as eligible for any firearm enhancements~~
40 ~~based on the classification of the completed felony crime. If the~~
41 ~~offender is being sentenced for more than one offense, the firearm~~
42 ~~enhancement or enhancements must be added to the total period of~~
43 ~~confinement for all offenses, regardless of which underlying offense is~~
44 ~~subject to a firearm enhancement. If the offender or an accomplice was~~
45 ~~armed with a firearm as defined in RCW 9.41.010 and the offender is~~

1 being sentenced for an anticipatory offense under chapter 9A.28 RCW to
2 commit one of the crimes listed in this subsection as eligible for any
3 firearm enhancements, the following additional times shall be added to
4 the standard sentence range determined under subsection (2) of this
5 section based on the felony crime of conviction as classified under RCW
6 9A.28.020:

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

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

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

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

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

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

36 (g) If the standard sentence range under this section exceeds the
37 statutory maximum sentence for the offense, the statutory maximum
38 sentence shall be the presumptive sentence unless the offender is a
39 persistent offender. If the addition of a firearm enhancement

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

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

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

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

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

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

38 (e) Notwithstanding any other provision of law, all deadly weapon
39 enhancements under this section are mandatory, shall be served in total

1 confinement, and shall run consecutively to all other sentencing
2 provisions, including other firearm or deadly weapon enhancements, for
3 all offenses sentenced under this chapter. However, whether or not a
4 mandatory minimum term has expired, an offender serving a sentence
5 under this subsection may be granted an extraordinary medical placement
6 when authorized under RCW 9.94A.728(4).

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

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

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

30 (a) Eighteen months for offenses committed under RCW
31 69.50.401(a)(1) (i) or (ii) or 69.50.410;

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

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

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

38 (6) An additional twenty-four months shall be added to the standard
39 sentence range for any ranked offense involving a violation of chapter

1 ~~69.50 RCW if the offense was also a violation of RCW 69.50.435 or~~
2 ~~9.94A.605.~~

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

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

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

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

17 (3) The following additional times shall be added to the standard
18 sentence range for felony crimes committed after July 23, 1995, if the
19 offender or an accomplice was armed with a firearm as defined in RCW
20 9.41.010 and the offender is being sentenced for one of the crimes
21 listed in this subsection as eligible for any firearm enhancements
22 based on the classification of the completed felony crime. If the
23 offender is being sentenced for more than one offense, the firearm
24 enhancement or enhancements must be added to the total period of
25 confinement for all offenses, regardless of which underlying offense is
26 subject to a firearm enhancement. If the offender or an accomplice was
27 armed with a firearm as defined in RCW 9.41.010 and the offender is
28 being sentenced for an anticipatory offense under chapter 9A.28 RCW to
29 commit one of the crimes listed in this subsection as eligible for any
30 firearm enhancements, the following additional times shall be added to
31 the standard sentence range determined under subsection (2) of this
32 section based on the felony crime of conviction as classified under RCW
33 9A.28.020:

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

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

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

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

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

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

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

34 (4) The following additional times shall be added to the standard
35 sentence range for felony crimes committed after July 23, 1995, if the
36 offender or an accomplice was armed with a deadly weapon other than a
37 firearm as defined in RCW 9.41.010 and the offender is being sentenced
38 for one of the crimes listed in this subsection as eligible for any
39 deadly weapon enhancements based on the classification of the completed

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

13 (a) Two 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) One year 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) Six months for any felony defined under any law as a class C
20 felony or with a statutory maximum sentence of five years, or both, and
21 not covered under (f) of this subsection;

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

29 (e) Notwithstanding any other provision of law, all deadly weapon
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 deadly weapon enhancements in this section shall apply to
38 all 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 deadly weapon 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 (5) The following additional times shall be added to the standard
11 sentence range if the offender or an accomplice committed the offense
12 while in a county jail or state correctional facility and the offender
13 is being sentenced for one of the crimes listed in this subsection. If
14 the offender or an accomplice committed one of the crimes listed in
15 this subsection while in a county jail or state correctional facility,
16 and the offender is being sentenced for an anticipatory offense under
17 chapter 9A.28 RCW to commit one of the crimes listed in this
18 subsection, the following additional times shall be added to the
19 standard sentence range determined under subsection (2) of this
20 section:

21 (a) Eighteen months for offenses committed under RCW
22 69.50.401(a)(1) (i) or (ii) or 69.50.410;

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

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

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

29 (6) An additional twenty-four months shall be added to the standard
30 sentence range for any ranked offense involving a violation of chapter
31 69.50 RCW if the offense was also a violation of RCW 69.50.435 or
32 9.94A.605.

