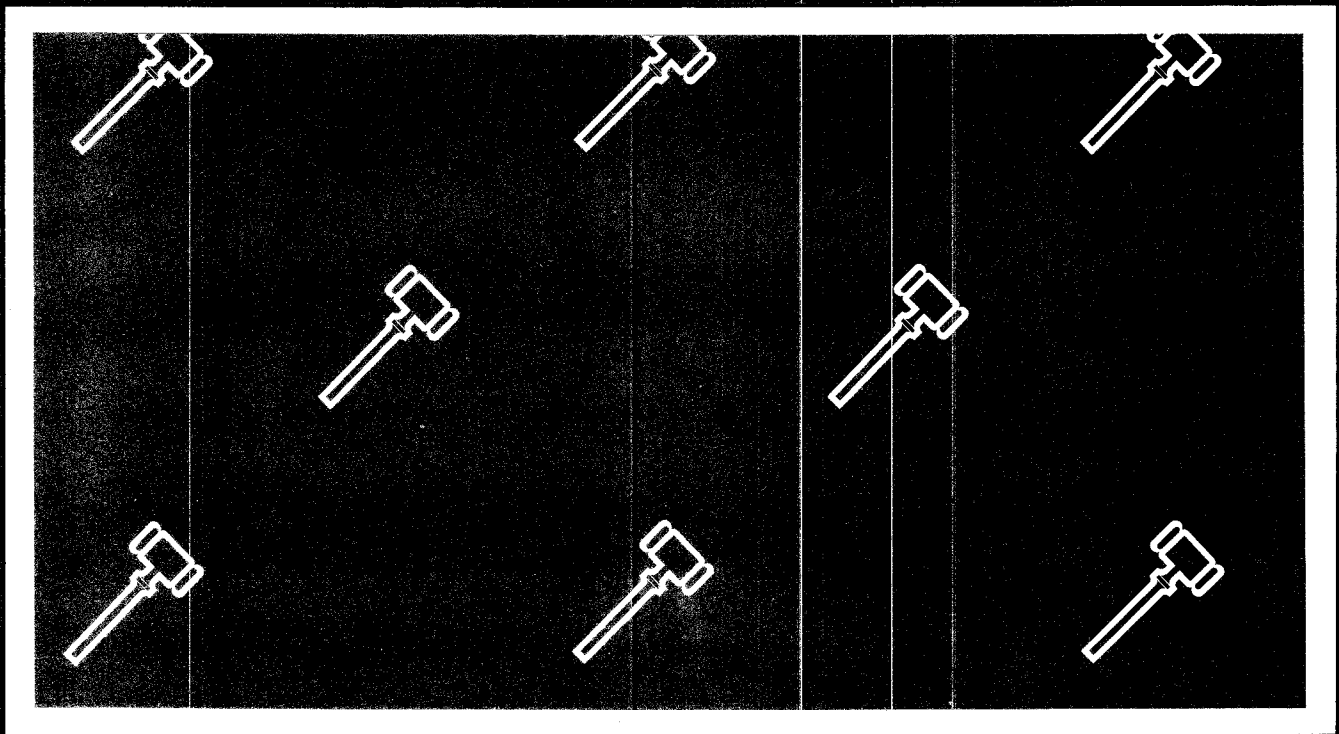


SENTENCING GUIDELINES





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June 1984

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INTRODUCTION

On July 1, 1984, the State of Washington will implement the Sentencing Reform Act of 1981. Offenders who commit crimes on or after this date will be sentenced according to a uniform set of sentencing guidelines. 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 sentences imposed by the court will represent "real time" and thus will be determinate sentences. Extensive periods of probation and parole will be eliminated.

The goal of the sentencing guidelines system is to ensure that sanctions following a felony conviction are proportionate to the seriousness of the offense and the offender's criminal history. Sentences thus are commensurate with the punishment imposed on others convicted of similar offenses with similar criminal histories. 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 the defendant's previous record.

The Sentencing Guidelines Commission was created by the legislature as an independent body to develop recommended guidelines and standards. Its recommendations must be enacted into law by the legislature. 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 non-voting members.

The Commission has ongoing responsibilities to the legislature. These responsibilities include recommending changes to the guidelines every two years and analyzing necessary changes to the Criminal Code.

USE OF THIS MANUAL

This manual details the sentencing guidelines adopted by the 1983 and 1984 Legislatures. It is intended for use in applying the guidelines to individual cases.

The narrative explains each element of the scoring procedures. To make application of these procedures easier, Offense Reference Sheets are included for the most common felonies. Those sheets explain how to score individual felonies and indicate the sentencing options available to the court. Scoring Forms are also included for calculation of the standard sentence range.

This manual is prepared in a notebook format to allow for updating. Each page has a citation on the lower left corner, indicating the month and year it was produced. Revised sheets will be distributed to those who request inclusion on a mailing list. (See Section V, page V-50). The Commission staff actively solicit comments and suggestions on ways to improve this manual.

Court rules require that copies of Judgment and Sentence Forms for all felony offenses be sent by the court clerk to the Commission office. Any case involving an exceptional sentence must include information on the court's written findings of fact and conclusions of law for departure from the guidelines. The Commission will use this information to monitor statewide application of the guidelines and to provide information to the legislature.

If you have questions or problems in applying 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 are provided. The staff will be producing a computer program suitable for micro computers to assist with sentence calculations. For more information on this program's cost and availability, contact the Commission staff.

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*REC'D 9.9.84
Signed April 8/84
Application 7-1-84*

SECTION I. SENTENCING GUIDELINES

This chapter explains the rules for applying the sentencing guidelines to individual felony cases. The instructions cover the following:

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

The sentencing guidelines are relevant only for felonies committed on or after July 1, 1984 and do not apply to crimes committed prior to this date.

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 fourteen levels of seriousness, ranging from low (Level I) to high (Level XIV). Offenses in the same level are considered equivalent in seriousness.

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

TABLE 1
SENTENCING GRID

OFFENDER SCORE

SERIOUSNESS
LEVEL

	0	1	2	3	4	5	6	7	8	9 or more
XIV	Life Sentence without Parole/Death Penalty	24y 4m	25y 4m	26y 4m	27y 4m	28y 4m	30y 4m	32y 10m	36y	40y
XIII	23y 4m	250 - 320	261 - 347	271 - 361	281 - 374	291 - 388	312 - 416	338 - 450	370 - 493	411 - 548
XII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
XI	6y	6y 9m	7y 6m	8y 3m	9y	9y 9m	12y 6m	13y 6m	15y 6m	17y 6m
X	5y	5y 6m	6y	6y 6m	7y	7y 6m	9y 6m	10y 6m	12y 6m	14y 6m
IX	3y	3y 6m	4y	4y 6m	5y	5y 6m	7y 6m	8y 6m	10y 6m	12y 6m
VIII	2y	2y 6m	3y	3y 6m	4y	4y 6m	6y 6m	7y 6m	8y 6m	10y 6m
VII	18m	2y	2y 6m	3y	3y 6m	4y	5y 6m	6y 6m	7y 6m	8y 6m
VI	15 - 20	18m	2y	2y 6m	3y	3y 6m	4y 6m	5y 6m	6y 6m	7y 6m
V	12+ - 14	13m	15m	18m	2y	2y 6m	3y 6m	4y 6m	5y 6m	6y 6m
IV	6 - 12	9m	13m	15m	18m	2y	2y 6m	3y 6m	4y 6m	5y 6m
III	3 - 9	3m	8m	11m	14m	20m	2y 2m	3y 2m	4y 2m	5y
II	1 - 3	4m	6m	8m	13m	16m	20m	2y 2m	3y 2m	4y 2m
I	0 - 90	2 - 6	3 - 9	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29	33 - 43	43 - 57
	0 - 60	Days	Days	Days	Days	Days	Days	Days	Days	Days

NOTE: Bold type presents presumptive sentence ranges in months. Midpoints are included as a reference point (y = years, m = months). 12+ equals one year and one day. For a few crimes, the presumptive sentences in the high offender score columns exceed the statutory maximums. In these cases, the statutory maximum applies.

Additional time added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon:

- 24 months (Rape 1, Robbery 1, Kidnapping 1)
- 18 months (Burglary 1)
- 12 months (Assault 2, Escape 1, Kidnapping 2, Burglary 2 of a building other than a dwelling, Delivery or Possession of a controlled substance with intent to deliver)

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1
XIII	Murder 1 (v)
XII	Murder 2 (v)
XI	Assault 1 (v)
X	Kidnapping 1 (v) Rape 1 (v) Over 18 and deliver narcotic from Schedule I or II to someone under 18 and 3 years junior (v) Damaging building, etc., by explosion with threat to human being (v)
IX	Robbery 1 (v) Manslaughter 1 (v) Statutory Rape 1 (v) Over 18 and deliver narcotic from Schedule III, IV, or V or a non-narcotic from Schedule I-V to someone under 18 and 3 years junior (v - second offense) Explosive devices prohibited (v) Endangering life and property by explosives with threat to human being (v) Employing, using or permitting minor to engage in sexually explicit conduct for commercial use
VIII	Arson 1 (v) Rape 2 (v) Promoting Prostitution 1 Selling Heroin for Profit
VII	Burglary 1 (v) Vehicular Homicide (v) Introducing Contraband 1 Statutory Rape 2 Indecent Liberties with forcible compulsion (v) Sending, bringing into the state, possessing, publishing, printing, etc., obscene matter involving minor engaged in sexually explicit conduct
VI	Bribery Manslaughter 2 (v) Intimidating a Juror/Witness Selling for profit Schedule I controlled or counterfeit substance (except heroin) Indecent Liberties without forcible compulsion Incest 1 Manufacture, deliver, or possess with intent to deliver narcotic from Schedule I and II (v) (subsequent drug conviction) Damaging building, etc., by explosive with no threat to human being Endangering life and property by explosives with no threat to human being

(v = violent offense as defined by RCW 9.94A.030(18))

- V Kidnapping 2 (v)
- Extortion 1 (v)
- Incest 2
- Rape 3
- Perjury 1
- Rendering Criminal Assistance 1
- IV Robbery 2 (v)
- Assault 2 (v)
- Escape 1
- Arson 2 (v)
- Bribing a Witness/Bribe Received by Witness
- Malicious Harassment
- Wilful Failure to Return from Furlough
- Hit and Run - Injury Accident
- Vehicular Assault
- Manufacture, deliver, or possess with intent to deliver narcotic from Schedule III, IV, or V or non-narcotic from Schedule I-V (except marijuana)
- III Statutory Rape 3
- Extortion 2
- Unlawful Imprisonment
- Assault 3
- Promoting Prostitution 2
- Introducing Contraband 2
- Communicating with a Minor for Immoral Purposes
- Escape 2
- Perjury 2
- Intimidating a Public Servant
- Tampering with a Witness
- Manufacture, deliver, or possess with intent to deliver marijuana
- Unlawful Possession of a Short Firearm or Pistol
- II Malicious Mischief 1
- Possession of Stolen Property 1
- Theft 1
- Welfare Fraud
- Burglary 2
- Theft of Livestock
- Possession of controlled substance that is a narcotic from Schedule I or II
- Create, deliver, or possess a counterfeit controlled substance - Schedule I or II Narcotic (subsequent drug conviction)
- I Theft 2
- Possession of Stolen Property 2
- Forgery
- Taking Motor Vehicle Without Permission
- Vehicle Prowl 1
- Attempting to Elude Pursuing Police Vehicle
- Malicious Mischief 2
- Reckless Burning 1
- Unlawful Issuance of Checks or Drafts
- False Verification for Welfare
- Forged Prescription
- Possession of a controlled substance that is a narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V

sentence calculations are necessary. Page I-22 discusses the sentencing options for unranked crimes.

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 three factors: 1) the number of prior felony criminal offenses; 2) the relationship between any prior offense(s) and the current offense of conviction; and 3) the presence of multiple prior or current convictions.

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

Criminal History Collection

RCW 9.94A.030(8) 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.

Adult Criminal History: A 1984 law (Chapter 17, Laws of 1984) 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 will contact this section for an offender's Washington criminal history. For out-of-state or federal criminal history information, practitioners will 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 Vehicular Homicide where serious traffic offenses are included in the Offender Score.

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(12)).

Check whether any sentences for past multiple convictions were served consecutively or concurrently. Offenses which were served concurrently count as one prior offense in the Offender Score. Use the conviction which yields the highest Offender Score for the calculations. In most instances, this crime will have the highest Seriousness Level.

RCW 9.94A.030(8)(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. It is expected that this information will be 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(8)(b):

- A) The juvenile offense must have been a felony;
- 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.

A 1984 law (Chapter 43, Laws of 1984), 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.

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.

"Wash Out" of Certain Prior Felonies: In certain instances, prior felony convictions are not calculated into the Offender Score because they meet the following "wash out" rules found in RCW 9.94A.360(12):

- 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.

Example: An offender convicted of Second Degree Assault had a prior adult conviction of First Degree Theft for which he received probation 12 years ago. He has not been convicted of any felonies since then. Since the theft conviction would have "washed out" after ten years of felony-free behavior, the offense would not be counted in the Offender Score. Therefore, this offender would receive an Offender Score of zero (but would not be considered a First-time Offender).

Example: An offender was convicted of Second Degree Assault. His criminal history was limited to a First Degree Theft conviction for which he was sentenced 12 years ago, but for which he completed serving a prison term only eight years ago. Because he has not been at risk for a full ten years, this offender would have an Offender Score of 1 and his presumptive sentence would be 6 to 12 months.

- 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

*RCW 9.94A.330 defines serious traffic offenses as: Driving While Intoxicated, Actual Physical Control, Reckless Driving, and Hit and Run.

(including full-time residential treatment), or the day the sentence was entered.

Example: An offender convicted of Second Degree Assault had a prior adult conviction of Forgery. She spent six months in jail on that conviction and was released six years ago. Since that date, she has not been convicted of any felonies, but was convicted of a misdemeanor two years ago. Since the forgery conviction would have "washed out" after five years of felony-free behavior, the offense would not be calculated in the Offender Score. Therefore, this offender would have an Offender Score of zero but would not be considered a First-time Offender.

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." The eligibility rules for vacation of conviction record are similar to the "wash out" rules. (See page I-36 for a full description of these rules.) Since the "wash out" rules are automatic and do not require court action, an offense will "wash out" before formal record vacation occurs. (The main distinction between vacation of record of conviction and "wash out" is that after vacation, an offender can indicate on employment forms that he or she was not convicted of that crime.)

Out-of-State or Foreign Convictions: For a prior 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 9.9A.360(12)). Judicial decisions on the comparability of out-of-state and foreign 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 (Section II, page II-31) and displayed in RCW 9.94A.330 (Section II, page II-28). Another presentation of this information is found in the Offender Score Matrix, Table 3, page I-9.

CURRENT OFFENSE

TABLE 3
OFFENDER SCORE MATRIX

Prior Adult Convictions*

	Serious Violent	Burglary 1	Other Violent	Vehicle Homicide	Escape	Burglary 2	Felony Traffic	Serious Traffic	Other Non-Violent	Drug
Serious Violent	3	2	2	2	1	1	1	0	1	1
Burglary 1	2	2	2	2	1	2	1	0	1	1
Other Violent	2	2	2	2	1	1	1	0	1	1
Vehicle Homicide	0	0	1	1	0	0	1	1	0	0
Escape	0	0	0	0	1	0	0	0	0	0
Burglary 2	1	2	1	1	1	2	1	0	1	1
Other Non-Violent	1	1	1	1	1	1	1	0	1	1
Drug	1	1	1	1	1	1	1	0	1	2

Prior Juvenile Convictions**

	Serious Violent	Burglary 1	Other Violent	Vehicle Homicide	Escape	Burglary 2	Felony Traffic	Serious Traffic	Other Non-Violent	Drug
Serious Violent	3	2	2	2	2	2	2	0	2	2
Burglary 1	2	2	2	2	2	1	2	0	2	2
Other Violent	2	2	2	2	2	2	2	0	2	2
Vehicle Homicide	0	0	0	2	0	0	2	2	0	0
Escape	0	0	0	0	2	0	0	0	0	0
Burglary 2	1	2	2	2	2	1	2	0	2	2
Other Non-Violent	1	2	2	2	2	2	2	0	2	2
Drug	1	2	2	2	2	2	2	0	2	2

Definitions: Serious Violent: Murder 1, Murder 2, Assault 1, Kidnapping 1, Rape 1.
 Other Violent: Any Class A felony (except Serious Violent), any Class A anticipatory offense, Manslaughter 1 and 2, Indecent Liberties (with forcible compulsion), Rape 2, Kidnapping 2, Arson 2, Assault 2, Extortion 1, Robbery 2.
 Escape: Escape 1, Escape 2, Willful Failure to Return From Work Release or Furlough.
 Serious Traffic: DWI, Reckless Driving, Hit and Run, Actual Physical Control.
 Felony Traffic: Felony Hit-and-Run, Vehicular Assault, Attempting to Elude Pursuing Police Vehicle.
 Drug: Includes all felony violations of RCW 69.50 except possession of a controlled substance.

*Prior B level felonies are not counted if 10 years (crime free) have elapsed in the community before the current offense was committed.
 Prior C level felonies and serious traffic offenses are not counted after 5 years (crime free).

**Include juvenile felony convictions if the offender was 15 or older at the time the 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.

Note: In the case of multiple prior offenses, all adult offenses served concurrently count as one offense, and all juvenile adjudications entered on the same date count as one offense for the purposes of computing the Offender Score.

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 collection rules is necessary. For example, the forms do not repeat the "wash out" rules or the statutory requirements for juvenile history.

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 entitled "Other Current Offenses." (Remember: separate crimes encompassing the same criminal conduct are counted as one crime in determining history.)

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, Second Degree Murder, First Degree Assault, First Degree Kidnapping, First Degree Rape (RCW 9.94A.330).

- 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 score the other current offenses as part of the Offender Score.
- 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 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.

Second, 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.

If this offender had an additional current conviction for Second Degree Burglary, that burglary would also be scored, following the rules in RCW 9.94A.400(1)(a). The Second Degree Burglary Scoring Form would be used, and the other current offenses (two First Degree Rapes and one First Degree Assault) would be scored in the "other current offenses" section of the Offender Score. These calculations would result in an Offender Score of 3, with a sentence range of 4 to 12 months.

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.

Example: An offender was convicted of one count of Second Degree Theft and one count of Second Degree Possession of Stolen Property. 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 "separate crimes encompassing the same criminal conduct shall be counted as one crime in determining history." 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.

For additional assistance in determining whether an offense arose from the same or separate criminal conduct, see the commentary on the law (Section II, p. II-40).

