

SSB 5934 - S AMD 295
By Senator Padden

ADOPTED AS AMENDED 06/30/2017

1 Strike everything after the enacting clause and insert the
2 following:

3 "PART I
4 SERIOUSNESS LEVEL OF CRIMES

5 **Sec. 101.** RCW 9.94A.515 and 2017 c 335 s 4, 2017 c 292 s 3, 2017
6 c 272 s 10, and 2017 c 266 s 8 are each reenacted and amended to read
7 as follows:

8 TABLE 2

9 CRIMES INCLUDED WITHIN EACH
10 SERIOUSNESS LEVEL

- 11 XVI Aggravated Murder 1 (RCW 10.95.020)
- 12 XV Homicide by abuse (RCW 9A.32.055)
- 13 Malicious explosion 1 (RCW
- 14 70.74.280(1))
- 15 Murder 1 (RCW 9A.32.030)
- 16 XIV Murder 2 (RCW 9A.32.050)
- 17 Trafficking 1 (RCW 9A.40.100(1))
- 18 XIII Malicious explosion 2 (RCW
- 19 70.74.280(2))
- 20 Malicious placement of an explosive 1
- 21 (RCW 70.74.270(1))
- 22 XII Assault 1 (RCW 9A.36.011)
- 23 Assault of a Child 1 (RCW 9A.36.120)
- 24 Malicious placement of an imitation
- 25 device 1 (RCW 70.74.272(1)(a))
- 26 Promoting Commercial Sexual Abuse of
- 27 a Minor (RCW 9.68A.101)
- 28 Rape 1 (RCW 9A.44.040)

1 Rape of a Child 1 (RCW 9A.44.073)
2 Trafficking 2 (RCW 9A.40.100(3))
3 XI Manslaughter 1 (RCW 9A.32.060)
4 Rape 2 (RCW 9A.44.050)
5 Rape of a Child 2 (RCW 9A.44.076)
6 Vehicular Homicide, by being under the
7 influence of intoxicating liquor or
8 any drug (RCW 46.61.520)
9 Vehicular Homicide, by the operation of
10 any vehicle in a reckless manner
11 (RCW 46.61.520)
12 X Child Molestation 1 (RCW 9A.44.083)
13 Criminal Mistreatment 1 (RCW
14 9A.42.020)
15 Indecent Liberties (with forcible
16 compulsion) (RCW
17 9A.44.100(1)(a))
18 Kidnapping 1 (RCW 9A.40.020)
19 Leading Organized Crime (RCW
20 9A.82.060(1)(a))
21 Malicious explosion 3 (RCW
22 70.74.280(3))
23 Sexually Violent Predator Escape (RCW
24 9A.76.115)
25 IX Abandonment of Dependent Person 1
26 (RCW 9A.42.060)
27 Assault of a Child 2 (RCW 9A.36.130)
28 Explosive devices prohibited (RCW
29 70.74.180)
30 Hit and Run—Death (RCW
31 46.52.020(4)(a))
32 Homicide by Watercraft, by being under
33 the influence of intoxicating liquor
34 or any drug (RCW 79A.60.050)

1 Inciting Criminal Profiteering (RCW
2 9A.82.060(1)(b))
3 Malicious placement of an explosive 2
4 (RCW 70.74.270(2))
5 Robbery 1 (RCW 9A.56.200)
6 Sexual Exploitation (RCW 9.68A.040)
7 VIII Arson 1 (RCW 9A.48.020)
8 Commercial Sexual Abuse of a Minor
9 (RCW 9.68A.100)
10 Homicide by Watercraft, by the
11 operation of any vessel in a reckless
12 manner (RCW 79A.60.050)
13 Manslaughter 2 (RCW 9A.32.070)
14 Promoting Prostitution 1 (RCW
15 9A.88.070)
16 Theft of Ammonia (RCW 69.55.010)
17 VII Air bag diagnostic systems (causing
18 bodily injury or death) (RCW
19 46.37.660(2)(b))
20 Air bag replacement requirements
21 (causing bodily injury or death)
22 (RCW 46.37.660(1)(b))
23 Burglary 1 (RCW 9A.52.020)
24 Child Molestation 2 (RCW 9A.44.086)
25 Civil Disorder Training (RCW
26 9A.48.120)
27 Manufacture or import counterfeit,
28 nonfunctional, damaged, or
29 previously deployed air bag
30 (causing bodily injury or death)
31 (RCW 46.37.650(1)(b))
32 Sale of, install, or reinstall counterfeit,
33 nonfunctional, damaged, or
34 previously deployed airbag (RCW
35 46.37.650(2)(b))

1 Dealing in depictions of minor engaged
2 in sexually explicit conduct 1
3 (RCW 9.68A.050(1))
4 Drive-by Shooting (RCW 9A.36.045)
5 Homicide by Watercraft, by disregard
6 for the safety of others (RCW
7 79A.60.050)
8 Indecent Liberties (without forcible
9 compulsion) (RCW 9A.44.100(1)
10 (b) and (c))
11 Introducing Contraband 1 (RCW
12 9A.76.140)
13 Malicious placement of an explosive 3
14 (RCW 70.74.270(3))
15 Negligently Causing Death By Use of a
16 Signal Preemption Device (RCW
17 46.37.675)
18 Sending, bringing into state depictions
19 of minor engaged in sexually
20 explicit conduct 1 (RCW
21 9.68A.060(1))
22 Unlawful Possession of a Firearm in the
23 first degree (RCW 9.41.040(1))
24 Use of a Machine Gun in Commission
25 of a Felony (RCW 9.41.225)
26 Vehicular Homicide, by disregard for
27 the safety of others (RCW
28 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)

1 Malicious placement of an imitation
2 device 2 (RCW 70.74.272(1)(b))
3 Possession of Depictions of a Minor
4 Engaged in Sexually Explicit
5 Conduct 1 (RCW 9.68A.070(1))
6 Rape of a Child 3 (RCW 9A.44.079)
7 Taking Motor Vehicle Without
8 Permission 1 (third or subsequent
9 offense) (RCW 9A.56.070)
10 Theft of a Firearm (RCW 9A.56.300)
11 Theft from a Vulnerable Adult 1 (RCW
12 9A.56.---(1) (section 6(1), chapter
13 266, Laws of 2017))
14 Unlawful Storage of Ammonia (RCW
15 69.55.020)
16 V Abandonment of Dependent Person 2
17 (RCW 9A.42.070)
18 Advancing money or property for
19 extortionate extension of credit
20 (RCW 9A.82.030)
21 Air bag diagnostic systems (RCW
22 46.37.660(2)(c))
23 Air bag replacement requirements
24 (RCW 46.37.660(1)(c))
25 Bail Jumping with class A Felony
26 (RCW 9A.76.170(3)(b))
27 Child Molestation 3 (RCW 9A.44.089)
28 Manufacture or import counterfeit,
29 nonfunctional, damaged, or
30 previously deployed air bag (RCW
31 46.37.650(1)(c))
32 Sale of, install, or reinstall counterfeit,
33 nonfunctional, damaged, or
34 previously deployed airbag (RCW
35 46.37.650(2)(c))

1 Criminal Mistreatment 2 (RCW
2 9A.42.030)
3 Custodial Sexual Misconduct 1 (RCW
4 9A.44.160)
5 Dealing in Depictions of Minor
6 Engaged in Sexually Explicit
7 Conduct 2 (RCW 9.68A.050(2))
8 Domestic Violence Court Order
9 Violation (RCW 10.99.040,
10 10.99.050, 26.09.300, 26.10.220,
11 26.26.138, 26.50.110, 26.52.070, or
12 74.34.145)
13 Extortion 1 (RCW 9A.56.120)
14 Extortionate Extension of Credit (RCW
15 9A.82.020)
16 Extortionate Means to Collect
17 Extensions of Credit (RCW
18 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 Residential Burglary (RCW 9A.52.025)
30 Sending, Bringing into State Depictions
31 of Minor Engaged in Sexually
32 Explicit Conduct 2 (RCW
33 9.68A.060(2))
34 Sexual Misconduct with a Minor 1
35 (RCW 9A.44.093)

1 Sexually Violating Human Remains
2 (RCW 9A.44.105)
3 Stalking (RCW 9A.46.110)
4 Taking Motor Vehicle Without
5 Permission 1 (RCW 9A.56.070)
6 IV Arson 2 (RCW 9A.48.030)
7 Assault 2 (RCW 9A.36.021)
8 Assault 3 (of a Peace Officer with a
9 Projectile Stun Gun) (RCW
10 9A.36.031(1)(h))
11 Assault 4 (third domestic violence
12 offense) (RCW 9A.36.041(3))
13 Assault by Watercraft (RCW
14 79A.60.060)
15 Bribing a Witness/Bribe Received by
16 Witness (RCW 9A.72.090,
17 9A.72.100)
18 Cheating 1 (RCW 9A.46.1961)
19 Commercial Bribery (RCW 9A.68.060)
20 Counterfeiting (RCW 9A.16.035(4))
21 Driving While Under the Influence
22 (RCW 46.61.502(6))
23 Endangerment with a Controlled
24 Substance (RCW 9A.42.100)
25 Escape 1 (RCW 9A.76.110)
26 Hit and Run—Injury (RCW
27 46.52.020(4)(b))
28 Hit and Run with Vessel—Injury
29 Accident (RCW 79A.60.200(3))
30 Identity Theft 1 (RCW 9A.35.020(2))
31 Indecent Exposure to Person Under Age
32 Fourteen (subsequent sex offense)
33 (RCW 9A.88.010)
34 Influencing Outcome of Sporting Event
35 (RCW 9A.82.070)