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

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

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

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

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

6 (c) A superior court judge, selected by the superior court judges
7 association;

8 (d) A prosecuting attorney, selected by the Washington association
9 of prosecuting attorneys;

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

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

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

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

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

19 (j) A representative from the governor's office of financial
20 management;

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

22 (l) A representative from the association of Washington counties;

23 (m) A chemical dependency treatment provider; and

24 (n) A representative from the association of drug court
25 professionals.

26 (3) The chair of the committee shall be chosen by the members of
27 the committee.

28 (4) The committee shall review and make recommendations to the
29 legislature and governor regarding the drug offense sentencing grid
30 created pursuant to section 8 of this act. In preparing the
31 recommendations, the committee shall:

32 (a) Establish a methodology of determining the fiscal consequences
33 to the state and local governments, including the calculation of
34 savings to be dedicated to substance abuse treatment, resulting from
35 the implementation of the grid and any recommended revisions to the
36 grid;

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

1 (c) Consider the proportionality of sentencing based on the
2 quantity of controlled substances;

3 (d) Examine methods for addressing issues of racial
4 disproportionality in sentencing;

5 (e) Recommend a statewide method of evaluating the success of drug
6 courts in terms of reducing recidivism and increasing the number of
7 persons who participate in drug court programs and remain free of
8 substance abuse;

9 (f) Review and make any appropriate revisions in statewide criteria
10 for funding substance abuse treatment programs for defendants and
11 offenders; and

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

15 (5) The committee shall complete its review and submit its
16 recommendations to the legislature and governor not later than June 1,
17 2003.

18 (6) The staff of the legislature, the sentencing guidelines
19 commission, and the caseload forecast council shall provide support to
20 the committee.

21 (7) Nonlegislative members of the committee shall serve without
22 compensation, but shall be reimbursed for travel expenses as provided
23 in RCW 43.03.050 and 43.03.060. Legislative members of the committee
24 shall be reimbursed for travel expenses as provided in RCW 44.04.120.

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

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

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

29 (2) For the purposes of this section, "drug court" means a court
30 that has special calendars or dockets designed to achieve a reduction
31 in recidivism and substance abuse among nonviolent, substance abusing
32 offenders by increasing their likelihood for successful rehabilitation
33 through early, continuous, and intense judicially supervised treatment;
34 mandatory periodic drug testing; and the use of appropriate sanctions
35 and other rehabilitation services.

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

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

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

9 **(b) Any county that establishes a drug court pursuant to this**
10 **section shall establish minimum requirements for the participation of**
11 **offenders in the program. The drug court may adopt local requirements**
12 **that are more stringent than the minimum. The minimum requirements**
13 **are:**

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

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

17 (iii) Without regard to whether proof of any of these elements is
18 required to convict, the offender is not currently charged with or
19 convicted of an offense during the course of which the offender:

20 (A) Carried, possessed, or used a firearm or other dangerous
21 weapon;

22 (B) Used force against another person;

23 (C) Caused substantial or great bodily harm to any person; or

24 (D) Caused the death of another person.

25 (4) The drug court shall have the discretion to admit or deny a
26 person's entry into drug court regardless of whether the person meets
27 the criteria set forth in subsection (3)(b) of this section. A
28 decision to admit or deny entry shall not be appealable.

29 (5) If a court finds that the offender meets the criteria for entry
30 into drug court, the court on its own motion, or the motion of the
31 state or the offender, may admit the defendant into drug court.

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

34 Notwithstanding the current placement or listing of crimes in
35 categories or classifications of prosecuting standards for deciding to
36 prosecute under RCW 9.94A.411(2), any and all felony crimes involving
37 any deadly weapon special verdict under RCW 9.94A.602, any deadly
38 weapon enhancements under (~~RCW 9.94A.510~~) section 11 (3) or (4) of

1 this act, or both, and any and all felony crimes as defined in ((RCW
2 ~~9.94A.510~~)) section 11 (3)(f) or (4)(f) of this act, or both, which are
3 excluded from the deadly weapon enhancements shall all be treated as
4 crimes against a person and subject to the prosecuting standards for
5 deciding to prosecute under RCW 9.94A.411(2) as crimes against persons.

