



**IMPLEMENTATION
MANUAL**

1989

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INTRODUCTION

Adult offenders who committed felonies on or after July 1, 1984, are subject to the Sentencing Reform Act (SRA), and uniform sentencing guidelines are used by the court to impose penalties. The sentences imposed by the court represent "real time" and thus are determinate sentences. Extensive periods of probation and parole are eliminated. If substantial and compelling circumstances exist, judges can depart from the guidelines and impose an exceptional sentence; sentences outside the range can be appealed by the prosecutor or the defense.

The goal of the sentencing guidelines system is to ensure that offenders who commit similar crimes and have similar criminal histories receive equivalent sentences. In addition, offenses involving greater harm to a victim and society result in greater punishment. The guidelines apply equally to offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or a defendant's previous record.

The Sentencing Guidelines Commission developed the initial set of guidelines and continues to advise the legislature on necessary adjustments. The Commission consists of 15 voting members appointed by the Governor. These members include four Superior Court judges, two defense attorneys, two prosecutors, three citizens, the directors of three state agencies, and the chief of a local law enforcement agency. Four legislators (two representatives and two senators) are appointed by the leadership of the House and the Senate and serve as nonvoting members.

In order to advise the legislature, the Commission requires accurate information on felony offenders, their crimes, and the sentences imposed under the Sentencing Reform Act. This information is derived from copies of Judgment and Sentence forms sent by the court clerks to the Commission office. Any case involving an exceptional sentence must include written findings of fact and conclusions of law. A computerized database allows the Commission staff to produce descriptive information on sentences and also analyze the prison and jail population consequences of changes to the law.

The Commission also prepares periodic evaluation reports concerning sentencing practices under the Sentencing Reform Act. Please contact the Commission office for information on cost and availability of these reports.

USE OF THIS MANUAL

This edition of the manual is updated to reflect the 1989 Sentencing Reform Act amendments (Chapters 30, 32, 99, 124, 214, 248, 271, 332, 394, 405, 408, and 421, Laws of 1989). Manual users should retain earlier editions of this manual for guidance on offenses committed prior to July 1989.

Two sentencing bills passed by the 1989 legislature have delayed implementation dates. These two bills, Chapters 252 and 412, Laws of 1989, are included as appendices.

If you have questions about the guidelines, please contact the Commission office during regular business hours (8 a.m. to 5 p.m., Monday through Friday). The Commission staff will calculate presumptive sentence ranges if sufficient information on the offense(s) of conviction and criminal history is provided. Copies of minutes from Commission meetings are available at a small charge for those interested in researching Commission and legislative intent.

Those interested in a comprehensive legal analysis of the Sentencing Reform Act are advised to read Sentencing in Washington by David Boerner. This publication is available through Butterworth Legal Publishers.

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SECTION I. SENTENCING GUIDELINES

This chapter explains the rules for applying the sentencing guidelines to felony crimes committed after June 30, 1989. The instructions cover the following:

- Offense Seriousness Level
- Offender Score
- Standard Sentence Range
- Sentencing Options
- Review of Sentences
- Penalty and Modification Hearing
- Discharge and Vacation of Conviction Record

STEP 1 - DETERMINING THE OFFENSE SERIOUSNESS LEVEL

Determine the Offense Seriousness Level by the offense of conviction. For example, if an offender was charged with Second Degree Robbery but pleaded guilty or was tried and convicted of First Degree Theft, the Seriousness Level is determined by the First Degree Theft conviction.

The Seriousness Level is measured on the vertical axis of the sentencing guidelines grid. (See Table 1, page I-2.) RCW 9.94A.320 lists the crimes included within each Seriousness Level. (See Table 2, page I-3.) Felony offenses are divided into 14 levels of seriousness, ranging from low (Level I) to high (Level XIV). Offenses in the same level are considered equivalent in seriousness.

Some felonies rarely charged or recently created by the legislature are not included in the Seriousness Level Table and do not have a standard sentence range; thus, no sentence calculations are necessary. Page I-39 describes the sentencing options for unranked crimes.

(1)

RCW 9.94A.310
TABLE 1
SENTENCING GRID

SERIOUSNESS
LEVEL

OFFENDER SCORE

	0	1	2	3	4	5	6	7	8	9 or more
XIV	Life Sentence without Parole/Death Penalty									
XIII	23y 4m 240 - 320	24y 4m 250 - 333	25y 4m 261 - 347	26y 4m 271 - 361	27y 4m 281 - 374	28y 4m 291 - 388	30y 4m 312 - 416	32y 10m 338 - 450	36y 370 - 493	40y 411 - 548
XII	12y 123 - 164	13y 134 - 178	14y 144 - 192	15y 154 - 205	16y 165 - 219	17y 175 - 233	19y 195 - 260	21y 216 - 288	25y 257 - 342	29y 298 - 397
XI	6y 62 - 82	6y 9m 69 - 92	7y 6m 77 - 102	8y 3m 85 - 113	9y 93 - 123	9y 9m 100 - 133	12y 6m 129 - 171	13y 6m 139 - 185	15y 6m 159 - 212	17y 6m 180 - 240
X	5y 51 - 68	5y 6m 57 - 75	6y 62 - 82	6y 6m 67 - 89	7y 72 - 96	7y 6m 77 - 102	9y 6m 98 - 130	10y 6m 108 - 144	12y 6m 129 - 171	14y 6m 149 - 198
IX	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	5y 51 - 68	5y 6m 57 - 75	7y 6m 77 - 102	8y 6m 87 - 116	10y 6m 108 - 144	12y 6m 129 - 171
VIII	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	6y 6m 67 - 89	7y 6m 77 - 102	8y 6m 87 - 116	10y 6m 108 - 144
VII	18m 15 - 20	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	5y 6m 57 - 75	6y 6m 67 - 89	7y 6m 77 - 102	8y 6m 87 - 116
VI	13m 12+ - 14	18m 15 - 20	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 6m 46 - 61	5y 6m 57 - 75	6y 6m 67 - 89	7y 6m 77 - 102
V	9m 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 41 - 54	5y 51 - 68	6y 62 - 82	7y 72 - 96
IV	6m 3 - 9	9m 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57	5y 2m 53 - 70	6y 2m 63 - 84
III	2m 1 - 3	5m 3 - 8	8m 4 - 12	11m 9 - 12	14m 12+ - 16	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57	5y 51 - 68
II	0 - 90 Days	4m 2 - 6	6m 3 - 9	8m 4 - 12	13m 12+ - 14	16m 14 - 18	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57
I	0 - 60 Days	0 - 90 Days	3m 2 - 5	4m 2 - 6	5m 3 - 8	8m 4 - 12	13m 12+ - 14	16m 14 - 18	20m 17 - 22	2y 2m 22 - 29

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TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XIV Aggravated Murder 1 (RCW 10.95.020)
- XIII Murder 1 (RCW 9A.32.030)
Homicide by Abuse (RCW 9A.32.055)
- XII Murder 2 (RCW 9A.32.050)
- XI Assault 1 (RCW 9A.36.011)
- X Kidnapping 1 (RCW 9A.40.020)
Rape 1 (RCW 9A.44.040)
Rape of a Child 1 (RCW 9A.44.073)
Damaging Building, etc., by Explosion with Threat To Human Being (RCW 70.74.280(1))
Over 18 and Deliver Heroin or Narcotic From Schedule I or II to Someone Under 18 (RCW 69.50.406)
Leading Organized Crime (RCW 9A.82.060(1)(a))
- IX Robbery 1 (RCW 9A.56.200)
Manslaughter 1 (RCW 9A.32.060)
Explosive Devices Prohibited (RCW 70.74.180)
Endangering Life and Property by Explosives with Threat To Human Being (RCW 70.74.270)
Over 18 and Deliver Narcotic From Schedule III, IV, or V or a Nonnarcotic From Schedule I-V to Someone Under 18 and 3 Years Junior (RCW 69.50.406)
Controlled Substance Homicide (RCW 69.50.415)
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- VIII Arson 1 (RCW 9A.48.020)
Rape 2 (RCW 9A.44.050)
Rape of a Child 2 (RCW 9A.44.076)
Child Molestation 1 (RCW 9A.44.083)
Promoting Prostitution 1 (RCW 9A.88.070)
Selling Heroin for Profit (RCW 69.50.410)
Vehicular Homicide, by Being Under the Influence of Intoxicating Liquor or Any Drug or by the Operation of Any Vehicle in a Reckless Manner (RCW 46.61.520)
Manufacture, Deliver, or Possess with Intent to Deliver Heroin or Cocaine (RCW 69.50.401(a)(1)(i))
Manufacture, Deliver, or Possess with Intent to Deliver Methamphetamine (RCW 69.50.401(a)(1)(ii))

- VII
 - Burglary 1 (RCW 9A.52.020)
 - Vehicular Homicide, by Disregard For the Safety of Others (RCW 46.61.520)
 - Introducing Contraband 1 (RCW 9A.76.140)
 - Indecent Liberties (With Forcible Compulsion) (RCW 9A.44.100(1)(a))
 - Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct (RCW 9.68A.050)
 - Sending, Bringing Into State Depictions of Minor Engaged in Sexually Explicit Conduct (RCW 9.68A.060)
 - Involving a Minor in Drug Dealing (RCW 69.50.401(f))

- VI
 - Bribery (RCW 9A.68.010)
 - Manslaughter 2 (RCW 9A.32.070)
 - Child Molestation 2 (RCW 9A.44.086)
 - Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 - Damaging Building, etc., by Explosion with No Threat To Human Being (RCW 70.74.280(2))
 - Endangering Life and Property by Explosives with No Threat to Human Being (RCW 70.74.270)
 - Indecent Liberties (Without Forcible Compulsion) (RCW 9A.44.100(1)(b) and (c))
 - Incest 1 (RCW 9A.64.020(1))
 - Selling for Profit (Controlled or Counterfeit) Any Controlled Substance (Except Heroin) (RCW 69.50.410)
 - Manufacture, Deliver, or Possess with Intent to Deliver Narcotics From Schedule I or II (Except Heroin or Cocaine) (RCW 69.50.401(a)(1)(i))
 - Intimidating a Judge (RCW 9A.72.160)
 - Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))

- V
 - Criminal Mistreatment 1 (RCW 9A.42.020)
 - Rape 3 (RCW 9A.44.060)
 - Kidnapping 2 (RCW 9A.40.030)
 - Extortion 1 (RCW 9A.56.120)
 - Incest 2 (RCW 9A.64.020(2))
 - Perjury 1 (RCW 9A.72.020)
 - Extortionate Extension of Credit (RCW 9A.82.020)
 - Advancing Money or Property for Extortionate Extension of Credit (RCW 9A.82.030)
 - Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 - Rendering Criminal Assistance 1 (RCW 9A.76.070)
 - Bail Jumping with Class A Felony (RCW 9A.76.170(2)(b))
 - Delivery of Imitation Controlled Substance by Persons Eighteen or Over to Person Under Eighteen (RCW 69.52.030(2))

- IV Theft of Livestock 1 (RCW 9A.56.080)
- Robbery 2 (RCW 9A.56.210)
- Assault 2 (RCW 9A.36.021)
- Escape 1 (RCW 9A.76.110)
- Arson 2 (RCW 9A.48.030)
- Rape of a Child 3 (RCW 9A.44.079)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Malicious Harassment (RCW 9A.36.080)
- Threats to Bomb (RCW 9.61.160)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- Hit and Run -- Injury Accident (RCW 46.52.020(4))
- Vehicular Assault (RCW 46.61.522)
- Manufacture, Deliver, or Possess with Intent to Deliver Narcotics From Schedule III, IV, or V or Nonnarcotics From Schedule I-V (Except Marijuana or Methamphetamines) (RCW 69.50.401(a)(1)(ii) through (iv))
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080(1) and (2))
- Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

- III Criminal Mistreatment 2 (RCW 9A.42.030)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Child Molestation 3 (RCW 9A.44.089)
- Extortion 2 (RCW 9A.56.130)
- Unlawful Imprisonment (RCW 9A.40.040)
- Assault 3 (RCW 9A.36.031)
- Custodial Assault (RCW 9A.36.100)
- Unlawful Possession of Firearm or Pistol by Felon (RCW 9.41.040)
- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- Introducing Contraband 2 (RCW 9A.76.150)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Bail Jumping with Class B or C Felony (RCW 9A.76.170(2)(c))
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, Deliver, or Possess with Intent to Deliver Marijuana (RCW 69.50.401(a)(1)(ii))
- Delivery of a Material in Lieu of a Controlled Substance (RCW 69.50.401(c))
- Manufacture, Distribute, or Possess with Intent to Distribute an Imitation Controlled Substance (RCW 69.52.030(1))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of Livestock 2 (RCW 9A.56.080)
- Securities Act Violation (RCW 21.20.400)

- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Burglary 2 (RCW 9A.52.030)
- Possession of Controlled Substance That is Either Heroin or Narcotics From Schedule I or II (RCW 69.50.401(d))
- Possession of Phencyclidine (PCP) (RCW 69.50.401(d))
- Create, Deliver, or Possess a Counterfeit Controlled Substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- Reckless Endangerment 1 (RCW 9A.36.____)

- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking a Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Use of Food Stamps (RCW 9.91.140(2) and (3))
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (for a Legend Drug) (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance That is a Narcotic from Schedule III, IV, or V or Nonnarcotic from Schedule I-V (Except Phencyclidine (RCW 69.50.401(d)))

STEP 2 - DETERMINING THE OFFENDER SCORE

The Offender Score is measured on the horizontal axis of the sentencing guidelines grid. An offender can receive anywhere from 0 to 9+ points on that axis. In general terms, the number of points an offender receives depends on four factors: 1) the number of prior felony criminal convictions; 2) the relationship between any prior offense(s) and the current offense of conviction; 3) the presence of multiple prior or current convictions; and 4) whether the crime was committed while the offender was on community placement.

The following discussion covers calculation of the Offender Score. Included in this discussion are how to collect criminal history, how to score history, how to score multiple prior convictions, and how to score the offender's status.

Criminal History Collection

RCW 9.94A.030(10) defines criminal history to include the defendant's prior adult convictions in this state, federal court, and elsewhere, as well as adjudications in juvenile court if certain tests are met. Some rules on criminal history refer to the crime's classification (A, B, or C). For a list of offenses by felony class, see Appendix D.

Adult Criminal History: The Criminal Justice Information Act (RCW 10.98) established the Washington State Patrol Identification and Criminal History Section as the primary source of information on state felony conviction histories. After filing charges, prosecutors contact this section for an offender's Washington criminal history. In this act, the judge is directed to ensure the felony defendant has been fingerprinted and an arrest and fingerprint form has been transmitted to the Washington State Patrol (RCW 10.98.050(2)). For out-of-state or federal criminal history information, prosecutors need to contact the Federal Bureau of Investigation for referral to the appropriate sources.

When gathering an offender's criminal history, focus on felony convictions. With one exception, misdemeanors are not calculated into the Offender Score. This exception is for current convictions of felony traffic offenses* where serious traffic offenses are included in the Offender Score.

*Vehicular Homicide, Vehicular Assault, Hit-and-Run Injury Accident, and Attempting to Elude a Pursuing Police Vehicle.

Collect information, if it is available, on whether an offender has participated in a program of deferred prosecution for a felony offense. This information is likely only to be available through county records. Persons who have participated in such a program do not meet the definition of a first-time offender (RCW 9.94A.030(17)).

A conviction is defined to include a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty. A prior conviction is defined as one existing before the date of the sentencing for the offense for which the Offender Score is being computed. Convictions entered or sentenced on the same date as the conviction for which the Offender Score is being computed are deemed "other current offenses" within the meaning of RCW 9.94A.400.

All prior adult felony convictions are counted separately, except:

- A) Prior adult offenses found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct. These are to be counted as one offense, the offense that yields the highest Offender Score.
- B) Multiple prior convictions for offenses committed before July 1, 1986. Priors served concurrently are to be counted as one offense, using the conviction for the offense that yields the highest Offender Score.
- C) For other prior convictions served concurrently, the current sentencing court shall determine whether those offenses shall be counted as one or separate offenses. If counted as one offense, the offense that yields the highest Offender Score is to be used.

Prior convictions for anticipatory offenses (criminal attempt, solicitation, or conspiracy) are scored as if they were convictions for completed offenses. If the present conviction is an anticipatory offense, each prior conviction counts the same as if the present conviction were a completed offense.

RCW 9.94A.030(10)(a) stipulates that where it is known, criminal history for a defendant shall include the length and terms of any probation as well as whether the defendant has been incarcerated and the length of incarceration. This information is often collected as part of the Presentence Investigation Report.

Juvenile Criminal History: Some, but not all, juvenile history is to be included as part of the Offender Score. To be included, the priors must meet the criteria established in RCW 9.94A.030(10)(b) and 9.94A.360(4):

- A) The juvenile offense must have been a felony unless the current crime is a felony traffic offense, in which case serious misdemeanor traffic offenses are included;
- B) The conduct must have resulted in an adjudication of guilt in juvenile court (i.e., diversions do not count);
- C) The defendant must have been 15 years of age or older when the juvenile offense was committed; and
- D) The defendant must have been less than 23 when the current offense of conviction was committed, except for prior juvenile Class A adjudications which are always included in the Offender Score.

RCW 13.50.050(9) provides that after a charge has been filed, juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to the prosecution and defense counsel, subject to the rules of discovery. RCW 13.50.050(15) provides that the sealing of a juvenile record of any Class A adjudication is nullified if there is a subsequent adult felony conviction.

It is necessary to determine the date of adjudication for juvenile offenses. All offenses adjudicated on the same date count as one offense. Use the offense which yields the highest Offender Score as criminal history in these cases. As is the case with adult history, in most instances this offense will be the one with the highest Seriousness Level.

"Washout" of Certain Prior Felonies: In certain instances, prior felony convictions are not calculated into the Offender Score because they meet the following "washout" rules found in RCW 9.94A.360(2):

- A) Prior Class B felony convictions are not included if: 1) the offender has spent ten years in the community; and 2) has not been convicted of any felonies since the most recent of either the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), or the day the sentence was entered.

- B) Prior Class C felony convictions and serious traffic convictions* are not included if the offender has spent five years in the community and has not been convicted of any felonies since the most recent of either the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment) or the day the sentence was entered.

- C) Once a crime meets the washout rules, it is always washed out. The washout test can be met by any consecutive five- or ten-year period of crime-free behavior.

The Sentencing Reform Act allows the record of conviction to be vacated under certain conditions. RCW 9.94A.230 provides that prior records of convictions which have been vacated "shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction." This variation does not affect or prevent the use of an offender's prior conviction in a later criminal prosecution.

The eligibility rules for vacation of conviction record are similar to the washout rules. Since the washout rules are automatic and do not require court action, an offense will washout before formal record vacation occurs. (The main distinction between vacation of record of conviction and washout is that after vacation, an offender can indicate on employment forms that he or she was not convicted of that crime.)

Federal, Out-of-State, or Foreign Convictions: For a prior federal, out-of-state or foreign conviction, compare the elements of the offense in that jurisdiction to Washington State laws to determine how to score the offense (RCW 9.94A.360(3)). Judicial decisions on the comparability of non-Washington convictions will occur at the sentencing hearing.

Scoring Criminal History

Once the relevant prior convictions have been identified, the criminal history portion of the Offender Score can be calculated. The rules for scoring of prior convictions are contained in RCW 9.94A.360 and displayed in Table 3, page I-12.

*RCW 9.94A.030(23) defines serious traffic offenses as: Driving While Intoxicated, Actual Physical Control While Intoxicated, Reckless Driving, and Hit-and-Run an Attended Vehicle.

To make application of these rules easier, the Offense Reference Sheets and Scoring Forms indicate the correct number of points for each prior conviction depending on the current offense. To correctly use these forms, an understanding of the criminal history rules is necessary. For example, the forms do not repeat the "washout" rules or the statutory requirements for juvenile history.

TABLE 3

OFFENDER SCORE MATRIX

Prior Adult Convictions

(Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)

Current Offenses	Serious Violent	Burglary 1	Other Violent	Vehicular Assault/Homicide	Escape
Serious Violent	3	2	2	2	1
Burglary 1	2	2	2	2	1
Other Violent	2	2	2	2	1
Felony Traffic	1	1	1	2	1
Escape 1, 2	1	1	1	1	1
Burglary 2	1	2	1	1	1
Other Nonviolent	1	1	1	1	1
Drug	1	1	1	1	1
Willful Failure to Return*	0	0	0	0	1

Current Offenses	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non-Violent	Drug
Serious Violent	1	1	0	1	1
Burglary 1	2	1	0	1	1
Other Violent	1	1	0	1	1
Felony Traffic	1	1	1	1	1
Escape 1, 2	1	1	0	1	1
Burglary 2	2	1	0	1	1
Other Nonviolent	1	1	0	1	1
Drug	1	1	0	1	3
Willful Failure to Return*	0	0	0	0	0

*Includes Willful Failure to Return from Furlough and Willful Failure to Return from Work Release.

TABLE 3 (continued)
OFFENDER SCORE MATRIX

Prior Juvenile Convictions

(Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)

Current Offenses	Serious Violent	Burglary 1	Other Violent	Vehicular Assault/Homicide	Escape
Serious Violent	3	2	2	2	1/2
Burglary 1	2	2	2	2	1/2
Other Violent	2	2	2	2	1/2
Felony Traffic	1/2	1/2	1/2	2	1/2
Escape 1, 2	1/2	1/2	1/2	1/2	1/2
Burglary 2	1	2	1	1/2	1/2
Other Nonviolent	1	1	1	1/2	1/2
Drug	1	1	1	1/2	1/2
Willful Failure to Return*	0	0	0	0	1/2

Current Offenses	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non-Violent	Drug
Serious Violent	1/2	1/2	0	1/2	1/2
Burglary 1	1	1/2	0	1/2	1/2
Other Violent	1/2	1/2	0	1/2	1/2
Felony Traffic	1/2	1/2	1/2	1/2	1/2
Escape 1, 2	1/2	1/2	0	1/2	1/2
Burglary 2	1	1/2	0	1/2	1/2
Other Nonviolent	1/2	1/2	0	1/2	1/2
Drug	1/2	1/2	0	1/2	2
Willful Failure to Return*	0	0	0	0	0

*Includes Willful Failure to Return from Furlough and Willful Failure to Return from Work Release.

Scoring Multiple Current Convictions

Multiple convictions can also influence the Offender Score. Keep in mind that for multiple current offenses, separate sentence calculations are necessary for each offense because the law requires that each receive a separate sentence (RCW 9.94A.400).

Multiple Offense Scoring Steps:

- A) If the current offenses do not include three or more serious violent offenses* arising from separate and distinct criminal conduct, apply RCW 9.94A.400(1)(a):
- Score each offense.
 - For each offense, score the prior adult and juvenile convictions. Also, score the other current offenses in the section of the scoring form entitled "Other Current Offenses."
 - The court can find that some or all of the current offenses encompass the same criminal conduct and are to be counted as one crime. "Same criminal conduct" means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. (This definition does not apply in cases involving Vehicular Assault or Vehicular Homicide if the victims occupied the same vehicle.)
 - Convictions entered or sentenced on the same date as the conviction for which the Offender Score is being computed are scored as "other current offenses."
- B) If the current offenses include three or more serious violent offenses arising from separate and distinct criminal conduct, apply RCW 9.94A.400(1)(b):
- Score each offense.

*Serious violent offenses: First Degree Murder, Homicide by Abuse, Second Degree Murder, First Degree Assault, First Degree Kidnapping, First Degree Rape or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies.

- Identify the serious violent offense with the highest Seriousness Level. Calculate the sentence for that crime using the offender's prior adult and juvenile convictions. Do not include the other current serious violent offenses as part of the Offender Score, but do include other current offenses that are not serious violent offenses.
- Score all remaining serious violent current offenses, but for those offenses, calculate the offender's criminal history as zero.
- For any current offenses which are not serious violent offenses, score according to the rules in A.

Example: An offender was convicted of one count of First Degree Theft and one count of Forgery. Both offenses arose from separate and distinct criminal conduct. Her criminal history consisted of one conviction for Second Degree Burglary. In this case, the rules in RCW 9.94A.400(1)(a) apply, and the theft and forgery must be separately scored. The prior burglary and the current forgery are included in the Offender Score for the theft, resulting in an Offender Score of 2 and a sentence range of 3 to 9 months. The prior burglary and the current theft are included in the Offender Score for the forgery, resulting in an Offender Score of 2 and a sentence range of 2 to 5 months. The sentence for each offense would run concurrently.

Example: An offender was convicted of one count of Second Degree Theft and one count of Second Degree Possession of Stolen Property. The court found that both counts encompassed the same criminal conduct and the offender had no criminal history. In this case, the other current offense is not counted in the Offender Score because RCW 9.94A.400(1)(a) stipulates that if some or all of the current offenses are found to encompass the same criminal conduct, then those current offenses shall be counted as one crime. Therefore, the theft and possession would both be scored with Offender Scores of zero, with the sentence range for each being 0 to 60 days. The sentence for each offense would run concurrently.

Example: An offender was convicted of two counts of First Degree Rape and one count of First Degree Assault. These offenses, all serious violent, arose from separate and distinct criminal conduct. His criminal history consisted of one conviction for Third Degree Assault. The scoring for this offender follows the rules in RCW 9.94A.400(1)(b). First, the crime with the highest Seriousness Level must be identified and scored. Since First Degree Assault is more serious (Level XI) than First

Degree Rape (Level X), the First Degree Assault is scored, counting the prior Third Degree Assault as adult criminal history. This calculation would result in a sentence range of 69 to 92 months.

Next, the two First Degree Rape convictions are scored using a criminal history of zero. These calculations result in two sentence ranges of 51 to 68 months. These three sentences would run consecutively.

Scoring Offender Status

The Offender Score also measures whether the offense was committed while the offender was under community placement. This applies to crimes committed on or after July 1, 1988. An additional point is added to the score under these circumstances.

STEP 3 - DETERMINING THE STANDARD SENTENCE RANGE

Sentencing Grid

Once the Offense Seriousness Level and Offender Score have been calculated, the preliminary standard sentence range can be established.

Determine the standard sentence range by referring to the sentencing grid (RCW 9.94A.310, Table 1, page I-2). For each current offense, the intersection of the column defined by the Offender Score and the row defined by the Offense Seriousness Level determines the standard sentence range. Alternatively, the same range is produced for individual offenses on the Offense Reference Sheets (Section III). The court can sentence anywhere within this range.

Attempt, Conspiracy, and Solicitation

For persons convicted of an anticipatory offense of criminal attempt, solicitation, or conspiracy under Chapter 9A.28 RCW, the standard sentence range is determined by using the Offender Score and Offense Seriousness Level to determine the standard sentence range, then multiplying that range by 75 percent (RCW 9.94A.410). To simplify the calculations, refer to the anticipatory offense grid (Table 4, next page).

TABLE 4
ANTICIPATORY OFFENSE GRID
(75% of the range for completed offenses)
(in months)

OFFENDER SCORE

Seriousness											
Level		0	1	2	3	4	5	6	7	8	9
L O W	XIII	180.00	187.50	195.75	203.25	210.75	218.25	234.00	253.50	277.50	308.25
	XII	92.25	100.50	108.00	115.50	123.75	131.25	146.25	162.00	192.75	223.50
	XI	46.50	51.75	57.75	63.75	69.75	75.00	96.75	104.25	119.25	135.00
	X	38.25	42.75	46.50	50.25	54.00	57.75	73.50	81.00	96.75	111.75
	IX	23.25	27.00	30.75	34.50	38.25	42.75	57.75	65.25	81.00	96.75
	VIII	15.75	19.50	23.25	27.00	30.75	34.50	50.25	57.75	65.25	81.00
	VII	11.25	15.75	19.50	23.25	27.00	30.75	42.75	50.25	57.75	65.25
	VI	9.02	11.25	15.75	19.50	23.25	27.00	34.50	42.75	50.25	57.75
	V	4.50	9.02	9.75	11.25	16.50	24.75	30.75	38.25	46.50	54.00
E N D	IV	2.25	4.50	9.02	9.75	11.25	16.50	24.75	32.25	39.75	47.25
	III	0.75	2.25	3.00	6.75	9.02	12.75	16.50	24.75	32.25	38.25
	II	0.00	1.50	2.25	3.00	9.02	10.50	12.75	16.50	24.75	32.25
	I	0.00	0.00	1.50	1.50	2.25	3.00	9.02	10.50	12.75	16.50

		0	1	2	3	4	5	6	7	8	9
H I G H	XIII	240.00	249.75	260.25	270.75	280.50	291.00	312.00	337.50	369.75	411.00
	XII	123.00	133.50	144.00	153.75	164.25	174.75	195.00	216.00	256.50	297.75
	XI	61.50	69.00	76.50	84.75	92.25	99.75	128.25	138.75	159.00	180.00
	X	51.00	56.25	61.50	66.75	72.00	76.50	97.50	108.00	128.25	148.50
	IX	30.75	36.00	40.50	45.75	51.00	56.25	76.50	87.00	108.00	128.25
	VIII	20.25	25.50	30.75	36.00	40.50	45.75	66.75	76.50	87.00	108.00
	VII	15.00	20.25	25.50	30.75	36.00	40.50	56.25	66.75	76.50	87.00
	VI	10.50	15.00	20.25	25.50	30.75	36.00	45.75	56.25	66.75	76.50
	V	9.00	10.50	12.75	15.00	21.75	32.25	40.50	51.00	61.50	72.00
E N D	IV	6.75	9.00	10.50	12.75	15.00	21.75	32.25	42.75	52.50	63.00
	III	2.25	6.00	9.00	9.00	12.00	16.50	21.75	32.25	42.75	51.00
	II	2.25	4.50	6.75	9.00	10.50	13.50	16.50	21.75	32.25	42.75
	I	1.50	2.25	3.75	4.50	6.00	9.00	10.50	13.50	16.50	21.75

Note: The "low end" indicates the bottom end of the standard range, and the "high end" category indicates the high end of the range. Determine the Seriousness Level and Offender Score, then find the low end of the range from the first grid and the high end from the second.

Deadly Weapon Increase

For specified crimes, if the court makes a finding of fact or the jury returns a special verdict that the accused or an accomplice was armed with a deadly weapon at the time of the commission of the crime, the standard sentence range shall be increased.

Deadly weapon is defined in RCW 9.94A.125 as: "an implement or instrument which has the capacity to inflict death and from the manner in which it is used, is likely to produce or may easily and readily produce death. The following instruments are included in the term deadly weapon: Blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than three inches, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas."

The crimes eligible for a deadly weapon increase and the specific additions to the standard sentence range are as follows:

<u>Crime</u>	<u>Deadly Weapon Increase</u>
First Degree Kidnapping	24 months
First Degree Rape	24 months
First Degree Robbery	24 months
First Degree Burglary	18 months
Second Degree Assault	12 months
First Degree Escape	12 months
Second Degree Kidnapping	12 months
Second Degree Burglary (if not a dwelling)	12 months
Drug Offense*	12 months
Theft of Livestock (First and Second Degree)	12 months

The deadly weapon increase also applies to anticipatory offenses (attempt, conspiracy, and solicitation to commit a crime).

*Drug offense is defined as any felony violation of Chapter 69.50 RCW except Possession of a Controlled Substance (RCW 69.50.401(d)) or Forged Prescription for a Controlled Substance (RCW 69.50.403).

Additional time for a deadly weapon increase is added to the entire presumptive sentence range after it has been calculated based on the particular Seriousness Level and Offender Score (RCW 9.94A.370), and after the adjustment to the range for anticipatory offenses (if appropriate).

Drug Related Enhancements

Enhancements to the presumptive range are required for certain drug offenses which occur in correctional facilities or near a school.

Correctional Facility: If the offender or an accomplice committed certain drug offenses while in a county jail or state correctional facility (including anticipatory offenses), the following times are added to the presumptive sentence range:

<u>Crime</u>	<u>Enhancement</u>
Manufacture, Deliver, Possess with Intent to Deliver Heroin or Cocaine	18 months
Manufacture, Deliver, Possess with Intent to Deliver Schedule I or II Narcotics (Except Heroin or Cocaine)	18 months
Manufacture, Deliver, Possess with Intent to Deliver Methamphetamine	15 months
Manufacture, Deliver, Possess with Intent to Deliver Schedule III-V Narcotics or Schedule I-V Nonnarcotics (Except Marijuana or Methamphetamines)	15 months
Manufacture, Deliver, Possess with Intent to Deliver Marijuana	15 months
Possession of Controlled Substance that is Either Heroin or Narcotics from Schedule I or II	12 months
Possession of Phencyclidine (PCP)	12 months
Possession of a Controlled Substance that is a Narcotic from Schedule III-V or Nonnarcotic from Schedule I-V (Except Phencyclidine)	12 months

School Zone: Twenty-four months are added to the presumptive sentence for any ranked offense involving a violation of Chapter 69.50 RCW if the offense also was a violation of RCW 69.50._____.

Under this law, the maximum imprisonment and fine for violations of RCW 9A.02.020(a) are doubled if the illegal act occurred in a school, or on a school bus, or within 1,000 feet of a school bus route stop designated by the school district, or within 1,000 feet of the perimeter of the school grounds.

STEP 4 - DETERMINING THE SENTENCING OPTIONS

The sentencing options available to the court vary depending on the offender's criminal history and the crime(s) of conviction.

The court must impose a determinate sentence in every case. A determinate sentence is defined as "a sentence which states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution" (RCW 9A.02.020(12)). The only exception to this law is for sentences imposed under the Special Sexual Offender Sentencing Option (RCW 9A.02.020(7)(a)) which allows suspended sentences.

This section describes the available sentencing options. These options are also displayed in a matrix format in the Summary of Sentencing Procedures (Table 5, next page). Table 6 (page I-33) identifies the crimes eligible for the First-Time Offender Waiver, Special Sexual Offender Sentencing Alternative, enhancements, home detention, and community placement. The Offense Reference Sheets also indicate the sentencing options available for individual felonies.

**TABLE 5
SUMMARY OF SENTENCING PROCEDURES**

SENTENCE OPTION	ELIGIBILITY	PROCEDURE	CONDITIONS
<p>Sentence within the standard sentence range.</p> <p>RCW 9.94A.120(1)</p>	<p>Offender convicted of crime listed in the Seriousness Level Table (RCW 9.94A.320).</p>	<p>Court imposes a determinate sentence within the standard sentence range, taking into account the crime(s) of conviction and the offender's criminal history.</p>	<ul style="list-style-type: none"> • Sentencing grid represents total confinement time. For certain offenders, total confinement can be converted to partial confinement or community service (see Alternative Conversion option). • For certain crimes, a deadly weapon special verdict/finding increases the standard sentence range (RCW 9.94A.125, RCW 9.94A.310, RCW 9.94A.370). • For certain drug crimes, a location-related enhancement increases the standard sentence range (RCW 9.94A.310, RCW 69.50.____). • For all confinement sentences of one year or less, the court may impose up to one year of community supervision (RCW 9.94A.380).
<p>Sentence for unranked crimes.</p> <p>RCW 9.94A.120(6)</p>	<p>Offender convicted of crime not listed in the Seriousness Level Table (RCW 9.94A.320).</p>	<p>Court imposes a determinate sentence.</p>	<ul style="list-style-type: none"> • Sentence may include not more than one year of confinement, community service work, restitution, a term of community supervision not to exceed one year, and/or a fine. • Any other sentence constitutes an exceptional sentence.

SENTENCE OPTION**ELIGIBILITY****PROCEDURE****CONDITIONS**

Exceptional sentence.

Any offender.

RCW 9.94A.120(2), (3), and
(14)

Court considers the purpose of the Sentencing Reform Act and finds that there are substantial and compelling reasons justifying an exceptional sentence. Court must set forth its reasons in written findings of facts and conclusions of law.

Court imposes a determinate sentence.

- Sentence cannot exceed statutory maximum (RCW 9A.20.021);

- Four mandatory minimums exist:

- a) Aggravated Murder; death penalty or life without parole (RCW 10.95.030).

- b) First Degree Murder; not less than 20 years total confinement (RCW 9.94A.120(4)).

- c) First Degree Assault where offender used force or means likely to result in death or intended to kill the victim; not less than five years total confinement (RCW 9.94A.120(4)).

- d) First Degree Rape; not less than three years total confinement (RCW 9.94A.120(4)).

SENTENCE OPTION

ELIGIBILITY

PROCEDURE

CONDITIONS

First-time Offender Waiver.

RCW 9.94A.120(5)

Offender convicted of a nonviolent felony who has not previously been convicted of a felony and has not participated in a program of deferred prosecution of a felony.

No one convicted of a sex offense is eligible, nor are persons convicted of Manufacture, Delivery, or Possession with Intent to Manufacture or Deliver a Controlled Substance Classified in Schedule I or II that is a Narcotic Drug.

Court waives imposition of sentence within the sentence range and imposes a determinate sentence under this provision.

Sentences imposed under the First-time Offender Waiver cannot be appealed by the prosecutor or defendant.

- Up to 90 days of confinement in a county facility;

- A requirement that the offender refrain from committing new offenses; and

- Up to two years of community supervision, including crime-related prohibitions and possible requirements that the offender:

- a) Devote time to a specific employment or occupation;

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

- c) Pursue a prescribed secular course of study or vocational training;

- d) Remain within prescribed geographical boundaries and notify the court or the Community Corrections Officer prior to any change in the offender's address or employment;

- e) Report as directed to the court and a community corrections officer; or

- f) Pay a fine, make restitution, and/or accomplish some community service work.

SENTENCE OPTION**ELIGIBILITY****PROCEDURE****CONDITIONS**

Alternative Conversion.

RCW 9.94A.380

Offender sentenced to term of one year or less.

Violent offenders are only eligible for conversion to partial confinement.

Court orders a substitute for some portion or all of a total confinement sentence.

- One day of partial confinement can substitute for one day of total confinement. (Partial confinement defined as eight hours of confinement, typically work release.)

- For nonviolent offenders, eight hours of community service can substitute for one day of total confinement. This conversion is limited to 240 hours or 30 days; any remaining portions of the sentence must be served in total or partial confinement.

Home Detention.

RCW 9.94A.030(31)

No one convicted of violent offense, sex offense, drug offense, First or Second Degree Reckless Burning, Third Degree Assault, Unlawful Imprisonment, or Harassment.

Offenders convicted of Possession of Controlled Substance (RCW 69.50.401(d)) or Forged Prescription for a Controlled Substance (RCW 69.50.403) are eligible if monitored for drug use.

Offenders convicted of Second Degree Burglary are eligible depending on their criminal history.

Some offenders may be found eligible due to medical or health-related conditions.

Court orders defendant to serve term of partial confinement. Home detention is a program of partial confinement where offender is confined to a private residence and subject to electronic surveillance.

The offender must reside at either his/her residence or an immediate family member's residence. Participation is conditioned upon: offender obtaining or maintaining employment or attending school at regular defined hours, following rules of program and compliance with court-ordered restitution.

SENTENCE OPTION

ELIGIBILITY

PROCEDURE

CONDITIONS

Sexual Offender Sentencing Options.

RCW 9.94A.120(7)(a)

- Special Sexual Offender Sentencing Alternative.

Offender convicted of sex offense except First Degree Rape or Second Degree Rape, with no prior felony sex offenses.

Sentence must be for less than six years of confinement.

