

2 **SHB 2043** - S COMM AMD
3 By Committee on Law & Justice

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5 On page 4, after line 4, insert the following:

6 "Sec. 2. RCW 9.94A.370 and 1989 c 124 s 2 are each amended to read
7 as follows:

8 (1) The intersection of the column defined by the offender score
9 and the row defined by the offense seriousness score determines the
10 presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The
11 additional time for deadly weapon findings or for those offenses
12 enumerated in RCW 9.94A.310(4) that were committed in a state
13 correctional facility or county jail shall be added to the entire
14 presumptive sentence range. The court may impose any sentence within
15 the range that it deems appropriate. All presumptive sentence ranges
16 are expressed in terms of total confinement.

17 (2) In determining any sentence, the trial court may rely on no
18 more information than is admitted by the plea agreement, or admitted,
19 acknowledged, or proved in a trial or at the time of sentencing.
20 Acknowledgement includes not objecting to information stated in the
21 presentence reports. Where the defendant disputes material facts, the
22 court must either not consider the fact or grant an evidentiary hearing
23 on the point. The facts shall be deemed proved at the hearing by a
24 preponderance of the evidence. Facts that establish the elements of a
25 more serious crime or additional crimes may not be used to go outside
26 the presumptive sentence range except upon stipulation or when
27 specifically provided for in RCW 9.94A.390(2) (c), (d), (f), and
28 ~~((e))~~ (g)."

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1 On page 1, line 3 of the title, after "9.94A.390" insert "and
2 9.94A.370"

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