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

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

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

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

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

15 (4) 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 (5) 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 **Sec. 16.** RCW 9.94A.480 and 1997 c 338 s 49 are each amended to
22 read as follows:

23 (1) A current, newly created or reworked judgment and sentence
24 document for each felony sentencing shall record any and all
25 recommended sentencing agreements or plea agreements and the sentences
26 for any and all felony crimes kept as public records under RCW
27 9.94A.475 shall contain the clearly printed name and legal signature of
28 the sentencing judge. The judgment and sentence document as defined in
29 this section shall also provide additional space for the sentencing
30 judge's reasons for going either above or below the presumptive
31 sentence range for any and all felony crimes covered as public records
32 under RCW 9.94A.475. Both the sentencing judge and the prosecuting
33 attorney's office shall each retain or receive a completed copy of each
34 sentencing document as defined in this section for their own records.

35 (2) The sentencing guidelines commission shall be sent a completed
36 copy of the judgment and sentence document upon conviction for each
37 felony sentencing under subsection (1) of this section and shall

1 compile a yearly and cumulative judicial record of each sentencing
2 judge in regards to his or her sentencing practices for any and all
3 felony crimes involving:

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

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

6 (c) Any felony with any deadly weapon special verdict under RCW
7 9.94A.602;

8 (d) Any felony with any deadly weapon enhancements under ((RCW
9 9.94A.510)) section 11 (3) or (4) of this act, or both; and/or

10 (e) The felony crimes of possession of a machine gun, possessing a
11 stolen firearm, drive-by shooting, theft of a firearm, unlawful
12 possession of a firearm in the first or second degree, and/or use of a
13 machine gun in a felony.

14 (3) The sentencing guidelines commission shall compare each
15 individual judge's sentencing practices to the standard or presumptive
16 sentence range for any and all felony crimes listed in subsection (2)
17 of this section for the appropriate offense level as defined in RCW
18 9.94A.515 or section 9 of this act, offender score as defined in RCW
19 9.94A.525, and any applicable deadly weapon enhancements as defined in
20 ((RCW 9.94A.510)) section 11 (3) or (4) of this act, or both. These
21 comparative records shall be retained and made available to the public
22 for review in a current, newly created or reworked official published
23 document by the sentencing guidelines commission.

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

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

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

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

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

7 (i) Unless another term of confinement applies, the court shall
8 impose a sentence within the standard sentence range established in RCW
9 9.94A.510 or section 8 of this act;

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

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

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

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

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

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

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

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

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

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

23 (xii) RCW 9.94A.589, relating to consecutive and concurrent
24 sentences.

25 (b) If a standard sentence range has not been established for the
26 offender's crime, the court shall impose a determinate sentence which
27 may include not more than one year of confinement; community service
28 work; until July 1, 2000, a term of community supervision not to exceed
29 one year and on and after July 1, 2000, a term of community custody not
30 to exceed one year, subject to conditions and sanctions as authorized
31 in RCW 9.94A.710 (2) and (3); and/or other legal financial obligations.
32 The court may impose a sentence which provides more than one year of
33 confinement if the court finds reasons justifying an exceptional
34 sentence as provided in RCW 9.94A.535.

35 (3) If the court imposes a sentence requiring confinement of thirty
36 days or less, the court may, in its discretion, specify that the
37 sentence be served on consecutive or intermittent days. A sentence
38 requiring more than thirty days of confinement shall be served on

1 consecutive days. Local jail administrators may schedule court-ordered
2 intermittent sentences as space permits.

3 (4) If a sentence imposed includes payment of a legal financial
4 obligation, it shall be imposed as provided in RCW 9.94A.750,
5 9.94A.753, and 9.94A.760.

6 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a
7 court may not impose a sentence providing for a term of confinement or
8 community supervision, community placement, or community custody which
9 exceeds the statutory maximum for the crime as provided in chapter
10 9A.20 RCW.

11 (6) The sentencing court shall give the offender credit for all
12 confinement time served before the sentencing if that confinement was
13 solely in regard to the offense for which the offender is being
14 sentenced.

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

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

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

31 (10) In any sentence of partial confinement, the court may require
32 the offender to serve the partial confinement in work release, in a
33 program of home detention, on work crew, or in a combined program of
34 work crew and home detention.

35 (11) In sentencing an offender convicted of a crime of domestic
36 violence, as defined in RCW 10.99.020, if the offender has a minor
37 child, or if the victim of the offense for which the offender was
38 convicted has a minor child, the court may, as part of any term of
39 community supervision, community placement, or community custody, order

1 the offender to participate in a domestic violence perpetrator program
2 approved under RCW 26.50.150.

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

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

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

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

28 (1) A sentence within the standard sentence range for the offense
29 shall not be appealed. Any sentence imposed under section 8 of this
30 act shall not be appealed. For purposes of this section, a sentence
31 imposed on a first-time offender under RCW 9.94A.650 shall also be
32 deemed to be within the standard sentence range for the offense and
33 shall not be appealed.