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 that range.

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
Delivery of or Possession of a Controlled Substance with Intent to Deliver	12 months

The deadly weapon increase does not apply to anticipatory offenses (attempt, conspiracy, and solicitation to commit a crime). 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).

Example: An offender convicted of First Degree Rape with no criminal history would have a standard sentence range of 51 to 68 months. With a special finding for a deadly weapon, 24 months are added to the range so that it becomes 75 to 92 months.

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).

Example: To determine the sentence range for an offender convicted of Attempted First Degree Burglary with an Offender Score of 4, first find that the standard range for First Degree Burglary with that Offender Score is 36 to 48 months. Multiply that range by 75 percent in order to arrive at a standard range of 27 to 36 months for Attempted First Degree Burglary.

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 9.94A.030(10)). The only exception to this law is for sentences imposed under the Special Sexual Offender Sentencing Option (RCW 9.94A.120(7)(a)), which allows suspended sentences.

This section describes the available sentencing options. These options are also presented in the Summary of Sentencing Options, (Table 4, page I-15). The Offense Reference Sheets also indicate the range of options available to the court for individual felonies.

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

SUMMARY OF SENTENCING OPTIONS

SENTENCE OPTION	ELIGIBILITY	PROCEDURE	CONDITIONS
Sentence within the standard sentence range. RCW 9.94A.120(1)	Offender convicted of crime listed in the Seriousness Level Table (RCW 9.94A.320).	Court imposes a determinate sentence within the standard sentence range, taking into account the crime(s) of conviction and the offender's criminal history.	<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).
Sentence for unranked crimes. RCW 9.94A.120(6)	Offender convicted of crime not listed in the Seriousness Level Table (RCW 9.94A.320).	Court imposes a determinate sentence.	<ul style="list-style-type: none"> ● For all confinement sentences of one year or less, the court may impose up to one year of community supervision. (Section 22, Chapter 209, Laws of 1984)
Exceptional sentence. RCW 9.94A.120(2) (3), and (13)	Any offender.	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 and conclusions of law.	<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 cannot exceed statutory maximum; (RCW 9A.20.021) ● Four mandatory minimums exist: <ul style="list-style-type: none"> 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))

SENTENCE OPTION

ELIGIBILITY

PROCEDURE

CONDITIONS

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))

Court imposes a determinate sentence.

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

First-time Offender Waiver.
RCW 9.94A.120(5)

Offender convicted of a non-violent 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 (Chapter 9A.44 RCW or RCW 9A.64.020) is eligible.

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 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 of 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.

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 supervision, usually 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 portion of the sentence must be served in total or partial confinement.

Sex Offender Sentencing Options.
RCW 9.94A.120(7)(a)

- Special Sex Offender Sentencing Alternative

Offender convicted of sex offenses (Chapter 9A.44 RCW) or Incest (RCW 9A.64.020) except First Degree Rape or Second Degree Rape, with no prior felony sexual 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.

- 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

SENTENCE OPTION ELIGIBILITY

PROCEDURE

CONDITIONS

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

the following requirements:

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.

a) Devote time to a 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 of 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.

Sex Offender Treatment at Western or Eastern State Hospital	Offenders convicted of felony sex offenses with sentences of confinement greater than one	Prior to the sentencing hearing, the court may order offender committed for up to	<ul style="list-style-type: none"> • Offender must satisfactorily meet treatment program requirements. If offender
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SENTENCE OPTION	ELIGIBILITY	PROCEDURE	CONDITIONS
RCW 9.94A.120(7)(b)	year and less the six years.	30 days to Eastern or Western State Hospital for evaluation.	<p>completes program before the sentence expires, court may convert the remaining confinement term to community supervision.</p> <ul style="list-style-type: none"> ● This supervision can include crime-related prohibitions and requirements that the offender: <ol style="list-style-type: none"> a) Devote time to a specific employment or occupation; b) Remain within prescribed geographical boundaries and notify the court or Community Corrections Officer of any change in offender's address or employment; c) Report as directed to court and a Community Corrections Officer; d) Undergo available outpatient treatment. <p>If offender violates any sentence conditions, court may order offender to serve balance of term of supervision in confinement.</p>
Restitution, fines, court costs, and other monetary obligations.	Any offender.	<p>Court must specify a reasonable manner and time in which the fine or restitution shall be paid.</p> <p>All monetary payments shall be ordered paid by no later than ten years after the date of conviction.</p>	<ul style="list-style-type: none"> ● Fines can be ordered by the court within the following ranges: <ul style="list-style-type: none"> Class A felonies \$0-50,000 Class B felonies \$0-20,000 Class C felonies \$0-10,000
RCW 9.94A.140			
Section 21, Chapter 209, Laws of 1984			
RCW 9.94A.120(9)			

- 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.
- Ten years of supervision 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 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.
 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; and

SENTH 3 OPTION ELIGIBILITY PROC DURE CONDITIONS

- b) Order term of partial confinement converted to total confinement.
- Any time served in confinement awaiting hearing shall be credited against any confinement order.
- If court finds that the violation was not wilful, 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.

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.

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.

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.
- 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.

sentence for the offense, the statutory maximum sentence shall be the presumptive sentence.

Example: The statutory maximum sentence for Second Degree Manslaughter is five years (60 months). The Sentencing Grid indicates that the sentence range for an offender convicted of that offense with an Offender Score of 7 is 57 to 75 months; the ranges for Offender Scores of 8 and 9 are obviously higher. Nevertheless, the presumptive sentence for this crime would not exceed 60 months.

The ranges in the Sentencing Grid are expressed in terms of total confinement. A term of confinement over one year 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. Sentences of "12+" on the Sentencing Grid mean one year plus one day in a state facility or institution. For some offenders, the court can convert total confinement sentences to partial confinement or community service (see the discussion of Alternative Conversions, page I-27).

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; and

- Have not been convicted of a violation of Chapter 9A.44 RCW or RCW 9A.64.020 (Sex Offenses and Incest); and
- Have not previously been convicted of a felony in this state, federal court, another state or foreign country; and
- Have never participated in a program of deferred prosecution for a felony offense (RCW 9.94A.030(12) and 9.94A.120(5)).

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 of any change in the offender's address or employment;
 - Report as directed to the court and a Community Corrections Officer; or

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

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

Sexual Offender Sentencing Options

The 1984 Legislature established two special sentencing options for sexual offenders which allow treatment in the community as well as in a hospital setting. They are the Special Sexual Offender Sentencing Alternative and the option allowing Sexual Offender Hospital Treatment.

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 sexual offense (Chapter 9A.44 RCW) or Incest (RCW 9A.64.020), 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 must:

- 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 of 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-35). 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 second 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 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.

After reviewing the evaluation reports, the court may order that the term of confinement be served at the Sexual Offender Treatment Program at Western or Eastern State Hospital as determined by the Secretary of DSHS. The offender is to be transferred to the state pending placement in the treatment program.

If an offender does not comply with the treatment program conditions, the Secretary of DSHS can refer the matter to the sentencing court. The court would then decide if the offender is to be transferred 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 of 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-35).

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.

Conversions are possible for offenders with determinate sentences of one year or less. For nonviolent offenders in this category, the statute directs the court to "consider and give priority to available alternatives to total confinement and shall state its reasons if they are not used."

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.

Example: The court could convert a nine-month sentence to three months of total confinement, five months of partial confinement, and 30 days of community service.

As indicated in the commentary on the law, it is anticipated that courts can sentence an offender to a specific period of total confinement "or partial confinement, if eligible." See Section II, page II-36 for further discussion of this issue.

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. The community supervision begins at the date of

release from confinement, unless otherwise ordered by the court. For nonconfinement sentences, the period of community supervision begins on the date that the sentence was entered (Section 22, Chapter 209, Laws of 1984).

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 that 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.

Mitigating Circumstances for Exceptional Sentences:

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

2. 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.
3. 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.
4. The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.
5. 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).
6. 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.
7. 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.

Aggravating Circumstances for Exceptional Sentences:

1. The defendant's conduct during the commission of the offense manifested deliberate cruelty to the victim.
2. The defendant knew or should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.
3. The offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:
 - a. The offense involved multiple victims or multiple incidents per victim;

- b. The offense involved attempted or actual monetary loss substantially greater than typical for the offense;
 - c. The offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;
 - d. The defendant used his or her position of trust, confidence or fiduciary responsibility to facilitate the commission of the offense.
4. The 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:
- a. The offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or
 - b. The offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or
 - c. The offense involved the manufacture of controlled substances for use by other parties; or
 - d. The offender possessed a firearm during the commission of the offense; or
 - e. The circumstances of the offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or
 - f. The 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

- g. The offender used his or her position or status to facilitate the commission of the offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional); or
- h. *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.400.

Restitution

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 (RCW 9.94A.140). 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.

*Note: The aggravating factor listed as 4(h) was intended as an independent factor, not an example of an exceptional drug case. The citation for the purpose of the chapter should be RCW 9.94A.010. (See Section II, page II-39.)

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 a maximum of ten years. 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 (Section 23, Chapter 209, Laws of 1984):

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(9)(a));
- Defense attorney's fees (RCW 9.94A.120(9)(b));
- Contributions to a county or interlocal drug fund RCW 9.94A.120(9)(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 ordered and paid by no later than ten years after the date of the judgment of conviction (RCW 9.94A.120(9)).

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)).

A departure from this rule requires an exceptional sentence (RCW 9.94A.120(13)).

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(13)).

Example: An offender serving time in prison for First Degree Robbery is convicted of Introducing Contraband. The sentence for the new offense would not begin until expiration of the robbery term.

Convictions in Multiple Jurisdictions: 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 consecutively 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 concurrently (RCW 9.94A.400(3)). This rule applies when offenders have multiple convictions from different jurisdictions.

Example: An offender was convicted of a Second Degree Robbery in both Thurston and Pierce Counties. Those offenses would be separately tried and sentenced because of jurisdictional boundaries. When the second sentence for robbery is imposed, it would run consecutively to the first sentence, unless the court pronouncing the second sentence expressly ordered that the terms be served concurrently.

Probation Revocations: 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 from a pre-guidelines 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 - 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 and may convert a partial confinement term to total confinement. Any time served in confinement awaiting the hearing shall be credited against any confinement order. If the court finds that the violation was not wilful, 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 they are appropriate.

STEP 6 - 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:

- There are any criminal charges against the offender pending in any court in this state, another state, or federal court;
- The offense was a violent offense (as defined in RCW 9.94A.030(18));
- 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., Communicating with a Minor for Immoral Purposes).

The sentencing guidelines allow automatic "wash out" 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-7 for further discussion of this policy.)

SECTION II. SENTENCING REFORM ACT AND COMMENTARY

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Note: The law in this section is an unofficial codification of Chapter 9.94A from the 1983 Revised Code of Washington, incorporating changes resulting from SHB 1247 and ESB 4798, passed by the 1984 Legislature. The Code Revisor will be issuing the official codified version of the law in late 1984.

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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. (1981 c 137 § 1.)

Report on Sentencing Reform Act of 1981: "The legislative budget committee shall prepare a report to be filed at the beginning of the 1987 session of the legislature. The report shall include a complete assessment of the impact of the Sentencing Reform Act of 1981. Such report shall include the effectiveness of the guidelines and impact on prison and jail populations and community correction programs." (1983 c 163 § 6.)

9.94A.020 Short title. This chapter may be known and cited as the sentencing reform act of 1981. (1981 c 137 § 2.)

9.94A.030 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

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- (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 service" means compulsory service, without compensation, performed for the benefit of the community by the offender.
 - (4) "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).
 - (5) "Confinement" means total or partial confinement as defined in this section.
 - (6) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW.
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(7) "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.

(8)(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 convictions or pleas of guilty in juvenile court if: (i) the guilty plea or conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); and (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) the defendant had not reached his or her twenty-third birthday at the time the offense for which he or she is being sentenced was committed.

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

(10) "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.

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

(12) "First-time offender" means any person convicted of a felony not classified as a violent offense under this chapter, 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.

(13) "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.

(14) "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, for a substantial portion of each day with the balance of the day spent in the community.

(15) "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.

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

(17) "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.

(18) "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, 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, and vehicular homicide;

(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 subsection (18)(a) of this section; 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 subsection (18)(a) or (b) of this section. (1983 c 164 § 9; 1983 c 163 § 1; 1982 c 192 § 1; 1981 c 137 § 3.)

Effective date—1983 c 163: See note following RCW 9.94A.120.

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) By January 10, 1983, the commission shall recommend its standard sentence ranges and standards to the legislature by providing the recommendations to the chief clerk of the house of representatives and secretary of the senate. If the commission has prepared an additional list of standard sentence ranges, as provided under subsection (6) of this section, then the commission shall include such list along with its recommendations.

(8) Every two years, 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.

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

(10) The commission shall exercise its duties under this section in conformity with chapter 34.04 RCW, as now existing or hereafter amended. (1982 c 192 § 2; 1981 c 137 § 4.)

Analysis of effects of sentencing guidelines: "The commission shall conduct an analysis of the anticipated effects of the guidelines adopted in chapter . . . (SB 3414). Laws of 1983, on a representative sample of counties. This analysis shall include, but not be limited to, an estimate of the impact on jail population and availability of alternatives in the community. The analysis required by this section shall be filed at the beginning of the 1984 legislative session. (1983 c 163 § 5.)

Reviser's note: SB 3414 did not pass in the 1983 legislative session. Sentencing guidelines, the subject matter of SB 3414, were enacted by the legislature in chapter 115, Laws of 1983 (ESHB 297).

Effective date—1983 c 163: See note following RCW 9.94A.120.

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. (1982 c 192 § 3; 1981 c 137 § 5.)

9.94A.060 Sentencing guidelines commission—Membership—Appointments—Terms of office—Expenses. (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, 1988, the chairman of the board of prison terms and paroles, as an ex officio member, and thereafter the chairman 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 non-voting 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 as now existing or hereafter amended. Legislative members shall be reimbursed by their respective houses as provided under RCW 44.04.120, as now existing or hereafter amended. (1981 c 137 § 6.)

9.94A.070 Standard sentence ranges—Enactment by legislature—Revisions or modifications—Submission to legislature. (1) At its regular session convening in 1983, the legislature shall enact laws approving or modifying either the standards recommended by the commission, or the additional list of standard sentence ranges consistent with prison capacity in the event an additional list has been submitted pursuant to RCW 9.94A.040(6). The standards so adopted shall take effect on July 1, 1984.

(2) 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 every two years and shall become effective as provided under subsection (1) of this section on July first of the year in which they were submitted. (1981 c 137 § 7.)

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. (1981 c 137 § 8.)

Effective date—1981 c 137: See RCW 9.94A.905.

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. (1981 c 137 § 9.)

Effective date--1981 c 137: See RCW 9.94A.905.

9.94A.100 Plea agreements--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. (1981 c 137 § 10.)

Effective date--1981 c 137: See RCW 9.94A.905.

9.94A.110 Sentencing hearing--Time period for holding--Presentence reports and criminal history--Arguments--Record. Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be 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 consider the presentence reports, if any, criminal history, and allow arguments from the prosecutor, defense counsel, the offender, the victim or a representative of victim, 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. (1981 c 137 § 11.)

Effective date--1981 c 137: See RCW 9.94A.905.

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) and (5) 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, other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020, 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 of 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.

(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, restitution, 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, con-

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

(7)(a) When an offender is convicted of any violation of chapter 9A.44 RCW or RCW 9A.64.020 except RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions of chapter 9A.44 RCW, RCW 9A.64.020, 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 of 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, make restitution, 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 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 the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the

department 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 programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services. The offender shall be transferred to the state pending placement in the treatment program.

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court for determination as to whether the offender shall be transferred to the department of corrections to serve the balance of his term of confinement.

If the offender successfully completes the treatment program before the expiration of his 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 of 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.

(8) 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.

(9) 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. 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. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) 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 which exceeds the statutory maximum for the crime as provided in RCW 9A.20.020.

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department or such person as the secretary may designate and shall follow implicitly 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.

(12) 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.

(13) 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). (1983 c 163 § 2; 1982 c 192 § 4; 1981 c 137 § 12.)

Effective date—1983 c 163: "Sections 1 through 5 of this act shall take effect on July 1, 1984." (1983 c 163 § 7.)

Effective date—1981 c 137: See RCW 9.94A.905.

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.

9.94A.125 Deadly weapon special verdict—Definition. (Effective July 1, 1984.) 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. (1983 c 163 § 3.)

Effective date—1983 c 163: See note following RCW 9.94A.120.

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 Commission recommended that an offender have additional time added to the presumptive sentence. These nine 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 (non-dwelling only), and the Delivery of or Possession With Intent to Deliver A Controlled Substance (RCW 9.94A.310). The amount of increased time varies according to the seriousness of the offense.

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 after June 30, 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.

9.94A.130 Power to defer or suspend sentences abolished. 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. (1981 c 137 § 13.)

Effective date—1981 c 137: See RCW 9.94A.905.

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 the 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. 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. (1982 c 192 § 5; 1981 c 137 § 14.)

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.

9.94A.150 Leaving correctional facility or release prior to 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) 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;

(2) 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;

(3) 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;

(4) If the sentence of confinement is in excess of twelve months but not in excess of three years, no more than the final three 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. If the sentence of confinement is in excess of three years, no more than the final six months of the sentence may be served in such partial confinement;

- (5) The governor may pardon any offender;
- (6) The department of corrections may release an offender from confinement any time within ten days before a release date calculated under this section (v); and
- (7) 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. (1982 c 192 § 6; 1981 c 137 § 15.)

Effective date—1981 c 137: See RCW 9.94A.905.

9.94A.160 Emergency due to inmate population exceeding correctional facility capacity. (Effective July 1, 1984.) 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. The board may take any 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. (1983 c 163 § 4; 1981 c 137 § 16.)

Effective date—1983 c 163: See note following RCW 9.94A.120.

Effective date—1981 c 137: See RCW 9.94A.905.

New Section SHB 1247 created new section re: Emergency jail 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.

9.94A.170 Term of confinement tolled by unapproved absence. A term of confinement 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 supervision without the prior approval of the entity in whose custody the offender has been placed. (1981 c 137 § 17.)

Effective date—1981 c 137: See RCW 9.94A.905.

9.94A.180 Term of partial confinement. 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. (1981 c 137 § 18.)

Effective date—1981 c 137: See RCW 9.94A.905.

9.94A.190 Terms of more than one year or less than one year--Where served. 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. 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. (1981 c 137 § 19.)

Effective date—1981 c 137: See RCW 9.94A.905.

Comment

2SSB 3815, passed by the 1984 Legislature, reinforces this section of the statute with the following language:

"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."

