
SUBSTITUTE HOUSE BILL 1139

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By House Committee on Corrections (originally sponsored by Representatives Campbell, Ballasiotes, Chappell, Johanson, Mielke, Dorn, Lemmon, Mastin, R. Meyers, Padden, Vance, Ballard, Holm, Kremen, Brough, Jones, Quall, L. Johnson, Dyer, Rayburn, Kessler, Sheahan, Fuhrman, Horn, Long, Grant, Basich, Sheldon, Brumsickle, H. Myers, Van Luven, Talcott, Lisk, Edmondson, Casada, Thomas, Schoesler, Shin, Reams, Cooke, Springer, Miller, Karahalios, Morton, Wood, Tate, Foreman, Sehlin, Roland, Silver, J. Kohl and Forner)

Read first time 02/24/93.

1 AN ACT Relating to persistent offenders; reenacting and amending
2 RCW 9.94A.120 and 9.94A.360; adding a new section to chapter 9.94A RCW;
3 and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW
6 to read as follows:

7 (1) When an offender is sentenced for an offense that has a
8 seriousness level of X or above, as provided in RCW 9.94A.320, and the
9 offense is committed on or after the effective date of this act, the
10 offender shall be sentenced to a term of total confinement for the
11 statutory maximum for the offense, but if the statutory maximum for the
12 offense is life imprisonment, then to a term of ninety-nine years, if
13 the offender committed the offense:

14 (a) After the offender has been convicted of at least two prior
15 offenses that have a seriousness level of X or above; and

16 (b) The offender committed one of those prior offenses which has a
17 seriousness level of X or above after the offender had been convicted
18 of another offense which has a seriousness level of X or above.

1 (2) This section does not apply to aggravated murder in the first
2 degree, under RCW 10.95.020.

3 **Sec. 2.** RCW 9.94A.120 and 1992 c 145 s 7, 1992 c 75 s 2, and 1992
4 c 45 s 5 are each reenacted and amended to read as follows:

5 When a person is convicted of a felony, the court shall impose
6 punishment as provided in this section.

7 (1) Except as authorized in subsections (2), (5), and (7) of this
8 section and section 1 of this act, the court shall impose a sentence
9 within the sentence range for the offense.

10 (2) The court may impose a sentence outside the standard sentence
11 range for that offense if it finds, considering the purpose of this
12 chapter, that there are substantial and compelling reasons justifying
13 an exceptional sentence.

14 (3) Whenever a sentence outside the standard range is imposed, the
15 court shall set forth the reasons for its decision in written findings
16 of fact and conclusions of law. A sentence outside the standard range
17 shall be a determinate sentence.

18 (4) An offender convicted of the crime of murder in the first
19 degree shall be sentenced to a term of total confinement not less than
20 twenty years. An offender convicted of the crime of assault in the
21 first degree or assault of a child in the first degree where the
22 offender used force or means likely to result in death or intended to
23 kill the victim shall be sentenced to a term of total confinement not
24 less than five years. An offender convicted of the crime of rape in
25 the first degree shall be sentenced to a term of total confinement not
26 less than five years, and shall not be eligible for furlough, work
27 release or other authorized leave of absence from the correctional
28 facility during such minimum five-year term except for the purpose of
29 commitment to an inpatient treatment facility. The foregoing minimum
30 terms of total confinement are mandatory and shall not be varied or
31 modified as provided in subsection (2) of this section.

32 (5) In sentencing a first-time offender the court may waive the
33 imposition of a sentence within the sentence range and impose a
34 sentence which may include up to ninety days of confinement in a
35 facility operated or utilized under contract by the county and a
36 requirement that the offender refrain from committing new offenses.
37 The sentence may also include up to two years of community supervision,
38 which, in addition to crime-related prohibitions, may include

1 requirements that the offender perform any one or more of the
2 following:

3 (a) Devote time to a specific employment or occupation;

4 (b) Undergo available outpatient treatment for up to two years, or
5 inpatient treatment not to exceed the standard range of confinement for
6 that offense;

7 (c) Pursue a prescribed, secular course of study or vocational
8 training;

9 (d) Remain within prescribed geographical boundaries and notify the
10 court or the community corrections officer prior to any change in the
11 offender's address or employment;

12 (e) Report as directed to the court and a community corrections
13 officer; or

14 (f) Pay all court-ordered legal financial obligations as provided
15 in RCW 9.94A.030 and/or perform community service work.