Prior to the sentencing hearing, the court may order an examination to determine offender's amenability to treatment. After receiving reports, court determines whether offender and society may benefit from use of this alternative.

If court elects this option, court imposes sentence within the sentence range. Court may then suspend execution of the sentence.

For violations, court may revoke the suspension and order execution of the sentence.

If the suspended sentence is revoked, all confinement time served during community supervision is credited to the offender.

- Order up to six months of confinement, not to exceed sentence range of confinement;

- Order crime-related prohibitions;

- Place the offender on supervision for up to two years;

- Sentence conditions may include the following requirements:

- a) Devote time to specific employment or occupation;

- b) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;

- c) Remain within prescribed geographical boundaries and notify the court or the Community Corrections Officer prior to any change in the offender's address or employment;

- d) Report as directed to the court and a Community Corrections Officer;

- e) Pay a fine, make restitution, accomplish some community service work, or any combination thereof; or

- f) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

SENTENCE OPTION

ELIGIBILITY

PROCEDURE

CONDITIONS

Sex Offender Treatment at
DSHS Facility.

RCW 9.94A.120(7)(b)

Option is technically available until June 30, 1993. The program is now being phased out.

Offender convicted of sex offense committed before July 1, 1987, with sentence of confinement greater than one year and less than six years.

The court may order offender committed for up to 30 days to DSHS to determine the offender's amenability to treatment.

If report indicates the offender is amenable to treatment, the court may order term of confinement to be served in sexual offender program determined by DSHS.

For violations of treatment program or escape, DSHS refers offender back to court. Court must commit offender to DOC to serve balance of term.

For violations of community supervision, court may order offender to serve balance of term in DOC confinement.

- Order term of confinement be served in sexual offender program determined by DSHS.

- If offender completes treatment before sentence is expired, court may:

- a) Convert balance to community supervision.

- b) Order crime-related prohibitions.

- Sentence conditions may include the following requirements:

- a) Devote time to specific employment or occupation;

- b) Remain within prescribed geographical boundaries and notify the court or the Community Corrections Officer of any change in the offender's address or employment;

- c) Report as directed to the court and a Community Corrections Officer;

- d) Undergo available outpatient treatment.

SENTENCE OPTION

ELIGIBILITY

PROCEDURE

CONDITIONS

Sex Offender Treatment at Department of Corrections.

RCW 9.94A.120(7)(c)

Offender convicted of sex offense committed on or after July 1, 1987, with sentence of confinement greater than one year and less than six years.

The court may, on its own motion or on motion of state or defendant, request the Department of Corrections to evaluate offender's amenability to treatment.

The department may place offender in a treatment program within a correctional facility.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the Department of Corrections.

• Except for an offender convicted of First or Second Degree Rape, if offender successfully completes program before term of confinement expires, the department may request court to convert balance of confinement to community supervision.

• Crime-related prohibitions and requirements can be ordered, including:

a) Devote time to a specific employment or occupation;

b) Remain within prescribed geographical boundaries and notify the court or the Community Corrections Officer prior to any change in the offender's address or employment;

c) Report as directed to the court and a Community Corrections Officer;

d) Undergo available outpatient treatment.

SENTENCE OPTION

ELIGIBILITY

PROCEDURE

CONDITIONS

Community Placement.

RCW 9.94A.120(8)(a) and (b)
RCW 9.94A.150(1) and (2)

Offenders sent to prison and convicted of a sex offense, a serious violent offense, a Second Degree Assault, any crime against a person with a deadly weapon finding, or any felony offense under Chapter 69.50 or 69.52 RCW committed on or after July 1, 1988.

The community custody program is for inmates with earned good time. The postrelease supervision program is for inmates who complete their sentence without earning good time.

Court shall sentence offender to one year of community placement to begin upon completion of prison confinement term or when offender is eligible for community placement due to good time earnings.

Offenders on "community custody" retain inmate status for sanctions and are entitled to inmate disciplinary hearing. Sanctions include transfer to a more restrictive confinement status for remaining portion of original sentence. Detention shall be in a Department of Corrections work release or prison facility.

Offenders on "postrelease supervision" are entitled to court hearings regarding violations. Sanctions may include up to 60 days per violation. Detention time is served in a county jail.

• Conditions include, unless waived by court:

- a) Report to and be available for contact with Community Corrections Officer;
- b) Work at approved education, employment, or community service;
- c) Not consume controlled substances except lawfully issued prescriptions;
- d) Not unlawfully possess controlled substances (those on community custody); and
- e) Pay community placement fees.
- f) The court may also order special conditions:
 - i) Remain within, or outside specified geographical boundary;

ii) Not have direct/indirect contact with victim or specified class of individuals;

iii) Participate in crime-related treatment or counseling;

iv) Not consume alcohol;

v) Residence location and living arrangements of a sex offender subject to prior approval by the Department of Corrections; and

vi) Comply with crime-related conditions.

The conditions can be removed or modified (less restrictive only) by sentencing court upon recommendation of the Department of Corrections.

SENTENCE OPTION

ELIGIBILITY

PROCEDURE

CONDITIONS

Restitution, fines, court costs, and other monetary obligations.

Any offender.

Court must specify a reasonable manner and time in which a fine or restitution shall be paid.

• Fines can be ordered by the court within the following ranges:

RCW 9.94A.140
RCW 9.94A.120(10) and (15)

- Class A felonies
\$0-50,000
- Class B felonies
\$0-20,000
- Class C felonies
\$0-10,000

All monetary payments shall be ordered paid by no later than ten years after the date of sentence or release from confinement (whichever is more recent).

• Restitution can also be ordered, based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Amount cannot exceed double the amount of the offender's gain or the victim's loss.

Court shall order restitution whenever felony results in injury to person or damage or property loss. If restitution is not ordered, extraordinary circumstances are to be included in the court record.

• Ten years after release or from date of sentence allowed to collect restitution, regardless of expiration of terms of community supervision and the crime's statutory maximum.

• Court may also require an offender to make payments for:

- a) Crime victims' compensation assessment;
- b) Court costs;
- c) Defense attorney costs;
- d) Probationer assessments;
- e) County or interlocal drug fund; and
- f) Other payments as provided by law.

SENTENCE OPTION

ELIGIBILITY

PROCEDURE

CONDITIONS

Sentence Modification and Penalty for Noncompliance.

RCW 9.94A.200

Offender who violates any sentence condition or requirement.

Court requires offender to show cause why punishment should not be imposed.

State has to show noncompliance by preponderance of the evidence.

Court can issue summons or arrest warrant for offender's appearance.

• If court finds that violation has occurred, it may:

a) Order offender confined for not more than 60 days for each violation;

b) Order term of partial confinement converted to total confinement;

c) Order term of community service to total or partial confinement;

d) Order monetary obligations (except restitution and crime penalty assessment) be converted to community service hours at the state minimum wage per hour of community service.

• Any time served in confinement awaiting hearing shall be credited against any confinement order.

• If court finds that the violation was not willful, it may modify its previous order regarding fine payment or other monetary payments and community service obligations.

Discharge upon Completion of Sentence.

RCW 9.94A.220

Offender who completes sentence requirements.

Department of Corrections notifies court that offender has completed requirements. Court gives offender a Certificate of Discharge.

• Certificate of Discharge restores all civil rights; it is not based upon a finding of rehabilitation. Offender's prior record can still be used as part of criminal history for later offenses.

SENTENCE OPTION**ELIGIBILITY****PROCEDURE****CONDITIONS**

Vacation of Offender's Record of Conviction.

RCW 9.94A.230

Offender who has been discharged may apply to the court for vacation of the record of conviction.

An offender is not eligible if:

a) There are any criminal charges pending in any court;

b) The conviction was for a violent offense;

c) The offense was a Class B felony and less than 10 years have passed; or

d) The offense was a Class C felony and less than 5 years have passed.

Court clears record of conviction by:

a) Permitting the offender to withdraw the guilty plea and enter a plea of not guilty; or

b) Setting aside the verdict of guilty; and

c) Dismissing the information or indictment.

- Once a record is vacated, it cannot be included in an offender's criminal history in subsequent convictions. Offender is released from all penalties and disabilities.

- For all purposes, including employment applications, offender may state that he or she has never been convicted of that crime.

- Vacation of record does not affect or prevent use of offender's prior conviction in later criminal prosecution.

TABLE 6
SENTENCE CONSIDERATIONS BY CRIME

	First-Time Offender If Eligible	SSOSA If Eligible	Deadly Weapon Enhancement (in months)	Correctional Facility Enhancement (in months)	Home Detention	Community Placement	School Zone Enhancement (in months)
Advancing Money or Property for Extortionate Extension of Credit	Y				Y		
Aggravated Murder 1							
Arson 1							
Arson 2							
Assault 1						Y	
Assault 2			12			Y	
Assault 3	Y						
Att. Elude Police Vehicle	Y				Y		
Bail Jumping with Murder 1							
Bail Jumping with Class A, B, or C	Y				Y		
Bribe Received by Witness	Y				Y		
Bribery	Y				Y		
Bribing a Witness	Y				Y		
Burglary 1			18			*	
Burglary 2	Y		12:If not a dwelling			**	
Child Molestation 1		Y				Y	
Child Molestation 2		Y				Y	
Child Molestation 3		Y				Y	
Communication with a Minor for Immoral Purposes		Y				Y	
Computer Trespass 1	Y				Y		
Controlled Substance Homicide, First Drug Conviction	Y		12			Y	
Controlled Substance Homicide, Subsequent Drug Conviction			12			Y	
Create, Del, Poss Counterfeit Controlled Subs Schedule I/II, Narc, First Conviction	Y		12			Y	
Create, Del, Poss Counterfeit Controlled Subs Schedule I/II, Narc, Subsequent Conviction			12			Y	

*Community placement is ordered if there is a deadly weapon finding.

**May be eligible for home detention under certain circumstances.

TABLE 6 (Continued)

SENTENCE CONSIDERATIONS BY CRIME

	First-Time Offender If Eligible	SSOSA If Eligible	Deadly Weapon Enhancement (In months)	Correctional Facility Enhancement (In months)	Home Detention	Community Placement	School Zone Enhancement (In months)
Create, Del, Poss Counterfeit Controlled Subs Schedule III-V Narc, Schedule I-V, Nonnarc	Y		12			Y	
Criminal Mistreatment 1	Y				Y		
Criminal Mistreatment 2	Y				Y		
Custodial Assault	Y				Y		
Damage Bldg by Explosion-- No Human Threat	Y				Y		
Damage Bldg by Explosion with Human Threat							
Dealing in Depic. of Minor Engaged in Sexually Explicit Conduct	Y				Y		
Delivery of Imitation Controlled Substance by Person 18 or Over to Person Under 18	Y				Y	Y	
Delivery of a Material in Lieu of a Controlled Substance	Y		12			Y	
Endanger Life/Property by Explosives - No Human Threat	Y				Y		
Endanger Life/Property by Explosives - with Human Threat							
Escape 1			12		Y		
Escape 2	Y				Y		
Explosive Devices Prohibited							
Extortion 1							
Extortion 2	Y				Y		
Extortionate Extension of Credit	Y				Y		
Extortionate Means to Collect Extensions of Credit	Y				Y		
False Verification for Welfare	Y				Y		
Forged Prescription for a Controlled Substance	Y				**	Y	
Forged Prescription (Legend Drug)	Y				Y		
Forgery	Y				Y		
Harassment	Y						

**May be eligible for home detention under certain circumstances.

TABLE 6 (Continued)

SENTENCE CONSIDERATIONS BY CRIME

	First-Time Offender If Eligible	SSOSA If Eligible	Deadly Weapon Enhancement (In months)	Correctional Facility Enhancement (In months)	Home Detention	Community Placement	School Zone Enhancement (In months)
Hit and Run--Injury Accident	Y				Y		
Homicide by Abuse						Y	
Incest 1		Y				Y	
Incest 2		Y				Y	
Inciting Criminal Profiteering	Y				Y		
Indecent Liberties with Forcible Compulsion		Y				Y	
Indecent Liberties without Forcible Compulsion		Y				Y	
Influencing Outcome of Sporting Event	Y				Y		
Intimidating a Judge	Y				Y		
Intimidating a Juror	Y				Y		
Intimidating a Public Servant	Y				Y		
Intimidating a Witness	Y				Y		
Introducing Contraband 1	Y				Y		
Introducing Contraband 2	Y				Y		
Involving a Minor in Drug Dealing	Y		12			Y	
Kidnapping 1			24			Y	
Kidnapping 2			12			*	
Leading Organized Crime							
Malicious Harassment	Y				Y		
Malicious Mischief 1	Y				Y		
Malicious Mischief 2	Y				Y		
Manslaughter 1							
Manslaughter 2							
Manufacture Deliver Poss with Intent Schedule I or II Narc, Except Heroin or Cocaine First Conviction and Not Near a School			12	18		Y	
Manufacture Deliver Poss With Intent Schedule I/II Narc, Except Heroin or Cocaine Subsequent Conviction or Near a School			12	18		Y	24

*Community placement is ordered if there is a deadly weapon finding.

TABLE 6 (Continued)

SENTENCE CONSIDERATIONS BY CRIME

	First-Time Offender If Eligible	SSOSA If Eligible	Deadly Weapon Enhancement (in months)	Correctional Facility Enhancement (in months)	Home Detention	Community Placement	School Zone Enhancement (in months)
Manufacture Deliver Poss with Intent Heroin or Cocaine First Conviction and Not Near a School			12	18		Y	
Manufacture Deliver Poss with Intent Heroin or Cocaine Subsequent Conviction or Near a School			12	18		Y	24
Manufacture Deliver Possess with Intent Methamphetamine	Y		12	15		Y	24
Manufacture Deliver Poss with Intent Schedule III-V Narc, Except Methamphetamine Schedule I-V Nonnarc	Y		12	15		Y	24
Manufacture Deliver Poss With Intent Marijuana	Y		12	15		Y	24
Manufacture Distribute or Poss with Intent An Imitation Controlled Sub	Y				Y	Y	
Murder 1						Y	
Murder 2						Y	
Over 18-Deliver Schedule I/II Narcotics to Someone Under 18			12	18		Y	24
Over 18-Deliver Other to Someone Under 18 and 3 Years Junior	Y		12	15		Y	24
Patronizing a Juvenile Prostitute	Y				Y		
Perjury 1	Y				Y		
Perjury 2	Y				Y		
Possess Controlled Substance Schedule I/II	Y			12	**	Y	
Possess Controlled Subs-Other	Y			12	**	Y	
Possess Phencyclidine (PCP)	Y			12	**	Y	
Possess Stolen Property 1	Y				Y		
Possess Stolen Property 2	Y				Y		
Promoting Prostitution 1	Y				Y		
Promoting Prostitution 2	Y				Y		
Rape 1			24			Y	
Rape 2						Y	
Rape 3		Y				Y	
Rape of a Child 1		Y				Y	
Rape of a Child 2		Y				Y	

**May be eligible for home detention under certain circumstances.

TABLE 6 (Continued)

SENTENCE CONSIDERATIONS BY CRIME

	First-Time Offender If Eligible	SSOSA If Eligible	Deadly Weapon Enhancement (in months)	Correctional Facility Enhancement (in months)	Home Detention	Community Placement	School Zone Enhancement (in months)
Rape of a Child 3		Y				Y	
Reckless Burning 1	Y						
Reckless Endangerment 1	Y				Y		
Rendering Criminal Assistance 1	Y				Y		
Robbery 1			24			*	
Robbery 2							
Securities Act Violation	Y				Y		
Selling for Profit - Heroin	Y#		12	18#		Y	24#
Selling for Profit - Schedule 1 Controlled or Counterfeit Sub, Except Heroin	Y#		12	#		Y	24#
Sending Bringing Depictions of Minor Engaged in Sexually Explicit Conduct	Y				Y		
Sexual Exploitation	Y				Y		
Sexual Misconduct With Minor 1		Y				Y	
Taking a Motor Vehicle Without Permission	Y				Y		
Tampering With a Witness	Y				Y		
Theft 1	Y				Y		
Theft 2	Y				Y		
Theft of Livestock 1	Y		12		Y		
Theft of Livestock 2	Y		12		Y		
Threats to Bomb	Y				Y		
Trafficking in Stolen Prop 1	Y				Y		
Trafficking in Stolen Prop 2	Y				Y		
Unlawful Imprisonment	Y						
Unlawful Issue of Checks or Drafts	Y				Y		
Unlawful Possession of Firearm or Pistol by Felon	Y				Y		
Unlawful Use of Food Stamps	Y				Y		

*Community placement is ordered if there is a deadly weapon finding.

#It is unclear whether selling for profit constitutes a delivery (violation of RCW 69.50.401(a)). Sentence considerations depend on how this issue is resolved. The length of the correctional facility enhancement depends not only on whether Selling for Profit constitutes a delivery, but also on which substance is sold: narcotics = 18 months, nonnarcotics = 15 months, counterfeit = 0.

TABLE 6 (Continued)

SENTENCE CONSIDERATIONS BY CRIME

	First-Time Offender If Eligible	SSOSA If Eligible	Deadly Weapon Enhancement (in months)	Correctional Facility Enhancement (in months)	Home Detention	Community Placement	School Zone Enhancement (in months)
Use of Proceeds of Criminal Profiteering	Y				Y		
Vehicle Prowl 1	Y				Y		
Vehicular Assault							
Vehicular Homicide by Being Under the Influence or By the Operation of Vehicle in Reckless Manner							
Vehicular Hom by Disregard for the Safety of Others	Y				Y		
Wilful Fail to Return From Furlough	Y				Y		
Wilful Fail to Return From Work Release	Y				Y		
Unranked Nonviolent Offense	Y				Y		

3:D:SG1

Standard Sentence Range

The sentencing grid determines the standard sentence range for the most commonly charged felonies. RCW 9.94A.420 states that if the presumptive sentence duration given in the sentencing grid exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence.

The ranges in the sentencing grid are expressed in terms of total confinement. A term of confinement of one year and one day (12+) is to be served in a state facility or institution. A term of one year or less is to be served in a county facility, unless, when combined with other terms, the total time to be served exceeds one year (RCW 9.94A.190). For some offenders, the court can convert total confinement sentences to partial confinement or community service (see the discussion of alternative conversions, page I-44).

Offenders with a sentence greater than a year, who also have a sentence less than a year, are to serve the entire period of time in a state institution.

Unranked Crimes

For an offender convicted of a crime without an established Seriousness Level, no standard sentence range applies. In these cases, the court is to impose a determinate sentence which may include not more than one year of confinement, community service work, restitution, a term of community supervision not to exceed one year, and/or a fine. Sentences involving greater than one year of confinement are exceptional sentences and must be justified in writing (RCW 9.94A.120(6)).

First-time Offender Waiver

The court has a statutory alternative to the standard range for certain first-time offenders (RCW 9.94A.120(5)). Offenders are eligible for the First-time Offender Waiver if they:

- Have not been convicted of a violent offense;
- Have not been convicted of Manufacture, Delivery, or Possession with Intent to Manufacture or Deliver a Schedule I or II Narcotic Drug;

- Have not been convicted of a sex offense;
- Have not previously been convicted of a felony in this state, federal court, another state, or foreign country;
- Have never participated in a program of deferred prosecution for a felony offense (RCW 9.94A.030(17) and 9.94A.120(5)); and
- Have no juvenile adjudication for a felony offense committed on the date or after the date they turned 15. (Juvenile adjudications for felony offenses committed before the age of 15 are not considered previous felony convictions.)

For these offenders, the court is given broad discretion in setting the sentence. Choices available to the court include:

1. Imposing up to 90 days of confinement in a facility operated or utilized under contract by the county;
2. Requiring that the offender refrain from committing new offenses;
3. Requiring up to two years of community supervision which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:
 - Devote time to a specific employment or occupation;
 - Undergo available outpatient treatment for up to two years or inpatient treatment not to exceed the standard range of confinement for that offense;
 - Pursue a prescribed, secular course of study or vocational training;
 - Remain within prescribed geographical boundaries and notify the court or a Community Corrections Officer prior to any change in the offender's address or employment;

- Report as directed to the court and a Community Corrections Officer; and/or
- Pay a fine, make restitution, and/or accomplish some community service work.

The court's decision to impose or not impose the First-time Offender Waiver cannot be appealed by the prosecutor or defendant (RCW 9.94A.210(1)).

Sexual Offender Sentencing Options

Two special sentencing options allow treatment of sexual offenders in the community on an outpatient basis or on an inpatient basis in a hospital setting or a correctional facility.

Special Sexual Offender Sentencing Alternative: The Special Sexual Offender Sentencing Alternative (SSOSA) provides for a suspended sentence which can include a jail sentence of up to six months and required outpatient or inpatient treatment (RCW 9.94A.120(7)(a)). To be eligible, offenders must:

- Have been convicted of a sex offense (Chapter 9A.44 RCW), Incest (RCW 9A.64.020), or Communication with a Minor for Immoral Purposes (RCW 9.68A.090), not including First or Second Degree Rape; and
- Have had no prior convictions for sexual offenses (Chapter 9A.44 RCW) or Incest (RCW 9A.64.020) or any other felony sexual offenses in this or any other state.

If those criteria are met, the court, on its own motion or on the motion of the state or the defendant, may order an examination to determine if the defendant is amenable to treatment. It is suggested that the examination be conducted by an expert in the area of sex offender treatment.

Once the examination report is received, the court determines whether the defendant and the community will benefit from use of this special sentencing alternative. If that determination is made, the court then imposes a sentence within the standard sentence range. If the sentence is for less than six years of confinement, the court may suspend execution of the sentence and place the offender on community supervision for up to two years. This is the only sentencing option where suspended sentences are possible.

As a condition of the SSOSA sentence, the court may order the defendant to spend up to six months in confinement (not to exceed the standard range of confinement for that offense). The court may also include crime-related prohibitions and requirements that the offender:

- Devote time to a specific employment or occupation;
- Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- Report as directed to the court and a Community Corrections Officer;
- Pay a fine, make restitution, accomplish some community service work, or any combination thereof; or
- Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions, the court may revoke the suspension and order execution of the sentence. The 60-day penalty for sentence violation is also an option to the court (see page I-56). All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

Sexual Offender Hospital Treatment: The following describes a program statutorily authorized until June 30, 1993. However, the Department of Social and Health Services is phasing out their sexual offender treatment program and will not accept new patients.

This option allows treatment at Western or Eastern State Hospital's Sexual Offender Treatment Program. To be eligible, an offender must have been convicted of a felony sexual offense committed before July 1, 1987, and have received a determinate sentence for a confinement term greater than one year but less than six years.

If these criteria are met, the court, on its own motion or on the motion of the offender or the state, may order the offender committed for up to 30 days to the custody of the Secretary of the Department of Social and Health Services (DSHS) at Eastern or Western State Hospital. The hospital would then evaluate the offender's amenability to treatment at these facilities and report back to the court. If the evaluation cannot begin within 30 days of the court order, the offender is to be transferred to the state for confinement until the evaluation can occur.

If the report indicates the offender is amenable to the treatment program, the court may order that the term of confinement be served at the sexual offender treatment program at the location determined by the Secretary of DSHS. If the offender is not found amenable to the treatment, this option is not available to the court. Offenders accepted into treatment are transferred to the state pending placement in the program.

If an offender escapes from the treatment program, DSHS must refer the matter to the sentencing court.

If an offender does not comply with the treatment program conditions, the Secretary of DSHS may refer the matter to the sentencing court. The court shall then commit the offender to the Department of Corrections for the balance of his or her term of confinement.

If an offender successfully completes the treatment program prior to the expiration of the term of confinement, the court may convert the balance of the term to community supervision. Crime-related prohibitions may be placed on the offender along with requirements to perform any one or more of the following:

1. Devote time to a specific employment or occupation;
2. Remain within prescribed geographical boundaries and notify the court or the Community Corrections Officer prior to any change in the offender's address or employment;
3. Report as directed to the court and a Community Corrections Officer;
4. Undergo available outpatient treatment.

If an offender violates any of the community supervision terms, the court may order that the balance of the community supervision term be served in confinement in the custody of the Department of Corrections. The 60-day penalty for sentence violation is also an option to the court (see page I-55).

Sexual Offender Treatment in Prison: For an offender who commits a felony sexual offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the court may request that the Department of Corrections evaluate the person's amenability to treatment, and the department may place them in a treatment program within a correctional facility.

If the offender completes a program before the expiration of his sentence, the department may request that the balance of confinement be converted to community supervision (except for offenders convicted of First and Second Degree Rape). If the offender violates a condition of this community supervision, the court may impose a 60-day penalty or order the balance of community supervision to be served in prison.

Alternative Conversions

The sentencing grid ranges are expressed in terms of total confinement (RCW 9.94A.370). For certain offenders, the court can convert terms of total confinement to partial confinement or community service. This provision allows courts to take advantage of available alternatives to confinement in cases where it is deemed appropriate. If the court does not use an alternative conversion for a nonviolent offender with a sentence range of one year or less, the reason why shall be stated on the Judgment and Sentence form (RCW 9.94A.380).

For eligible offenders (violent and nonviolent), one day of total confinement can be converted to one day of partial confinement. Nonviolent offenders are also eligible for conversion of one day of total confinement to eight hours of community service. This community service conversion, however, is limited to 30 days or 240 hours. If a community service conversion is ordered and the determinate sentence is greater than 30 days, the balance of the term is to be ordered served in total or partial confinement.

Partial confinement sentences may require the offender to serve the time in work release. If the offender violates the rules of the facility or fails to remain employed or enrolled in school, the facility can have the offender transferred to the county detention facility. The offender can then request an

administrative hearing. Pending the hearing or in the absence of a request for such a hearing, the offender shall serve the remainder of the term of confinement as total confinement (RCW 9.94A.180).

Home Detention

Home detention is a partial confinement program where the offender is confined to a private residence and subject to electronic surveillance. Because partial confinement programs are limited to sentences of one year or less, home detention is not an option for an offender with a prison sentence.

Convictions for the following offenses prohibit use of this program: violent offense, sex offense, drug offense, First or Second Degree Reckless Burning, Third Degree Assault, Unlawful Imprisonment, and Harassment.

Home detention may be imposed for offenders convicted of Possession of a Controlled Substance (RCW 69.50.401(d)) or Forged Prescription for a Controlled Substance (RCW 69.50.403) providing the offender is monitored for drug use.

Offenders convicted of Second Degree Burglary must meet the following conditions to be eligible: (a) successfully completing twenty-one days in a work release program; (b) having no convictions for burglary in the second degree during the preceding two years and not more than two prior convictions for burglary; (c) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense; (d) having no prior charges of escape; and (e) fulfilling the other conditions of the home detention program. Participation in this program is conditioned upon: (a) employment or school attendance; (b) program rules adherence; and (c) court-ordered restitution compliance (RCW 9.94A.030(31)).

Home detention can also be ordered for offenders whose medical or health-related conditions, concerns, or treatment would be better addressed under the home detention program or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration.

Community Supervision

For all sentences of one year or less, including those with alternative conversions, the court may impose up to one year of community supervision to ensure that the terms of the sentence are met.

An offender shall be on community supervision as of the date of sentencing. However, during any time the offender has absented him or herself from supervision without prior approval or during a period of confinement, the period of suspension shall toll (RCW 9.94A.170).

Community supervision for up to two years can be ordered with First-time Offender Waiver sentences or sentences for outpatient sexual offender sentences (Special Sexual Offender Sentencing Alternative). For consecutive sentences, community supervision is limited to 24 months (RCW 9.94A.400(5)).

Community supervision under the First-time Offender Waiver and Sexual Offender Sentencing Alternative can include rehabilitative conditions. For other supervision sentences, the conditions can include crime-related prohibitions. A crime-related prohibition means "an order of a court prohibiting conduct that directly relates to the circumstance of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct."

If the court decides that an offender's crime was caused by drug or alcohol use, a prohibition against alcohol or drug use can be imposed during community supervision, with regular monitoring by urinalysis or breathalyzer tests.

Community Placement

"Community placement" is the umbrella term for post-prison supervision of offenders. Post-prison supervision is a mandatory sentence condition for offenders sentenced to prison for the following offenses committed on or after July 1, 1988:

- Sex offense;
- Serious violent offense;
- Second Degree Assault;
- Crime against a person with a deadly weapon finding under RCW 9.94A.125; or
- Any felony offense under Chapter 69.50 or 69.52 RCW.

A list of "crimes against a person" for the deadly weapon category can be found in RCW 9.94A.440.

The court shall sentence an offender to a one-year community placement term, in addition to the other sentence terms. Community placement includes two programs: community custody and post-release supervision.

- Community custody is for inmates who earn "good time" while in prison. These offenders are transferred to community custody in lieu of earned early release time now served in the community. They are subject to the same controls placed on prison inmates. Violations of sentence conditions are reviewed at an inmate disciplinary hearing conducted by the Department of Corrections. Sanctions may include transfer to a more restrictive confinement level to serve the remaining portion of the original sentence. Any detention ordered is served in a Department of Corrections work release or prison facility.
- Postrelease supervision is for inmates who serve all their original sentence in confinement. If they violate sentence conditions, these offenders are entitled to a court hearing. Sanctions may include up to 60 days for each violation, and detention time is served in a county jail.

The following supervision conditions must be imposed by the court:

- Report to and be available for contact with the assigned community corrections officer as directed;
- Work at Department of Corrections' approved education, employment, and/or community service;
- Prohibition against the consumption of controlled substances that are not legally prescribed;
- Prohibition against the unlawful possession of controlled substances while on community custody;
- Pay community placement fees as determined by the Department of Corrections.

In addition to the above, the court may impose the following special conditions:

- Remain within or outside of specified geographical boundaries;

- No direct or indirect contact with the victim of the crime;
- No direct or indirect contact with a specified class of individuals (must be specified);
- Participate in crime-related treatment or counseling services;
- A prohibition against the consumption of alcohol;
- A requirement that the living arrangements of a sex offender be subject to the prior approval of the Department of Corrections; and/or
- Comply with crime-related prohibitions.

Conditions of community placement may be changed prior to transfer or during supervision, except they cannot be made more restrictive. If an offender commits a new felony while on community placement, an additional point is added to his or her Offender Score, thus increasing the sentencing range for the new felony.

Exceptional Sentences

The standard sentence range is presumed to be appropriate for the typical felony case. However, the law provides that in exceptional cases, the court has the discretion to depart from the standard sentence range and impose an exceptional sentence. RCW 9.94A.120(2) states the court "may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence."

An exceptional sentence must be a determinate sentence and cannot exceed the statutory maximum for the crime. In the case of the four crimes with statutory mandatory minimum sentences (Aggravated First Degree Murder, First Degree Murder, First Degree Assault and First Degree Rape), a departure sentence cannot go below these minimum terms of confinement (RCW 9.94A.120(4)).

If the court imposes a sentence outside a standard range, it must set forth the reasons for its decision in written findings of fact and conclusions of law (RCW 9.94A.120(3)). These procedures must also be followed if the court departs from the consecutive/concurrent policy in RCW

9.94A.400(1) and (2). Any departures can be appealed to the Court of Appeals by the defendant or the prosecutor.

The statute provides a list of illustrative factors the court may consider in deciding whether to impose an exceptional sentence. These mitigating and aggravating circumstances for exceptional sentences are provided as examples to the court and are not intended to be exclusive reasons for departures.

1. Mitigating Circumstances for Exceptional Sentences:

- a. To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.
- b. Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.
- c. The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.
- d. The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.
- e. The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law was significantly impaired (voluntary use of drugs or alcohol is excluded).
- f. The offense was principally accomplished by another person, and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.
- g. The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.
- h. The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

2. Aggravating Circumstances for Exceptional Sentences:

- a. The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.
- b. The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.
- c. The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:
 - i. The current offense involved multiple victims or multiple incidents per victim;
 - ii. The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;
 - iii. The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;
 - iv. The defendant used his or her position of trust, confidence or fiduciary responsibility to facilitate the commission of the current offense.
- d. The current offense was a major violation of the Uniform Controlled Substances Act, Chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition. The presence of ANY of the following may identify an offense as a major VUCSA:
 - i. The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or
 - ii. The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or

- iii. The current offense involved the manufacture of controlled substances for use by other parties; or
 - iv. The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or
 - v. The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or
 - vi. The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).
- e. The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of 18 years manifested by multiple incidents over a prolonged period of time.
 - f. The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

Restitution

The court shall order restitution whenever a felony results in injury to person or damage or property loss. If restitution is not ordered, the court is to indicate the extraordinary reasons on the record (RCW 9.94A.120(15)).

Restitution can also be ordered to pay for an injury, loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that he or she pay restitution for an offense(s) not prosecuted pursuant to a plea agreement.

Restitution is based on three factors:

- Easily ascertainable damages for injury to or loss of property,

- Actual expenses incurred in treatment for injury to persons; and
- Lost wages resulting from injury.

Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, and other intangible losses. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime.

Restitution is to be determined at the sentencing hearing or within 60 days. As part of the sentence, the court must set the terms and conditions under which the defendant shall make restitution. It is recommended that the court be specific about the payment schedule for restitution, so that these sentence conditions can be appropriately monitored by the Community Corrections Officer.

The offender's compliance with the restitution requirement can be supervised for ten years after the date of sentence or release from confinement (whichever is more recent). The restitution portion of the sentence may be modified as to amount, terms, and conditions during this period regardless of the community supervision term and the statutory maximum of the crime.

Cases Involving Fraud or Deceptive Practice

If an offender or organization is found guilty of an offense involving fraud or other deceptive practice, the court may require that notice be given to the class of persons or sector of the public affected by the conviction or financially interested in the subject matter of the offense. The notice can be accomplished by mail, by advertising through designated media, or by other appropriate means (RCW 9.94A.140(3)).

Fines

On all sentences for felony offenses, the court may impose fines according to the following ranges (RCW 9.94A.386):

Class A felonies	\$0 - 50,000
Class B felonies	\$0 - 20,000
Class C felonies	\$0 - 10,000

Other Monetary Obligations

The Sentencing Reform Act allows the court to order several additional monetary obligations. These include:

- Assessments for sentences involving community supervision (RCW 9.94A.270);
- Court costs, including reimbursement for extradition costs (RCW 9.94A.120(10)(a));
- Defense attorney's fees (RCW 9.94A.120(10)(b));
- Contributions to a county or interlocal drug fund (RCW 9.94A.120(10)(c));
- Crime victims' compensation assessment (RCW 7.68.035); and
- Recoupment to the victim for the cost of counseling as a result of the offender's crime, in cases where the Special Sexual Offender Sentencing Alternative is exercised (RCW 9.94A.120(7)(a)(vi)).

All such monetary obligations, except probationer assessments and crime victims' assessment, shall be monitored by the Department of Corrections for up to ten years after the most recent of either the last date of release from confinement or the date the sentence was entered (RCW 9.94A.120(10)).

Payment of Legal Financial Obligations

According to Section 18, Chapter 252, Laws of 1989, offenders with legal financial obligations who are not in compliance with the payments, may not be brought before the court from July 1, 1989, through December 31, 1989. After that date, unpaid financial obligations will be handled under RCW 9.94A.200. For the complete text of the bill, see Appendix C.

Contact With Individuals

The court can prohibit the offender from having contact with specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the community supervision term. The order prohibiting contact must relate directly to the circumstances of the crime of conviction (RCW 9.94A.120(16)).

Consecutive/Concurrent Sentences

RCW 9.94A.400 identifies several rules regarding consecutive/concurrent sentences. Generally, sentences for multiple offenses set at one sentencing hearing are served concurrently unless there are three or more separate serious violent offenses. In those cases, the sentences are served consecutively. In some cases, the decision to run the sentences consecutively or concurrently is discretionary, but in others a departure from the policy requires an exceptional sentence. The specific rules are as follows:

Sentencing Persons Convicted of Multiple Offenses: Except for convictions of three or more separate serious violent offenses, all sentences for multiple offenses are served concurrently (RCW 9.94A.400(1)(a)). In the case of three or more serious violent offenses arising from separate and distinct criminal conduct, the sentences for these serious violent offenses are served consecutively to each other and concurrently with any other sentences imposed for current offenses (RCW 9.94A.400(1)(b)).

Convictions entered or sentenced on the same date as the conviction for which the Offender Score is being computed are deemed "other current offenses" within the meaning of RCW 9.94A.400.

A departure from this rule requires an exceptional sentence (RCW 9.94A.120(14)).

Felony Committed While Offender is Under Sentence for Another Felony: Whenever the current offense was committed while the offender was under sentence for a previous felony and the offender is sentenced to another term of imprisonment, the latter term shall not begin until expiration of all prior terms (RCW 9.94A.400(2)).

A departure from this rule requires an exceptional sentence (RCW 9.94A.120(14)).

Felonies Committed While Offender was not Under Sentence for Another Felony: Subject to the above policies, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run concurrent with felony sentences previously imposed by any court in this or another state or by a federal court, unless the court pronouncing the subsequent sentence expressly orders that they be served consecutively (RCW 9.94A.400(3)). This rule applies when offenders have been charged in multiple informations or have multiple convictions from different jurisdictions.

Probation Revocation: Whenever any person granted probation under RCW 9.95.210 or RCW 9.92.060, or both, has a probationary sentence revoked and a prison sentence imposed, this sentence shall run consecutively to any sentence imposed, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently (RCW 9.94A.400(4)). This rule applies when offenders with a pre-SRA case have their probation revoked and are also sentenced on a conviction for a crime committed after June 30, 1984.

Serving Total Confinement with Consecutive Sentences: In the case of consecutive sentences, all periods of total confinement shall be served before any periods of partial confinement, community service, community supervision, or any other requirement or condition of a sentence (RCW 9.94A.400(5)). This rule applies to offenders who have not completed their sentence requirements from a previous conviction and are sentenced to total confinement on a new offense.

STEP 5 - REVIEW OF SENTENCES

A sentence within the standard range cannot be appealed (RCW 9.94A.210). However, a sentence outside the standard range is subject to appeal by the defendant or the prosecutor. To reverse a sentence which is outside the sentence range, the Court of Appeals must find that:

- (a) the reasons supplied by the sentencing judge were not supported by the record or they do not justify a sentence outside the range, or
- (b) the sentence imposed was clearly excessive or clearly too lenient.

The Department of Corrections may request a review of a sentence committing an offender to the custody or jurisdiction of the department. This review must be limited to errors of law, and must be filed with the Court of Appeals within ninety days of knowing about the sentence. The department must certify that all reasonable efforts to resolve the dispute at the Superior Court level have been exhausted.

STEP 6 - PENALTY AND MODIFICATION HEARING

If an offender violates any sentence condition or requirement, the court may modify its judgment and sentence according to the rules in RCW 9.94A.200. The court, upon motion of the state or upon its own motion, must first require the offender to show cause why he or she shall not be punished for the noncompliance. A summons or arrest warrant can be issued by the court for the offender's appearance.

If the court finds that a violation of sentence conditions or requirements has occurred, it may order the offender confined for a period not to exceed 60 days for each violation. The court may (i) convert a partial confinement term to total confinement; (ii) convert community service to total or partial confinement; or (iii) convert monetary obligations (except restitution and the crime victim penalty assessment) to community service hours by calculating the obligation into hours using the state minimum wage as a calculation basis.

Any time served in confinement awaiting the hearing shall be credited against any confinement order. If the court finds the violation was not willful, the court may modify its previous order regarding payment of fines or other monetary payments and community service obligations. In all cases, escape charges can also be filed if appropriate.