New Section SHB 1247 created new section re: Arrest, search and seizure powers.

(1) 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.

9.94A.200 Noncompliance with condition or requirement of sentence-- Procedure--Burden of Proof--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) 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 convert a term of partial confinement to total confinement. 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 wilful, 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. (1981 c 137 § 20.)

Effective date--1981 c 137: See RCW 9.94A.905.

9.94A.210 Sentence within standard range for offense not appealable--Sentence outside sentence range subject to review--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 developing a common law of sentencing within the state. (1982 c 192 § 7; 1981 c 137 § 21.)

Effective date--1981 c 137: See RCW 94A.905.

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. (1981 c 137 § 22.)

Effective date—1981 c 137: See RCW 9.94.905.

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 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; (d) 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 (e) 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 prevents the use of an offender's prior conviction in a later criminal prosecution.~~ (1981 c 137 § 23.)

Effective date—1981 c 137: See RCW 9.94A.905.

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) in that while it cannot be used for impeachment purposes under ER 609(c), ~~it is not~~ ~~pleaded and proved as an element of a crime in a later prosecution~~ for the limited number of offenses whose classification as a felony requires proof of a prior conviction, (e.g., *Communicating With A Minor For Immoral Purposes*, RCW 9A.44.110). ~~A conviction cannot be used~~*

9.94A.250 Clemency and pardons board—Established—Membership—Terms of office—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. (1981 c 137 § 25.)

Effective date--1981 c 137: See RCW 9.94A.905.

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. (1981 c 137 § 26.)

Effective date--1981 c 137: See RCW 9.94A.905.

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. (1982 c 207 § 2.)

9.94A.300 Effective date of RCW 9.94A.310 through 9.94A.450. The following portions of the report to the legislature dated January 10, 1983, by the sentencing guidelines commission of the state of Washington and as set forth in RCW 9.94A.310 through 9.94A.450 are approved as modified by the legislature to take effect on July 1, 1984:

(1) The sentencing guidelines contained in tables 1, 2, and 3 and in part V; and

(2) The prosecuting standards for charging and plea dispositions contained in part VI. (1983 c 115 § 1.)

TABLE I
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	23y 4m	24y 4m	25y 4m	26y 4m	27y 4m	28y 4m	29y 4m	30y 4m	31y 4m	32y 10m
XIII	240 - 320	250 - 333	261 - 347	271 - 361	281 - 374	291 - 388	301 - 400	312 - 416	321 - 430	338 - 450	370 - 493
XII	123 - 164	134 - 178	144 - 192	154 - 205	165 - 219	175 - 233	185 - 249	195 - 260	205 - 288	216 - 288	257 - 342
XI	62 - 82	69 - 92	77 - 102	85 - 113	93 - 123	100 - 133	109 - 144	119 - 171	129 - 185	139 - 185	159 - 212
X	51 - 68	57 - 75	62 - 82	67 - 89	72 - 96	77 - 102	82 - 110	88 - 130	94 - 144	101 - 144	108 - 144
IX	31 - 41	36 - 48	41 - 54	46 - 61	51 - 68	57 - 75	62 - 81	68 - 102	74 - 116	81 - 116	88 - 144
VIII	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	46 - 61	51 - 68	57 - 75	62 - 81	68 - 102	74 - 116
VII	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	46 - 61	51 - 68	57 - 75	62 - 81	68 - 102
VI	12+ - 14	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	46 - 61	51 - 68	57 - 75	62 - 81
V	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	41 - 54	51 - 68	62 - 82	72 - 96	82 - 116
IV	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	41 - 54	51 - 68	62 - 82	72 - 96
III	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68	63 - 84
II	0 - 90	4m	6m	8m	13m	16m	20m	22m	22m	22m	22m
I	0 - 60	0 - 90	3m	4m	5m	8m	13m	16m	20m	20m	20m
	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days

NOTE: Bold type presents presumptive sentence ranges in months. Midpoints are included as a reference point (y = years, m = months). 12+ equals one year and one day. For a few crimes, the presumptive sentences in the high offender score columns exceed the statutory maximums. In these cases, the statutory maximum applies.

Additional time added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon:

- 24 months (Rape 1, Robbery 1, Kidnapping 1)
- 18 months (Burglary 1)
- 12 months (Assault 2, Escape 1, Kidnapping 2, Burglary 2 of a building other than a dwelling, Delivery or Possession of a controlled substance with intent to deliver)

Table 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XIV Aggravated Murder 1 (RCW 10.95.020)
- XIII Murder 1 (RCW 9A.32.030)
- XII Murder 2 (RCW 9A.32.050)
- XI Assault 1 (RCW 9A.36.010)
- X Kidnapping 1 (RCW 9A.40.020)
 Rape 1 (RCW 9A.44.040)
 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)
- IX Robbery 1 (RCW 9A.56.200)
 Manslaughter 1 (RCW 9A.32.060)
 Statutory Rape 1 (RCW 9A.44.070)
 Employing, using, or permitting minor to engage in sexually explicit conduct for commercial use (RCW 9.68A.020)
 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)
- VIII Arson 1 (RCW 9A.48.020)
 Rape 2 (RCW 9A.44.050)
 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)
 Statutory Rape 2 (RCW 9A.44.080)
 Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 Sending, bringing into the state, possessing, publishing, printing, etc., obscene matter involving minor engaged in sexually explicit conduct (RCW 9.68A.030)

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- VI Bribery (RCW 9A.68.010)
 Manslaughter 2 (RCW 9A.32.070)

- 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 heroin or narcotics from Schedule I or II (RCW 69.50.401(a)(1)(i))
- V
- 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)
 - Rendering Criminal Assistance 1 (RCW 9A.76.070)
- IV
- Robbery 2 (RCW 9A.56.210)
 - Assault 2 (RCW 9A.36.020)
 - Escape 1 (RCW 9A.76.110)
 - Arson 2 (RCW 9A.48.030)
 - Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 - Malicious Harassment (RCW 9A.36.080)
 - Wilful 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) (RCW 69.50.401(a)(1)(ii) through (iv))
- III
- Statutory Rape 3 (RCW 9A.44.090)
 - Extortion 2 (RCW 9A.56.130)
 - Unlawful Imprisonment (RCW 9A.40.040)
 - Assault 3 (RCW 9A.36.030)
 - Unlawful possession of firearm or pistol by felon (RCW 9.41.040)
 - Promoting Prostitution 2 (RCW 9A.88.080)
 - Introducing Contraband 2 (RCW 9A.76.150)
 - Communicating with a Minor for Immoral Purposes (RCW 9A.44.110)
 - 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))

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- II Malicious Mischief 1 (RCW 9A.48.070)
 - Possession of Stolen Property 1 (RCW 9A.56.150)
 - Theft 1 (RCW 9A.56.030)
 - Theft of Livestock (RCW 9A.56.080)
 - Welfare Fraud (RCW 74.08.331)
 - 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))

- I Theft 2 (RCW 9A.56.040)
 - Possession of Stolen Property 2 (RCW 9A.56.160)
 - Forgery (RCW 9A.60.020)
 - Auto Theft (Taking and Riding) (RCW 9A.56.070)
 - Vehicle Prowl 1 (RCW 9A.52.095)
 - Eluding a Police Vehicle (RCW 46.61.024)
 - Malicious Mischief 2 (RCW 9A.48.080)
 - Reckless Burning 1 (RCW 9A.48.040)
 - Unlawful Issuance of Bank Checks (RCW 9A.56.060)
 - False Verification for Welfare (RCW 74.08.055)
 - Forged prescription (RCW 69.41.020)
 - Possess controlled substance that is a narcotic from Schedule III, IV, or V or non-narcotic from Schedule I-V (RCW 69.50.401(d))

TABLE 3
OFFENDER SCORE MATRIX

Current Offenses	<u>Prior Adult Convictions</u>				
	Serious Violent	Burglary 1	Other Violent	Vehicular Homicide	Escape
Serious Violent	3	2	2	2	1
Burglary 1	2	2	2	2	1
Other Violent	2	2	2	2	1
Vehicular Homicide	0	0	0	2	0
Escape	0	0	0	0	1
Burglary 2	1	2	1	1	1
Other Non-Violent	1	1	1	1	1
Drug	1	1	1	1	1
Current Offenses	<u>Prior Juvenile Convictions</u>				
	Burglary 2	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
Vehicular Homicide	0	1	1	0	0
Escape	0	0	0	0	0
Burglary 2	2	1	0	1	1
Other Non-Violent	1	1	0	1	1
Drug	1	1	0	1	2
Current Offenses	<u>Prior Juvenile Convictions</u>				
	Serious Violent	Burglary 1	Other Violent	Vehicular 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
Vehicular Homicide	0	0	0	2	0
Escape	0	0	0	0	1/2
Burglary 2	1/2	2	1/2	1/2	1/2
Other Non-Violent	1/2	1/2	1/2	1/2	1/2
Drug	1/2	1/2	1/2	1/2	1/2

TABLE 3 (cont'd)
OFFENDER SCORE MATRIX

	Burglary 2	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
Vehicular					
Homicide	0	1/2	1/2	0	0
Escape	0	0	0	0	0
Burglary 2	1	1/2	0	1/2	1/2
Other					
Non-Violent	1/2	1/2	0	1/2	1/2
Drug	1/2	1/2	0	1/2	1

- Definitions:** Serious Violent: Murder 1, Murder 2, Assault 1, Kidnapping 1, Rape 1
- Escape:** Escape 1, Escape 2, Wilful Failure to Return from Work Release or Furlough
- Serious Traffic:** Driving while Intoxicated, Actual Physical Control, Reckless Driving, Hit-and-Run
- Felony Traffic:** Felony Hit-and-Run, Vehicular Assault, Attempting to Elude a Police Officer
- Drug:** All felony violations of chapter 69.50 RCW except possession of a controlled substance

V. RECOMMENDED SENTENCING GUIDELINES

9.94A.340 Equal application. (Effective July 1, 1984.) 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. (1983 c 115 § 5.)

Effective date—1983 c 115: See RCW 9.94A.300.

9.94A.350 Offense seriousness level. (Effective July 1, 1984.) 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)). (1983 c 115 § 6.)

Effective date—1983 c 115: See RCW 9.94A.300.

Comment

Crime Label: Offense seriousness is established by the 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). 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 sentencing guidelines should not be used to sentence the offender. The date of the offense also influences whether 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.

Chapter Title: This section is entitled "Recommended Sentencing Guidelines." The term 'recommended' is not appropriate because the guidelines are to be applied to all felonies committed on or after July 1, 1984, unless an exceptional sentence is imposed. The Commission will seek modification of this language in future legislative sessions.

9.94A.360 Offender score. The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are summarized in Table 3, RCW 9.94A.330.

The offender score is computed in the following way:

(1) Include juvenile felony convictions if the offender was 15 or older at the time the 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.

(2) If the present conviction is for Murder 1 or 2, Assault 1, Kidnapping 1, 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.

(3) If the present conviction is for Burglary 1, count priors as in subsection (5) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.

(4) If the present conviction is for Vehicular Homicide, only count the following crimes as part of the offender score: Vehicular Homicide, Vehicular Assault, Felony Hit and Run (RCW 46.52.020(4)), Hit and Run (RCW 46.52.020(5)), Driving while Intoxicated (RCW 46.61.502), Actual Physical Control (RCW 46.61.504), Reckless Driving (RCW 46.61.500), Attempting to Elude a Police Officer (RCW 46.61.500). Count two points for each adult or juvenile Vehicular Homicide conviction, one point for each other adult felony traffic or serious traffic conviction, and 1/2 point for each other juvenile felony traffic or serious traffic conviction.

(5) If the present conviction is for a violent offense and not covered in subsections (2), (3), or (4) or (8) 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.

(6) If the present conviction is for escape (Escape 1, RCW 9A.76.110; Escape 2, RCW 9A.76.120; Wilful Failure to Return from Furlough, RCW 72.66.060; and Wilful Failure to Return from Work Release, RCW 72.65.070), count only prior escape convictions in the offender score. Count adult escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(7) If the present conviction is for Burglary 2, count priors as in subsection (9) 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.

(8) If the present conviction is for a violation of chapter 69.50 RCW, except for possession of a controlled substance (RCW 69.50.401(d)), count two points for each adult prior felony drug conviction (chapter 69.50 RCW, except RCW 69.50.401(d)), and one point for each juvenile drug conviction. All other adult and juvenile felonies are scored as in subsection (5) of this section if the current drug conviction is violent, or as in subsection (9) of this section if the current drug conviction is nonviolent.

(9) If the present conviction is for a nonviolent offense and not covered by subsection (6), (7), or (8) of this section, count one point for each prior adult felony conviction and one point for each prior juvenile violent felony conviction and 1/2 point for each prior juvenile nonviolent felony.

(10) For all offender scores, the fractional totals shall be rounded down to the nearest whole number.

(11) In the case of multiple prior convictions 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. The conviction for the offense that yields the highest offender score is used.

(12) Class A prior felony convictions are always included in the offender score. Class B prior felony convictions are not included if the offender has spent ten years in the community and has not been convicted of any felonies since the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), if any, or entry of judgment and sentence. Class C prior felony convictions and serious traffic convictions as defined in RCW 9.94A.330 are not included if the offender has spent five years in the community and has not been convicted of any felonies since the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), if any, or entry of judgment and sentence. This subsection applies to both adult and juvenile prior convictions.

The designation of out-of-state convictions shall be covered by the offense definitions and sentences provided by Washington law.

The offender score is the sum of points accrued under subsections (1) through (12) of this section. (1983 c 115 § 7.)

Effective date—1983 c 115: See RCW 9.94A.300.

Comment

***Misdemeanors:** The Commission decided not to score misdemeanors 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 crime of Vehicular Homicide. The Commission decided that for this crime, 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. The variables the Commission chose to include are the following:

Serious Violent: The legislature adopted the Commission's definition of First and Second Degree Murder, First Degree Assault, First Degree Rape, and First Degree Kidnapping as "serious violent" crimes, deserving the highest acceleration on the criminal history axis for repeat offenders. As prior offenses relative to similar current offenses, these crimes receive three points.

Violent: If the current offense is a violent (or serious violent) offense, prior violent crimes receive two points, again resulting in an accelerated sentence enhancement.

Burglary: The Commission decided that a special rule was necessary for repetitive burglars. During the Commission's public hearings, extensive testimony was heard on the consequences of this crime to victims. People across the state testified that burglary often was not a property crime but rather a crime against the person because of the victim's feeling that personal security was violated. The Commission chose to double-weight prior adult and juvenile burglaries if the offender is being sentenced on a burglary.

Drug: A similar double-weighting rule was adopted for prior drug crimes involving delivery of or possession with intent to deliver a controlled substance, if the offender is being sentenced on a similar current offense.

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 juvenile nonviolent felonies often represent less serious conduct. In addition, under the definition of juvenile criminal history in RCW 9.94.030(8)(b), the legislation specified that prior juvenile convictions 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).

Escape: For the crime of escape (First and Second Degree Escape, Wilful Failure to Return from Furlough, Wilful Failure to Return from Work Release), the Commission decided that the only relevant factors in a person's criminal history are other escape convictions.

"Wash Out" of Priors: The Commission decided that adult Class A felonies should always be considered as part of the Offender Score. Juvenile Class A felonies count only if they meet the age requirements in RCW 9.94A.030(8)(b). If the offender has been crime-free in the community for several years, the Commission

decided that prior Class B and C convictions should eventually "wash out" and be eliminated from the Offender Score. The decision was to render Class B felonies obsolete (relative to the Offender Score) after ten years of felony-free behavior and to do the same with Class C felonies after five years of felony-free behavior. (The Commission's research indicates that this policy will only apply to a very small number of defendants.) The calculation for the "wash out" of priors begins upon the defendant's date of release of confinement, if any, or entry of judgment and sentence.

Multiple Prior Convictions: A policy was needed to score prior convictions where there are multiple charges or counts. Under current sentencing practices, most cases involving multiple charges or counts receive a concurrent sentence—that is, the sentence for one crime is served simultaneously with any other sentence. Consecutive sentences, where the total time for all sentences combined must be served, are rarely ordered by the court and are usually reserved for exceptional cases.

The rules for scoring of prior multiple convictions take these sentencing practices into account. For adults, if the sentences are served consecutively, the Offender Score is the sum of the scores for each conviction. If, however, the sentences are served concurrently, the conviction that yields the highest Offender Score is used—usually the most serious offense. In the case of juveniles, all juvenile adjudications entered on a single date count as one offense. Again, the adjudication for the offense that yields the highest Offender Score is used.

Out-of-State Convictions: In calculating the Offender Score, out-of-state convictions must be compared to Washington law. 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, must be calculated into the Offender Score as a violent offense.

Errors: This section of the law contains two errors. First, RCW 9.94A.360(9) indicates that if the instant conviction is for a nonviolent offense, prior juvenile violent felony convictions receive one point. This is an error, contradicted by the Offender Score Matrix in RCW 9.94A.330, which indicates that the point level should be one-half. The Offender Score Matrix is accurate and prior juvenile violent felonies in those circumstances should receive one-half point.

A second error is contained in RCW 9.94A.360(4). The reference to Attempting to Elude a Police Officer is an incorrect title and the wrong statute is cited. The correct title is Attempting to Elude Pursuing Police Vehicle and the correct citation is RCW 46.61.024. The title for this crime in RCW 9.94A.330 (the definitions section for felony traffic offenses) is similarly incorrect.

The Commission will seek statutory revisions to correct these errors in the 1985 Legislative session.

9.94A.370 Presumptive sentence. 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 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.

In determining any sentence, the trial court may use no more information than is admitted by the plea agreement, and admitted to or acknowledged at the time of sentencing. Acknowledgment 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 real facts shall be deemed proven at the evidentiary hearing by a preponderance of the evidence. Real facts that establish elements of higher crime, a more serious crime, or additional crimes cannot be used to go outside the presumptive sentence range except upon stipulation. (1983 c 115 § 8.)

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. The policy does not specifically address facts which are proven in a trial, but it is obvious that facts proven in a trial should 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.

Effective date—1983 c 115: See RCW 9.94A.300.

9.94A.380 Alternative conversions. 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 if they are not used.

These alternatives include the following sentence conditions that the court may order as substitutes for total confinement: (1) One day of partial confinement or eight hours of community service may be substituted for one day of total confinement; (2) the community service conversion is limited to two hundred forty hours or thirty days. The conversion of total confinement to partial confinement may be applied to all sentences of one year or less, including those for violent offenses. (1983 c 115 § 9.)

Effective date—1983 c 115: See RCW 9.94A.300.

