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We would like to acknowledge the contributions of individuals to the 1997 edition of the Adult Sentencing Guidelines Manual. The Commission, chaired by Hubert G. Locke, has provided support and leadership. The Office of the Code Reviser has also provided valuable help. We would also like to acknowledge the numerous suggestions for improvements and additions to the manual received throughout the year from attorneys, judges, and criminal justice professionals. We welcome further suggestions of ways we can make this manual easier to use.

INTRODUCTION

Adult offenders who commit felonies on or after July 1, 1984 are subject to the provisions of the Sentencing Reform Act (SRA). The enabling legislation (RCW 9.94A) contains guidelines and procedures used by the court to impose sentences. The SRA is based on a determinate sentencing model and eliminates extensive periods of parole and probation. When substantial and compelling reasons exist, sentences outside the presumptive ranges may be imposed by the court. Sentences that depart from the standard presumptive ranges must meet certain requirements and may be appealed by either the prosecutor or the defendant.

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

The Sentencing Guidelines Commission developed the initial set of guidelines and continues to advise the Legislature on necessary adjustments. The Commission consists of twenty voting members, sixteen of whom are appointed by the Governor. These sixteen appointed members include four Superior Court judges, two defense attorneys, two prosecutors, four citizens, one Juvenile Court Administrator, one elected city official, one elected county official, and the chief of a local law enforcement agency. There are four ex-officio voting members: the Secretary of the Department of Corrections, the Director of the Office of Financial Management, Assistant Secretary of the Department of Social and Health Services Juvenile Rehabilitation Administration, and the Chair of the Indeterminate Sentence Review Board. The Speaker of the House of Representatives and the President of the Senate each appoint two nonvoting members to the Commission, one from each of the two largest caucuses in each house.

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

The Commission also prepares statistical summaries of sentencing practices under the Sentencing Reform Act. Please contact the Commission office for information on cost and availability of these reports. If you have questions about the guidelines, wish to be notified of Commission meetings, or desire copies of minutes from Commission meetings, please contact the Commission office. We appreciate any comments or suggestions on the manual or other printed documentation.

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USE OF THIS MANUAL

This edition of the manual is updated to reflect the 1997 Session Laws. Manual users should retain earlier editions of this manual for guidance on offenses committed prior to the effective dates of legislation enacted by the 1997 regular session.

Those interested in a comprehensive legal analysis of the Sentencing Reform Act are advised to read *Sentencing in Washington* by David Boerner (Butterworth Legal Publishers) and the 1996 supplement to *Washington Practice Volume 13A: Criminal Law* by Seth Aaron Fine (West Publishing Co.).

SECTION I - SENTENCING GUIDELINES

This section explains the rules for applying the sentencing guidelines to felony crimes committed after June 30, 1984 including changes enacted by the 1997 regular session of the Legislature. The instructions cover the following:

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

STEP 1 - DETERMINING THE OFFENSE SERIOUSNESS LEVEL

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

The seriousness level is measured on the vertical axis of the sentencing guidelines grid (Table 1, page I-2). RCW 9.94A.320 lists the crimes included within each seriousness level (Table 2, page I-3). Felony offenses are divided into 15 levels of seriousness, ranging from low (Level I) to high (Level XV). Offenses in the same level are considered equivalent in seriousness.

The 1990 Legislature amended the sentencing grid for the first time, adding a new seriousness level and changing the penalties for Level XI. The 1997 Legislature changed the penalties at level XIII. Crimes committed on or after July 27, 1997 should be scored according to the 1997 Sentencing Grid. This edition of the manual includes the 1997 Grid (Table 1, page I-2) and also includes the previous versions of the grid (Appendix D).

Some felonies rarely charged or recently created by the Legislature are not included in the Seriousness Level table and do not have a standard sentence range; thus, no sentence calculations are necessary for these unranked crimes. The sentencing options for unranked crimes are described on page 20.

TABLE 1
SENTENCING GRID
FOR CRIMES COMMITTED AFTER JULY 26, 1997

SERIOUSNESS LEVEL	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XV	Life Sentence without Parole/Death Penalty									
XIV	23y 4m 240 - 320	24y 4m 250 - 333	25y 4m 261 - 347	26y 4m 271 - 361	27y 4m 281 - 374	28y 4m 291 - 388	30y 4m 312 - 416	32y 10m 338 - 450	36y 370 - 493	40y 411 - 548
XIII	14y 4m 123 - 220	15y 4m 134 - 234	16y 2m 144 - 244	17y 154 - 254	17y 11m 165 - 265	18y 9m 175 - 275	20y 5m 195 - 295	22y 2m 216 - 316	25y 7m 257 - 357	29y 298 - 397
XII	9y 93 - 123	9y 11m 102 - 136	10y 9m 111 - 147	11y 8m 120 - 160	12y 6m 129 - 171	13y 5m 138 - 184	15y 9m 162 - 216	17y 3m 178 - 236	20y 3m 209 - 277	23y 3m 240 - 318
XI	7y 6m 78 - 102	8y 4m 86 - 114	9y 2m 95 - 125	9y 11m 102 - 136	10y 9m 111 - 147	11y 7m 120 - 158	14y 2m 146 - 194	15y 5m 159 - 211	17y 11m 185 - 245	20y 5m 210 - 280
X	5y 51 - 68	5y 6m 57 - 75	6y 62 - 82	6y 6m 67 - 89	7y 72 - 96	7y 6m 77 - 102	9y 6m 98 - 130	10y 6m 108 - 144	12y 6m 129 - 171	14y 6m 149 - 198
IX	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	5y 51 - 68	5y 6m 57 - 75	7y 6m 77 - 102	8y 6m 87 - 116	10y 6m 108 - 144	12y 6m 129 - 171
VIII	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	6y 6m 67 - 89	7y 6m 77 - 102	8y 6m 87 - 116	10y 6m 108 - 144
VII	18m 15 - 20	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	5y 6m 57 - 75	6y 6m 67 - 89	7y 6m 77 - 102	8y 6m 87 - 116
VI	13m 12+ - 14	18m 15 - 20	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 6m 46 - 61	5y 6m 57 - 75	6y 6m 67 - 89	7y 6m 77 - 102
V	9m 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 41 - 54	5y 51 - 68	6y 62 - 82	7y 72 - 96
IV	6m 3 - 9	9m 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57	5y 2m 53 - 70	6y 2m 63 - 84
III	2m 1 - 3	5m 3 - 8	8m 4 - 12	11m 9 - 12	14m 12+ - 16	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57	5y 51 - 68
II	0 - 90 Days	4m 2 - 6	6m 3 - 9	8m 4 - 12	13m 12+ - 14	16m 14 - 18	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57
I	0 - 60 Days	0 - 90 Days	3m 2 - 5	4m 2 - 6	5m 3 - 8	8m 4 - 12	13m 12+ - 14	16m 14 - 18	20m 17 - 22	2y 2m 22 - 29

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Level	Standard Range	Offense
XV	Life/Death	Aggravated Murder 1° (RCW 10.95.020)
XIV	240 - 320m	Murder 1° (RCW 9A.32.030) Malicious Explosion 1° (RCW 70.74.280(1)) Homicide by Abuse (RCW 9A.32.055)
XIII	123 - 220m	Murder 2° (RCW 9A.32.050) Malicious Explosion 2° (RCW 70.74.280(2)) Malicious Placement of an Explosive 1° (RCW 70.74.270(1))
XII	93 - 123m	Assault 1° (RCW 9A.36.011) Assault of a Child 1° (RCW 9A.36.120) Rape 1° (RCW 9A.44.040) Rape of a Child 1° (RCW 9A.44.073) Malicious Placement of an Imitation Device (RCW 70.74.272(1)(a))
XI	78 - 102m	Rape 2° (RCW 9A.44.050) Rape of a Child 2° (RCW 9A.44.076) Manslaughter 1° (RCW 9A.32.060)
X	51 - 68m	Kidnapping 1° (RCW 9A.40.020) Child Molestation 1° (RCW 9A.44.083) Over 18 and Deliver Heroin or Narcotic from Schedule I or II to Someone Under 18 (RCW 69.50.406) Leading Organized Crime (RCW 9A.82.060(1)(a)) Indecent Liberties (with Forcible Compulsion) (RCW 9A.44.100(1)(a)) Malicious Explosion 3° (RCW 70.74.280(3))
IX	31 - 41m	Assault of a Child 2° (RCW 9A.36.130) Robbery 1° (RCW 9A.56.200) Explosive Devices Prohibited (RCW 70.74.180) Malicious Placement of an Explosive 2° (RCW 70.74.270(2)) Over 18 and Deliver Narcotic from Schedule III, IV, or V or a Nonnarcotic from Schedule I-V to Someone Under 18 and 3 Years Junior (RCW 69.50.406) Controlled Substance Homicide (RCW 69.50.415) Sexual Exploitation (RCW 9.68A.040) Inciting Criminal Profiteering (RCW 9A.82.060(1)(b)) Vehicular Homicide, by Being Under the Influence of Intoxicating Liquor or Any Drug (RCW 46.61.520)

TABLE 2 (continued)
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Level	Standard Range	Offense
VIII	21 - 27m	Arson 1° (RCW 9A.48.020) Promoting Prostitution 1° (RCW 9A.88.070) Possession of Ephedrine or Pseudoephedrine with Intent to Manufacture Methamphetamine (RCW 69.50.440) Selling for Profit (Controlled or Counterfeit) Any Controlled Substance (RCW 69.50.410) Manufacture, Deliver, or Possess with Intent to Deliver Heroin or Cocaine (RCW 69.50.401(a)(1)(i)) Manufacture, Deliver, or Possess with Intent to Deliver Methamphetamine (RCW 69.50.401(a)(1)(ii)) Vehicular Homicide, by the Operation of Any Vehicle in a Reckless Manner (RCW 46.61.520) Manslaughter 2° (RCW 9A.32.070)
VII	15 - 20m	Burglary 1° (RCW 9A.52.020) Vehicular Homicide, by Disregard for the Safety of Others (RCW 46.61.520) Introducing Contraband 1° (RCW 9A.76.140) Indecent Liberties (without Forcible Compulsion) (RCW 9A.44.100(1)(b) and (c)) Child Molestation 2° (RCW 9A.44.086) Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct (RCW 9.68A.050) Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct (RCW 9.68A.060) Involving a Minor in Drug Dealing (RCW 69.50.401(f)) Drive-by Shooting (RCW 9A.36.045) Unlawful Possession of a Firearm 1° (RCW 9A.41.040(1)(a)) Malicious Placement of an Explosive 3° (70.74.270(3))
VI	12+ - 14m	Bribery (RCW 9A.68.010) Rape of a Child 3° (RCW 9A.44.079) Intimidating a Juror/Witness (RCW 9A.72.110, RCW 9A.72.130) Incest 1° (RCW 9A.64.020(1)) Manufacture, Deliver, or Possess with Intent to Deliver Narcotics from Schedule I or II (Except Heroin or Cocaine) (RCW 69.50.401(a)(1)(i)) Intimidating a Judge (RCW 9A.72.160) Bail Jumping with Murder 1° (RCW 9A.76.170(2)(a)) Theft of a Firearm (RCW 9A.56.300) Malicious Placement of an Imitation Device (RCW 70.74.272.(1)(b))
V	6 - 12m	Persistent Prison Misbehavior (RCW 9.94.070) Abandonment of a Dependent Person 1° (RCW 9A.42.060) Criminal Mistreatment 1° (RCW 9A.42.020) Rape 3° (RCW 9A.44.060) Sexual Misconduct with a Minor 1° (RCW 9A.44.093) Child Molestation 3° (RCW 9A.44.089) Kidnapping 2° (RCW 9A.40.030)

TABLE 2 (continued)
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Level	Standard Range	Offense
		Extortion 1° (RCW 9A.56.120) Incest 2° (RCW 9A.64.020(2)) Perjury 1° (RCW 9A.72.020) Extortionate Extension of Credit (RCW 9A.82.020) Advancing Money or Property for Extortionate Extension of Credit (RCW 9A.82.030) Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040) Rendering Criminal Assistance 1° (RCW 9A.76.070) Bail Jumping with Class A Felony (RCW 9A.76.170(2)(b)) Sexually Violating Human Remains (RCW 9A.44.105) Delivery of Imitation Controlled Substance by Person Eighteen or Over to Person Under Eighteen (RCW 69.52.030(2)) Possession of a Stolen Firearm (RCW 9A.56.310)
IV	3 - 9m	Residential Burglary (RCW 9A.52.025) Hit and Run with Vessel, Injury Accident (RCW 88.12.155(3)) Theft of Livestock 1° (RCW 9A.56.080) Robbery 2° (RCW 9A.56.210) Assault 2° (RCW 9A.36.021) Escape 1° (RCW 9A.76.110) Arson 2° (RCW 9A.48.030) Commercial Bribery (RCW 9A.68.060) Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100) Malicious Harassment (RCW 9A.36.080) Threats to Bomb (RCW 9.61.160) Willful Failure to Return from Furlough (RCW 72.66.060) Hit and Run - Injury Accident (RCW 46.52.020(4)) Vehicular Assault (RCW 46.61.522) Manufacture, Deliver, or Possess with Intent to Deliver Narcotics from Schedule III, IV, or V or Nonnarcotics from Schedule I-V (Except Marijuana or Methamphetamines) (RCW 69.50.401(a)(1)(iii) through (v)) Influencing Outcome of Sporting Event (RCW 9A.82.070) Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2)) Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
III	1 - 3m	Criminal Mistreatment 2° (RCW 9A.42.030) Abandonment of a Dependent Person 2° (RCW 9A.42.070) Extortion 2° (RCW 9A.56.130) Unlawful Imprisonment (RCW 9A.40.040) Assault 3° (RCW 9A.36.031) Assault of a Child 3° (RCW 9A.36.140) Custodial Assault (RCW 9A.36.100) Unlawful Possession of Firearm 2° (RCW 9.41.040(1)(b)) Harassment (RCW 9A.46.020) Promoting Prostitution 2° (RCW 9A.88.080) Willful Failure to Return from Work Release (RCW 72.65.070)