STEP 7 - DISCHARGE AND VACATION OF CONVICTION RECORD

Discharge

When an offender completes his or her sentence requirements, the Department of Corrections shall notify the sentencing court in accordance with RCW 9.94A.220. The court then discharges the offender and provides him or her with a certificate of discharge. This certificate restores all civil rights lost upon conviction. It is not, however, based on a finding of rehabilitation.

Following discharge, the offender's prior record can be used to determine the sentence for later offenses and also used in later criminal prosecution as an element of an offense or for impeachment purposes.

Vacation of Conviction Record

Every offender discharged under the above provision may apply to the sentencing court for a vacation of the conviction record as provided in RCW 9.94A.230. The offender's record cannot be cleared if:

- Any criminal charges are pending against the offender in any court in this state, another state, or federal court;

- The offense was a violent offense (as defined in RCW 9.94A.030(29));
- The offender has been convicted of a new crime in this state, another state, or federal court since the date of the offender's discharge;
- The offense was a Class B felony and less than ten years have passed since the date the applicant was discharged; and
- The offense was a Class C felony and less than five years have passed since the date the applicant was discharged.

If the offender meets these tests, the court can clear the record of conviction by:

- Permitting the offender to withdraw his/her guilty plea and to enter a plea of not guilty; or setting aside the guilty verdict, if the offender was convicted after a plea of not guilty; and
- Dismissing the information or indictment against the offender.

Once the court vacates a record of conviction, the offender's conviction shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction and the offender shall be released from all penalties and disabilities resulting from the offenses. For all purposes, including responding to questions on employment applications, an offender whose record of conviction has been vacated may state that he or she has never been convicted of that crime. However, a vacated conviction record may be used as an element of a crime in a later criminal prosecution for the limited number of offenses whose classification as a felony requires proof of a prior conviction (e.g., Communication with a Minor for Immoral Purposes).

The sentencing guidelines allow automatic "washout" of prior convictions which meet the requirements of vacation of conviction. This policy allows offenders who do not formally apply to the court to have eligible offenses excluded from their criminal history in subsequent convictions. (See page I-9 for further discussion of this policy.)

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Chapter 9.94A RCW

SENTENCING REFORM ACT AND COMMENTARY

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RCW 9.94A.010 PURPOSE.

The purpose of this chapter is to make the criminal justice system accountable to the public by developing a system for the sentencing of felony offenders which structures, but does not eliminate, discretionary decisions affecting sentences, and to add a new chapter to Title 9 RCW designed to:

- (1) Ensure that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history;
- (2) Promote respect for the law by providing punishment which is just;
- (3) Be commensurate with the punishment imposed on others committing similar offenses;
- (4) Protect the public;
- (5) Offer the offender an opportunity to improve him or herself; and
- (6) Make frugal use of the state's resources.

Comment

In 1983, the legislature considered enumerating specific factors which could not be considered in sentencing the offender, including race, creed, and gender. However, the legislature decided that to list such factors could narrow the scope of their intent, which was to prohibit discrimination as to any element that does not relate to the crime or the previous record of the defendant. For this reason, the statute requires that the sentencing guidelines and prosecuting standards be applied equally "without discrimination."

RCW 9.94A.020 SHORT TITLE.

This chapter may be known and cited as the sentencing reform act of 1981.

RCW 9.94A.030 DEFINITIONS.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Commission" means the sentencing guidelines commission.
- (2) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.
- (3) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.
- (4) "Community placement" means a one-year period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.
- (5) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(6) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(7) "Confinement" means total or partial confinement as defined in this section.

(8) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(9) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(10) (a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" includes a defendant's prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(11) "Department" means the department of corrections.

(12) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(13) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(14) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to comply with any conditions on the inmate's or parolee's terms while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(15) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(16) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(17) (a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction.

(18) "Nonviolent offense" means an offense which is not a violent offense.

(19) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(20) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention has been ordered by the court, in the residence of either the defendant or a member of the defendant's immediate family, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release and home detention as defined in this section.

(21) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(22) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(23) "Serious traffic offense" means:

(a) Driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(24) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(25) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(26) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(27) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(28) "Victim" means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

(29) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, child molestation in the first degree, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(30) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(31) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense,

reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program. Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 conditioned upon the offender: (a) Successfully completing twenty-one days in a work release program, (b) having no convictions for burglary in the second degree during the preceding two years and not more than two prior convictions for burglary, (c) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (d) having no prior charges of escape, and (e) fulfilling the other conditions of the home detention program. Participation in a home detention program shall be conditioned upon: (a) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (b) abiding by the rules of the home detention program, and (c) compliance with court-ordered restitution. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

Comment

The 1986 Amendments:

The 1986 Legislature made several changes in this section (Chapter 257, Laws of 1986). Some changes were intended to resolve ambiguities and inconsistencies which were discovered as the law was put into practice; others merely improved the organization of this chapter. The following explains the Commission's rationale for recommending these changes to the legislature.

The definition of "conviction" has been clarified to include a verdict of guilty, finding of guilty, or an acceptance of a plea of guilty. In determining if a prior conviction existed for the purpose of calculating the offender score, it was unclear if a crime for which a plea of guilty had been entered but a sentencing had not taken place qualified as a "prior conviction." The amendment states that a finding of guilt determined by a jury or a judge (upon entry of a plea or otherwise) is a conviction for the purpose of the SRA.

To reflect the serious nature of Class A felonies, the term "criminal history" was amended so that prior juvenile Class A felonies do not "wash out" when the defendant becomes 23 years of age. See RCW 9.94A.360(4).

The term "drug offense" has been added to this section. Certain types of drug offenses warrant the addition of 12 months to the standard range if a deadly weapon allegation is proven. The law previously provided that this penalty could be imposed for "Delivery or Possession of a Controlled Substance with Intent to Deliver." No RCWs were cited, and there was some confusion if the category excluded crimes such as Distribution to Persons under 18, and Selling for a Profit. The new definition clarifies which drug crimes can receive this penalty. Simple possession, forged prescriptions, and violations of the Legend Drug Act are not included in the definition.

In the offender score matrices and in RCW 9.94A.360, the term "escape" was used. The definition previously contained in RCW 9.94A.310 is moved to the definition section.

The term "felony traffic offense" was previously defined at the bottom of the offender score matrices in RCW 9.94A.330. This definition has been changed to include Vehicular Homicide, to solve an oversight, and to exclude Attempting to Elude a Police Officer. (In 1987, Attempting to Elude a Police Officer was again added to the definition.)

The term "first-time offender" confused practitioners and raised questions concerning whether prior juvenile convictions precluded an adult offender from being sentenced as a "first-time offender." Changes in the definition make it clear that a juvenile adjudication committed at the age of 15 years or after disqualifies the offender from being sentenced under the First-time Offender Waiver. The exclusion of sex offenders from this option was previously cited in RCW 9.94A.120(5) and was moved to this section to improve clarity.

The definition of a "nonviolent offense" was added because it is a term used frequently in the act.

The term "serious traffic offense" is added to this section. It previously appeared at the bottom of the matrices in RCW 9.94A.330. The definition clarifies the previously used term of "Hit-and-Run" by labeling the offense as "Hit-and-Run An Attended Vehicle" (RCW 46.52.020(5)).

The term "serious violent offense" is included in this section. It previously appeared at the bottom of the matrices in RCW 9.94A.330. The term has been expanded to include attempts, solicitations and conspiracies to commit any of the felonies listed in the definition. Previously, the law was not clear in three areas: 1) if anticipatory crimes were included in this definition, 2) if anticipatory crimes are eligible for a deadly weapon enhancement, and 3) how anticipatory crimes are to be scored in the offender score. The statutes in this section and in RCW 9.94A.310 and 9.94A.330 make clear that anticipatory offenses are considered the same as the completed crime in determining whether the crime is a serious violent offense, warrants a longer sentence for a deadly weapon allegation, or increases the offender score.

The term "sex offense" has been added to this section to clarify which offenses qualify for the sex offender sentencing options and are precluded from the First-time Offender Waiver. Anticipatory crimes are included within the definition.

The crime of Vehicular Assault has been added to the list of crimes within the definition of a "violent offense." The commission decided that this crime involves basically the same offender behavior as Vehicular Homicide, a violent offense, and therefore the crime needed to be added to this category.

The 1987 Amendments:

The 1987 Legislature made several changes to this section. Most of the changes were intended to clarify the law. One was a substantive change to the first-time offender waiver. Another was a change involving Vehicular Homicide.

To clarify the law, the legislature included federal and out-of-state convictions in the definition of specific types of crimes. Work release was defined as a program of partial confinement, with the stipulation the offender must attend work or school and follow the facility's rules.

Eluding a Police Officer was included in the definition of felony traffic offense in 1984, then removed in 1986. The 1987 amendments again defined this crime as a felony traffic offense.

The first-time offender definition was amended to exclude use of the waiver for persons convicted of Manufacture, Deliver, or Possess With Intent to Manufacture or Deliver Controlled Substances Classified as Schedule I or II Narcotics.

In order to make a certain type of Vehicular Homicide offenders eligible for the First-time Offender Waiver, the definition of violent offenses was amended to include Vehicular Homicide only when caused by driving under the influence or by driving recklessly. Vehicular Homicide is not classified as a violent offense if caused by disregard for the safety of others.

The new crime, Homicide by Abuse, was added to the definition of serious violent offenses.

The 1988 Amendments:

The 1988 Legislature added several definitions related to the community placement program following release from prison. These definitions included community custody, community placement, and postrelease supervision. The definition of escape was amended to include failure to comply with movement limitations while on community custody.

The Commission recommended the definition of juvenile criminal history (RCW 9.94A.030(10)(b)) be amended to include serious traffic offenses. The offender scoring rules (RCW 9.94A.360) include serious traffic offenses when determining the sentence range for felony traffic offenses, therefore this section was changed to be consistent.

The 1988 Legislature enacted a provision allowing home detention for certain offenders. The definition of partial confinement was amended to reference this form of confinement and a definition of home detention was added.

The violent offense definition (RCW 9.94A.030(29)) was amended to include the newly created crime of First Degree Child Molestation.

The 1989 Amendments:

The 1989 Legislature amended the definition of home detention to change eligibility for the program.

RCW 9.94A.040 SENTENCING GUIDELINES COMMISSION-- ESTABLISHED-- POWERS AND DUTIES.

- (1) A sentencing guidelines commission is established as an agency of state government.
- (2) The commission shall, following a public hearing or hearings:
 - (a) Devise a series of recommended standard sentence ranges for all felony offenses and a system for determining which range of punishment applies to each offender based on the extent and nature of the offender's criminal history, if any;
 - (b) Devise recommended prosecuting standards in respect to charging of offenses and plea agreements; and
 - (c) Devise recommended standards to govern whether sentences are to be served consecutively or concurrently.
- (3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.
- (4) In devising the standard sentence ranges of total and partial confinement under this section, the commission is subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.020.

(5) In carrying out its duties under subsection (2) of this section, the commission shall give consideration to the existing guidelines adopted by the association of superior court judges and the Washington association of prosecuting attorneys and the experience gained through use of those guidelines. The commission shall emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender

(6) This commission shall conduct a study to determine the capacity of correctional facilities and programs which are or will be available. While the commission need not consider such capacity in arriving at its recommendations, the commission shall project whether the implementation of its recommendations would result in exceeding such capacity. If the commission finds that this result would probably occur, then the commission shall prepare an additional list of standard sentences which shall be consistent with such capacity.

(7) The commission may recommend to the legislature revisions or modifications to the standard sentence ranges and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity.

(8) The commission shall study the existing criminal code and from time to time make recommendations to the legislature for modification.

(9) The commission shall exercise its duties under this section in conformity with chapter 34.04 RCW, as now existing or hereafter amended.

RCW 9.94A.050 SENTENCING GUIDELINES COMMISSION-- RESEARCH STAFF-- DATA, INFORMATION, ASSISTANCE--BYLAWS-- SALARY OF EXECUTIVE OFFICER.

The commission shall appoint a research staff of sufficient size and with sufficient resources to accomplish its duties. The commission may request from the office of financial management, the board of prison terms and paroles, administrator for the courts, the department of corrections, and the department of social and health services such data, information, and data processing assistance as it may need to accomplish its duties, and such services shall be provided without cost to the commission. The commission shall adopt its own bylaws.

The salary for a full-time executive officer, if any, shall be fixed by the governor pursuant to RCW 43.03.040.

RCW 9.94A.060 SENTENCING GUIDELINES COMMISSION--MEMBERSHIP-- APPOINTMENTS--TERMS OF OFFICE--EXPENSES AND COMPENSATION.

(1) The commission consists of fifteen voting members, one of whom the governor shall designate as chairperson. With the exception of ex officio voting members, the voting members of the commission shall be appointed by the governor, subject to confirmation by the senate.

(2) The voting membership consists of the following:

(a) The head of the state agency having general responsibility for adult correction programs, as an ex officio member;

(b) The director of financial management, as an ex officio member;

(c) Until July 1, 1992, the chair of the indeterminate sentencing review board, as an ex officio member, and thereafter the chair of the clemency and pardons board, as an ex officio member;

(d) Two prosecuting attorneys;

(e) Two attorneys with particular expertise in defense work;

(f) Four persons who are superior court judges;

(g) One person who is the chief law enforcement officer of a county or city;

(h) Three members of the public who are not and have never been prosecutors, attorneys, judges, or law enforcement officers.

In making the appointments, the governor shall seek the recommendations of Washington prosecutors in respect to the prosecuting attorney members, of the Washington state bar association in respect to the attorney members, of the association of superior court judges in respect to the members who are judges, and of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer.

(3) All voting members of the commission, except ex officio voting members, shall serve terms of three years and until their successors are appointed and confirmed. However, the governor shall stagger the terms by appointing four of the initial members for terms of one year, four for terms of two years, and four for terms of three years.

(4) The speaker of the house of representatives and the president of the senate may each appoint two nonvoting members to the commission, one from each of the two largest caucuses in each house. The members so appointed shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.

(5) The members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed by their respective houses as provided under RCW 44.04.120, as now existing or hereafter amended. Members shall be compensated in accordance with RCW 43.03.250.

RCW 9.94A.070 STANDARD SENTENCE RANGES--REVISIONS OR MODIFICATIONS--SUBMISSION TO LEGISLATURE.

Revisions or modifications of standard sentence ranges or other standards, together with any additional list of standard sentence ranges, shall be submitted to the legislature at least every two years.

RCW 9.94A.080 PLEA AGREEMENTS--DISCUSSIONS--CONTENTS OF AGREEMENTS.

The prosecutor and the attorney for the defendant, or the defendant when acting pro se, may engage in discussions with a view toward reaching an agreement that, upon the entering of a plea to a charged offense or to a lesser or related offense, the prosecutor will do any of the following:

- (1) Move for dismissal of other charges or counts;
- (2) Recommend a particular sentence within the sentence range applicable to the offense or offenses to which the offender pled guilty;
- (3) Recommend a particular sentence outside of the sentence range;
- (4) Agree to file a particular charge or count;
- (5) Agree not to file other charges or counts; or
- (6) Make any other promise to the defendant, except that in no instance may the prosecutor agree not to allege prior convictions.

The court shall not participate in any discussions under this section.

Comment

Pursuant to subsection (6), agreements may be reached regarding the filing or dismissal of deadly weapon allegations, the amount of restitution to be paid, whether an alternative conversion from total confinement to community service will be recommended, and whether confinement shall be total or partial. These examples are not exclusive, and subsection (6) was designed to allow agreements appropriate to the specific facts of individual cases which are permitted under the act. See RCW 9.94A.450, the Recommended Prosecuting Standards for Charging and Plea Dispositions.

The requirement that in no instance may the prosecutor agree not to allege prior convictions does not apply to situations in which the conviction is constitutionally invalid on its face. Similarly, it need not be alleged if the prior conviction has been previously determined through a personal restraint petition (or equivalent process) to have been unconstitutionally obtained. See State vs. Ammons, 105 Wn.2d 175, 187 (1986).

RCW 9.94A.090 PLEA AGREEMENTS--STATEMENT TO COURT AS TO NATURE AND REASONS FOR AGREEMENT--COURT APPROVAL OR DISAPPROVAL--SENTENCING JUDGE NOT BOUND.

(1) If a plea agreement has been reached by the prosecutor and the defendant pursuant to RCW 9.94A.080, they shall at the time of the defendant's plea state to the court, on the record, the nature of the agreement and the reasons for the agreement. The court, at the time of the plea, shall determine if the agreement is consistent with the interests of justice and with the prosecuting standards. If the court determines it is not consistent with the interests of justice and with the prosecuting standards, the court shall, on the record, inform the defendant and the prosecutor that they are not bound by the agreement and that the defendant may withdraw the defendant's plea of guilty, if one has been made, and enter a plea of not guilty.

(2) The sentencing judge is not bound by any recommendations contained in an allowed plea agreement and the defendant shall be so informed at the time of plea.

Comment

Subsection (1) gives the judge hearing a defendant's plea of guilty the authority to void the plea agreement upon which it is based if it is not consistent with the interests of justice and the prosecuting standards. This includes the authority to deny an amendment of the information. CrR2.1(d).

A sentencing judge is not bound by the recommendations of any party, even if that judge also accepted the defendant's plea of guilty. This is consistent with Washington law preceding implementation of the Sentencing Reform Act.

RCW 9.94A.100 PLEA AGREEMENT'S--CRIMINAL HISTORY.

The prosecuting attorney and the defendant shall each provide the court with their understanding of what the defendant's criminal history is prior to a plea of guilty pursuant to a plea agreement. All disputed issues as to criminal history shall be decided at the sentencing hearing.

Comment

This section has been held not to violate a defendant's right to self-incrimination. State vs. Ammons, 105 Wn.2d 175, 183-184 (1986).

RCW 9.94A.110 SENTENCING HEARING--TIME PERIOD FOR HOLDING--PRESENTENCE REPORTS--VICTIM IMPACT STATEMENT AND CRIMINAL HISTORY--ARGUMENTS--RECORD.

Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing. The court shall order the department to complete a presentence report before imposing a sentence upon a defendant who has been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. The court shall consider the presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

Comment

This section is procedurally implemented through CrR 7.1. Relevant information for purposes of sentencing is to be submitted through written presentence reports. Information set forth in the presentence reports of the prosecuting attorney and the Department of Corrections will be considered admitted, unless specifically controverted by the defendant. State vs. Ammons, 105 Wn.2d 175, 184 (1986).

A comprehensive discussion regarding the determination of a defendant's criminal history at the sentencing hearing is contained in State vs. Ammons, 105 Wn.2d 175 (1986). See RCW 9.94A.370 for a discussion of other disputed facts that may affect the defendant's sentence.

The 1988 Legislature directed the court to order presentence reports on all offenders convicted of felony sexual offenses.

RCW 9.94A.120 SENTENCES.

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

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

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

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

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

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

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

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

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

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

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

(f) Pay a fine and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds,

considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

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

(ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;

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

(iv) Report as directed to the court and a community corrections officer;

(v) Pay a fine, accomplish some community service work, or any combination thereof; or

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

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

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

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

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

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

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

(iv) Undergo available outpatient treatment.

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

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

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

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

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

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

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

(iv) Undergo available outpatient treatment.

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

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sexual offense committed prior to July 1, 1987.

(8) (a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense, a serious violent offense,

assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150(1). When the court sentences an offender under this section to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150(1). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense, a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, unless a condition is waived by the court, the sentence shall include, in addition to the other terms of the sentence, a one-year term of community placement on the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
 - (ii) The offender shall work at department of corrections-approved education, employment, and/or community service;
 - (iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;
 - (iv) An offender in community custody shall not unlawfully possess controlled substances; and
 - (v) The offender shall pay community placement fees as determined by the department of corrections.
- (c) The court may also order any of the following special conditions:
- (i) The offender shall remain within, or outside of, a specified geographical boundary;
 - (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;
 - (iii) The offender shall participate in crime-related treatment or counseling services;
 - (iv) The offender shall not consume alcohol;
 - (v) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or
 - (vi) The offender shall comply with any crime-related prohibitions.
- (d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

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

(10) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. Restitution to victims shall be paid prior to any other payments of monetary obligations. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. The offender's compliance with payment of monetary obligations shall be supervised by the department. The rate of payment shall be determined by the court or, in the absence of a rate determined by the court, the rate shall be set by the department. All monetary payments ordered shall be paid no later than ten years after the most recent of either the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments.

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

(12) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow explicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

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

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

(15) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

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

(17) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release or in a program of home detention.

Comment

RCW 9.94A.120(3) indicates that sentences outside the standard range are to be determinate sentences. The definition of determinate sentence is "a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution" (RCW 9.94A.030(10)). When the court sets a sentence outside the range, such sentence should be expressed in terms of the categories allowed under the law.

The First-time Offender Waiver allows the court to impose up to 90 days of confinement, even for offenders with a sentence range of 0 to 60 days.

The 1986 Legislature amended the provisions for inpatient treatment of sexual offenders. The sexual offender treatment program is being transferred from the Department of Social and Health Services to the Department of Corrections. The 1987 Legislature clarified that the transfer of the treatment program applies to offenders whose crimes were committed after July 1, 1987. Offenders whose crimes were committed before that date will still be sent to the program at Eastern and Western State Hospitals, but all sexual offenders will be transferred to the Department of Corrections by 1993. A provision requiring that the treatment provider find the offender amenable to treatment went into effect in 1986.

RCW 9.94A.120(13) codifies the constitutional requirement that the offender receive credit for time served prior to the sentencing. See State v. Phelan, 100 Wn.2d 508, 671 P.2d 1212 (1983).

The 1986 Legislature added subsection (15) to require courts to order restitution, or in the event it is not ordered, to set forth "extraordinary circumstances" in the record for not requiring restitution.

The 1987 Legislature added subsection (16) to allow the court to impose an order prohibiting an offender from contacting victims or other persons directly related to the circumstances of the crime. The court may impose this or other crime-related prohibitions for up to the statutory maximum for that crime.

Subsection (17) clarifies that partial confinement may be served in work release.

State v. Bernhard covers the court's authority to designate a treatment facility as an exceptional condition of a community supervision sentence. See 108 Wn.2d 527, 741 P.2d 1, (1987).

The 1988 Legislature established a program of community placement for certain offenders following their release from prison. RCW 9.94A.120(8) establishes the conditions of supervision for both community custody and postrelease supervision, the two forms of community placement.

The 1988 Legislature directed that restitution to victims shall be the first payment of monetary obligations (RCW 9.94A.120(10)). The legislature also clarified that the Department of Corrections is responsible for supervising payment of monetary obligations, and if the court does not set a schedule for payments, the department can set one.

The 1989 Legislature changed the allowable financial obligations to include payment for the cost of evaluating the offender's amenability to treatment and payment for the cost of treatment.

RCW 9.94A.123 LEGISLATIVE FINDING AND INTENT-- COMMITMENT OF FELONY SEXUAL OFFENDERS AFTER JULY 1, 1987.

The legislature finds that the sexual offender treatment programs at western and eastern state hospitals, while not proven to be totally effective, may be of some benefit in positively affecting the behavior of certain sexual offenders. Given the significance of the problems of sexual assault and sexual abuse of children, it is therefore appropriate to review and revise these treatment efforts.

At the same time, concerns regarding the lack of adequate security at the existing programs must be satisfactorily addressed. In an effort to promote public safety, it is the intent of the legislature to transfer the responsibility for felony sexual offenders from the department of social and health services to the department of corrections.

Therefore, no person committing a felony sexual offense on or after July 1, 1987, may be committed under RCW 9.94A.120(7)(b) to the department of social and health services at eastern state hospital or western state hospital. Any person committed to the department of social and health services under RCW 9.94A.120(7)(b) for an offense committed before July 1, 1987, and still in the custody of the department of social and health services on June 30, 1993, shall be transferred to the custody of the department of corrections. Any person eligible for evaluation or treatment under RCW 9.94A.120(7)(b) shall be committed to the department of corrections.

RCW 9.94A.125 DEADLY WEAPON SPECIAL VERDICT-- DEFINITION.

In a criminal case wherein there has been a special allegation and evidence establishing that the accused or an accomplice was armed with a deadly weapon at the time of the commission of the crime, the court shall make a finding of fact of whether or not the accused or an accomplice was armed with a deadly weapon at the time of the commission of the crime, or if a jury trial is had, the jury shall, if it find[s] the defendant guilty, also find a special verdict as to whether or not the defendant or an accomplice was armed with a deadly weapon at the time of the commission of the crime.

For purposes of this section, a deadly weapon is an implement or instrument which has the capacity to inflict death and from the manner in which it is used, is likely to produce or may easily and readily produce death. The following instruments are included in the term deadly weapon: Blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than three inches, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas.

Comment

The Commission did not provide sentence enhancement for all crimes involving a deadly weapon. For some crimes where the use of the deadly weapon warranted additional punishment, the legislature adopted the Commission's recommendations that an offender have additional time added to the presumptive sentence. These crimes are: First Degree Kidnapping, First Degree Rape, First Degree Robbery, First Degree Burglary, Second Degree Assault, First Degree Escape, Second Degree Kidnapping, Second Degree Burglary (nondwelling only), and the Delivery of or Possession with Intent to Deliver A Controlled Substance (RCW 9.94A.310). (In 1988, the legislature added Theft of Livestock 1 and 2 to this list). The 1986 amendments clarified that the deadly weapon penalties apply to anticipatory offenses to commit one of these nine crimes. The 1986 amendments also

clarified that the deadly weapon penalty applies to the drug offenses defined in RCW 9.94A.030(4), instead of applying only to the Delivery or Possession with Intent to Deliver.

The Commission was aware that State v. Workman, 90 Wn.2d 433, 554 P.2d 382 (1978), prohibits the "double counting" of an element for the purpose of proving the existence of the crime and using it as a factor in enhancing the sentence without specific legislative intent to so allow. Therefore, the Commission recommended enhancing the penalty for crimes involving deadly weapons for which the weapon is only an alternative element. The Commission decided that if there are different ways of committing an offense, that the method involving a deadly weapon deserved additional enhancement through a special allegation process.

The definition and procedural requirements for the deadly weapon allegation and finding are carried over from existing law. No distinction is made between a firearm and other types of deadly weapons. The mandatory prison term for a firearm finding, under RCW 9.41.025, and for a deadly weapon finding, under RCW 9.95.040, was abolished by the Sentencing Reform Act as to crimes committed on or after July 1, 1984.

The sentencing court should first calculate the presumptive sentence range for the current offense using the appropriate Offense Seriousness Level and Offender Score. Then the deadly weapon enhancement is added to the entire range. The court may impose any sentence within this enhanced range. The allegation of a deadly weapon cannot be used to enhance the sentence except under this section or upon stipulation pursuant to RCW 9.94A.370.

RCW 9.94A.130 POWER TO DEFER OR SUSPEND SENTENCES ABOLISHED--EXCEPTIONS.

The power to defer or suspend the imposition or execution of sentence is hereby abolished in respect to sentences prescribed for felonies committed after June 30, 1984, except for offenders sentenced under RCW 9.94A.120(7)(a), the special sexual offender sentencing alternative, whose sentence may be suspended.

RCW 9.94A.140 RESTITUTION.

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days and may set the terms and conditions under which the defendant shall make restitution. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim or defendant.

RCW 9.94A.142 RESTITUTION--OFFENSES COMMITTED AFTER JULY 1, 1985.

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days and shall set the terms and conditions under which the defendant shall make restitution. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or defendant.

(5) This section shall apply to offenses committed after July 1, 1985.

Comment

The legislature has expressed a strong desire that victims receive restitution from offenders. Courts are urged to set restitution amounts "at the sentencing hearing or within sixty days." This time limit (as with others relating to the setting of hearings) is advisory to the courts and was not intended to create any right for a defendant to a speedy restitution hearing. See State v. Hartwell, 38 Wn. App. 135 (1984). (The 60-day rule is directory, not mandatory, and there must be a causal connection between the crime proven and the injuries for which restitution is ordered.)

NEW SECTION LEGAL FINANCIAL OBLIGATIONS-- NONCOMPLIANCE.

For those individuals who, as a condition and term of their sentence imposed on or before July 1, 1989, have had financial obligations imposed, and who are not in compliance with the court order requiring payment of that legal financial obligation, no action shall be brought before the court from July 1, 1989, through and including December 31, 1989, to impose a penalty for their failure to pay. All individuals who, after December 31, 1989, have not taken the opportunity to bring their legal financial obligation current, shall be proceeded against pursuant to RCW 9.94A.200.

Comment

This new section is a part of a larger bill passed by the 1989 Legislature which sets definitions and criteria for collecting legal financial obligations by the Department of Corrections. The majority of the bill is effective in 1990. This section, effective July 1, 1989, delays action against offenders who are in noncompliance with their payments on legal financial obligations.

RCW 9.94A.150 LEAVING CORRECTIONAL FACILITY OR RELEASE BEFORE EXPIRATION OF SENTENCE PROHIBITED-- EXCEPTIONS.

No person serving a sentence imposed pursuant to this chapter shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except for persons convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, the terms of the sentence may be reduced by earned early release time in accordance with procedures developed and promulgated by the department. The earned early release time shall be for good behavior and good performance, as determined by the department. In no case shall the aggregate earned early release time exceed one-third of the sentence. Persons convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW may become eligible for community custody in lieu of earned early release time in accordance with the program developed by the department;

(2) When a person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW is eligible for transfer to community custody status in lieu of earned early release time pursuant to subsection (1) of this section, as computed by the department of corrections, the offender shall be transferred to community custody.

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(5) No more than the final six months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing him or herself in the community;

(6) The governor may pardon any offender;

(7) The department of corrections may release an offender from confinement any time within ten days before a release date calculated under this section; and

(8) An offender may leave a correctional facility prior to completion of his sentence if the sentence has been reduced as provided in RCW 9.94A.160.

Comment

The 1988 Legislature added several sections related to community placement. The eligibility period of work release was also changed, so offenders sent to prison are eligible to serve the final six months of their sentence in partial confinement (work release).

RCW 9.94A.155 PRISONER ESCAPE, RELEASE, OR FURLOUGH--NOTIFICATION PROCEDURES.

(1) At the earliest possible date, and in no event later than ten days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, work release placement, furlough, or escape, if such notice has been requested in writing about a specific inmate convicted of a violent offense or a sex offense as defined by RCW 9.94A.030, to all of the following:

(a) The chief of police of the city, if any, in which the inmate will reside, if known, or in which placement will be made in a work release program;

(b) The sheriff of the county in which the inmate will reside, if known, or in which placement will be made in a work release program;

(c) The victim, if any, of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide;

(d) Any witnesses who testified against the inmate in any court proceedings involving the violent offense; and

(e) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate.

(2) If an inmate convicted of a violent offense or a sex offense as defined by RCW 9.94A.030 escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses and the victim, if any, of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) The department of corrections shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(4) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Next of kin" means a person's spouse, parents, siblings and children.

(5) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.

RCW 9.94A.156 PRISONER ESCAPE, RELEASE, OR FURLOUGH-- HOMICIDE AND VIOLENT OFFENSES, RIGHTS OF VICTIMS AND WITNESSES.

The department of corrections shall provide the victims and next of kin in the case of a homicide and witnesses involved in violent offense cases or sex offenses as defined by RCW 9.94A.030 where a judgment and sentence was entered after October 1, 1983, a statement of the rights of victims and witnesses to request and receive notification under RCW 9.94A.155 and 9.94A.157.

Comment

The 1989 Legislature added sex offenses to the crimes whereby victims must be notified of their rights including the right to receive notification of a prisoner release.

RCW 9.94A.157 PRISONER ESCAPE, RELEASE, OR FURLOUGH-- REQUESTS FOR NOTIFICATION.

Requests for notification under RCW 9.94A.155 shall be made by sending a written request by certified mail directly to the department of corrections and giving the defendant's name, the name of the county in which the trial took place, and the month of the trial. Notification information and necessary forms shall be available through the department of corrections, county prosecutors' offices, and other agencies as deemed appropriate by the department of corrections.

RCW 9.94A.158 PRISONER ESCAPE, RELEASE, OR FURLOUGH-- NOTIFICATION AS ADDITIONAL REQUIREMENT.

The notification requirements of RCW 9.94A.155 are in addition to any requirements in RCW 43.43.745 or other law.

RCW 9.94A.159 PRISONER ESCAPE, RELEASE, OR FURLOUGH-- CONSEQUENCES OF FAILURE TO NOTIFY.

Civil liability shall not result from failure to provide notice required under RCW 9.94A.155 through 9.94A.158, 9.94A.030, and 43.43.745 unless the failure is the result of gross negligence.

RCW 9.94A.160 EMERGENCY DUE TO INMATE POPULATION EXCEEDING CORRECTIONAL FACILITY CAPACITY.

If the governor finds that an emergency exists in that the population of a state residential correctional facility exceeds its reasonable, maximum capacity, then the governor may do any one or more of the following:

(1) Call the sentencing guidelines commission into an emergency meeting for the purpose of evaluating the standard ranges and other standards. The commission may adopt any revision or amendment to the standard ranges or other standards that it believes appropriate to deal with the

emergency situation. The revision or amendment shall be adopted in conformity with chapter 34.04 RCW and shall take effect on the date prescribed by the commission. The legislature shall approve or modify the commission's revision or amendment at the next legislative session after the revision or amendment takes effect. Failure of the legislature to act shall be deemed as approval of the revision or amendment;

(2) If the emergency occurs prior to July 1, 1988, call the board of prison terms and paroles into an emergency meeting for the purpose of evaluating its guidelines and procedures for release of prisoners under its jurisdiction. The board shall adopt guidelines for the reduction of inmate population to be used in the event the governor calls the board into an emergency meeting under this section. The board shall not, under this subsection, reduce the prison term of an inmate serving a mandatory minimum term under RCW 9.95.040, an inmate confined for treason, an inmate confined for any violent offense as defined by RCW 9.94A.030, or an inmate who has been found to be a sexual psychopath under chapter 71.06 RCW. In establishing these guidelines, the board shall give priority to sentence reductions for inmates confined for nonviolent offenses, inmates who are within six months of a scheduled parole, and inmates with the best records of conduct during confinement. The board shall consider the public safety, the detrimental effect of overcrowding upon inmate rehabilitation, and the best allocation of limited correctional facility resources. Guidelines adopted under this subsection shall be submitted to the senate institutions and house of representatives social and health services committees for their review. This subsection does not require the board to reduce inmate population to or below any certain number. The board may also take any other action authorized by law to modify the terms of prisoners under its jurisdiction;

(3) Call the clemency and pardons board into an emergency meeting for the purpose of recommending whether the governor's commutation or pardon power should be exercised to meet the present emergency.

RCW 9.94A.165 EMERGENCY IN COUNTY JAILS POPULATION EXCEEDING CAPACITY.

If the governor finds that an emergency exists in that the populations of county jails exceed their reasonable, maximum capacity in a significant manner as a result of increases in the sentenced felon population due to implementation of chapter 9.94A RCW, the governor may do any one or more of the following:

(1) Call the sentencing guidelines commission into an emergency meeting for the purpose of evaluating the standard ranges and other standards. The commission may adopt any revision or amendment to the standard ranges or other standards that it believes appropriate to deal with the emergency situation. The revision or amendment shall be adopted in conformity with chapter 34.04 RCW and shall take effect on the date prescribed by the commission. The legislature shall approve or modify the commission's revision or amendment at the next legislative session after the revision or amendment takes effect. Failure of the legislature to act shall be deemed as approval of the revision or amendment. The commission shall also analyze how alternatives to total confinement are being provided and used and may recommend other emergency measures that may relieve the overcrowding.

(2) Call the clemency and pardons board into an emergency meeting for the purpose of recommending whether the governor's commutation or pardon power should be exercised to meet the present emergency.

RCW 9.94A.170 TOLLING OF TERM OF CONFINEMENT.

(1) A term of confinement, including community custody, ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented him or

herself from confinement without the prior approval of the entity in whose custody the offender has been placed. A term of partial confinement shall be tolled during any period of time spent in total confinement pursuant to a new conviction or pursuant to sanctions for violation of sentence conditions on a separate felony conviction.

(2) A term of supervision, including postrelease supervision ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented himself or herself from supervision without prior approval of the entity under whose supervision the offender has been placed.

(3) Any period of supervision shall be tolled during any period of time the offender is in confinement for any reason. However, if an offender is detained pursuant to RCW 9.94A.207 or 9.94A.195 and is later found not to have violated a condition or requirement of supervision, time spent in confinement due to such detention shall not toll to period of supervision.

(4) For confinement sentences, the date for the tolling of the sentence shall be established by the entity responsible for the confinement. For sentences involving supervision, the date for the tolling of the sentence shall be established by the court, based on reports from the entity responsible for the supervision.

Comment

The 1988 Legislature clarified the law regarding tolling of community supervision for time spent in confinement or for an approved absence.

RCW 9.94A.175 POSTRELEASE SUPERVISION--VIOLATIONS-- EXPENSES.

If the offender violates any condition of postrelease supervision, a hearing may be conducted in the same manner as provided in RCW 9.94A.200. Jurisdiction shall be with the court of the county in which the offender was sentenced. However, the court may order a change of venue to the offender's county of residence or where the violation occurred, for the purpose of holding a violation hearing.

After the hearing, the court may order the offender to be confined for up to sixty days per violation in the county jail. Reimbursement to a city or county for the care of offenders who are detained solely for violating a condition of postrelease supervision shall be under RCW 70.48.440. A county shall be reimbursed for indigent defense costs for offenders who are detained solely for violating a condition of postrelease supervision in accordance with regulations to be promulgated by the office of financial management. An offender may be held in jail at state expense pending the hearing, and any time served while awaiting the hearing shall be credited against confinement imposed for a violation. The court shall retain jurisdiction for the purpose of holding the violation hearing and imposing a sanction.

RCW 9.94A.180 TERM OF PARTIAL CONFINEMENT, WORK RELEASE, HOME DETENTION.

(1) An offender sentenced to a term of partial confinement shall be confined in the facility for at least eight hours per day. The offender shall be required as a condition of partial confinement to report to the facility at designated times. An offender may be required to comply with crime-related prohibitions during the period of partial confinement.

(2) An offender in a county jail ordered to serve all or part of a term of less than one year in work release or a program of home detention who violates the rules of the work release facility or program of home detention or fails to remain employed or enrolled in school may be transferred to

the appropriate county detention facility without further court order but shall, upon request, be notified of the right to request an administrative hearing on the issue of whether or not the offender failed to comply with the order and relevant conditions. Pending such hearing, or in the absence of a request for the hearing, the offender shall serve the remainder of the term of confinement as total confinement. This subsection shall not affect transfer or placement of offenders committed to the state department of corrections.

Comment

The 1987 Legislature added subsection (2) to clarify the procedures for county jails when work release rules are violated.

**RCW 9.94A.190 TERMS OF MORE THAN ONE YEAR OR LESS THAN ONE YEAR--
WHERE SERVED--REIMBURSEMENT OF COSTS.**

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state. Except as provided for in subsection (3) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention has been ordered by the court, in the residence of either the defendant or a member of the defendant's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided for in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department of corrections for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.400.