16 (6) If a sentence range has not been established for the
17 defendant's crime, the court shall impose a determinate sentence which
18 may include not more than one year of confinement, community service
19 work, a term of community supervision not to exceed one year, and/or
20 other legal financial obligations. The court may impose a sentence
21 which provides more than one year of confinement if the court finds,
22 considering the purpose of this chapter, that there are substantial and
23 compelling reasons justifying an exceptional sentence.

24 (7)(a)(i) When an offender is convicted of a sex offense other than
25 a violation of RCW 9A.44.050 or a sex offense that is also a serious
26 violent offense and has no prior convictions for a sex offense or any
27 other felony sex offenses in this or any other state, the sentencing
28 court, on its own motion or the motion of the state or the defendant,
29 may order an examination to determine whether the defendant is amenable
30 to treatment.

31 The report of the examination shall include at a minimum the
32 following: The defendant's version of the facts and the official
33 version of the facts, the defendant's offense history, an assessment of
34 problems in addition to alleged deviant behaviors, the offender's
35 social and employment situation, and other evaluation measures used.
36 The report shall set forth the sources of the evaluator's information.

37 The examiner shall assess and report regarding the defendant's
38 amenability to treatment and relative risk to the community. A

1 proposed treatment plan shall be provided and shall include, at a
2 minimum:

3 (A) Frequency and type of contact between offender and therapist;

4 (B) Specific issues to be addressed in the treatment and
5 description of planned treatment modalities;

6 (C) Monitoring plans, including any requirements regarding living
7 conditions, lifestyle requirements, and monitoring by family members
8 and others;

9 (D) Anticipated length of treatment; and

10 (E) Recommended crime-related prohibitions.

11 The court on its own motion may order, or on a motion by the state
12 shall order, a second examination regarding the offender's amenability
13 to treatment. The evaluator shall be selected by the party making the
14 motion. The defendant shall pay the cost of any second examination
15 ordered unless the court finds the defendant to be indigent in which
16 case the state shall pay the cost.

17 (ii) After receipt of the reports, the court shall consider whether
18 the offender and the community will benefit from use of this special
19 sexual offender sentencing alternative and consider the victim's
20 opinion whether the offender should receive a treatment disposition
21 under this subsection. If the court determines that this special sex
22 offender sentencing alternative is appropriate, the court shall then
23 impose a sentence within the sentence range. If this sentence is less
24 than eight years of confinement, the court may suspend the execution of
25 the sentence and impose the following conditions of suspension:

26 (A) The court shall place the defendant on community supervision
27 for the length of the suspended sentence or three years, whichever is
28 greater; and

29 (B) The court shall order treatment for any period up to three
30 years in duration. The court in its discretion shall order outpatient
31 sex offender treatment or inpatient sex offender treatment, if
32 available. A community mental health center may not be used for such
33 treatment unless it has an appropriate program designed for sex
34 offender treatment. The offender shall not change sex offender
35 treatment providers or treatment conditions without first notifying the
36 prosecutor, the community corrections officer, and the court, and shall
37 not change providers without court approval after a hearing if the
38 prosecutor or community corrections officer object to the change. In
39 addition, as conditions of the suspended sentence, the court may impose

1 other sentence conditions including up to six months of confinement,
2 not to exceed the sentence range of confinement for that offense,
3 crime-related prohibitions, and requirements that the offender perform
4 any one or more of the following:

5 (I) Devote time to a specific employment or occupation;

6 (II) Remain within prescribed geographical boundaries and notify
7 the court or the community corrections officer prior to any change in
8 the offender's address or employment;

9 (III) Report as directed to the court and a community corrections
10 officer;

11 (IV) Pay all court-ordered legal financial obligations as provided
12 in RCW 9.94A.030, perform community service work, or any combination
13 thereof; or

14 (V) Make recoupment to the victim for the cost of any counseling
15 required as a result of the offender's crime.