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

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

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

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

14 (6) The court of appeals shall issue a written opinion in support
15 of its decision whenever the judgment of the sentencing court is
16 reversed and may issue written opinions in any other case where the
17 court believes that a written opinion would provide guidance to
18 sentencing courts and others in implementing this chapter and in
19 developing a common law of sentencing within the state.

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

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

30 (1) An offender is eligible for the special drug offender
31 sentencing alternative if:

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

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

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

7 (d) The offender has not been found by the United States attorney
8 general to be subject to a deportation detainer or order and does not
9 become subject to a deportation order during the period of the
10 sentence.

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

24 The court shall also impose:

25 (a) The remainder of the midpoint of the standard range as a term
26 of community custody which must include appropriate substance abuse
27 treatment in a program that has been approved by the division of
28 alcohol and substance abuse of the department of social and health
29 services;

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

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

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

37 The court may prohibit the offender from using alcohol or
38 controlled substances and may require that the monitoring for
39 controlled substances be conducted by the department or by a treatment

1 alternatives to street crime program or a comparable court or agency-
2 referred program. The offender may be required to pay thirty dollars
3 per month while on community custody to offset the cost of monitoring.
4 In addition, the court shall impose three or more of the following
5 conditions:

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

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

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

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

12 (v) Perform community service work;

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

14 (vii) Such other conditions as the court may require such as
15 affirmative conditions.

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

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

23 (b) If the department finds that the offender is subject to a valid
24 deportation order, the department may administratively terminate the
25 offender from the program and reclassify the offender to serve the
26 remaining balance of the original sentence.

27 (4) The department shall determine the rules for calculating the
28 value of a day fine based on the offender's income and reasonable
29 obligations which the offender has for the support of the offender and
30 any dependents. These rules shall be developed in consultation with
31 the administrator for the courts, the office of financial management,
32 and the commission.

33 (5) An offender who fails to complete the special drug offender
34 sentencing alternative program or who is administratively terminated
35 from the program shall be reclassified to serve the unexpired term of
36 his or her sentence as ordered by the sentencing court and shall be
37 subject to all rules relating to earned release time. An offender who
38 violates any conditions of supervision as defined by the department
39 shall be sanctioned. Sanctions may include, but are not limited to,

1 reclassifying the offender to serve the unexpired term of his or her
2 sentence as ordered by the sentencing court. If an offender is
3 reclassified to serve the unexpired term of his or her sentence, the
4 offender shall be subject to all rules relating to earned release time.

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

7 No person serving a sentence imposed pursuant to this chapter and
8 committed to the custody of the department shall leave the confines of
9 the correctional facility or be released prior to the expiration of the
10 sentence except as follows:

11 (1) Except as otherwise provided for in subsection (2) of this
12 section, the term of the sentence of an offender committed to a
13 correctional facility operated by the department may be reduced by
14 earned release time in accordance with procedures that shall be
15 developed and promulgated by the correctional agency having
16 jurisdiction in which the offender is confined. The earned release
17 time shall be for good behavior and good performance, as determined by
18 the correctional agency having jurisdiction. The correctional agency
19 shall not credit the offender with earned release credits in advance of
20 the offender actually earning the credits. Any program established
21 pursuant to this section shall allow an offender to earn early release
22 credits for presentence incarceration. If an offender is transferred
23 from a county jail to the department, the administrator of a county
24 jail facility shall certify to the department the amount of time spent
25 in custody at the facility and the amount of earned release time. An
26 offender who has been convicted of a felony committed after July 23,
27 1995, that involves any applicable deadly weapon enhancements under
28 (~~RCW 9.94A.510~~) section 11 (3) or (4) of this act, or both, shall not
29 receive any good time credits or earned release time for that portion
30 of his or her sentence that results from any deadly weapon
31 enhancements. In the case of an offender convicted of a serious
32 violent offense, or a sex offense that is a class A felony, committed
33 on or after July 1, 1990, the aggregate earned release time may not
34 exceed fifteen percent of the sentence. In no other case shall the
35 aggregate earned release time exceed one-third of the total sentence;

36 (2)(a) A person convicted of a sex offense or an offense
37 categorized as a serious violent offense, assault in the second degree,
38 vehicular homicide, vehicular assault, assault of a child in the second

1 degree, any crime against persons where it is determined in accordance
2 with RCW 9.94A.602 that the offender or an accomplice was armed with a
3 deadly weapon at the time of commission, or any felony offense under
4 chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become
5 eligible, in accordance with a program developed by the department, for
6 transfer to community custody status in lieu of earned release time
7 pursuant to subsection (1) of this section;

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

14 (3) An offender may leave a correctional facility pursuant to an
15 authorized furlough or leave of absence. In addition, offenders may
16 leave a correctional facility when in the custody of a corrections
17 officer or officers;

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

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

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

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

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

30 (c) The secretary shall require electronic monitoring for all
31 offenders in extraordinary medical placement unless the electronic
32 monitoring equipment interferes with the function of the offender's
33 medical equipment or results in the loss of funding for the offender's
34 medical care. The secretary shall specify who shall provide the
35 monitoring services and the terms under which the monitoring shall be
36 performed.