Comment

See also RCW 70.48.400: "Persons sentenced to felony terms or a combination of terms of more than three hundred sixty-five days of incarceration shall be committed to state institutions under the authority of the Department of Corrections. Persons serving sentences of three hundred sixty-five consecutive days or less may be sentenced to a jail as defined in RCW 70.48.010. All persons convicted of felonies or misdemeanors and sentenced to jail shall be the financial responsibility of the city or county."

The 1986 amendments included a new subsection (3) which provides that offenders with a sentence greater than a year, who also have a sentence less than a year, will serve the entire period of time in a state institution. Prior to this amendment, offenders were transferred from the state institution to a local facility to serve sentences of less than one year.

**RCW 9.94A.195 VIOLATION OF CONDITION OR REQUIREMENT OF SENTENCE--
ARREST BY COMMUNITY CORRECTIONS OFFICER-- CONFINEMENT IN COUNTY
JAIL.**

If an offender violates any condition or requirement of a sentence, a community corrections officer may arrest or cause the arrest of the offender without a warrant, pending a determination by the court. If there is reasonable cause to believe that an offender has violated a condition or requirement of the sentence, an offender may be required to submit to a search and seizure of the offender's person, residence, automobile, or other personal property. A community corrections officer may also arrest an offender for any crime committed in his or her presence. The facts and circumstances of the conduct of the offender shall be reported by the community corrections officer, with recommendations, to the court.

If a community corrections officer arrests or causes the arrest of an offender under this section, the offender shall be confined and detained in the county jail of the county in which the offender was taken into custody, and the sheriff of that county shall receive and keep in the county jail, where room is available, all prisoners delivered to the jail by the community corrections officer, and such offenders shall not be released from custody on bail or personal recognizance, except upon approval of the court, pursuant to a written order.

Comment

The Commission intends that Community Corrections Officers exercise their arrest powers sparingly, with due consideration for the seriousness of the violation alleged and the impact of confinement on jail population. Violations may be charged by the Community Corrections Officer upon notice of violation and summons, without arrest.

The search and seizure authorized by this section should relate to the violation which the Community Corrections Officer believes to have occurred.

**RCW 9.94A.200 NONCOMPLIANCE WITH CONDITION OR REQUIREMENT OF
SENTENCE--PROCEDURE--PENALTY.**

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community service obligation to total or partial confinement, or (iii) convert monetary obligations, except restitution and the crime victim penalty assessment, to community service hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community service. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court; and

(c) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of fines or other monetary payments and regarding community service obligations.

(3) Nothing in this section prohibits the filing of escape charges if appropriate.

Comment

Although the legislature has not adopted specific guidelines for the length of sanctions for various violations, the imposition of sanctions should be evaluated with reference to the standard range of the original offense. Rarely should the time to be served for violations exceed the underlying standard range.

The 1988 Legislature clarified that the state has the burden of showing noncompliance and established the standard of review. The legislature also allowed courts to convert community service to confinement or to convert certain monetary obligations to community service hours.

RCW 9.94A.205 COMMUNITY CUSTODY--VIOLATIONS.

If an inmate violates any condition or requirement of community custody, the department may transfer the inmate to a more restrictive confinement status to serve the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation. If an inmate is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the department prior to the imposition of sanctions. The hearing shall be considered as inmate disciplinary proceedings and shall not be subject to chapter 34.04 RCW. The department shall develop hearing procedures and sanctions.

RCW 9.94A.207 COMMUNITY PLACEMENT VIOLATORS--ARREST, DETENTION, FINANCIAL RESPONSIBILITY.

(1) The secretary may issue warrants for the arrest of any offender who violates a condition of community placement. The arrest warrants shall authorize any law enforcement or peace officer or community corrections officer of this state or any other state where such offender may be located, to arrest the offender and place him or her in total confinement pending disposition of the alleged violation. The department shall compensate the local jurisdiction at the office of financial management's adjudicated rate, in accordance with RCW 70.48.440. A community corrections officer, if he or she has reasonable cause to believe an offender in community placement has violated a condition of community placement, may suspend the person's community placement status and arrest or cause the arrest and detention in total confinement of the offender, pending the determination of the secretary as to whether the violation has occurred. The community corrections officer shall report to the secretary all facts and circumstances and the reasons for the action of suspending community placement status. A violation of a condition of community placement shall be deemed a violation of the sentence for purposes of RCW 9.94A.195. The authority granted to community corrections officers under this section shall be in addition to that set forth in RCW 9.94A.195.

(2) Inmates, as defined in RCW 72.09.020, who have been transferred to community custody and who are detained in a local correctional facility are the financial responsibility of the department of corrections. The community custody inmate shall be removed from the local correctional facility not later than eight days, excluding weekends and holidays, following admittance to the local correctional facility and notification that the inmate is available for movement to a state correctional institution. However, if good cause is shown, the department may negotiate with local correctional authorities for an additional period of detention.

Comment

The 1988 Legislature added three sections related to the community placement program.

RCW 9.94A.210 WHICH SENTENCES APPEALABLE--PROCEDURE--GROUNDS FOR REVERSAL--WRITTEN OPINIONS.

(1) A sentence within the standard range for the offense shall not be appealed. For purposes of this section, a sentence imposed on a first offender under RCW 9.94A.120(5) shall also be deemed to be within the standard range for the offense and shall not be appealed.

(2) A sentence outside the sentence range for the offense is subject to appeal by the defendant or the state. The appeal shall be to the court of appeals in accordance with rules adopted by the supreme court.

(3) Pending review of the sentence, the sentencing court or the court of appeals may order the defendant confined or placed on conditional release, including bond.

(4) To reverse a sentence which is outside the sentence range, the reviewing court must find:
(a) Either that the reasons supplied by the sentencing judge are not supported by the record which was before the judge or that those reasons do not justify a sentence outside the standard range for that offense; or (b) that the sentence imposed was clearly excessive or clearly too lenient.

(5) A review under this section shall be made solely upon the record that was before the sentencing court. Written briefs shall not be required and the review and decision shall be made in an expedited manner according to rules adopted by the supreme court.

(6) The court of appeals shall issue a written opinion in support of its decision whenever the judgment of the sentencing court is reversed and may issue written opinions in any other case where the court believes that a written opinion would provide guidance to sentencing judges and others in implementing this chapter and in developing a common law of sentencing within the state.

(7) The department may petition for a review of a sentence committing an offender to the custody or jurisdiction of the department. The review shall be limited to errors of law. Such petition may be filed with the court of appeals no later than ninety days after the department has actual knowledge of terms of the sentence. The petition shall include a certification by the department that all reasonable efforts to resolve the dispute at the superior court level have been exhausted.

Comment

The 1989 Legislature authorized the Department of Corrections to petition for a review of a sentence, limiting the review to errors of law.

RCW 9.94A.220 DISCHARGE UPON COMPLETION OF SENTENCE--CERTIFICATE OF DISCHARGE--COUNSELING AFTER DISCHARGE.

When an offender has completed the requirements of the sentence, the secretary of the department or his designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge. The discharge shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an

offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody.

RCW 9.94A.230 VACATION OF OFFENDER'S RECORD OF CONVICTION.

(1) Every offender who has been discharged under RCW 9.94A.220 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may clear the record of conviction by: (a) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or (b) if the offender has been convicted after a plea of not guilty, by the court setting aside the verdict of guilty; and (c) by the court dismissing the information or indictment against the offender.

(2) An offender may not have the record of conviction cleared if: (a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offense was a crime against persons as defined in RCW 43.43.830; (d) the offender has been convicted of a new crime in this state, another state, or federal court since the date of the offender's discharge under RCW 9.94A.220; (e) the offense is a class B felony and less than ten years have passed since the date the applicant was discharged under RCW 9.94A.220; and (f) the offense was a class C felony and less than five years have passed since the date the applicant was discharged under RCW 9.94A.220.

(3) Once the court vacates a record of conviction under subsection (1) of this section, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

Comment

While all offenders may obtain a discharge under RCW 9.94A.220, only those convicted of a nonviolent offense who have remained crime-free for a specific period may earn a vacation of their conviction. This vacation of the conviction is analogous to the dismissal obtained under RCW 9.95.240 (deferred sentence). See also RCW 9.95 (Restoration of Civil Rights) and 9.96 (Employment Rights). A vacated conviction under this statute cannot be used as criminal history. The issue of whether a vacated conviction entitles an offender to possess a firearm under state law has yet to be determined by the courts; federal law precludes such possession.

RCW 9.94A.250 CLEMENCY AND PARDONS BOARD-- MEMBERSHIP--TERMS--CHAIRMAN--BYLAWS--TRAVEL EXPENSES--STAFF.

(1) The clemency and pardons board is established as a board within the office of the governor. The board consists of five members appointed by the governor, subject to confirmation by the senate.

(2) Members of the board shall serve terms of four years and until their successors are appointed and confirmed. However, the governor shall stagger the terms by appointing one of the initial members for a term of one year, one for a term of two years, one for a term of three years, and two for terms of four years.

(3) The board shall elect a chairman from among its members and shall adopt bylaws governing the operation of the board.

(4) Members of the board shall receive no compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(5) The attorney general shall provide a staff as needed for the operation of the board.

RCW 9.94A.260 CLEMENCY AND PARDONS BOARD--PETITIONS FOR REVIEW AND COMMUTATION OF SENTENCES AND PARDONS-- RECOMMENDATIONS.

The clemency and pardons board shall receive petitions from individuals, organizations, and the department for review and commutation of sentences and pardoning of offenders in extraordinary cases, and shall make recommendations thereon to the governor.

The board shall receive petitions from individuals or organizations for the restoration of civil rights lost by operation of state law as a result of convictions for federal offenses or out-of-state felonies. The board may issue certificates of restoration limited to the elective rights to vote and to engage in political office. Any certifications granted by the board must be filed with the secretary of state to be effective. In all other cases, the board shall make recommendations to the governor.

Comment

In addition to other duties of the Clemency and Pardons Board, the 1989 Legislature allowed individual or organizations to petition the Board for the restoration of civil rights lost after federal or out-of-state felony convictions.

RCW 9.94A.270 PROBATIONER ASSESSMENTS.

(1) Whenever a punishment imposed under this chapter requires community supervision services to be provided, the sentencing court shall require that the offender pay to the department of corrections the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the probation and which shall be considered as payment or part payment of the cost of providing probation supervision to the probationer. The court may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:

(a) The offender has diligently attempted but has been unable to obtain employment that provides the offender sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the court.

(d) The offender's age prevents him from obtaining employment.

(e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(f) Other extenuating circumstances as determined by the court.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments that shall vary in

accordance with the intensity or cost of the supervision. The department may not prescribe any assessment that is less than ten dollars nor more than fifty dollars.

(3) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the state general fund.

(4) This section shall not apply to probation services provided under an interstate compact pursuant to chapter 9.95 RCW or to probation services provided for persons placed on probation prior to June 10, 1982.

(1)

RCW 9.94A.310
TABLE 1
SENTENCING GRID

SGC 1989

SERIOUSNESS
LEVEL

OFFENDER SCORE

	0	1	2	3	4	5	6	7	8	9 or more
XIV	Life Sentence without Parole/Death Penalty									
XIII	23y 4m 240 - 320	24y 4m 250 - 333	25y 4m 261 - 347	26y 4m 271 - 361	27y 4m 281 - 374	28y 4m 291 - 388	30y 4m 312 - 416	32y 10m 338 - 450	36y 370 - 493	40y 411 - 548
XII	12y 123 - 164	13y 134 - 178	14y 144 - 192	15y 154 - 205	16y 165 - 219	17y 175 - 233	19y 195 - 260	21y 216 - 288	25y 257 - 342	29y 298 - 397
XI	6y 62 - 82	6y 9m 69 - 92	7y 6m 77 - 102	8y 3m 85 - 113	9y 93 - 123	9y 9m 100 - 133	12y 6m 129 - 171	13y 6m 139 - 185	15y 6m 159 - 212	17y 6m 180 - 240
X	5y 51 - 68	5y 6m 57 - 75	6y 62 - 82	6y 6m 67 - 89	7y 72 - 96	7y 6m 77 - 102	9y 6m 98 - 130	10y 6m 108 - 144	12y 6m 129 - 171	14y 6m 149 - 198
IX	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	5y 51 - 68	5y 6m 57 - 75	7y 6m 77 - 102	8y 6m 87 - 116	10y 6m 108 - 144	12y 6m 129 - 171
VIII	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	6y 6m 67 - 89	7y 6m 77 - 102	8y 6m 87 - 116	10y 6m 108 - 144
VII	18m 15 - 20	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	5y 6m 57 - 75	6y 6m 67 - 89	7y 6m 77 - 102	8y 6m 87 - 116
VI	13m 12+ - 14	18m 15 - 20	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 6m 46 - 61	5y 6m 57 - 75	6y 6m 67 - 89	7y 6m 77 - 102
V	9m 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 41 - 54	5y 51 - 68	6y 62 - 82	7y 72 - 96
IV	6m 3 - 9	9m 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57	5y 2m 53 - 70	6y 2m 63 - 84
III	2m 1 - 3	5m 3 - 8	8m 4 - 12	11m 9 - 12	14m 12+ - 16	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57	5y 51 - 68
II	0 - 90 Days	4m 2 - 6	6m 3 - 9	8m 4 - 12	13m 12+ - 14	16m 14 - 18	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57
I	0 - 60 Days	0 - 90 Days	3m 2 - 5	4m 2 - 6	5m 3 - 8	8m 4 - 12	13m 12+ - 14	16m 14 - 18	20m 17 - 22	2y 2m 22 - 29

II-37

RCW 9.94A.310 (Continued)

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

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

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

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

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

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

New Section An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of Section 112, Chapter 271, Laws of 1989.

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

(a) Eighteen months for offenses committed under RCW 69.50.401(a)(1)(i);

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

(c) Twelve months for offenses committed under RCW 69.50.401(d).

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

Comment

The 1986 amendments provided that the 12-month deadly weapon penalty applies to those drug offenses defined in RCW 9.94A.030(13), instead of applying only to Delivery or Possession of a Controlled Substance with Intent to Deliver.

The 1986 revisions also made it clear that the deadly weapon penalties apply to anticipatory offenses to commit one of the crimes listed in subsection (3).

The 1988 Legislature added First and Second Degree Theft of Livestock to the crimes eligible for weapon penalties.

In 1989, the legislature added two enhancements for some drug crimes committed in certain locations: (1) violations of RCW 69.50.401(a) committed within 1,000 feet of a school or school bus zone, and (2) violations of RCW 69.50.401(a) or (d) committed within a county jail or state correctional facility.

RCW 9.94A.320
TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XIV Aggravated Murder 1 (RCW 10.95.020)

- XIII Murder 1 (RCW 9A.32.030)
 Homicide by abuse (RCW 9A.32.055)

- XII Murder 2 (RCW 9A.32.050)

- XI Assault 1 (RCW 9A.36.011)

- X Kidnapping 1 (RCW 9A.40.020)
 Rape 1 (RCW 9A.44.040)
 Rape of a Child 1 (RCW 9A.44.073)
 Damaging building, etc., by explosion with threat to
 human being (RCW 70.74.280(1))
 Over 18 and deliver heroin or narcotic from Schedule I
 or II to someone under 18 (RCW 69.50.406)
 Leading Organized Crime (RCW 9A.82.060(1)(a))

- IX Robbery 1 (RCW 9A.56.200)
 Manslaughter 1 (RCW 9A.32.060)
 Explosive devices prohibited (RCW 70.74.180)
 Endangering life and property by explosives with
 threat to human being (RCW 70.74.270)
 Over 18 and deliver narcotic from Schedule III, IV, or
 V or a nonnarcotic from Schedule I-V to someone
 under 18 and 3 years junior (RCW 69.50.406)
 Controlled Substance Homicide (RCW 69.50.415)
 Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

- VIII Arson 1 (RCW 9A.48.020)
 Rape 2 (RCW 9A.44.050)
 Rape of a Child 2 (RCW 9A.44.076)
 Child Molestation 1 (RCW 9A.44.083)
 Promoting Prostitution 1 (RCW 9A.88.070)
 Selling heroin for profit (RCW 69.50.410)
 Vehicular Homicide, by being under the influence of
 intoxicating liquor or any drug or by the operation
 of any vehicle in a reckless manner (RCW 46.61.520)
 Manufacture, deliver, or possess with intent to
 deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
 Manufacture, deliver, or possess with intent to
 deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

VII Burglary 1 (RCW 9A.52.020)
Vehicular Homicide, by disregard for the safety of
others (RCW 46.61.520)
Introducing Contraband 1 (RCW 9A.76.140)
Indecent Liberties (with forcible compulsion)
(RCW 9A.44.100(1)(a))
Dealing in depictions of minor engaged in sexually
explicit conduct (RCW 9.68A.050)
Sending, bringing into state depictions of minor
engaged in sexually explicit conduct (RCW 9.68A.060)
Involving a minor in drug dealing (RCW 69.50.401(f))

VI Bribery (RCW 9A.68.010)
Manslaughter 2 (RCW 9A.32.070)
Child Molestation 2 (RCW 9A.44.086)
Intimidating a Juror/Witness (RCW 9A.72.110,
9A.72.130)
Damaging building, etc., by explosion with no threat
to human being (RCW 70.74.280(2))
Endangering life and property by explosives with no
threat to human being (RCW 70.74.270)
Indecent Liberties (without forcible compulsion)
(RCW 9A.44.100(1)(b) and (c))
Incest 1 (RCW 9A.64.020(1))
Selling for profit (controlled or counterfeit) any
controlled substance (except heroin) (RCW 69.50.410)
Manufacture, deliver, or possess with intent to
deliver narcotics from Schedule I or II (except
heroin or cocaine) (RCW 69.50.401(a)(1)(i))
Intimidating a Judge (RCW 9A.72.160)
Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))

V Criminal Mistreatment 1 (RCW 9A.42.020)
Rape 3 (RCW 9A.44.060)
Kidnapping 2 (RCW 9A.40.030)
Extortion 1 (RCW 9A.56.120)
Incest 2 (RCW 9A.64.020(2))
Perjury 1 (RCW 9A.72.020)
Extortionate Extension of Credit (RCW 9A.82.020)
Advancing money or property for extortionate extension
of credit (RCW 9A.82.030)
Extortionate Means to Collect Extensions of Credit
(RCW 9A.82.040)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Bail Jumping with class A felony (RCW 9A.76.170(2)(b))
Delivery of imitation controlled substance by person
eighteen or over to person under eighteen
(RCW 69.52.030(2))

IV Theft of Livestock 1 (RCW 9A.56.080)
Robbery 2 (RCW 9A.56.210)
Assault 2 (RCW 9A.36.021)
Escape 1 (RCW 9A.76.110)
Arson 2 (RCW 9A.48.030)
Rape of a Child 3 (RCW 9A.44.079)
Bribing a Witness/Bribe Received by Witness
(RCW 9A.72.090, 9A.72.100)
Malicious Harassment (RCW 9A.36.080)
Threats to Bomb (RCW 9.61.160)
Willful Failure to Return from Furlough (RCW 72.66.060)
Hit and Run -- Injury Accident (RCW 46.52.020(4))
Vehicular Assault (RCW 46.61.522)
Manufacture, deliver, or possess with intent to
deliver narcotics from Schedule III, IV, or V or
nonnarcotics from Schedule I-V (except marijuana or
methamphetamines) (RCW 69.50.401(a)(1)(ii) through
(iv))
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Use of Proceeds of Criminal Profiteering
(RCW 9A.82.080 (1) and (2))
Knowingly Trafficking in Stolen Property
(RCW 9A.82.050(2))

III Criminal mistreatment 2 (RCW 9A.42.030)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Child Molestation 3 (RCW 9A.44.089)
Extortion 2 (RCW 9A.56.130)
Unlawful Imprisonment (RCW 9A.40.040)
Assault 3 (RCW 9A.36.031)
Custodial Assault (RCW 9A.36.100)
Unlawful possession of firearm or pistol by felon
(RCW 9.41.040)
Harassment (RCW 9A.46.020)
Promoting Prostitution 2 (RCW 9A.88.080)
Willful Failure to Return from Work Release
(RCW 72.65.070)
Introducing Contraband 2 (RCW 9A.76.150)
Communication with a Minor for Immoral Purposes
(RCW 9.68A.090)
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Escape 2 (RCW 9A.76.120)
Perjury 2 (RCW 9A.72.030)
Bail Jumping with Class B or C Felony
(RCW 9A.76.170(2)(c))
Intimidating a Public Servant (RCW 9A.76.180)
Tampering with a Witness (RCW 9A.72.120)
Manufacture, deliver, or possess with intent to
deliver marijuana (RCW 69.50.401(a)(1)(ii))
Delivery of a material in lieu of a controlled
substance (RCW 69.50.401(c))
Manufacture, distribute, or possess with intent to
distribute an imitation controlled substance
(RCW 69.52.030(1))

Recklessly Trafficking in Stolen Property
(RCW 9A.82.050(1))
Theft of livestock 2 (RCW 9A.56.080)
Securities Act violation (RCW 21.20.400)

- II
- Malicious Mischief 1 (RCW 9A.48.070)
 - Possession of Stolen Property 1 (RCW 9A.56.150)
 - Theft 1 (RCW 9A.56.030)
 - Burglary 2 (RCW 9A.52.030)
 - Possession of controlled substance that is either
heroin or narcotics from Schedule I or II
(RCW 69.50.401(d))
 - Possession of phencyclidine (PCP) (RCW 69.50.401(d))
 - Create, deliver, or possess a counterfeit controlled
substance (RCW 69.50.401(b))
 - Computer Trespass 1 (RCW 9A.52.110)
 - Reckless Endangerment 1 (RCW 9A.36.____)
- I
- Theft 2 (RCW 9A.56.040)
 - Possession of Stolen Property 2 (RCW 9A.56.160)
 - Forgery (RCW 9A.60.020)
 - Taking Motor Vehicle Without Permission
(RCW 9A.56.070)
 - Vehicle Prowl 1 (RCW 9A.52.095)
 - Attempting to Elude a Pursuing Police Vehicle
(RCW 46.61.024)
 - Malicious Mischief 2 (RCW 9A.48.080)
 - Reckless Burning 1 (RCW 9A.48.040)
 - Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 - Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
 - False Verification for Welfare (RCW 74.08.055)
 - Forged Prescription (RCW 69.41.020)
 - Forged Prescription for a Controlled Substance
(RCW 69.50.403)
 - Possess Controlled Substance that is a Narcotic from
Schedule III, IV, or V or Non-narcotic from
Schedule I-V (except phencyclidine)
(RCW 69.50.401(d))

V. RECOMMENDED SENTENCING GUIDELINES

RCW 9.94A.340 EQUAL APPLICATION.

The sentencing guidelines and prosecuting standards apply equally to offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or the previous record of the defendant.

RCW 9.94A.350 OFFENSE SERIOUSNESS LEVEL.

The offense seriousness level is determined by the offense of conviction. Felony offenses are divided into fourteen levels of seriousness, ranging from low (seriousness level I) to high (seriousness level XIV - see RCW 9.94A.320 (Table 2)).

Comment

Crime Label: Offense seriousness is established by the actual crime of conviction. The crime of conviction is therefore far more significant in determining a sentence than under the former indeterminate system.

Crime Ranking: One of the most significant and time-consuming decisions made by the Commission was its ranking of crimes by seriousness. The three mandatory minimum sentences established by the Sentencing Reform Act (First Degree Murder, First Degree Assault, First Degree Rape) served as benchmarks for the Commission's work. The Commission was also assisted by the general felony classifications established by the legislature (classes A, B, and C felonies - RCW 9A.20.020). The Commission decided that given the law's emphasis on violent crimes, the seriousness levels needed to reflect this priority. Certain class C felonies were eventually ranked higher than some class B felonies because they constituted a crime against a person.

Offense Date: The date of the offense is important because it establishes whether the guidelines apply to a particular offender's case. If the date of offense is on or before June 30, 1984, the Indeterminate Sentence Review Board and its successors must make decisions with reference to the purposes, standards, and ranges of the Sentencing Reform Act and the minimum term recommendations of the sentencing judge and prosecuting attorney. See In Re Myers, 105 Wn.2d 257 (1986). The date of the offense also influences what portion of an offender's juvenile record will be used to calculate criminal history.

Ranked Felonies: The most common felonies have been included in the Seriousness Level Table. The Commission decided not to rank certain felonies which seldom occur. The Commission will continue to recommend adjustments in Seriousness Levels as new felonies are created by the legislature. If, in the future, a significant number of persons are convicted of offenses not included in the Seriousness Level Table, the Commission will recommend appropriate seriousness levels to the legislature for those crimes.

RCW 9.94A.360 OFFENDER SCORE.

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

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

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date

as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Except as provided in subsection (4) of this section, class A prior felony convictions shall always be included in the offender score. Class B prior felony convictions shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without being convicted of any felonies. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions.

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

(4) Include class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

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

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

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

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score; and

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

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

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

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

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

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

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

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

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

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

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

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

Comment

The 1986 amendments made several changes to this section:

- *Added a definition of "prior conviction" and a definition of "other current offenses" in subsection (1);*
- *Provided that Class A juvenile convictions always count in the criminal history score if a juvenile was at least 15 at the time of the offense (previously, juvenile convictions no longer counted after the person was 23 years of age);*
- *Changed the scoring rules for felony traffic offenses;*
- *Clarified the fact that anticipatory offenses are to be counted the same as completed offenses for the purpose of scoring current convictions; and*

- Allowed post-1986 prior adult convictions which were served concurrently to be counted separately.

The 1987 amendments changed the scoring rules for First and Second Degree Escape. All prior felony convictions count in the criminal history score instead of only prior escapes counting. However, only prior escape convictions continue to count against Willful Failure to Return from Furlough and Willful Failure to Return from Work Release.

Misdemeanors: The Commission decided not to include misdemeanors in the offender score for two reasons: 1) the emphasis of the legislation was on felonies, and 2) the reliability of court records varies greatly throughout the state. An exception to this policy was made in the case of felony traffic offenses. The Commission decided that for these crimes, previous serious driving misdemeanors are relevant in establishing the offender's history of similar behavior.

The Commission anticipates that in some instances an offender's history of misdemeanors may be used by the court in selecting a sentence within the standard sentence range or in departing from the range to administer an exceptional sentence.

Role of Criminal History: The Commission's mandate from the legislature was to consider both the seriousness of the crime and the nature and extent of criminal history. The Commission decided to emphasize the current offense in establishing standard sentence ranges but also to give weight to a person's past convictions, including the pattern of those convictions. Given the legislation's emphasis on sanctions for violent crimes, the Commission decided that repeat violent offenders needed to be identified and dealt with severely. As a result, the grid places an accelerated emphasis on criminal history for the repeat violent offender.

Prior Offenses: The Commission decided that the weighting of prior offenses should vary depending on the present offense. Thus, a criminal history with serious violent crime convictions counts most heavily when the current offense is also a serious violent offense; previous convictions for violent offenses count more heavily when the current offense is violent; prior burglary convictions count more heavily when the current offense is a burglary; prior drug offenses count more heavily when the current offense is a drug offense; and prior violent felony traffic offenses count more heavily when the current offense is a felony traffic offense.

Subsection 5(c) refers to prior convictions "served concurrently." The meaning of this term was addressed in State v. Hartley, 41 Wn. App. 669 (1985).

Juvenile Criminal History: Since the legislation required that certain prior juvenile felony adjudications be included as part of criminal history, the Commission needed to establish the relative weight of these felonies in comparison to adult prior felonies. The Commission decided that prior violent felony convictions, whether committed by an adult or a juvenile, should receive the same number of points if the instant offense was violent. The Commission believed that a distinction was necessary between nonviolent adult felonies and nonviolent juvenile felonies because nonviolent juvenile felonies often represent less serious conduct.

In addition, under the definition of juvenile criminal history in RCW 9.94.030(10)(b), the legislation specified that prior juvenile convictions (amended in 1986 to only address class B and C offenses) are not considered after the offender reaches age 23; the Commission therefore wanted to avoid a significant disparity between the potential Offender Score for someone at age 22 and someone at age 23. Thus, the decision was to count juvenile nonviolent felony adjudications at one-half point (rounding down to the nearest whole number).

"Wash Out" of Priors: The Commission decided that adult class A felonies should always be considered as part of the Offender Score. The Commission decided that prior class B and C felonies

should eventually "wash out" and be eliminated from the Offender Score (see subsection (2)). The 1986 amendments changed the "wash out" provisions to clarify that once a crime meets the "wash out" test, it is always "washed out" and that any consecutive period of crime-free behavior can be used to meet the "wash out" test.

Out-of-State Convictions: In calculating the Offender Score, out-of-state convictions must be compared to Washington law.

The question of whether a foreign conviction constituted a felony was discussed in State v. Southerland, 43 Wn. App. 246 (1986).

The 1988 Amendments:

The Commission recommended some changes to this section to clarify ambiguities and correct previous drafting errors. The rule on scoring for serious violent offenses (RCW 9.94A.360(10)) was amended to include Homicide by Abuse. The 1987 Legislature defined this crime as a serious violent offense, but neglected to reference it in the rules on offender scoring.

The scoring rules for felony traffic offenses were amended to clarify that prior Vehicular Assaults also receive two points. This scoring procedure was previously reflected in the Offender Score Matrix, but the narrative was not accurate. Because of drafting errors caused by having the scoring rules in two sections, the Commission recommended the Offender Score Matrix (RCW 9.94A.330) be repealed, which it was in 1988.

The 1988 Legislature added a point to the offender score if the current offense was committed while the offender was on community placement.

The 1989 Amendment: The scoring rules for drug offenses were changed by the 1989 Legislature to increase the points.

RCW 9.94A.370 PRESUMPTIVE SENTENCE.

(1) The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The additional time for deadly weapon findings or for those offenses enumerated in RCW 9.94A.310(5) that were committed in a state correctional facility or county jail shall be added to the entire presumptive sentence range. The court may impose any sentence within the range that it deems appropriate. All presumptive sentence ranges are expressed in terms of total confinement.

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

Comment

The Commission believed that defendants should be sentenced on the basis of facts which are acknowledged, proven, or pleaded to. Concerns were raised about facts which were not proven as an element of the conviction or the plea being used as a basis for sentence decisions, including decisions

to depart from the sentence range. As a result, the "real facts policy" was adopted. Amendments in 1986 clarified that facts proven in a trial can be used by a court in determining a sentence.

If the defendant disputes information in the Presentence Investigation, it is anticipated that an evidentiary hearing will be held to resolve the issue.

RCW 9.94A.380 ALTERNATIVES TO TOTAL CONFINEMENT.

Alternatives to total confinement are available for offenders with sentences of one year or less. These alternatives include the following sentence conditions that the court may order as substitutes for total confinement: (1) One day of partial confinement may be substituted for one day of total confinement; (2) in addition, for offenders convicted of nonviolent offenses only, eight hours of community service may be substituted for one day of total confinement, with a maximum conversion limit of two hundred forty hours or thirty days. Community service hours must be completed within the period of community supervision or a time period specified by the court, which shall not exceed twenty-four months, pursuant to a schedule determined by the department.

For sentences of nonviolent offenders for one year or less, the court shall consider and give priority to available alternatives to total confinement and shall state its reasons in writing on the judgment and sentence form if the alternatives are not used.

Comment

One of the legislative directions to the Commission was to "emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender" (RCW 9.94A.040(5)). In fulfilling this directive, the Commission believed it was necessary to develop a flexible policy, but one that also ensures some standardization in its application. The Commission decided that by having the court set the sentence in terms of total confinement (i.e., jail time), proportionality among like offenders would be maintained. The court then has the discretion to apply alternative conversions as a substitute for total confinement for offenders with sentences less than a year. One day of partial confinement (typically work release) or eight hours of community service may replace one day of total confinement. The community service hours, however, are limited to 240 hours (30 days) and thus may only be a partial equivalent for any sentence over 30 days.

A converted sentence may include an equivalent combination of jail time, work release, and community service hours. As an example, a sentence of total confinement for nine months may be converted to five months of jail, three months of partial confinement, and one month of community service.

In 1988, the Commission recommended this subsection be rewritten to clarify that conversions to community service hours are not available for offenders convicted of violent offenses. The court is directed to indicate its reasons in writing for not using alternatives to confinement for eligible offenders.

The 1988 Legislature clarified the time period for completing community service hours.

RCW 9.94A.383 COMMUNITY SUPERVISION.

On all sentences of confinement for one year or less, the court may impose up to one year of community supervision. An offender shall be on community supervision as of the date of sentencing. However, during the time for which the offender is in total or partial confinement pursuant to the sentence or a violation of the sentence, the period of community supervision shall toll.

RCW 9.94A.386 FINES.

On all sentences under this chapter the court may impose fines according to the following ranges:

Class A felonies	\$0 - 50,000
Class B felonies	\$0 - 20,000
Class C felonies	\$0 - 10,000

RCW 9.94A.390 DEPARTURES FROM THE GUIDELINES.

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(d) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or

(iii) The current offense involved the manufacture of controlled substances for use by other parties; or

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or

(v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional); or

(e) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time; or

(f) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

Comment

Standard sentence ranges represent the appropriate sanction for the "typical" case. The judge will consider individual factors when setting the determinate sentence within the standard sentence range. Some cases, however, are exceptional and require departure from the standard sentence range.

Although it was recognized that not all exceptional fact patterns can be anticipated, the Commission determined that a carefully considered nonexclusive list of appropriate justifications for departures from the standard range would be helpful to both the trial and appellate courts. This list is intended as a frame of reference for the court to use in identifying the exceptional case. The list includes examples of mitigating and aggravating factors. As the state gains more experience with this new sentencing system, additional factors may be added to this list.

One illustrative mitigating factor concerns operation of the multiple offense policy. The Commission was particularly concerned about multiple offenses committed in separate jurisdictions where separate sentencing hearings would occur, thus resulting in a higher presumptive sentence than if the crimes were committed in a single jurisdiction and there was only one hearing. In that instance, if the multiple offense policy results in such comparatively high presumptive sentences, the judge might want to consider departing from the standard sentence range in order to impose a less severe sentence, depending, of course, on the particular set of case facts. There was also concern that the multiple offense policy might sometimes result in a presumptive sentence that is clearly too lenient in light of the purposes of this chapter.

The 1986 amendments provided better enumeration of the aggravating and mitigating factors. In addition, the reference to firearm possession in major VUCSA offenses was removed. The Commission decided that when firearm use was charged, it should be used to set a sentence within the standard range or as part of a sentence enhancement under RCW 9.94A.125; if firearm use is not charged, it can influence the sentence only upon the stipulation of both parties under RCW 9.94A.370. The other 1986 amendment added the adjective "current" to subsection (2) to make it clear that aggravating factors only apply to the circumstances surrounding the charged offense.

The 1987 amendments added multiple prior incidents of sexual abuse of the same victim under the age of 18 as an aggravating circumstance.

The 1989 Legislature added the defendant's response to physical or sexual abuse as a mitigating circumstance.

RCW 9.94A.400 CONSECUTIVE OR CONCURRENT SENTENCES.

(1) (a) Except as provided in (b) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(e) or any other provision of RCW 9.94A.390. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition does not apply in cases involving vehicular assault or vehicular homicide if the victims occupied the same vehicle. However, the sentencing judge may consider multiple victims in such instances as an aggravating circumstance under RCW 9.94A.390.

(b) Whenever a person is convicted of three or more serious violent offenses, as defined in RCW 9.94A.030, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's prior convictions and other current convictions that are not serious violent offenses in the offender score and the sentence range for other serious violent offenses shall be determined by using an offender score of zero. The sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection

shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(2) Whenever a person while under sentence of felony commits another felony and is sentenced to another term of confinement, the latter term shall not begin until expiration of all prior terms.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that they be served consecutively.

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

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.120(2), if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months.

Comment

Under the SRA, a sentencing judge must impose concurrent sentences. There are two exceptions to this policy: under subsection (b), a person convicted of three or more serious violent offenses arising from separate and distinct criminal conduct must be sentenced consecutively (the criminal history score is calculated differently than in subsection (a)); and under subsection (3), the sentencing judge may expressly order that the sentence be served consecutively to sentences already imposed in other jurisdictions.

Unless the offenses fall under the exceptions listed in subsection (1) (b) or subsection (3), consecutive sentences imposed for current offenses constitute exceptional sentences and must comply with the exceptional sentence provisions of the Act. See RCW 9.94A.120(14).

The 1987 amendment to subsection (1) (a) clarifies the meaning of "same criminal conduct."

The 1986 amendment to subsection (3) changed this section so sentences for all current offenses run concurrently with the sentences for all other current offenses from any other state or federal court, unless the sentencing court expressly orders the sentences to be consecutive. Previously, the presumption was that such sentences would be consecutive unless the sentencing court expressly ordered otherwise. This subsection is now consistent with pre-SRA law.

Subsections (2) and (3) cover situations, where at the time the defendant is sentenced on a present conviction, he or she has not yet completed a sentence for another felony conviction. The difference between the two subsections is the phrase "under sentence of a felony." Under (2), if at the time the present crime is committed, the defendant has not completed confinement for another sentence, the confinement for the present sentence does not begin until expiration of his or her prior sentence. These sentences are to be run consecutively and an exceptional sentence is necessary to impose concurrent sentences. Under (3), if the latter crime was committed at a point before the offender was sentenced for the previous crime, the presumption is toward a concurrent sentence but the court can decide to order a consecutive sentence.

Subsection (3) will often be relevant where the defendant has been charged in multiple informations or has committed a series of crimes across court jurisdictions (crimes in more than one county, more than one state, or crimes for which he or she has been sentenced under both state and federal jurisdictions) and where the defendant will be sentenced by more than one judge. The purpose of this subsection is to allow the judge some flexibility within the guidelines in order to minimize the incidental factors of geographical boundaries and jurisdictions.

Subsection (4) covers the situation in which a court is imposing a prison sentence for a crime committed prior to July 1, 1984, where the defendant previously received a deferred or suspended sentence and now is having that probation revoked. The sentence for the revocation runs consecutively to any sentence imposed under the new presumptive scheme unless the court expressly orders a concurrent sentence.

Subsection (5) points out that the defendant must serve all terms of total confinement on consecutive sentences before other conditions are performed.

As stated earlier, the multiple offense policy was among the most complex issues confronted by the Commission and the legislature. The legislature acknowledged in RCW 9.94A.390 (aggravating and mitigating factors) that the operation of the multiple offense policy might, in individual cases, result in a "clearly excessive" or "clearly too lenient" presumptive sentence, and therefore, departures from the range may be appropriate.

This section does not apply to first-time offenders sentenced under RCW 9.94A.120(5).

In 1988, the Commission recommended RCW 9.94A.400(1)(b) be clarified to substitute the phrase "prior convictions and other current convictions that are not serious violent offenses" for the term "criminal history." In the Commission's review of sentences it was discovered that offenders convicted of multiple serious violent offenses with additional convictions for offenses that were not serious violent offenses (for example, a burglary), the lesser offenses were frequently not calculated into the offender score. The Commission decided the problem was the use of the term "criminal history" because it appeared to only include prior offenses, not additional current offenses. Thus, the new phrase was recommended.

RCW 9.94A.410 ANTICIPATORY OFFENSES.

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

In calculating an offender score, count each prior conviction as if the present conviction were for the completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

Comment

This section was amended by the 1986 Legislature to clarify that anticipatory offenses are to be counted in the offender score as if they were completed offenses.