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. (Community service conversions are only available in the case of nonviolent offenders.)

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.

Because total and partial confinement are equivalent on a day-for-day basis, the court may sentence an offender to a specific period of "total confinement or partial confinement, if eligible." The partial confinement facility then determines initial and continued eligibility. The court retains the authority to sentence directly to partial confinement, both at the original sentencing hearing and following a decision of lack of eligibility or a refusal to determine eligibility by the partial confinement facility.

New Section SHB 1247 created a new section re: Community supervision.

On all sentences of confinement for one year or less the court may impose up to one year of community supervision. For confinement sentences, unless otherwise ordered by the court, the period of community supervision begins at the date of release from confinement. For nonconfinement sentences, the period of community supervision begins at the date of entry of the judgment and sentence.

New Section SHB 1247 created a new section re: 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

Comment

The Commission believed the full range of statutorily authorized fines under RCW 9A.20.020 should be available in all sentences.

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:

Mitigating Circumstances

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

(2) 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.

(3) 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.

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

(5) 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).

(6) 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.

(7) 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.

Aggravating Circumstances

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

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

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

(a) The offense involved multiple victims of multiple incidents per victim;

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

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

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

(4) The 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:

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

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

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

(d) The offender possessed a firearm during the commission of the offense; or

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

(f) The 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

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

(h) 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 9.94A.400.

The above considerations are illustrative only and are not intended to be exclusive reasons for exceptional sentences. (1983 c 115 § 10.)

Effective date—1983 c 115: See RCW 9.94A.300.

Comment

Departures from the Standard Sentence Range: 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 non-exclusive 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. An illustrative aggravating factor was inadvertently codified by the Code Revisor as part of the aggravating factors for drug offenses, rather than as a separate factor. (It is listed as "4(h)" rather than "5".) Both the Commission and the legislature intended for this example of an aggravating factor to apply to any crime, not just for violations of the Uniform Controlled Substances Act. In addition, the citation to the purpose section of the chapter is incorrect. (It should be RCW 9.94A.010 instead of RCW 9.94A.400.) As these are all illustrative factors only, the intent of the Legislature should control over such scrivener's error.

The Commission will seek legislative correction of these errors in the 1985 session.

9.94A.400 Consecutive/concurrent sentences.

(1) (a) Except as provided in (b) of this subsection, whenever a person is convicted of two or more offenses, the sentence range for each offense shall be determined by using all other current and prior convictions as criminal history. All sentences so determined shall be served concurrently. Separate crimes encompassing the same criminal conduct shall be counted as one crime in determining history.

(b) Whenever a person is convicted of three or more serious violent offenses, as defined in RCW 9.94A.330, 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 as criminal history and the sentence range for other serious violent offenses shall be determined using a criminal history score of zero. The sentence range for any remaining 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 imprisonment, 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 consecutively 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 concurrently.

(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, this 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 of conditions of any of the sentences. (1983 c 115 § 11.)

Effective date—1983 c 115: See RCW 9.94A.300.

Comment

Providing appropriate sanctions when a defendant is being sentenced for more than one crime was a complicated issue for the Sentencing Guidelines Commission. The language adopted for the consecutive/concurrent policy reflects that complexity.

Subsection (1) covers current convictions on multiple counts. The general rule in (1) (a) is that all current offenses serve as criminal history in determining the sentence range for each count, and all sentences are served concurrently. The only exception is where a person is convicted of three or more serious violent offenses (as defined in RCW 9.94A.330) arising from separate and distinct criminal conduct. As (1) (b) indicates, in those cases, the sentence range for only the most serious crime is determined using the offender's criminal history. On other serious violent counts, the range is found using zero criminal history, and on any additional counts, the sentence range is determined according to (1) (a). All sentences for serious violent offenses are served consecutively and all others are served concurrently.

Subsection (1) includes the phrase "same criminal conduct." A Washington appellate court, in another context, interpreted this phrase to mean: "A criminal event which is intimately related or connected to another criminal event." This language comes from State v. Adcock, 36 Wn. App. 699 (1984) interpreting the juvenile code's phrase "the same course of conduct." Also see State v. Erickson, 22 Wn App. 38, (1978).

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 Subsections (2) and (3) 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. Subsection (3) covers only the occasion where the latter crime was committed at a point before the offender had been sentenced for a previous crime.

Subsection (3) will often be relevant where the defendant 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 had received a deferred or suspended sentence and now is having that probation revoked. It runs consecutively to any sentence imposed under the new presumptive scheme.

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.

9.94A.410 Convictions for attempts, solicitations, or conspiracies. 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. (1983 c 115 § 12.)

Effective date—1983 c 115: See RCW 9.94A.300.

9.94A.420 Presumptive ranges that exceed the statutory maximum. (Effective July 1, 1984.) 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. (1983 c 115 § 13.)

Effective date—1983 c 115: See RCW 9.94A.300.

VI. RECOMMENDED PROSECUTING STANDARDS FOR CHARGING AND PLEA DISPOSITIONS

9.94A.430 Introduction. (Effective July 1, 1984.) 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. (1983 c 115 § 14.)

Effective date—1983 C 115: See RCW 9.94A.300.

Comment

Chapter Title: The section title references 'recommended' prosecuting standards. As in the case with the title for Section V, the term 'recommended' is not appropriate insofar as the Commission's 'recommendations' have now been adopted as law. The Commission will seek a change in the title in future legislative sessions.

9.94A.440. Evidentiary sufficiency. (Effective July 1, 1984.) (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.

GUIDELINES/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.

The 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 ensure 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.

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 13 for the crimes within these categories.

TABLE 13

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder
1st Degree Murder
2nd Degree Murder
1st Degree Kidnapping
1st Degree Assault
1st Degree Rape
1st Degree Robbery
1st Degree Statutory Rape
1st Degree Arson
2nd Degree Kidnapping
2nd Degree Assault
2nd Degree Rape
2nd Degree Robbery
1st Degree Burglary
1st Degree Manslaughter
2nd Degree Manslaughter
1st Degree Extortion
Indecent Liberties
2nd Degree Statutory Rape
Incest
Vehicular Homicide
3rd Degree Rape
3rd Degree Statutory Rape
2nd Degree Extortion
1st Degree Promoting Prostitution

Intimidating a Juror
Communication with a Minor for Immoral Purposes
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
Welfare Fraud
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 Police Vehicle
Wilful 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 court action" was chosen for person crimes because it implies a decision, which, after objective review of the case, can be defended in court.

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 or 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. (1983 c 115 § 15.)

Effective date—1983 c 115: See RCW 9.94A.300.

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 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 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.

9.94A.450 Plea dispositions. (Effective July 1, 1984.) 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. (1983 c 115 § 16.)

Effective date—1983 c 115: See RCW 9.94A.300.

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. (1983 c 115 § 17.)

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.

NEW SECTION. Sec. 32. Section 27, chapter 137, Laws of 1981 and RCW 9.94A.900 are each repealed.

NEW SECTION. Sec. 33. Sections 1 through 26 of this act shall take effect on July 1, 1984, and sections 27 through 32 of this act shall take effect June 30, 1984.

9.94A.905 Effective date of RCW 9.94A.080 through 9.94A.130, 9.94A.150 through 9.94A.230, 9.94A.250, 9.94A.260—Sentences apply to felonies committed after

June 30, 1984. RCW 9.94A.080 through 9.94A.130, 9.94A.150 through 9.94A.230, and 9.94A.250 and 9.94A.260 shall take effect on July 1, 1984. The sentences required under this chapter shall be prescribed in each sentence which occurs for a felony committed after June 30, 1984. (1981 c 137 § 28.)

9.94A.910 Severability--1981 c 137. 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. (1981 c 137 § 41.)

1/SG-27

SECTION III. OFFENSE REFERENCE SHEETS

This section includes individual Offense Reference Sheets for all felonies with a standard sentence range. An index follows.

The Offense Reference Sheets indicate the applicable offender scoring rules and available sentencing options. The standard sentence range is displayed. These sheets are intended to be used as a desk reference. The bottom line of the Offense Reference Sheet indicates which Scoring Form is suitable for each offense.

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AGGRAVATED MURDER, FIRST DEGREE
(RCW 10.95.020)

I. OFFENDER SCORING

ADULT HISTORY:

Not Scored.

JUVENILE HISTORY:

Not Scored.

OTHER CURRENT OFFENSES:

Not Scored.

II. STANDARD SENTENCE RANGE

A. OFFENDER SCORE: NONE
STANDARD RANGE: Death Penalty or Life sentence without Parole.
(Seriousness Level XIV)

B. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

**ARSON, FIRST DEGREE
(RCW 9A.48.020)
VIOLENT**

I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR FIRST DEGREE ARSON

A. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

ARSON, SECOND DEGREE
(RCW 9A.48.030)
VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1)).

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 (SHB 1247, Section 22)

C. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

ASSAULT, FIRST DEGREE
(RCW 9A.36.010)
SERIOUS VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (2))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE:	62 - 82	69 - 92	77 - 102	85 - 113	93 - 123	100 - 133	129 - 171	139 - 185	159 - 212	180 - 240
(Seriousness Level XI)	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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR FIRST DEGREE ASSAULT

A. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE SERIOUS VIOLENT SCORING FORM

ASSAULT, SECOND DEGREE
(RCW 9A.36.020)
VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 _____ = _____

Enter number of other Nonviolent felony convictions _____ x 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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 (SHB 1247, Section 22)
- C. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

ASSAULT, THIRD DEGREE
(RCW 9A.36.030)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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)
- C. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

ATTEMPTING TO ELUDE PURSUING POLICE VEHICLE
(RCW 46.61.024)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

II. STANDARD 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. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

**BRIBE RECEIVED BY WITNESS
(RCW 9A.72.100)
NONVIOLENT**

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

**BRIBING A WITNESS
(RCW 9A.72.090)
NONVIOLENT**

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

BURGLARY, FIRST DEGREE
 (RCW 9A.52.020)
 BURGLARY 1

I. OFFENDER SCORING (RCW 9.94A.360 (3))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. STANDARD 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)
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR FIRST DEGREE BURGLARY

- A. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE BURGLARY 1 SCORING FORM

COMMUNICATING WITH A MINOR FOR IMMORAL PURPOSES

(RCW 9A.44.110)

NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 =

Total the last column to get the TOTAL OFFENDER SCORE (round down to the nearest whole number)

II. STANDARD 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)

C. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))

D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR COMMUNICATING 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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)

E. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

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 (8))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

Enter number of felony Drug convictions (not simple possession of a controlled substance) _____ 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 felony Drug adjudications (not simple possession of a controlled substance) _____ x 1 = _____

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 felony Drug convictions (not simple possession of a controlled substance) _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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)
- 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 the crime is Delivery or Possession With Intent to Deliver (RCW 9.94A.310, 9.94A.125)
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT DRUG SCORING FORM

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 (8))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
 those served consecutively are counted separately)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of felony Drug convictions (not simple possession of a controlled substance) _____ 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 Serious Violent and Violent felony adjudications _____ x 2 = _____
 Enter number of felony Nonviolent Drug adjudications (not simple possession of
 a controlled substance) _____ x 1 = _____
 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 (not simple possession of a controlled substance) _____ x 2 = _____
 Enter number of other felony convictions _____ x 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. STANDARD 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)
- 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 the crime is Delivery or Possession With Intent to Deliver (RCW 9.94A.310, 9.94A.125)
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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 (SHB 1247, Section 22)
- C. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT DRUG SCORING FORM

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 (8))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
 those served consecutively are counted separately)

Enter number of felony Drug convictions (not simple possession of a controlled substance) _____ 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 felony Drug adjudications (not simple possession of a controlled substance) _____ x 1 = _____
 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 felony Drug convictions (not simple possession of a controlled substance) _____ x 2 = _____
 Enter number of other felony convictions _____ x 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. STANDARD 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)
- 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 the crime is Delivery or Possession With Intent to Deliver (RCW 9.94A.310, 9.94A.125)
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT DRUG SCORING FORM

DAMAGING BUILDING, ETC., BY EXPLOSION
WITH THREAT TO HUMAN BEING
(RCW 70.74.280 (1))
VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR DAMAGING BUILDING, ETC., BY EXPLOSION WITH THREAT TO HUMAN BEING

- A. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

DAMAGING BUILDING, ETC., BY EXPLOSION WITH
NO THREAT TO HUMAN BEING
(RCW 70.74.280 (2))
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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))
- B. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

**EMPLOYING, USING, OR PERMITTING MINOR TO ENGAGE IN
SEXUALLY EXPLICIT CONDUCT FOR COMMERCIAL USE
(RCW 9.68A.020)
NONVIOLENT**

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

**III. SENTENCING OPTIONS FOR EMPLOYING, USING, OR PERMITTING MINOR TO ENGAGE IN
SEXUALLY EXPLICIT CONDUCT FOR COMMERCIAL USE**

- 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. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

ENDANGERING LIFE AND PROPERTY BY EXPLOSIVES
 WITH THREAT TO HUMAN BEING
 (RCW 70.74.270 (1))
 VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
 those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR ENDANGERING LIFE AND PROPERTY BY EXPLOSIVES WITH THREAT TO HUMAN BEING

A. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

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 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
 those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. STANDARD SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
<u>STANDARD RANGE:</u>	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. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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))
- B. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

ESCAPE, FIRST DEGREE
(RCW 9A.76.110)
ESCAPE

I. OFFENDER SCORING (RCW 9.94A.360 (6))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

Enter number of Escape 1, Escape 2, Wilful Failure to Return from Furlough, and
Wilful Failure to Return from Work Release 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 other Escape 1, Escape 2, Wilful Failure to Return from Furlough, and
Wilful Failure to Return from Work Release convictions _____ x 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR FIRST DEGREE ESCAPE

- A. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 is available for up to one year (SHB 1247, Section 22)
- C. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE ESCAPE SCORING FORM

ESCAPE, SECOND DEGREE
(RCW 9A.76.120)
ESCAPE

I. OFFENDER SCORING (RCW 9.94A.360 (6))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

Enter number of Escape 1, Escape 2, Wilful Failure to Return from Furlough, and
Wilful Failure to Return from Work Release 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 other Escape 1, Escape 2, Wilful Failure to Return from Furlough, and
Wilful Failure to Return from Work Release convictions _____ x 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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)
- C. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE ESCAPE SCORING FORM

EXPLOSIVE DEVICES PROHIBITED
(RCW 70.74.180)
VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR EXPLOSIVE DEVICES PROHIBITED

A. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

EXTORTION, FIRST DEGREE

(RCW 9A.56.120)

VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 =

Total the last column to get the TOTAL OFFENDER SCORE (round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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 (SHB 1247, Section 22)
- C. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

EXTORTION, SECOND DEGREE
(RCW 9A.56.130)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

II. STANDARD 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)
- C. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

FALSE VERIFICATION FOR WELFARE
(RCW 74.08.055)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

**FORGED PRESCRIPTION
(RCW 69.41.020)
NONVIOLENT**

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

II. STANDARD 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. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR FORGED PRESCRIPTION

- 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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

FORGERY
(RCW 9A.60.020)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

HIT AND RUN - INJURY ACCIDENT
 (RCW 46.52.020 (4))
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
 those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. STANDARD 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. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

INCEST, FIRST DEGREE
(RCW 9A.64.020 (1))
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

INCEST, SECOND DEGREE
(RCW 9A.64.020 (2))
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

II. STANDARD 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. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- E. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

INDECENT LIBERTIES (WITH FORCIBLE COMPULSION)
 (RCW 9A.44.100 (1)(a))
 VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
 those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
 (round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

INDECENT LIBERTIES (WITHOUT FORCIBLE COMPULSION)
 (RCW 9A.44.100 (1)(b,c))
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
 those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
 (round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

INTIMIDATING A JUROR
(RCW 9A.72.130)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
<u>STANDARD RANGE:</u>	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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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))
- B. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

INTIMIDATING A PUBLIC SERVANT
(RCW 9A.76.180)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

INTIMIDATING A WITNESS
(RCW 9A.72.110)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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))

B. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

INTRODUCING CONTRABAND, FIRST DEGREE
(RCW 9A.76.140)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
<u>STANDARD RANGE:</u>	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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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))

B. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

INTRODUCING CONTRABAND, SECOND DEGREE
(RCW 9A.76.150)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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)
- C. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

KIDNAPPING, FIRST DEGREE
 (RCW 9A.40.020)
 SERIOUS VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (2))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
 those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
 (round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR FIRST DEGREE KIDNAPPING

- A. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE SERIOUS VIOLENT SCORING FORM

**KIDNAPPING, SECOND DEGREE
(RCW 9A.40.030)
VIOLENT**

I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

II. STANDARD 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)
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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 (SHB 1247, Section 22)
- C. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

MALICIOUS HARASSMENT
 (RCW 9A.36.080)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
 (round down to the nearest whole number)

II. STANDARD 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. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

MALICIOUS MISCHIEF, FIRST DEGREE
 (RCW 9A.48.070)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
 those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
 (round down to the nearest whole number)

II. STANDARD 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)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

MALICIOUS MISCHIEF, SECOND DEGREE
 (RCW 9A.48.080)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
 those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. STANDARD 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. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

MANSLAUGHTER, FIRST DEGREE
(RCW 9A.32.060)
VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. STANDARD 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))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR FIRST DEGREE MANSLAUGHTER

- A. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

MANSLAUGHTER, SECOND DEGREE
 (RCW 9A.32.070)
VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
 (round down to the nearest whole number)

II. STANDARD 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. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR SECOND DEGREE MANSLAUGHTER

- A. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER
 A NARCOTIC FROM SCHEDULE I OR II
 (RCW 69.50.401 (a)(1)(i))
 FIRST DRUG CONVICTION
 NONVIOLENT DRUG

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
 those served consecutively are counted separately)

Enter number of felony Drug convictions (not simple possession of a controlled substance) _____ 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 felony Drug adjudications (not simple possession of a controlled substance) _____ x 1 = _____

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 felony Drug convictions (not simple possession of a controlled substance) _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
 (round down to the nearest whole number)

II. STANDARD 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. 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 the crime is Delivery or Possession With Intent to Deliver (RCW 9.94A.310, 9.94A.125)
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER
 A NARCOTIC FROM SCHEDULE I OR II (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. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT DRUG SCORING FORM

MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER
A NARCOTIC FROM SCHEDULE I OR II
(RCW 69.50.401 (a)(1)(i))
SUBSEQUENT DRUG CONVICTION
VIOLENT DRUG

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____

Enter number of felony Drug convictions (not simple possession of a controlled substance) _____ 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 Serious Violent and Violent felony adjudications _____ x 2 = _____