TABLE 2 (continued)
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Level	Standard Range	Offense
		Burglary 2° (RCW 9A.52.030) Introducing Contraband 2° (RCW 9A.76.150) Communication with a Minor for Immoral Purposes (RCW 9.68A.090) Patronizing a Juvenile Prostitute (RCW 9.68A.100) Escape 2° (RCW 9A.76.120) Perjury 2° (RCW 9A.72.030) Bail Jumping with Class B or C Felony (RCW 9A.76.170(2)(c)) Intimidating a Public Servant (RCW 9A.76.180) Tampering with a Witness (RCW 9A.72.120) Manufacture, Deliver, or Possess with Intent to Deliver Marijuana (RCW 69.50.401(a)(1)(iii)) Delivery of a Material in Lieu of a Controlled Substance (RCW 69.50.401(c)) Manufacture, Distribute, or Possess with Intent to Distribute an Imitation Controlled Substance (RCW 69.52.030(1)) Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1)) Theft of Livestock 2° (RCW 9A.56.080) Securities Act Violation (RCW 21.20.400) Criminal Gang Intimidation (RCW 9A.46.120)
II	0 - 90 days	Unlawful Practice of Law (RCW 2.48.180) Malicious Mischief 1° (RCW 9A.48.070) Possession of Stolen Property 1° (RCW 9A.56.150) Theft 1° (RCW 9A.56.030) Trafficking in Insurance Claims (RCW 48.30A.015) Unlicensed Practice of a Profession or Business (RCW 18.130.190(7)) Health Care False Claims (RCW 48.80.030) Possession of Controlled Substance that is Either Heroin or Narcotics from Schedule I or II (RCW 69.50.401(d)) Possession of Phencyclidine (PCP) (RCW 69.50.401(d)) Create, Deliver, or Possess a Counterfeit Controlled Substance (RCW 69.50.401(b)) Computer Trespass 1° (RCW 9A.52.110) Escape from Community Custody (RCW 72.09.310) Class B Felony Theft of Rental, Leased, or Lease-purchased Property (RCW 9A.56.096(4))
I	0 - 60 days	Theft 2° (RCW 9A.56.040) Possession of Stolen Property 2° (RCW 9A.56.160) Forgery (RCW 9A.60.020) Taking Motor Vehicle without Permission (RCW 9A.56.070) Vehicle Prowl 1° (RCW 9A.52.095) Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024) Malicious Mischief 2° (RCW 9A.48.080) Reckless Burning 1° (RCW 9A.48.040) Unlawful Issuance of Checks or Drafts (RCW 9A.56.060) Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3)) False Verification for Welfare (RCW 74.08.055)

TABLE 2 (continued)
 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Level	Standard Range	Offense
		Forged Prescription (RCW 69.41.020) Forged Prescription for a Controlled Substance (RCW 69.50.403) Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Nonnarcotic from Schedule I-V (Except Phencyclidine) (RCW 69.50.401(d)) Class C Felony Theft of Rental, Leased, or Lease-purchased Property (RCW 9A.56.096(4))

STEP 2 - DETERMINING THE OFFENDER SCORE

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

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

CRIMINAL HISTORY COLLECTION

RCW 9.94A.030(12) 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. Some rules on criminal history refer to the felony class of the crime (Class A, Class B, or Class C). Appendix B contains a list of felony offenses by class and an explanation of how to determine the class of a felony.

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

When gathering an offender's criminal history, focus on felony convictions. With one exception, misdemeanors are not calculated into the offender score. This exception is current convictions of felony traffic offenses¹, where serious traffic offenses² are included in the offender score.

¹ Vehicular Homicide, Vehicular Assault, Hit-and-Run Injury Accident, and Attempting to Elude a Pursuing Police Vehicle.

² RCW 9.94A.030(30): "Serious traffic offense" means: (a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or (b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

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 to be available only 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(22)).

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

Convictions with a finding of sexual motivation should also be noted. A sexual motivation finding changes the scoring rules on some prior offenses and influences the sentencing options. This finding is possible only for crimes committed on or after July 1, 1990, the effective date of the enacting legislation.

The 1997 Legislature changed how juvenile criminal history is to be calculated. All prior adult felony and juvenile convictions are counted separately, except:

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

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

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

All felony adjudications in juvenile court must be counted as criminal history for purposes of adult sentencing, except under the general "washout" provisions that apply to adult offenses.

Juvenile offenses sentenced on the same day must be counted separately unless they constitute the “same criminal conduct” as defined in RCW 9.94A.400(1)(a).

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

"Wash Out" of Certain Prior Felonies In certain instances, prior adult felony or juvenile convictions are not calculated into the offender score. The rules regarding which prior convictions are included can be found in RCW 9.94A.360(2) and are summarized as follows:

- Prior Class A and sex felony convictions are always included in the offender score.
- Prior Class B (juvenile or adult) felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent 10 consecutive years in the community without committing any crime that subsequently results in a conviction.
- Prior Class C (juvenile or adult) felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.
- Prior (juvenile or adult) serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five years in the community without committing any crime that subsequently results in a conviction.

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

The eligibility rules for vacation of conviction record are similar to the wash out rules. Because 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 may indicate on employment forms that he or she was not convicted of that crime.)

Federal, Out-of-state, or Foreign Convictions For a prior federal, out-of-state or foreign conviction, compare the elements of the offense in that jurisdiction to Washington State laws to determine how to score the offense (RCW 9.94A.360(3)). If there is no clearly comparable offense under Washington State law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a Class C felony equivalent if it was a felony under the relevant federal statute. Judicial decisions on the comparability of non-Washington convictions will occur at the sentencing hearing.

SCORING CRIMINAL HISTORY

Once the relevant prior convictions have been identified, the criminal history portion of the offender score may be calculated. The rules for scoring prior convictions are contained in RCW 9.94A.360. To make application of these rules easier, the offense reference sheets and scoring forms found in Section III indicate the correct number of points for each prior conviction depending on the current offense. To use these forms correctly, an understanding of the criminal history rules is necessary. For example, the forms do not repeat the "wash out" rules. The scoring rules for a drug or sex offense deserve special attention because of the increased points for certain prior offenses.

Scoring Drug Offenses³: The 1989 Legislature amended the scoring rules for drug offenses committed on or after July 23, 1989. Adult prior and other current drug offenses included in the offender score with a current drug offense count as three points each, and juvenile prior drug offenses count as two points each (9.94A.360(12)).

Scoring Sex Offenses⁴: A felony sex offense committed on or after July 1, 1990, also has special scoring rules. Sex offenses included in the offender score with a current sex offense count as three points each (RCW 9.94A.360(16)).

SCORING MULTIPLE CURRENT CONVICTIONS

Multiple convictions may also influence the offender score. Keep in mind that for multiple current offenses, separate sentence calculations are necessary foreach offense because the law

³ RCW 9.94A.030(18): "'Drug offense' means: (a) Any felony violation of Chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403); (b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or (c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this section. Note that "Delivery of a Material in Lieu of a Controlled Substance" (RCW 69.50.401(c)) is defined as a drug offense; whereas, "Manufacture, Distribute, or Possess with Intent to Distribute an Imitation Controlled Substance (RCW 69.52.030(1)) is not.

⁴ RCW 9.94A.030(33): "'Sex offense' means: (a) A felony that is a violation of Chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; (b) A felony with a finding of sexual motivation under RCW 9.94A.127; (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 sex offense under (a) of this subsection."

requires that each receive a separate sentence (RCW 9.94A.400) unless the offenses are ruled the same criminal conduct (RCW 9.94A.400(1)(a)).

Multiple Offense Scoring Steps:

(A) If the current offenses do not include two or more serious violent offenses⁵ arising from separate and distinct criminal conduct, apply RCW 9.94A.400(1)(a):

- Calculate the score for each offense.
- For each offense, score the prior adult and juvenile convictions. Also, score the other current offenses on the scoring form line entitled "Other Current Offenses."
- The court may find that some or all of the current offenses encompass the same criminal conduct⁶ and are to be counted as one crime.
- In cases of Vehicular Homicide or Vehicular Assault with multiple victims, offenses against each victim may be charged as separate offenses, even if the victims occupied the same vehicle. The resulting multiple convictions need not be scored as constituting the same criminal conduct.
- Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed are scored as "other current offenses" (RCW 9.94A.400(1)(a)).

(B) If the current offenses include two or more serious violent offenses arising from separate and distinct conduct, apply RCW 9.94A.400(1)(b):

- Calculate the score for each offense.
- Identify the serious violent offense with the highest seriousness level. Calculate the sentence for that crime using the offender's prior adult and juvenile convictions. Do not include any other current serious violent offenses as part of the offender score, but do include other current offenses that are not serious violent offenses.

⁵ RCW 9.94A.030(31): "'Serious violent offense' is a subcategory of violent offense and means: (a) Murder 1°, Homicide by Abuse, Murder 2°, Assault 1°, Kidnapping 1°, Rape 1°, Manslaughter 1°, Assault of a Child 1°, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or (b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection."

⁶ RCW 9.94A.400(1)(a): "... 'Same criminal conduct'... means...two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim." Cases involving vehicular homicide or vehicular assault need not be considered same criminal conduct.

- Score all remaining serious violent current offenses, calculating the sentence for the crime using an offender score of zero.
- For any current offenses that are not serious violent offenses, score according to the rules in (A).

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

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

Example: An offender was convicted of two counts of First Degree Kidnapping and one count of First Degree Assault. These offenses, all serious violent, arose from separate and distinct criminal conduct. The offender's criminal history consisted of one Third Degree Assault conviction. 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 XII) than First Degree Kidnapping (Level X), the First Degree Assault is scored counting the prior Third Degree Assault as adult criminal history. This calculation would result in an offender score of 1 and a sentence range of 102 to 136 months. Next, the First Degree Kidnapping convictions are scored using a criminal history of zero. These calculations result in two sentence ranges of 51 to 68 months. These three sentences would run consecutively.

Example: An offender was convicted of one count of Third Degree Assault. The offender's criminal history consisted of adult convictions for Second Degree Theft and Forgery, and one adjudication of Second Degree Assault as a juvenile. In this case the rules of RCW 9.94A.400(1)(a) apply. The prior Second Degree Theft and Forgery are included in the offender score as one point each, and the juvenile Second Degree Assault also scores as one point, resulting in an offender score of 3 points. The Sentence range is 9 to 12 months.

SCORING OFFENDER STATUS WHILE ON COMMUNITY PLACEMENT

The offender score also reflects whether the offense was committed while the offender was under community placement. RCW 9.94A.360(17) applies to crimes committed on or after July 1, 1988. An additional point is added to the score under these circumstances.

STEP 3 - DETERMINING THE STANDARD SENTENCE RANGE

SENTENCING GRID

Once the offense seriousness level and offender score have been calculated, the preliminary standard sentence range may 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 in Section III. The court may sentence anywhere within this range. In those cases where the presumptive sentence exceeds the statutory maximum sentence for the crime, the statutory maximum sentence is the presumptive sentence (RCW 9.94A.420), as shown on the offense reference sheets in Section III.

If the crime was committed on or after July 1, 1990, and before July 27, 1997, Sentencing Grid B in Appendix D should be used to determine the sentence. If the crime was committed prior to July 1, 1990, use Sentencing Grid A in Appendix D.