16 (iii) The sex offender therapist shall submit quarterly reports on
17 the defendant's progress in treatment to the court and the parties.
18 The report shall reference the treatment plan and include at a minimum
19 the following: Dates of attendance, defendant's compliance with
20 requirements, treatment activities, the defendant's relative progress
21 in treatment, and any other material as specified by the court at
22 sentencing.

23 (iv) At the time of sentencing, the court shall set a treatment
24 termination hearing for three months prior to the anticipated date for
25 completion of treatment. Prior to the treatment termination hearing,
26 the treatment professional and community corrections officer shall
27 submit written reports to the court and parties regarding the
28 defendant's compliance with treatment and monitoring requirements, and
29 recommendations regarding termination from treatment, including
30 proposed community supervision conditions. Either party may request
31 and the court may order another evaluation regarding the advisability
32 of termination from treatment. The defendant shall pay the cost of any
33 additional evaluation ordered unless the court finds the defendant to
34 be indigent in which case the state shall pay the cost. At the
35 treatment termination hearing the court may: (A) Modify conditions of
36 community supervision, and either (B) terminate treatment, or (C)
37 extend treatment for up to the remaining period of community
38 supervision.

1 (v) The court may revoke the suspended sentence at any time during
2 the period of community supervision and order execution of the sentence
3 if: (A) The defendant violates the conditions of the suspended
4 sentence, or (B) the court finds that the defendant is failing to make
5 satisfactory progress in treatment. All confinement time served during
6 the period of community supervision shall be credited to the offender
7 if the suspended sentence is revoked.

8 (vi) Except as provided in (a)(vii) of this subsection, after July
9 1, 1991, examinations and treatment ordered pursuant to this subsection
10 shall only be conducted by sex offender treatment providers certified
11 by the department of health pursuant to chapter 18.155 RCW.

12 (vii) A sex offender therapist who examines or treats a sex
13 offender pursuant to this subsection (7) does not have to be certified
14 by the department of health pursuant to chapter 18.155 RCW if the court
15 finds that: (A) The offender has already moved to another state or
16 plans to move to another state for reasons other than circumventing the
17 certification requirements; (B) no certified providers are available
18 for treatment within a reasonable geographical distance of the
19 offender's home; and (C) the evaluation and treatment plan comply with
20 this subsection (7) and the rules adopted by the department of health.

21 For purposes of this subsection, "victim" means any person who has
22 sustained emotional, psychological, physical, or financial injury to
23 person or property as a result of the crime charged. "Victim" also
24 means a parent or guardian of a victim who is a minor child unless the
25 parent or guardian is the perpetrator of the offense.

26 (b) When an offender is convicted of any felony sex offense
27 committed before July 1, 1987, and is sentenced to a term of
28 confinement of more than one year but less than six years, the
29 sentencing court may, on its own motion or on the motion of the
30 offender or the state, order the offender committed for up to thirty
31 days to the custody of the secretary of social and health services for
32 evaluation and report to the court on the offender's amenability to
33 treatment at these facilities. If the secretary of social and health
34 services cannot begin the evaluation within thirty days of the court's
35 order of commitment, the offender shall be transferred to the state for
36 confinement pending an opportunity to be evaluated at the appropriate
37 facility. The court shall review the reports and may order that the
38 term of confinement imposed be served in the sexual offender treatment
39 program at the location determined by the secretary of social and

1 health services or the secretary's designee, only if the report
2 indicates that the offender is amenable to the treatment program
3 provided at these facilities. The offender shall be transferred to the
4 state pending placement in the treatment program. Any offender who has
5 escaped from the treatment program shall be referred back to the
6 sentencing court.