RCW 9.94A.420 PRESUMPTIVE RANGES THAT EXCEED THE STATUTORY MAXIMUM.

If the presumptive sentence duration given in the sentencing grid exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence.

VI. RECOMMENDED PROSECUTING STANDARDS FOR CHARGING AND PLEA DISPOSITIONS

RCW 9.94A.430 INTRODUCTION.

These standards are intended solely for the guidance of prosecutors in the state of Washington. They are not intended to, do not and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the state.

RCW 9.94A.440 EVIDENTIARY SUFFICIENCY.

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) **Contrary to Legislative Intent** - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) **Antiquated Statute** - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years; and
- (ii) Most members of society act as if it were no longer in existence; and
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) **De Minimus Violation** - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

Comment

Decision Not to Prosecute: This standard and the examples previously listed were taken in large measure from the 1980 Washington Association of Prosecuting Attorneys' Standards for Charging and Plea Bargaining.

(2) Decision to prosecute.

STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020, the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120(7).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder
1st Degree Murder
2nd Degree Murder
1st Degree Kidnaping
1st Degree Assault
1st Degree Rape
1st Degree Robbery
1st Degree Rape of a Child
1st Degree Arson
2nd Degree Kidnaping
2nd Degree Assault
2nd Degree Rape
2nd Degree Robbery
1st Degree Burglary
1st Degree Manslaughter
2nd Degree Manslaughter
1st Degree Extortion
Indecent Liberties
Incest
2nd Degree Rape of a Child
Vehicular Homicide

Vehicular Assault
3rd Degree Rape
3rd Degree Rape of a Child
1st Degree Child Molestation
2nd Degree Child Molestation
3rd Degree Child Molestation
2nd Degree Extortion
1st Degree Promoting Prostitution
Intimidating a Juror
Communication with a Minor
Intimidating a Witness
Intimidating a Public Servant
Bomb Threat (if against person)
3rd Degree Assault
Unlawful Imprisonment
Promoting a Suicide Attempt
Riot (if against person)

CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson
1st Degree Escape
2nd Degree Burglary
1st Degree Theft
1st Degree Perjury
1st Degree Introducing Contraband
1st Degree Possession of Stolen Property
Bribery
Bribing a Witness
Bribe received by a Witness
Bomb Threat (if against property)
1st Degree Malicious Mischief
2nd Degree Theft
2nd Degree Escape
2nd Degree Introducing Contraband
2nd Degree Possession of Stolen Property
2nd Degree Malicious Mischief
1st Degree Reckless Burning
Taking a Motor Vehicle without Authorization
Forgery
2nd Degree Perjury
2nd Degree Promoting Prostitution
Tampering with a Witness
Trading in Public Office
Trading in Special Influence
Receiving/Granting Unlawful Compensation
Bigamy
Eluding a Pursuing Police Vehicle
Willful Failure to Return from Furlough
Riot (if against property)
Thefts of Livestock

ALL OTHER UNCLASSIFIED FELONIES

Comment:

Decision to Prosecute: *The law stipulates two standards for the decision to prosecute: one for crimes against persons and the other for crimes against property. The standard for person crimes is intended to require a lower threshold than the standard for property crimes. The different standards reflect a need to set priorities for allocating prosecutorial resources. Crimes against persons are given more emphasis. The term "justify conviction" was chosen for person crimes because it implies a decision which, after objective review of the case, can be defended in court.*

The 1989 Legislature was concerned that victims of sexual assaults were required to testify many years after initiating charges against the offender. This amendment urges prosecutors to use the Special Sexual Offender Sentencing Alternative rather than diversions for treatment which could result in trials later.

Selection of Charges/Degree of Charge

(1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (a) Will significantly enhance the strength of the state's case at trial; or
- (b) Will result in restitution to all victims.

(2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

- (a) Charging a higher degree;
- (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

GUIDELINES/COMMENTARY:

Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (2) The completion of necessary laboratory tests; and
- (3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (1) Probable cause exists to believe the suspect is guilty; and
- (2) The suspect presents a danger to the community or is likely to flee if not apprehended; or
- (3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (1) Polygraph testing;
- (2) Hypnosis;
- (3) Electronic surveillance;
- (4) Use of informants.

Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

Comment:

Selection of Charges/Degree of Charges: This standard covers the issue of how many charges to file and the degree of the charges. The standard directs prosecutors to file charges which "adequately describe the nature of the defendant's conduct," adding that other offenses should be charged for one of the two reasons. The term "adequately describe" was chosen over the phrase "accurately describe." Prosecutors are also directed not to overcharge in order to obtain a guilty plea. Although it is difficult to precisely define overcharging, this standard is intended to serve as a strong principle for prosecutors' actions.

Investigation Techniques: The Commission agreed that the prosecutors should make an affirmative effort to discover what investigatory techniques were used by the police. The use of certain techniques may influence the relative strength of the case and the filing standard due to potential constitutional challenges.

RCW 9.94A.450 PLEA DISPOSITIONS.

STANDARD: (1) Except as provided in subsection (2) of this section, a defendant will normally be expected to plead guilty to the charge or charges which adequately describe the nature of his or her criminal conduct or go to trial.

(2) In certain circumstances, a plea agreement with a defendant in exchange for a plea of guilty to a charge or charges that may not fully describe the nature of his or her criminal conduct may be necessary and in the public interest. Such situations may include the following:

- (a) Evidentiary problems which make conviction on the original charges doubtful;
- (b) The defendant's willingness to cooperate in the investigation or prosecution of others whose criminal conduct is more serious or represents a greater public threat;
- (c) A request by the victim when it is not the result of pressure from the defendant;
- (d) The discovery of facts which mitigate the seriousness of the defendant's conduct;
- (e) The correction of errors in the initial charging decision;
- (f) The defendant's history with respect to criminal activity;
- (g) The nature and seriousness of the offense or offenses charged;
- (h) The probable effect on witnesses.

RCW 9.94A.460 SENTENCE RECOMMENDATIONS.

STANDARD:

The prosecutor may reach an agreement regarding sentence recommendations.

The prosecutor shall not agree to withhold relevant information from the court concerning the plea agreement.

Comment:

Because the court will have the responsibility of approving plea agreements, the Commission was very concerned that information not be withheld from the court as the result of a plea agreement. This standard prohibits the prosecutor from withholding relevant information from the court as part of any agreement.

SECTION III. OFFENSE REFERENCE SHEETS

This section includes individual Offense Reference Sheets for all felonies with a standard sentence range. The Offense Reference Sheets indicate the applicable offender scoring rules and available sentencing options. The standard sentence range is displayed.

The sheets are organized alphabetically, except for controlled substances, imitation controlled substances, and legend drug violations, which are grouped together. An index for all crimes is included, along with a separate index for controlled substance, imitation, and legend drug violations.

In 1989, the Offense Reference Sheets were revised due to changes in the law, including:

- The Seriousness Levels of certain drug crimes were increased;
- Offender scoring points for multiple current or prior drug offenses were increased;
- Enhancements were added if a drug crime took place within 1,000 feet of a school or school bus stop;
- Mandatory fines were added for most drug crimes and Theft of Livestock. The drug fines are effective July 1, 1989. The livestock fines are effective July 23, 1989.
- Enhancements were added to certain drug crimes if the offense took place in a correctional facility;
- A new felony, First Degree Reckless Endangerment, was added;
- Crimes eligible for home detention were changed and certain rules were added;
- The elements of Sexual Exploitation were changed. This crime is now unranked, effective July 23, 1989;
- The Seriousness Level for Vehicular Homicide was increased when committed by being under the influence or recklessness, effective July 23, 1989;
- Several previously unranked crimes were ranked.

The 1989 Legislature's amendments regarding burglary are not effective until July 1, 1990. Therefore, no change has been made to the offense reference sheet for Second Degree Burglary. (See Appendix C for the 1990 amendments to burglary.)

In order to keep the forms on one page, the line was eliminated regarding exceptional sentences as a sentencing option. Since exceptional sentences are almost always an option, this notation was not as important. For crimes where the only sentencing option is an exceptional sentence, the section on options was eliminated.

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12;W:SG1

ADVANCING MONEY OR PROPERTY FOR EXTORTIONATE EXTENSION OF CREDIT
 (RCW 9A.82.030)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	41 - 54	51 - 68	62 - 82	72 - 96
(Seriousness Level V)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR ADVANCING MONEY OR PROPERTY FOR EXTORTIONATE EXTENSION OF CREDIT

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

AGGRAVATED MURDER, FIRST DEGREE
(RCW 10.95.020)

I. OFFENDER SCORING

ADULT HISTORY:

Not Scored.

JUVENILE HISTORY:

Not Scored.

OTHER CURRENT OFFENSES:

Not Scored.

STATUS:

Not Scored.

II. SENTENCE RANGE

A. OFFENDER SCORE: NONE
STANDARD RANGE: Death Penalty or Life sentence without Parole.
(Seriousness Level XIV)

ARSON, FIRST DEGREE

(RCW 9A.48.020)

VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions x 2 =

Enter number of Nonviolent felony convictions x 1 =

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications x 2 =

Enter number of Nonviolent felony adjudications x 1/2 =

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions x 2 =

Enter number of other Nonviolent felony convictions x 1 =

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 =

Total the last column to get the TOTAL OFFENDER SCORE (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	46 - 61	67 - 89	77 - 102	87 - 116	108 - 144
(Seriousness Level VIII) months	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

ARSON, SECOND DEGREE
 (RCW 9A.48.030)
 VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____
 Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	43 - 57	53 - 70	63 - 84
(Seriousness Level IV)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR SECOND DEGREE ARSON

- A. If sentence is one year or less: part or all of the sentence may be converted to partial confinement (RCW 9.94A.380)
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

ASSAULT, FIRST DEGREE

(RCW 9A.36.011)

SERIOUS VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (10))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent felony convictions x 3 =
Enter number of Violent felony convictions x 2 =
Enter number of Nonviolent felony convictions x 1 =

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent felony adjudications x 3 =
Enter number of Violent felony adjudications x 2 =
Enter number of Nonviolent felony adjudications x 1/2 =

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent felony convictions x 3 =
Enter number of other Violent felony convictions x 2 =
Enter number of other Nonviolent felony convictions x 1 =

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 =

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

Table with columns for Offender Score (0-9 or more) and Standard Range (months). Includes Seriousness Level XI.

- B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
D. Statutory minimum sentence is 60 months if the offender used force or means likely to result in death or intended to kill the victim (RCW 9.94A.120(4))

ASSAULT, SECOND DEGREE
 (RCW 9A.36.021)
 VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE _____
 (round down to the nearest whole number) _____

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	43 - 57	53 - 70	63 - 84
(Seriousness Level IV)	months	months	months	months	months	months	months	months	months	months

- B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
- D. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

III. SENTENCING OPTIONS FOR SECOND DEGREE ASSAULT

- A. If sentence is one year or less: part or all of the sentence may be converted to partial confinement (RCW 9.94A.380)
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

ASSAULT, THIRD DEGREE

(RCW 9A.36.031)

NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications x 1 = _____

Enter number of Nonviolent felony adjudications x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE (round down to the nearest whole number)

II. SENTENCE RANGE

OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR THIRD DEGREE ASSAULT

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

ATTEMPTING TO ELUDE PURSUING POLICE VEHICLE
 (RCW 46.61.024)
 NONVIOLENT TRAFFIC OFFENSE

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving and Misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Vehicular Homicide and Vehicular Assault adjudications _____ x 2 = _____

Enter number of other felony adjudications. _____ x 1/2 = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving and Misdemeanor Hit and Run - Attended adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving and Misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE _____
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 60	0 - 90	2 - 5	2 - 6	3 - 8	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29
(Seriousness Level I)	days	days	months	months	months	months	months	months	months	months

III. SENTENCING OPTIONS FOR ATTEMPTING TO ELUDE PURSUING POLICE VEHICLE

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

BAIL JUMPING WITH CLASS A FELONY
 (RCW 9A.76.170(2)(b))
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	41 - 54	51 - 68	62 - 82	72 - 96
(Seriousness Level V)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR BAIL JUMPING WITH CLASS A FELONY

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

BAIL JUMPING WITH CLASS B OR C FELONY
 (RCW 9A.76.170(2)(c))
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR BAIL JUMPING WITH CLASS B OR C FELONY

- A.** If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B.** One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C.** If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D.** Partial confinement may be served in home detention (RCW 9.94A.030(20))

BAIL JUMPING WITH MURDER 1
 (RCW 9A.76.170(2)(a))
 VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____
 Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	12+ - 14	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	46 - 61	57 - 75	67 - 89	77 - 102
(Seriousness Level VI)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

BRIBE RECEIVED BY WITNESS
 (RCW 9A.72.100)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	43 - 57	53 - 70	63 - 84
(Seriousness Level IV)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR BRIBE RECEIVED BY WITNESS

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

BRIBERY
(RCW 9A.68.010)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	12+ - 14	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	46 - 61	57 - 75	67 - 89	77 - 102
(Seriousness Level VI)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR BRIBERY

A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5)) Partial confinement may be served in home detention (RCW 9.94A.030(20))

BRIBING A WITNESS
 (RCW 9A.72.090)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	43 - 57	53 - 70	63 - 84
(Seriousness Level IV)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR BRIBING A WITNESS

- A.** If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B.** One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C.** If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D.** Partial confinement may be served in home detention (RCW 9.94A.030(20))

BURGLARY, FIRST DEGREE
 (RCW 9A.52.020)
BURGLARY 1 (VIOLENT)

I. OFFENDER SCORING (RCW 9.94A.360 (11))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of Burglary 2 convictions _____ x 2 = _____
 Enter number of Nonviolent felony convictions, excluding Burglary 2 _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____
 Enter number of Burglary 2 adjudications _____ x 1 = _____
 Enter number of Nonviolent felony adjudications, excluding Burglary 2 _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of other Burglary 2 convictions _____ x 2 = _____
 Enter number of other Nonviolent felony convictions, excluding Burglary 2 _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	57 - 75	67 - 89	77 - 102	87 - 116
(Seriousness Level VII)	months	months	months	months	months	months	months	months	months	months

- B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. Add 18 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125), and one year of community placement following release from state prison (RCW 9.94A.120(8))

BURGLARY, SECOND DEGREE

(RCW 9A.52.030)

BURGLARY 2

I. OFFENDER SCORING (RCW 9.94A.360 (16))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Burglary 1 convictions x 2 =
Enter number of Burglary 2 convictions x 2 =
Enter number of other felony convictions x 1 =

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Burglary 1 adjudications x 2 =
Enter number of Burglary 2 adjudications x 1 =
Enter number of Serious Violent and Violent felony adjudications x 1 =
Enter number of Nonviolent felony adjudications x 1/2 =

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Burglary 1 convictions x 2 =
Enter number of other Burglary 2 convictions x 2 =
Enter number of other felony convictions x 1 =

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 =

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

Table with columns for Offender Score (0-9 or more) and Standard Range (days to months) for Seriousness Level II.

The 1989 legislation raising the Seriousness Level of Burglary 2 and creating the crime of Residential Burglary does not go into effect until July, 1990.

- B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
C. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon and burglary was of a building other than a dwelling (RCW 9.94A.310, 9.94A.125)

III. SENTENCING OPTIONS FOR SECOND DEGREE BURGLARY

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
D. Partial confinement may be served in home detention under certain conditions (effective 7/23/89) (RCW 9.94A.030(20) and (31))

CHILD MOLESTATION, FIRST DEGREE
 (RCW 9A.44.083)
 VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE []
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	46 - 61	67 - 89	77 - 102	87 - 116	108 - 144
(Seriousness Level VIII)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

C. Statutory maximum sentence is 120 months (10 years) (RCW 9A.20.021(1)(b))

D. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

III. SENTENCING OPTIONS FOR FIRST DEGREE CHILD MOLESTATION

A. If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))

B. If sentence is less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b)(c))

CHILD MOLESTATION, SECOND DEGREE
 (RCW 9A.44.086)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	12+ - 14	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	46 - 61	57 - 75	67 - 89	77 - 102
(Seriousness Level VI)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

III. SENTENCING OPTIONS FOR SECOND DEGREE CHILD MOLESTATION

A. If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))

B. If sentence is less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b)(c))

CHILD MOLESTATION, THIRD DEGREE
 (RCW 9A.44.089)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months

- B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

III. SENTENCING OPTIONS FOR THIRD DEGREE CHILD MOLESTATION

- A. If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))
- B. If sentence is greater than one year and less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b)(c))
- C. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- D. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSES
 (RCW 9.68A.090)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

III. SENTENCING OPTIONS FOR COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSES

A. If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))

B. If sentence is greater than one year and less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b),(c))

C. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)

D. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

COMPUTER TRESPASS, FIRST DEGREE
 (RCW 9A.52.110)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 90	2 - 6	3 - 9	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29	33 - 43	43 - 57
(Seriousness Level II)	days	months	months	months	months	months	months	months	months	months

III. SENTENCING OPTIONS FOR FIRST DEGREE COMPUTER TRESPASS

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

CRIMINAL MISTREATMENT, FIRST DEGREE
 (RCW 9A.42.020)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	41 - 54	51 - 68	62 - 82	72 - 96
(Seriousness Level V)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR FIRST DEGREE CRIMINAL MISTREATMENT

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

CRIMINAL MISTREATMENT, SECOND DEGREE
 (RCW 9A.42.030)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR SECOND DEGREE CRIMINAL MISTREATMENT

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

CUSTODIAL ASSAULT

(RCW 9A.36.100)

NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions x 1 =

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications x 1 =

Enter number of Nonviolent felony adjudications x 1/2 =

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions x 1 =

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 =

Total the last column to get the TOTAL OFFENDER SCORE (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR CUSTODIAL ASSAULT

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

**DAMAGING BUILDING, ETC., BY EXPLOSION
WITH THREAT TO HUMAN BEING
(RCW 70.74.280 (1))
VIOLENT**

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	51 - 68	57 - 75	62 - 82	67 - 89	72 - 96	77 - 102	98 - 130	108 - 144	129 - 171	149 - 198
(Seriousness Level X)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

**DAMAGING BUILDING, ETC., BY EXPLOSION WITH
NO THREAT TO HUMAN BEING
(RCW 70.74.280 (2))
NONVIOLENT**

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	12+ - 14	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	46 - 61	57 - 75	67 - 89	77 - 102
(Seriousness Level VI)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR DAMAGING BUILDING, ETC., BY EXPLOSION WITH NO THREAT TO HUMAN BEING

A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5)) Partial confinement may be served in home detention (RCW 9.94A.030(20))

**DEALING IN DEPICTIONS OF MINOR
ENGAGED IN SEXUALLY EXPLICIT CONDUCT
(RCW 9.68A.050)
NONVIOLENT**

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	57 - 75	67 - 89	77 - 102	87 - 116
(Seriousness Level VII)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR DEALING IN DEPICTIONS OF MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT

A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5)) Partial confinement may be served in home detention (RCW 9.94A.030(20))

**ENDANGERING LIFE AND PROPERTY BY EXPLOSIVES
WITH THREAT TO HUMAN BEING
(RCW 70.74.270 (1))
VIOLENT**

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	31 - 41	36 - 48	41 - 54	46 - 61	51 - 68	57 - 75	77 - 102	87 - 116	102 - 144	129 - 171
(Seriousness Level IX)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

ENDANGERING LIFE AND PROPERTY BY EXPLOSIVES
 WITH NO THREAT TO HUMAN BEING
 (RCW 70.74.270 (2))
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	12+ - 14	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	46 - 61	57 - 75	67 - 89	77 - 102
(Seriousness Level VI)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR ENDANGERING LIFE AND PROPERTY BY EXPLOSIVES WITH NO THREAT TO HUMAN BEING

A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5)) Partial confinement may be served in home detention (RCW 9.94A.030(20))

ESCAPE, FIRST DEGREE
 (RCW 9A.76.110)
 ESCAPE

I. OFFENDER SCORING (RCW 9.94A.360 (15))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

- | | | | | | | | | | | |
|---------------------------|--------|--------|----------|---------|---------|---------|---------|---------|---------|-----------|
| A. OFFENDER SCORE: | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
| STANDARD RANGE: | 3 - 9 | 6 - 12 | 12+ - 14 | 13 - 17 | 15 - 20 | 22 - 29 | 33 - 43 | 43 - 57 | 53 - 70 | 63 - 84 |
| (Seriousness Level IV) | months | months | months | months | months | months | months | months | months | months |
- B.** The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C.** Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)

III. SENTENCING OPTIONS FOR FIRST DEGREE ESCAPE

- A.** One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- B.** If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- C.** Partial confinement may be served in home detention (RCW 9.94A.030(20))

ESCAPE, SECOND DEGREE
 (RCW 9A.76.120)
 ESCAPE

I. OFFENDER SCORING (ACW 9.94A.360 (15))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III) months	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR SECOND DEGREE ESCAPE

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

EXPLOSIVE DEVICES PROHIBITED
 (RCW 70.74.180)
 VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE | _____ |
 (round down to the nearest whole number) | _____ |

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	31 - 41	36 - 48	41 - 54	46 - 61	51 - 68	57 - 75	77 - 102	87 - 116	102 - 144	129 - 171
(Seriousness Level IX)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

EXTORTION, FIRST DEGREE
 (RCW 9A.56.120)
 VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	41 - 54	51 - 68	62 - 82	72 - 96
(Seriousness Level V)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR FIRST DEGREE EXTORTION

A. If sentence is one year or less: part or all of the sentence may be converted to partial confinement (RCW 9.94A.380)

B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

EXTORTION, SECOND DEGREE

(RCW 9A.56.130)

NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions x 1 =

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications x 1 =

Enter number of Nonviolent felony adjudications x 1/2 =

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions x 1 =

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 =

Total the last column to get the TOTAL OFFENDER SCORE (round down to the nearest whole number)

II. SENTENCE RANGE

Table with columns for Offender Score (0-9 or more) and Standard Range (1-3 to 51-68 months) with Seriousness Level IIII.

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR SECOND DEGREE EXTORTION

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

EXTORTIONATE EXTENSION OF CREDIT
 (RCW 9A.82.020)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	41 - 54	51 - 68	62 - 82	72 - 96
(Seriousness Level V)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR EXTORTIONATE EXTENSION OF CREDIT

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

EXTORTIONATE MEANS TO COLLECT EXTENSIONS OF CREDIT

(RCW 9A.82.040)

NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	41 - 54	51 - 68	62 - 82	72 - 96
(Seriousness Level V)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR EXTORTIONATE MEANS TO COLLECT EXTENSIONS OF CREDIT

- A.** If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B.** One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C.** If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D.** Partial confinement may be served in home detention (RCW 9.94A.030(20))

FALSE VERIFICATION FOR WELFARE
 (RCW 74.08.055)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (B))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE | _____ |
 (round down to the nearest whole number) | _____ |

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 60	0 - 90	2 - 5	2 - 6	3 - 8	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29
(Seriousness Level I)	days	days	months	months	months	months	months	months	months	months

III. SENTENCING OPTIONS FOR FALSE VERIFICATION FOR WELFARE

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

FORGERY
(RCW 9A.60.020)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 60	0 - 90	2 - 5	2 - 6	3 - 8	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29
(Seriousness Level I)	days	days	months	months	months	months	months	months	months	months

III. SENTENCING OPTIONS FOR FORGERY

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

HARASSMENT
(RCW 9A.46.020)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR HARASSMENT

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

HIT AND RUN - INJURY ACCIDENT
 (RCW 46.52.020 (4))
 NONVIOLENT TRAFFIC OFFENSE

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving and Misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Vehicular Homicide and Vehicular Assault adjudications _____ x 2 = _____

Enter number of other felony adjudications. _____ x 1/2 = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving and Misdemeanor Hit and Run - Attended adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving and Misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE { _____ }
 (round down to the nearest whole number) { _____ }

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	43 - 57	53 - 70	63 - 84
(Seriousness Level IV)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR HIT AND RUN - INJURY ACCIDENT

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

HOMICIDE BY ABUSE
 (RCW 9A.32.055)
 SERIOUS VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (10))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent felony convictions _____ x 3 = _____
 Enter number of Violent felony convictions _____ x 2 = _____
 Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent felony adjudications _____ x 3 = _____
 Enter number of Violent felony adjudications _____ x 2 = _____
 Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other Serious Violent felony convictions _____ x 3 = _____
 Enter number of other Violent felony convictions _____ x 2 = _____
 Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE | |
 (round down to the nearest whole number) | |

II. SENTENCING RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	240 - 320	250 - 333	261 - 347	271 - 361	281 - 374	291 - 388	312 - 416	338 - 450	370 - 493	411 - 548
(Seriousness Level XIII) months	months	months	months	months	months	months	months	months	months	months

- B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

INCEST, FIRST DEGREE
 (RCW 9A.64.020 (1))
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	12+ - 14	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	46 - 61	57 - 75	67 - 89	77 - 102
(Seriousness Level VI)	months	months	months	months	months	months	months	months	months	months

- B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

III. SENTENCING OPTIONS FOR FIRST DEGREE INCEST

- A. If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))
- B. If sentence is less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b)(c))

INCEST, SECOND DEGREE
(RCW 9A.64.020 (2))
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	41 - 54	51 - 68	62 - 82	72 - 96
(Seriousness Level V)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

III. SENTENCING OPTIONS FOR SECOND DEGREE INCEST

A. If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))

B. If sentence is greater than one year and less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b)(c))

C. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)

D. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

INCITING CRIMINAL PROFITEERING

(RCW 9A.82.060(1)(b))

NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions x 1 =

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications x 1 =

Enter number of Nonviolent felony adjudications x 1/2 =

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of felony convictions x 1 =

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 =

Total the last column to get the TOTAL OFFENDER SCORE (round down to the nearest whole number)

II. SENTENCE RANGE

Table with columns for Offender Score (0-9 or more) and Standard Range (31-41 to 129-171 months).

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

C. Statutory maximum sentence is 120 months (10 years) (RCW 9A.20.021(1)(b))

III. SENTENCING OPTIONS FOR INCITING CRIMINAL PROFITEERING

A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5)) Partial confinement may be served in home detention (RCW 9.94A.030(20))

INDECENT LIBERTIES (WITH FORCIBLE COMPULSION)
 (RCW 9A.44.100 (1)(a))
 VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	57 - 75	67 - 89	77 - 102	87 - 116
(Seriousness Level VII)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

III. SENTENCING OPTIONS FOR INDECENT LIBERTIES (WITH FORCIBLE COMPULSION)

A. If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))

B. If sentence is less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b)(c))

INDECENT LIBERTIES (WITHOUT FORCIBLE COMPULSION)
 (RCW 9A.44.100 (1)(b) and (c))
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	12+ - 14	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	46 - 61	57 - 75	67 - 89	77 - 102
(Seriousness Level VI)	months	months	months	months	months	months	months	months	months	months

- B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

III. SENTENCING OPTIONS FOR INDECENT LIBERTIES (WITHOUT FORCIBLE COMPULSION)

- A. If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))
- B. If sentence is less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b),(c))

INFLUENCING OUTCOME OF SPORTING EVENT
 (RCW 9A.82.070)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	43 - 57	53 - 70	63 - 84
(Seriousness Level IV)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR INFLUENCING OUTCOME OF SPORTING EVENT

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

INTIMIDATING A JUDGE
 (RCW 9A.72.160)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	12+ - 14	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	46 - 61	57 - 75	67 - 89	77 - 102
(Seriousness Level VI)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR INTIMIDATING A JUDGE

A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5)) Partial confinement may be served in home detention (RCW 9.94A.030(20))

INTIMIDATING A JUROR
 (RCW 9A.72.130)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	12+ - 14	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	46 - 61	57 - 75	67 - 89	77 - 102
(Seriousness Level VI)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR INTIMIDATING A JUROR

A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5)) Partial confinement may be served in home detention (RCW 9.94A.030(20))

INTIMIDATING A PUBLIC SERVANT
 (RCW 9A.76.180)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR INTIMIDATING A PUBLIC SERVANT

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

INTIMIDATING A WITNESS
 (RCW 9A.72.110)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	12+ - 14	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	46 - 61	57 - 75	67 - 89	77 - 102
(Seriousness Level VI)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR INTIMIDATING A WITNESS

A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5)) Partial confinement may be served in home detention (RCW 9.94A.030(20))

INTRODUCING CONTRABAND, FIRST DEGREE
 (RCW 9A.76.140)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	57 - 75	67 - 89	77 - 102	87 - 116
(Seriousness Level VII)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR FIRST DEGREE INTRODUCING CONTRABAND

A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5)) Partial confinement may be served in home detention (RCW 9.94A.030(20))

INTRODUCING CONTRABAND, SECOND DEGREE
 (RCW 9A.76.150)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE | _____ |
 (round down to the nearest whole number) | _____ |

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months
B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))										

III. SENTENCING OPTIONS FOR SECOND DEGREE INTRODUCING CONTRABAND

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

KIDNAPPING, FIRST DEGREE
 (RCW 9A.40.020)
 SERIOUS VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (10))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent felony convictions _____ x 3 = _____
 Enter number of Violent felony convictions _____ x 2 = _____
 Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent felony adjudications _____ x 3 = _____
 Enter number of Violent felony adjudications _____ x 2 = _____
 Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent felony convictions _____ x 3 = _____
 Enter number of other Violent felony convictions _____ x 2 = _____
 Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	51 - 68	57 - 75	62 - 82	67 - 89	72 - 96	77 - 102	98 - 130	108 - 144	129 - 171	149 - 198
(Seriousness Level X)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

C. Add 24 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)

D. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

KIDNAPPING, SECOND DEGREE
 (RCW 9A.40.030)
 VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____
 Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

- | | | | | | | | | | | |
|---------------------------|--------|----------|---------|---------|---------|---------|---------|---------|---------|-----------|
| A. OFFENDER SCORE: | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
| STANDARD RANGE: | 6 - 12 | 12+ - 14 | 13 - 17 | 15 - 20 | 22 - 29 | 33 - 43 | 41 - 54 | 51 - 68 | 62 - 82 | 72 - 96 |
| (Seriousness Level V) | months | months | months | months | months | months | months | months | months | months |
- B.** The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C.** Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125), and one year of community placement following release from state prison (RCW 9.94A.120(8))

III. SENTENCING OPTIONS FOR SECOND DEGREE KIDNAPPING

- A.** If sentence is one year or less: part or all of the sentence may be converted to partial confinement (RCW 9.94A.380)
- B.** If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

LEADING ORGANIZED CRIME
 (RCW 9A.82.060(1)(a))
 VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____
 Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score,

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes, + 1 = _____)

Total the last column to get the TOTAL OFFENDER SCORE _____
 (round down to the nearest whole number) _____

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	51 - 68	57 - 75	62 - 82	67 - 89	72 - 96	77 - 102	98 - 130	108 - 144	129 - 171	149 - 198
(Seriousness Level X)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

MALICIOUS HARASSMENT
(RCW 9A.36.080)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes, + 1 = _____)

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	43 - 57	53 - 70	63 - 84
(Seriousness Level IV)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR MALICIOUS HARASSMENT

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

MALICIOUS MISCHIEF, FIRST DEGREE
 (RCW 9A.48.070)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes, + 1 = _____)

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 90	2 - 6	3 - 9	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29	33 - 43	43 - 57
(Seriousness Level II)	days	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR FIRST DEGREE MALICIOUS MISCHIEF

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

MALICIOUS MISCHIEF, SECOND DEGREE
 (RCW 9A.48.080)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 60	0 - 90	2 - 5	2 - 6	3 - 8	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29
(Seriousness Level I)	days	days	months	months	months	months	months	months	months	months

III. SENTENCING OPTIONS FOR SECOND DEGREE MALICIOUS MISCHIEF

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

MANSLAUGHTER, FIRST DEGREE
 (RCW 9A.32.060)
 VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score;

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	31 - 41	36 - 48	41 - 54	46 - 61	51 - 68	57 - 75	77 - 102	87 - 116	108 - 144	129 - 171
(Seriousness Level IX)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

C. Statutory maximum sentence is 120 months (10 years) (RCW 9A.20.021 (1)(b))

MANSLAUGHTER, SECOND DEGREE

(RCW 9A.32.070)

VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	12+ - 14	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	46 - 61	57 - 75	67 - 89	77 - 102
(Seriousness Level VI)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

MURDER, FIRST DEGREE
 (RCW 9A.32.030)
 SERIOUS VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (10))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent felony convictions _____ x 3 = _____

Enter number of Violent felony convictions _____ x 2 = _____

Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent felony adjudications _____ x 3 = _____

Enter number of Violent felony adjudications _____ x 2 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other Serious Violent felony convictions _____ x 3 = _____

Enter number of other Violent felony convictions _____ x 2 = _____

Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCING RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	240 - 320	250 - 333	261 - 347	271 - 361	281 - 374	291 - 388	312 - 416	338 - 450	370 - 493	411 - 548
(Seriousness Level XIII)	months	months	months	months	months	months	months	months	months	months

- B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- D. Statutory minimum sentence is 240 months (RCW 9.94A.120(4))

MURDER, SECOND DEGREE
 (RCW 9A.32.050)
 SERIOUS VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (10))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent felony convictions _____ x 3 = _____
 Enter number of Violent felony convictions _____ x 2 = _____
 Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent felony adjudications _____ x 3 = _____
 Enter number of Violent felony adjudications _____ x 2 = _____
 Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent felony convictions _____ x 3 = _____
 Enter number of other Violent felony convictions _____ x 2 = _____
 Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	123 - 164	134 - 178	144 - 192	154 - 205	165 - 219	175 - 233	195 - 260	216 - 288	257 - 342	298 - 397
(Seriousness Level XII)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

PATRONIZING A JUVENILE PROSTITUTE
 (RCW 9.68A.100)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR PATRONIZING A JUVENILE PROSTITUTE

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

PERJURY, FIRST DEGREE
(RCW 9A.72.020)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score;)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE | _____ |
(round down to the nearest whole number) | _____ |

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	41 - 54	51 - 68	62 - 82	72 - 96
(Seriousness Level V)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR FIRST DEGREE PERJURY

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

PERJURY, SECOND DEGREE
 (RCW 9A.72.030)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR SECOND DEGREE PERJURY

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

POSSESSION OF STOLEN PROPERTY, FIRST DEGREE
 (RCW 9A.56.150)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 90	2 - 6	3 - 9	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29	33 - 43	43 - 57
(Seriousness Level II)	days	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR FIRST DEGREE POSSESSION OF STOLEN PROPERTY

- A.** If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B.** One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C.** If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D.** Partial confinement may be served in home detention (RCW 9.94A.030(20))

POSSESSION OF STOLEN PROPERTY, SECOND DEGREE
 (RCW 9A.56.160)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 60	0 - 90	2 - 5	2 - 6	3 - 8	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29
(Seriousness Level I)	days	days	months	months	months	months	months	months	months	months

III. SENTENCING OPTIONS FOR SECOND DEGREE POSSESSION OF STOLEN PROPERTY

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

PROMOTING PROSTITUTION, FIRST DEGREE
 (RCW 9A.88.070)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE _____
 (round down to the nearest whole number)

II. SENTENCE RANGE

- A. OFFENDER SCORE:**
- | | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
|---------------------------------|---------|---------|---------|---------|---------|---------|---------|----------|----------|-----------|
| STANDARD RANGE: | 21 - 27 | 26 - 34 | 31 - 41 | 36 - 48 | 41 - 54 | 46 - 61 | 67 - 89 | 77 - 102 | 87 - 116 | 108 - 144 |
| (Seriousness Level VIII) months | months | months | months | months | months | months | months | months | months | months |
- B.** The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C.** Statutory maximum sentence is 120 months (10 years) (RCW 9A.20.021 (1)(b))

III. SENTENCING OPTIONS FOR FIRST DEGREE PROMOTING PROSTITUTION

- A.** If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5)) Partial confinement may be served in home detention (RCW 9.94A.030(20))

PROMOTING PROSTITUTION, SECOND DEGREE
 (RCW 9A.88.080)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE { _____ }
 (round down to the nearest whole number) { _____ }

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR SECOND DEGREE PROMOTING PROSTITUTION

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

RAPE, FIRST DEGREE
(RCW 9A.44.040)
SERIOUS VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (10))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent felony convictions _____ x 3 = _____
 Enter number of Violent felony convictions _____ x 2 = _____
 Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent felony adjudications _____ x 3 = _____
 Enter number of Violent felony adjudications _____ x 2 = _____
 Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent felony convictions _____ x 3 = _____
 Enter number of other Violent felony convictions _____ x 2 = _____
 Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE | _____ |
 (round down to the nearest whole number) | _____ |

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	51 - 68	57 - 75	62 - 82	67 - 89	72 - 96	77 - 102	98 - 130	108 - 144	129 - 171	149 - 198
(Seriousness Level X)	months	months	months	months	months	months	months	months	months	months

- B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. Add 24 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
- D. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- E. Statutory minimum sentence is 36 months (RCW 9.94A.120(4))

III. SENTENCING OPTIONS FOR FIRST DEGREE RAPE

- A. If sentence is less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b)(c))

RAPE, SECOND DEGREE
 (RCW 9A.44.050)
VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____
 Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE | _____ |
 (round down to the nearest whole number) | _____ |

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	46 - 61	67 - 89	77 - 102	87 - 116	108 - 144
(Seriousness Level VIII) months	months	months	months	months	months	months	months	months	months	months

- B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. Statutory maximum sentence is 120 months (10 years) (RCW 9A.20.021 (1)(b))
- D. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

III. SENTENCING OPTIONS FOR SECOND DEGREE RAPE

- A. If sentence is less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b)(c))

RAPE, THIRD DEGREE
 (RCW 9A.44.060)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	41 - 54	51 - 68	62 - 82	72 - 96
(Seriousness Level V)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

B. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

III. SENTENCING OPTIONS FOR THIRD DEGREE RAPE

A. If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))

B. If sentence is greater than one year and less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b)(c))

C. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)

D. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

RAPE OF A CHILD, FIRST DEGREE
 (RCW 9A.44.073)
 VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____
 Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE _____
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	51 - 68	57 - 75	62 - 82	67 - 89	72 - 96	77 - 102	98 - 130	108 - 144	129 - 171	149 - 198
(Seriousness Level X)	months	months	months	months	months	months	months	months	months	months

- B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

III. SENTENCING OPTIONS FOR FIRST DEGREE RAPE OF A CHILD

- A. If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))
- B. If sentence is less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b)(c))

RAPE OF A CHILD, SECOND DEGREE
 (RCW 9A.44.076)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	46 - 61	67 - 89	77 - 102	87 - 116	108 - 144
(Seriousness Level VIII) months	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

III. SENTENCING OPTIONS FOR SECOND DEGREE RAPE OF A CHILD

A. If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))

B. If sentence is less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b)(c))

RAPE OF A CHILD, THIRD DEGREE
 (RCW 9A.44.079)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	43 - 57	53 - 70	63 - 84
(Seriousness Level IV)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

III. SENTENCING OPTIONS FOR THIRD DEGREE RAPE OF A CHILD

A. If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))

B. If sentence is greater than one year and less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b)(c))

C. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)

D. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

RECKLESS BURNING, FIRST DEGREE
 (RCW 9A.48.040)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 60	0 - 90	2 - 5	2 - 6	3 - 8	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29
(Seriousness Level I)	days	days	months	months	months	months	months	months	months	months

III. SENTENCING OPTIONS FOR FIRST DEGREE RECKLESS BURNING

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

RECKLESS ENDANGERMENT, FIRST DEGREE
 (RCW 9A.36.)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 90	2 - 6	3 - 9	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29	33 - 43	43 - 57
(Seriousness Level II)	days	months	months	months	months	months	months	months	months	months

III. SENTENCING OPTIONS FOR FIRST DEGREE RECKLESS ENDANGERMENT

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

RENDERING CRIMINAL ASSISTANCE, FIRST DEGREE
 (RCW 9A.76.070)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	41 - 54	51 - 68	62 - 82	72 - 96
(Seriousness Level V)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR FIRST DEGREE RENDERING CRIMINAL ASSISTANCE

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

ROBBERY, FIRST DEGREE
 (RCW 9A.56.200)
 VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	31 - 41	36 - 48	41 - 54	46 - 61	51 - 68	57 - 75	77 - 102	87 - 116	108 - 144	129 - 171
(Seriousness Level IX)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

C. Add 24 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125), and one year of community placement following release from state prison (RCW 9.94A.120(8))

ROBBERY, SECOND DEGREE
 (RCW 9A.56.210)
 VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	43 - 57	53 - 70	63 - 84
(Seriousness Level IV)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR SECOND DEGREE ROBBERY

- A. If sentence is one year or less: part or all of the sentence may be converted to partial confinement (RCW 9.94A.380)
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

SECURITIES ACT VIOLATION
 (RCW 21.20.400)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR SECURITIES ACT VIOLATION

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

**SENDING, BRINGING INTO THE STATE, DEPICTIONS
OF A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT
(RCW 9.68A.060)
NONVIOLENT**

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	57 - 75	67 - 89	77 - 102	87 - 116
(Seriousness Level VII)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

**III. SENTENCING OPTIONS FOR SENDING, BRINGING INTO THE STATE,
DEPICTIONS OF A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT**

A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5)) Partial confinement may be served in home detention (RCW 9.94A.030(20))

SEXUAL EXPLOITATION
(RCW 9.68.040(2))
NONVIOLENT

I. OFFENDER SCORING

ADULT HISTORY:

Not Scored.