TABLE 3
 ANTICIPATORY OFFENSE GRID
 (75% of the range for completed offenses in months)
 (Does not apply to attempts and conspiracies to violate the Uniform Controlled
 Substance Act)

LOW END OF RANGE

Seriousness Level	Offender Score									
	0	1	2	3	4	5	6	7	8	9/more
XIV	180.00	187.50	195.75	203.25	210.75	218.25	234.00	253.50	227.50	308.25
XIII	92.25	100.50	108.00	115.50	123.75	131.25	146.25	162.00	192.75	223.50
XII	69.75	76.50	83.25	90.00	96.75	103.50	121.50	133.50	156.75	180.00
XI	58.50	64.50	71.25	76.50	83.25	90.00	109.50	119.25	138.75	157.50
X	38.25	42.75	46.50	50.25	54.00	57.75	73.50	81.00	96.75	111.75
IX	23.25	27.00	30.75	34.50	38.25	42.75	57.75	65.25	81.00	96.75
VIII	15.75	19.50	23.25	27.00	30.75	34.50	50.25	57.75	65.25	81.00
VII	11.25	15.75	19.50	23.25	27.00	30.75	42.75	50.25	57.75	65.25
VI	9.00	11.25	15.75	19.50	23.25	27.00	34.50	42.75	50.25	57.75
V	4.50	9.00	9.75	11.25	16.50	24.75	30.75	38.25	46.50	54.00
IV	2.25	4.50	9.00	9.75	11.25	16.50	24.75	32.25	39.75	47.25
III	0.75	2.25	3.00	6.75	9.00	12.75	16.50	24.75	32.25	38.25
II	0.00	1.50	2.25	3.00	9.00	10.50	12.75	16.50	24.75	32.25
I	0.00	0.00	1.50	1.50	2.25	3.00	9.00	10.50	12.75	16.50

HIGH END OF RANGE

Seriousness Level	Offender Score									
	0	1	2	3	4	5	6	7	8	9/more
XIV	240.00	249.75	260.25	270.75	280.50	291.00	312.00	337.50	369.75	411.00
XIII	165.00	175.50	183.00	190.50	198.75	206.25	221.25	237.00	267.75	297.75
XII	92.25	102.00	110.25	120.00	128.25	138.00	162.00	177.00	207.75	238.50
XI	76.50	85.50	93.75	102.00	110.25	118.50	145.50	158.25	183.75	210.00
X	51.00	56.25	61.50	66.75	72.00	76.50	97.50	108.00	128.25	148.50
IX	30.75	36.00	40.50	45.75	51.00	56.25	76.50	87.00	108.00	128.25
VIII	20.25	25.50	30.75	36.00	40.50	45.75	66.75	76.50	87.00	108.00
VII	15.00	20.25	25.50	30.75	36.00	40.50	56.25	66.75	76.50	87.00
VI	10.50	15.00	20.25	25.50	30.75	36.00	45.75	56.25	66.75	76.50
V	9.00	10.50	12.75	15.00	21.75	32.25	40.50	51.00	61.50	72.00
IV	6.75	9.00	10.50	12.75	15.00	21.75	32.25	42.75	52.50	63.00
III	2.25	6.00	9.00	9.00	12.00	16.50	21.75	32.25	42.75	51.00
II	2.25	4.50	6.75	9.00	10.50	13.50	16.50	21.75	32.25	42.75
I	1.50	2.25	3.75	4.50	6.00	9.00	10.50	13.50	16.50	21.75

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

ATTEMPT, CONSPIRACY, AND SOLICITATION (NON-VUCSA)

The standard sentence range for persons convicted of an anticipatory offense (criminal attempt, solicitation, or conspiracy) is 75 percent of the standard sentence range determined by using the offender score and offense seriousness level (RCW 9.94A.410). To simplify calculations, refer to the anticipatory offense grid (Table 3, page I-15).

ATTEMPT, CONSPIRACY, AND SOLICITATION (VUCSA)

The sentencing of anticipatory VUCSA drug offenses (RCW 69.50) is more complicated than sentencing of anticipatory offenses under Chapter 9A.28 RCW.

An attempt or conspiracy to commit a drug offense is specifically addressed in RCW 69.50.407, which states that such offenses are punishable by "...imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense..." The appellate courts have consistently held that for VUCSA offenses, RCW 69.50.407 takes precedence over RCW 9A.28. The following reflects current sentencing practices; current statute and case law should be reviewed for definitive guidance in this area.

An attempt or conspiracy to commit a drug offense is typically sentenced as an unranked offense (0-12 months) following state case law. In State v. Mendoza (63 Wn. App. 373), the Court of Appeals held that "inasmuch as a conspiracy conviction under RCW 69.50.407 has no sentencing directions from the Legislature, it is punished under the unspecified crimes provisions of RCW 9.94A.120(7)."

Solicitation to commit a drug offense is not specifically addressed in RCW 69.50. It is usually charged under RCW 9A.28 and sentenced under RCW 9.94A.310(2) at 75 percent of the standard range. Solicitation to commit a Class C felony is a gross misdemeanor under RCW 9A.28.

DEADLY WEAPON ENHANCEMENT

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.

The deadly weapon increase also applies to anticipatory offenses (attempt, conspiracy, and solicitation to commit a crime, RCW 9.94A.310(3),(4)). Additional time for a deadly weapon increase is added to the entire presumptive sentence range after it has been calculated based on the particular seriousness level and offender score (RCW 9.94A.370), and after the range adjustment for anticipatory offense (if appropriate).

The Legislature modified the deadly weapon increase in 1994 and 1995. In 1994, the Legislature expanded eligibility for the increase to all violent offenses. In 1995, the Legislature enacted the citizen Initiative 159, "Hard Time for Armed Crime," which modified the existing increases to distinguish subsequent (repeat) from first time offenses and firearm increases from those for other deadly weapons. The appropriate deadly weapon increase depends on the date of the offense, and in the case of subsequent deadly weapon offenses, the date of the prior (deadly weapon) offense. Figure 1 indicates the effective deadly weapon increase by offense date and the edition of this Manual, which describes the appropriate increase in detail. Please refer to the indicated Manual for detailed descriptions of pre-1995 enhancements. For scoring, see pages III-16 and III-17 for increase-specific worksheets.

Figure 1. Deadly Weapon Enhancement Effective Dates

Date of Current and/or Subsequent Offense	Current Offense Deadly Weapon Increase	Subsequent Offense Deadly Weapon Increase
>7/23/95	1995 and later Manual	1995 and later Manual
7/1/94 - 7/23/95	1994 Manual	not applicable
<7/1/94	1993 Manual	not applicable

Initiative 159, "Hard Time for Armed Crime", was passed during the 1995 legislative session and became effective after July 23, 1995. This initiative increased penalties and expanded the range of crimes eligible for deadly weapon enhancements. Enhancements apply to all felonies except Possession of a Machine Gun, Possession of a Stolen Firearm, Drive-by Shooting, Theft of a Firearm, Unlawful Possession of a Firearm First and Second Degree, and Use of a Machine Gun in a Felony. 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, a deadly weapon enhancement is added to the standard sentence range. The deadly weapon enhancements differ for firearms and deadly weapons other than a firearm. For scoring, see page III-16 for the deadly weapon enhancement scoring form. If the presumptive standard range sentence exceeds the statutory maximum for the offense, the statutory maximum sentence becomes the presumptive sentence, unless the offender is a persistent offender as defined in RCW 9.94A.030.

⁷ RCW 9.94A.125: Deadly Weapon means "...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."

Figure 2. Deadly Weapon Enhancements*
(Offenses committed after 7/23/95)

FIREARM ONLY		
Class	First Offense	Repeat Offender
A	60 Months	120 Months
B	36 Months	72 Months
C	18 Months	36 Months

OTHER DEADLY WEAPON		
Class	First Offense	Repeat Offender
A	24 Months	48 Months
B	12 Months	24 Months
C	6 Months	12 Months

*Increases are mandatory, must be served in total confinement, run consecutively to each other and to other sentence provisions (subject to statutory maximum for the offense) and no earned early release for the enhancement portion of sentence.

DRUG-RELATED ENHANCEMENTS

Enhancements to the presumptive range are required for certain drug offenses that occur in correctional facilities (RCW 9.94A.310(5)) or in a protected zone (RCW 9.94A.310(6)). These enhancements are as follows:

Correctional Facility: If the offender or an accomplice committed certain drug offenses while in a county jail or state correctional facility, the following additional time is added to the presumptive sentence range:

Figure 3. Drug-related Enhancements

Crime	Enhancement
Manufacture, Deliver, Possess with Intent to Deliver Heroin or Cocaine	18 Months
Manufacture, Deliver, Possess with Intent to Deliver Schedule I or II Narcotics (Except Heroin or Cocaine)	18 Months
Selling for Profit (Controlled or Counterfeit) Any Controlled Substance	18 Months
Manufacture, Deliver, Possess with Intent to Deliver Methamphetamine	18 Months
Manufacture, Deliver, Possess with Intent to Deliver Schedule III-V Narcotics or Schedule I-V Nonnarcotics (Except Marijuana or Methamphetamine)	15 Months
Manufacture, Deliver, Possess with Intent to Deliver Marijuana	15 Months
Possession of Controlled Substance that is Either Heroin or Narcotics from Schedule I or II	12 Months
Possession of Phencyclidine (PCP)	12 Months
Possession of a Controlled Substance that is a Narcotic from Schedule III-V or Nonnarcotic from Schedule I-V (Except Phencyclidine)	12 Months

Protected Zone: If the offender is sentenced for committing certain drug offenses⁸ in a protected zone, 24 months are added to the presumptive sentence, and the maximum imprisonment and fine are doubled (RCW 69.50.435). These protected zones are as follows:

- In a school or on a school bus;
- Within 1,000 feet of a school bus route stop or a school ground perimeter;
- In a public park;
- On a public transit vehicle or in a public transit stop;
- At a civic center or public housing project designated as a drug-free zone by the local governing authority;
- Within 1,000 feet of the perimeter of a facility designated as a civic center, if the local governing authority specifically designates the 1,000-foot perimeter.

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 sentence⁹ in every case. The only exception to this law is for sentences imposed under the Special Sex Offender Sentencing Alternative (SSOSA) (RCW 9.94A.120(8)(a)), which allows suspended sentences.

This section describes the available sentencing options. Sentencing options include the First-time Offender Waiver, Special Sex Offender Sentencing Alternative, Drug Offender Sentencing Alternative (DOSA), Work Crew, Work Ethic Camp, exceptional sentences, sentence enhancements, home detention, and community placement. Please refer to individual offense reference sheets in Section III for the sentencing options available for individual felonies.

⁸ RCW 69.50.435(a) "[A violation of:]...RCW 69.50.401(a) by manufacturing, selling, delivering, or possessing with intent to manufacture, sell or deliver a controlled substance listed under that subsection or who violates RCW 69.50.410 by selling for profit any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana..."

⁹ RCW 9.94A.030(16): "...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 legal financial obligation."

STANDARD SENTENCE RANGE

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

The ranges in the sentencing grid are expressed in terms of total confinement. A term of confinement of one year and one day (12+) is to be served in a state facility or institution. A term of one year or less is to be served in a county facility, unless, when combined with other felony terms, the total time to be served exceeds one year (RCW 9.94A.190). For some offenders, the court may convert total confinement sentences to partial confinement or community service (see the discussion of alternative conversions, page I-31). (Offenders with a sentence greater than one year, who also have a sentence less than one year, are to serve the entire period of time in a state institution.)

UNRANKED CRIMES

For an offender convicted of a crime without an established seriousness level (i.e., an unranked crime), no standard sentence range applies. In these cases, the court is to impose a determinate sentence that may include not more than one year of confinement, community service work, legal financial obligations, 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(7)).

COMMUNITY CUSTODY

Community custody is that period of time an offender resides in the community under Department of Corrections (DOC) supervision, either in lieu of total confinement (e.g., as part of community placement) or under the terms of the sentence (e.g., as required by the terms of a DOSA or SSOSA sentencing alternative, as part of a sex offender sentence, or as a result of successfully completing Work Ethic Camp). Community custody differs from community supervision in that offenders who violate terms or conditions of their DOC supervision may be sanctioned administratively by DOC without a formal court hearing. Violations of sentence conditions are reviewed at an inmate disciplinary hearing conducted by DOC. Sanctions may include transfer to a more restrictive confinement level. Any detention ordered is served either in a Department of Corrections facility, or if served in a county facility, is the financial responsibility of DOC (RCW 9.94A.207(2)). Depending on the basis for community custody, sanctions may include a return to prison for the remainder of the unexpired earned early release time, or for up to 60 days for each violation.

COMMUNITY SUPERVISION

If the sentence is one year or less, the court may impose up to one year of community supervision. Community supervision for up to two years may be ordered with First-time Offender Waiver sentences. Community supervision is limited to 24 months for consecutive sentences (RCW 9.94A.400(5)). An offender shall be on community supervision as of the date of sentencing. This period of supervision is tolled while the offender is in total or partial confinement.

Community supervision under the First-time Offender Waiver may include rehabilitative conditions. For all supervision sentences, the conditions may include crime-related prohibitions.¹⁰ All community supervision sentences for crimes committed on or after July 28, 1991, include a requirement that offenders cannot own, use or possess firearms or ammunition (RCW 9.94A.120(15)).

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

COMMUNITY PLACEMENT

The 1988 Legislature created community placement, an after-prison supervision program for certain violent offenders, drug offenders, and sex offenders. Community placement consists of two components: community custody and post-release supervision. Community placement begins upon completion of the confinement term or when the offender is transferred to community custody. If the offender is sentenced to the statutory maximum period of confinement, the community placement portion of the sentence consists entirely of the community custody to which the offender may become eligible. Any period of community custody actually served is to be credited against the community placement portion of the sentence.

Community Custody Under Community Placement This type of community custody applies to inmates who earn "good time" while in prison and have a sentence that includes community placement. These offenders are subject to the same controls placed on prison inmates. Violations of sentence conditions are reviewed at an inmate disciplinary hearing conducted by the Department of Corrections. Sanctions may include transfer to a more restrictive confinement level to serve the remaining portion of the original sentence. Any detention ordered is served either in a Department of Corrections facility, or if served in a county facility, is the financial responsibility of DOC (RCW 9.94A.207(2)).