7 If the offender does not comply with the conditions of the
8 treatment program, the secretary of social and health services may
9 refer the matter to the sentencing court. The sentencing court shall
10 commit the offender to the department of corrections to serve the
11 balance of the term of confinement.

12 If the offender successfully completes the treatment program before
13 the expiration of the term of confinement, the court may convert the
14 balance of confinement to community supervision and may place
15 conditions on the offender including crime-related prohibitions and
16 requirements that the offender perform any one or more of the
17 following:

- 18 (i) Devote time to a specific employment or occupation;
- 19 (ii) Remain within prescribed geographical boundaries and notify
20 the court or the community corrections officer prior to any change in
21 the offender's address or employment;
- 22 (iii) Report as directed to the court and a community corrections
23 officer;
- 24 (iv) Undergo available outpatient treatment.

25 If the offender violates any of the terms of community supervision,
26 the court may order the offender to serve out the balance of the
27 community supervision term in confinement in the custody of the
28 department of corrections.

29 After June 30, 1993, this subsection (b) shall cease to have
30 effect.

31 (c) When an offender commits any felony sex offense on or after
32 July 1, 1987, and is sentenced to a term of confinement of more than
33 one year but less than six years, the sentencing court may, on its own
34 motion or on the motion of the offender or the state, request the
35 department of corrections to evaluate whether the offender is amenable
36 to treatment and the department may place the offender in a treatment
37 program within a correctional facility operated by the department.

38 Except for an offender who has been convicted of a violation of RCW
39 9A.44.040 or 9A.44.050, if the offender completes the treatment program

1 before the expiration of his or her term of confinement, the department
2 of corrections may request the court to convert the balance of
3 confinement to community supervision and to place conditions on the
4 offender including crime-related prohibitions and requirements that the
5 offender perform any one or more of the following:

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

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

10 (iii) Report as directed to the court and a community corrections
11 officer;

12 (iv) Undergo available outpatient treatment.

13 If the offender violates any of the terms of his or her community
14 supervision, the court may order the offender to serve out the balance
15 of his or her community supervision term in confinement in the custody
16 of the department of corrections.

17 Nothing in (c) of this subsection shall confer eligibility for such
18 programs for offenders convicted and sentenced for a sex offense
19 committed prior to July 1, 1987. This subsection (c) does not apply to
20 any crime committed after July 1, 1990.

21 (d) Offenders convicted and sentenced for a sex offense committed
22 prior to July 1, 1987, may, subject to available funds, request an
23 evaluation by the department of corrections to determine whether they
24 are amenable to treatment. If the offender is determined to be
25 amenable to treatment, the offender may request placement in a
26 treatment program within a correctional facility operated by the
27 department. Placement in such treatment program is subject to
28 available funds.

29 (8)(a) When a court sentences a person to a term of total
30 confinement to the custody of the department of corrections for an
31 offense categorized as a sex offense or a serious violent offense
32 committed after July 1, 1988, but before July 1, 1990, assault in the
33 second degree, assault of a child in the second degree, any crime
34 against a person where it is determined in accordance with RCW
35 9.94A.125 that the defendant or an accomplice was armed with a deadly
36 weapon at the time of commission, or any felony offense under chapter
37 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall
38 in addition to the other terms of the sentence, sentence the offender
39 to a one-year term of community placement beginning either upon

1 completion of the term of confinement or at such time as the offender
2 is transferred to community custody in lieu of earned early release in
3 accordance with RCW 9.94A.150 (1) and (2). When the court sentences an
4 offender under this subsection to the statutory maximum period of
5 confinement then the community placement portion of the sentence shall
6 consist entirely of such community custody to which the offender may
7 become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any
8 period of community custody actually served shall be credited against
9 the community placement portion of the sentence.