1 Malicious Harassment (RCW
2 9A.36.080)
3 Physical Control of a Vehicle While
4 Under the Influence (RCW
5 46.61.504(6))
6 Possession of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 2 (RCW 9.68A.070(2))
9 ~~((Residential Burglary (RCW
10 9A.52.025)))~~
11 Robbery 2 (RCW 9A.56.210)
12 Theft of Livestock 1 (RCW 9A.56.080)
13 Threats to Bomb (RCW 9.61.160)
14 Trafficking in Stolen Property 1 (RCW
15 9A.82.050)
16 Unlawful factoring of a credit card or
17 payment card transaction (RCW
18 9A.56.290(4)(b))
19 Unlawful transaction of health coverage
20 as a health care service contractor
21 (RCW 48.44.016(3))
22 Unlawful transaction of health coverage
23 as a health maintenance
24 organization (RCW 48.46.033(3))
25 Unlawful transaction of insurance
26 business (RCW 48.15.023(3))
27 Unlicensed practice as an insurance
28 professional (RCW 48.17.063(2))
29 Use of Proceeds of Criminal
30 Profiteering (RCW 9A.82.080 (1)
31 and (2))
32 Vehicle Prowling 2 (third or subsequent
33 offense) (RCW 9A.52.100(3))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)

6 Viewing of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.075(1))

9 Willful Failure to Return from Furlough
10 (RCW 72.66.060)

11 III Animal Cruelty 1 (Sexual Conduct or
12 Contact) (RCW 16.52.205(3))

13 Assault 3 (Except Assault 3 of a Peace
14 Officer With a Projectile Stun Gun)
15 (RCW 9A.36.031 except subsection
16 (1)(h))

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

18 Bail Jumping with class B or C Felony
19 (RCW 9A.76.170(3)(c))

20 Burglary 2 (RCW 9A.52.030)

21 Communication with a Minor for
22 Immoral Purposes (RCW
23 9.68A.090)

24 Criminal Gang Intimidation (RCW
25 9A.46.120)

26 Custodial Assault (RCW 9A.36.100)

27 Cyberstalking (subsequent conviction or
28 threat of death) (RCW 9.61.260(3))

29 Escape 2 (RCW 9A.76.120)

30 Extortion 2 (RCW 9A.56.130)

31 Harassment (RCW 9A.46.020)

32 Intimidating a Public Servant (RCW
33 9A.76.180)

34 Introducing Contraband 2 (RCW
35 9A.76.150)

1 Malicious Injury to Railroad Property
2 (RCW 81.60.070)
3 Malicious Mischief 1 (motor vehicle,
4 third or subsequent offense) (RCW
5 9A.48.070)
6 Mortgage Fraud (RCW 19.144.080)
7 Negligently Causing Substantial Bodily
8 Harm By Use of a Signal
9 Preemption Device (RCW
10 46.37.674)
11 Organized Retail Theft 1 (RCW
12 9A.56.350(2))
13 Perjury 2 (RCW 9A.72.030)
14 Possession of Incendiary Device (RCW
15 9.40.120)
16 Possession of Machine Gun or Short-
17 Barreled Shotgun or Rifle (RCW
18 9.41.190)
19 Possession of Stolen Vehicle (third or
20 subsequent offense) (RCW
21 9A.56.068)
22 Promoting Prostitution 2 (RCW
23 9A.88.080)
24 Retail Theft with Special Circumstances
25 1 (RCW 9A.56.360(2))
26 Securities Act violation (RCW
27 21.20.400)
28 Tampering with a Witness (RCW
29 9A.72.120)
30 Telephone Harassment (subsequent
31 conviction or threat of death) (RCW
32 9.61.230(2))
33 Theft of Livestock 2 (RCW 9A.56.083)
34 Theft of Motor Vehicle (third or
35 subsequent offense) (RCW
36 9A.56.065)

1 Theft with the Intent to Resell 1 (RCW
2 9A.56.340(2))
3 Trafficking in Stolen Property 2 (RCW
4 9A.82.055)
5 Unlawful Hunting of Big Game 1 (RCW
6 77.15.410(3)(b))
7 Unlawful Imprisonment (RCW
8 9A.40.040)
9 Unlawful Misbranding of Food Fish or
10 Shellfish 1 (RCW 69.04.938(3))
11 Unlawful possession of firearm in the
12 second degree (RCW 9.41.040(2))
13 Unlawful Taking of Endangered Fish or
14 Wildlife 1 (RCW 77.15.120(3)(b))
15 Unlawful Trafficking in Fish, Shellfish,
16 or Wildlife 1 (RCW
17 77.15.260(3)(b))
18 Unlawful Use of a Nondesignated
19 Vessel (RCW 77.15.530(4))
20 Vehicular Assault, by the operation or
21 driving of a vehicle with disregard
22 for the safety of others (RCW
23 46.61.522)
24 Willful Failure to Return from Work
25 Release (RCW 72.65.070)
26 II Commercial Fishing Without a License
27 1 (RCW 77.15.500(3)(b))
28 Computer Trespass 1 (RCW 9A.90.040)
29 Counterfeiting (RCW 9.16.035(3))
30 Electronic Data Service Interference
31 (RCW 9A.90.060)
32 Electronic Data Tampering 1 (RCW
33 9A.90.080)
34 Electronic Data Theft (RCW 9A.90.100)
35 Engaging in Fish Dealing Activity
36 Unlicensed 1 (RCW 77.15.620(3))

1 Escape from Community Custody
2 (RCW 72.09.310)

3 Failure to Register as a Sex Offender
4 (second or subsequent offense)
5 (RCW 9A.44.130 prior to June 10,
6 2010, and RCW 9A.44.132)

7 Health Care False Claims (RCW
8 48.80.030)

9 Identity Theft 2 (RCW 9.35.020(3))

10 Improperly Obtaining Financial
11 Information (RCW 9.35.010)

12 Malicious Mischief 1 (RCW 9A.48.070)

13 Malicious Mischief 2 (motor vehicle,
14 third or subsequent offense) (RCW
15 9A.48.080)

16 Organized Retail Theft 2 (RCW
17 9A.56.350(3))

18 Possession of Stolen Property 1 (RCW
19 9A.56.150)

20 Possession of a Stolen Vehicle (RCW
21 9A.56.068)

22 Retail Theft with Special Circumstances
23 2 (RCW 9A.56.360(3))

24 Scrap Processing, Recycling, or
25 Supplying Without a License
26 (second or subsequent offense)
27 (RCW 19.290.100)

28 Taking Motor Vehicle Without
29 Permission 2 (third or subsequent
30 offense) (RCW 9A.56.075)

31 Theft 1 (RCW 9A.56.030)

32 Theft of a Motor Vehicle (RCW
33 9A.56.065)

1 Theft of Rental, Leased, Lease-
2 purchased, or Loaned Property
3 (valued at five thousand dollars or
4 more) (RCW 9A.56.096(5)(a))
5 Theft with the Intent to Resell 2 (RCW
6 9A.56.340(3))
7 Trafficking in Insurance Claims (RCW
8 48.30A.015)
9 Unlawful factoring of a credit card or
10 payment card transaction (RCW
11 9A.56.290(4)(a))
12 Unlawful Participation of Non-Indians
13 in Indian Fishery (RCW
14 77.15.570(2))
15 Unlawful Practice of Law (RCW
16 2.48.180)
17 Unlawful Purchase or Use of a License
18 (RCW 77.15.650(3)(b))
19 Unlawful Trafficking in Fish, Shellfish,
20 or Wildlife 2 (RCW
21 77.15.260(3)(a))
22 Unlicensed Practice of a Profession or
23 Business (RCW 18.130.190(7))
24 Vehicle Prowl 1 (third or subsequent
25 offense) (RCW 9A.52.095)
26 Voyeurism 1 (RCW 9A.44.115)
27 I Attempting to Elude a Pursuing Police
28 Vehicle (RCW 46.61.024)
29 False Verification for Welfare (RCW
30 74.08.055)
31 Forgery (RCW 9A.60.020)
32 Fraudulent Creation or Revocation of a
33 Mental Health Advance Directive
34 (RCW 9A.60.060)
35 Malicious Mischief 2 (RCW 9A.48.080)
36 Mineral Trespass (RCW 78.44.330)