¹⁰ RCW 9.94A.030(11): "'Crime-related prohibition' means an order of a court prohibiting conduct that directly relates to the circumstance of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct."

Offenders who have a sentence that includes community placement and who have earned early release time at the time of release from prison are placed on community custody for that portion of the community placement equal to their earned early release time.

A mandatory period of community custody is required for all sex offenders sentenced for a sex offense committed on or after June 6, 1996. The required period of community custody is three years or the period of earned early release, whichever is longer. Sex offenders who are released from total confinement with less than three years of earned early release are still required to serve a period of three years community custody. This requirement applies to SSOSA and non-SSOSA offenders alike.

Offenders who successfully complete the Work Ethic Camp Program are placed on community custody for the remainder of their sentence.

Post-release Supervision: This program is for an offender released from prison who has an additional period of community placement to serve, but who is not on community custody. This could happen, for instance, if the offender received no earned early release credit, or if he or she had completed the community custody portion of the sentence. If they violate sentence conditions, these offenders are entitled to a court hearing. Sanctions may include up to 60 days for each violation, and detention time is served in a county jail.

Eligibility for Community Placement Community placement for 12 months is a mandatory sentence condition for offenders sentenced to prison for the following offenses committed on or after July 1, 1988:

- Any sex offense (committed before July 1, 1990);
- Any serious violent offense (committed before July 1, 1990);
- Second Degree Assault;
- Crime against a person with a deadly weapon finding¹ under RCW 9.94A.125; or
- Any felony offense under Chapter 69.50 or 69.52 RCW.

There is a mandatory two-year community placement sentence in addition to other terms of sentence for the following offenses if they were committed after June 30, 1990:

- Any sex offense committed before June 6, 1996;

¹¹ RCW 9.94A.125: "...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."

- Any serious violent offense; or
- Any Vehicular Homicide or Vehicular Assault committed on or after June 6, 1996.

There is a mandatory three-year community custody sentence in addition to other terms of sentence for the following offenses if they were committed on or after June 6, 1996:

- Any sex offense committed on or after June 6, 1996;

Community Placement Conditions Unless the conditions are waived by the court, an offender on community placement must:

- Report to and be available for contact with the assigned community corrections officer as directed;
- Receive prior approval for living arrangements and residence location;
- Work at Department of Corrections' approved education, employment, and/or community service;
- Not possess or consume controlled substances that are not legally prescribed;
- Not own, use or possess firearms or ammunition;
- Pay supervision fees as determined by the Department of Corrections; and
- Submit to affirmative acts necessary to monitor compliance, such as Polygraph or drug testing.

In addition to the above, the court may impose the following special conditions. The offender must:

- Remain within or outside specified geographical boundaries;
- Have no direct or indirect contact with the victim of the crime;
- Have no direct or indirect contact with a specified class of individuals (must be specified);
- Participate in crime-related treatment or counseling services;
- Consume no alcohol; and/or
- Comply with crime-related prohibitions.

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

FIRST-TIME OFFENDER WAIVER

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

- Have not been convicted of a violent offense;
- Have not been convicted of Manufacture, Delivery, or Possession with Intent to Manufacture or Deliver a Schedule I or II Narcotic Drug or Methamphetamine;
- Have not been convicted of Selling for Profit any Controlled Substance or Counterfeit Substance;
- Have not been convicted of a sex offense;
- Have not previously been convicted of a felony in this state, federal court, another state, or foreign country;
- Have never participated in a program of deferred prosecution for a felony offense; and
- Have no juvenile adjudication for any felony offense.

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

- Imposing up to 90 days of confinement in a facility operated or utilized under contract by the county;
- Requiring that the offender refrain from committing new offenses;
- Requiring up to two years of community supervision which, in addition to crime-related prohibitions², may include requirements that the offender perform any one or more of the following:

² RCW 9.94A.030(11): "'Crime-related prohibition' means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct."

- (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 a community corrections officer prior to any change in the offender's address or employment;
- (e) Report as directed to the court and a community corrections officer;
- (f) Pay all court-ordered financial obligations, and/or perform some community service work.

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

SEX OFFENDER SENTENCING OPTIONS

A special sentencing option allows community treatment of sex offenders. An inpatient sex offender treatment program is operated at Twin Rivers Corrections Center in Monroe. This program is not a sentencing option; offenders are admitted at the discretion of the Department of Corrections, rather than by court order.

Special Sex Offender Sentencing Alternative The Special Sex Offender Sentencing Alternative (SSOSA) provides for a suspended sentence that may include a jail term of up to six months and required outpatient or inpatient treatment (RCW 9.94A.120(8)(a)). Offenders sentenced under this alternative are not eligible to accrue Earned Early Release while serving the suspended sentence. Examinations and treatment under SSOSA shall only be conducted by sex offender treatment providers certified by the Department of Health, unless the offender leaves the state for other than certification reasons or there are no certified providers available near the offender's home. To be eligible for this option, offenders must:

- Not be convicted of a serious violent offense with a sexual motivation finding, or of Rape First Degree, or Attempted Rape First Degree, or Rape Second Degree.
- Be convicted of a violation of Chapter 9A.44 RCW, Incest (RCW 9A.64.020), Communication with a Minor for Immoral Purposes (RCW 9.68A.090), or an offense with a finding of sexual motivation.
- Have had no prior convictions for sex offenses in this or any other state.
- Have a current offense and criminal history that permit the court to impose a sentence within the standard range of less than 11 years of confinement.

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. The examination report must include the following:

- The defendant's version of the facts and the official version of the facts;
- The defendant's offense history;
- An assessment of problems in addition to the alleged deviant behaviors;
- The defendant's social and employment situation; and
- Other evaluation measures used.

The examiner must assess the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- Frequency and type of contact between offender and therapist;
- Specific issues to be addressed in the treatment and description of planned treatment modalities;
- Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- Anticipated length of treatment; and
- Recommended crime-related prohibitions.

A second examination regarding the offender's amenability to treatment may be ordered by the court, with the evaluator selected by the party making the motion. The defendant is to pay the cost of any second examination ordered unless the court finds the defendant to be indigent, in which case the state pays the cost.

Once the examination report is received, the court determines whether the defendant and the community will benefit from use of this special sentencing alternative. The court also is to consider the victim's opinion whether the offender should receive a treatment sentence.

If the court decides to exercise the SSOSA option, the judge imposes a sentence within the standard sentence range, suspends execution of the sentence, and orders the defendant to spend up to six months in confinement (not to exceed the standard range of confinement for that offense). SSOSA is the only sentencing option where suspended sentences are possible.

The court is required to order treatment during the suspended sentence for a period up to three years in duration. The court may order outpatient or inpatient treatment; however, a community mental health center may not be used for such treatment unless it has a special sex offender treatment program. The offender cannot change sex offender treatment providers without first notifying the prosecutor, the community corrections officer, and the court. In addition, the offender cannot change providers without court approval if the prosecutor or community corrections officer object to the change.

Community Custody for SSOSA Offenders

As part of the SSOSA sentence, the court is required to place the offender on community custody for the length of the suspended sentence or three years, whichever is greater. The court may require as terms of community custody crime-related prohibitions and requirements that the offender:

- Devote time to a specific employment or occupation;
- Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- Report as directed to the court and a community corrections officer;
- Pay all court-ordered legal financial obligations, perform some community service work, or any combination thereof;
- Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

Several options are available should the offender violate these sentence conditions. The court may revoke the suspension and order execution of the sentence, or order up to 60 days in confinement. If a violation of conditions occurs during community custody, the Department of Corrections is authorized to return the offender to more restrictive confinement immediately. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

During the period of treatment, the sex offender therapist must submit quarterly reports on the offender's treatment progress to the court and parties. At a minimum, the reports shall reference the treatment plan and include the dates of attendance, offender's compliance with requirements, treatment activities, the offender's relative progress in treatment, and any other material specified by the court at sentencing.

At the sentencing hearing, the court is to set a treatment termination hearing for three months prior to the anticipated date of treatment completion. The sex offender therapist and community corrections officer are to submit written reports to the court and parties prior to

this hearing. The reports will address the offender's compliance with treatment and monitoring requirements and will contain recommendations regarding termination from treatment, including proposed community custody conditions.

A second evaluation regarding the advisability of treatment termination may be requested by either party and ordered by the court. The cost shall be borne by the offender unless the court finds the person to be indigent, in which case the state pays the cost.

As a result of the hearing, the court may modify the supervision conditions and shall either terminate treatment or extend treatment for up to the remaining period of community custody.

Sex Offender Treatment in Prison: Sex offender treatment is available for some state prisoners. The statutory authorization and procedures vary depending on the date the offender committed the crime. For offenders who committed crimes on or after July 1, 1990, the Department of Corrections has the discretion to place them in a treatment program within Twin Rivers Correctional Center. No authority exists for converting confinement time to community supervision for offenders who successfully complete the program.

For an offender who committed a felony sex offense between July 1, 1987 and July 1, 1990, and received a sentence of more than one year but less than six years of confinement, the court may request that the Department of Corrections evaluate the person's amenability to treatment, and the department may place the offender in a treatment program within a correctional facility. If the offender completes a program before the expiration of the sentence, the department may request that the balance of confinement be converted to community supervision (except for offenders convicted of Rape in the First or Second Degree). If the offender violates a condition of this community supervision, the court may impose a 60-day penalty or order the balance of community supervision to be served in prison.

Sex offenders who committed their crime prior to July 1, 1987 may, subject to available funds, request an evaluation by the Department of Corrections regarding their amenability to treatment. If such amenability is determined, an offender may request placement in a treatment program within the prison, subject again to available funds.

Community Custody for Sex Offenses Committed on or after June 6, 1996 The court is required to sentence sex offenders who commit sex offenses on or after June 6, 1996, to a term of community custody of three years or the period of earned early release, whichever is longer. At any time prior to the completion of the terms of community custody, the court may extend any or all of the conditions of community custody for a period up to the length of the statutory maximum for the offense. If the victim was a minor child, a condition may be imposed prohibiting contact between the sex offender and the minor victim or a child of similar age or circumstance as a previous victim.

DRUG OFFENDER SENTENCING ALTERNATIVE

Offenders sentenced on or after April 19, 1995, for Manufacture, Delivery, or Possession with Intent to Manufacture or Deliver a Schedule I or II narcotic (excluding methamphetamine) or a felony anticipatory offense (attempt, solicitation, or conspiracy) to commit such an offense are eligible for the Drug Offender Sentencing Alternative (DOSA) sentencing alternative, if the following conditions are met:

- No deadly weapon enhancement.
- No prior felony convictions.
- The offense involved a small amount of drugs as determined by the court.
- The court determines that the community and the offender would benefit from the imposition of the alternative.

If the court elects to impose the DOSA sentencing alternative, the court imposes a sentence of one-half the midpoint of the offender's standard range, to be served in a prison facility. The Department of Corrections provides assessment and appropriate treatment during the period of confinement. The court must also impose one year of community supervision, which must include appropriate outpatient substance abuse treatment, crime-related prohibitions, and a requirement to submit to urinalysis or other testing to monitor compliance. The court is also required to impose at least three additional conditions from a list of allowed conditions of sentence (RCW 9.94A.120(6)(b)).

Community Custody for DOSA Offenders

DOSA offenders who successfully complete the prison portion of the program are placed on community custody for the remainder of their sentence. Offenders who fail to follow the conditions of the DOSA sentence may be returned to court and ordered to serve up to the remaining one-half of the midpoint of their standard range.

PERSISTENT OFFENDERS

Initiative 593 ("Three Strikes and You're Out") was approved by the voters in 1993. It became effective December 2, 1993, and established the penalty of life without parole for "persistent offenders."

The original "Three Strikes" legislation defined a "persistent offender" as an offender who is convicted of a most serious offense and who has at least two prior convictions for most serious offenses, provided the first prior conviction occurred before the second prior conviction offense was committed (in other words, the three convictions must occur on separate "trips" through the system). Initiative 593 mandates that persistent offenders be sentenced to life in

prison without parole. A "most serious offense" is defined as any of a list of enumerated offenses (RCW 9.94A.030(23)). In addition, the definition includes any Class B felony committed with sexual motivation and any felony committed with a deadly weapon.

The definition of persistent offender also includes "Two Strike" sex offenders. To qualify as a persistent sex offender, an offender must have two separate convictions of specified sex offenses. The 1997 Legislature broadened the list of offenses that qualify as strikes under the "Two Strike" law. The specific offenses qualifying as sexual strikes are enumerated in RCW 9.94A.030(27)(b) and include Rape First Degree, Rape Second Degree, Indecent Liberties by Forcible Compulsion, Rape of a Child First Degree (where the offender was age 16 or older at the time of the offense) Rape of a Child Second Degree (where the offender was 18 or older at the time the offense), Child Molestation in the First Degree; or Murder First Degree, Murder Second Degree, Kidnapping First Degree, Kidnapping Second Degree, Assault First Degree, Assault Second Degree, Burglary First Degree, Homicide by Abuse, or Assault of a Child in the First Degree; with a finding of sexual motivation; or an attempt to commit any of the crimes listed above. An offender convicted of one of these offenses, who was previously convicted of one on a separate "trip through the system," must be sentenced to life without parole.