10 (b) When a court sentences a person to a term of total confinement
11 to the custody of the department of corrections for an offense
12 categorized as a sex offense or serious violent offense committed on or
13 after July 1, 1990, the court shall in addition to other terms of the
14 sentence, sentence the offender to community placement for two years or
15 up to the period of earned early release awarded pursuant to RCW
16 9.94A.150 (1) and (2), whichever is longer. The community placement
17 shall begin either upon completion of the term of confinement or at
18 such time as the offender is transferred to community custody in lieu
19 of earned early release in accordance with RCW 9.94A.150 (1) and (2).
20 When the court sentences an offender under this subsection to the
21 statutory maximum period of confinement then the community placement
22 portion of the sentence shall consist entirely of the community custody
23 to which the offender may become eligible, in accordance with RCW
24 9.94A.150 (1) and (2). Any period of community custody actually served
25 shall be credited against the community placement portion of the
26 sentence. Unless a condition is waived by the court, the terms of
27 community placement for offenders sentenced pursuant to this section
28 shall include the following conditions:

29 (i) The offender shall report to and be available for contact with
30 the assigned community corrections officer as directed;

31 (ii) The offender shall work at department of corrections-approved
32 education, employment, and/or community service;

33 (iii) The offender shall not consume controlled substances except
34 pursuant to lawfully issued prescriptions;

35 (iv) An offender in community custody shall not unlawfully possess
36 controlled substances;

37 (v) The offender shall pay supervision fees as determined by the
38 department of corrections; and

1 (vi) The residence location and living arrangements are subject to
2 the prior approval of the department of corrections during the period
3 of community placement.

4 (c) The court may also order any of the following special
5 conditions:

6 (i) The offender shall remain within, or outside of, a specified
7 geographical boundary;

8 (ii) The offender shall not have direct or indirect contact with
9 the victim of the crime or a specified class of individuals;

10 (iii) The offender shall participate in crime-related treatment or
11 counseling services;

12 (iv) The offender shall not consume alcohol; or

13 (v) The offender shall comply with any crime-related prohibitions.

14 (d) Prior to transfer to, or during, community placement, any
15 conditions of community placement may be removed or modified so as not
16 to be more restrictive by the sentencing court, upon recommendation of
17 the department of corrections.

18 (9) If the court imposes a sentence requiring confinement of thirty
19 days or less, the court may, in its discretion, specify that the
20 sentence be served on consecutive or intermittent days. A sentence
21 requiring more than thirty days of confinement shall be served on
22 consecutive days. Local jail administrators may schedule court-ordered
23 intermittent sentences as space permits.

24 (10) If a sentence imposed includes payment of a legal financial
25 obligation, the sentence shall specify the total amount of the legal
26 financial obligation owed, and shall require the offender to pay a
27 specified monthly sum toward that legal financial obligation.
28 Restitution to victims shall be paid prior to any other payments of
29 monetary obligations. Any legal financial obligation that is imposed
30 by the court may be collected by the department, which shall deliver
31 the amount paid to the county clerk for credit. The offender's
32 compliance with payment of legal financial obligations shall be
33 supervised by the department. All monetary payments ordered shall be
34 paid no later than ten years after the last date of release from
35 confinement pursuant to a felony conviction or the date the sentence
36 was entered. Independent of the department, the party or entity to
37 whom the legal financial obligation is owed shall have the authority to
38 utilize any other remedies available to the party or entity to collect
39 the legal financial obligation. Nothing in this section makes the

1 department, the state, or any of its employees, agents, or other
2 persons acting on their behalf liable under any circumstances for the
3 payment of these legal financial obligations. If an order includes
4 restitution as one of the monetary assessments, the county clerk shall
5 make disbursements to victims named in the order.

6 (11) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a
7 court may not impose a sentence providing for a term of confinement or
8 community supervision or community placement which exceeds the
9 statutory maximum for the crime as provided in chapter 9A.20 RCW.