Enter number of felony Nonviolent Drug adjudications (not simple possession
of a controlled substance) _____ x 1 = _____

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 (not simple possession of a controlled substance) _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. 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 the crime is Delivery or Possession With Intent to Deliver (RCW 9.94A.310, 9.94A.125)
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER A NARCOTIC
FROM SCHEDULE I OR II (SUBSEQUENT DRUG CONVICTION)

- A. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT DRUG SCORING FORM

MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER
 A NARCOTIC FROM SCHEDULE III-V OR NONNARCOTIC FROM SCHEDULE I-V
 (EXCEPT MARIJUANA)
 (RCW 69.50.401 (a)(1)(ii-iv))
 NONVIOLENT DRUG

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
 those served consecutively are counted separately)

Enter number of felony Drug convictions (not simple possession of a controlled substance) _____ 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 felony Drug adjudications (not simple possession of a controlled substance) _____ x 1 = _____

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 felony Drug convictions (not simple possession of a controlled substance) _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. STANDARD 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 and the crime is Delivery or Possession With Intent to Deliver (RCW 9.94A.310, 9.94A.125)
- D. Statutory maximum sentence for first drug conviction is 60 months (5 years) (RCW 69.50.401 (a)(1)(ii-iv))
- E. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER
 A NARCOTIC FROM SCHEDULE III-V OR NONNARCOTIC 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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT DRUG SCORING FORM

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 (8))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

Enter number of felony Drug convictions (not simple possession of a controlled substance) _____ 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 felony Drug adjudications (not simple possession of a controlled substance) _____ x 1 = _____
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 felony Drug convictions (not simple possession of a controlled substance) _____ x 2 = _____
Enter number of other felony convictions _____ x 1 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

II. STANDARD 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)
- 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 the crime is Delivery or Possession With Intent to Deliver (RCW 9.94A.310, 9.94A.125)
- D. Statutory maximum sentence for first drug conviction is 60 months (5 years) (RCW 69.50.401 (a)(1)(ii))
- E. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT DRUG SCORING FORM

MURDER, FIRST DEGREE
(RCW 9A.32.030)
SERIOUS VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (2))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR FIRST DEGREE MURDER

- A. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE SERIOUS VIOLENT SCORING FORM

MURDER, SECOND DEGREE
 (RCW 9A.32.050)
 SERIOUS VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (2))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
 those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR SECOND DEGREE MURDER

- A. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE SERIOUS VIOLENT SCORING FORM

OVER 18 AND DELIVER A NARCOTIC FROM SCHEDULE I OR II TO SOMEONE
 UNDER 18 AND 3 YEARS JUNIOR
 (RCW 69.50.406)
 VIOLENT DRUG

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
 those served consecutively are counted separately)

Enter number of Serious Violent and Violent felony convictions _____ x 2 = _____
 Enter number of felony Drug convictions (not simple possession of a controlled substance) _____ 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 Serious Violent and Violent felony adjudications _____ x 2 = _____
 Enter number of felony Nonviolent Drug adjudications (not simple possession
 of a controlled substance) _____ x 1 = _____
 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 (not simple possession of a controlled substance) _____ x 2 = _____
 Enter number of other felony convictions _____ x 1 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
 (round down to the nearest whole number)

II. STANDARD 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 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR OVER 18 AND DELIVER A NARCOTIC FROM
 SCHEDULE I OR II TO SOMEONE UNDER 18 AND 3 YEARS JUNIOR

- A. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT DRUG SCORING FORM

OVER 18 AND DELIVER A NARCOTIC FROM SCHEDULE III-V OR
 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 (8))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
 those served consecutively are counted separately)

Enter number of felony Drug convictions (not simple possession of a controlled substance) _____ 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 felony Drug adjudications (not simple possession of a controlled substance) _____ x 1 = _____

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 felony Drug convictions (not simple possession of a controlled substance) _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. STANDARD 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 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. Statutory maximum sentence is 120 months (10 years) (RCW 69.50.406)
- E. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR OVER 18 AND DELIVER A NARCOTIC FROM SCHEDULE III-V OR 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))
- B. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT DRUG SCORING FORM

PERJURY, FIRST DEGREE
(RCW 9A.72.020)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

PERJURY, SECOND DEGREE
(RCW 9A.72.030)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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)
- C. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

POSSESSION OF A CONTROLLED SUBSTANCE THAT IS
A NARCOTIC FROM SCHEDULE I OR II
(RCW 69.50.401 (d))
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR POSSESSION OF CONTROLLED SUBSTANCE THAT IS A NARCOTIC 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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

POSSESSION OF A CONTROLLED SUBSTANCE THAT IS A NARCOTIC FROM SCHEDULE III, IV, OR V
OR A NONNARCOTIC FROM SCHEDULE I-V
(RCW 69.50.401 (d))
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR POSSESSION OF A CONTROLLED SUBSTANCE THAT IS A NARCOTIC
FROM SCHEDULE III, IV, OR V OR A NONNARCOTIC FROM SCHEDULE I-V

- 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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

POSSESSION OF STOLEN PROPERTY, FIRST DEGREE
(RCW 9A.56.150)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

POSSESSION OF STOLEN PROPERTY, SECOND DEGREE
(RCW 9A.56.160)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

II. STANDARD 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. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

PROMOTING PROSTITUTION, FIRST DEGREE
(RCW 9A.88.070)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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))
- B. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

PROMOTING PROSTITUTION, SECOND DEGREE
(RCW 9A.88.080)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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)
- C. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

**RAPE, FIRST DEGREE
(RCW 9A.44.040)
SERIOUS VIOLENT**

I. OFFENDER SCORING (RCW 9.94A.360 (2))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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))
- B. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE SERIOUS VIOLENT SCORING FORM

**RAPE, SECOND DEGREE
(RCW 9A.44.050)
VIOLENT**

I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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))

B. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

**RAPE, THIRD DEGREE
(RCW 9A.44.060)
NONVIOLENT**

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- E. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

RECKLESS BURNING, FIRST DEGREE
 (RCW 9A.48.040)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
 those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
 (round down to the nearest whole number)

II. STANDARD 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. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

RENDERING CRIMINAL ASSISTANCE, FIRST DEGREE
(RCW 9A.76.070)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

II. STANDARD 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. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

ROBBERY, FIRST DEGREE
 (RCW 9A.56.200)
VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
 those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. STANDARD 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)
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR FIRST DEGREE ROBBERY

- A. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

ROBBERY, SECOND DEGREE
(RCW 9A.56.210)
VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
 (round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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 (SHB 1247, Section 22)
- C. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

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 (8))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

Enter number of felony Drug convictions (not simple possession of a controlled substance) _____ 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 felony Drug adjudications (not simple possession of a controlled substance) _____ x 1 = _____
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 felony Drug convictions (not simple possession of a controlled substance) _____ x 2 = _____
Enter number of other felony convictions _____ x 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. Statutory maximum sentence for first conviction for this crime is 60 months (5 years) (RCW 69.50.410 (2))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR SELLING FOR PROFIT SCHEDULE I
CONTROLLED OR COUNTERFEIT SUBSTANCE (EXCEPT HEROIN)

- 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. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT DRUG SCORING FORM

SELLING HEROIN FOR PROFIT
(RCW 69.50.410 (3))
NONVIOLENT DRUG

I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

Enter number of felony Drug convictions (not simple possession of a controlled substance) _____ 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 felony Drug adjudications (not simple possession of a controlled substance) _____ x 1 = _____
 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 felony Drug convictions (not simple possession of a controlled substance) _____ x 2 = _____
 Enter number of other felony convictions _____ x 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. STANDARD 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 9.92.010)
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR SELLING HEROIN FOR PROFIT

- 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. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT DRUG SCORING FORM

SENDING, BRINGING INTO THE STATE, POSSESSING,
 PUBLISHING, PRINTING, ETC., OBSCENE MATTER
 INVOLVING MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT
 (RCW 9.68A.030)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
 those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. STANDARD 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. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR SENDING, BRINGING INTO THE STATE, POSSESSING, PUBLISHING, PRINTING, ETC.,
 OBSCENE MATTER INVOLVING 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))
- B. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

STATUTORY RAPE, FIRST DEGREE
(RCW 9A.44.070)
VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR FIRST DEGREE STATUTORY 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 less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b))
- C. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

STATUTORY RAPE, SECOND DEGREE
(RCW 9A.44.080)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR SECOND DEGREE STATUTORY 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 less than six year: sexual offender treatment program (RCW 9.94A.120 (7)(b))
- C. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

STATUTORY RAPE, THIRD DEGREE
(RCW 9A.44.090)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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)
- C. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR THIRD DEGREE STATUTORY 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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- E. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

TAKING MOTOR VEHICLE WITHOUT PERMISSION
(RCW 9A.56.070)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

II. STANDARD 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. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

TAMPERING WITH A WITNESS
 (RCW 9A.72.120)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
 (round down to the nearest whole number)

II. STANDARD 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)
- C. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

THEFT, FIRST DEGREE
 (RCW 9A.56.030)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
 those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
 (round down to the nearest whole number)

II. STANDARD 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)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

THEFT, SECOND DEGREE
(RCW 9A.56.040)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

THEFT OF LIVESTOCK
 (RCW 9A.56.080)
 NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
 (round down to the nearest whole number)

II. STANDARD 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)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR 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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

UNLAWFUL IMPRISONMENT
(RCW 9A.40.040)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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)
- C. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

UNLAWFUL ISSUANCE OF CHECKS OR DRAFTS
(RCW 9A.56.060)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

UNLAWFUL POSSESSION OF A SHORT FIREARM OR PISTOL
(RCW 9.41.040)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

II. STANDARD 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)
- C. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR UNLAWFUL POSSESSION OF A SHORT FIREARM OR PISTOL

- A. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- C. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

UNRANKED OFFENSE

I. OFFENDER SCORING

ADULT HISTORY:

Not Scored.

JUVENILE HISTORY:

Not Scored.

OTHER CURRENT OFFENSES:

Not Scored.

II. STANDARD SENTENCE RANGE

A. OFFENDER SCORE: NONE

STANDARD RANGE: Not more than 12 months. (RCW 9.94A.120 (6))
(Seriousness Level - Unranked)

B. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. Exceptional sentence (RCW 9.94A.120 (2) and (6))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE UNRANKED SCORING FORM

VEHICLE PROWL, FIRST DEGREE
(RCW 9A.52.095)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

VEHICULAR ASSAULT
(RCW 46.61.522)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR VEHICULAR 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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

VEHICULAR HOMICIDE
(RCW 46.61.520)
VEHICULAR HOMICIDE

I. OFFENDER SCORING (RCW 9.94A.360 (4))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

Enter number of Vehicular Homicide convictions _____ x 2 = _____

Enter number of Felony Hit and Run, Vehicular Assault, Attempting to Elude a Police Vehicle,
Driving while Intoxicated, Actual Physical Control, Reckless Driving, and Misdemeanor
Hit and Run convictions _____ x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Vehicular Homicide adjudications _____ x 2 = _____

Enter number of Felony Hit and Run, Vehicular Assault, Attempting to Elude a Police Vehicle,
Driving while Intoxicated, Actual Physical Control, Reckless Driving, and
Misdemeanor Hit and Run 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 convictions _____ x 2 = _____

Enter number of other Felony Hit and Run, Vehicular Assault, Attempting to Elude a Police
Vehicle, Driving while Intoxicated, Actual Physical Control, Reckless Driving, or
Misdemeanor Hit and Run convictions _____ x 1 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR VEHICULAR HOMICIDE

- A. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VEHICULAR HOMICIDE SCORING FORM

WELFARE FRAUD
(RCW 74.08.331)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)

II. STANDARD 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)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR WELFARE FRAUD

- 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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 can be ordered for up to one year (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET FOR USE WITH THE NONVIOLENT SCORING FORM

WILFUL FAILURE TO RETURN FROM FURLOUGH
(RCW 72.66.060)
ESCAPE

I. OFFENDER SCORING (RCW 9.94A.360 (6))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

Enter number of Escape 1, Escape 2, Wilful Failure to Return from Furlough, and
Wilful Failure to Return from Work Release 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 other Escape 1, Escape 2, Wilful Failure to Return from Furlough, and
Wilful Failure to Return from Work Release convictions _____ x 1 = _____

Total the last column to get the **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR WILFUL FAILURE TO RETURN FROM FURLOUGH

- A. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- C. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE ESCAPE SCORING FORM

IV. SENTENCING FORMS

This section contains two types of forms: Scoring Forms and Judgment and Sentence Forms.

SCORING FORMS

The scoring forms are designed for submission to the court. The forms are categorized according to the ten types of offender scoring rules:

Serious Violent	Nonviolent Drug
Violent	Escape
Vehicular Homicide	Burglary 2
Burglary 1	Nonviolent
Violent Drug	Unranked

The Offense Scoring Categories (Table 5, page IV-2) show the crimes in each of these categories. The top of each Scoring Form also indicates which offenses apply to that form.

TABLE 5
OFFENSE SCORING CATEGORIES

OFFENSE SERIOUSNESS LEVEL	OFFENSE TITLE	RCW
***** SERIOUS VIOLENT *****		
XIV	Aggravated Murder 1	10.95.020
XI	Assault 1	9A.36.010
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.36.020
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
IX	Manslaughter 1	9A.32.060
VI	Manslaughter 2	9A.32.070
VIII	Rape 2	9A.44.050
IX	Robbery 1	9A.56.200
IV	Robbery 2	9A.56.210
IX	Statutory Rape 1	9A.44.070

***** VEHICULAR HOMICIDE ***** (Violent)		
VII	Vehicular Homicide	46.61.520

***** BURGLARY 1 ***** (Violent)		
VII	Burglary 1	9A.52.020

***** VIOLENT DRUG *****		
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 a Narcotic from Schedule I or II (Subsequent Drug Conviction)	69.50.401(a)(1)(i)
X	Over 18 and Deliver a Narcotic from Schedule I or II to Someone Under 18 and 3 Years Junior	69.50.406

OFFENSE SERIOUSNESS LEVEL	OFFENSE TITLE	RCW
***** NONVIOLENT DRUG *****		
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)
---	Forged Prescription (see NONVIOLENT category)	
IV	Manufacture, Deliver or Possess with Intent to Deliver a Narcotic from Schedule III-V or a Nonnarcotic from Schedule I-V (Except Marijuana)	69.50.401(a)(1)(ii-iv)
VI	Manufacture, Deliver, or Possess with Intent to Deliver a Narcotic from Schedule I or II (First Drug Conviction Only)	69.50.401(a)(1)(i)
III	Manufacture, Deliver, or Possess with Intent to Deliver Marijuana	69.50.401(a)(1)(ii)
IX	Over 18 and Deliver a 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	9A.76.110
III	Escape 2	9A.76.120
IV	Wilful Failure to Return from Furlough	72.66.060
None	Wilful Failure to Return from Work Release	72.65.070

***** BURGLARY 2 ***** (Nonviolent)		
II	Burglary 2	9A.52.030

***** NONVIOLENT *****		
III	Assault 3	9A.36.030
I	Attempting to Elude Pursuing Police Vehicle	46.61.024
IV	Bribe Received by Witness	9A.72.100
VI	Bribery	9A.68.010
IV	Bribing a Witness	9A.72.090
III	Communicating with a Minor for Immoral Purposes	9A.44.110
VI	Damaging Building, Etc., by Explosion with No Threat to Human Being	70.74.280(2)
IX	Employing, Using, or Permitting Minor to Engage in Sexually Explicit Conduct for Commercial Use	9.68A.020
VI	Endangering Life and Property by Explosives, No Threat to Human Being	70.74.270(2)
III	Extortion 2	9A.56.130

OFFENSE
SERIOUSNESS
LEVEL

OFFENSE TITLE

RCW

***** NONVIOLENT *****
(Continued)

I	False Verification for Welfare	74.08.055
I	Forged Prescription	69.41.020
I	Forgery	9A.60.020
IV	Hit and Run -- Injury Accident	46.52.020(4)
VI	Incest 1	9A.64.020(1)
V	Incest 2	9A.64.020(2)
VI	Indecent Liberties (Without Forcible Compulsion)	9A.44.100(1)(b,c)
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	Malicious Harassment	9A.36.080
II	Malicious Mischief 1	9A.48.070
I	Malicious Mischief 2	9A.48.080
V	Perjury 1	9A.72.020
III	Perjury 2	9A.72.030
II	Possession of a Controlled Substance That Is a Narcotic from Schedule I or II	69.50.401(d)
I	Possession of a Controlled Substance That Is a Narcotic from Schedule III, IV, or V or a Nonnarcotic from Schedule I-V	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
I	Reckless Burning 1	9A.48.040
V	Rendering Criminal Assistance 1	9A.76.070
VII	Sending, Bringing into the State, Possessing, Publishing, Printing, Etc., Obscene Matter Involving Minor Engaged in Sexually Explicit Conduct	9.68A.030
VII	Statutory Rape 2	9A.44.080
III	Statutory Rape 3	9A.44.090
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
II	Theft of Livestock	9A.56.080
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	Vehicle Prowl 1	9A.52.095
IV	Vehicular Assault	46.61.522
II	Welfare Fraud	74.08.331

Serious Violent Offenses

Use this form only for the following offenses: Assault 1, Kidnapping 1, Murder 1, Murder 2, and Rape 1

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #
JUDGE	CAUSE #	FBI ID #

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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: (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 = _____

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 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.

*Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

SENTENCING GUIDELINES SCORING FORM

Violent Offenses

Use this form only for the following offenses: Arson 1, Arson 2, Assault 2, 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, Manslaughter 1, Manslaughter 2, Rape 2, Robbery 1, Robbery 2, Statutory Rape 1

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #
JUDGE	CAUSE #	FBI ID #

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

Enter number of Serious Violent and Violent felony convictions $\underline{\hspace{2cm}}$ x 2 = $\underline{\hspace{2cm}}$
 Enter number of Nonviolent felony convictions $\underline{\hspace{2cm}}$ x 1 = $\underline{\hspace{2cm}}$

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications $\underline{\hspace{2cm}}$ x 2 = $\underline{\hspace{2cm}}$
 Enter number of Nonviolent felony adjudications $\underline{\hspace{2cm}}$ x 1/2 = $\underline{\hspace{2cm}}$

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 $\underline{\hspace{2cm}}$ x 2 = $\underline{\hspace{2cm}}$
 Enter number of other Nonviolent felony convictions $\underline{\hspace{2cm}}$ x 1 = $\underline{\hspace{2cm}}$

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 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.

*Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

SENTENCING GUIDELINES SCORING FORM

Vehicular Homicide Offenses

Use this form only for Vehicular Homicide offenses

OFFENDER'S NAME	OFFENDERS DOB	STATE ID #
JUDGE	CAUSE #	FBI ID #

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

Enter number of Vehicular Homicide convictions x 2 = _____

Enter number of **Felony** Hit and Run, Vehicular Assault, Attempting to Elude a Police Vehicle, Driving While Intoxicated, Actual Physical Control, Reckless Driving, and **Misdemeanor** Hit and Run convictions x 1 = _____

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Vehicular Homicide adjudications x 2 = _____

Enter number of **Felony** Hit and Run, Vehicular Assault, Attempting to Elude a Police Vehicle, Driving While Intoxicated, Actual Physical Control, Reckless Driving, and **Misdemeanor** Hit and Run adjudications x ½ = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct count in offender score)

Enter number of other Vehicular Homicide convictions x 2 = _____

Enter number of other **Felony** Hit and Run, Vehicular Assault, Attempting to Elude a Police Vehicle, Driving While Intoxicated, Actual Physical Control, Reckless Driving and **Misdemeanor** Hit and Run convictions x 1 = _____

Add the scores in each category **TOTAL OFFENDER SCORE**
 (round down to the nearest whole number)

STANDARD SENTENCE RANGE CALCULATION

Vehicular Homicide	VII	TO	LOW	HIGH
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	STANDARD SENTENCE RANGE	

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: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 = _____

Add the scores in each category **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

STANDARD SENTENCE RANGE CALCULATION*

Burglary I	VII	OFFENDER	TO	HIGH
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	SCORE	LOW	STANDARD SENTENCE RANGE

*Add 18 months to the standard range if there is a **special verdict/finding** for deadly weapon.

*Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

SENTENCING GUIDELINES SCORING FORM Violent Drug Offenses

Use this form only for the following offenses: Create, Deliver, or Possess a Counterfeit Controlled 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 (subsequent drug conviction only); Over 18 and Deliver A Narcotic from Schedule I or II to Someone Under 18 and 3 Years Junior.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #
JUDGE	CAUSE #	FBI ID #

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

Enter number of Serious Violent and Violent felony convictions x 2 = _____

Enter number of felony Drug convictions (not simple possession of a controlled substance) 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 Serious Violent and Violent felony adjudications x 2 = _____

Enter number of felony Drug adjudications (not simple possession of a controlled substance) 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 Serious Violent and Violent felony convictions x 2 = _____

Enter number of other felony Drug convictions (not simple possession of a controlled substance) x 2 = _____

Enter number of other felony convictions x 1 = _____

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.

*Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

SENTENCING GUIDELINES SCORING FORM Nonviolent Drug Offenses

Use this form only for the following offenses: Create, Deliver, or Possess a Counterfeit Controlled Substance — Schedule I or II Narcotic (first drug conviction only); Create, Deliver, or Possess a Counterfeit Controlled Substance — Schedule III-V Narcotic or Schedule I-V Nonnarcotic; Manufacture, Deliver, or Possess with Intent to Deliver a Narcotic from Schedule I or II (first drug conviction only); Manufacture, Deliver, or Possess with Intent to Deliver a Narcotic from Schedule III-V or Nonnarcotic from Schedule I-V (except marijuana); 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: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

Enter number of felony Drug convictions (not simple possession of a controlled substance) _____ 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 felony Drug adjudications (not simple possession of a controlled substance) _____ 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 felony Drug convictions (not simple possession of a controlled substance) _____ x 2 = _____
 Enter number of other felony convictions _____ x 1 = _____

Add the score 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 the current offense is Delivery or Possession with Intent to Deliver AND there is a **special verdict/finding** for deadly weapon.

*Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

*If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours).

SENTENCING GUIDELINES SCORING FORM Escape Offenses

Use this form only for the following offenses: Escape 1; Escape 2; Wilful Failure to Return from Furlough

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #
JUDGE	CAUSE #	FBI ID #

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

Enter number of Escape 1, Escape 2, Wilful Failure to Return from Furlough, and Wilful Failure to Return from Work Release 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: (Those offenses not encompassing the same criminal conduct count in offender score)

Enter number of other Escape 1, Escape 2, Wilful Failure to Return from Furlough, and Wilful Failure to Return from Work Release Convictions x 1 = _____

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 the current offense is Escape 1 AND there is a **special verdict/finding** for deadly weapon.

*Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

SENTENCING GUIDELINES SCORING FORM Burglary 2 Offenses

Use this form only for Burglary 2 offenses

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #
JUDGE	CAUSE #	FBI ID #

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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 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 = _____

Add the scores in each category **TOTAL OFFENDER SCORE**
(round down to the nearest whole number)

STANDARD SENTENCE RANGE CALCULATION*

Burglary 2	II	OFFENDER	TO
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	SCORE	LOW HIGH STANDARD SENTENCE RANGE

*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.

*Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

*If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours).

SENTENCING GUIDELINES SCORING FORM Nonviolent Offenses

Use this form only for the following offenses: Assault 3; Attempting to Elude Pursuing Police Vehicle; Bribe Received by Witness; Bribery; Bribing a Witness; Communicating with a Minor for Immoral Purposes; Damaging Building, etc.. by Explosion with no Threat to Human Being; Employing, Using, or Permitting Minor to Engage in Sexually Explicit Conduct for Commercial Use; Endangering Life and Property by Explosives with no Threat to Human Being; Extortion 2; False Verification for Welfare; Forged Prescription; Forgery; Hit and Run — Injury Accident; Incest 1; Incest 2; Indecent Liberties (without forcible compulsion); Intimidating a Juror; Intimidating a Public Servant; Intimidating a Witness; Introducing Contraband 1; Introducing Contraband 2; Malicious Harassment; Malicious Mischief 1; Malicious Mischief 2; Perjury 1; Perjury 2; Possession of a Controlled Substance That is a Narcotic from Schedule I or II; Possession of a Controlled Substance that is a Narcotic from Schedule III, IV, or V or Nonnarcotic from Schedule I-V; Possession of Stolen Property 1; Possession of Stolen Property 2; Promoting Prostitution 1; Promoting Prostitution 2; Rape 3; Reckless Burning 1; Rendering Criminal Assistance 1; Sending, Bringing Into the State, Possessing, Publishing, Printing, Etc. Obscene Matter Involving Minor Engaged in Sexually Explicit Conduct; Statutory Rape 2; Statutory Rape 3; Taking Motor Vehicle Without Permission; Tampering with a Witness; Theft 1; Theft 2; Theft of Livestock; Unlawful Imprisonment; Unlawful Issuance of Checks or Drafts; Unlawful Possession of a Short Firearm or Pistol; Vehicle Prowl 1; Vehicular Assault; Welfare Fraud.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #
JUDGE	CAUSE #	FBI ID #

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

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: (Those offenses not encompassing the same criminal conduct count in offender score)

Enter number of other felony convictions x 1 = _____

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

*Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

*If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours).

SENTENCING GUIDELINES SCORING FORM Unranked Offenses

Use this form only for unranked offenses (not listed on any other scoring form)

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #
JUDGE	CAUSE #	FBI ID #

ADULT HISTORY: Not scored

JUVENILE HISTORY: Not Scored

OTHER CURRENT OFFENSES: Not Scored

STANDARD SENTENCE RANGE CALCULATION*

CURRENT OFFENSE BEING SCORED	Unranked SERIOUSNESS LEVEL	none OFFENDER SCORE	0 TO 12 mos. 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.

JUDGMENT AND SENTENCE FORMS

Note: These forms were not finalized for the first printing of the manual. They will be mailed to all recipients of the manual as soon as they are completed.

COURT RULES

The attached court rules were entered by order of the Supreme Court on May 25, 1984 to be effective on July 1, 1984.

CrR 2.1 THE INDICTMENT AND THE INFORMATION

- (a) Use of Indictment or Information. (No change)
- (b) Nature and Contents. (No Change)
- (c) Surplusage. (No Change)
- (d) Amendment of Information. (No Change)
- (e) Bill of Particulars. (No Change)
- (f) Defendant's Criminal History. Upon the filing of an indictment or information charging a felony, the prosecuting attorney shall request a copy of the defendant's criminal history, as defined in RCW 9.94A.030, from the Washington State Patrol Identification and Criminal History Section.

Comment

The purpose of the rule is to ensure that the defendant's criminal history is available when and if the court is required to determine the validity of a plea agreement.

CrR 4.2 PLEAS

- (a) Types. (No change)
- (b) Multiple Offenses. (No change)
- (c) Pleading Insanity. (No change)
- (d) Voluntariness. (No Change)
- (e) Agreements. If a plea of guilty is based upon an agreement between the defendant and the prosecuting attorney, such agreement must be made a part of the record at the time the plea is entered. No agreement shall be made which specifies what action the judge shall take on or pursuant to the plea or which attempts to control the exercise of his discretion, and the court shall so advise the defendant. If the defendant intends to plead guilty pursuant to an agreement with the prosecuting attorney, both the defendant and the prosecuting attorney shall, before the plea is entered, file with the court their understanding of the defendant's criminal history, as defined in RCW 9.94A.030. The nature of the agreement and the reasons for the agreement shall be made a part of the record at the time the plea is entered. The validity of the agreement under RCW 9.94A.090 may be determined at the same hearing at which the plea is accepted.
- (f) Withdrawal of Plea. The court shall allow a defendant to withdraw his plea of guilty whenever it appears that the withdrawal is necessary to correct a manifest injustice. If the defendant pleads guilty pursuant to a plea agreement and the court later determines under RCW 9.94A.090 that the agreement is not binding, the court shall inform the defendant that the guilty plea may be withdrawn and a plea of not guilty entered.

(g) Written Statement. A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty.

Superior Court of Washington
For (_____) County

The State of Washington) No. _____
Plaintiff,)
v.) Statement of
_____,) Defendant on
Defendant) Plea of Guilty

1. My true name is _____.
2. My age is _____.
3. I went through the _____ grade in school.
4. I have been informed and fully understand that I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is _____.
5. I have been informed and fully understand that I am charged with the crime of _____,
that the elements of the crime are _____
and that the maximum sentence for the crime is _____
_____,
the maximum sentence(s) for which is (are) _____ years and \$ _____ fine.
The standard sentence range for the crime is at least _____ and
not more than _____, based upon my criminal history which I
understand the Prosecuting Attorney says to be:

I have been given a copy of the information.

6. I have been informed and fully understand that:
 - (a) I have the right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed.
 - (b) I have the right to remain silent before and during trial, and I need not testify against myself.
 - (c) I have the right at trial to hear and question witnesses who testify against me.
 - (d) I have the right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me.
 - (e) I am presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty.

(f) I have the right to appeal a determination of guilt after a trial.

(g) If I plead guilty I give up the rights in statements 6(a)-(f).

7. I plead _____ to the crime of _____
as charged in the _____ information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. I have been informed and fully understand the Prosecuting Attorney will make the following recommendations to the court: and to the Board of Prison Terms and Paroles _____

_____.

12. I have been informed and fully understand that the court does not have to follow the Prosecuting Attorney's recommendation as to sentence. The court is completely free to give me any sentence up to the maximum permitted by law no matter what the Prosecuting Attorney recommends. the standard sentencing range is based on the crime charged and my criminal history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. Criminal history also includes convictions or guilty pleas at juvenile court that are felonies and which were committed when I was fifteen years of age or older. Juvenile convictions count only if I was less than twenty-three years of age at the time I committed this present offense. I fully understand that if criminal history in addition to that listed in paragraph 5 is discovered, both the standard sentence range and the Prosecuting Attorney's recommendation may increase. Even so, I fully understand that my plea of guilty to this charge is binding upon me if accepted by the court, and I cannot change my mind if additional criminal history is discovered and the standard sentence range and Prosecuting Attorney's recommendation increases.

13. I have been informed and fully understand that if I am sentenced to prison the Judge must sentence me to the maximum term required by the law, which in this case is _____. The minimum term of sentence is set by the Board of Prison Terms and paroles. The Judge and Prosecuting Attorney may recommend a minimum sentence to the Board but the Board does not have to follow their recommendation. I have been further advised that the crime with which I am charged carries a mandatory minimum of _____ years. I have been advised that the law requires that a prison term be imposed and does not permit any form of probation for the crime with which I am charged. I have been advised that if I am sentenced to prison, my sentence must be served consecutively to my prior prison sentence for a prior felony. (If not applicable, any or all of the last three sentences shall be stricken and initiated by the defendant and the Judge.) the court does not have to follow anyone's recommendation as to sentence. I have been fully informed and fully understand that the court must impose a sentence within

the standard sentence range unless the court finds substantial and compelling reasons not to do so. If the court goes outside the standard sentence range, either I or the state can appeal that sentence. If the sentence is within the standard sentence range, no one can appeal the sentence.

14. I understand that if I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

15. The court has asked me to state briefly in my own words what I did that resulted in my being charged with the crime in the information. This is my statement: _____

16. I have read or have had read to me and fully understand all of the numbered sections above (1 through 15) and have received a copy of "Statement of Defendant on Plea of Guilty." I have no further questions to ask of the court.

Defendant

Prosecuting Attorney

Defendant's Lawyer

The foregoing statement was read by or to the defendant and signed by the defendant in the presence of his or her attorney, and the undersigned Judge, in open court. The court finds the defendant's plea of guilty to be knowingly, intelligently and voluntarily made, that the court has informed the defendant of the nature of the charge and the consequences of the plea, that there is a factual basis for the plea, and that the defendant is guilty as charged.

Dated this _____ day of _____, 19 ____.

Judge

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this _____ day of _____, 19 ____.

Interpreter

(h) Verification by Interpreter. If a defendant is not fluent in the English language, a person the court has determined has fluency in the defendant's language shall certify that the written statement provided for in section (g) has been translated orally or in writing and that the defendant has acknowledged that he or she understands the translation.

Comment

Section (e) of the rule accommodates the requirements in RCW 9.94A.080, .090, and .100. The rule also makes it clear that it is unnecessary to hold separate hearings for determining the validity of the agreement and for accepting the guilty plea.

In Section (f) of the rule, a new sentence is added reflecting a similar provision in RCW 9.94A.090. It is desirable to repeat the statutory provision in the rule to avoid any implication that the "manifest injustice" test in the existing rule applies to the withdrawal of a plea entered pursuant to an agreement that is later found to be not binding under the statute.

The rule requires only that the court "inform" the defendant of the right to withdraw a guilty plea. The Commission concluded that the statutory provision requiring a formal "order" was unnecessary and will recommend that the statute be amended to conform to the proposed rule. It is assumed that if the defendant chooses to exercise the option of withdrawing the plea, the withdrawal will be confirmed by the entry of an order.

Regardless of whether the defendant is permitted to withdraw a guilty plea under the existing "manifest injustice" standard or the new statutory provision, the time for trial is extended under CrR 3.3(d)(7) to 90 days after the entry of the order confirming the withdrawal of the plea if the defendant is released, or 60 days if the defendant is to remain in custody pending trial.

Section (g), concerning the defendant's written statement, has been revised throughout to conform to the requirements of the new act.

Section (h) is the same as the corresponding paragraph in the prior rule.

RULE 7.1 PROCEDURES BEFORE SENTENCING (NEW RULE)

(a) Generally. At the time of, or within 3 days after, a plea, finding, or verdict of guilt of a felony, the court may order that a presentence investigation and report be prepared by the Department of Corrections. The court shall also then:

(1) Set a date, time, and place for sentencing in compliance with the time requirements of RCW 9.94A.110;

(2) Order the defendant to return at the designated date, time, and place; and

(3) Set a date at least 10 days before sentencing for delivery of the presentence report, if any, to the court, to the prosecuting attorney, and to the defendant or defense counsel.

(b) Report. The report of the presentence investigation shall contain the defendant's criminal history, as defined by RCW 9.94A.030, and such information about his characteristics, his financial condition, and the circumstances affecting his behavior as may be relevant in imposing sentence or in the correctional treatment of the defendant, and such other information as may be required by the court.

(c) Notice of New Evidence. At least 3 days before the sentencing hearing, defense counsel and the prosecuting attorney shall notify opposing counsel and the court of any part of the presentence report that will be controverted by the production of evidence.

(d) Other Reports. Any interested person, as designated in RCW 9.94A.110, may submit a report separate from that furnished by the Department of Corrections.

Comment

The rule is designed to implement RCW 9.94A.110 and related statutes concerning the sentencing procedure. The entire rule is new; it replaces the existing CrR 7.2, Presentence Investigation, portions of which are incorporated into the new rule.

Section (a) is adapted from Minn. Crim. Rule 27.03. The rule states that the court may order a presentence investigation and report, giving the court a measure of discretion to dispense with a report when the appropriate sentence can readily be determined on the basis of the sentencing guidelines score sheet. The rule codifies the existing practice of requiring the writer of the report to send copies to counsel and to the court.

Section (b) is substantially the same as the prior rule, CrR 7.2(b). The reference in the prior rule to the defendant's "prior criminal record" is replaced by a reference to the defendant's "criminal history" in order to parallel the statutory language.

The reference to "helpful" information is replaced by a reference to "relevant" information because much of what is "helpful" under the existing rule will become irrelevant under a system of presumptive sentencing.

Section (c) ensures that both parties will receive reasonable notice of any intent to controvert the presentence report by the production of new evidence. The combined effect of sections (a) (3) and (c) is that each party will have 7 days to examine the report before giving the required notice.

Section (d) makes it clear that persons who are permitted under RCW 9.94A.110 to present "argument" at sentencing may do so in writing.

Unlike the prior rule, CrR 7.2(c), the rule contains no provision concerning the nondisclosure of "harmful" portions of the presentence report. The Commission concluded that the provision was no longer necessary because much of what might be "harmful" under the prior rule will no longer be relevant under presumptive sentencing and will not be included in the report. If a report under the presumptive sentencing system does contain information that the court believes should be kept confidential, the court may fashion an appropriate remedy on a case-by-case basis.

RULE 7.1 7.2 SENTENCING

(a) Generally. Sentence shall be imposed or an order deferring sentence shall be entered without unreasonable delay. The court shall state the precise terms of the sentence and shall assure that the record accurately reflects all time spent in custody in connection with the offense or behavioral incident for which sentence is imposed. Pending such action the court may release or commit the defendant, pursuant to Rule 3.2. Before disposition the court shall afford counsel an opportunity to speak and shall ask the defendant if he wishes to make a statement in his own behalf and to present any information in mitigation of punishment.