1 Possession of Stolen Property 2 (RCW
2 9A.56.160)
3 Reckless Burning 1 (RCW 9A.48.040)
4 Spotlighting Big Game 1 (RCW
5 77.15.450(3)(b))
6 Suspension of Department Privileges 1
7 (RCW 77.15.670(3)(b))
8 Taking Motor Vehicle Without
9 Permission 2 (RCW 9A.56.075)
10 Theft 2 (RCW 9A.56.040)
11 Theft from a Vulnerable Adult 2 (RCW
12 9A.56.---(2) (section 6(2), chapter
13 266, Laws of 2017))
14 Theft of Rental, Leased, Lease-
15 purchased, or Loaned Property
16 (valued at seven hundred fifty
17 dollars or more but less than five
18 thousand dollars) (RCW
19 9A.56.096(5)(b))
20 Transaction of insurance business
21 beyond the scope of licensure
22 (RCW 48.17.063)
23 Unlawful Fish and Shellfish Catch
24 Accounting (RCW 77.15.630(3)(b))
25 Unlawful Issuance of Checks or Drafts
26 (RCW 9A.56.060)
27 Unlawful Possession of Fictitious
28 Identification (RCW 9A.56.320)
29 Unlawful Possession of Instruments of
30 Financial Fraud (RCW 9A.56.320)
31 Unlawful Possession of Payment
32 Instruments (RCW 9A.56.320)
33 Unlawful Possession of a Personal
34 Identification Device (RCW
35 9A.56.320)

1 Unlawful Production of Payment
2 Instruments (RCW 9A.56.320)
3 Unlawful Releasing, Planting,
4 Possessing, or Placing Deleterious
5 Exotic Wildlife (RCW
6 77.15.250(2)(b))
7 Unlawful Trafficking in Food Stamps
8 (RCW 9.91.142)
9 Unlawful Use of Food Stamps (RCW
10 9.91.144)
11 Unlawful Use of Net to Take Fish 1
12 (RCW 77.15.580(3)(b))
13 Unlawful Use of Prohibited Aquatic
14 Animal Species (RCW
15 77.15.253(3))
16 Vehicle Prowl 1 (RCW 9A.52.095)
17 Violating Commercial Fishing Area or
18 Time 1 (RCW 77.15.550(3)(b))

19 **PART II**
20 **COMMUNITY CUSTODY: CONCURRENT**

21 **Sec. 201.** RCW 9.94A.589 and 2015 2nd sp.s. c 3 s 13 are each
22 amended to read as follows:

23 (1)(a) Except as provided in (b), (c), or (d) of this subsection,
24 whenever a person is to be sentenced for two or more current
25 offenses, the sentence range for each current offense shall be
26 determined by using all other current and prior convictions as if
27 they were prior convictions for the purpose of the offender score:
28 PROVIDED, That if the court enters a finding that some or all of the
29 current offenses encompass the same criminal conduct then those
30 current offenses shall be counted as one crime. Sentences imposed
31 under this subsection shall be served concurrently. Consecutive
32 sentences may only be imposed under the exceptional sentence
33 provisions of RCW 9.94A.535. "Same criminal conduct," as used in this
34 subsection, means two or more crimes that require the same criminal
35 intent, are committed at the same time and place, and involve the
36 same victim. This definition applies in cases involving vehicular

1 assault or vehicular homicide even if the victims occupied the same
2 vehicle.

3 (b) Whenever a person is convicted of two or more serious violent
4 offenses arising from separate and distinct criminal conduct, the
5 standard sentence range for the offense with the highest seriousness
6 level under RCW 9.94A.515 shall be determined using the offender's
7 prior convictions and other current convictions that are not serious
8 violent offenses in the offender score and the standard sentence
9 range for other serious violent offenses shall be determined by using
10 an offender score of zero. The standard sentence range for any
11 offenses that are not serious violent offenses shall be determined
12 according to (a) of this subsection. All sentences imposed under this
13 subsection (1)(b) shall be served consecutively to each other and
14 concurrently with sentences imposed under (a) of this subsection.
15 However, unless the court expressly orders that the community custody
16 terms run consecutively to each other, such terms shall run
17 concurrently to each other even if the court orders the confinement
18 terms to run consecutively to each other.

19 (c) If an offender is convicted under RCW 9.41.040 for unlawful
20 possession of a firearm in the first or second degree and for the
21 felony crimes of theft of a firearm or possession of a stolen
22 firearm, or both, the standard sentence range for each of these
23 current offenses shall be determined by using all other current and
24 prior convictions, except other current convictions for the felony
25 crimes listed in this subsection (1)(c), as if they were prior
26 convictions. The offender shall serve consecutive sentences for each
27 conviction of the felony crimes listed in this subsection (1)(c), and
28 for each firearm unlawfully possessed.

29 (d) All sentences imposed under RCW 46.61.502(6), 46.61.504(6),
30 or 46.61.5055(4) shall be served consecutively to any sentences
31 imposed under RCW 46.20.740 and 46.20.750.

32 (2)(a) (~~Except as provided in (b) of this subsection,~~) Whenever
33 a person while under sentence for conviction of a felony commits
34 another felony and is sentenced to another term of confinement, the
35 latter term of confinement shall not begin until expiration of all
36 prior terms of confinement. However, any terms of community custody
37 shall run concurrently to each other, unless the court pronouncing
38 the current sentence expressly orders that they be served
39 consecutively.

1 (b) Whenever a second or later felony conviction results in
2 consecutive community (~~(supervision)~~) custody with conditions not
3 currently in effect, under the prior sentence or sentences of
4 community (~~(supervision)~~) custody the court may require that the
5 conditions of community (~~(supervision)~~) custody contained in the
6 second or later sentence begin during the immediate term of community
7 (~~(supervision)~~) custody and continue throughout the duration of the
8 consecutive term of community (~~(supervision)~~) custody.

9 (3) Subject to subsections (1) and (2) of this section, whenever
10 a person is sentenced for a felony that was committed while the
11 person was not under sentence for conviction of a felony, the
12 sentence shall run concurrently with any felony sentence which has
13 been imposed by any court in this or another state or by a federal
14 court subsequent to the commission of the crime being sentenced
15 unless the court pronouncing the current sentence expressly orders
16 that (~~(they)~~) the confinement terms be served consecutively to each
17 other. Unless the court expressly orders that the community custody
18 terms run consecutively, such terms run concurrently to each other
19 even if the court orders the confinement terms to run consecutively
20 to each other.

21 (4) Whenever any person granted probation under RCW 9.95.210 or
22 9.92.060, or both, has the probationary sentence revoked and a prison
23 sentence imposed, that sentence shall run consecutively to any
24 sentence imposed pursuant to this chapter, unless the court
25 pronouncing the subsequent sentence expressly orders that they be
26 served concurrently.

27 (5) (~~(In the case of consecutive sentences,)~~) All periods of
28 total confinement shall be served before any partial confinement,
29 community (~~(restitution, community supervision)~~) custody, or any
30 other requirement or conditions of any of the sentences. (~~(Except for~~
31 exceptional sentences as authorized under RCW 9.94A.535, if two or
32 more sentences that run consecutively include periods of community
33 supervision, the aggregate of the community supervision period shall
34 not exceed twenty four months.))

35 **Sec. 202.** RCW 9.94B.050 and 2003 c 379 s 4 are each amended to
36 read as follows:

37 When a court sentences an offender to a term of total confinement
38 in the custody of the department for any of the offenses specified in
39 this section, the court shall also sentence the offender to a term of

1 community placement as provided in this section. Except as provided
2 in RCW 9.94A.501, the department shall supervise any sentence of
3 community placement imposed under this section.

4 (1) The court shall order a one-year term of community placement
5 for the following:

6 (a) A sex offense or a serious violent offense committed after
7 July 1, 1988, but before July 1, 1990; or

8 (b) An offense committed on or after July 1, 1988, but before
9 July 25, 1999, that is:

10 (i) Assault in the second degree;

11 (ii) Assault of a child in the second degree;

12 (iii) A crime against persons where it is determined in
13 accordance with RCW (~~9.94A.602~~) 9.94A.825 that the offender or an
14 accomplice was armed with a deadly weapon at the time of commission;
15 or

16 (iv) A felony offense under chapter 69.50 or 69.52 RCW not
17 sentenced under RCW 9.94A.660.

18 (2) The court shall sentence the offender to a term of community
19 placement of two years or up to the period of earned release awarded
20 pursuant to RCW 9.94A.728, whichever is longer, for:

21 (a) An offense categorized as a sex offense committed on or after
22 July 1, 1990, but before June 6, 1996, including those sex offenses
23 also included in other offense categories;

24 (b) A serious violent offense other than a sex offense committed
25 on or after July 1, 1990, but before July 1, 2000; or

26 (c) A vehicular homicide or vehicular assault committed on or
27 after July 1, 1990, but before July 1, 2000.