10 (12) All offenders sentenced to terms involving community
11 supervision, community service, community placement, or legal financial
12 obligation shall be under the supervision of the secretary of the
13 department of corrections or such person as the secretary may designate
14 and shall follow explicitly the instructions of the secretary including
15 reporting as directed to a community corrections officer, remaining
16 within prescribed geographical boundaries, notifying the community
17 corrections officer of any change in the offender's address or
18 employment, and paying the supervision fee assessment.

19 (13) All offenders sentenced to terms involving community
20 supervision, community service, or community placement under the
21 supervision of the department of corrections shall not own, use, or
22 possess firearms or ammunition. Offenders who own, use, or are found
23 to be in actual or constructive possession of firearms or ammunition
24 shall be subject to the appropriate violation process and sanctions.
25 "Constructive possession" as used in this subsection means the power
26 and intent to control the firearm or ammunition. "Firearm" as used in
27 this subsection means a weapon or device from which a projectile may be
28 fired by an explosive such as gunpowder.

29 (14) The sentencing court shall give the offender credit for all
30 confinement time served before the sentencing if that confinement was
31 solely in regard to the offense for which the offender is being
32 sentenced.

33 (15) A departure from the standards in RCW 9.94A.400 (1) and (2)
34 governing whether sentences are to be served consecutively or
35 concurrently is an exceptional sentence subject to the limitations in
36 subsections (2) and (3) of this section, and may be appealed by the
37 defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

38 (16) The court shall order restitution whenever the offender is
39 convicted of a felony that results in injury to any person or damage to

1 or loss of property, whether the offender is sentenced to confinement
2 or placed under community supervision, unless extraordinary
3 circumstances exist that make restitution inappropriate in the court's
4 judgment. The court shall set forth the extraordinary circumstances in
5 the record if it does not order restitution.

6 (17) As a part of any sentence, the court may impose and enforce an
7 order that relates directly to the circumstances of the crime for which
8 the offender has been convicted, prohibiting the offender from having
9 any contact with other specified individuals or a specific class of
10 individuals for a period not to exceed the maximum allowable sentence
11 for the crime, regardless of the expiration of the offender's term of
12 community supervision or community placement.

13 (18) In any sentence of partial confinement, the court may require
14 the defendant to serve the partial confinement in work release, in a
15 program of home detention, on work crew, or in a combined program of
16 work crew and home detention.

17 (19) All court-ordered legal financial obligations collected by the
18 department and remitted to the county clerk shall be credited and paid
19 where restitution is ordered. Restitution shall be paid prior to any
20 other payments of monetary obligations.

21 **Sec. 3.** RCW 9.94A.360 and 1992 c 145 s 10 and 1992 c 75 s 4 are
22 each reenacted and amended to read as follows:

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

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

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

32 (2) Except as provided in subsection (4) of this section, class A
33 and sex prior felony convictions shall always be included in the
34 offender score. Class B prior felony convictions other than sex
35 offenses shall not be included in the offender score, if since the last
36 date of release from confinement (including full-time residential
37 treatment) pursuant to a felony conviction, if any, or entry of
38 judgment and sentence, the offender had spent ten consecutive years in

1 the community without being convicted of any felonies. Class C prior
2 felony convictions other than sex offenses shall not be included in the
3 offender score if, since the last date of release from confinement
4 (including full-time residential treatment) pursuant to a felony
5 conviction, if any, or entry of judgment and sentence, the offender had
6 spent five consecutive years in the community without being convicted
7 of any felonies. Serious traffic convictions shall not be included in
8 the offender score if, since the last date of release from confinement
9 (including full-time residential treatment) pursuant to a felony
10 conviction, if any, or entry of judgment and sentence, the offender
11 spent five years in the community without being convicted of any
12 serious traffic or felony traffic offenses. This subsection applies to
13 both adult and juvenile prior convictions.

14 (3) Out-of-state convictions for offenses shall be classified
15 according to the comparable offense definitions and sentences provided
16 by Washington law.

17 (4) Always include juvenile convictions for sex offenses. Include
18 other class A juvenile felonies only if the offender was 15 or older at
19 the time the juvenile offense was committed. Include other class B and
20 C juvenile felony convictions only if the offender was 15 or older at
21 the time the juvenile offense was committed and the offender was less
22 than 23 at the time the offense for which he or she is being sentenced
23 was committed.