(b) Procedure at Time of Sentencing. The court shall, at the time of sentencing, unless the judgment and sentence are based on a plea of guilty, advise the defendant:

- (1) of his right to appeal the conviction;
- (2) of the right to appeal a sentence outside the standard sentence range;
- (3) that unless a notice of appeal is filed within 30 days after the entry of the judgment or order appealed from, the right to appeal is irrevocably waived;
- (4) that the court clerk will, if requested by the defendant appearing without counsel, file a notice of appeal in his behalf; and
- (5) of his right, if unable to pay the costs thereof, to have counsel appointed and portions of the trial record necessary for review of assigned errors transcribed at public expense for an appeal. These proceedings shall be made a part of the record.

(c) Withdrawal of Plea of Guilty. A motion to withdraw a plea of guilty may be made only before sentence is imposed or imposition of sentence is suspended or deferred, but to correct manifest injustice the court, after sentence, may set aside the judgment of conviction and permit the defendant to withdraw his plea.

(c) Record. A verbatim record of the sentencing proceedings shall be made.

(d) Judgment and Sentence. For every felony sentencing, the clerk of the court shall forward a copy of the judgment and sentence to the Sentencing Guidelines Commission. If the sentence imposed departs from the applicable standard sentence range, the court's written findings of fact and conclusions of law shall also be supplied to the Commission.

Comment

The prior rule, CrR 7.1, is adopted as CrR 7.2.

In paragraph (a), the added language is suggested by Minn. R. Crim. P. 27.03. The deleted language addressed matters that are now covered in more detail in RCW 9.94A.110.

Section (b) is the same as the corresponding section in the prior rule, except that subparagraphs (1) and (2) are modified to reflect the provisions of RCW 9.94A.210.

Section (c), concerning the withdrawal of a guilty plea, is deleted. In the existing rules, the point is covered in both CrR 4.2 and CrR 7.1. (See Rule 4.2.) The language of the two provisions differs, but they appear to be the same in substance. There is no apparent distinction between the two provisions in the cases that have interpreted them. No loss of substance occurs when the provision in CrR 7.1 is deleted, leaving the point governed by CrR 4.2.

Section (c) is suggested by Minn. Crim. Rule 27.03.

Section (d) is suggested by Minn. Crim. Rule 27.03.

CrR 7.3 JUDGMENT

A judgment of conviction shall set forth whether defendant was represented by counsel or ~~validly waived counsel,~~ made a valid waiver of counsel, the plea, the verdict or findings, and the adjudication and sentence. The court may order that its sentence include special conditions or requirements, including a specified schedule for the payment of a fine, restitution, or other costs, or the performance of community service. If the defendant is found not guilty or for any other reason is entitled to be discharged, judgment shall be entered accordingly. The judgment shall be signed by the judge and entered by the clerk.

Comment

The rule codifies the existing practice allowing the court to impose special conditions on its sentence. The rule makes it clear and that special conditions, including a specified schedule, may likewise be imposed with respect to an order for community service, restitution, or costs. (See RCW 9.94A.200, referring to "terms and conditions" of restitution.)

The rule is, of course, subject to any statutory restrictions on the court's sentencing authority. For example, a statute requires that a sentence of confinement for more than 60 days must be served on consecutive days (RCW 9.94A.120). The rule would not permit the court to order that such a sentence be served on intermittent days.

RULE 18.15

ACCELERATED REVIEW OF ADULT SENTENCINGS.

(a) Generally. A sentence which is beyond the standard range may be reviewed in the manner provided in the rules for other decisions or by accelerated review as provided in this rule.

(b) Accelerated Review by Motion. After the notice of appeal has been filed, any party may seek accelerated sentence review and must do so by motion. The motion must include (1) the name of the party filing the motion; (2) the offense; (3) the disposition of the trial court; (4) the standard range for the offense; (5) a statement of the disposition urged by the moving party; (6) copies of the findings of fact, conclusions of law and judgment and sentence; (7) an argument for the relief sought with reference to that portion of RCW 9.94A.210(4) relied upon by the moving party.

(c) Service on Court Reporter or Clerk. A copy of the motion for accelerated review must be served upon the court reporter in attendance at the sentencing, or, in the case of electronic recording, upon the clerk of the superior court.

(d) Time for Hearing. The hearing will be conducted no later than 28 days following filing of the record required by RCW 9.94A.210(5). The court will notify the parties of the hearing date.

(e) Motion Procedure Controls. The motion procedure, including a party's response, is governed by Title 17.

(f) Accelerated Review of Other Issues. The decision of issues other than those relating to the sentence may be accelerated only pursuant to Rules 18.8 and 18.12.

EXAMPLE CASES

The following example cases are designed to illustrate application of the sentencing guidelines and scoring rules.

Each example case provides a short description of the offense(s), a brief summary of the defendant's background, and a list of the defendant's prior record. Below each example are comments on how the scoring rules are applied to that case.

The facing right-hand page is a completed Offense Reference Sheet for that case.

EXAMPLE CASE # 1

Defendant's birthdate: September 16, 1952

**CIRCUMSTANCES
OF CRIME:**

The defendant applied for unemployment compensation on August 1, 1984 and was certified for benefits. He received benefits through December 13, 1984. Each week during this period he completed and signed continued claim cards certifying that he had not worked and had no earnings. Subsequently, it was discovered that he had worked full time for a construction company from August 13 until December 12, 1984. He had received overpayment of benefits totaling \$1,950.

**BACKGROUND OF
DEFENDANT:**

The defendant is 32 years old and is currently employed as an industrial x-ray technician earning \$18.12 per hour. He is married and is responsible for \$125 per month child support from a previous marriage. He has extensive real estate, medical and contract debts.

CONVICTIONS:

Pled guilty to the following crime:

Theft, First Degree (RCW 9A.56.030)

PRIOR ADULT RECORD: None

PRIOR JUVENILE RECORD: None

Comments on scoring this case:

- The offender has no prior convictions, so his Offender Score is "0".

Example Case #1

**THEFT, FIRST DEGREE
(RCW 9A.56.030)
NONVIOLENT**

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

Enter number of felony convictions 0 x 1 = 0

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony adjudications 0 x 1/2 = 0

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions 0 x 1 = 0

Total the last column to get the TOTAL OFFENDER SCORE 0
(round down to the nearest whole number)

II. STANDARD 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)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

EXAMPLE CASE # 2

Defendant's birthdate: July 18, 1947

CIRCUMSTANCES OF CRIME:

While receiving public assistance, the defendant obtained employment on September 10, 1984 and failed to notify DSHS. As a result, she received public assistance for seven months for which she was partially ineligible. DSHS indicated an overpayment of \$1,425.34.

BACKGROUND OF DEFENDANT:

The defendant is 37 years old and lives with her daughter. They receive aid to families with dependent children totaling \$339 per month. She has a history of emotional problems and valium abuse.

CONVICTIONS:

The defendant pled guilty to the following crime:

Welfare Fraud (RCW 74.08.331)

PRIOR ADULT RECORD:

Date

Offense

11-15-80

Unlawful Issuance of Bank Checks
(2 counts, concurrent sentences)

PRIOR JUVENILE RECORD: None

Comments on scoring this case:

- The defendant has two prior adult convictions which count as one offense in the Offender Score because all adult convictions served concurrently are counted as one offense (RCW 9.94A.360(11)).

Example Case #2

WELFARE FRAUD
(RCW 74.08.331)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

Enter number of felony convictions 1 x 1 = 1

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony adjudications 0 x 1/2 = 0

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions 0 x 1 = 0

Total the last column to get the TOTAL OFFENDER SCORE 1
(round down to the nearest whole number)

II. STANDARD 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)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR WELFARE FRAUD

- 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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 can be ordered for up to one year (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET FOR USE WITH THE NONVIOLENT SCORING FORM

EXAMPLE CASE # 3

Defendant's birthdate: October 15, 1944

CIRCUMSTANCES OF CRIME:

The defendant burglarized an office at a used car lot on June 13, 1985. He had been complaining about being "ripped off" on a car deal and had vowed to "get even". The defendant had been drinking heavily the night of the burglary.

BACKGROUND OF DEFENDANT:

The defendant is 41 years old and has a long history of alcohol abuse. This is the first contact with law enforcement since his last felony sentence.

CONVICTIONS:

Pled guilty to the following crime:

Burglary, Second Degree (RCW 9A.52.030)

PRIOR ADULT RECORD:

Date	Offense
1-11-77	Robbery, Second Degree (2 counts, consecutive sentences)

PRIOR JUVENILE RECORD: None

Comments on scoring this case:

- In 1977, the two counts of Second Degree Robbery received consecutive sentences; thus, they each count as criminal history in the Offender Score.

Example Case # 3

BURGLARY, SECOND DEGREE
(RCW 9A.52.030)
BURGLARY 2

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

Enter number of Burglary 1 convictions 0 x 2 = 0
 Enter number of Burglary 2 convictions 0 x 2 = 0
 Enter number of other felony convictions 2 x 1 = 2

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Burglary 1 felony adjudications 0 x 2 = 0
 Enter number of Burglary 2 adjudications 0 x 1 = 0
 Enter number of other felony adjudications 0 x 1/2 = 0

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 0 x 2 = 0
 Enter number of other Burglary 2 convictions 0 x 2 = 0
 Enter number of other felony convictions 0 x 1 = 0

Total the last column to get the TOTAL OFFENDER SCORE 2
 (round down to the nearest whole number)

II. STANDARD 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)
- 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)
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE BURGLARY 2 SCORING FORM

EXAMPLE CASE # 4

Defendant's birthdate: June 4, 1962

CIRCUMSTANCES OF CRIME:

On December 13, 1984, the victim was working at a gas station. He turned and saw the defendant standing inside the door of his office. The defendant had his hand in his pocket and he said "I've got a gun in my pocket, give me all your cash." The defendant held a bag while the victim put money in it. As he left, he told the victim, "If you stay cool and don't do anything, I'll be back and you'll get some money for it." The victim was told to get down on the floor. The defendant left. A police patrol unit noticed suspicious actions while the robbery was taking place and the defendant was followed and subsequently arrested.

BACKGROUND OF DEFENDANT:

The defendant is 22 years old, unemployed, and unmarried. He has a history of drug use starting at age 14 and progressing to his present use of heroin. He has not sought treatment for his drug addiction.

CONVICTIONS:

The defendant entered a guilty plea to the following crime:

Robbery, Second Degree (RCW 9A.56.210)

PRIOR ADULT RECORD:

Date	Offense
8-1-83	Driving While Intoxicated

PRIOR JUVENILE RECORD:

Date	Offense
1-22-78	Burglary, Second Degree

Comments on scoring this case:

- Driving While Intoxicated is a misdemeanor and is not counted as criminal history for this crime (RCW 9.94A.360(5)).
- The juvenile adjudication for Second Degree Burglary is counted as criminal history, however, the total Offender Score is "0" due to rounding down to the nearest whole number (RCW 9.94A.360(10)).

Example Case #4

ROBBERY, SECOND DEGREE
(RCW 9A.56.210)
VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

Enter number of Serious Violent and Violent felony convictions 0 x 2 = 0
Enter number of Nonviolent felony convictions 0 x 1 = 0

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications 0 x 2 = 0
Enter number of Nonviolent felony adjudications 1 x 1/2 = 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 0 x 2 = 0
Enter number of other Nonviolent felony convictions 0 x 1 = 0

Total the last column to get the TOTAL OFFENDER SCORE 0
(round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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 (SHB 1247, Section 22)
- C. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

EXAMPLE CASE # 5

Defendant's birthdate: June 18, 1957

**CIRCUMSTANCES
OF CRIME:**

On July 21, 1984 the defendant had been cleaning his .357 magnum revolver and fired the gun, believing that it was unloaded. The victim was shot in the head and died 12 hours later.

**BACKGROUND OF
DEFENDANT:**

The defendant is a 27-year-old single male. He is currently employed with the J. C. Penney Company as a head custodian and earns \$7.35 per hour. He has been consistently employed since completing high school. As a result of the trauma associated with the incident, the defendant is receiving counseling.

CONVICTIONS:

The defendant was found guilty by jury of the following crime:

Second Degree Manslaughter (RCW 9A.32.070)

PRIOR ADULT RECORD: None

PRIOR JUVENILE RECORD:

Date	Offense
6-11-73	Assault, Second Degree

Comments on scoring this case:

- The juvenile adjudication for Second Degree Assault is not scored as juvenile history because the defendant had reached his 23rd birthday when the current offense occurred (RCW 9.94A.360(1)).

Example Case #5

MANSLAUGHTER, SECOND DEGREE
(RCW 9A.32.070)
VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

Enter number of Serious Violent and Violent felony convictions 0 x 2 = 0
 Enter number of Nonviolent felony convictions 0 x 1 = 0

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications 0 x 2 = 0
 Enter number of Nonviolent felony adjudications 0 x 1/2 = 0

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 0 x 2 = 0
 Enter number of other Nonviolent felony convictions 0 x 1 = 0

Total the last column to get the TOTAL OFFENDER SCORE 0
 (round down to the nearest whole number)

II. STANDARD 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. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR SECOND DEGREE MANSLAUGHTER

- A. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

EXAMPLE CASE # 6

Defendant's birthdate: May 23, 1962

**CIRCUMSTANCES
OF CRIME:**

On August 11, 1984 the defendant and victim played several games of pool for a dollar a game. After the victim lost two games, he decided to leave. When the victim walked away from the pool table, the defendant picked up a pool cue and hit the victim over the back of the head. The victim sustained a head injury which required four days hospitalization, totaling approximately \$1,100 in medical and hospital bills.

**BACKGROUND OF
DEFENDANT:**

The defendant is 22 years old, unemployed and unmarried. He is enrolled in the GED program and indicates an interest in getting vocational training. He acknowledged problems with alcohol and drugs.

CONVICTIONS:

Found guilty by jury trial of the following crime:

Second Degree Assault while armed with a deadly weapon
(RCW 9A.36.020 and 9.41.025)

PRIOR ADULT RECORD: None

PRIOR JUVENILE RECORD: None

Comments on scoring this case:

- The defendant was found to have been armed with a deadly weapon during the commission of the offense, therefore, 12 months are added to the entire standard sentence range. That increase results in a standard sentence range of 15 to 21 months (RCW 9.94A.310, 9.94A.370).

Example Case #6

ASSAULT, SECOND DEGREE
(RCW 9A.36.020)
VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

Enter number of Serious Violent and Violent felony convictions 0 x 2 = 0
 Enter number of Nonviolent felony convictions 0 x 1 = 0

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications 0 x 2 = 0
 Enter number of Nonviolent felony adjudications 0 x 1/2 = 0

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 0 x 2 = 0
 Enter number of other Nonviolent felony convictions 0 x 1 = 0

Total the last column to get the TOTAL OFFENDER SCORE 0
 (round down to the nearest whole number)

15-21 months

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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 (SHB 1247, Section 22)
- C. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

EXAMPLE CASE # 7

Defendant's birthdate: March 3, 1949

CIRCUMSTANCES OF CRIME:

On August 17, 1984 forged prescriptions were passed at pharmacies in two different counties. On each occasion a stolen credit card was used to make payment. When the defendant attempted to pass a forged prescription at the second pharmacy, the pharmacist became suspicious and attempted to stall the defendant. He and an accomplice became agitated and fled. The defendant is pending sentencing in another county for the first count.

BACKGROUND OF DEFENDANT:

The defendant is 35 years old, single, and employed. Although he has never been married, he has been involved in two common law relationships. He has been using drugs since 1969 and was addicted to heroin for ten years. He has been unsuccessfully involved in drug treatment twice, but reports that he now plans to participate in lengthy inpatient drug treatment.

CONVICTIONS:

The defendant entered a guilty plea to the following crime:

Forged Prescription (RCW 69.41.020)

PRIOR ADULT RECORD:

Date	Offense
3-23-77	Burglary, Second Degree
9-3-84	Unlawfully Obtaining a Controlled Substance (pending sentence)

PRIOR JUVENILE RECORD: None

Comments on scoring this case:

- The offender's adult history consists of convictions for Second Degree Burglary and Unlawfully Obtaining a Controlled Substance. Although sentencing is pending for the latter conviction, it still counts in the Offender Score (RCW 9.94A.030(8)(a)).

Example Case #7

FORGED PRESCRIPTION
(RCW 69.41.020)
NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

Enter number of felony convictions 2 x 1 = 2

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony adjudications 0 x 1/2 = 0

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions 0 x 1 = 0

Total the last column to get the TOTAL OFFENDER SCORE 2
(round down to the nearest whole number)

II. STANDARD 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. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

III. SENTENCING OPTIONS FOR FORGED PRESCRIPTION

- 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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

EXAMPLE CASE # 8

Defendant's birthdate: May 10, 1959

CIRCUMSTANCES OF CRIME:

During the period from October, 1984 until June, 1985, the defendant and his girlfriend babysat several children. During this period, while his girlfriend was away, the defendant took indecent liberties with four girls ages five to nine years old. These events occurred several times and the victims stated they were afraid because the defendant threatened to kill their mothers.

BACKGROUND OF DEFENDANT:

The defendant is 26 years old, currently unemployed and living with his girlfriend. He is in the process of getting his GED certificate and he is taking machinist training. He is concerned over his behavior and wants to get into a treatment program.

CONVICTIONS:

The defendant was found guilty by jury of the following crime:

Indecent Liberties with Forcible Compulsion, three counts (RCW 9A.44.100(1)(a))

PRIOR ADULT RECORD:

Date	Offense
2-81	Forgery

PRIOR JUVENILE RECORD: None

Comments on scoring this case:

- Assuming the current conviction includes three counts that do not encompass the same criminal conduct, the Offender Score for each count uses the other two current convictions as criminal history (RCW 9.94A.400(1)(a)).
- The court imposes a sentence for each count and these sentences shall be served concurrently (RCW 9.94A.400(1)(a)).

Example Case #8

INDECENT LIBERTIES (WITH FORCIBLE COMPULSION)
(RCW 9A.44.100 (1)(a))
VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

Enter number of Serious Violent and Violent felony convictions 0 x 2 = 0
 Enter number of Nonviolent felony convictions 1 x 1 = 1

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent and Violent felony adjudications 0 x 2 = 0
 Enter number of Nonviolent felony adjudications 0 x 1/2 = 0

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 2 x 2 = 4
 Enter number of other Nonviolent felony convictions 0 x 1 = 0

Total the last column to get the TOTAL OFFENDER SCORE 5
 (round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

EXAMPLE CASE # 9

Defendant's birthdate: January 2, 1941

CIRCUMSTANCES OF CRIME: While employed as manager of a restaurant, the defendant did not make bank deposits as required during November, 1984. During a month's time, eight deposits were not made. A total of \$11,526.32 was diverted.