28 (3) The community placement ordered under this section shall
29 begin either upon completion of the term of confinement or at such
30 time as the offender is transferred to community custody in lieu of
31 earned release. When the court sentences an offender to the statutory
32 maximum sentence then the community placement portion of the sentence
33 shall consist entirely of the community custody to which the offender
34 may become eligible. Any period of community custody actually served
35 shall be credited against the community placement portion of the
36 sentence. The community placement shall run concurrently to any
37 period of probation, parole, community supervision, community
38 placement, or community custody previously imposed by any court in
39 any jurisdiction, unless the court pronouncing the current sentence
40 expressly orders that they be served consecutively to each other.

1 (4) Unless a condition is waived by the court, the terms of any
2 community placement imposed under this section shall include the
3 following conditions:

4 (a) The offender shall report to and be available for contact
5 with the assigned community corrections officer as directed;

6 (b) The offender shall work at department-approved education,
7 employment, or community restitution, or any combination thereof;

8 (c) The offender shall not possess or consume controlled
9 substances except pursuant to lawfully issued prescriptions;

10 (d) The offender shall pay supervision fees as determined by the
11 department; and

12 (e) The residence location and living arrangements shall be
13 subject to the prior approval of the department during the period of
14 community placement.

15 (5) As a part of any terms of community placement imposed under
16 this section, the court may also order one or more of the following
17 special conditions:

18 (a) The offender shall remain within, or outside of, a specified
19 geographical boundary;

20 (b) The offender shall not have direct or indirect contact with
21 the victim of the crime or a specified class of individuals;

22 (c) The offender shall participate in crime-related treatment or
23 counseling services;

24 (d) The offender shall not consume alcohol; or

25 (e) The offender shall comply with any crime-related
26 prohibitions.

27 (6) An offender convicted of a felony sex offense against a minor
28 victim after June 6, 1996, shall comply with any terms and conditions
29 of community placement imposed by the department relating to contact
30 between the sex offender and a minor victim or a child of similar age
31 or circumstance as a previous victim.

32 (7) Prior to or during community placement, upon recommendation
33 of the department, the sentencing court may remove or modify any
34 conditions of community placement so as not to be more restrictive.

35 NEW SECTION. **Sec. 203.** A new section is added to chapter 9.94B
36 RCW to read as follows:

37 Except for exceptional sentences as authorized under RCW
38 9.94A.535, if two or more sentences that run consecutively include
39 periods of community supervision that the court has expressly ordered

1 to run consecutively, the aggregate of the community supervision
2 period shall not exceed twenty-four months.

3 NEW SECTION. **Sec. 204.** The department of corrections must
4 recalculate the scheduled end dates for terms of community custody,
5 community supervision, and community placement so that they run
6 concurrently to previously imposed sentences of community custody,
7 community supervision, community placement, probation, and parole.
8 This section applies to each offender currently in confinement or
9 under active supervision, regardless of whether the offender is
10 sentenced after the effective date of this section, and regardless of
11 whether the offender's date of offense occurred prior to the
12 effective date of this section or after.

13 NEW SECTION. **Sec. 205.** The legislature declares that the
14 department of corrections' recalculations of community custody terms
15 pursuant to this act do not create any expectations that a particular
16 community custody term will end before July 1, 2017, and offenders
17 have no reason to conclude that the recalculation of their community
18 custody terms before July 1, 2017, is an entitlement or creates any
19 liberty interest in their community custody term ending before July
20 1, 2017.

21 NEW SECTION. **Sec. 206.** The department of corrections has the
22 authority to begin implementing sections 201 through 204 of this act
23 upon the effective date of this section.

24 **PART III**
25 **COMMUNITY CUSTODY: MOTOR VEHICLE OFFENSE PILOT**

26 NEW SECTION. **Sec. 301.** A new section is added to chapter 9.94A
27 RCW to read as follows:

28 (1) Subject to the availability of amounts appropriated for this
29 purpose, a pilot program is established for the supervision of
30 offenders convicted of felonies relating to the theft or taking of a
31 motor vehicle.

32 (2) Notwithstanding the provisions of RCW 9.94A.701, until June
33 30, 2019, the court may sentence an offender to community custody for
34 a term of one year when the court sentences the person to the custody
35 of the department for theft of a motor vehicle (RCW 9A.56.065),

1 possession of a stolen vehicle (RCW 9A.56.068), taking a motor
2 vehicle without permission in the first degree (RCW 9A.56.070),
3 taking a motor vehicle without permission in the second degree (RCW
4 9A.56.075), or a crime against property with a prior conviction for
5 one of the preceding motor vehicle crimes.

6 (3) Notwithstanding the provisions of RCW 9.94A.501, the
7 department shall supervise any offender sentenced to community
8 custody pursuant to subsection (2) of this section.

9 (4) No later than November 1, 2020, the department must submit a
10 report to the governor and the appropriate committees of the
11 legislature analyzing the effectiveness of supervision in reducing
12 recidivism among offenders committing felonies relating to the theft
13 or taking of a motor vehicle. The department shall consult with the
14 Washington state institute for public policy in guiding its data
15 tracking efforts and preparing the report.

16 (5) This section expires December 31, 2020.

17 **PART IV**

18 **COMMUNITY CUSTODY: GOOD TIME**

19 **Sec. 401.** RCW 9.94A.501 and 2016 sp.s. c 28 s 1 are each amended
20 to read as follows:

21 (1) The department shall supervise the following offenders who
22 are sentenced to probation in superior court, pursuant to RCW
23 9.92.060, 9.95.204, or 9.95.210:

24 (a) Offenders convicted of:

25 (i) Sexual misconduct with a minor second degree;

26 (ii) Custodial sexual misconduct second degree;

27 (iii) Communication with a minor for immoral purposes; and

28 (iv) Violation of RCW 9A.44.132(2) (failure to register); and

29 (b) Offenders who have:

30 (i) A current conviction for a repetitive domestic violence
31 offense where domestic violence has been pleaded and proven after
32 August 1, 2011; and

33 (ii) A prior conviction for a repetitive domestic violence
34 offense or domestic violence felony offense where domestic violence
35 has been pleaded and proven after August 1, 2011.

36 (2) Misdemeanor and gross misdemeanor offenders supervised by the
37 department pursuant to this section shall be placed on community
38 custody.

1 (3) The department shall supervise every felony offender
2 sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702
3 whose risk assessment classifies the offender as one who is at a high
4 risk to reoffend.

5 (4) Notwithstanding any other provision of this section, the
6 department shall supervise an offender sentenced to community custody
7 regardless of risk classification if the offender:

8 (a) Has a current conviction for a sex offense or a serious
9 violent offense and was sentenced to a term of community custody
10 pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

11 (b) Has been identified by the department as a dangerous mentally
12 ill offender pursuant to RCW 72.09.370;

13 (c) Has an indeterminate sentence and is subject to parole
14 pursuant to RCW 9.95.017;

15 (d) Has a current conviction for violating RCW 9A.44.132(1)
16 (failure to register) and was sentenced to a term of community
17 custody pursuant to RCW 9.94A.701;

18 (e)(i) Has a current conviction for a domestic violence felony
19 offense where domestic violence has been pleaded and proven after
20 August 1, 2011, and a prior conviction for a repetitive domestic
21 violence offense or domestic violence felony offense where domestic
22 violence was pleaded and proven after August 1, 2011. This subsection
23 (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

24 (ii) Has a current conviction for a domestic violence felony
25 offense where domestic violence was pleaded and proven. The state and
26 its officers, agents, and employees shall not be held criminally or
27 civilly liable for its supervision of an offender under this
28 subsection (4)(e)(ii) unless the state and its officers, agents, and
29 employees acted with gross negligence;

30 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or
31 9.94A.670;

32 (g) Is subject to supervision pursuant to RCW 9.94A.745; or

33 (h) Was convicted and sentenced under RCW 46.61.520 (vehicular
34 homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6)
35 (felony DUI), or RCW 46.61.504(6) (felony physical control).

36 (5) The department shall supervise any offender who is released
37 by the indeterminate sentence review board and who was sentenced to
38 community custody or subject to community custody under the terms of
39 release.

1 (6) The department is not authorized to, and may not, supervise
2 any offender sentenced to a term of community custody or any
3 probationer unless the offender or probationer is one for whom
4 supervision is required under this section or RCW 9.94A.5011.

5 (7) The department shall conduct a risk assessment for every
6 felony offender sentenced to a term of community custody who may be
7 subject to supervision under this section or RCW 9.94A.5011.

8 (8) The period of time the department is authorized to supervise
9 an offender under this section may not exceed the duration of
10 community custody specified under RCW 9.94B.050, 9.94A.701 (1)
11 through (8), or 9.94A.702, except in cases where the court has
12 imposed an exceptional term of community custody under RCW 9.94A.535.

13 (9) The period of time the department is authorized to supervise
14 an offender under this section may be reduced by the earned award of
15 positive achievement time pursuant to section 402 of this act.