JUVENILE HISTORY:

Not Scored.

OTHER CURRENT OFFENSES:

Not Scored.

STATUS:

Not Scored.

II. SENTENCE RANGE

- A. OFFENDER SCORE: NONE
STANDARD RANGE: Not more than 12 months. (RCW 9.94A.120 (6))
(Seriousness Level - Unranked) (Effective 7/23/89)
- B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR SEXUAL EXPLOITATION

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120(5))
- B. Sentence can include community service work and a term of community supervision not to exceed one year (RCW 9.94A.120 (6))
- C. Partial confinement may be served in home detention (RCW 9.94A.030(20))

SEXUAL MISCONDUCT WITH A MINOR, FIRST DEGREE
 (RCW 9A.44.093)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III) months	months	months	months	months	months	months	months	months	months	months

- B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

III. SENTENCING OPTIONS FOR FIRST DEGREE SEXUAL MISCONDUCT WITH A MINOR

- A. If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))
- B. If sentence is greater than one year and less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b)(c))
- C. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- D. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

TAKING MOTOR VEHICLE WITHOUT PERMISSION
 (RCW 9A.56.070)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 60	0 - 90	2 - 5	2 - 6	3 - 8	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29
(Seriousness Level I)	days	days	months	months	months	months	months	months	months	months

III. SENTENCING OPTIONS FOR TAKING MOTOR VEHICLE WITHOUT PERMISSION

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

TAMPERING WITH A WITNESS
 (RCW 9A.72.120)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR TAMPERING WITH A WITNESS

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

THEFT, FIRST DEGREE
 (RCW 9A.56.030)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE } _____
 (round down to the nearest whole number) } _____

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 90	2 - 6	3 - 9	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29	33 - 43	43 - 57
(Seriousness Level II)	days	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR FIRST DEGREE THEFT

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383;
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

THEFT, SECOND DEGREE
 (RCW 9A.56.040)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE | _____ |
 (round down to the nearest whole number) | _____ |

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 60	0 - 90	2 - 5	2 - 6	3 - 8	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29
(Seriousness Level I)	days	days	months	months	months	months	months	months	months	months

III. SENTENCING OPTIONS FOR SECOND DEGREE THEFT

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

THEFT OF LIVESTOCK, FIRST DEGREE
 (RCW 9A.56.080)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	43 - 57	53 - 70	63 - 84
(Seriousness Level IV)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

C. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)

D. A mandatory fine of \$2000 for each animal shall be imposed (RCW 9A.56.____) (Effective 7/23/89)

III. SENTENCING OPTIONS FOR FIRST DEGREE THEFT OF LIVESTOCK

A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))

B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)

C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

THEFT OF LIVESTOCK, SECOND DEGREE
 (RCW 9A.56.080)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months

- B. Statutory maximum sentence is 60 months (RCW 9A.20.021 (1)(c))
- C. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
- D. A mandatory fine of \$2,000 for each animal shall be imposed (RCW 9A.56.____) (Effective 7/23/89)

III. SENTENCING OPTIONS FOR SECOND DEGREE THEFT OF LIVESTOCK

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

THREATS TO BOMB
(RCW 9.61.160)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	43 - 57	53 - 70	63 - 84
(Seriousness Level IV)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR THREATS TO BOMB

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

TRAFFICKING IN STOLEN PROPERTY, FIRST DEGREE
 (RCW 9A.82.050(2))
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	43 - 57	53 - 70	63 - 84
(Seriousness Level IV)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR FIRST DEGREE TRAFFICKING IN STOLEN PROPERTY

- A.** If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B.** One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C.** If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D.** Partial confinement may be served in home detention (RCW 9.94A.030(20))

TRAFFICKING IN STOLEN PROPERTY, SECOND DEGREE
 (RCW 9A.82.050(1))
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR SECOND DEGREE TRAFFICKING IN STOLEN PROPERTY

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

UNLAWFUL IMPRISONMENT
 (RCW 9A.40.040)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR UNLAWFUL IMPRISONMENT

- A.** If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B.** One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C.** If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

UNLAWFUL ISSUANCE OF CHECKS OR DRAFTS
 (RCW 9A.56.060)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 60	0 - 90	2 - 5	2 - 6	3 - 8	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29
(Seriousness Level I)	days	days	months	months	months	months	months	months	months	months

III. SENTENCING OPTIONS FOR UNLAWFUL ISSUANCE OF CHECKS OR DRAFTS

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

UNLAWFUL POSSESSION OF A SHORT FIREARM OR PISTOL
(RCW 9.41.040)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR UNLAWFUL POSSESSION OF A SHORT FIREARM OR PISTOL

- A. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- C. Partial confinement may be served in home detention (RCW 9.94A.030(20))

UNLAWFUL USE OF FOOD STAMPS
 (RCW 9.91.140(2) and(3))
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE | _____ |
 (round down to the nearest whole number) | _____ |

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 60	0 - 90	2 - 5	2 - 6	3 - 8	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29
(Seriousness Level I)	days	days	months	months	months	months	months	months	months	months

III. SENTENCING OPTIONS FOR UNLAWFUL USE OF FOOD STAMPS

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

UNRANKED OFFENSE

I. OFFENDER SCORING

ADULT HISTORY:

Not Scored.

JUVENILE HISTORY:

Not Scored.

OTHER CURRENT OFFENSES:

Not Scored.

STATUS:

Not Scored.

II. SENTENCE RANGE

A. OFFENDER SCORE: NONE
STANDARD RANGE: Not more than 12 months. (RCW 9.94A.120 (6))
(Seriousness Level - Unranked)

III. SENTENCING OPTIONS FOR UNRANKED OFFENSES

- A. Sentence can include community service work and a term of community supervision not to exceed one year (RCW 9.94A.120 (6))
- B. If not a sex offense (RCW 9.94A.030(26)), not a drug offense (RCW 9.94A.030(13)), and not a violent offense (RCW 9.94A.030(29)) then partial confinement may be served in home detention (RCW 9.94A.030(20))

USE OF PROCEEDS OF CRIMINAL PROFITEERING
 (RCW 9A.82.080(1) and (2))
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	43 - 57	53 - 70	63 - 84
(Seriousness Level IV)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR USE OF PROCEEDS OF CRIMINAL PROFITEERING

- A.** If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B.** One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C.** If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D.** Partial confinement may be served in home detention (RCW 9.94A.030(20))

VEHICLE PROWL, FIRST DEGREE
 (RCW 9A.52.095)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 60	0 - 90	2 - 5	2 - 6	3 - 8	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29
(Seriousness Level I)	days	days	months	months	months	months	months	months	months	months

III. SENTENCING OPTIONS FOR FIRST DEGREE VEHICLE PROWL

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

VEHICULAR ASSAULT
 (RCW 46.61.522)
VIOLENT TRAFFIC OFFENSE

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving and Misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Vehicular Homicide and Vehicular Assault adjudications _____ x 2 = _____

Enter number of other felony adjudications _____ x 1/2 = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving and Misdemeanor Hit and Run - Attended adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Vehicular Homicide and Vehicular Assault convictions. _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving and Misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	43 - 57	53 - 70	63 - 84
(Seriousness Level IV)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

III. SENTENCING OPTIONS FOR VEHICULAR ASSAULT

- A. If sentence is one year or less: part or all of the sentence may be converted to partial confinement (RCW 9.94A.380)
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

**VEHICULAR HOMICIDE BY DISREGARD
FOR SAFETY OF OTHERS
(RCW 46.61.520)
NONVIOLENT TRAFFIC OFFENSE**

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Enter number of Driving while Intoxicated, Actual Physical Control, Reckless Driving, and Misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Vehicular Homicide and Vehicular Assault adjudications _____ x 2 = _____

Enter number of other felony adjudications _____ x 1/2 = _____

Enter number of Driving while Intoxicated, Actual Physical Control, Reckless Driving, and Misdemeanor Hit and Run - Attended adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Vehicular Homicide and Vehicular Assault convictions. _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Enter number of other Driving while Intoxicated, Actual Physical Control, Reckless Driving, and Misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	57 - 75	67 - 89	77 - 102	87 - 116
(Seriousness Level VII)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR VEHICULAR HOMICIDE BY DISREGARD FOR SAFETY OF OTHERS

A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5)) Partial confinement may be served in home detention (RCW 9.94A.030(20))

**VEHICULAR HOMICIDE BY RECKLESSNESS
OR UNDER THE INFLUENCE
(RCW 46.61.520)
VIOLENT TRAFFIC OFFENSE**

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Enter number of Driving while Intoxicated, Actual Physical Control, Reckless Driving, and Misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Vehicular Homicide and Vehicular Assault adjudications _____ x 2 = _____

Enter number of other felony adjudications _____ x 1/2 = _____

Enter number of Driving while Intoxicated, Actual Physical Control, Reckless Driving, and Misdemeanor Hit and Run - Attended adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Enter number of other Driving while Intoxicated, Actual Physical Control, Reckless Driving, and Misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	46 - 61	67 - 89	77 - 102	87 - 116	108 - 144
(Seriousness Level VIII) months	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

WILFUL FAILURE TO RETURN FROM FURLOUGH
 (RCW 72.66.060)
 ESCAPE

I. OFFENDER SCORING (RCW 9.94A.360 (14))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Escape 1, Escape 2, Wilful Failure to Return from Furlough, Wilful Failure to Return from Work Release, and Wilful Failure to Comply with Community Custody convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Escape 1, Escape 2, Wilful Failure to Return from Furlough, and Wilful Failure to Return from Work Release adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of Escape 1, Escape 2, Wilful Failure to Return from Furlough, Wilful Failure to Return from Work Release, and Wilful Failure to Comply with Community Custody convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	43 - 57	53 - 70	63 - 84
(Seriousness Level IV)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR WILFUL FAILURE TO RETURN FROM FURLOUGH

- A.** One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- B.** If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- C.** Partial confinement may be served in home detention (RCW 9.94A.030(20))

WILFUL FAILURE TO RETURN FROM WORK RELEASE
 (RCW 72.65.070)
 ESCAPE

I. OFFENDER SCORING (RCW 9.94A.360 (14))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Escape 1, Escape 2, Wilful Failure to Return from Furlough, Wilful Failure to Return from Work Release, and Wilful Failure to Comply with Community Custody convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Escape 1, Escape 2, Wilful Failure to Return from Furlough, and Wilful Failure to Return from Work Release adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of Escape 1, Escape 2, Wilful Failure to Return from Furlough, Wilful Failure to Return from Work Release, and Wilful Failure to Comply with Community Custody convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months

B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)

III. SENTENCING OPTIONS FOR WILFUL FAILURE TO RETURN FROM WORK RELEASE

- A. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- C. Partial confinement may be served in home detention (RCW 9.94A.030(20))

CONTROLLED SUBSTANCES, IMITATION, AND LEGEND DRUG

VIOLATIONS

11:W:SG1

CONTROLLED SUBSTANCE HOMICIDE
 (RCW 69.50.415)
FIRST DRUG CONVICTION
NONVIOLENT DRUG

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	31 - 41	36 - 48	41 - 54	46 - 61	51 - 68	57 - 75	77 - 102	87 - 116	108 - 144	129 - 171
(Seriousness Level IX)	months	months	months	months	months	months	months	months	months	months

- B. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
- C. Statutory maximum sentence for first conviction under RCW 69.50 is 120 months (10 years) (RCW 9A.20.021)
- D. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- E. A \$1,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.____)

III. SENTENCING OPTIONS FOR CONTROLLED SUBSTANCE HOMICIDE

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))

CONTROLLED SUBSTANCE HOMICIDE
 (RCW 69.50.415)
SUBSEQUENT DRUG CONVICTION
VIOLENT DRUG

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____
 Enter number of felony Nonviolent Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____
 Enter number of other felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of other felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE _____
 (round down to the nearest whole number)

II. SENTENCE RANGE

- | A. OFFENDER SCORE: | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
|------------------------|---------|---------|---------|---------|---------|---------|----------|----------|-----------|-----------|
| STANDARD RANGE: | 31 - 41 | 36 - 48 | 41 - 54 | 46 - 61 | 51 - 68 | 57 - 75 | 77 - 102 | 87 - 116 | 108 - 144 | 129 - 171 |
| (Seriousness Level IX) | months | months | months | months | months | months | months | months | months | months |
- B. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- D. A \$2,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.____)

CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED
SUBSTANCE - SCHEDULE I OR II NARCOTIC
(RCW 69.50.401 (b)(1)(i))
FIRST DRUG CONVICTION
NONVIOLENT DRUG

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

- | | | | | | | | | | | |
|-------------------------|--------|--------|--------|--------|----------|---------|---------|---------|---------|-----------|
| A. OFFENDER SCORE: | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
| STANDARD RANGE: | 0 - 90 | 2 - 6 | 3 - 9 | 4 - 12 | 12+ - 14 | 14 - 18 | 17 - 22 | 22 - 29 | 33 - 43 | 43 - 57 |
| (Seriousness Level II) | days | months | months | months | months | months | months | months | months | months |
- B. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- D. A \$1,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.____)

III. SENTENCING OPTIONS FOR CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED SUBSTANCE -
SCHEDULE I OR II NARCOTIC (FIRST DRUG CONVICTION)

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

**CREATE, DELIVER, OR POSSESS A COUNTERFEIT
CONTROLLED SUBSTANCE - SCHEDULE I OR II NARCOTIC**
(RCW 69.50.401 (b)(1)(i))
SUBSEQUENT DRUG CONVICTION
VIOLENT DRUG

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____
 Enter number of felony Nonviolent Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____
 Enter number of other felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of other felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

- | | | | | | | | | | | |
|---------------------------|--------|--------|--------|--------|----------|---------|---------|---------|---------|-----------|
| A. OFFENDER SCORE: | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
| STANDARD RANGE: | 0 - 90 | 2 - 6 | 3 - 9 | 4 - 12 | 12+ - 14 | 14 - 18 | 17 - 22 | 22 - 29 | 33 - 43 | 43 - 57 |
| (Seriousness Level II) | days | months | months | months | months | months | months | months | months | months |
- B.** Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
- C.** One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- D.** A \$2,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.____)

**III. SENTENCING OPTIONS FOR CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED SUBSTANCE
- SCHEDULE I OR II NARCOTIC (SUBSEQUENT DRUG CONVICTION)**

- A.** If sentence is one year or less: part or all of the sentence may be converted to partial confinement (RCW 9.94A.380)
- B.** If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED SUBSTANCE -
 SCHEDULE III-V NARCOTIC OR SCHEDULE I-V NONNARCOTIC
 (RCW 69.50.401 (b)(1)(ii-iv))
 NONVIOLENT DRUG

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____
 Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____
 Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE | _____ |
 (round down to the nearest whole number) | _____ |

II. SENTENCE RANGE

- | | | | | | | | | | | |
|------------------------|--------|--------|--------|--------|----------|---------|---------|---------|---------|-----------|
| A. OFFENDER SCORE: | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
| STANDARD RANGE: | 0 - 90 | 2 - 6 | 3 - 9 | 4 - 12 | 12+ - 14 | 14 - 18 | 17 - 22 | 22 - 29 | 33 - 43 | 43 - 57 |
| (Seriousness Level II) | days | months | months | months | months | months | months | months | months | months |
- B. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- D. A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50.____)

III. SENTENCING OPTIONS FOR CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED SUBSTANCE
 - SCHEDULE III-V NARCOTIC OR SCHEDULE I-V NONNARCOTIC

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

DELIVERY OF IMITATION CONTROLLED SUBSTANCES BY PERSON EIGHTEEN
OR OVER TO PERSON UNDER EIGHTEEN
(RCW 9A.02.030(2))
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	41 - 54	51 - 68	62 - 82	72 - 96
(Seriousness Level V)	months	months	months	months	months	months	months	months	months	months

- B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

III. SENTENCING OPTIONS FOR DELIVERY OF IMITATION CONTROLLED SUBSTANCES BY PERSON
EIGHTEEN OR OVER TO PERSON UNDER EIGHTEEN

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

DELIVERY OF MATERIAL IN LIEU OF A CONTROLLED SUBSTANCE
 (RCW 69.50.401 (c))
 NONVIOLENT DRUG

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____
 Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____
 Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE _____
 (round down to the nearest whole number)

II. SENTENCE RANGE

- | | | | | | | | | | | |
|---------------------------|--------|--------|--------|--------|----------|---------|---------|---------|---------|-----------|
| A. OFFENDER SCORE: | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
| STANDARD RANGE: | 1 - 3 | 3 - 8 | 4 - 12 | 9 - 12 | 12+ - 16 | 17 - 22 | 22 - 29 | 33 - 43 | 43 - 57 | 51 - 68 |
| (Seriousness Level III) | months | months | months | months | months | months | months | months | months | months |
- B. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
- C. Statutory maximum sentence is 60 months (5 years) (RCW 69.50.401 (c))
- D. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- E. A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50.____)

III. SENTENCING OPTIONS FOR DELIVERY OF MATERIAL IN LIEU OF A CONTROLLED SUBSTANCE

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

FORGED PRESCRIPTION (Legend Drug)
 (RCW 69.41.020)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 60	0 - 90	2 - 5	2 - 6	3 - 8	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29
(Seriousness Level I)	days	days	months	months	months	months	months	months	months	months

III. SENTENCING OPTIONS FOR FORGED PRESCRIPTION (Legend Drug)

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention (RCW 9.94A.030(20))

FORGED PRESCRIPTION FOR A CONTROLLED SUBSTANCE
 (RCW 69.50.403)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE | _____ |
 (round down to the nearest whole number) | _____ |

II. SENTENCE RANGE

- | | | | | | | | | | | |
|---------------------------|--------|--------|--------|--------|--------|--------|----------|---------|---------|-----------|
| A. OFFENDER SCORE: | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
| STANDARD RANGE: | 0 - 60 | 0 - 90 | 2 - 5 | 2 - 6 | 3 - 8 | 4 - 12 | 12+ - 14 | 14 - 18 | 17 - 22 | 22 - 29 |
| (Seriousness Level I) | days | days | months | months | months | months | months | months | months | months |
- B. Statutory maximum sentence for first conviction under RCW 69.50 is 24 months (2 years)(RCW 69.50.403(c))
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- D. A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50. ___)

III. SENTENCING OPTIONS FOR FORGED PRESCRIPTION FOR A CONTROLLED SUBSTANCE

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention under certain conditions (effective 7/23/89) (RCW 9.94A.030(20) and (31))

INVOLVING A MINOR IN DRUG DEALING
 (RCW 9A.02.01(f))
 NONVIOLENT DRUG

I. OFFENDER SCORING (RCW 9A.360 (13))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony Drug conviction (as defined by RCW 9.94A.030 (13)) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	57 - 75	67 - 89	77 - 102	87 - 116
(Seriousness Level VII)	months	months	months	months	months	months	months	months	months	months

B. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)

C. Statutory maximum sentence is 60 months (5 years) for the first conviction (RCW 9A.20.021 (1)(c))

D. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

E. A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50.____)

III. SENTENCING OPTIONS FOR INVOLVING A MINOR IN DRUG DEALING

A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))

**MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER
HEROIN OR COCAINE**
(RCW 69.50.401 (a)(1)(i))
**FIRST DRUG CONVICTION AND NOT NEAR A SCHOOL
NONVIOLENT DRUG**

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____
Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____
Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE | _____ |
(round down to the nearest whole number) | _____ |

II. SENTENCE RANGE

- | | | | | | | | | | | |
|---------------------------|---------|---------|---------|---------|---------|---------|---------|----------|----------|-----------|
| A. OFFENDER SCORE: | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
| STANDARD RANGE: | 21 - 27 | 26 - 34 | 31 - 41 | 36 - 48 | 41 - 54 | 46 - 61 | 67 - 89 | 77 - 102 | 87 - 116 | 108 - 144 |
| (Seriousness Level VIII) | months | months | months | months | months | months | months | months | months | months |
- B.** Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
- C.** Add 18 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310) (Effective 7/23/89)
- D.** Statutory maximum sentence for this crime is 120 months (10 years) under RCW 69.50
- E.** One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- F.** A \$1,000 mandatory fine shall be imposed, unless indigent (RCW 69.50. ___)

**MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER
HEROIN OR COCAINE
(RCW 69.50.401 (a)(1)(i))
SUBSEQUENT DRUG CONVICTION OR NEAR A SCHOOL
VIOLENT DRUG**

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____
 Enter number of felony Nonviolent Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____
 Enter number of other felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of other felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE | _____ |
 (round down to the nearest whole number) | _____ |

II. SENTENCE RANGE

- | A. OFFENDER SCORE: | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
|---------------------------------|---------|---------|---------|---------|---------|---------|---------|----------|----------|-----------|
| STANDARD RANGE: | 21 - 27 | 26 - 34 | 31 - 41 | 36 - 48 | 41 - 54 | 46 - 61 | 67 - 89 | 77 - 102 | 87 - 116 | 108 - 144 |
| (Seriousness Level VIII) months | months | months | months | months | months | months | months | months | months | months |
- B. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
- C. Add 24 months to the entire standard sentence range with a finding that the offense took place within 1,000 feet of a school bus route stop or within 1,000 feet of the perimeter of school grounds (RCW 9.94A.310, 69.50. _____)
- D. Add 18 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310) (Effective 7/23/89)
- E. Statutory maximum sentence for this crime is 120 months (10 years) for the first conviction under RCW 69.50
- F. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- G. A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50. _____)

MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER MARIJUANA
 (RCW 69.50.401 (a)(1)(ii))
 NONVIOLENT DRUG

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____
 Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____
 Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE _____
 (round down to the nearest whole number)

II. SENTENCE RANGE

- | | | | | | | | | | | |
|---------------------------|--------|--------|--------|--------|----------|---------|---------|---------|---------|-----------|
| A. OFFENDER SCORE: | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
| STANDARD RANGE: | 1 - 3 | 3 - 8 | 4 - 12 | 9 - 12 | 12+ - 16 | 17 - 22 | 22 - 29 | 33 - 43 | 43 - 57 | 51 - 68 |
| (Seriousness Level III) | months | months | months | months | months | months | months | months | months | months |
- B.** Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
- C.** Add 24 months to the entire standard sentence range with a finding that the offense took place within 1,000 feet of a school bus route stop or within 1,000 feet of the perimeter of school grounds (RCW 9.94A.310, 69.50.____)
- D.** Add 15 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310) (Effective 7/23/89)
- E.** Statutory maximum sentence for first conviction under RCW 69.50 is 60 months (5 years) (RCW 69.50.401 (a)(1)(ii))
- F.** One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- G.** A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50.____)

III. SENTENCING OPTIONS FOR MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER MARIJUANA

- A.** If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B.** One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C.** If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

MANUFACTURE, DELIVER, POSSESS WITH INTENT TO DELIVER METHAMPHETAMINE
 (RCW 69.50.401 (a)(1)(ii))
 NONVIOLENT DRUG

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	46 - 61	67 - 89	77 - 102	87 - 116	108 - 144
(Seriousness Level VIII) months	months	months	months	months	months	months	months	months	months	months

- B. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
- C. Add 24 months to the entire standard sentence range with a finding that the offense took place within 1,000 feet of a school bus route stop or within 1,000 feet of the perimeter of school grounds (RCW 9.94A.310, 69.50.____)
- D. Add 15 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310) (Effective 7/23/89)
- E. Statutory maximum sentence for this crime is 60 months (5 years) for the first conviction under RCW 69.50 and 120 months (10 years) for the second conviction under RCW 69.50
- F. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- G. A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50.____)

III. SENTENCING OPTIONS FOR MANUFACTURE, DELIVER, POSSESS WITH INTENT TO DELIVER METHAMPHETAMINE

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))

**MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER NARCOTICS
FROM SCHEDULE I OR II (EXCEPT HEROIN OR COCAINE)
(RCW 69.50.401 (a)(1)(i))
FIRST DRUG CONVICTION AND NOT NEAR A SCHOOL
NONVIOLENT DRUG**

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	12+ - 14	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	46 - 61	57 - 75	67 - 89	77 - 102
(Seriousness Level VI)	months	months	months	months	months	months	months	months	months	months

- B. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
- C. Add 18 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310) (Effective 7/23/89)
- D. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- E. A \$1,000 mandatory fine shall be imposed, unless indigent (RCW 69.50. ___)

**MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER NARCOTICS
FROM SCHEDULE I OR II (EXCEPT HEROIN OR COCAINE)
(RCW 69.50.401 (a)(1)(i))
SUBSEQUENT DRUG CONVICTION OR NEAR A SCHOOL
VIOLENT DRUG**

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____
 Enter number of felony Nonviolent Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____
 Enter number of other felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of other felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE | _____ |
 (round down to the nearest whole number) | _____ |

II. SENTENCE RANGE

- | A. OFFENDER SCORE: | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
|--------------------------|----------|---------|---------|---------|---------|---------|---------|---------|---------|-----------|
| STANDARD RANGE: | 12+ - 14 | 15 - 20 | 21 - 27 | 26 - 34 | 31 - 41 | 36 - 48 | 46 - 61 | 57 - 75 | 67 - 89 | 77 - 102 |
| (Seriousness Level VI) | months | months | months | months | months | months | months | months | months | months |
- B. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- D. Add 24 months to the entire standard sentence range with a finding that the offense took place within 1,000 feet of a school bus route stop or within 1,000 feet of the perimeter of school grounds (RCW 9.94A.310, 69.50.)
- E. Add 18 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310) (Effective 7/23/89)
- F. A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50.)

**MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER NARCOTICS FROM SCHEDULE III-V OR
NONNARCOTICS FROM SCHEDULE I-V (EXCEPT MARIJUANA OR METHAMPHETAMINES)**
(RCW 69.50.401 (a)(1)(ii-iv))
NONVIOLENT DRUG

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____
Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____
Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE | _____ |
(round down to the nearest whole number) | _____ |

II. SENTENCE RANGE

- | | | | | | | | | | | |
|---------------------------|--------|--------|----------|---------|---------|---------|---------|---------|---------|-----------|
| A. OFFENDER SCORE: | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
| STANDARD RANGE: | 3 - 9 | 6 - 12 | 12+ - 14 | 13 - 17 | 15 - 20 | 22 - 29 | 33 - 43 | 43 - 57 | 53 - 70 | 63 - 84 |
| (Seriousness Level IV) | months | months | months | months | months | months | months | months | months | months |
- B.** Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
- C.** Add 24 months to the entire standard sentence range with a finding that the offense took place within 1,000 feet of a school bus route stop or within 1,000 feet of the perimeter of school grounds (RCW 9.94A.310, 69.50. ___)
- D.** Add 15 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310) (Effective 7/23/89)
- E.** Statutory maximum sentence for first conviction under RCW 69.50 is 60 months (5 years) (RCW 69.50.401 (a)(1)(ii-iv))
- F.** One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- G.** A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50. ___)

**III. SENTENCING OPTIONS FOR MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER
NARCOTICS FROM SCHEDULE III-V OR NONNARCOTICS FROM SCHEDULE I-V (EXCEPT MARIJUANA)**

- A.** If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B.** One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C.** If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

**MANUFACTURE, DISTRIBUTE, OR POSSESS WITH INTENT TO DISTRIBUTE
AN IMITATION CONTROLLED SUBSTANCE**
(RCW 69.52.030(1))
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
(Seriousness Level III)	months	months	months	months	months	months	months	months	months	months

B. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

C. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))

**III. SENTENCING OPTIONS FOR MANUFACTURE, DISTRIBUTE, OR POSSESS WITH INTENT
TO DISTRIBUTE AN IMITATION CONTROLLED SUBSTANCE**

A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))

B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)

C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)

D. Partial confinement may be served in home detention (RCW 9.94A.030 (20))

OVER 18 AND DELIVER HEROIN OR A NARCOTIC FROM SCHEDULE I OR II
TO SOMEONE UNDER 18
(RCW 69.50.406)
VIOLENT DRUG

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____
 Enter number of felony Nonviolent Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____
 Enter number of other felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of other felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE _____
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	51 - 68	57 - 75	62 - 82	67 - 89	72 - 96	77 - 102	98 - 130	108 - 144	129 - 171	149 - 198
(Seriousness Level X)	months	months	months	months	months	months	months	months	months	months

B. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)

C. Add 24 months to the entire standard sentence range with a finding that the offense took place within 1,000 feet of a school bus route stop or within 1,000 feet of the perimeter of school grounds (RCW 9.94A.310, 69.50.____)

D. Add 18 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310) (Effective 7/23/89)

E. One year of community placement must be served following release from state prison (RCW 9.94A.120(9))

F. A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50.____)

OVER 18 AND DELIVER NARCOTIC FROM SCHEDULE III-V OR A
NONNARCOTIC FROM SCHEDULE I-V TO SOMEONE
UNDER 18 AND 3 YEARS JUNIOR
(RCW 69.50.406)
NONVIOLENT DRUG

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

- | | | | | | | | | | | |
|------------------------|---------|---------|---------|---------|---------|---------|----------|----------|-----------|-----------|
| A. OFFENDER SCORE: | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
| STANDARD RANGE: | 31 - 41 | 36 - 48 | 41 - 54 | 46 - 61 | 51 - 68 | 57 - 75 | 77 - 102 | 87 - 116 | 108 - 144 | 129 - 171 |
| (Seriousness Level IX) | months | months | months | months | months | months | months | months | months | months |
- B. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
- C. Add 24 months to the entire standard sentence range with a finding that the offense took place within 1,000 feet of a school bus route stop or within 1,000 feet of the perimeter of school grounds (RCW 9.94A.310, 69.50.____)
- D. Add 15 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310) (Effective 7/23/89)
- E. Statutory maximum sentence is 120 months (10 years) (RCW 69.50.406)
- F. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- G. A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50.____)

III. SENTENCING OPTIONS FOR OVER 18 AND DELIVER NARCOTIC FROM SCHEDULE III-V OR A NONNARCOTIC FROM SCHEDULE I-V TO SOMEONE UNDER 18 AND 3 YEARS JUNIOR

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))

POSSESSION OF A CONTROLLED SUBSTANCE THAT IS EITHER HEROIN OR
NARCOTICS FROM SCHEDULE I OR II
(RCW 69.50.401 (d))
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 90	2 - 6	3 - 9	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29	33 - 43	43 - 57
(Seriousness Level II)	days	months	months	months	months	months	months	months	months	months

- B. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- C. Add 12 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310) (Effective 7/23/89)
- D. A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50.____)

III. SENTENCING OPTIONS FOR POSSESSION OF CONTROLLED SUBSTANCE THAT IS EITHER HEROIN OR NARCOTICS FROM SCHEDULE I OR II

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention under certain conditions (effective 7/23/89) (RCW 9.94A.030(20) and (31))

POSSESSION OF A CONTROLLED SUBSTANCE THAT IS A NARCOTIC FROM SCHEDULE III-V
OR A NONNARCOTIC FROM SCHEDULE I-V (EXCEPT PHENCYCLIDINE)
(RCW 69.50.401 (d))
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score,

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes, + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE { _____ ;
(round down to the nearest whole number) } _____ ;

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 60	0 - 90	2 - 5	2 - 6	3 - 8	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29
(Seriousness Level I)	days	days	months	months	months	months	months	months	months	months

- B. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- C. Add 12 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310) (Effective 7/23/89)
- D. A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50. ___)

III. SENTENCING OPTIONS FOR POSSESSION OF A CONTROLLED SUBSTANCE THAT IS A NARCOTIC
FROM SCHEDULE III-V OR A NONNARCOTIC FROM SCHEDULE I-V (EXCEPT PHENCYCLIDINE)

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383,
- D. Partial confinement may be served in home detention under certain conditions (effective 7/23/89) (RCW 9.94A.030, 20, and (31))

POSSESSION OF PHENCYCLIDINE (PCP)
 (RCW 69.50.401 (d))
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	0 - 90	2 - 6	3 - 9	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29	33 - 43	43 - 57
(Seriousness Level II)	days	months	months	months	months	months	months	months	months	months

- B. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- C. Add 12 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310) (Effective 7/23/89)
- D. A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50.____)

III. SENTENCING OPTIONS FOR POSSESSION OF PHENCYCLIDINE (PCP)

- A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
- B. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383)
- D. Partial confinement may be served in home detention under certain conditions (effective 7/23/89) (RCW 9.94A.030(20); and (31),

**SELLING FOR PROFIT SCHEDULE I CONTROLLED
OR COUNTERFEIT SUBSTANCE (EXCEPT HEROIN)
(RCW 69.50.410 (2))
NONVIOLENT DRUG**

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____
 Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____
 Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE | _____ |
 (round down to the nearest whole number) | _____ |

It is unclear whether selling for profit of a controlled substance from schedule I (RCW 69.50.410 (2)) also constitutes delivery of a controlled substance (i.e., is also a violation of RCW 69.50.401(a)). The sentence enhancements and options depend on how this issue is resolved.

II. SENTENCE RANGE

- | A. OFFENDER SCORE: | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
|---|--------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|--------------------|
| STANDARD RANGE:
(Seriousness Level VI) | 12+ - 14
months | 15 - 20
months | 21 - 27
months | 26 - 34
months | 31 - 41
months | 36 - 48
months | 46 - 61
months | 57 - 75
months | 67 - 89
months | 77 - 102
months |
- B. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
 - C. Statutory maximum sentence for first conviction for this crime is 60 months (5 years) (RCW 69.50.410 (2))
 - D. One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
 - E. A \$1,000 mandatory fine shall be imposed (\$2,000) for a subsequent conviction, unless indigent (RCW 69.50.)
 - F. (If delivery): Add 24 months to the entire standard sentence range with a finding that the offense took place within 1,000 feet of a school bus stop or within 1,000 feet of the perimeter of school ground (RCW 9.94A.310, 69.50.)
 - G. (If delivery of a narcotic): Add 18 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310) (Effective 7/23/89)
 - H. (If delivery of a nonnarcotic): Add 15 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310) (Effective 7/23/89)

**III. SENTENCING OPTIONS FOR SELLING FOR PROFIT SCHEDULE I
CONTROLLED OR COUNTERFEIT SUBSTANCE (EXCEPT HEROIN)**

- A. (If not delivery of a narcotic, or if delivery of a nonnarcotic, or if sale of counterfeit substance): If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))

SELLING HEROIN FOR PROFIT
 (RCW 69.50.410 (3))
 NONVIOLENT DRUG

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed BEFORE 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed AFTER 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____
 Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____
 Enter number of Nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE _____
 (round down to the nearest whole number) _____

It is unclear whether Selling Heroin for Profit (RCW 69.50.410 (3)) also constitutes delivery of a controlled substance (i.e., is also a violation of RCW 69.50.401(a)). The sentence enhancements and options depend on how this issue is resolved.

II. SENTENCE RANGE

- | | | | | | | | | | | |
|---------------------------------|---------|---------|---------|---------|---------|---------|---------|----------|----------|-----------|
| A. OFFENDER SCORE: | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
| STANDARD RANGE: | 21 - 27 | 26 - 34 | 31 - 41 | 36 - 48 | 41 - 54 | 46 - 61 | 67 - 89 | 77 - 102 | 87 - 116 | 108 - 144 |
| (Seriousness Level VIII) months | months | months | months | months | months | months | months | months | months | months |
- B.** Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
- C.** Statutory maximum sentence for this crime is 60 months (5 years) for the first conviction under RCW 69.50 and 120 months (10 years) for the second conviction under RCW 69.50 (RCW 69.50.410(2)).
- D.** One year of community placement must be served following release from state prison (RCW 9.94A.120(8))
- E.** A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50.)
- F. (If Delivery):** Add 24 months to the entire standard sentence range with a finding that the offense took place within 1,000 feet of a school bus stop or within 1,000 feet of the perimeter of school ground (RCW 9.94A.310, 69.50.)
- G. (If Delivery):** Add 18 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310) (Effective 7/23/89)

III. SENTENCING OPTIONS FOR SELLING HEROIN FOR PROFIT

- A. (If Not Delivery):** If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))

SECTION IV: APPENDICES

**APPENDIX A:
OFFENSE SCORING FORMS**

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INTRODUCTION

The offense scoring forms are designed for submission to the court and can be used as an alternative to the individual offense reference sheets. The forms are categorized according to the ten types of offender scoring rules:

Burglary 1	Nonviolent Drug
Burglary 2	Violent
Escape	Violent Drug
Felony Traffic	Serious Violent
Nonviolent	Unranked

The Offense Scoring Categories (Table 7, next page) show the crimes in each of these categories. The top of each Scoring Form also indicates which offenses apply to that form.