BACKGROUND OF DEFENDANT: The defendant is 43 years old and apparently has been married and divorced three times. He has three children who are currently living with his brother in Texas. He has held numerous jobs over the last several years, but most have been for a brief time period.

CONVICTIONS: The defendant entered a guilty plea to the following crime:

Theft, First Degree (RCW 9A.56.030)

PRIOR ADULT RECORD:

Date	Offense
4-8-64	Robbery, First Degree
3-4-71	Theft, First Degree

PRIOR JUVENILE RECORD: None

Comments on scoring this case:

- The 1971 conviction for First Degree Theft is not counted in the Offender Score, since more than ten years have elapsed during which the offender has been living in the community without another felony conviction. That offense has "washed out" (RCW 9.94A.360(12)).
- The 1964 conviction was for a Class A felony; therefore, it does not "wash out" and does count in the Offender Score (RCW 9.94A.360(12)).

Example Case #9

**THEFT, FIRST DEGREE
(RCW 9A.56.030)
NONVIOLENT**

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

Enter number of felony convictions 1 x 1 = 1

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of felony adjudications 0 x 1/2 = 0

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)

Enter number of other felony convictions 0 x 1 = 0

Total the last column to get the **TOTAL OFFENDER SCORE** 1
(round down to the nearest whole number)

II. STANDARD 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)

C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

EXAMPLE CASE # 10

Defendant's birthdate: June 10, 1957

CIRCUMSTANCES OF CRIME: On July 20, 1984 a mobile home was burglarized and a color TV and stereo were taken. The TV was discovered in the defendant's home and he admitted selling the stereo. On July 30, 1984 the defendant forged a \$50 check, which he had taken from a friend's checkbook.

BACKGROUND OF DEFENDANT: The defendant is 27 years old, separated, and the father of three children. He is an excessive drinker.

CONVICTIONS: The defendant entered a guilty plea to the following crimes:

Burglary, Second Degree (RCW 9A.52.030)
Theft, Second Degree (RCW 9A.56.040)
Forgery (RCW 9A.60.020)

PRIOR ADULT RECORD:

Date	Offense
6-5-80	Burglary, Second Degree

PRIOR JUVENILE RECORD: None

Comments on scoring this case:

- Because there are two or more current offenses, the multiple offense policy applies (RCW 9.94A.400).
- Assuming the current counts of Second Degree Burglary and Second Degree Theft encompass the same criminal conduct, they are counted as one offense in the Offender Score (RCW 9.94A.400(1)(a)).
- The Forgery is counted in the Offender Score as a separate current offense (RCW 9.94A.400(1)(a)).
- The 1980 conviction for Second Degree Burglary is counted as adult history in calculating the Offender Score (RCW 9.94A.360(7)).
- The court must impose separate sentences for the Second Degree Burglary, Second Degree Theft, and Forgery. These sentences will run concurrently (RCW 9.94A.400(1)(a)).
- The example Offense Reference Sheet was completed here for the current offense receiving the longest sentence. In practice, each conviction results in a sentence so each current offense needs to be scored separately.

Example Case # 10

BURGLARY, SECOND DEGREE
(RCW 9A.52.030)
BURGLARY 2

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

Enter number of Burglary 1 convictions 0 x 2 = 0

Enter number of Burglary 2 convictions 1 x 2 = 2

Enter number of other felony convictions 0 x 1 = 0

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Burglary 1 felony adjudications 0 x 2 = 0

Enter number of Burglary 2 adjudications 0 x 1 = 0

Enter number of other felony adjudications 0 x 1/2 = 0

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 0 x 2 = 0

Enter number of other Burglary 2 convictions 0 x 2 = 0

Enter number of other felony convictions 1 x 1 = 1

Total the last column to get the TOTAL OFFENDER SCORE 3
(round down to the nearest whole number)

II. STANDARD 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)
- 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)
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE BURGLARY 2 SCORING FORM

EXAMPLE CASE # 11

Defendant's birthdate: January 15, 1959

CIRCUMSTANCES OF CRIME: The offenses took place between August 2, 1984 and January 19, 1985. The four victims were strangers to the defendant. The defendant used physical force and threats to accomplish the rapes and all of the victims were physically injured.

BACKGROUND OF DEFENDANT: The defendant is 26 years old, divorced, and has a good employment history. He pays \$200 a month child support for his one child. His family is very supportive. He maintains his innocence.

CONVICTIONS: The defendant was found guilty by jury of the following crimes:

Rape, First Degree, four counts (RCW 9A.44.040).

PRIOR ADULT RECORD:

Date	Offense
6-15-82	Theft, Second Degree

PRIOR JUVENILE RECORD: None

Comments on scoring this case:

- Assuming all four of the current counts of First Degree Rape arose from separate and distinct criminal conduct, the 1982 conviction for Second Degree Theft is counted as adult history in calculating the Offender Score for only one count of First Degree Rape. The remaining current offenses are NOT counted in the Offender Score (RCW 9.94A.400(1)(b)).
- The second, third, and fourth counts are sentenced with an Offender Score of "0" (RCW 9.94A.400(1)(b)).
- The four separate sentences for the current offenses will be served consecutively (RCW 9.94A.400(1)(b)), resulting in a standard sentence range of 210 to 279 months.

Example Case # 11

RAPE, FIRST DEGREE
(RCW 9A.44.040)
SERIOUS VIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (2))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)

Enter number of Serious Violent felony convictions 0 x 3 = 0
 Enter number of Violent felony convictions 0 x 2 = 0
 Enter number of Nonviolent felony convictions 1 x 1 = 1

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Serious Violent felony adjudications 0 x 3 = 0
 Enter number of Violent felony adjudications 0 x 2 = 0
 Enter number of Nonviolent felony adjudications 0 x 1/2 = 0

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 0 x 3 = 0
 Enter number of other Violent felony convictions 0 x 2 = 0
 Enter number of other Nonviolent felony convictions 0 x 1 = 0

Total the last column to get the TOTAL OFFENDER SCORE 1
 (round down to the nearest whole number)

II. STANDARD 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. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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))
- B. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE SERIOUS VIOLENT SCORING FORM

EXAMPLE CASE # 12

Defendant's birthdate: April 28, 1966

CIRCUMSTANCES OF CRIME: Two masked men entered the unlocked back door of the supermarket on July 3, 1984. An employee saw them run out the back door and leave in a car. The defendant was on probation at the time this offense occurred.

BACKGROUND OF DEFENDANT: The defendant is 18 years old, single, and unemployed. He is interested in getting computer programming training.

CONVICTIONS: The defendant entered a guilty plea to the following crime:
Attempted Burglary, Second Degree (RCW 9A.52.030)

PRIOR ADULT RECORD:

Date	Offense
3-2-84	Possession of Stolen Property, Second Degree

PRIOR JUVENILE RECORD:

Date	Offense
6-26-82	Burglary, First Degree

Comments on scoring this case:

- The 1984 conviction for Second Degree Possession of Stolen Property is counted as adult history in calculating the Offender Score (RCW 9.94A.360(7)).
- The 1982 adjudication for First Degree Burglary is counted as juvenile history in calculating the Offender Score (RCW 9.94A.360(7)).
- Since the offense is Attempted Second Degree Burglary, the sentence range is 75 percent of the range for the completed crime (RCW 9.94A.410). This results in a standard sentence range for this offense of three to nine months.
- Since the defendant was on probation at the time the current offense was committed, the sentence for Attempted Second Degree Burglary will be served consecutively to the sentence for Second Degree Possession of Stolen Property (RCW 9.94A.400(4)).
- If the sentence for Attempted Second Degree Burglary requires any total confinement, that period of total confinement will be served before any other sentence requirement (RCW 9.94A.400(5)).

Example Case # 12

BURGLARY, SECOND DEGREE
(RCW 9A.52.030)
BURGLARY 2

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;
those served consecutively are counted separately)

Enter number of Burglary 1 convictions 0 x 2 = 0
 Enter number of Burglary 2 convictions 0 x 2 = 0
 Enter number of other felony convictions 1 x 1 = 1

JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)

Enter number of Burglary 1 felony adjudications 1 x 2 = 2
 Enter number of Burglary 2 adjudications 0 x 1 = 0
 Enter number of other felony adjudications 0 x 1/2 = 0

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 0 x 2 = 0
 Enter number of other Burglary 2 convictions 0 x 2 = 0
 Enter number of other felony convictions 0 x 1 = 0

Total the last column to get the TOTAL OFFENDER SCORE 3
 (round down to the nearest whole number)

II. STANDARD 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

3-9 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 and burglary was of a building other than a dwelling (RCW 9.94A.310, 9.94A.125)
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

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. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. 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 (SHB 1247, Section 22)
- D. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE BURGLARY 2 SCORING FORM

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
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.36.010	Assault 1	XI
9A.36.020	Assault 2	IV
9A.36.030	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 from Murder 1 Offense	Unranked
9A.76.170	Bail Jump From Class A Offense	Unranked
9A.76.170	Bail Jump From Class B Offense	Unranked
9A.76.170	Bail Jump From Class C Offense	Unranked
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	Unranked
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
30.12.110	Commission, Etc., for Procuring Loan	Unranked
9A.44.110	Communicating with Minor for Immoral Purposes	III
9A.52.---	Computer Trespass 1	Unranked
32.04.110	Conceal or Destroy Evidence by Savings Bank	Unranked
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.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
9A.28.030	Criminal Solicitation - Class B Felony	crime.
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

<u>(RCW)</u> <u>Statute</u>	<u>Offense</u>	<u>Seriousness</u> <u>Level</u>
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
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
9.68A.020	Employing, Using, or Permitting Minor to Engage in Sexually Explicit Conduct for Commercial Use	IX
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
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	I

<u>(RCW)</u> <u>Statute</u>	<u>Offense</u>	<u>Seriousness</u> <u>Level</u>
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.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
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.44.100 (1)(a)	Indecent Liberties (with Forcible Compulsion)	VII
9A.44.100 (1)(b,c)	Indecent Liberties (without Forcible Compulsion)	VI
9.45.126	Inducing Fraud in Measurement of Goods	Unranked
31.04.220	Industrial Loan Company Violation	Unranked
29.79.440	Initiative & Referendum - Violation	Unranked
40.16.010	Injury to a Public Record	Unranked

<u>(RCW) Statute</u>	<u>Offense</u>	<u>Seriousness Level</u>
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.72.130	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
9A.40.020	Kidnapping 1	X
9A.40.030	Kidnapping 2	V
30.12.120	Loan to Officer or Employee from Trust Fund	Unranked
9.41.190	Machine Gun Possession Prohibited	Unranked
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 Narcotic from Schedule I and II (First Drug Conviction)	VI
69.50.401 (a)(1)(i)	Manufacture, Deliver, or Possess with Intent to Deliver Narcotic from Schedule I or II (Subsequent Drug Conviction)	VI
69.50.401 (a)(1) (ii-iv)	Manufacture, Deliver, or Possess with Intent to Deliver Narcotics from Schedule III, IV, V or Nonnarcotics from Schedule I-V (Except Marijuana)	IV
69.50.401 (a)(1)(ii)	Manufacture, Deliver, or Possess with Intent to Deliver Marijuana	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

<u>(RCW)</u> <u>Statute</u>	<u>Offense</u>	<u>Seriousness</u> <u>Level</u>
9.82.030	Misprision of Treason	Unranked
9.45.070	Mock Auction	Unranked
9A.32.030	Murder 1	XIII
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	Unranked
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 and 3 Years Junior	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
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 a Narcotic from Schedule I or II	II
69.50.401(d)	Possession of Controlled Substance That is a Narcotic from Schedule III, IV, V or Nonnarcotic from Schedule I-V	I
9.05.110	Possession of Emblems Unlawful	Unranked
9.40.120	Possession of Incendiary Device	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

<u>(RCW)</u> <u>Statute</u>	<u>Offense</u>	<u>Seriousness</u> <u>Level</u>
33.36.030	Preference in Case of Insolvency - Savings Bank	Unranked
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
29.82.170	Recall-Violation by Signer	Unranked
9A.68.030	Receiving or Granting Unlawful Compensation	Unranked
9A.48.040	Reckless Burning 1	I
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	Unranked
9.68A.030	Sending, Bringing into State, Possessing, Publishing, Printing, Etc., Obscene Matter Involving 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
9A.44.070	Statutory Rape 1	IX
9A.44.080	Statutory Rape 2	VII
9A.44.090	Statutory Rape 3	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	II
9A.56.030	Theft 1	II
9A.56.040	Theft 2	I
9A.36.090	Threats Against Governor or Family	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
21.20.030	Unlawful Acts of Investment Adviser	Unranked
21.20.020	Unlawful Acts of Person Advising Another	Unranked
9A.56.060	Unlawful Issuance of Checks or Drafts	I
9A.40.040	Unlawful Imprisonment	III
21.20.010	Unlawful Offer, Sale or Purchase of Securities	Unranked
9.41.040	Unlawful Possession of a Short Firearm or Pistol	III
66.44.120	Unlawful Use of Liquor Board Seal (3rd Offense)	Unranked
29.85.240	Unqualified Person Voting	Unranked
69.50.403	Utter False or Forged Prescription	Unranked
9A.52.095	Vehicle Prowl 1	I
46.61.522	Vehicular Assault	IV
46.61.520	Vehicular Homicide	VII
69.41.020	Violation of Legend Drug Act - False Information	Unranked
29.85.260	Voting Machine - Tampering or Extra Keys	Unranked
74.08.331	Welfare Fraud	II
48.30.220	Wilful Destruction, Injury, Secretion, Etc., of Insured Property	Unranked

(RCW)
Statute

Offense

Seriousness
Level

72.66.060

Wilful Failure to Return from Furlough

IV

72.65.070

Wilful Failure to Return from Work Release

Unranked

9.47.100

Written Statement Furnished of Sale

Unranked

GLOSSARY OF TERMS*

- Alternative Conversion: Sentencing option allowing alternatives to total confinement for an offender whose sentence is one year or less. Includes the following:
- Partial confinement (one day of partial confinement may be substituted for one day of total confinement).
 - Community service up to 240 hours or 30 days (eight hours of community service may be substituted for one day of total confinement). For a violent offender, conversion to community service is not possible.
- Community Corrections Officer: Employee of the Department of Corrections responsible for supervising offenders with sentences involving community supervision, restitution, or fines. Formerly called Probation and Parole Officer.
- Community Service: Sentence involving compulsory service, without compensation, performed for the benefit of the community by the offender.
- Community Supervision: Period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to RCW 9.94A by a court. For a first time offender, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).
- Crime Related Prohibition: Order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted. Shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.
- Criminal History: 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. The history includes convictions or pleas of guilty in juvenile court if: (i) the guilty plea or conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a);

*Compiled from the definition section of Chapter 9.94A RCW as well as the statute's text.

and (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) the defendant had not reached his or her twenty-third birthday at the time the offense for which he or she is being sentenced was committed.

Deadly Weapon:

Implement or instrument which has the capacity to inflict death and from the manner in which it is used, is likely to produce death or may easily and readily produce death.

Determinate Sentence:

Sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, number of actual hours or days of community service work, or dollars or terms of a fine or restitution.

Discharge:

Certificate from the sentencing court which indicates that an offender has completed the requirements of a sentence. The discharge has the effect of restoring all civil rights lost by operation of law upon conviction; it is not based on a finding of rehabilitation.

Exceptional Sentence:

Court-imposed determinate sentence, outside the sentence range, justified by substantial and compelling reasons as illustrated in the list of mitigating and aggravating circumstances in RCW 9.94A.390.

First-Time Offender:

Person convicted of a felony not classified as a violent offense, 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.

Forcible Compulsion:

Physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped.

Nonviolent Offender:

Offender convicted of a felony offense not defined as a violent offense in RCW 9.94A.030(18).

Offender score:

The Offender Score is the sum of points accrued under subsections (1) through (12) of RCW 9.94A.360. The Offender Score is measured on the horizontal axis of the sentencing grid.

Partial Confinement:

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, for at least eight hours a day with the balance of the day spent in the community.

Penalty and Modification Hearing:

Court hearing regarding an offender's alleged violation of a sentence condition or requirement. If a violation is found, the court can set penalties and convert partial confinement term to total confinement. If a violation is found not to be wilful, the court can modify required monetary payments and/or community service obligations.

Probationer Assessment:

Court-imposed monthly assessment paid to the Department of Corrections for the duration of community supervision. Considered as payment or partial payment of the cost of providing community supervision to the offender.

Prosecuting Standards:

Standards for charging and plea dispositions intended solely for the guidance of prosecutors in the state of Washington.

Restitution:

Requirement that an 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.

Sentence Range:

Sentencing court's discretionary range in imposing a nonappealable sentence. Also called presumptive sentence range and standard sentence range.

Sentencing Grid:

Instrument used to determine the sentence range based on the Offender Score and the Seriousness Level. Illustrated in RCW 9.94A.310.

Seriousness Level:

A measurement on the sentencing grid which 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). Felonies included within each Seriousness Level are found in RCW 9.94A.320.

Sex Offender Sentencing Options:

Sentencing options available to the court in sentencing some sex offenders. Includes:

(a) Special Sexual Offender Sentencing Alternative.

This option allows a suspended sentence with a requirement for outpatient treatment for up to two years or inpatient treatment not to exceed the standard range of confinement for that offense. Other requirements may also be imposed by the sentencing court pursuant to RCW 9.94A.120(7)(a).

(b) Hospital Treatment Program.

This option allows the sentencing court to order that the term of confinement imposed be served in the sexual offender treatment program at Western State Hospital or Eastern State Hospital pursuant to RCW 9.94A.120(7)(b).

Total Confinement:

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 24 hours a day.

Unranked Crime:

Felony offense for which a Seriousness Level has not been established under RCW 9.94A.320.

Vacation of Record:

Clearing of an offender's record of conviction by the court. Eligibility requirements are set forth in RCW 9.94A.230(2). Once the court vacates a record of conviction, 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.

Violent Offense:

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, 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, and Vehicular Homicide. Any felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense above. Any federal or out-of-state offense that under the laws of this state would be a felony classified as a violent offense above.

Voluntary Post Release Services:

Services which may be provided by the Department of Corrections to the offender upon release from custody, at the offender's request, for a period up to one year.

REQUEST FOR UPDATED MANUAL INFORMATION

Please send me updated information on a regular basis regarding changes to the Sentencing Guidelines Implementation Manual.

Name: _____
(please print)

Address: _____

Telephone: _____

Date of Request: _____

Send to: Sentencing Guidelines Commission
3400 Capitol Boulevard
Mail Stop QE-13
Olympia, WA 98504

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