16 NEW SECTION. Sec. 402. A new section is added to chapter 9.94A
17 RCW to read as follows:

18 (1) If an offender sentenced under this chapter or chapter 9.94B
19 RCW is supervised by the department, the offender may earn positive
20 achievement time in accordance with procedures that are developed and
21 adopted by the department.

22 (a) The positive achievement time shall be awarded to offenders
23 who are in compliance with supervision terms and are making progress
24 towards the goals of their individualized supervision case plan,
25 including: Participation in specific targeted interventions, risk-
26 related programming or treatment; or completing steps towards
27 specific targeted goals that enhance protective factors and
28 stability, as determined by the department.

29 (b) For each month of community custody served, offenders may
30 earn positive achievement time of ten days.

31 (c) Positive achievement time is accrued monthly and time shall
32 not be applied to an offender's term of supervision prior to the
33 earning of the time.

34 (2) An offender is not eligible to earn positive achievement time
35 if he or she:

36 (a) Was sentenced under RCW 9.94A.507 or 10.95.030;

37 (b) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or
38 9.94A.670;

39 (c) Is subject to supervision pursuant to RCW 9.94A.745;

1 (d) Has been identified by the department as a dangerous mentally
2 ill offender pursuant to RCW 72.09.370;

3 (e) Has an indeterminate sentence and is subject to parole
4 pursuant to RCW 9.95.017; or

5 (f) Is serving community custody pursuant to early release under
6 RCW 9.94A.730.

7 NEW SECTION. **Sec. 403.** The department of corrections has
8 discretion to implement sections 401 and 402 of this act over a
9 period of time not to exceed twelve months. For any offender under
10 active supervision by the department as of the effective date of this
11 section, he or she is not eligible to earn positive achievement time
12 pursuant to section 402 of this act until he or she has received an
13 orientation by the department regarding positive time.

14 **PART V**

15 **HABITUAL PROPERTY OFFENDERS**

16 NEW SECTION. **Sec. 501.** (1) The legislature finds there to be a
17 significant number of property crimes in Washington and that the
18 current practices in the criminal justice system are ineffective in
19 reducing recidivism.

20 (2) The legislature further finds that a large portion of
21 property crimes in Washington are committed by habitual offenders.
22 Increasing the sanctions for habitual property offenders will provide
23 more effective deterrents to recidivism. The legislature intends to
24 enhance the courts' discretion to more appropriately sentence
25 habitual property offenders with significant histories of burglary
26 and theft.

27 NEW SECTION. **Sec. 502.** A new section is added to chapter 9.94A
28 RCW to read as follows:

29 (1) The prosecuting attorney may file a special allegation when
30 sufficient evidence exists to show that the accused is a habitual
31 property offender.

32 (2) In a criminal case in which there has been a special
33 allegation and the accused has been convicted of the underlying
34 crime, the court shall make a finding of fact prior to sentencing
35 whether the person is a habitual property offender based on the
36 person's criminal history. If the court finds beyond a reasonable

1 doubt that the person is a habitual property offender, the person
2 shall be sentenced in accordance with RCW 9.94A.533(15).

3 (3) For purposes of this section, a person is a habitual property
4 offender if:

5 (a) The present felony conviction for which the person is being
6 sentenced is for residential burglary, burglary in the second degree,
7 theft in the first degree, theft in the second degree, theft of a
8 firearm, unlawful issuance of checks or drafts, organized retail
9 theft, theft with special circumstances, or mail theft;

10 (b) The person has an offender score of nine points or higher;

11 (c) At least nine of the points in the person's offender score
12 result from any combination of the following felony offenses:
13 Residential burglary, burglary in the second degree, theft in the
14 first degree, theft in the second degree, theft of a firearm,
15 unlawful issuance of checks or drafts, organized retail theft, theft
16 with special circumstances, or mail theft; and

17 (d) The person has either received drug treatment related to any
18 felony conviction or has refused drug treatment related to any felony
19 conviction.

20 **Sec. 503.** RCW 9.94A.533 and 2016 c 203 s 7 are each amended to
21 read as follows:

22 (1) The provisions of this section apply to the standard sentence
23 ranges determined by RCW 9.94A.510 or 9.94A.517.

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

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

1 offender or an accomplice was armed with a firearm as defined in RCW
2 9.41.010 and the offender is being sentenced for an anticipatory
3 offense under chapter 9A.28 RCW to commit one of the crimes listed in
4 this subsection as eligible for any firearm enhancements, the
5 following additional times shall be added to the standard sentence
6 range determined under subsection (2) of this section based on the
7 felony crime of conviction as classified under RCW 9A.28.020:

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

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

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

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

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

31 (i) Granted an extraordinary medical placement when authorized
32 under RCW 9.94A.728(1)(c); or

33 (ii) Released under the provisions of RCW 9.94A.730;

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

39 (g) If the standard sentence range under this section exceeds the
40 statutory maximum sentence for the offense, the statutory maximum

1 sentence shall be the presumptive sentence unless the offender is a
2 persistent offender. If the addition of a firearm enhancement
3 increases the sentence so that it would exceed the statutory maximum
4 for the offense, the portion of the sentence representing the
5 enhancement may not be reduced.

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

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

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

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

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

1 (e) Notwithstanding any other provision of law, all deadly weapon
2 enhancements under this section are mandatory, shall be served in
3 total confinement, and shall run consecutively to all other
4 sentencing provisions, including other firearm or deadly weapon
5 enhancements, for all offenses sentenced under this chapter. However,
6 whether or not a mandatory minimum term has expired, an offender
7 serving a sentence under this subsection may be:

8 (i) Granted an extraordinary medical placement when authorized
9 under RCW 9.94A.728(1)(c); or

10 (ii) Released under the provisions of RCW 9.94A.730;

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

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

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

34 (a) Eighteen months for offenses committed under RCW 69.50.401(2)

35 (a) or (b) or 69.50.410;

36 (b) Fifteen months for offenses committed under RCW 69.50.401(2)

37 (c), (d), or (e);

38 (c) Twelve months for offenses committed under RCW 69.50.4013.

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

4 (6) An additional twenty-four months shall be added to the
5 standard sentence range for any ranked offense involving a violation
6 of chapter 69.50 RCW if the offense was also a violation of RCW
7 69.50.435 or 9.94A.827. All enhancements under this subsection shall
8 run consecutively to all other sentencing provisions, for all
9 offenses sentenced under this chapter.

10 (7) An additional two years shall be added to the standard
11 sentence range for vehicular homicide committed while under the
12 influence of intoxicating liquor or any drug as defined by RCW
13 46.61.502 for each prior offense as defined in RCW 46.61.5055.

14 Notwithstanding any other provision of law, all impaired driving
15 enhancements under this subsection are mandatory, shall be served in
16 total confinement, and shall run consecutively to all other
17 sentencing provisions, including other impaired driving enhancements,
18 for all offenses sentenced under this chapter.

19 An offender serving a sentence under this subsection may be
20 granted an extraordinary medical placement when authorized under RCW
21 9.94A.728(1)(c).

22 (8)(a) The following additional times shall be added to the
23 standard sentence range for felony crimes committed on or after July
24 1, 2006, if the offense was committed with sexual motivation, as that
25 term is defined in RCW 9.94A.030. If the offender is being sentenced
26 for more than one offense, the sexual motivation enhancement must be
27 added to the total period of total confinement for all offenses,
28 regardless of which underlying offense is subject to a sexual
29 motivation enhancement. If the offender committed the offense with
30 sexual motivation and the offender is being sentenced for an
31 anticipatory offense under chapter 9A.28 RCW, the following
32 additional times shall be added to the standard sentence range
33 determined under subsection (2) of this section based on the felony
34 crime of conviction as classified under RCW 9A.28.020:

35 (i) Two years for any felony defined under the law as a class A
36 felony or with a statutory maximum sentence of at least twenty years,
37 or both;

38 (ii) Eighteen months for any felony defined under any law as a
39 class B felony or with a statutory maximum sentence of ten years, or
40 both;

1 (iii) One year for any felony defined under any law as a class C
2 felony or with a statutory maximum sentence of five years, or both;

3 (iv) If the offender is being sentenced for any sexual motivation
4 enhancements under (a)(i), (ii), and/or (iii) of this subsection and
5 the offender has previously been sentenced for any sexual motivation
6 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or
7 (iii) of this subsection, all sexual motivation enhancements under
8 this subsection shall be twice the amount of the enhancement listed;

9 (b) Notwithstanding any other provision of law, all sexual
10 motivation enhancements under this subsection are mandatory, shall be
11 served in total confinement, and shall run consecutively to all other
12 sentencing provisions, including other sexual motivation
13 enhancements, for all offenses sentenced under this chapter. However,
14 whether or not a mandatory minimum term has expired, an offender
15 serving a sentence under this subsection may be:

16 (i) Granted an extraordinary medical placement when authorized
17 under RCW 9.94A.728(1)(c); or

18 (ii) Released under the provisions of RCW 9.94A.730;

19 (c) The sexual motivation enhancements in this subsection apply
20 to all felony crimes;

21 (d) If the standard sentence range under this subsection exceeds
22 the statutory maximum sentence for the offense, the statutory maximum
23 sentence shall be the presumptive sentence unless the offender is a
24 persistent offender. If the addition of a sexual motivation
25 enhancement increases the sentence so that it would exceed the
26 statutory maximum for the offense, the portion of the sentence
27 representing the enhancement may not be reduced;

28 (e) The portion of the total confinement sentence which the
29 offender must serve under this subsection shall be calculated before
30 any earned early release time is credited to the offender;

31 (f) Nothing in this subsection prevents a sentencing court from
32 imposing a sentence outside the standard sentence range pursuant to
33 RCW 9.94A.535.