LIMITS ON EARLY RELEASE

Offenders convicted of a serious violent offense or a sex offense that is a Class A felony committed on or after July 1, 1990 may not receive earned early release time exceeding 15 percent of the sentence. In no other case shall the aggregate earned early release time exceed one-third of the total sentence.

Persistent offenders, and those convicted of Assault of a Child First Degree, Murder First Degree, Assault First Degree, and Rape First Degree are prohibited from early release (e.g., community custody, "good time", furlough, home detention, partial confinement, work crew, work release) during that period of confinement constituting the mandatory minimum.

Offenders who successfully complete the Work Ethic Camp (WEC) shall not accrue earned early release time.

Offenders sentenced under SSOSA are not eligible to accrue any earned early release time while serving a suspended sentence.

An offender shall not receive any earned early release time for that portion of his or her sentence that results from any deadly weapon enhancements.

ALTERNATIVE CONVERSIONS

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

For all offenders with sentences of one year or less, one day of total confinement may be converted to one day of partial confinement. Nonviolent offenders with sentences of one year or less are also eligible for conversion of total confinement to community service (one day of confinement equals eight hours of 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 served in total or partial confinement.

Partial confinement sentences may allow the offender to serve the sentence in work release, home detention, work crew, or a combination of work crew and home detention. If the offender violates the rules of the work release facility, work crew, or home detention program, or fails to remain employed or enrolled in school, the facility directors may have the offender transferred to the county detention facility. The offender may then request an administrative hearing. Pending the hearing or in the absence of a request for such a hearing, the offender shall serve the remainder of the term of confinement as total confinement (RCW 9.94A.180).

WORK CREW

Work crew is a partial confinement option created by the 1991 Legislature. The offender must have committed the offense on or after July 28, 1991. The offense may not be a sex offense³. For offenses committed before July 25, 1993, the offender must be sentenced to a facility operated or utilized under contract by a county (i.e., the sentence must be one year or less in length); this restriction does not apply to offenses committed after that date. If the sentence is 9 months or more, at least 30 days of total confinement must be served before being eligible for work crew. Work crew may be simultaneously imposed with electronic home detention. Work crew hours served may include work on civic improvement tasks, substance abuse counseling, job skills training, and a maximum of 24 hours per week at approved, verified work.

¹³ RCW 9.94A.030(33): "Sex offense" means: (a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; (b) A felony with a finding of sexual motivation under RCW 9.94A.127; or (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 sex offense under (a) of this subsection."

To be eligible to receive credit for approved, verified work, offenders must first successfully complete 4 weeks of work crew, each week comprised of 35 hours of service. Work crew projects specified by the work crew supervisor must be completed in coordination with approved, verified work. Unless exempted by the court, offenders using approved, verified employment as part of their work crew hours must pay a monthly supervision assessment.

HOME DETENTION

Home detention is a partial confinement program where the offender is confined to a private residence and subject to electronic surveillance. The option was created by the 1988 Legislature and is available for offenders convicted of crimes committed on June 9, 1988 or later. Because partial confinement programs are limited to sentences of one year or less, home detention is not an option for offenders with prison sentences.

Convictions for any of the following offenses make the offender ineligible for home detention: a violent offense, a sex offense, a drug offense, First or Second Degree Reckless Burning, Third Degree Assault, Third Degree Assault of a Child, Unlawful Imprisonment, or Harassment.

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

Offenders convicted of Second Degree or Residential Burglary must meet the following eligibility conditions: (a) successfully complete twenty-one days in a work release program; (b) have no convictions for Second Degree or Residential Burglary during the preceding two years and not more than two prior convictions for burglary; (c) have no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense; (d) have no prior charges of escape; and (e) fulfill the other conditions of the home detention program. Participation in this program is conditioned upon (a) employment or school attendance, (b) program rules adherence, and (c) compliance with court-ordered legal financial obligations (RCW 9.94A.030(42)).

Home detention may also be ordered for offenders whose medical or health-related conditions, concerns, or treatment would be better addressed under the home detention program or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered legal financial obligations.

WORK ETHIC CAMP PROGRAM

In 1993, the Legislature established the Work Ethic Camp Program sentencing alternative. The 1995 Legislature expanded eligibility criteria for the program. Under current law, offenders are eligible if they:

- Are sentenced to between 16 and 36 months confinement.
- Have no current or prior violent or sex offense convictions.
- Are referred by the sentencing court.

The Department of Corrections is required to place referred offenders in the program, subject to capacity and the offender's agreement to participate, unless physical or mental impairments are judged to preclude participation. The length of the program is to be between 120 and 180 days, including a 2-week period of transition training. Successful participants' sentences are converted at a rate of one day of camp to three days of total confinement. Upon completion of the program, offenders are released on community custody to complete the remainder of their time of total confinement. Earned early release time does not accrue to successful participants. Participants who fail to complete the program are required to serve the unexpired term of their sentence. The Work Ethic Camp is established as a pilot alternative incarceration program in effect until July 1, 1998.

Offenders who successfully complete the Work Ethic Camp Program are placed on community custody for the remainder of their sentence.

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 five crimes with statutory mandatory minimum sentences (Aggravated First Degree Murder, First Degree Murder, First Degree Assault, First Degree Assault of a Child, and First Degree Rape), an exceptional sentence cannot go below these minimum terms of confinement (RCW 10.95.030 and RCW 9.94A.120(4)). Persistent offenders sentenced to life in prison are not eligible for exceptional sentences (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). Exceptional Sentences may be appealed to the Court of Appeals by the defendant or the prosecutor.

RCW 9.94A.390 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

- To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.
- 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.
- 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.
- The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.
- 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).
- 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.
- 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.
- The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense, and the offense is a response to that abuse.

Aggravating Circumstances for Exceptional Sentences

- The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.
- The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.
- The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:
 - (a) The current offense involved multiple victims or multiple incidents per victim;
 - (b) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;
 - (c) The current 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 current offense.
- The current offense was a major violation of the Uniform Controlled Substances Act (VUCSA, Chapter 69.50 RCW), 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 offense:
 - (a) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;
 - (b) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;
 - (c) The current offense involved the manufacture of controlled substances for use by other parties;
 - (d) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;
 - (e) The current offense involved a high degree of sophistication or planning, or occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or
 - (f) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).
- The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127.

- The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of 18 years, manifested by multiple incidents over a prolonged period of time.
- The current offense involved domestic violence, as defined in RCW 10.99.020 and one or more of the following was present:
 - a) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;
 - b) The offense occurred within sight or sound of the victim's or offender's minor children under the age of eighteen years; or
 - c) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.
- The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.
- The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter as expressed in RCW 9.94A.010.
- The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.
- The offense resulted in the pregnancy of a child rape victim.

RESTITUTION

The court shall order restitution whenever a felony results in injury to a person or damage or property loss. If restitution is not ordered, the court is to indicate the extraordinary reasons on the record (RCW 9.94A.120(18)).

Restitution may 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 any offenses 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 for the crimes of Rape of a Child in the First, Second, or Third Degree in which the victim becomes pregnant, must include:

- Victims' medical expenses associated with the rape.
- Support for any child born as a result of the rape if child support is ordered.

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

Restitution is to be determined at the sentencing hearing or within 180 days. As part of the sentence, the court must set the terms and conditions under which the defendant shall make restitution. It is required that the court be specific about the payment schedule for restitution, so that these sentence conditions may be appropriately monitored by the community corrections officer. The court may not reduce the total amount of restitution ordered.

The offender's compliance with the restitution requirement may be supervised for 10 years after the date of sentence or release from confinement. 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. The court may extend the restitution requirement for a second 10-year period.

Restitution for victims is the first priority for payment by an offender.

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 may be accomplished by mail, by advertising through designated media, or by other appropriate means (RCW 9.94A.142(5), RCW 9.94A.140(4)).

FINES

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

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

Unless the court finds the offender to be indigent, every person convicted of certain VUCSA violations (RCW 69.50.401, 69.50.402, 69.50.403, 69.50.406, 69.50.407, 69.50.410, 69.50.415) shall be fined \$1,000 in addition to any other fine or penalty imposed. This fine increases to \$2,000 if the violation is a second or subsequent violation of one of the laws specified.

When a fine is imposed for Manufacture, Delivery or Possession with Intent to Manufacture or Deliver Methamphetamine or for Possession of Ephedrine or Pseudo Ephedrine with Intent to Manufacture Methamphetamine, the first \$3,000 may not be suspended and must be applied to the law enforcement entity responsible for cleaning up the methamphetamine lab site.

OTHER LEGAL FINANCIAL OBLIGATIONS

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

- Court costs, including reimbursement for extradition costs (RCW 9.94A.030(10));
- Defense attorney's fees and defense costs (RCW 9.94A.030(10));
- Contributions to a county or interlocal drug fund (RCW 9.94A.030(10));
- Crime victims' compensation assessment (RCW 7.68.035);
- Recoupment to the victim for the cost of counseling as a result of the offender's crime, in cases where the Special Sex Offender Sentencing Alternative is exercised (RCW 9.94A.120(8)(a)(ii)(B));
- Payment for the cost of incarceration, at the rate of \$50 per day;
- Payment of up to \$1,000 in costs incurred by public agencies in an emergency response to the incident that resulted in conviction for Vehicular Assault or Vehicular Homicide by being under the Influence of Intoxicating Liquor or Any Drug.

All such monetary obligations, except probationer assessments, shall be monitored by the Department of Corrections for up to 10 years after the last date of release from confinement or

the date the sentence was entered (RCW 9.94A.120(12)). The court may extend its jurisdiction an additional 10 years.

The court must designate the total amount of a legal financial obligation, distinguishing a separate assessment for restitution, costs, fines, and other assessments. This designation must appear on the Judgment and Sentence form, or on a subsequent order to pay, and include the required schedule for monthly payment. If the court fails to set the monthly payment amount, the department shall set the amount.

In order to assist the court in setting the monthly payment sum, the offender must truthfully report to the Department of Corrections regarding earnings, property, and assets, and supply requested documentation.

The department may recommend to the court modifications in the payment schedule if the offender's financial circumstances change during the period of supervision. In cases where the department sets the monthly assessment amount, the department may modify the monthly assessment without consulting the court.

Civil action for collection of unpaid legal financial obligations may be initiated by the Department of Corrections or any obligee. The law describes the wage assignment process. (See RCW 9.94A.145(3) and 9.94A.2001.)

CONTACT WITH INDIVIDUALS

The court may prohibit the offender from having contact with specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the community supervision or community placement term. The order prohibiting contact must relate directly to the circumstances of the crime of conviction (RCW 9.94A.120(19)).

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 two 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 two or more separate serious violent offenses, deadly weapon enhancements, and certain firearm-related sentences, all sentences for multiple offenses are served concurrently (RCW 9.94A.400(1)(a)). Convictions entered or sentenced on the same date as the conviction for which the offender

score is being computed are deemed "other current offenses" within the meaning of RCW 9.94A.400.

Multiple Serious Violent Offenses In the case of two 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(17)).

Certain Firearm-related Offenses In the case of an offender convicted of Unlawful Possession of a Firearm First or Second Degree and for Theft of a Firearm or Possession of a Stolen Firearm, or both, the sentences for these crimes are served consecutively to each other (effective for offenses committed after July 23, 1995) (RCW 9.41.040). A departure from this rule requires an exceptional sentence (RCW 9.94A.120(17)).

Deadly Weapon Enhancements In the case of an offender receiving a deadly weapon enhancement for offenses committed after July 23, 1995, the deadly weapon enhancement portion of the standard range is served consecutively to any other sentencing provisions (RCW 9.94A.310). A departure from this rule requires an exceptional sentence (RCW 9.94A.120(17)).

Felony Committed While Offender was Under Sentence for Another Felony Whenever the current offense was committed while the offender was under sentence for a previous felony and the offender was sentenced under 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(17)).

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

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

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

STEP 5 - REVIEW OF SENTENCES

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

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

The Department of Corrections may request a review of a sentence committing an offender to the custody or jurisdiction of the department. This review must be limited to errors of law and must be filed with the Court of Appeals no later than 90 days after the department has actual knowledge of the term of the sentence. The department must certify that all reasonable efforts to resolve the dispute at the Superior Court level have been exhausted.

STEP 6 - PENALTY AND MODIFICATION HEARING

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

If the court finds that a violation of sentence conditions or requirements has occurred, it may order the offender confined for a period not to exceed 60 days for each violation. The court may (1) convert a partial confinement term to total confinement; (2) convert community service to total or partial confinement; or (3) convert monetary obligations (except restitution and the crime victim penalty assessment) to community service hours by calculating the obligation into hours using the state minimum wage as a calculation basis.

Any time served in confinement awaiting the hearing shall be credited against any confinement order. If the court finds that the violation was not willful, the court may modify its previous

order regarding payment of legal financial obligations and community service obligations. In all cases, escape charges may also be filed if appropriate.