TABLE 7
OFFENSE SCORING CATEGORIES

OFFENSE SERIOUSNESS LEVEL	OFFENSE TITLE	RCW
***** SERIOUS VIOLENT *****		
XIV	Aggravated Murder 1	10.95.020
XI	Assault 1	9A.36.011
XIII	Homicide By Abuse	9A.32.055
X	Kidnapping 1	9A.40.020
XIII	Murder 1	9A.32.030
XII	Murder 2	9A.32.050
X	Rape 1	9A.44.040

***** VIOLENT *****		
VIII	Arson 1	9A.48.020
IV	Arson 2	9A.48.030
IV	Assault 2	9A.36.021
VI	Bail Jumping with Murder 1	9A.76.170(2)(a)
IX	Child Molestation 1	9A.44.083
X	Damaging Building, Etc., by Explosion with Threat to Human Being	70.74.280(1)
IX	Endangering Life and Property by Explosives with Threat to Human Being	70.74.270(1)
IX	Explosive Devices Prohibited	70.74.180
V	Extortion 1	9A.56.120
VII	Indecent Liberties (with Forcible Compulsion)	9A.44.100(1)(a)
V	Kidnapping 2	9A.40.030
X	Leading Organized Crime	9A.82.060(1)(a)
IX	Manslaughter 1	9A.32.060
VI	Manslaughter 2	9A.32.070
X	Rape of a Child 1	9A.44.073
VIII	Rape 2	9A.44.050
IX	Robbery 1	9A.56.200
IV	Robbery 2	9A.56.210

OFFENSE
SERIOUSNESS
LEVEL

OFFENSE TITLE

RCW

***** FELONY TRAFFIC *****

I	Attempting to Elude Pursuing Police Vehicle	46.61.024
IV	Hit and Run - Injury Accident	46.52.020(4)
IV	Vehicular Assault	46.61.522
VIII	Vehicular Homicide by Being Under the Influence of Intoxicating Liquor or any Drug or By the Operation of any Vehicle in a Reckless Manner	46.61.520
VII	Vehicular Homicide by Disregard for the Safety of Others	46.61.520

***** BURGLARY 1 *****
(Violent)

VII	Burglary 1	9A.52.020
-----	------------	-----------

***** VIOLENT DRUG *****

IX	Controlled Substance Homicide (Subsequent Drug Conviction)	69.50.415
II	Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule I or II Narcotic (Subsequent Drug Conviction)	69.50.401(b)(1)(i)
VI	Manufacture, Deliver, or Possess with Intent to Deliver Narcotics from Schedule I or II (Except Heroin or Cocaine) (Subsequent Drug Conviction or Near a School)	69.50.401(a)(1)(i)
VIII	Manufacture, Deliver, or Possess with Intent to Deliver Heroin or Cocaine (Subsequent Drug Conviction or Near a School)	69.50.401(a)(1)(i)
X	Over 18 and Deliver Heroin or a Narcotic from Schedule I or II to Someone Under 18	69.50.406

***** NONVIOLENT DRUG *****

IX	Controlled Substance Homicide (First Drug Conviction Only)	69.50.415
II	Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule I or II Narcotic (First Drug Conviction Only)	69.50.401(b)(1)(i)
II	Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule III-V Narcotic or Schedule I - V Nonnarcotic	69.50.401(b)(1)(ii-iv)

OFFENSE
SERIOUSNESS
LEVEL

OFFENSE TITLE

RCW

***** NONVIOLENT DRUG *****
(Continued)

III	Delivery of a Material In Lieu of a Controlled Substance	69.50.401(c)
---	Forged Prescription (see NONVIOLENT category)	
---	Imitation Controlled Substances (see NONVIOLENT category)	
VII	Involving a Minor in Drug Dealing	69.50.401(f)
IV	Manufacture, Deliver or Possess with Intent to Deliver Narcotics from Schedule III-V or Nonnarcotics from Schedule I-V (Except Marijuana or Methamphetamines)	69.50.401(a)(1)(ii-iv)
VI	Manufacture, Deliver, or Possess with Intent to Deliver Narcotics from Schedule I or II (Except Heroin or Cocaine) (First Drug Conviction Only and Not Near a School)	69.50.401(a)(1)(i)
VIII	Manufacture, Delivery, or Possess with Intent to Deliver Heroin or Cocaine (First Drug Conviction and Not Near a School)	69.50.401(a)(1)(i)
III	Manufacture, Deliver, or Possess with Intent to Deliver Marijuana	69.50.401(a)(1)(ii)
VIII	Manufacture, Deliver, or Possess with Intent to Deliver Methamphetamine	69.50.401(a)(1)(ii)
IX	Over 18 and Deliver Narcotic from Schedule III-V or a Nonnarcotic from Schedule I-V to Someone Under 18 and 3 Years Junior	69.50.406
---	Possess Controlled Substance (see NONVIOLENT category)	
VI	Selling for Profit Schedule I Controlled or Counterfeit Substance (Except Heroin)	69.50.410(2)
VIII	Selling Heroin for Profit	69.50.410(3)

***** ESCAPE *****
(Nonviolent)

IV	Escape 1 (score as nonviolent offense)	9A.76.110
III	Escape 2 (score as nonviolent offense)	9A.76.120
IV	Wilful Failure to Return from Furlough	72.66.060
III	Wilful Failure to Return from Work Release	72.65.070

***** BURGLARY 2 *****
(Nonviolent)

II	Burglary 2	9A.52.030
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OFFENSE
SERIOUSNESS
LEVEL

OFFENSE TITLE

RCW

***** NONVIOLENT *****

V	Advancing Money or Property for Extortionate Extension of Credit	9A.82.030
III	Assault 3	9A.36.031
V	Bail Jumping with Class A Felony	9A.76.170(2)(b)
III	Bail Jumping with Class B or C Felony	9A.76.170(2)(c)
IV	Bribe Received by Witness	9A.72.100
VI	Bribery	9A.68.010
IV	Bribing a Witness	9A.72.090
VI	Child Molestation 2	9A.44.086
III	Child Molestation 3	9A.44.089
III	Communication with a Minor for Immoral Purposes	9.68A.090
II	Computer Trespass 1	9A.52.110
V	Criminal Mistreatment 1	9A.42.020
III	Criminal Mistreatment 2	9A.42.030
III	Custodial Assault	9A.36.100
VI	Damaging Building, Etc., by Explosion with no Threat to Human Being	70.74.280(2)
VII	Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct	9.68A.050
V	Delivery of Imitation Controlled Substance by Person 18 or Over to Person Under 18	69.52.030(2)
VI	Endangering Life and Property by Explosives with no Threat to Human Being	70.74.270(2)
III	Extortion 2	9A.56.130
V	Extortionate Extension of Credit	9A.82.020
V	Extortionate Means to Collect Extensions of Credit	9A.82.040
I	False Verification for Welfare	74.08.055
I	Forged Prescription (Legend Drug)	69.41.020
I	Forged Prescription for a Controlled Substance	69.50.403
I	Forgery	9A.60.020
III	Harassment	9A.46.020
VI	Incest 1	9A.64.020(1)
V	Incest 2	9A.64.020(2)
IX	Inciting Criminal Profiteering	9A.82.060(1)(b)
VI	Indecent Liberties (without forcible compulsion)	9A.44.100(1)(b),(c)
IV	Influencing Outcome of a Sporting Event	9A.82.070
VI	Intimidating a Judge	9A.72.160
VI	Intimidating a Juror	9A.72.130
III	Intimidating a Public Servant	9A.76.180
VI	Intimidating a Witness	9A.72.110
VII	Introducing Contraband 1	9A.76.140
III	Introducing Contraband 2	9A.76.150
IV	Knowingly Trafficking in Stolen Property	9A.82.050(2)
IV	Malicious Harassment	9A.36.080
II	Malicious Mischief 1	9A.48.070
I	Malicious Mischief 2	9A.48.080
III	Manufacture, Distribute, or Possess with Intent to Distribute Imitation Controlled Substance	69.52.030(1)

OFFENSE
SERIOUSNESS
LEVEL

OFFENSE TITLE

RCW

***** NONVIOLENT *****
(Continued)

III	Patronizing a Juvenile Prostitute	9.68A.100
V	Perjury 1	9A.72.020
III	Perjury 2	9A.72.030
II	Possession of a Controlled Substance that is Either Heroin or a Narcotic from Schedule I or II	69.50.401(d)
II	Possession of Phencyclidine (PCP)	69.50.401(d)
I	Possession of a Controlled Substance that is a Narcotic from Schedule III-V or Nonnarcotic from Schedule I-V (Except Phencyclidine)	69.50.401(d)
II	Possession of Stolen Property 1	9A.56.150
I	Possession of Stolen Property 2	9A.56.160
VIII	Promoting Prostitution 1	9A.88.070
III	Promoting Prostitution 2	9A.88.080
V	Rape 3	9A.44.060
VIII	Rape of a Child 2	9A.44.076
IV	Rape of a Child 3	9A.44.079
I	Reckless Burning 1	9A.48.040
II	Reckless Endangerment 1	9A.36._____
III	Recklessly Trafficking in Stolen Property	9A.82.050(1)
V	Rendering Criminal Assistance 1	9A.76.070
III	Securities Act Violation	21.20.400
VII	Sending, Bringing Into the State Depictions of Minor Engaged in Sexually Explicit Conduct	9.68A.060
III	Sexual Misconduct with Minor 1	9A.44.093
I	Taking Motor Vehicle Without Permission	9A.56.070
III	Tampering with a Witness	9A.72.120
II	Theft 1	9A.56.030
I	Theft 2	9A.56.040
IV	Theft of Livestock 1	9A.56.080
III	Theft of Livestock 2	9A.56.080
IV	Threats to Bomb	9.61.160
III	Unlawful Imprisonment	9A.40.040
I	Unlawful Issuance of Checks or Drafts	9A.56.060
III	Unlawful Possession of a Short Firearm or Pistol	9.41.040
I	Unlawful Use of Food Stamps	9.91.140(2) and (3)
IV	Use of Proceeds of Criminal Profiteering	9A.82.080(1) and (2)
I	Vehicle Prowl 1	9A.52.095

13:W:SG1

SENTENCING GUIDELINES SCORING FORM Burglary 1 Offenses

Use this form only for Burglary 1 offenses.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #
JUDGE	CAUSE #	FBI ID #

ADULT HISTORY: (If the prior offense was committed **before** 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed **after** 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of Burglary 2 convictions _____ x 2 = _____

Enter number of Nonviolent felony convictions, excluding Burglary 2 _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____

Enter number of Burglary 2 adjudications _____ x 1 = _____

Enter number of Nonviolent felony adjudications, excluding Burglary 2 _____ x ½ = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of other Burglary 2 convictions _____ x 2 = _____

Enter number of other Nonviolent felony convictions, excluding Burglary 2 _____ x 1 = _____

STATUS AT TIME OF CURRENT OFFENSE:

If on community placement at time of current offense, then add 1 point _____

Add the scores in each category **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

STANDARD SENTENCE RANGE CALCULATION*

Burglary 1	VII	OFFENDER SCORE	TO
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL		LOW HIGH STANDARD SENTENCE RANGE

*Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

*Add 18 months to the standard range if there is a **special verdict/finding** for deadly weapon.

SENTENCING GUIDELINES SCORING FORM Burglary 2 Offenses

Note: The 1989 legislation raising the Seriousness Level of Burglary 2 and creating the crime of Residential Burglary does not go into effect until July 1990.

Use this form only for Burglary 2 offenses.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #
JUDGE	CAUSE #	FBI ID #

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Burglary 1 convictions _____ x 2 = _____

Enter number of Burglary 2 convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Burglary 1 adjudications _____ x 2 = _____

Enter number of Burglary 2 adjudications _____ x 1 = _____

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of other felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct count in offender score)

Enter number of other Burglary 1 convictions _____ x 2 = _____

Enter number of other Burglary 2 convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS AT TIME OF CURRENT OFFENSE:

If on community placement at time of current offense, then add 1 point _____

Add the scores in each category **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

STANDARD SENTENCE RANGE CALCULATION*

Burglary 2	II		TO	
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	LOW	HIGH
			STANDARD SENTENCE RANGE	

*Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

*Add 12 months to the standard range if the current offense is Burglary 2 of a nondwelling AND there is a special verdict/finding for deadly weapon.

SENTENCING GUIDELINES SCORING FORM Escape Offenses

Use this form only for the following offenses: Wilful Failure to Return from Furlough; Wilful Failure to Return from Work Release. Score Escape 1 and Escape 2 as nonviolent offenses.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #
JUDGE	CAUSE #	FBI ID #

ADULT HISTORY: (If the prior offense was committed **before 7/1/86**, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed **after 7/1/86**, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Escape 1, Escape 2, Wilful Failure to Return from Furlough, Wilful Failure to Return from Work Release, and Wilful Failure to Comply with Community Custody convictions $\times 1 =$ _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Escape 1, Escape 2, Wilful Failure to Return from Furlough, and Wilful Failure to Return from Work Release adjudications $\times \frac{1}{2} =$ _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct count in offender score)

Enter number of Escape 1, Escape 2, Wilful Failure to Return from Furlough, Wilful Failure to Return from Work Release, and Wilful Failure to Comply with Community Custody convictions $\times 1 =$ _____

STATUS AT TIME OF CURRENT OFFENSE:

If on community placement at time of current offense, then add 1 point _____

Add the scores in each category **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

STANDARD SENTENCE RANGE CALCULATION*

CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	TO LOW HIGH STANDARD SENTENCE RANGE
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*Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

SENTENCING GUIDELINES SCORING FORM Felony Traffic Offenses

Use this form only for the following offenses: Attempting to Elude Pursuing Police Vehicle; Hit and Run—Injury Accident; Vehicular Assault; Vehicular Homicide.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #
JUDGE	CAUSE #	FBI ID #

ADULT HISTORY: (If the prior offense was committed **before** 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed **after** 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Vehicular Homicide or Vehicular Assault convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving, and Misdemeanor Hit and Run-Attended convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Vehicular Homicide or Vehicular Assault adjudications _____ x 2 = _____

Enter number of other felony adjudications _____ x ½ = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving, and Misdemeanor Hit and Run-Attended adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct count in offender score)

Enter number of other Vehicular Homicide or Vehicular Assault convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving, and Misdemeanor Hit and Run-Attended convictions _____ x 1 = _____

STATUS AT TIME OF CURRENT OFFENSE:

If on community placement at time of current offense, then add 1 point _____

Add the scores in each category **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

STANDARD SENTENCE RANGE CALCULATION

CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	TO LOW HIGH STANDARD SENTENCE RANGE
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SENTENCING GUIDELINES SCORING FORM Nonviolent Offenses

Use this form only for the following offenses: Advancing Money or Property for Extortionate Extension of Credit; Assault 3; Bail Jumping with Class A Felony; Bail Jumping with Class B or C Felony; Bribe Received by Witness; Bribery; Bribing a Witness; Child Molestation 2; Child Molestation 3; Communication with a Minor for Immoral Purposes; Computer Trespass 1; Criminal Mistreatment 1; Criminal Mistreatment 2; Custodial Assault; Damaging Building, etc. by Explosion with no Threat to Human Being; Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct; Delivery of Imitation Controlled Substance by Person 18 or Over to Person under 18; Endangering Life and Property by Explosives with no Threat to Human Being; Escape 1; Escape 2; Extortion 2; Extortionate Extension of Credit; Extortionate Means to Collect Extensions of Credit; False Verification for Welfare; Forged Prescription (Legend Drug); Forged Prescription for a Controlled Substance; Forgery; Harassment; Incest 1; Incest 2; Inciting Criminal Profiteering; Indecent Liberties (without forcible compulsion); Influencing Outcome of a Sporting Event; Intimidating a Judge; Intimidating a Juror; Intimidating a Public Servant; Intimidating a Witness; Introducing Contraband 1; Introducing Contraband 2; Knowingly Trafficking in Stolen Property; Malicious Harassment; Malicious Mischief 1; Malicious Mischief 2; Manufacture, Distribute, or Possess with Intent to Distribute an Imitation Controlled Substance; Patronizing a Juvenile Prostitute; Perjury 1; Perjury 2; Possession of a Controlled Substance that is a Narcotic from Schedule I or II; Possession of Phencyclidine (PCP); Possession of a Controlled Substance that is a Narcotic from Schedule III, IV, or V or Nonnarcotic from Schedule I-V (except Phencyclidine); Possession of Stolen Property 1; Possession of Stolen Property 2; Promoting Prostitution 1; Promoting Prostitution 2; Rape 3; Rape of a Child 2; Rape of a Child 3; Reckless Burning 1; Reckless Endangerment 1; Recklessly Trafficking in Stolen Property; Rendering Criminal Assistance 1; Securities Act Violation; Sending, Bringing Into the State Depictions of Minor Engaged in Sexually Explicit Conduct; Sexual Misconduct with a Minor 1; Taking Motor Vehicle Without Permission; Tampering with a Witness; Theft 1; Theft 2; Theft of Livestock 1; Theft of Livestock 2; Threats to Bomb; Unlawful Imprisonment; Unlawful Issuance of Checks or Drafts; Unlawful Possession of a Short Firearm or Pistol; Unlawful Use of Food Stamps; Use of Proceeds of Criminal Profiteering; Vehicle Prowl 1.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #
JUDGE	CAUSE #	FBI ID #

ADULT HISTORY: (If the prior offense was committed **before** 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed **after** 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications x 1 = _____

Enter number of nonviolent felony adjudications x 1/2 = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct count in offender score)

Enter number of other felony convictions x 1 = _____

STATUS AT TIME OF CURRENT OFFENSE:

If on community placement at time of current offense, then add 1 point

Add the scores in each category **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

STANDARD SENTENCE RANGE CALCULATION*

CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	TO LOW HIGH STANDARD SENTENCE RANGE
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*Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation under RCW 9A.28. For Possession of a Controlled Substance or Forged Prescription of a Controlled Substance, see RCW 69.50.407.

*Add 12 months to the standard range if the current offense is Escape 1, Theft of Livestock 1, or Theft of Livestock 2 AND there is a special verdict/finding for deadly weapon.

SENTENCING GUIDELINES SCORING FORM
Nonviolent Drug Offenses

Use this form only for the following offenses: Contolled Substance Homicide; Create, Deliver, or Possess a Counterfeit Controlled Substance—Schedule I or II Narcotic (first drug conviction); Create, Deliver, or Possess a Counterfeit Controlled Substance—Schedule III-V Narcotic or Schedule I-V Nonnarcotic; Delivery of a Material in Lieu of a Controlled Substance; Involving a Minor in Drug Dealing; Manufacture, Deliver, or Possess with Intent to Deliver a Narcotic from Schedule I or II (except Heroin or Cocaine) (first drug conviction and not near a school); Manufacture, Deliver, or Possess with Intent to Deliver Heroin or Cocaine (first drug conviction and not near a school); Manufacture, Deliver, or Possess with Intent to Deliver Methamphetamine; Manufacture, Deliver, or Possess with Intent to Deliver a Narcotic from Schedule III-V or Nonnarcotic from Schedule I-V (except marijuana or methamphetamines); Manufacture, Deliver, or Possess with Intent to Deliver Marijuana; Over 18 and Deliver Narcotics from Schedule III-V or a Nonnarcotic from Schedule I-V to Someone Under 18 and 3 Years Junior; Selling for Profit Schedule I Controlled or Counterfeit Substance (except heroin); Selling Heroin for Profit.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #
JUDGE	CAUSE #	FBI ID #

ADULT HISTORY: (If the prior offense was committed **before 7/1/86**, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed **after 7/1/86**, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____

Enter number of Serious Violent and Violent felony adjudications _____ x 1 = _____

Enter number of other felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct count in offender score)

Enter number of other felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS AT TIME OF CURRENT OFFENSE:

If on community placement at time of current offense, then add 1 point _____

Add the scores in each category **TOTAL OFFENDER SCORE**
 (round down to the nearest whole number)

STANDARD SENTENCE RANGE CALCULATION*

CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	TO	
			LOW	HIGH
			STANDARD SENTENCE RANGE	

*Add 12 months to the standard range if there is a special verdict/finding for deadly weapon.

*Add additional time to the standard range for some drug offenses committed in a correctional facility or near a school. See the individual offense reference sheets for specifics.

SENTENCING GUIDELINES SCORING FORM Violent Offenses

Use this form only for the following offenses: Arson 1; Arson 2; Assault 2; Bail Jumping with Murder 1; Child Molestation 1; Damaging Building Etc. by Explosion with Threat to Human Being; Endangering Life and Property by Explosives with Threat to Human Being; Explosive Devices Prohibited; Extortion 1; Indecent Liberties (with forcible compulsion); Kidnapping 2; Leading Organized Crime; Manslaughter 1; Manslaughter 2; Rape 2; Rape of a Child 1; Robbery 1; Robbery 2.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #
JUDGE	CAUSE #	FBI ID #

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____
 Enter number of Nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS AT TIME OF CURRENT OFFENSE:

If on community placement at time of current offense, then add 1 point _____

Add the scores in each category **TOTAL OFFENDER SCORE**
 (round down to the nearest whole number)

STANDARD SENTENCE RANGE CALCULATION*

CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	TO LOW HIGH STANDARD SENTENCE RANGE
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*Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.
 *Add 24 months to the standard range if the current offense is Robbery 1 AND there is a special verdict/finding for deadly weapon.
 *Add 12 months to the standard range if the current offense is Assault 2 or Kidnapping 2 AND there is a special verdict/finding for deadly weapon.

SENTENCING GUIDELINES SCORING FORM Violent Drug Offenses

Use this form only for the following offenses: Controlled Substance Homicide (subsequent drug conviction); Create, Deliver, or Possess a Counterfeit Substance—Schedule I or II Narcotic (subsequent drug conviction only); Manufacture, Deliver, or Possess with Intent to Deliver A Narcotic from Schedule I or II (except Heroin or Cocaine) (subsequent drug conviction or near a school); Manufacture, Deliver, or Possess with Intent to Deliver Heroin or Cocaine (subsequent drug conviction or near a school); Over 18 and Deliver A Narcotic from Schedule I or II to Someone Under 18.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #
JUDGE	CAUSE #	FBI ID #

ADULT HISTORY: (If the prior offense was committed **before** 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed **after** 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications _____ x 2 = _____

Enter number of felony Drug adjudications (as defined by RCW 9.94A.030(13)) _____ x 2 = _____

Enter number of other felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct count in offender score)

Enter number of other Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of other felony Drug convictions (as defined by RCW 9.94A.030(13)) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS AT TIME OF CURRENT OFFENSE:

If on community placement at time of current offense, then add 1 point _____

Add the scores in each category **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

STANDARD SENTENCE RANGE CALCULATION*

CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	TO LOW HIGH STANDARD SENTENCE RANGE
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*Add 12 months to the standard range if there is a **special verdict/finding** for deadly weapon.

*Add additional time to the standard range for some drug offenses committed in a correctional facility or near a school. See the individual offense reference sheets for specifics.

SENTENCING GUIDELINES SCORING FORM Serious Violent Offenses

Use this form only for the following offenses: Assault 1; Homicide by Abuse; Kidnapping 1; Murder 1; Murder 2; and Rape 1.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #
JUDGE	CAUSE #	FBI ID #

ADULT HISTORY: (If the prior offense was committed **before** 7/1/86, count prior adult offenses served concurrently as ONE offense; those served consecutively are counted separately. If both current and prior offenses were committed **after** 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Serious Violent felony convictions _____ x 3 = _____
 Enter number of Violent felony convictions _____ x 2 = _____
 Enter number of Nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent felony adjudications _____ x 3 = _____
 Enter number of Violent felony adjudications _____ x 2 = _____
 Enter number of Nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct count in offender score)

Enter number of other Serious Violent felony convictions _____ x 3 = _____
 Enter number of other Violent felony convictions _____ x 2 = _____
 Enter number of other Nonviolent felony convictions _____ x 1 = _____

STATUS AT TIME OF CURRENT OFFENSE:

If on community placement at time of current offense, then add 1 point _____

Add the scores in each category **TOTAL OFFENDER SCORE**
 (round down to the nearest whole number)

STANDARD SENTENCE RANGE CALCULATION*

CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	TO LOW HIGH STANDARD SENTENCE RANGE
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*Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

*Add 24 months to the standard range if the current offense is Rape 1 or Kidnapping 1 AND there is a special verdict/finding for deadly weapon.

APPENDIX B:
FELONY INDEX

FELONY INDEX

<u>(RCW)</u> <u>Statute</u>	<u>Offense</u>	<u>Seriousness</u> <u>Level</u>
9.02.010	Abortion	Unranked
29.36.110	Absentee Voting Violation	Unranked
9A.82.030	Advancing Money or Property for Extortionate Extension of Credit	V
9.05.020	Advocating Criminal Anarchy	Unranked
9.05.080	Advocating Sabotage	Unranked
10.95.020	Aggravated Murder 1	XIV
9.45.210	Altering Sample or Certificate of Assay	Unranked
46.12.220	Alteration or Forgery - Motor Vehicle Title	Unranked
9A.48.020	Arson 1	VIII
9A.48.030	Arson 2	IV
9A.36.011	Assault 1	XI
9A.36.021	Assault 2	IV
9A.36.031	Assault 3	III
9.05.030	Assembly of Anarchists	Unranked
72.23.170	Assist Escape of Mental Patient	Unranked
46.61.024	Attempting to Elude Pursuing Police Vehicle	I
9A.76.170	Bail Jump with Murder 1 Offense	VI
9A.76.170	Bail Jump with Class A Offense	V
9A.76.170	Bail Jump with Class B Offense	III
9A.76.170	Bail Jump with Class C Offense	III
30.04.160	Bank or Trust Co. Borrow/Reloan or Rediscount	Unranked
30.12.090	Bank or Trust Co. /False Entry, Statements, Etc.	Unranked
30.12.100	Bank or Trust Co. /Destroy or Secrete Records	Unranked
30.04.140	Bank or Trust Co. Prohibited Pledging Securities	Unranked
30.44.120	Bank or Trust Co. Receiving Deposits When Insolvent	Unranked
9A.64.010	Bigamy	Unranked
9.61.160	Bomb Threat	IV
16.49A.360	Bribe Received by Meat Inspector	Unranked
9A.72.100	Bribe Received by Witness	IV
9A.68.010	Bribery	VI
9A.72.090	Bribing a Witness	IV
16.49A.360	Bribing Meat Inspector	Unranked

<u>(RCW)</u> <u>Statute</u>	<u>Offense</u>	<u>Seriousness</u> <u>Level</u>
72.23.300	Bringing Narcotics, Liquor, or Weapons into Institution or Grounds	Unranked
9.47.120	Bunco Steering	Unranked
9A.52.020	Burglary 1	VII
9A.52.030	Burglary 2	II
9.46.180	Causing Person to Violate Gambling Laws	Unranked
65.12.730	Certification of Land Registration Subject to Larceny	Unranked
9A.64.030	Child Selling or Buying	Unranked
9A.44.083	Child Molestation 1	VIII
9A.44.086	Child Molestation 2	VI
9A.44.089	Child Molestation 3	III
19.____	Commercial Telephone Solicitor Deception	Unranked
30.12.110	Commission, Etc., for Procuring Loan	Unranked
9.68A.090	Communication with Minor for Immoral Purposes	III
9A.52.110	Computer Trespass 1	II
32.04.110	Conceal or Destroy Evidence by Savings Bank	Unranked
69.50.415	Controlled Substance Homicide (First Drug Conviction Only)	IX
69.50.415	Controlled Substance Homicide (Subsequent Drug Conviction)	IX
69.50.401 (b)(1)(i)	Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule I or II Narcotic (First Drug Conviction)	II
69.50.401 (b)(1)(i)	Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule I or II Narcotic (Subsequent Drug Conviction)	II
69.50.401 (b)(1)(ii-iv)	Create, Deliver or Possess a Counterfeit Controlled Substance - Schedule III-V Narcotic or Schedule I-V Nonnarcotic	II
9A.28.020	Criminal Attempt - Murder 1	75% of sentence
9A.28.020	Criminal Attempt - Class A Felony	of principal
9A.28.020	Criminal Attempt - Class B Felony	crime.
9A.28.040	Criminal Conspiracy - Murder 1	75% of sentence
9A.28.040	Criminal Conspiracy - Class A Felony	of principal
9A.28.040	Criminal Conspiracy - Class B Felony	crime.
9A.42.020	Criminal Mistreatment 1	V
9A.42.030	Criminal Mistreatment 2	III
9A.56.095	Criminal Possession of Leased or Rented Machinery, Etc.	Unranked
9A.28.030	Criminal Solicitation - Murder 1	75% of sentence
9A.28.030	Criminal Solicitation - Class A Felony	of principal

<u>(RCW)</u> <u>Statute</u>	<u>Offense</u>	<u>Seriousness</u> <u>Level</u>
9A.28.030	Criminal Solicitation - Class B Felony	crime.
9A.36.100	Custodial Assault	III
9A.40.060	Custodial Interference	Unranked
70.74.280(1)	Damaging Building, Etc., by Explosion with Threat to Human Being	X
70.74.280(2)	Damaging Building, Etc., by Explosion with No Threat to Human Being	VI
9.68A.050	Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct	VII
9A.____	Defrauding a Public Utility 1	Unranked
9A.____	Defrauding a Public Utility 2	Unranked
69.52.030(2)	Delivery of Imitation Controlled Substance by Person 18 or Over to Person Under 18	V
69.50.401(c)	Delivery of Material in Lieu of a Controlled Substance	III
43.06.230	Destroy, Damage Property or Cause Person Injury after Emergency Proclaimed	Unranked
9.05.100	Displaying Emblems of Seditious or Anarchistic Group	Unranked
27.44.____	Disturbing Indian Graves	Unranked
29.18.080	Duplication of Names - Conspiracy	Unranked
29.18.070	Duplication of, Use of Nonexistent or Untrue Names	Unranked
29.85.220	Election Officer Conniving with Unqualified Voter	Unranked
29.85.160	Election Officer Violation at Poll	Unranked
29.85.170	Election Officer General Violation	Unranked
29.85.200	Election Registration Under False name	Unranked
43.08.140	Embezzlement by State Treasurer	Unranked
70.74.270(1)	Endangering Life and Property by Explosives with Threat to Human Being	IX
70.74.270(2)	Endanger Life and Property by Explosives with No Threat to Human Being	VI
9.68.060	Erotic Material (3rd Offense)	Unranked
9A.76.110	Escape 1	IV
9A.76.120	Escape 2	III
70.74.180	Explosive Devices Prohibited	IX
9A.56.120	Extortion 1	V
9A.56.130	Extortion 2	III
9A.82.020	Extortionate Extension of Credit	V
9A.82.040	Extortionate Means to Collect Extensions of Credit	V

<u>(RCW)</u> <u>Statute</u>	<u>Offense</u>	<u>Seriousness</u> <u>Level</u>
39.44.101	Facsimile Signatures on Bonds and Coupons	Unranked
10.19.130	Failure to Appear after Release on Recognizance	Unranked
42.24.100	False Claim from Municipal Corporation (Charged Perjury 2)	Unranked
9.24.050	False Report of Corporation	Unranked
46.12.210	False Statement or Illegal Transfer of Motor Vehicle Ownership	Unranked
29.85.180	False Swearing at Primary (Charged Perjury)	Unranked
65.12.740	False Swearing - Registration of Land Title (Charged Perjury)	Unranked
32.04.100	Falsify Savings Books, Etc.	Unranked
33.36.040	Falsify Savings & Loan Association Books	Unranked
74.08.055	False Verification for Welfare	I
69.41.020	Forged Prescription (Legend Drug)	I
69.50.403	Forged Prescription for a Controlled Substance	I
9A.60.020	Forgery	I
65.12.760	Forgery of Registrar's Signature or Seal	Unranked
76.36.120	Forgery of Forest Product Mark	Unranked
29.85.140	Forgery on Nomination Papers (Charged Forgery)	Unranked
82.20.050	Forgery or Counterfeiting of Tax Stamp	Unranked
82.24.100	Forgery or Counterfeit Cigarette Tax Stamp	Unranked
29.85.100	Fraud in Certification of Nomination or Ballot	Unranked
9.45.160	Fraud in Liquor Warehouse Receipts	Unranked
9.45.124	Fraud in Measurement of Goods	Unranked
19.48.110	Fraud in Obtaining Accommodations	Unranked
9.45.240	Fraud in Obtaining Telephone or Telegraph Services	Unranked
67.24.010	Fraud in Sporting Contest	Unranked
9.91.090	Fraudulent Destruction of Insured Property	Unranked
65.12.750	Fraudulent Procurement or False Entry on Registration	Unranked
9.24.020	Fraudulent Issue of Stock, Etc.	Unranked
9.46.160	Gambling without License	Unranked
77.21.010	Game Violation - Second Conviction	Unranked
9A.46.020	Harassment	III
9A.76.200	Harming a Police Dog	Unranked
46.52.020(4)	Hit and Run--Injury Accident	IV
9.94.030	Holding Hostages or Interfering with Officer's Duty	Unranked

<u>(RCW) Statute</u>	<u>Offense</u>	<u>Seriousness Level</u>
9A.32.055	Homicide by Abuse	XIII
48.30.190	Illegal Dealing in Premiums	Unranked
9.46.230	Illegal Gambling Device	Unranked
69.41.040	Illegal Issuance of Legend Drug Prescription	Unranked
9.16.020	Imitating Lawful Brands	Unranked
9A.64.020(1)	Incest 1	VI
9A.64.020(2)	Incest 2	V
9A.82.060 (1)(b)	Inciting Criminal Profiteering	IX
9A.44.100 (1)(a)	Indecent Liberties (with Forcible Compulsion)	VII
9A.44.100 (1)(b), (c)	Indecent Liberties (without Forcible Compulsion)	VI
9A.44.100 (1)(c)	Indecent Liberties (Developmentally Disabled Victim)	VI
9.45.126	Inducing Fraud in Measurement of Goods	Unranked
31.04.220	Industrial Loan Company Violation	Unranked
9A.82.070	Influencing Outcome of Sporting Event	IV
29.79.440	Initiative & Referendum - Violation	Unranked
40.16.010	Injury to a Public Record	Unranked
40.16.020	Injury to and Misappropriation of Public Record	Unranked
9.24.030	Insolvent Bank Receiving Deposit	Unranked
9.05.070	Interference with Owner's Control	Unranked
29.85.060	Intimidate, Influence or Bribe an Elector	Unranked
9A.72.160	Intimidating a Judge	VI
9A.72.130	Intimidating a Juror	VI
9A.76.180	Intimidating a Public Servant	III
9A.72.110	Intimidating a Witness	VI
9A.76.140	Introducing Contraband 1	VII
9A.76.150	Introducing Contraband 2	III
69.50.401(f)	Involving a Minor in Drug Dealing	VII
9A.40.020	Kidnapping 1	X
9A.40.030	Kidnapping 2	V
9A.82.050(2)	Knowingly Trafficking in Stolen Property	IV
9A.82.060 (1)(a)	Leading Organized Crime	X
67.70.130	Lottery Fraud	Unranked
30.12.120	Loan to Officer or Employee from Trust Fund	Unranked
9.41.190	Machine Gun Possession Prohibited	Unranked

<u>(RCW) Statute</u>	<u>Offense</u>	<u>Seriousness Level</u>
9.47.090	Maintaining Bucket Shop	Unranked
9.45.220	Making False Sample or Assay of Ore	Unranked
31.12.340	Making False Entry or Statement in Credit Union Books	Unranked
9A.36.080	Malicious Harassment	IV
9A.48.070	Malicious Mischief 1	II
9A.48.080	Malicious Mischief 2	I
9.62.010	Malicious Prosecution	Unranked
9A.32.060	Manslaughter 1	IX
9A.32.070	Manslaughter 2	VI
69.50.401(a) (1)(i)	Manufacture, Deliver, or Possess with Intent to Deliver Heroin or Cocaine (First Drug Conviction and Not Near a School)	VIII
69.50.401(a) (1)(i)	Manufacture, Deliver, or Possess with Intent to Deliver Heroin or Cocaine (Subsequent Drug Conviction or Near a School)	VIII
69.50.401(a) (1)(ii)	Manufacture, Deliver, or Possess with Intent to Deliver Methamphetamine	VIII
69.50.401 (a)(1)(i)	Manufacture, Deliver, or Possess with Intent to Deliver Narcotics from Schedule I and II (Except Heroin or Cocaine) (First Drug Conviction and Not Near a School)	VI
69.50.401 (a)(1)(i)	Manufacture, Deliver, or Possess with Intent to Deliver Narcotics from Schedule I or II (Except Heroin or Cocaine) (Subsequent Drug Conviction or Near a School)	VI
69.50.401 (a)(1) (ii-iv)	Manufacture, Deliver, or Possess with Intent to Deliver Narcotics from Schedule III-V or Nonnarcotics from Schedule I-V (Except Marijuana or Methamphetamines)	IV
69.50.401 (a)(1)(ii)	Manufacture, Deliver, or Possess with Intent to Deliver Marijuana	III
69.52.030(1)	Manufacture, Distribute, or Possess with Intent to Distribute Imitation Controlled Substance	III
9.81.030	Member Subversive Organization	Unranked
42.20.070	Misappropriating and Falsifying Accounts by Public Officer	Unranked
42.20.090	Misappropriating and Falsifying Accounts by Treasurer	Unranked
9.82.030	Misprision of Treason	Unranked
9.45.070	Mock Auction	Unranked
9A.32.030	Murder 1	XIII

<u>(RCW)</u> <u>Statute</u>	<u>Offense</u>	<u>Seriousness</u> <u>Level</u>
9A.32.050	Murder 2	XII
68.08.150	Mutilating or Disinterring Human Remains	Unranked
26.20.030	Nonsupport of Child Under 16	Unranked
69.50.403	Obtain a Controlled Substance by Fraud or Forged Prescription	I
19.48.110	Obtaining Accommodations by Fraud	Unranked
9A.60.030	Obtaining Signature by Deception or Duress	Unranked
40.16.030	Offering False Instrument for Filing or Record	Unranked
68.08.140	Opening Graves, Stealing Body or Receiving Same	Unranked
69.50.406	Over 18 and Deliver Narcotic from Schedule I or II to Someone Under 18	X
69.50.406	Over 18 and Deliver Narcotic from Schedule III, IV, or V or a Nonnarcotic from Schedule I-V to Someone Under 18 and 3 Years Junior	IX
9.46.230	Owning, Buying, Etc., Gambling Devices or Records	Unranked
9.68A.100	Patronizing a Juvenile Prostitute	III
9A.72.020	Perjury 1	V
9A.72.030	Perjury 2	III
69.40.030	Placing Poison or Other Harmful Object or Substance in Food, Drinks, Medicine or Water	Unranked
69.40.020	Poison in Milk or Food Product	Unranked
9.94.041	Possession of Controlled Substance by Prisoners	Unranked
9.94.045	Possession of Controlled Substance in Prison by Nonprisoner	Unranked
69.50.401(d)	Possession of Controlled Substance that is either Heroin or Narcotics from Schedule I or II	II
69.50.401(d)	Possession of Phencyclidine (PCP)	II
69.50.401(d)	Possession of Controlled Substance that is a Narcotics from Schedule III-V or Nonnarcotic from Schedule I-V (Except Phencyclidine)	I
9.05.110	Possession of Emblems Unlawful	Unranked
9.40.120	Possession of Incendiary Device	Unranked
9A.56.095	Possession of Leased Property	Unranked
9.41.190	Possession of a Machine Gun	Unranked
9A.56.150	Possession of Stolen Property 1	II
9A.56.160	Possession of Stolen Property 2	I
9.94.040	Possession of Weapons by Prisoners	Unranked
9.94.043	Possession of Weapons in Prison by Nonprisoner	Unranked
33.36.030	Preference in Case of Insolvency - Savings Bank	Unranked

<u>(RCW)</u> <u>Statute</u>	<u>Offense</u>	<u>Seriousness</u> <u>Level</u>
30.44.110	Preference Prohibited - Bank or Trust Co.	Unranked
9.02.020	Pregnant Woman Attempting Abortion	Unranked
9.94.020	Prison Riot	Unranked
9.46.220	Professional Gambling	Unranked
9.68.140	Promoting Pornography	Unranked
9A.88.070	Promoting Prostitution 1	VIII
9A.88.080	Promoting Prostitution 2	III
9A.36.060	Promoting a Suicide Attempt	Unranked
9A.44.040	Rape 1	X
9A.44.050	Rape 2	VIII
9A.44.060	Rape 3	V
9A.44.073	Rape of a Child 1	X
9A.44.076	Rape of a Child 2	VIII
9A.44.079	Rape of a Child 3	IV
29.82.170	Recall-Violation by Signer	Unranked
9A.68.030	Receiving or Granting Unlawful Compensation	Unranked
9A.48.040	Reckless Burning 1	I
9A.36.____	Reckless Endangerment 1	II
9A.82.050(1)	Recklessly Trafficking in Stolen Property	III
68.08.145	Removing Human Remains	Unranked
9.16.010	Removing Lawful Brands	Unranked
9A.76.070	Rendering Criminal Assistance 1	V
9A.68.020	Requesting Unlawful Compensation	Unranked
9A.84.010	Riot	Unranked
9A.56.200	Robbery 1	IX
9A.56.210	Robbery 2	IV
9.05.060	Sabotage	Unranked
69.41.030	Sale, Delivery or Possession With Intent to Deliver Legend Drug Without Prescription	Unranked
21.20.400	Securities Act Violation	III
9.68A.060	Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct	VII
69.50.410(2)	Selling for Profit Schedule I Controlled or Counterfeit Substance (except Heroin)	VI
69.50.410(3)	Selling Heroin for Profit	VIII
9.41.180	Setting Spring Gun	Unranked
9.68A.040(2)	Sexual Exploitation	Unranked
9A.44.093	Sexual Misconduct with a Minor 1	III

<u>(RCW)</u> <u>Statute</u>	<u>Offense</u>	<u>Seriousness</u> <u>Level</u>
9.45.020	Substitution of Child	Unranked
9.81.110	Subversive Misstatements for Employment (Charged Perjury)	Unranked
9.81.020	Subversive Acts	Unranked
33.36.060	Suppress, Secrete or Destroy Evidence or Records	Unranked
9A.56.070	Taking Motor Vehicle Without Permission	I
9A.72.120	Tampering with a Witness	III
9A.56.080	Theft of Livestock 1	IV
9A.56.080	Theft of Livestock 2	III
9A.56.030	Theft 1	II
9A.56.040	Theft 2	I
9A.36.090	Threats Against Governor or Family	Unranked
9.61.160	Threats to Bomb	IV
9A.36.111	Toxic Endangerment	Unranked
9A.68.040	Trading in Public Office	Unranked
9A.68.050	Trading in Special Influence	Unranked
32.24.080	Transfer Mutual Savings Bank Assets When Insolvent	Unranked
9.82.010	Treason	Unranked
39.62.040	Unauthorized Use Public Official Facsimile Signature or Seal	Unranked
69.53.020	Unlawful Fortification of Building for Drug Purposes	Unranked
9A.56.060	Unlawful Issuance of Checks or Drafts	I
9A.40.040	Unlawful Imprisonment	III
9.41.040	Unlawful Possession of a Short Firearm or Pistol	III
69.53.010	Unlawful Use of Building for Drug Purposes - Liability of Owner or Manager	Unranked
9.91.140 (2),(3)	Unlawful Use of Food Stamps	I
69.53.030	Unlawful Use of Fortified Building	Unranked
66.44.120	Unlawful Use of Liquor Board Seal (3rd Offense)	Unranked
29.85.240	Unqualified Person Voting	Unranked
9.41.____	Use of Machine Gun in Commission of Felony	Unranked
9A.82.080 (1),(2)	Use of Proceeds of Criminal Profiteering	IV
69.50.403	Utter False or Forged Prescription	I
9A.52.095	Vehicle Prowl 1	I
46.61.522	Vehicular Assault	IV

<u>(RCW)</u> <u>Statute</u>	<u>Offense</u>	<u>Seriousness</u> <u>Level</u>
46.61.520	Vehicular Homicide By Being Under the Influence of Intoxicating Liquor or Any Drug or By the Operation of any Vehicle in a Reckless Manner	VIII
46.61.520	Vehicular Homicide by Disregard for the Safety of Others	VII
69.41.020	Violation of Legend Drug Act - False Information	Unranked
29.85.260	Voting Machine - Tampering or Extra Keys	Unranked
48.30.220	Wilful Destruction, Injury, Secretion, Etc., of Insured Property	Unranked
72.09.310	Wilful Failure to Comply with Community Custody Controls	Unranked
72.66.060	Wilful Failure to Return from Furlough	IV
72.65.070	Wilful Failure to Return from Work Release	III
9.47.100	Written Statement Furnished of Sale	Unranked

13:W:SG1

APPENDIX C:
1989 LAWS WITH DELAYED
IMPLEMENTATION DATES

RESIDENTIAL BURGLARY

Chapter 412, Laws of 1989, and Chapter 1, 2nd Ex. Session

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

NEW SECTION. Sec. 1. A new section is added to Chapter 9A.52 RCW to read as follows:

(1) A person is guilty of residential burglary if, with intent to commit a crime against a person or property therein, the person enters or remains unlawfully in a dwelling other than a vehicle.