34 (9) An additional one-year enhancement shall be added to the
35 standard sentence range for the felony crimes of RCW 9A.44.073,
36 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on
37 or after July 22, 2007, if the offender engaged, agreed, or offered
38 to engage the victim in the sexual conduct in return for a fee. If
39 the offender is being sentenced for more than one offense, the
40 one-year enhancement must be added to the total period of total

1 confinement for all offenses, regardless of which underlying offense
2 is subject to the enhancement. If the offender is being sentenced for
3 an anticipatory offense for the felony crimes of RCW 9A.44.073,
4 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the
5 offender attempted, solicited another, or conspired to engage, agree,
6 or offer to engage the victim in the sexual conduct in return for a
7 fee, an additional one-year enhancement shall be added to the
8 standard sentence range determined under subsection (2) of this
9 section. For purposes of this subsection, "sexual conduct" means
10 sexual intercourse or sexual contact, both as defined in chapter
11 9A.44 RCW.

12 (10)(a) For a person age eighteen or older convicted of any
13 criminal street gang-related felony offense for which the person
14 compensated, threatened, or solicited a minor in order to involve the
15 minor in the commission of the felony offense, the standard sentence
16 range is determined by locating the sentencing grid sentence range
17 defined by the appropriate offender score and the seriousness level
18 of the completed crime, and multiplying the range by one hundred
19 twenty-five percent. If the standard sentence range under this
20 subsection exceeds the statutory maximum sentence for the offense,
21 the statutory maximum sentence is the presumptive sentence unless the
22 offender is a persistent offender.

23 (b) This subsection does not apply to any criminal street gang-
24 related felony offense for which involving a minor in the commission
25 of the felony offense is an element of the offense.

26 (c) The increased penalty specified in (a) of this subsection is
27 unavailable in the event that the prosecution gives notice that it
28 will seek an exceptional sentence based on an aggravating factor
29 under RCW 9.94A.535.

30 (11) An additional twelve months and one day shall be added to
31 the standard sentence range for a conviction of attempting to elude a
32 police vehicle as defined by RCW 46.61.024, if the conviction
33 included a finding by special allegation of endangering one or more
34 persons under RCW 9.94A.834.

35 (12) An additional twelve months shall be added to the standard
36 sentence range for an offense that is also a violation of RCW
37 9.94A.831.

38 (13) An additional twelve months shall be added to the standard
39 sentence range for vehicular homicide committed while under the
40 influence of intoxicating liquor or any drug as defined by RCW

1 46.61.520 or for vehicular assault committed while under the
2 influence of intoxicating liquor or any drug as defined by RCW
3 46.61.522, or for any felony driving under the influence (RCW
4 46.61.502(6)) or felony physical control under the influence (RCW
5 46.61.504(6)) for each child passenger under the age of sixteen who
6 is an occupant in the defendant's vehicle. These enhancements shall
7 be mandatory, shall be served in total confinement, and shall run
8 consecutively to all other sentencing provisions. If the addition of
9 a minor child enhancement increases the sentence so that it would
10 exceed the statutory maximum for the offense, the portion of the
11 sentence representing the enhancement may not be reduced.

12 (14) An additional twelve months shall be added to the standard
13 sentence range for an offense that is also a violation of RCW
14 9.94A.832.

15 (15)(a) The following additional times shall be added to the
16 standard sentence range if the court finds that the offender is a
17 habitual property offender pursuant to section 502 of this act:

18 (i) Twenty-four months if the offender is being sentenced for a
19 felony defined as a class B felony;

20 (ii) Twelve months if the offender is being sentenced for a
21 felony defined as a class C felony.

22 (b) A sentence imposed pursuant to this subsection is not to
23 exceed the statutory maximum for the crime as established in RCW
24 9A.20.021.

25 (c) Notwithstanding any other provision of law, all habitual
26 property offender enhancements imposed under this subsection (15) are
27 mandatory and shall be served in total confinement. However, whether
28 or not the mandatory minimum term has expired, an offender serving a
29 sentence under this subsection may be granted an extraordinary
30 medical placement when authorized under RCW 9.94A.728(1)(c).

31 **PART VI**
32 **MOTOR VEHICLE PROPERTY OFFENDERS**

33 **Sec. 601.** RCW 9.94A.525 and 2017 c 272 s 3 are each amended to
34 read as follows:

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

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

1 (1) A prior conviction is a conviction which exists before the
2 date of sentencing for the offense for which the offender score is
3 being computed. Convictions entered or sentenced on the same date as
4 the conviction for which the offender score is being computed shall
5 be deemed "other current offenses" within the meaning of RCW
6 9.94A.589.

7 (2)(a) Class A and sex prior felony convictions shall always be
8 included in the offender score.

9 (b) Class B prior felony convictions other than sex offenses
10 shall not be included in the offender score, if since the last date
11 of release from confinement (including full-time residential
12 treatment) pursuant to a felony conviction, if any, or entry of
13 judgment and sentence, the offender had spent ten consecutive years
14 in the community without committing any crime that subsequently
15 results in a conviction.

16 (c) Except as provided in (e) of this subsection, class C prior
17 felony convictions other than sex offenses shall not be included in
18 the offender score if, since the last date of release from
19 confinement (including full-time residential treatment) pursuant to a
20 felony conviction, if any, or entry of judgment and sentence, the
21 offender had spent five consecutive years in the community without
22 committing any crime that subsequently results in a conviction.

23 (d) Except as provided in (e) of this subsection, serious traffic
24 convictions shall not be included in the offender score if, since the
25 last date of release from confinement (including full-time
26 residential treatment) pursuant to a conviction, if any, or entry of
27 judgment and sentence, the offender spent five years in the community
28 without committing any crime that subsequently results in a
29 conviction.

30 (e) If the present conviction is felony driving while under the
31 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or
32 felony physical control of a vehicle while under the influence of
33 intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate
34 crimes for the offense as defined by RCW 46.61.5055(14) shall be
35 included in the offender score, and prior convictions for felony
36 driving while under the influence of intoxicating liquor or any drug
37 (RCW 46.61.502(6)) or felony physical control of a vehicle while
38 under the influence of intoxicating liquor or any drug (RCW
39 46.61.504(6)) shall always be included in the offender score. All

1 other convictions of the defendant shall be scored according to this
2 section.

3 (f) Prior convictions for a repetitive domestic violence offense,
4 as defined in RCW 9.94A.030, shall not be included in the offender
5 score if, since the last date of release from confinement or entry of
6 judgment and sentence, the offender had spent ten consecutive years
7 in the community without committing any crime that subsequently
8 results in a conviction.

9 (g) This subsection applies to both adult and juvenile prior
10 convictions.

11 (3) Out-of-state convictions for offenses shall be classified
12 according to the comparable offense definitions and sentences
13 provided by Washington law. Federal convictions for offenses shall be
14 classified according to the comparable offense definitions and
15 sentences provided by Washington law. If there is no clearly
16 comparable offense under Washington law or the offense is one that is
17 usually considered subject to exclusive federal jurisdiction, the
18 offense shall be scored as a class C felony equivalent if it was a
19 felony under the relevant federal statute.

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

23 (5)(a) In the case of multiple prior convictions, for the purpose
24 of computing the offender score, count all convictions separately,
25 except:

26 (i) Prior offenses which were found, under RCW 9.94A.589(1)(a),
27 to encompass the same criminal conduct, shall be counted as one
28 offense, the offense that yields the highest offender score. The
29 current sentencing court shall determine with respect to other prior
30 adult offenses for which sentences were served concurrently or prior
31 juvenile offenses for which sentences were served consecutively,
32 whether those offenses shall be counted as one offense or as separate
33 offenses using the "same criminal conduct" analysis found in RCW
34 9.94A.589(1)(a), and if the court finds that they shall be counted as
35 one offense, then the offense that yields the highest offender score
36 shall be used. The current sentencing court may presume that such
37 other prior offenses were not the same criminal conduct from
38 sentences imposed on separate dates, or in separate counties or
39 jurisdictions, or in separate complaints, indictments, or
40 informations;

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

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

13 (6) If the present conviction is one of the anticipatory offenses
14 of criminal attempt, solicitation, or conspiracy, count each prior
15 conviction as if the present conviction were for a completed offense.
16 When these convictions are used as criminal history, score them the
17 same as a completed crime.