STEP 7 - DISCHARGE AND VACATION OF CONVICTION RECORD

DISCHARGE

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

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

VACATION OF CONVICTION RECORD

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

- Any criminal charges are pending against the offender in any court in this state, another state, or federal court;
- The offense was a violent offense (as defined in RCW 9.94A.030(38));
- The offense was a crime against persons (as defined in RCW 43.43.830);
- 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; or
- 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 may clear the record of conviction by:

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

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

The sentencing guidelines allow automatic "wash out" of prior convictions that 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-10 for further discussion of this policy.)

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RCW 9.94A.010 Purpose. The purpose of this chapter is to make the criminal justice system accountable to the public by developing a system for the sentencing of felony offenders which structures, but does not eliminate, discretionary decisions affecting sentences, and to add a new chapter to Title 9 RCW designed to:

- (1) Ensure that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history;
- (2) Promote respect for the law by providing punishment which is just;
- (3) Be commensurate with the punishment imposed on others committing similar offenses;
- (4) Protect the public;
- (5) Offer the offender an opportunity to improve him or herself; and
- (6) Make frugal use of the state's resources. [1981 c 137 § 1.]

Comment

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

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

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

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time or imposed pursuant to RCW 9.94A.120 (6), (8), or (10) served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

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

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

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

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

(13) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(14) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.

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

(16) "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 legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(17) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(18) "Drug offense" means:

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

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

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

(19) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

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

(20) "Felony traffic offense" means:

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

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

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

(22) "First-time offender" means any person who is convicted of a felony (a) not classified as a violent offense or a sex offense under this chapter, or (b) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana, 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.

(23) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

- (q) Vehicular assault;
 - (r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
 - (s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;
 - (t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;
 - (u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;
 - (v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;
 - (ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.
- (24) "Nonviolent offense" means an offense which is not a violent offense.
- (25) "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 is under superior court jurisdiction under RCW 13.04.030 or 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.
- (26) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.
- (27) "Persistent offender" is an offender who:
- (a)(i) Has been convicted in this state of any felony considered a most serious offense; and
 - (ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or
- (b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (27)(b)(i); and
- (ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under

subsection (27)(b)(i) only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under subsection (27)(b)(i) only when the offender was eighteen years of age or older when the offender committed the offense.

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

(29) "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.

(30) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

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

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

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

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

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

(33) "Sex offense" means:

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

(b) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(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 sex offense under (a) of this subsection.

(34) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(35) "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.

(36) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

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

(38) "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, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, drive-by shooting, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

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

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

(39) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (33) of this section are not eligible for the work crew program.

(40) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

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

(42) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. [1997 c 365 § 1; 1997 c 340 § 4; 1997 c 339 § 1; 1997 c 338 § 2; 1997 c 144 § 1; 1997 c 70 § 1. Prior: 1996 c 289 § 1; 1996 c 275 § 5; prior: 1995 c 268 § 2; 1995 c 108 § 1; 1995 c 101 § 2; 1994 c 261 § 16; prior: 1994 c 1 § 3 (Initiative Measure No. 593, approved November 2, 1993); 1993 c 338 § 2; 1993 c 251 § 4; 1993 c 164 § 1; prior: 1992 c 145 § 6; 1992 c 75 § 1; prior: 1991 c 348 § 4; 1991 c 290 § 3; 1991 c 181 § 1; 1991 c 32 § 1; 1990 c 3 § 602; prior: 1989 c 394 § 1; 1989 c 252 § 2; prior: 1988 c 157 § 1; 1988 c 154 § 2; 1988 c 153 § 1; 1988 c 145 § 11; prior: 1987 c 458 § 1; 1987 c 456 § 1; 1987 c 187 § 3; 1986 c 257 § 17; 1985 c 346 § 5; 1984 c 209 § 3; 1983 c 164 § 9; 1983 c 163 § 1; 1982 c 192 § 1; 1981 c 137 § 3.]

Comment

The 1986 Amendments:

To reflect the serious nature of Class A felonies, the term "criminal history" was amended so that prior juvenile Class A felonies do not "wash out" when the defendant becomes 23 years of age. In 1997, the Legislature removed the provision for "wash out" at age 23 for all juvenile felonies.

The term "drug offense" as defined in the SRA excludes simple possession, forged prescriptions, and violations of the Legend Drug Act.

The term "First-time Offender" confused practitioners and raised questions concerning whether prior juvenile convictions precluded an adult offender from being sentenced as a "First-time Offender." Changes in the definition made it clear that a juvenile offense committed at the age of 15 years or after disqualifies the offender from being sentenced under the First-time Offender Waiver. In 1997, the Legislature disqualified offenders with any prior juvenile felony adjudication from FTOW.

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

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

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

The 1987 Amendments:

The definition of serious and violent offenses includes federal and out-of-state convictions.

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

The definition of "First-time Offender" was amended to exclude use of the waiver for persons convicted of Manufacture, Delivery, or Possession with Intent to Manufacture or Deliver Schedule I or II Narcotics.

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

The 1988 Amendments:

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

The Commission recommended the definition of juvenile criminal history (RCW 9.94A.030(12)(b)) be amended to include serious traffic offenses. The offender scoring rules (RCW 9.94A.360) include serious traffic offenses when determining the sentence range for felony traffic offenses; therefore this section was changed to be consistent.

The 1990 Amendments:

The 1990 Legislature amended the definition of criminal history so juvenile convictions for sex offenses are always included in criminal history despite the offender's age or the class of the crime. The definition of sex offense was amended to include crimes committed with sexual motivation; a definition of this term was also added.

Child Molestation 1 and Rape 2 were deleted from the violent offense definition because they were raised from Class B to Class A offenses. All Class A offenses are defined as violent crimes.

The 1993 Amendments:

In 1993, the Legislature amended RCW 9.94A.030 to broaden work crew program eligibility. The Legislature removed the language limiting the performance of civic improvement tasks to public or private nonprofit property.

In 1993, the Legislature amended RCW 9.94A.030 to define Work Ethic Camps.

In 1993, the Legislature amended RCW 9.94A.030 to expand the range of financial obligation that may be imposed against offenders who are convicted of vehicular assault or vehicular homicide while under the influence of alcohol or drugs. The court may now impose up to \$1,000 in costs incurred by public agencies in an emergency response to the incident that resulted in conviction.

In 1993, Initiative Measure No. 593 added the definitions of “most serious offense” and “persistent offender.” The definition of “persistent offender” requires two previous convictions “as an offender” of “most serious offenses.” Each “most serious offense” must have been committed after conviction of the previous such offense. A persistent offender is sentenced to life imprisonment without possibility of release under RCW 9.94A.120(4).

The definition of “offender” in subsection (25) includes juveniles whose cases were transferred from juvenile court to criminal court when the juvenile court declined jurisdiction after a hearing under RCW 13.40.110. However, the definition did not include juveniles whose cases were transferred automatically to criminal court under RCW 13.04.030(1)(e)(iv), a provision added by the Youth Violence Act of 1994. That legislation gave criminal courts exclusive original jurisdiction of certain cases involving juveniles 16 or older, without requiring juvenile court to decline jurisdiction. In 1997, the Legislature clarified that a conviction of a 16- or 17-year-old in adult criminal court would count as a “strike” under Initiative 593 if the court’s jurisdiction were based on either RCW 13.04.030(1)(e)(v) or RCW 13.40.110.

The 1995 Amendments:

The 1995 Legislature amended the definition of “First-time Offender” to exclude persons convicted of Manufacture, Delivery, or Possession with Intent to Deliver Methamphetamine.

The 1995 Legislature expanded the definition of “criminal history” to include juvenile convictions for serious violent offenses, regardless of the offender’s age at the time of the offense. The same legislation modified the definition of “First-time Offender” to exclude persons with prior juvenile adjudications of serious violent offenses, regardless of age at the time of adjudication.

The 1995 Legislature also amended the definition of “sex offense” to include only felonies. However, a criminal attempt, solicitation, or conspiracy to commit a sex offense triggers the requirement to register as a sex offender under RCW 9A.44.130, even when the offense is classified as a gross misdemeanor.

The 1996 Amendments:

The 1996 Legislature amended the definition of “community custody” to include the status of persons sentenced under the Special Sex Offender Sentencing Alternative (see RCW 9.94A.120).

The 1996 Legislature amended the definition of “persistent offender” to include persons convicted of specified sex offenses with one previous conviction “as an offender” of one of the specified sex offenses. The second such offense must have been committed after conviction of the first.

The 1996 Legislature also clarified that the classification of a felony is not affected by the doubling of its maximum sentence for a second or subsequent conviction, consistent with State v. Kelley, 77 Wn. App. 66 (1995).

The 1997 Amendments:

The Legislature amended the definition of “persistent offender” to include persons convicted of additional sex offenses against children after a previous conviction of one of the specified sex offenses. The offenses added in 1997 are Rape of a Child 1 and 2, Child Molestation 1, Homicide by Abuse with sexual motivation, and Assault of a Child 1 with sexual motivation. The legislation specified that, for a conviction to be counted in determining “persistent offender” status, Rape of a Child 1 must have been committed when the offender was 16 or older, and Rape of a Child 2 must have been committed when the offender was 18 or older.

The Legislature also clarified that a prior conviction of Indecent Liberties is counted in determining “persistent offender” status under all definitions of the offense in effect since 1975, except for cases under RCW 9A.44.100(1)(c) as it existed between June 11, 1986 and July 1, 1988, where the victim was 14 or 15 years old, the offender was at least 48 months older, and the offender was in a position of authority over the victim.

The definition of “offender” was amended to clarify that a conviction of a “most serious offense” is counted in determining “persistent offender” status when the court’s jurisdiction was based on RCW 13.04.030, providing for automatic transfer of certain juvenile offenders to adult court without the juvenile court having declined jurisdiction.

The Legislature also added Manslaughter 1 to the definition of “serious violent offense” and added “Drive-by Shooting” (formerly Reckless Endangerment 1, nonviolent) to the definition of “violent offense.”

The Legislature also clarified that the definition of “crime-related prohibition,” while generally not including orders that offenders perform affirmative conduct, nonetheless allows the Department of Corrections to require affirmative acts, such as undergoing drug testing or polygraph examination, necessary to monitor compliance with crime-related prohibitions.

The Legislature also modified the definition of “criminal history” to include all juvenile adjudications, repealing language that excluded certain adjudications for nonviolent, nonsex offenses committed before the offender was 15 years old.

RCW 9.94A.035 Classification of felonies not in Title 9A RCW For a felony defined by a statute of this state that is not in Title 9A RCW, unless otherwise provided:

(1) If the maximum sentence of imprisonment authorized by law upon a first conviction of such felony is twenty years or more, such felony shall be treated as a class A felony for purposes of this chapter;

(2) If the maximum sentence of imprisonment authorized by law upon a first conviction of such felony is eight years or more, but less than twenty years, such felony shall be treated as a class B felony for purposes of this chapter;

(3) If the maximum sentence of imprisonment authorized by law upon a first conviction of such felony is less than eight years, such felony shall be treated as a class C felony for purposes of this chapter. [1996 c 44 § 1.]

Comment

This section was added in 1996 at the Commission’s request. It provides a means of classifying, for purposes of the Sentencing Reform Act, felonies which are not classified in the statutes defining them.

The classification system is consistent with RCW 9A.20.040 for offenses related to other felonies, and to RCW 9A.28.010 for anticipatory offenses. It is also consistent with State v. Kelley, 77 Wn. App. 66 (1995), which held that doubling the statutory maximum sentence for an offense under RCW 69.50.408 does not change the classification of the offense.

RCW 9.94A.040 Sentencing guidelines commission—Established—Powers and duties—Assumption of powers and duties of juvenile disposition standards commission.(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, 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;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(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) The standard sentence ranges of total and partial confinement under this chapter are 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, except that for murder in the second degree in seriousness category XIII under RCW 9.94A.310, the minimum term in the range shall be no less than fifty 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.20.021.

(5) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW. [1997 c 365 § 2; 1997 c 338 § 3; 1996 c 232 § 1; 1995 c 269 § 303; 1994 c 87 § 1; 1986 c 257 § 18; 1982 c 192 § 2; 1981 c 137 § 4.]

Comment

The 1996 Legislature updated and expanded the Commission's responsibilities to reflect the fact that a determinate sentencing system has been in place for over a decade, and that there is a need for independent review of disposition standards and related issues in the juvenile justice system.

The 1997 Legislature expanded the permissible sentence range for Murder 2 at Level XIII, reducing the allowable minimum to 50% of the maximum, consistent with an amendment to the sentencing grid (RCW 9.94A.310) that increased the maximum in the standard range. However, the Legislature also included additional offenses in Level XIII without authorizing expansion of the permissible range to them. Only sentences for Murder 2 may be less than 75% of the top of the standard range in Level XIII and remain within the range.

RCW 9.94A.050 Sentencing guidelines commission—Research staff—Data, information, assistance—Bylaws—Salary of executive officer. The commission shall appoint a research staff of sufficient size and with sufficient resources to accomplish its duties. The commission may request from the office of financial management, the *board of prison terms and paroles, administrator for the courts, the department of corrections, and the department of social and health services such data, information, and data processing assistance as it may need to accomplish its duties, and such services shall be provided without cost to the commission. The commission shall adopt its own bylaws.

The salary for a full-time executive officer, if any, shall be fixed by the governor pursuant to RCW 43.03.040. [1982 c 192 § 3; 1981 c 137 § 5.]