(2) Residential burglary is a class B felony. In establishing sentencing guidelines and disposition standards, the sentencing guidelines commission and the juvenile disposition standards commission shall consider residential burglary as a more serious offense than second degree burglary.

Sec. 2. Section 9A.52.030, chapter 260, Laws of 1975 1st ex. sess. as amended by section 7, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.52.030 are each amended to read as follows:

(1) A person is guilty of burglary in the second degree if, with intent to commit a crime against a person or property therein, he enters or remains unlawfully in a building other than a vehicle or a dwelling.

(2) Burglary in the second degree is a class B felony.

Sec. 3. Section 2, chapter 62, Laws of 1988, section 12, chapter 145, Laws of 1988, and section 2, chapter 218, Laws of 1988 and RCW 9.94A.320 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XIV Aggravated Murder 1 (RCW 10.95.020)
- XIII Murder 1 (RCW 9A.32.030)
Homicide by abuse (RCW 9A.32.055)
- XII Murder 2 (RCW 9A.32.050)
- XI Assault 1 (RCW 9A.36.011)
- X Kidnapping 1 (RCW 9A.40.020)
Rape 1 (RCW 9A.44.040)
Rape of a Child 1 (RCW 9A.44.073)
Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406)
Leading Organized Crime (RCW 9A.82.060(1)(a))

- IX Robbery 1 (RCW 9A.56.200)
 Manslaughter 1 (RCW 9A.32.060)
 Explosive devices prohibited (RCW 70.74.180)
 Endangering life and property by explosives with threat to human being (RCW 70.74.270)
 Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from
 Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
 Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a))
 Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

- VIII Arson 1 (RCW 9A.48.020)
 Rape 2 (RCW 9A.44.050)
 Rape of a Child 2 (RCW 9A.44.076)
 Child Molestation 1 (RCW 9A.44.083)
 Promoting Prostitution 1 (RCW 9A.88.070)
 Selling heroin for profit (RCW 69.50.410)

- VII Burglary 1 (RCW 9A.52.020)
 Vehicular Homicide (RCW 46.61.520)
 Introducing Contraband 1 (RCW 9A.76.140)
 Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))
 Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 Sending, bringing into state depictions of minor engaged in sexually explicit
 conduct (RCW 9.68A.050)

- VI Bribery (RCW 9A.68.010)
 Manslaughter 2 (RCW 9A.32.070)
 Child Molestation 2 (RCW 9A.44.086)
 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
 Endangering life and property by explosives with no threat to human being
 (RCW 70.74.270)
 Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b))
 Incest 1 (RCW 9A.64.020(1))
 Selling for profit (controlled or counterfeit) any controlled substance (except heroin)
 (RCW 69.50.410)
 Manufacture, deliver, or possess with intent to deliver heroin or narcotics from
 Schedule I or II (RCW 69.50.401(a)(1)(i))
 Intimidating a Judge (RCW 9A.72.160)

- V Criminal Mistreatment 1 (RCW 9A.42.020)
 Rape 3 (RCW 9A.44.060)
 Kidnapping 2 (RCW 9A.40.030)
 Extortion 1 (RCW 9A.56.120)
 Incest 2 (RCW 9A.64.020(2))
 Perjury 1 (RCW 9A.72.020)
 Extortiate Extension of Credit (RCW 9A.82.020)
 Advancing money or property for extortiate extension of credit (RCW 9A.82.030)
 Extortiate Means to Collect Extensions of Credit (RCW 9A.82.040)
 Rendering Criminal Assistance 1 (RCW 9A.76.070)

- IV Residential Burglary (RCW 9A.52.---) (section 1 of this act)
 - Theft of Livestock 1 (RCW 9A.56.080)
 - Robbery 2 (RCW 9A.56.210)
 - Assault 2 (RCW 9A.36.021)
 - Escape 1 (RCW 9A.76.110)
 - Arson 2 (RCW 9A.48.030)
 - Rape of a Child 3 (RCW 9A.44.079)
 - Bribing a Witness/Bribe Received by Witness (RCW9A.72.090, 9A.72.100)
 - Malicious Harassment (RCW 9A.36.080)
 - Willful Failure to Return from Furlough (RCW72.66.060)
 - Hit and Run -- Injury Accident (RCW 46.52.020(4))
 - Vehicular Assault (RCW 46.61.522)
 - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(a)(1)(ii) through (iv))
 - Influencing Outcome of Sporting Event (RCW9A.82.070)
 - Use of Proceeds of Criminal Profiteering (RCW9A.82.080(1) and (2))
 - Knowingly Trafficking in Stolen Property (RCW9A.82.050(2))

- III Criminal mistreatment 2 (RCW 9A.42.030)
 - Sexual Misconduct with a Minor 1 (RCW9A.44.093)
 - Child Molestation 3 (RCW 9A.44.089)
 - Extortion 2 (RCW 9A.56.130)
 - Unlawful Imprisonment (RCW 9A.40.040)
 - Assault 3 (RCW 9A.36.031)
 - Unlawful possession of firearm or pistol by felon(RCW 9.41.040)
 - Harassment (RCW 9A.46.020)
 - Promoting Prostitution 2 (RCW 9A.88.080)
 - Willful Failure to Return from Work Release (RCW72.65.070)
 - Burglary 2 (RCW 9A.52.030)
 - Introducing Contraband 2 (RCW 9A.76.150)
 - Communication with a Minor for Immoral Purposes (RCW9.68A.090)
 - Patronizing a Juvenile Prostitute (RCW 9.68A.100)
 - Escape 2 (RCW 9A.76.120)
 - Perjury 2 (RCW 9A.72.030)
 - Intimidating a Public Servant (RCW 9A.76.180)
 - Tampering with a Witness (RCW 9A.72.120)
 - Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
 - Recklessly Trafficking in Stolen Property (RCW9A.82.050(1))
 - Theft of livestock 1 (RCW 9A.56.080)

- II Malicious Mischief 1 (RCW 9A.48.070)
 - Possession of Stolen Property 1 (RCW 9A.56.150)
 - Theft 1 (RCW 9A.56.030)
 - ~~((Burglary 2 (RCW 9A.52.030)))~~
 - Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
 - Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
 - Computer Trespass 1 (RCW 9A.52.110)

- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or nonnarcotic from Schedule I-V (RCW 69.50.401(d))

NEW SECTION. Sec. 4. This act shall take effect July 1, 1990.

OFFENDER'S LEGAL FINANCIAL OBLIGATIONS

Chapter 252, Laws of 1989

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

NEW SECTION. Sec. 1. The purpose of this act is to create a system that: (1) Assists the courts in sentencing felony offenders regarding the offenders' legal financial obligations; (2) holds offenders accountable to victims, counties, cities, the state, municipalities, and society for the assessed costs associated with their crimes; and (3) provides remedies for an individual or other entities to recoup or at least defray a portion of the loss associated with the costs of felonious behavior.

Sec. 2. Section 11, chapter 145, Laws of 1988, section 1, chapter 153, Laws of 1988, section 2, chapter 154, Laws of 1988 and section 1, chapter 157, Laws of 1988 and RCW 9.94A.030 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

((2)) (3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

((3)) (4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

((4)) (5) "Community placement" means a one-year period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

((5)) (6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

((6)) (7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is

the functional equivalent of probation and should be considered the same as probation by other states.

((7)) (8) "Confinement" means total or partial confinement as defined in this section.

((8)) (9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

((9)) (10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

((10)) (12) (a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" includes a defendant's prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

((11)) (13) "Department" means the department of corrections.

((12)) (14) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a ~~(fine or restitution)~~ legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

((13)) (15) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(16) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((14))~~ (17) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to comply with any limitations on the inmate's movements while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((15))~~ (18) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((16))~~ (19) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

~~((17))~~ (20) (a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction.

~~((18))~~ (21) "Nonviolent offense" means an offense which is not a violent offense.

~~((19))~~ (22) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((20))~~ (23) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention has been ordered by the court, in the residence of either the defendant or a member of the defendant's immediate family, for a substantial portion of each day with the balance of the day

spent in the community. Partial confinement includes work release and home detention as defined in this section.

~~((21))~~ (24) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

~~((22))~~ (25) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

~~((23))~~ (26) "Serious traffic offense" means:

(a) Driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((24))~~ (27) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((25))~~ (28) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((26))~~ (29) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((27))~~ (30) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((28))~~ (31) "Victim" means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

~~((29))~~ (32) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, child molestation in the first degree, rape in the second degree, kidnapping in the second degree, arson in the second degree,

assault in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((30))~~ (33) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

~~((31))~~ (34) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, for the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, unlawful imprisonment as defined in RCW 9A.40.040, burglary in the second degree as defined in RCW 9A.52.030, or harassment as defined in RCW 9A.46.020. Participation in a home detention program shall be conditioned upon: (a) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, (b) abiding by the rules of the home detention program, and (c) compliance with court-ordered ~~((restitution))~~ legal financial obligations.

NEW SECTION. Sec. 3. (1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation.

(2) All legal financial obligations that are ordered as a result of a conviction for a felony, may also be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. These obligations may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period is longer. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation.

(3) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to truthfully and honestly respond to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring any and all documents as requested by the department.

(4) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(5) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. Also, during the period of supervision, the offender may be required at the request of the department to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to truthfully and honestly respond to all questions concerning earning capabilities and the location and nature of all property or financial assets. Also, the offender is required to bring any and all documents as requested by the department in order to prepare the collection schedule.

(6) After the judgment and sentence or payment order is entered, the department shall for any period of supervision be authorized to collect the legal financial obligation from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purposes of disbursements. The department is authorized to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(7) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to section 9 of this act.

(8) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition and term of community supervision and the offender is subject to the penalties as provided in RCW 9.94A.200 for noncompliance.

(9) The county clerk shall provide the department with individualized monthly billings for each offender with an unsatisfied legal financial obligation and shall provide the department with written notice of payments by such offenders no less frequently than weekly.

Sec. 4. Section 21, chapter 143, Laws of 1988, section 2, chapter 153, Laws of 1988 and section 3, chapter 154, Laws of 1988 and RCW 9.94A.120 are each reenacted and amended to read as follows:

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

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

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

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

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender

convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

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

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

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

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

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

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

(f) Pay ~~((a fine))~~ all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or ((accomplish some)) perform community service work.

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

(7) (a) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

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

(ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community

mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;

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

(iv) Report as directed to the court and a community corrections officer;

(v) Pay ~~((a fine, accomplish some,))~~ all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

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

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

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

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

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

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

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

(iv) Undergo available outpatient treatment.

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

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

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

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

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

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

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

(iv) Undergo available outpatient treatment.

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

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sexual offense committed prior to July 1, 1987.

(8) (a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense, a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150(1). When the court sentences an offender under this section to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150(1). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense, a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, unless a condition is waived by the court, the sentence shall include, in addition to the other terms of the sentence, a one-year term of community placement on the following conditions:

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

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

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

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

(v) The offender shall pay ~~((community placement))~~ supervision fees as determined by the department of corrections.

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

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

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

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

(iv) The offender shall not consume alcohol;

(v) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

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

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

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

(10) If a sentence imposed includes ~~((a fine or restitution))~~ payment of a legal financial obligation, the sentence shall specify ~~((a reasonable manner and time in which the fine or restitution shall be paid. Restitution to victims shall be paid prior to any other payments of monetary obligations. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law))~~ the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of ((monetary)) legal financial obligations shall be supervised by the department((The rate of payment shall be determined by the court or, in the absence of a rate determined by the court, the rate shall be set by the department)). All monetary payments ordered shall be paid no later than ten years after the ~~((most recent of either the))~~ last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of

the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. ~~((The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments.))~~

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

(12) All offenders sentenced to terms involving community supervision, community service, ~~((restitution, or fines))~~ or legal financial obligation shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow explicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

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

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

(15) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

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

(17) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release or in a program of home detention.

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

Sec. 5. Section 14, chapter 137, Laws of 1981 as last amended by section 3, chapter 281, Laws of 1987 and RCW 9.94A.140 are each amended to read as follows:

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days ~~((and may set the terms and conditions under which the defendant shall make restitution))~~. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into

consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim or defendant.

Sec. 6. Section 10, chapter 443, Laws of 1985 as amended by section 4, chapter 281, Laws of 1987 and RCW 9.94A.142 are each amended to read as follows:

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days (~~and shall set the terms and conditions under which the defendant shall make restitution~~). The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution

shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or defendant.

(5) This section shall apply to offenses committed after July 1, 1985.

Sec. 7. Section 20, chapter 137, Laws of 1981 as last amended by section 11, chapter 153, Laws of 1988 and by section 2, chapter 155, Laws of 1988 and RCW 9.94A.200 are each reenacted and amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community service obligation to total or partial confinement, or (iii) convert monetary obligations, except restitution and the crime victim penalty assessment, to community service hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community service. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court; and

(c) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of ~~((fines or other monetary payments))~~ legal financial obligations and regarding community service obligations.

(3) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 8. Section 2, chapter 207, Laws of 1982 as amended by section 15, chapter 209, Laws of 1984 and RCW 9.94A.270 are each amended to read as follows:

(1) Whenever a punishment imposed under this chapter requires community supervision services to be provided, the sentencing court shall require that the offender pay to the department of corrections the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the probation and which shall be considered as payment or part payment of the cost of providing probation supervision to the probationer. The court may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:

(a) The offender has diligently attempted but has been unable to obtain employment that provides the offender sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the court.

(d) The offender's age prevents him from obtaining employment.

(e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(f) Other extenuating circumstances as determined by the court.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments that shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment that is less than ten dollars nor more than fifty dollars.

(3) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the (~~state general~~) dedicated fund established pursuant to section 26 of this act.

(4) This section shall not apply to probation services provided under an interstate compact pursuant to chapter 9.95 RCW or to probation services provided for persons placed on probation prior to June 10, 1982.

NEW SECTION. Sec. 9. A petition or motion seeking a mandatory wage assignment in a criminal action may be filed by the department or any obligee if the offender is more than thirty days past due in monthly payments in an amount equal to or greater than the amount payable for one month. The petition or motion shall include a sworn statement by the secretary or designee, or if filed solely by an obligee, by such obligee, stating the facts authorizing the issuance of the wage assignment order, including: (1) That the offender, stating his or her name and last known residence, is more than thirty days past due in payments in an amount equal to or greater than the amount payable for one month; (2) a description of the terms of the judgment and sentence and/or payment order requiring payment of a court-ordered legal financial obligation, the total amount remaining unpaid, and the amount past due; (3) the name and address of the offender's employer; (4) that notice by personal service, or any form of mail requiring a return receipt, has been provided to the offender at least fifteen days prior to the filing of a mandatory wage assignment, unless the judgment and sentence or the order for payment states that the department or obligee may seek a

mandatory wage assignment without notice to the defendant. A copy of the judgment and sentence or payment order shall be attached to the petition or motion seeking the wage assignment.

NEW SECTION. Sec. 10. Upon receipt of a petition or motion seeking a mandatory wage assignment that complies with section 9 of this act, the court shall issue a wage assignment order as provided in section 12 of this act and including the information required in section 9 of this act, directed to the employer, and commanding the employer to answer the order on the forms served with the order that comply with section 14 of this act within twenty days after service of the order upon the employer.

NEW SECTION. Sec. 11. (1) The wage assignment order in section 10 of this act shall include: (a) The maximum amount or current amount owed on a court-ordered legal financial obligation, if any, to be withheld from the defendant's earnings each month, or from each earnings disbursement; and (b) the total amount of the arrearage or reimbursement judgment previously entered by the court, if any, together with interest, if any.

(2) The total amount to be withheld from the defendant's earnings each month, or from each earnings disbursement, shall not exceed twenty-five percent of the disposable earnings of the defendant. If the amounts to be paid toward the arrearage are specified in the payment order, then the maximum amount to be withheld is the sum of the current amount owed and the amount ordered to be paid toward the arrearage, or twenty-five percent of the disposable earnings of the defendant, whichever is less.

(3) If the defendant is subject to two or more attachments for payment of a court-ordered legal financial obligation on account of different obligees, the employer shall, if the nonexempt portion of the defendant's earnings is not sufficient to respond fully to all the attachments, apportion the defendant's nonexempt disposable earnings between or among the various obligees equally. Any obligee may seek a court order reapportioning the defendant's nonexempt disposable earnings upon notice to all interested parties. Notice shall be by personal service, or in the manner provided by the civil rules of superior court or applicable statute.

NEW SECTION. Sec. 12. The department shall develop a form and adopt rules for the wage assignment order.

NEW SECTION. Sec. 13. (1) An employer upon whom service of a wage assignment order has been made shall answer the order by sworn affidavit within twenty days after the date of service. The answer shall state whether the offender is employed by or receives earnings from the employer, whether the employer will honor the wage assignment order, and whether there are multiple attachments against the offender.

(2) If the employer possesses any earnings due and owing to the offender, the earnings subject to the wage assignment order shall be withheld immediately upon receipt of the wage assignment order. The employer shall deliver the withheld earnings to the clerk of the court pursuant to the wage assignment order. The employer shall make the first delivery no sooner than twenty days after receipt of the wage assignment order.

(3) The employer shall continue to withhold the ordered amounts from nonexempt earnings of the offender until notified that the wage assignment has been modified or terminated. The employer shall promptly notify the clerk of the court who entered the order when the employee is no longer employed.

(4) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the wage assignment order, even if the remainder is exempt under section 11 of this act. The processing fee may not exceed: (a) Ten dollars for the first disbursement made by

the employer to the clerk of the court; and (b) one dollar for each subsequent disbursement made under the wage assignment order.

(5) An employer who fails to withhold earnings as required by a wage assignment order issued under this chapter may be held liable for the amounts disbursed to the offender in violation of the wage assignment order, and may be found by the court to be in contempt of court and may be punished as provided by law.

(6) No employer who complies with a wage assignment order issued under this chapter may be liable to the employee for wrongful withholding.

(7) No employer may discharge, discipline, or refuse to hire an employee because of the entry or service of a wage assignment order issued and executed under this chapter. A person who violates this subsection may be found by the court to be in contempt of court and may be punished as provided by law.

(8) An employer shall deliver a copy of the wage assignment order to the obligor as soon as is reasonably possible.

NEW SECTION. Sec. 14. The department shall develop a form and adopt rules for the wage assignment answer, and instructions for employers for preparing such answer.

NEW SECTION. Sec. 15. (1) Service of the wage assignment order on the employer is invalid unless it is served with five answer forms in substantial conformance with section 14 of this act, together with stamped envelopes addressed to, respectively, the clerk of the court where the order was issued, the obligee's attorney, the petitioner, the department, and the obligor. The petitioner shall also include an extra copy of the wage assignment order for the employer to deliver to the obligor. Service on the employer shall be in person or by any form of mail requiring a return receipt.

(2) On or before the date of service of the wage assignment order on the employer, the petitioner shall mail or cause to be mailed by certified mail a copy of the wage assignment order to the obligor at the obligor's last known post office address; or, in the alternative, a copy of the wage assignment order shall be served on the obligor in the same manner as a summons in a civil action on, before, or within two days after the date of service of the order on the employer. This requirement is not jurisdictional, but if the copy is not mailed or served as this subsection provides, or if any irregularity appears with respect to the mailing of service, the superior court, in its discretion, may quash the wage assignment order, upon motion of the obligor promptly made and supported by an affidavit showing that the defendant has suffered substantial injury due to the failure to mail or serve the copy.

NEW SECTION. Sec. 16. In a hearing to quash, modify, or terminate the wage assignment order, the court may grant relief only upon a showing that the wage assignment order causes extreme hardship or substantial injustice. Satisfaction by the defendant of all past-due payments subsequent to the issuance of the wage assignment order is not grounds to quash, modify, or terminate the wage assignment order. If a wage assignment order has been in operation for twelve consecutive months and the obligor's payment towards a court-ordered legal financial obligation is current, the court may terminate the order upon motion of the obligor unless the obligee or the department can show good cause as to why the wage assignment order should remain in effect. The department shall notify the employer of any modification or termination of the wage assignment order.

NEW SECTION. Sec. 17. In any action to enforce legal financial obligations under this chapter, the prevailing party is entitled to a recovery of costs, including an award for reasonable

attorneys' fees. An obligor may not be considered a prevailing party under this section unless the obligee has acted in bad faith in connection with the proceeding in question.

NEW SECTION. Sec. 18. For those individuals who, as a condition and term of their sentence imposed on or before July 1, 1989, have had financial obligations imposed, and who are not in compliance with the court order requiring payment of that legal financial obligation, no action shall be brought before the court from July 1, 1989, through and including December 31, 1989, to impose a penalty for their failure to pay. All individuals who, after December 31, 1989, have not taken the opportunity to bring their legal financial obligation current, shall be proceeded against pursuant to RCW 9.94A.200.

NEW SECTION. Sec. 19. Sections 3 and 9 through 18 of this act are each added to chapter 9.94A RCW.

Sec. 20. Section 1, chapter 207, Laws of 1982 and RCW 72.04A.120 are each amended to read as follows:

(1) Any person placed on parole shall be required to pay the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the parole and which shall be considered as payment or part payment of the cost of providing parole supervision to the parolee. The board may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:

(a) The offender has diligently attempted but has been unable to obtain employment which provides the offender sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the board.

(d) The offender's age prevents him from obtaining employment.

(e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(f) Other extenuating circumstances as determined by the board.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments which shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment which is less than ten dollars nor more than fifty dollars.

(3) Payment of the assessed amount shall constitute a condition of parole for purposes of the application of RCW 72.04A.090.

(4) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the ~~((state-general))~~ dedicated fund established pursuant to section 26 of this act.

(5) This section shall not apply to parole services provided under an interstate compact pursuant to chapter 9.95 RCW or to parole services provided for offenders paroled before June 10, 1982.

Sec. 21. Section 6, chapter 17, Laws of 1967 and RCW 72.65.060 are each amended to read as follows:

The earnings of a work release participant shall not be subject to garnishment, attachment, or execution while such earnings are either in the possession of the employer or any state officer authorized to hold such funds, except for payment of a court-ordered legal financial obligation as that term is defined in section 22 of this act.

NEW SECTION. Sec. 22. Unless a different meaning is plainly required by the context, the following words and phrases as hereafter used in this chapter shall have the following meanings:

(1) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for payment of restitution to a victim, statutorily imposed crime victims compensation fee, court costs, a county or interlocal drug fund, court-appointed attorneys' fees and costs of defense, fines, and any other legal financial obligation that is assessed as a result of a felony conviction.

(2) "Department" means the department of corrections.

(3) "Offender" means an individual who is currently under the jurisdiction of the Washington state department of corrections, and who also has a court-ordered legal financial obligation as a result of a felony conviction.

(4) "Secretary" means the secretary of the department of corrections or the secretary's designee.

(5) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections.

NEW SECTION. Sec. 23. The secretary shall be custodian of all funds of a convicted person that are in his or her possession upon admission to a state institution, or that are sent or brought to the person, or earned by the person while in custody, or that are forwarded to the superintendent on behalf of a convicted person. All such funds shall be deposited in the personal account of the convicted person within the institutional resident deposit account as established by the office of financial management pursuant to RCW 43.88.195, and the secretary shall have authority to disburse money from such person's personal account for the purposes of satisfying a court-ordered legal financial obligation to the court. Unless specifically granted authority herein, at no time shall the withdrawal of funds for the payment of a legal financial obligation result in reducing the inmate's account to an amount less than the defined level of indigency to be determined by the department.

Further, unless specifically altered herein, court-ordered legal financial obligations shall be paid.

NEW SECTION. Sec. 24. (1) Except as otherwise provided herein, all court-ordered legal financial obligations shall take priority over any other statutorily imposed mandatory withdrawals from inmate's accounts.

(2) For those inmates who are on work release pursuant to chapter 72.65 RCW, before any legal financial obligations are withdrawn from the inmate's account, the inmate is entitled to payroll deductions that are required by law, or such payroll deductions as may reasonably be required by the nature of the employment unless any such amount which his or her work release plan specifies should be retained to help meet the inmate's needs, including costs necessary for his or her participation in the work release plan such as travel, meals, clothing, tools, and other incidentals.

(3) Before the payment of any court-ordered legal financial obligation is required, the department is entitled to reimbursement for any expenses advanced for vocational training pursuant to RCW 72.65.020(2), for expenses incident to a work release plan pursuant to RCW 72.65.090, payments for board and room charges for the work release participant, and payments that are necessary for the support of the work release participant's dependents, if any.

NEW SECTION. Sec. 25. Sections 22 through 24 of this act shall constitute a new chapter in Title 72 RCW.

NEW SECTION. Sec. 26. The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.270 and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 27. Except for sections 18, 22, 23, and 24 of this act, this act applies prospectively only and not retrospectively. It applies only to offenses committed on or after the effective date of this act.

NEW SECTION. Sec. 28. The department of corrections and the county clerks association shall develop compatible management and accounting systems that will result in increased collections of legal financial obligations and report their proposed systems to the senate health care and corrections committee and the house health care committee by December 1, 1989.

Sec. 29. Section 10, chapter 302, Laws of 1977 ex. sess. as last amended by section 1, chapter 281, Laws of 1987 and RCW 7.68.035 are each amended to read as follows:

(1) Whenever any person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be ~~((seventy))~~ one hundred dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and ~~((forty-five))~~ seventy-five dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.65.090, 46.61.502, 46.61.504, 46.52.100, 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.090(2), and 46.09.120(2).

(3) Whenever any person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

(4) Such penalty assessments shall be paid by the clerk of the superior court to the county treasurer who shall monthly transmit the money as provided in RCW 10.82.070. Each county shall deposit not less than one and seventy-five one-hundredths percent of the money it retains under RCW 10.82.070 and chapter 3.62 RCW and all money it receives under subsection (8) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. A program shall be considered

"comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

(5) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection (4) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the money deposited under subsection (4) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection (4) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection (4) of this section to the state treasurer for deposit in the public safety and education account established under RCW 43.08.250.

(6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

(7) Penalty assessments under this section shall also be imposed in juvenile offense dispositions under Title 13 RCW. Upon motion of a party and a showing of good cause, the court may modify the penalty assessment in the disposition of juvenile offenses under Title 13 RCW.

(8) Every city and town shall transmit monthly one and seventy-five one-hundredths percent of all money, other than money received for parking infractions, retained under RCW 3.46.120, 3.50.100, and 35.20.220 to the county treasurer for deposit as provided in subsection (4) of this section.

NEW SECTION. Sec. 30. (1) Sections 1 through 17, 19 through 21, 25, 26, and 28 of this act shall take effect July 1, 1990 unless otherwise directed by law.

(2) Sections 18, 22, 23, and 24 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

APPENDIX D:
CLASSIFICATIONS OF FELONY OFFENSES

INTRODUCTION

All felonies are divided into three classes: A, B, and C. This classification is related to a felony's washout period (RCW 9.94A.360(2),(4)), vacation of conviction record (RCW 9.94A.230(2)), status as a violent offense (Class A felonies are defined as violent--RCW 9.94A.030(29)), and statutory maximum period of incarceration.

Felonies defined by Title 9A RCW have an A, B, or C class designation explicitly stated. These felonies carry the following maximum penalties (RCW 9A.20.040):

Class A	Life in prison, \$50,000 fine
Class B	10 years in prison, \$20,000 fine
Class C	5 years in prison, \$10,000 fine

Felonies defined outside of Title 9A RCW are designated as class A, B, or C felonies according to the statutory maximum period of incarceration for that offense (RCW 9A.20.040):

Twenty years or more:	Class A
Eight or more, less than twenty years:	Class B
Less than eight years:	Class C

CLASSIFICATIONS OF FELONY OFFENSES

CLASS A

Aggravated Murder 1
Arson 1
Attempted Arson 1
Bail Jumping with Murder 1
Burglary 1
Controlled Substances Homicide (Subsequent Drug Conviction)
Create, Deliver, or Possess Counterfeit Controlled Substances, (Subsequent Drug Conviction)
Damaging Building by Explosion, with Human Threat
Endangering Life and Property by Explosives with Human Threat
Explosive Devices Prohibited
Homicide by Abuse
Kidnapping 1
Leading Organized Crime
Manufacture, Deliver, or Possess with Intent to Deliver Heroin or Cocaine (Subsequent Drug Conviction or Near a School)
Manufacture, Deliver, or Possess with Intent to Deliver Schedule I or II Narcotics (Except Heroin or Cocaine) (Subsequent Drug Conviction or Near a School)
Murder 1
Attempted Murder 1
Conspiracy to Commit Murder 1
Murder 2
Over 18 and Deliver Schedule I or II Narcotics to a Minor
Possession of Incendiary Devices
Rape 1
Rape of a Child 1
Robbery 1

CLASS B

Advancing Money or Property for Extortionate Extension of Credit
Arson 2
Assault 2
Attempt to Commit Class A Felony, Except Murder 1 or Arson 1
Bail Jumping with Class A
Bribe Received by a Witness
Bribery
Bribing a Witness
Burglary 2
Child Molestation 1
Child Molestation 2
Conspiracy to Commit Class A Felony, Except Murder 1
Controlled Substance Homicide (First Drug Conviction)
Create, Deliver, or Possess Counterfeit Controlled Substances (First Drug Conviction)
Criminal Mistreatment 1
Delivery of Imitation Controlled Substances by Person 18 or Over to Persons Under 18
Escape 1
Extortion 1
Extortionate Extension of Credit
Extortionate Means to Collect Extensions of Credit

Incest 1
Inciting Criminal Profiteering
Indecent Liberties, with Forcible Compulsion
Indecent Liberties, without Forcible Compulsion
Intimidating a Judge
Intimidating a Juror
Intimidating a Public Servant
Intimidating a Witness
Introducing Contraband 1
Kidnapping 2
Knowingly Trafficking in Stolen Property
Malicious Mischief 1
Manslaughter 1
Manufacture, Deliver, or Possess with Intent to Deliver Heroin or Cocaine (First Drug Conviction and Not Near a School)
Manufacture, Deliver, or Possess with Intent to Deliver Schedule I or II Narcotics (Except Heroin or Cocaine) (First Drug Conviction and Not Near a School)
Over 18 and Deliver Narcotic from Schedule III-V or a Nonnarcotic from Schedule I-V to Someone Under 18 and 3 Years Junior
Perjury 1
Possession of Stolen Property 1
Possession of Contraband 1
Promoting Prostitution 1
Rape 2
Rape of a Child 2
Robbery 2
Securities Act Violation
Sexual Exploitation
Theft 1
Theft 1 - Welfare Fraud
Theft of Livestock 1
Trafficking in Stolen Property 1
Use of Proceeds of Criminal Profiteering
Vehicular Homicide, by Being Under the Influence of Intoxicating Liquor or any Drug or by Operation of any Vehicle in a Reckless Manner
Vehicular Homicide, by Disregard for the Safety of Others
Willful Failure to Return from Furlough
Willful Failure to Return from Work Release

CLASS C

Assault 3
Attempt or Conspiracy to Commit Class B Felony
Attempting to Elude a Pursuing Police Vehicle
Bail Jumping with Class B
Bail Jumping with Class C
Child Molestation 3
Communication with a Minor for Immoral Purposes (Subsequent Sex Offense)
Computer Trespass 1
Criminal Mistreatment 2
Custodial Assault
Custodial Interference 1
Dealing in Depictions of a Minor Engaged in Sexually Explicit Conduct
Defrauding an Innkeeper, Amount Greater than \$75

Delivery of a Material in Lieu of a Controlled Substance
 Destruction of Insured Property
 Damaging a Building by Explosion with No Human Threat
 Endanger Life or Property by Explosives with No Human Threat
 Escape 2
 Extortion 2
 False Information in Industrial Insurance Claim
 False Verification for Welfare
 Forged Prescription VULDA
 Forged Prescription VUCSA
 Forgery
 Harassment
 Harming a Police Dog
 Hit and Run - Injury Accident
 Incest 2
 Influencing the Outcome of a Sporting Event
 Introducing Contraband 2
 Involving a Minor in Drug Dealing
 Lottery Act Violation
 Malicious Harassment
 Malicious Mischief 2
 Manslaughter 2
 Medicaid False Statement
 Maintain a Place or Dwelling to Sell or Use Drugs
 Manufacture, Deliver, or Possess with Intent to Deliver Marijuana
 Manufacture, Deliver, or Possess with Intent to Deliver Methamphetamine
 Manufacture, Deliver, or Possess with Intent to Deliver Narcotics from Schedule III-V or
 Nonnarcotics from Schedule I-V (Except Marijuana or Methamphetamines)
 Manufacture, Distribute, or Possess with Intent to Distribute Imitation Controlled Substances
 Obtain Signature by Deception
 Patronizing a Juvenile Prostitute
 Perjury 2
 Possession of Controlled Substances, Schedule I or II Narcotics
 Possession of Phencyclidine (PCP)
 Possession of Controlled Substances, Schedule III-V Narcotic or Schedule I-V Nonnarcotic
 Possession of Contraband by Prisoner
 Possession of Leased Property
 Possession of Stolen Property 2
 Possession of Contraband 2
 Professional Gambling
 Promoting Pornography
 Promoting Prostitution 2
 Rape 3
 Rape of a Child 3
 Reckless Burning 1
 Reckless Endangerment 1
 Recklessly Trafficking in Stolen Property
 Rendering Criminal Assistance 1
 Sell or Deliver Legend Drugs
 Selling for Profit - Heroin
 Selling for Profit - Schedule I Controlled or Counterfeit Substance (Except Heroin)
 Sending, Bringing into the State Depictions of a Minor Engaged in Sexual Explicit Conduct
 Sexual Misconduct 1
 Taking a Motor Vehicle Without the Owner's Permission

Tampering with a Witness
Telephone Harassment
Theft 2
Theft 2 - Welfare Fraud
Theft of Livestock 2
Threats to Bomb
Trafficking in Stolen Property 2
Unlawful Imprisonment
Unlawful Issuance of Checks or Drafts
Unlawful Possession of a Firearm
Vehicle Prowl 1
Vehicular Assault