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

23 (8) If the present conviction is for a violent offense and not
24 covered in subsection (9), (10), (11), (12), or (13) of this section,
25 count two points for each prior adult and juvenile violent felony
26 conviction, one point for each prior adult nonviolent felony
27 conviction, and 1/2 point for each prior juvenile nonviolent felony
28 conviction.

29 (9) If the present conviction is for a serious violent offense,
30 count three points for prior adult and juvenile convictions for
31 crimes in this category, two points for each prior adult and juvenile
32 violent conviction (not already counted), one point for each prior
33 adult nonviolent felony conviction, and 1/2 point for each prior
34 juvenile nonviolent felony conviction.

35 (10) If the present conviction is for Burglary 1, count prior
36 convictions as in subsection (8) of this section; however count two
37 points for each prior adult Burglary 2 or residential burglary
38 conviction, and one point for each prior juvenile Burglary 2 or
39 residential burglary conviction.

1 (11) If the present conviction is for a felony traffic offense
2 count two points for each adult or juvenile prior conviction for
3 Vehicular Homicide or Vehicular Assault; for each felony offense
4 count one point for each adult and 1/2 point for each juvenile prior
5 conviction; for each serious traffic offense, other than those used
6 for an enhancement pursuant to RCW 46.61.520(2), count one point for
7 each adult and 1/2 point for each juvenile prior conviction; count
8 one point for each adult and 1/2 point for each juvenile prior
9 conviction for operation of a vessel while under the influence of
10 intoxicating liquor or any drug.

11 (12) If the present conviction is for homicide by watercraft or
12 assault by watercraft count two points for each adult or juvenile
13 prior conviction for homicide by watercraft or assault by watercraft;
14 for each felony offense count one point for each adult and 1/2 point
15 for each juvenile prior conviction; count one point for each adult
16 and 1/2 point for each juvenile prior conviction for driving under
17 the influence of intoxicating liquor or any drug, actual physical
18 control of a motor vehicle while under the influence of intoxicating
19 liquor or any drug, or operation of a vessel while under the
20 influence of intoxicating liquor or any drug.

21 (13) If the present conviction is for manufacture of
22 methamphetamine count three points for each adult prior manufacture
23 of methamphetamine conviction and two points for each juvenile
24 manufacture of methamphetamine offense. If the present conviction is
25 for a drug offense and the offender has a criminal history that
26 includes a sex offense or serious violent offense, count three points
27 for each adult prior felony drug offense conviction and two points
28 for each juvenile drug offense. All other adult and juvenile felonies
29 are scored as in subsection (8) of this section if the current drug
30 offense is violent, or as in subsection (7) of this section if the
31 current drug offense is nonviolent.

32 (14) If the present conviction is for Escape from Community
33 Custody, RCW 72.09.310, count only prior escape convictions in the
34 offender score. Count adult prior escape convictions as one point and
35 juvenile prior escape convictions as 1/2 point.

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

39 (16) If the present conviction is for Burglary 2 or residential
40 burglary, count priors as in subsection (7) of this section; however,

1 count two points for each adult and juvenile prior Burglary 1
2 conviction, two points for each adult prior Burglary 2 or residential
3 burglary conviction, and one point for each juvenile prior Burglary 2
4 or residential burglary conviction.

5 (17) If the present conviction is for a sex offense, count priors
6 as in subsections (7) through (11) and (13) through (16) of this
7 section; however count three points for each adult and juvenile prior
8 sex offense conviction.

9 (18) If the present conviction is for failure to register as a
10 sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in
11 subsections (7) through (11) and (13) through (16) of this section;
12 however count three points for each adult and juvenile prior sex
13 offense conviction, excluding prior convictions for failure to
14 register as a sex offender under RCW 9A.44.130 or 9A.44.132, which
15 shall count as one point.

16 (19) If the present conviction is for an offense committed while
17 the offender was under community custody, add one point. For purposes
18 of this subsection, community custody includes community placement or
19 postrelease supervision, as defined in chapter 9.94B RCW.

20 (20) If the present conviction is for Theft of a Motor Vehicle,
21 Possession of a Stolen Vehicle, Taking a Motor Vehicle Without
22 Permission 1, (~~(\u00d7)~~) Taking a Motor Vehicle Without Permission 2,
23 Malicious Mischief 1 (motor vehicle), or Malicious Mischief 2 (motor
24 vehicle), count priors as in subsections (7) through (18) of this
25 section; however count one point for prior convictions of Vehicle
26 Prowling 2, and three points for each adult and juvenile prior Theft
27 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of
28 Stolen Property 1 (of a motor vehicle), Possession of Stolen Property
29 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a
30 Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, (~~(\u00d7)~~)
31 Taking a Motor Vehicle Without Permission 2, Malicious Mischief 1
32 (motor vehicle), or Malicious Mischief 2 (motor vehicle) conviction.

33 (21) If the present conviction is for a felony domestic violence
34 offense where domestic violence as defined in RCW 9.94A.030 was
35 pleaded and proven, count priors as in subsections (7) through (20)
36 of this section; however, count points as follows:

37 (a) Count two points for each adult prior conviction where
38 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
39 after August 1, 2011, for any of the following offenses: A felony
40 violation of a no-contact or protection order RCW 26.50.110, felony

1 Harassment (RCW 9A.46.020(2)(b)), felony Stalking (RCW
2 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020), Kidnapping 1 (RCW
3 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful imprisonment (RCW
4 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2 (RCW 9A.56.210),
5 Assault 1 (RCW 9A.36.011), Assault 2 (RCW 9A.36.021), Assault 3 (RCW
6 9A.36.031), Arson 1 (RCW 9A.48.020), or Arson 2 (RCW 9A.48.030);

7 (b) Count two points for each adult prior conviction where
8 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
9 after July 23, 2017, for any of the following offenses: Assault of a
10 child in the first degree, RCW 9A.36.120; Assault of a child in the
11 second degree, RCW 9A.36.130; Assault of a child in the third degree,
12 RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW
13 9A.42.020; or Criminal Mistreatment in the second degree, RCW
14 9A.42.030;

15 (c) Count one point for each second and subsequent juvenile
16 conviction where domestic violence as defined in RCW 9.94A.030 was
17 pleaded and proven after August 1, 2011, for the offenses listed in
18 (a) of this subsection; and

19 (d) Count one point for each adult prior conviction for a
20 repetitive domestic violence offense as defined in RCW 9.94A.030,
21 where domestic violence as defined in RCW 9.94A.030, was pleaded and
22 proven after August 1, 2011.

23 (22) The fact that a prior conviction was not included in an
24 offender's offender score or criminal history at a previous
25 sentencing shall have no bearing on whether it is included in the
26 criminal history or offender score for the current offense. Prior
27 convictions that were not counted in the offender score or included
28 in criminal history under repealed or previous versions of the
29 sentencing reform act shall be included in criminal history and shall
30 count in the offender score if the current version of the sentencing
31 reform act requires including or counting those convictions. Prior
32 convictions that were not included in criminal history or in the
33 offender score shall be included upon any resentencing to ensure
34 imposition of an accurate sentence.

35 **PART VII**
36 **IDENTICARDS FOR PERSONS RELEASED FROM DEPARTMENT OF CORRECTIONS**

37 NEW SECTION. **Sec. 701.** The legislature intends to create an
38 identicard program to assist incarcerated offenders to obtain a

1 state-issued identicard to aid and prepare offenders for release from
2 prison and reentry into the community. The legislature finds that
3 each step that assists individuals being released from prisons helps
4 incarcerated offenders avoid predictable conditions that lead to
5 future recidivism. In accordance with executive order 16-05 building
6 safe and strong communities through successful reentry, this act
7 intends to ensure that offenders released from state prisons have
8 adequate identification in order to increase public safety and reduce
9 recidivism.

10 NEW SECTION. **Sec. 702.** A new section is added to chapter 72.09
11 RCW to read as follows:

12 (1) Subject to the availability of amounts appropriated for this
13 specific purpose, the department, working in conjunction with the
14 department of licensing, shall create and implement an identicard
15 program to provide offenders released within Washington state a
16 state-issued identicard pursuant to RCW 46.20.117.

17 (2) An offender is eligible for an original, renewal, or
18 replacement identicard pursuant to this section, provided he or she:

19 (a) Meets the department of licensing criteria under RCW
20 46.20.117;

21 (b) Is sentenced to the custody of the department, and is
22 incarcerated within a correctional facility with an earned release
23 date that is more than one year from his or her admission date;

24 (c) Has not been found to be subject to an immigration detainer
25 or removal order and does not become subject to a removal order
26 during the period of incarceration. The department must inquire as to
27 a person's immigration status prior to issuance of an identicard in a
28 manner consistent with RCW 10.70.140;

29 (d) Is expected to be released to a location within Washington
30 state; and

31 (e) Pays a fee of eighteen dollars for the cost of the
32 identicard.

