

HOUSE BILL 2537

State of Washington                      53rd Legislature                      1994 Regular Session

By Representatives Campbell, Ballasiotes, Padden, Johanson, Chappell, Tate, Schmidt, Forner, Wineberry, Schoesler, Brough, Brumsickle, Sheahan, Ballard, Kremen, Talcott, Long, Mielke, Backlund, Cooke and Reams

Read first time 01/17/94. Referred to Committee on Judiciary.

1            AN ACT Relating to enhancing the punishment for crimes of violence  
2 involving deadly weapons; amending RCW 9.94A.310; and prescribing  
3 penalties.

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

5            **Sec. 1.** RCW 9.94A.310 and 1992 c 145 s 9 are each amended to read  
6 as follows:

7 (1)

TABLE 1

Sentencing Grid

9            SERIOUSNESS

10 SCORE

OFFENDER SCORE

											9 or
	0	1	2	3	4	5	6	7	8		more

13 \_\_\_\_\_

14 XV Life Sentence without Parole/Death Penalty

15 \_\_\_\_\_

1	XIV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y
2		240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
3		320	333	347	361	374	388	416	450	493	548
4											
5	XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
6		123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
7		164	178	192	205	219	233	260	288	342	397
8											
9	XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
10		93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
11		123	136	147	160	171	184	216	236	277	318
12											
13	XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
14		78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
15		102	114	125	136	147	158	194	211	245	280
16											
17	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
18		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
19		68	75	82	89	96	102	130	144	171	198
20											
21	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
22		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
23		41	48	54	61	68	75	102	116	144	171
24											
25	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
26		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
27		27	34	41	48	54	61	89	102	116	144
28											
29	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
30		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
31		20	27	34	41	48	54	75	89	102	116
32											
33	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
34		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
35		14	20	27	34	41	48	61	75	89	102
36											
37	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
38		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
39		12	14	17	20	29	43	54	68	82	96

1	<hr/>											
2	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m	
3		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-	
4		9	12	14	17	20	29	43	57	70	84	
5	<hr/>											
6	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y	
7		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-	
8		3	8	12	12	16	22	29	43	57	68	
9	<hr/>											
10	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m	
11		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-	
12		Days	6	9	12	14	18	22	29	43	57	
13	<hr/>											
14	I			3m	4m	5m	8m	13m	16m	20m	2y2m	
15		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-	
16		Days	Days	5	6	8	12	14	18	22	29	
17	<hr/>											

18 NOTE: Numbers in the first horizontal row of each seriousness category  
 19 represent sentencing midpoints in years(y) and months(m). Numbers in  
 20 the second and third rows represent presumptive sentencing ranges in  
 21 months, or in days if so designated. 12+ equals one year and one day.

22 (2) For persons convicted of the anticipatory offenses of criminal  
 23 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the  
 24 presumptive sentence is determined by locating the sentencing grid  
 25 sentence range defined by the appropriate offender score and the  
 26 seriousness level of the completed crime, and multiplying the range by  
 27 75 percent.

28 (3) The following additional times shall be added to the  
 29 presumptive sentence if the offender or an accomplice was armed with a  
 30 deadly weapon as defined in this chapter and the offender is being  
 31 sentenced for one of the crimes listed in this subsection. If the  
 32 offender or an accomplice was armed with a deadly weapon and the  
 33 offender is being sentenced for an anticipatory offense under chapter  
 34 9A.28 RCW to commit one of the crimes listed in this subsection, the  
 35 following times shall be added to the presumptive range determined  
 36 under subsection (2) of this section:

37 (a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW  
 38 9A.56.200), or Kidnapping 1 (RCW 9A.40.020)

1 (b) 18 months for Burglary 1 (RCW 9A.52.020)

2 (c) 12 months for Assault 2 (~~((RCW 9A.36.020 or))~~ 9A.36.021),  
3 Assault of a Child 2 (RCW 9A.36.130), Escape 1 (RCW 9A.76.110),  
4 Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a  
5 dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or  
6 any drug offense.

7 (4) An additional ten years shall be added to an offender's  
8 presumptive sentence for a crime of violence as defined in RCW 9.41.010  
9 if the crime was committed while the offender or an accomplice was  
10 armed with a deadly weapon. An additional ten years shall be added to  
11 an offender's presumptive sentence for an anticipatory offense under  
12 chapter 9A.28 RCW to commit a crime of violence if the offender or an  
13 accomplice was armed with a deadly weapon. For an anticipatory  
14 offense, the additional ten years shall be added to the presumptive  
15 range determined under subsection (2) of this section. The ten-year  
16 enhancements created under this subsection shall be imposed instead of  
17 the enhancements that might otherwise apply under subsection (3) of  
18 this section. An offender serving an additional ten-year sentence  
19 under this subsection shall not be eligible for earned early release  
20 while serving this portion of the sentence. For purposes of this  
21 subsection, "deadly weapon" means a knife having a blade longer than  
22 three inches, a razor with an unguarded blade, or a firearm as defined  
23 in RCW 9.41.010.

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

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

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

1           (c) Twelve months for offenses committed under RCW 69.50.401(d).  
2           For the purposes of this subsection, all of the real property of  
3 a state correctional facility or county jail shall be deemed to be part  
4 of that facility or county jail.  
5           (~~(+5)~~) (6) An additional twenty-four months shall be added to the  
6 presumptive sentence for any ranked offense involving a violation of  
7 chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

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