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

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

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

8 (7) The governor may pardon any offender;

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

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

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

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

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

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

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

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

32 (ii) The intent of the legislature to emphasize confinement for the
33 violent offender and alternatives to confinement for the nonviolent
34 offender.

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

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

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

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

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

23 (f) Evaluate the effectiveness of existing disposition standards
24 and related statutes in implementing policies set forth in RCW
25 13.40.010 generally, specifically review the guidelines relating to the
26 confinement of minor and first-time offenders as well as the use of
27 diversion, and review the application of current and proposed juvenile
28 sentencing standards and guidelines for potential adverse impacts on
29 the sentencing outcomes of racial and ethnic minority youth;

30 (g) Solicit the comments and suggestions of the juvenile justice
31 community concerning disposition standards, and make recommendations to
32 the legislature regarding revisions or modifications of the standards.
33 The evaluations shall be submitted to the legislature on December 1 of
34 each odd-numbered year. The department of social and health services
35 shall provide the commission with available data concerning the
36 implementation of the disposition standards and related statutes and
37 their effect on the performance of the department's responsibilities
38 relating to juvenile offenders, and with recommendations for
39 modification of the disposition standards. The office of the

1 administrator for the courts shall provide the commission with
2 available data on diversion and dispositions of juvenile offenders
3 under chapter 13.40 RCW; and

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

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

8 (ii) The capacity of state and local juvenile and adult facilities
9 and resources; and

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

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

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

17 (a) If the maximum term in the range is one year or less, the
18 minimum term in the range shall be no less than one-third of the
19 maximum term in the range, except that if the maximum term in the range
20 is ninety days or less, the minimum term may be less than one-third of
21 the maximum;

22 (b) If the maximum term in the range is greater than one year, the
23 minimum term in the range shall be no less than seventy-five percent of
24 the maximum term in the range, except that for murder in the second
25 degree in seriousness level XIV under RCW 9.94A.510, the minimum term
26 in the range shall be no less than fifty percent of the maximum term in
27 the range; and

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

30 (5)(a) Not later than December 31, 1999, the commission shall
31 propose to the legislature the initial community custody ranges to be
32 included in sentences under RCW 9.94A.715 for crimes committed on or
33 after July 1, 2000. Not later than December 31 of each year, the
34 commission may propose modifications to the ranges. The ranges shall
35 be based on the principles in RCW 9.94A.010, and shall take into
36 account the funds available to the department for community custody.
37 The minimum term in each range shall not be less than one-half of the
38 maximum term.

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

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

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

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

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

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

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

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

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

34 (5) Removal of good time for any and all deadly weapon
35 enhancements; and

36 (6) Providing the death penalty for those who commit first degree
37 murder: (a) To join, maintain, or advance membership in an

1 identifiable group; (b) as part of a drive-by shooting; or (c) to avoid
2 prosecution as a persistent offender as defined in RCW 9.94A.030.

3 NEW SECTION. **Sec. 24.** Nothing in this act creates an entitlement
4 for a criminal defendant to any specific sentence option or substance
5 abuse treatment.

6 NEW SECTION. **Sec. 25.** If specific funding for the purposes of
7 this act, referencing this act by bill or chapter number, is not
8 provided by June 30, 2002, in the omnibus appropriations act, this act
9 is null and void.

10 NEW SECTION. **Sec. 26.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected.

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

16 NEW SECTION. **Sec. 28.** Section 2 of this act expires July 1, 2004.

17 NEW SECTION. **Sec. 29.** Sections 7 through 11 and 14 through 23 of
18 this act take effect July 1, 2004, and apply to crimes committed on or
19 after July 1, 2004.

20 NEW SECTION. **Sec. 30.** Sections 1, 4 through 6, 12, 13, 24, and 25
21 of this act are necessary for the immediate preservation of the public
22 peace, health, or safety, or support of the state government and its
23 existing public institutions, and take effect immediately.

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