33 (3) A state law enforcement agency, court, or the department may
34 not be prohibited from investigating the legal presence of a person
35 or identifying a defendant's legal presence on a judgment and
36 sentence form or any other investigatory or arrest materials provided
37 to the department after conviction for the purposes of this act.

1 **Sec. 703.** RCW 46.20.117 and 2017 c 122 s 1 are each amended to
2 read as follows:

3 (1) **Issuance.** The department shall issue an identicard,
4 containing a picture, if the applicant:

5 (a)(i) Does not hold a valid Washington driver's license;

6 (~~(b)~~) (ii) Proves his or her identity as required by RCW
7 46.20.035; and

8 (~~(c)~~) (iii) Pays the required fee. Except as provided in (b) of
9 this subsection or subsection (5) of this section, the fee is fifty-
10 four dollars, unless an applicant is: (~~(i)~~) (A) A recipient of
11 continuing public assistance grants under Title 74 RCW, who is
12 referred in writing by the secretary of social and health services;
13 or (~~(ii)~~) (B) under the age of eighteen and does not have a
14 permanent residence address as determined by the department by rule.
15 For those persons, the fee must be the actual cost of production of
16 the identicard; or

17 (b) Is eligible for issuance of an identicard under section 702
18 of this act.

19 (i) A valid identification card issued by the department of
20 corrections may serve as sufficient proof of identity and residency
21 for an applicant under this subsection (1)(b);

22 (ii) An identicard issued under this subsection (1)(b) must
23 expire two years from the first anniversary of the offender's
24 birthdate after issuance; and

25 (iii) The department shall charge a fee of eighteen dollars for
26 an identicard issued under this subsection (1)(b).

27 (2) **Design and term.** The identicard must:

28 (a) Be distinctly designed so that it will not be confused with
29 the official driver's license; and

30 (b) Except as provided in subsection (1)(b) or (5) of this
31 section, expire on the sixth anniversary of the applicant's birthdate
32 after issuance.

33 (3) **Renewal.** An application for identicard renewal may be
34 submitted by means of:

35 (a) Personal appearance before the department; or

36 (b)(i) Mail or electronic commerce, if permitted by rule of the
37 department and if the applicant did not renew his or her identicard
38 by mail or by electronic commerce when it last expired.

1 (ii) An identicard may not be renewed by mail or by electronic
2 commerce unless the renewal issued by the department includes a
3 photograph of the identicard holder.

4 (4) **Cancellation.** The department may cancel an identicard if the
5 holder of the identicard used the card or allowed others to use the
6 card in violation of RCW 46.20.0921.

7 (5) **Alternative issuance/renewal/extension.** The department may
8 issue or renew an identicard for a period other than six years, or
9 may extend by mail or electronic commerce an identicard that has
10 already been issued, in order to evenly distribute, as nearly as
11 possible, the yearly renewal rate of identicard holders. The fee for
12 an identicard issued or renewed for a period other than six years, or
13 that has been extended by mail or electronic commerce, is nine
14 dollars for each year that the identicard is issued, renewed, or
15 extended. The department may adopt any rules as are necessary to
16 carry out this subsection.

17 **Sec. 704.** RCW 46.20.117 and 2017 c 122 s 2 are each amended to
18 read as follows:

19 (1) **Issuance.** The department shall issue an identicard,
20 containing a picture, if the applicant:

21 (a) (i) Does not hold a valid Washington driver's license;

22 ~~((b))~~ (ii) Proves his or her identity as required by RCW
23 46.20.035; and

24 ~~((c))~~ (iii) Pays the required fee. Except as provided in (b) of
25 this subsection or subsection (5) of this section, the fee is fifty-
26 four dollars, unless an applicant is: ~~((i))~~ (A) A recipient of
27 continuing public assistance grants under Title 74 RCW, who is
28 referred in writing by the secretary of social and health services;
29 or ~~((ii))~~ (B) under the age of eighteen and does not have a
30 permanent residence address as determined by the department by rule.
31 For those persons, the fee must be the actual cost of production of
32 the identicard; or

33 (b) Is eligible for issuance of an identicard under section 702
34 of this act.

35 (i) A valid identification card issued by the department of
36 corrections may serve as sufficient proof of identity and residency
37 for an applicant under this subsection (1)(b);

1 (ii) An identicard issued under this subsection (1)(b) must
2 expire two years from the first anniversary of the offender's
3 birthdate after issuance; and

4 (iii) The department shall charge a fee of eighteen dollars for
5 an identicard issued under this subsection (1)(b).

6 (2)(a) **Design and term.** The identicard must:

7 (i) Be distinctly designed so that it will not be confused with
8 the official driver's license; and

9 (ii) Except as provided in subsection (1)(b) or (5) of this
10 section, expire on the sixth anniversary of the applicant's birthdate
11 after issuance.

12 (b) The identicard may include the person's status as a veteran,
13 consistent with RCW 46.20.161(2).

14 (3) **Renewal.** An application for identicard renewal may be
15 submitted by means of:

16 (a) Personal appearance before the department; or

17 (b)(i) Mail or electronic commerce, if permitted by rule of the
18 department and if the applicant did not renew his or her identicard
19 by mail or by electronic commerce when it last expired.

20 (ii) An identicard may not be renewed by mail or by electronic
21 commerce unless the renewal issued by the department includes a
22 photograph of the identicard holder.

23 (4) **Cancellation.** The department may cancel an identicard if the
24 holder of the identicard used the card or allowed others to use the
25 card in violation of RCW 46.20.0921.

26 (5) **Alternative issuance/renewal/extension.** The department may
27 issue or renew an identicard for a period other than six years, or
28 may extend by mail or electronic commerce an identicard that has
29 already been issued, in order to evenly distribute, as nearly as
30 possible, the yearly renewal rate of identicard holders. The fee for
31 an identicard issued or renewed for a period other than six years, or
32 that has been extended by mail or electronic commerce, is nine
33 dollars for each year that the identicard is issued, renewed, or
34 extended. The department may adopt any rules as are necessary to
35 carry out this subsection.

36 NEW SECTION. **Sec. 705.** The department of corrections and the
37 department of licensing may enter into a memorandum of understanding
38 to meet the requirements of sections 702 through 704 of this act, and
39 have discretion to implement sections 702 through 704 of this act

1 over a period of time not to exceed twelve months from the effective
2 date of this section.

3 **PART VIII**
4 **APPLICABILITY AND EXPIRATION**

5 **Sec. 801.** 2013 2nd sp.s. c 14 s 10 (uncodified) is amended to
6 read as follows:

7 Section(~~s 1 and~~) 5 of this act expires July 1, 2018.

8 NEW SECTION. **Sec. 802.** The following acts or parts of acts are
9 each repealed:

- 10 (1) 2015 c 291 s 9;
11 (2) 2015 c 291 s 15 (uncodified); and
12 (3) 2015 c 291 s 16 (uncodified).

13 NEW SECTION. **Sec. 803.** Sections 201 through 204 of this act
14 apply retroactively and prospectively regardless of the date of an
15 offender's underlying offense.

16 NEW SECTION. **Sec. 804.** Section 704 of this act is necessary for
17 the immediate preservation of the public peace, health, or safety, or
18 support of the state government and its existing public institutions,
19 and takes effect August 30, 2017.

SSB 5934 - S AMD 295

20 NEW SECTION. **Sec. 805.** Section 703 of this act expires August
21 30, 2017.

ADOPTED AS AMENDED 06/30/2017

22 NEW SECTION. **Sec. 806.** Sections 201 through 206, 401 through
23 403, and 703 of this act are necessary for the immediate preservation
24 of the public peace, health, or safety, or support of the state
25 government and its existing public institutions, and take effect
26 immediately."

1 On page 1, line 1 of the title, after "persons;" strike the
2 remainder of the title and insert "amending RCW 9.94A.589, 9.94B.050,
3 9.94A.501, 9.94A.533, 9.94A.525, 46.20.117, and 46.20.117; amending
4 2013 2nd sp.s. c 14 s 10 (uncodified); reenacting and amending RCW
5 9.94A.515; adding a new section to chapter 9.94B RCW; adding new
6 sections to chapter 9.94A RCW; adding a new section to chapter 72.09
7 RCW; creating new sections; repealing 2015 c 291 s 9; repealing 2015
8 c 291 ss 15 and 16 (uncodified); prescribing penalties; providing an
9 effective date; providing expiration dates; and declaring an
10 emergency."

EFFECT: (1) Removes provisions increasing the seriousness level for sex crimes against children. Increases the seriousness level for Residential Burglary from a seriousness level 4 to a seriousness level 5.

(2) Makes technical corrections to update statutes to the current versions of law to reflect amendments made during the regular legislative session.

--- END ---