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

27 (6) In the case of multiple prior convictions, for the purpose of
28 computing the offender score, count all convictions separately, except:

29 (a) Prior adult offenses which were found, under RCW
30 9.94A.400(1)(a), to encompass the same criminal conduct, shall be
31 counted as one offense, the offense that yields the highest offender
32 score. The current sentencing court shall determine with respect to
33 other prior adult offenses for which sentences were served concurrently
34 whether those offenses shall be counted as one offense or as separate
35 offenses, and if the court finds that they shall be counted as one
36 offense, then the offense that yields the highest offender score shall
37 be used;

38 (b) Juvenile prior convictions entered or sentenced on the same
39 date shall count as one offense, the offense that yields the highest

1 offender score, except for juvenile prior convictions for violent
2 offenses with separate victims, which shall count as separate offenses;
3 and

4 (c) In the case of multiple prior convictions for offenses
5 committed before July 1, 1986, for the purpose of computing the
6 offender score, count all adult convictions served concurrently as one
7 offense, and count all juvenile convictions entered on the same date as
8 one offense. Use the conviction for the offense that yields the
9 highest offender score.

10 (7) If the present conviction is one of the anticipatory offenses
11 of criminal attempt, solicitation, or conspiracy, count each prior
12 conviction as if the present conviction were for a completed offense.

13 (8) If the present conviction is for a nonviolent offense and not
14 covered by subsection (12) or (13) of this section, count one point for
15 each adult prior felony conviction and one point for each juvenile
16 prior violent felony conviction and 1/2 point for each juvenile prior
17 nonviolent felony conviction.

18 (9) If the present conviction is for a violent offense and not
19 covered in subsection (10), (11), (12), or (13) of this section, count
20 two points for each prior adult and juvenile violent felony conviction,
21 one point for each prior adult nonviolent felony conviction, and 1/2
22 point for each prior juvenile nonviolent felony conviction.

23 (10) If the present conviction is for Murder 1 or 2, Assault 1,
24 Assault of a Child 1, Kidnaping 1, Homicide by Abuse, or Rape 1, count
25 three points for prior adult and juvenile convictions for crimes in
26 these categories, two points for each prior adult and juvenile violent
27 conviction (not already counted), one point for each prior adult
28 nonviolent felony conviction, and 1/2 point for each prior juvenile
29 nonviolent felony conviction.

30 (11) If the present conviction is for Burglary 1, count prior
31 convictions as in subsection (9) of this section; however count two
32 points for each prior adult Burglary 2 or residential burglary
33 conviction, and one point for each prior juvenile Burglary 2 or
34 residential burglary conviction.

35 (12) If the present conviction is for a felony traffic offense
36 count two points for each adult or juvenile prior conviction for
37 Vehicular Homicide or Vehicular Assault; for each felony offense or
38 serious traffic offense, count one point for each adult and 1/2 point
39 for each juvenile prior conviction.

1 (13) If the present conviction is for a drug offense count three
2 points for each adult prior felony drug offense conviction and two
3 points for each juvenile drug offense. All other adult and juvenile
4 felonies are scored as in subsection (9) of this section if the current
5 drug offense is violent, or as in subsection (8) of this section if the
6 current drug offense is nonviolent.

7 (14) If the present conviction is for Willful Failure to Return
8 from Furlough, RCW 72.66.060, Willful Failure to Return from Work
9 Release, RCW 72.65.070, or Escape from Community Custody, RCW
10 72.09.310, count only prior escape convictions in the offender score.
11 Count adult prior escape convictions as one point and juvenile prior
12 escape convictions as 1/2 point.

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

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

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

25 (18) If the present conviction is for an offense committed while
26 the offender was under community placement, add one point.

27 (19) This section does not apply when an offender is sentenced
28 under section 1 of this act.

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