
SUBSTITUTE HOUSE BILL 2822

State of Washington 59th Legislature 2006 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Priest, Haler, Orcutt, Campbell, Ericksen, Woods, Alexander, Talcott, Kristiansen, Holmquist, Rodne, Serben, Roach, Buri, Skinner, Schindler, Hinkle, Jarrett, McDonald, P. Sullivan, Simpson, Walsh, Tom, Armstrong, McCune, Shabro and Dunn)

READ FIRST TIME 01/31/06.

1 AN ACT Relating to taking a motor vehicle without permission;
2 amending RCW 9.94A.545; reenacting and amending RCW 9.94A.505; adding
3 new sections to chapter 9.94A RCW; prescribing penalties; and making
4 appropriations.

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

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

8 (1) A person convicted of taking a motor vehicle without permission
9 in the first degree shall be sentenced to the following minimums:

10 (a) For an offender with no prior convictions for taking a motor
11 vehicle without permission in the first or second degree:

12 (i) A term of total confinement of not less than two hundred days;

13 (ii) A term of community custody of not less than ninety days;

14 (iii) A term of community restitution of not less than forty-five
15 hours; and

16 (iv) A fine of not less than one hundred fifty dollars.

17 (b) For an offender with one prior conviction for taking a motor
18 vehicle without permission in the first or second degree:

1 (i) A term of total confinement of not less than three hundred
2 eighty days;

3 (ii) A term of community custody of not less than one hundred
4 twenty days;

5 (iii) A term of community restitution of not less than sixty hours;
6 and

7 (iv) A fine of not less than two hundred dollars.

8 (c) For an offender with two or more prior convictions for taking
9 a motor vehicle without permission in the first or second degree:

10 (i) A term of total confinement of not less than four hundred
11 eighty days;

12 (ii) A term of community custody of not less than one hundred
13 eighty days;

14 (iii) A term of community restitution of not less than ninety
15 hours; and

16 (iv) A fine of not less than two hundred fifty dollars.

17 (2) A person convicted of taking a motor vehicle without permission
18 in the second degree shall be sentenced to the following minimums:

19 (a) For an offender with no prior convictions for taking a motor
20 vehicle without permission in the first or second degree:

21 (i) A term of total confinement of not less than twenty days;

22 (ii) A term of community custody of not less than sixty days;

23 (iii) A term of community restitution of not less than thirty
24 hours; and

25 (iv) A fine of not less than one hundred dollars.

26 (b) For an offender with one prior conviction for taking a motor
27 vehicle without permission in the first or second degree:

28 (i) A term of total confinement of not less than thirty days;

29 (ii) A term of community custody of not less than ninety days;

30 (iii) A term of community restitution of not less than forty-five
31 hours; and

32 (iv) A fine of not less than one hundred fifty dollars.

33 (c) For an offender with two or more prior convictions for taking
34 a motor vehicle without permission in the first or second degree:

35 (i) A term of total confinement of not less than eighty days;

36 (ii) A term of community custody of not less than one hundred
37 twenty days;

1 (iii) A term of community restitution of not less than sixty hours;
2 and
3 (iv) A fine of not less than two hundred dollars.
4 (3) A minimum term of total confinement imposed under this section
5 may not be varied or modified under RCW 9.94A.535. During a minimum
6 term of total confinement, no offender subject to the provisions of
7 this section is eligible for community custody, earned release time,
8 furlough, home detention, partial confinement, work crew, work release,
9 or any other form of early release authorized under RCW 9.94A.728, or
10 any other form of authorized leave of absence from the correctional
11 facility while not in the direct custody of a corrections officer. The
12 provisions of this subsection shall not apply: (a) In the case of an
13 offender in need of emergency medical treatment; (b) for the purpose of
14 commitment to an inpatient treatment facility in the case of an
15 offender convicted of the crime of rape in the first degree; or (c) for
16 an extraordinary medical placement when authorized under RCW
17 9.94A.728(4).

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.94A RCW
19 to read as follows:

20 (1) Any person who makes or mends, or causes to be made or mended,
21 or has in his or her possession, any shaved key commonly used for the
22 commission of taking a motor vehicle without permission, shall be
23 guilty of possession of shaved keys.

24 (2) Possession of a shaved key is a gross misdemeanor.

25 **Sec. 3.** RCW 9.94A.505 and 2002 c 290 s 17, 2002 c 289 s 6, and
26 2002 c 175 s 6 are each reenacted and amended to read as follows:

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

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

31 (i) Unless another term of confinement applies, the court shall
32 impose a sentence within the standard sentence range established in RCW
33 9.94A.510 or 9.94A.517;

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

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

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

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

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

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

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

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

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

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

12 (xii) RCW 9.94A.589, relating to consecutive and concurrent
13 sentences;

14 (xiii) Section 1 of this act, relating to minimum sentences for
15 taking a motor vehicle without permission in the first and second
16 degrees.

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

27 (3) If the court imposes a sentence requiring confinement of thirty
28 days or less, the court may, in its discretion, specify that the
29 sentence be served on consecutive or intermittent days. A sentence
30 requiring more than thirty days of confinement shall be served on
31 consecutive days. Local jail administrators may schedule court-ordered
32 intermittent sentences as space permits.

33 (4) If a sentence imposed includes payment of a legal financial
34 obligation, it shall be imposed as provided in RCW 9.94A.750,
35 9.94A.753, 9.94A.760, and 43.43.7541.

36 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a
37 court may not impose a sentence providing for a term of confinement or

1 community supervision, community placement, or community custody which
2 exceeds the statutory maximum for the crime as provided in chapter
3 9A.20 RCW.

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

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

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

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

24 (10) In any sentence of partial confinement, the court may require
25 the offender to serve the partial confinement in work release, in a
26 program of home detention, on work crew, or in a combined program of
27 work crew and home detention.

28 (11) In sentencing an offender convicted of a crime of domestic
29 violence, as defined in RCW 10.99.020, if the offender has a minor
30 child, or if the victim of the offense for which the offender was
31 convicted has a minor child, the court may, as part of any term of
32 community supervision, community placement, or community custody, order
33 the offender to participate in a domestic violence perpetrator program
34 approved under RCW 26.50.150.

35 **Sec. 4.** RCW 9.94A.545 and 2003 c 379 s 8 are each amended to read
36 as follows:

37 Except as provided in RCW 9.94A.650 and section 1 of this act, on

1 all sentences of confinement for one year or less, in which the
2 offender is convicted of a sex offense, a violent offense, a crime
3 against a person under RCW 9.94A.411, or felony violation of chapter
4 69.50 or 69.52 RCW or an attempt, conspiracy, or solicitation to commit
5 such a crime, the court may impose up to one year of community custody,
6 subject to conditions and sanctions as authorized in RCW 9.94A.715 and
7 9.94A.720. An offender shall be on community custody as of the date of
8 sentencing. However, during the time for which the offender is in
9 total or partial confinement pursuant to the sentence or a violation of
10 the sentence, the period of community custody shall toll.

11 NEW SECTION. **Sec. 5.** The sum of seven million dollars, or as much
12 thereof as may be necessary, is appropriated for the fiscal year ending
13 June 30, 2007, from the state general fund to the Washington state
14 patrol to establish and operate three regional auto theft task forces
15 in Washington.

16 NEW SECTION. **Sec. 6.** The sum of three million dollars, or as much
17 thereof as may be necessary, is appropriated for the fiscal year ending
18 June 30, 2007, from the state general fund to the Washington state
19 patrol to establish and operate proaction auto theft swat units in
20 Washington.

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