*Reviser's note: The "board of prison terms and paroles" was redesignated the "indeterminate sentence review board" by 1986 c 224, effective July 1, 1986.

RCW 9.94A.060 Sentencing guidelines commission—Membership—Appointments—Terms of office—Expenses and compensation. (1) The commission consists of twenty 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 or designee, as an ex officio member;

(c) Until the indeterminate sentence review board ceases to exist pursuant to RCW 9.95.0011, the chair of the board, as an ex officio member;

(d) The head of the state agency, or the agency head's designee, having responsibility for juvenile corrections programs, as an ex officio member;

(e) Two prosecuting attorneys;

- (f) Two attorneys with particular expertise in defense work;
- (g) Four persons who are superior court judges;
- (h) One person who is the chief law enforcement officer of a county or city;
- (i) Four members of the public who are not prosecutors, defense attorneys, judges, or law enforcement officers, one of whom is a victim of crime or a crime victims' advocate;
- (j) One person who is an elected official of a county government, other than a prosecuting attorney or sheriff;
- (k) One person who is an elected official of a city government;
- (l) One person who is an administrator of juvenile court services.

In making the appointments, the governor shall endeavor to assure that the commission membership includes adequate representation and expertise relating to both the adult criminal justice system and the juvenile justice system. 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 defense attorney members, of the association of superior court judges in respect to the members who are judges, of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer, of the Washington state association of counties in respect to the member who is a county official, of the association of Washington cities in respect to the member who is a city official, of the office of crime victims advocacy and other organizations of crime victims in respect to the member who is a victim of crime or a crime victims' advocate, and of the Washington association of juvenile court administrators in respect to the member who is an administrator of juvenile court services.

(3)(a) 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.

(b) The governor shall stagger the terms of the members appointed under subsection (2)(j), (k), and (l) of this section by appointing one of them for a term of one year, one for a term of two years, and one for a term of three years.

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

(5) The members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed by their respective houses as provided under RCW 44.04.120, as now existing or hereafter amended. Members shall be compensated in accordance with RCW 43.03.250. [1996 c 232 § 3; 1993 c 11 § 1; 1988 c 157 § 2; 1984 c 287 § 10; 1981 c 137 § 6.]

Comment

In 1993, the Legislature amended RCW 9.94A.060 expanding the voting membership of the Sentencing Guidelines Commission to 16 members. It added the chair of the Indeterminate Sentence Review Board. It also authorized the director of the Office of Financial Management to name a designee as a voting member of the commission.

In 1996, the Legislature modified the Commission's voting membership to reflect its new responsibilities in juvenile justice, provide for local government representation, and assure representation of crime victims. Added as members were the Assistant Secretary of Social and Health Services for Juvenile Rehabilitation, a representative of county juvenile court administrators, a representative of county elected officials, a representative of city elected officials, and a citizen

representative of crime victims. The Legislature removed the chair of the Clemency and Pardons Board as a member.

RCW 9.94A.070 Standard sentence ranges—Revisions or modifications—Submission to legislature. Revisions or modifications of standard sentence ranges or other standards, together with any additional list of standard sentence ranges, shall be submitted to the legislature at least every two years. [1986 c 257 § 19; 1981 c 137 § 7.]

RCW 9.94A.080 Plea agreements—Discussions—Contents of agreements. The prosecutor and the attorney for the defendant, or the defendant when acting pro se, may engage in discussions with a view toward reaching an agreement that, upon the entering of a plea to a charged offense or to a lesser or related offense, the prosecutor will do any of the following:

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

In a case involving a crime against persons as defined in RCW 9.94A.440, the prosecutor shall make reasonable efforts to inform the victim of the violent offense of the nature of and reasons for the plea agreement, including all offenses the prosecutor has agreed not to file, and ascertain any objections or comments the victim has to the plea agreement.

The court shall not participate in any discussions under this section. [1995 c 288 § 1; 1981 c 137 § 8.]

Comment

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

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

The 1995 Legislature added a requirement that prosecutors consult with the victims of violent offenses about plea agreements in such cases.

RCW 9.94A.090 Plea agreements—Information to 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 prosecutor shall inform the court on the record whether the victim or victims of all crimes against persons, as defined in RCW 9.94A.440, covered by the plea agreement have expressed any objections to or comments on the nature of and reasons for the plea 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. [1995 c 288 § 2; 1984 c 209 § 4; 1981 c 137 § 9.]

Comment

Subsection (1) gives the judge hearing a defendant's plea of guilty the authority to void the plea agreement upon which it is based if it is not consistent with the interests of justice and the prosecuting standards. This includes the authority to deny an amendment of the information. CrR 2.1(e).

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

The 1995 Legislature added a requirement that prosecutors inform the sentencing court whether the victims of violent crimes have expressed any objections or comments on the plea agreement

RCW 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.]

Comment

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

RCW 9.94A.103 Plea agreements and sentences for certain offenders—Public records. Any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes shall be made and retained as public records if the felony crime involves:

- (1) Any violent offense as defined in this chapter;
- (2) Any most serious offense as defined in this chapter;
- (3) Any felony with a deadly weapon special verdict under RCW 9.94A.125;
- (4) Any felony with any deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both; and/or
- (5) The felony crimes of possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony. [1997 c 338 § 48; 1995 c 129 § 5 (Initiative Measure No. 159).]

Comment

The enactment of Initiative Measure No. 159 by the Legislature added this section, requiring the maintenance as public records of all plea or recommended sentencing agreements involving violent offenses, most serious offenses, or felonies involving deadly weapons.

RCW 9.94A.105 Judicial records for sentences of certain offenders. (1) A current, newly created or reworked judgment and sentence document for each felony sentencing shall record any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes kept as public records under RCW 9.94A.103 shall contain the clearly printed name and legal signature of the sentencing judge. The judgment and sentence document as defined in this section shall also provide additional space for the sentencing judge's reasons for going either above or below the presumptive sentence range for any and all felony crimes covered as public records under RCW 9.94A.103. Both the sentencing judge and the prosecuting attorney's office shall each retain or receive a completed copy of each sentencing document as defined in this section for their own records.

(2) The sentencing guidelines commission shall be sent a completed copy of the judgment and sentence document upon conviction for each felony sentencing under subsection (1) of this section and shall compile a yearly and cumulative judicial record of each sentencing judge in regards to his or her sentencing practices for any and all felony crimes involving:

- (a) Any violent offense as defined in this chapter;
- (b) Any most serious offense as defined in this chapter;
- (c) Any felony with any deadly weapon special verdict under RCW 9.94A.125;
- (d) Any felony with any deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both; and/or
- (e) The felony crimes of possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony.

(3) The sentencing guidelines commission shall compare each individual judge's sentencing practices to the standard or presumptive sentence range for any and all felony crimes listed in subsection (2) of this section for the appropriate offense level as defined in RCW 9.94A.320, offender score as defined in RCW 9.94A.360, and any applicable deadly weapon enhancements as defined in RCW 9.94A.310 (3) or (4), or both. These comparative records shall be retained and made available to the public for review in a current, newly created or reworked official published document by the sentencing guidelines commission.

(4) Any and all felony sentences which are either above or below the standard or presumptive sentence range in subsection (3) of this section shall also mark whether the prosecuting attorney in the case also recommended a similar sentence, if any, which was either above or below the presumptive sentence range and shall also indicate if the sentence was in conjunction with an approved alternative sentencing option including a first-time offender waiver, sex offender sentencing alternative, or other prescribed sentencing option.

(5) If any completed judgment and sentence document as defined in subsection (1) of this section is not sent to the sentencing guidelines commission as required in subsection (2) of this section, the sentencing guidelines commission shall have the authority and shall undertake reasonable and necessary steps to assure that all past, current, and future sentencing documents as defined in subsection (1) of this section are received by the sentencing guidelines commission. [1997 c 338 § 49; 1995 c 129 § 6 (Initiative Measure No. 159).]

Comment

The enactment of Initiative Measure No. 159 by the Legislature added this section, requiring that every felony Judgment and Sentence document include all recommended plea or sentencing agreements, the printed name of the sentencing judge, and space for the judge's reasons to impose an exceptional sentence. Sentences above or below the standard range are to include an indication whether the prosecuting attorney recommended a similar sentence. These requirements take effect for sentences imposed on and after July 23, 1995.

The Sentencing Guidelines Commission is required to compile annual and cumulative records of each judge's sentencing practices involving violent offenses, most serious offenses, and felonies involving deadly weapons. The Commission is to compare each judge's sentencing practices to the standard range for each of these offenses, and to publish these comparative records.

RCW 9.94A.110 Sentencing hearing—Time period for holding—Presentence reports—Victim impact statement and criminal history—Arguments—Record. Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing. The court shall order the department to complete a presentence report before imposing a sentence upon a defendant who has been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. The court shall consider the presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys. [1988 c 60 § 1; 1986 c 257 § 34; 1985 c 443 § 6; 1984 c 209 § 5; 1981 c 137 § 11.]

Comment

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

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

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

RCW 9.94A.120 Sentences. When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) 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) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. 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 or assault of a child 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 five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree.

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

- (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (c) Pursue a prescribed, secular course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (e) Report as directed to the court and a community corrections officer; or
- (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(6)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation,

or criminal conspiracy to commit such crimes, and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4);

(ii) The offender has no prior convictions for a felony in this state, another state, or the United States; and

(iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

(b) If the midpoint of the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections. If the midpoint of the standard range is twenty-four months or less, no more than three months of the sentence may be served in a work release status. The court shall also impose one year of concurrent community custody and community supervision that must include appropriate outpatient substance abuse treatment, crime-related prohibitions including a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. The court may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

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

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

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

(iv) Pay all court-ordered legal financial obligations;

(v) Perform community service work;

(vi) Stay out of areas designated by the sentencing judge.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by the court.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service

work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex 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.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sex offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section;

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions 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) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

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

(IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

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

(C) Sex offenders sentenced under this special sex offender sentencing alternative are not eligible to accrue any earned early release time while serving a suspended sentence.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody.

(v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection.

(vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(vii) Except as provided in (a) (viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

(ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment.

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

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

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

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

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(9)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2).

When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;

(iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

(iv) The offender shall pay supervision fees as determined by the department of corrections;

(v) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement; and

(vi) The offender shall submit to affirmative acts necessary to monitor compliance with the orders of the court as required by the department.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol;

(v) The offender shall comply with any crime-related prohibitions; or

(vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section.

(c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the

offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(11) 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.

(12) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered unless the superior court extends the criminal judgment an additional ten years. If the legal financial obligations including crime victims' assessments are not paid during the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years as provided in RCW 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(13) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(14) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions of the department of corrections. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed.

(a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(b) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. The conditions authorized under this subsection (14)(b) may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW

9.94A.205. At any time prior to the completion of a sex offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) of this section.

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(15) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(16) 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.

(17) 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).

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

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

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

(21) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations. [1997 c 340 § 2; 1997 c 338 § 4; 1997 c 144 § 2; 1997 c 121 § 2; 1997 c 69 § 1. Prior: 1996 c 275 § 2; 1996 c 215 § 5; 1996 c 199 § 1; 1996 c 93 § 1; 1995 c 108 § 3; prior: 1994 c 1 § 2 (Initiative Measure No. 593, approved November 2, 1993); 1993 c 31 § 3; prior: 1992 c 145 § 7; 1992 c 75 § 2; 1992 c 45 § 5; prior: 1991 c 221 § 2; 1991 c 181 § 3; 1991 c 104 § 3; 1990 c 3 § 705; 1989 c 252 § 4; prior: 1988 c 154 § 3; 1988 c 153 § 2; 1988 c 143 § 21; prior: 1987 c 456 § 2; 1987 c 402 § 1; prior: 1986 c 301 § 4; 1986 c 301 § 3; 1986 c 257 § 20; 1984 c 209 § 6; 1983 c 163 § 2; 1982 c 192 § 4; 1981 c 137 § 12.]

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 legal financial obligation" (RCW 9.94A.030). When the court sets a sentence outside the range, such sentence should be expressed in terms of the categories allowed under the law.

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

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

RCW 9.94A.120(16) codifies the constitutional requirement that the offender receive credit for time served prior to the sentencing. See *State v. Phelan*, 100 Wn.2d 508, 671 P.2d 1212 (1983).

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

The 1988 Legislature established a program of community placement for certain offenders following their release from prison. RCW 9.94A.120(9) establishes the conditions of supervision for both community custody and post-release supervision, the two forms of community placement.

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

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

The 1990 Legislature increased the mandatory minimum sentence for Rape 1 from three years to five years.

The 1990 Legislature revised several aspects of the Special Sex Offender Sentencing Alternative. These include increasing the accountability of the treatment provider to the court, changing the maximum sentence allowed from six years to eight years, increasing the length of community supervision and treatment, and directing that, after July 1991, examinations and treatment under SSOSA be conducted by certified sex offender treatment providers.

The state hospital sex offender treatment program was phased out beginning in 1987. Offenders whose crimes were committed before July 1987 were no longer admitted to the hospital program nor were they eligible for the prison sex offender treatment program. The 1990 Legislature added a provision allowing this category of sex offender to be admitted to the prison treatment program, subject to available funds.

The 1990 Legislature changed the allowable length of community placement for sex offenders and serious violent offenders from one year to either two years or the period of earned early release time, whichever is longer.

In 1993, the Legislature reenacted RCW 9.94A.120, authorizing the Department of Corrections, after July 25, 1993, to require offenders under its supervision to pay for special services including electronic monitoring, day reporting, and telephone reporting, depending on the offender's ability to pay.

In 1993, Initiative Measure No. 593 amended subsection (4) to require that a persistent offender, as defined in RCW 9.94A.030, be sentenced to life imprisonment without possibility of release, unless the death penalty is imposed for Aggravated Murder 1 under RCW 10.95.030. The initiative also provided that mandatory periods of total confinement under this subsection (for persistent offenders and those convicted of Murder 1, Assault 1, Assault of a Child 1, and Rape 1) may not be reduced during the mandatory minimum term of confinement for any reason other than emergency medical treatment or, in the case of those convicted of Rape 1, commitment to an inpatient treatment facility.

At the request of the Sentencing Guidelines Commission, the 1995 Legislature created an optional, treatment-oriented Drug Offender Sentencing Alternative for offenders convicted of Manufacture, Delivery, or Possession with Intent to Manufacture or Deliver a small quantity of a narcotic drug, where the offender has no previous felony convictions, there is no deadly weapon enhancement, and the sentencing court determines that the offender would benefit from substance abuse treatment. The definition of a “small quantity” was intended to be determined by the court based on local standards. A defendant need not be dependent on a drug to be eligible for the alternative sentence.

Under the alternative, an offender may be sentenced to total confinement for a period equal to half the midpoint of the standard range (e.g., 12 months if the standard range is 21-27 months). If the standard range exceeds 12 months, this alternative period of confinement must be served in a state correctional facility, even if it is for less than 12 months. Substance abuse treatment must be provided within the facility during total confinement, as well as after release on an outpatient basis. Offenders sentenced under this alternative may not be placed on work release for more than three months, unless the midpoint of the standard range is more than 24 months (i.e., their period of total confinement is more than 12 months).

Upon release at half the midpoint of the standard range, offenders sentenced under the Drug Offender Sentencing Alternative remain on community custody status for an additional year, not including any period in which they are returned to confinement for violating the terms of release. During this period they are subject to urinalysis or other testing to monitor drug-free status.

The Drug Offender Sentencing Alternative, as introduced in the Legislature, was not intended to be available to offenders convicted of manufacture, delivery, or possession with intent to manufacture or deliver methamphetamine, because such offenders were eligible for the First-time Offender Waiver. However, the Legislature amended RCW 9.94A.030 to exclude such offenders from the definition of “First-time Offender.” The apparent result was to make them ineligible for either of these sentencing options.

In other legislation, the 1995 Legislature also authorized a sentence to Work Ethic Camp for offenders convicted of drug delivery. That sentence to Work Ethic Camp was intended as an

alternative to the drug offender sentencing alternative created in this section, not for use in conjunction with it.

The 1996 Legislature required that persons sentenced to prison for Vehicular Assault or Vehicular Homicide also be sentenced to community placement for two years or up to the period of earned early release, whichever is longer.

The 1996 Legislature also authorized courts to require that sex offenders whose victims were minors comply with conditions of community placement imposed by the Department of Corrections regarding contact with minor victims or children of similar age or circumstances.

The 1996 Legislature also converted the status of offenders sentenced under the Special Sex Offender Sentencing Alternative from community supervision to community custody and authorized the Department of Corrections to impose sanctions administratively. The same legislation extended the period of community custody for sex offenders sentenced to prison to three years or the period of earned early release, whichever is longer, and authorizing the court to extend conditions of community custody for a period up to the statutory maximum sentence for the offense. The same legislation authorized the Department of Corrections to impose additional conditions on sex offenders serving in community custody status.

The 1997 Legislature required the Department of Corrections to supervise compliance with payment of legal financial obligations for up to ten years after entry of the judgment and sentence or release from total confinement. The court was also authorized to extend the time for payment of legal financial obligations a subsequent ten years, but the Department is not responsible for supervision after the initial ten-year period.

The 1997 Legislature increased from less than eight to less than eleven years the length of a standard-range sentence that may be suspended under the Special Sex Offender Sentencing Alternative. Therefore SSOSA remains available in cases eligible under prior law, despite increases in the seriousness levels of certain offenses under RCW 9.94A.320. The Legislature also required that the state pay for initial evaluation and treatment in SSOSA cases where the defendant was under 18 years old when the charge was filed.

The 1997 Legislature also clarified that offenders sentenced under SSOSA are not eligible to accrue earned early release time while serving a suspended sentence.

The 1997 Legislature also clarified that the Department of Corrections, in monitoring offenders' compliance with conditions of community placement, community supervision, community service, or payment of legal financial obligations, may require them to perform affirmative actions (such as submitting to drug testing or polygraph examination).

RCW 9.94A.123 Legislative finding and intent—Commitment of felony sexual offenders after July 1, 1987. The legislature finds that the sexual offender treatment programs at western and eastern state hospitals, while not proven to be totally effective, may be of some benefit in positively affecting the behavior of certain sexual offenders. Given the significance of the problems of sexual assault and sexual abuse of children, it is therefore appropriate to review and revise these treatment efforts.

At the same time, concerns regarding the lack of adequate security at the existing programs must be satisfactorily addressed. In an effort to promote public safety, it is the intent of the legislature

to transfer the responsibility for felony sexual offenders from the department of social and health services to the department of corrections.

Therefore, no person committing a felony sexual offense on or after July 1, 1987, may be committed under *RCW 9.94A.120(7)(b) to the department of social and health services at eastern state hospital or western state hospital. Any person committed to the department of social and health services under *RCW 9.94A.120(7)(b) for an offense committed before July 1, 1987, and still in the custody of the department of social and health services on June 30, 1993, shall be transferred to the custody of the department of corrections. Any person eligible for evaluation or treatment under *RCW 9.94A.120(7)(b) shall be committed to the department of corrections. [1987 c 402 § 2; 1986 c 301 § 1.]

*Reviser's note: RCW 9.94A.120 was amended by 1995 c 108 § 3, which deleted subsection (7)(b).

RCW 9.94A.125 Deadly weapon special verdict—Definition. In a criminal case wherein there has been a special allegation and evidence establishing that the accused or an accomplice was armed with a deadly weapon at the time of the commission of the crime, the court shall make a finding of fact of whether or not the accused or an accomplice was armed with a deadly weapon at the time of the commission of the crime, or if a jury trial is had, the jury shall, if it find[s] the defendant guilty, also find a special verdict as to whether or not the defendant or an accomplice was armed with a deadly weapon at the time of the commission of the crime.

For purposes of this section, a deadly weapon is an implement or instrument which has the capacity to inflict death and from the manner in which it is used, is likely to produce or may easily and readily produce death. The following instruments are included in the term deadly weapon: Blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than three inches, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas. [1983 c 163 § 3.]

Comment

The SRA did not originally provide sentence enhancement for all crimes involving a deadly weapon. In 1983, the Legislature adopted the Commission's recommendations that additional time be added to the offender's presumptive sentence for some crimes where the use of the deadly weapon warranted additional punishment. These crimes were Kidnapping 1 and 2, Rape 1, Robbery 1, Burglary 1, Burglary 2 (non-dwelling), Assault 2, Escape 1, and Delivery or Possession with Intent to Deliver a Controlled Substance (RCW 9.94A.310). The Legislature added Theft of Livestock 1 and 2 to this list in 1988 and added Assault of a Child 2 in 1992. The Legislature also clarified in 1986 that the deadly weapon enhancements apply to anticipatory offenses and to all the drug offenses enumerated in RCW 9.94A.030(18).

Initiative 159, enacted in 1995, made the deadly weapon enhancement applicable to nearly all felonies, doubled that enhancement for subsequent offenses, and created a separate, more severe enhancement where the weapon was a firearm. State v. Workman, 90 Wn.2d 433 (1978), prohibits "double counting" an element of an offense for the purpose of proving the existence of the crime and using it to enhance the sentence, without specific legislative intent to so allow. Consistent with Workman, neither the firearm enhancement nor the "other deadly weapon" enhancement applies to specified crimes where the use of a firearm is an element of the offense (listed in RCW 9.94A.310(3)(f) and (4)(f)). These sentence enhancements apply to crimes committed on and after July 23, 1995. They are to be served consecutively to any other sentence.

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 firearm or other deadly weapon enhancement is added to the entire range. See RCW 9.94A.310(3) and (4).

RCW 9.94A.127 Sexual motivation special allegation—Procedures. (1) The prosecuting attorney shall file a special allegation of sexual motivation in every criminal case other than sex offenses as defined in *RCW 9.94A.030(29) (a) or (c) when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding of sexual motivation by a reasonable and objective fact-finder.

(2) In a criminal case wherein there has been a special allegation the state shall prove beyond a reasonable doubt that the accused committed the crime with a sexual motivation. The court shall make a finding of fact of whether or not a sexual motivation was present at the time of the commission of the crime, or if a jury trial is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether or not the defendant committed the crime with a sexual motivation. This finding shall not be applied to sex offenses as defined in *RCW 9.94A.030(29) (a) or (c).

(3) The prosecuting attorney shall not withdraw the special allegation of sexual motivation without approval of the court through an order of dismissal of the special allegation. The court shall not dismiss this special allegation unless it finds that such an order is necessary to correct an error in the initial charging decision or unless there are evidentiary problems which make proving the special allegation doubtful. [1990 c 3 § 601.]

*Reviser's note: RCW 9.94A.030 was amended by 1994 c 1 § 3, changing subsection (29) to subsection (31). RCW 9.94A.030 was subsequently amended by 1995 c 108 § 1, changing subsection (31) to subsection (33).

Comment

A finding of sexual motivation was created by the 1990 Legislature applicable to any crime except a sex crime.

RCW 9.94A.130 Power to defer or suspend sentences abolished—Exceptions. The power to defer or suspend the imposition or execution of sentence is hereby abolished in respect to sentences prescribed for felonies committed after June 30, 1984, except for offenders sentenced under *RCW 9.94A.120(7)(a), the special sexual offender sentencing alternative, whose sentence may be suspended. [1984 c 209 § 7; 1981 c 137 § 13.]

*Reviser's note: RCW 9.94A.120 was amended by 1995 c 108 § 3, changing subsection (7) to subsection (8).

RCW 9.94A.132 Specialized training. The department is authorized to determine whether any person subject to the confines of a correctional facility would substantially benefit from successful participation in: (1) Literacy training, (2) employment skills training, or (3) educational efforts to identify and control sources of anger and, upon a determination that the person would, may require such successful participation as a condition for eligibility to obtain early release from the confines of a correctional facility.

The department shall adopt rules and procedures to administer this section. [1994 sp.s. c 7 § 533.]

RCW 9.94A.135 Offender work crews. Participation in a work crew is conditioned upon the offender's acceptance into the program, abstinence from alcohol and controlled substances as demonstrated by urinalysis and breathalyzer monitoring, with the cost of monitoring to be paid by the offender, unless indigent; and upon compliance with the rules of the program, which rules shall include the requirements that the offender work to the best of his or her abilities and that he or she provide the program with accurate, verified residence information. Work crew may be imposed simultaneously with electronic home detention.

Where work crew is imposed as part of a sentence of nine months or more, the offender must serve a minimum of thirty days of total confinement before being eligible for work crew.

An offender who has successfully completed four weeks of work crew at thirty-five hours per week shall thereafter receive credit toward the work crew sentence for hours worked at approved, verified employment. Such employment credit may be earned for up to twenty-four hours actual employment per week provided, however, that every such offender shall continue active participation in work crews projects according to a schedule approved by a work crew supervisor until the work crew sentence has been served.

The hours served as part of a work crew sentence may include substance abuse counseling and/or job skills training.

The civic improvement tasks performed by offenders on work crew shall be unskilled labor for the benefit of the community as determined by the head of the county executive branch or his or her designee. Civic improvement tasks shall not be done on private property unless it is owned or operated by a nonprofit entity, except that, for emergency purposes only, work crews may perform snow removal on any private property. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. In case any dispute arises as to a civic improvement task having more than minimum negative impact on existing private industries or labor force in the county where their service or labor is performed, the matter shall be referred by an interested party, as defined in RCW 39.12.010(4), for arbitration to the director of the department of labor and industries of the state.

Whenever an offender receives credit against a work crew sentence for hours of approved, verified employment, the offender shall pay to the department administering the program the monthly assessment of an amount not less than ten dollars per month nor more than fifty dollars per month. This assessment shall be considered payment of the costs of providing the work crew program to an offender. The court may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:

(1) The offender has diligently attempted but has been unable to obtain employment that provided the offender sufficient income to make such payment.

(2) 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.

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

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

(5) Other extenuating circumstances as determined by the court. [1991 c 181 § 2.]

RCW 9.94A.137 Work ethic camp program—Eligibility—Sentencing. (1)(a) An offender is eligible to be sentenced to a work ethic camp if the offender:

(i) Is sentenced to a term of total confinement of not less than sixteen months or more than thirty-six months; and

(ii) Has no current or prior convictions for any sex offenses or for violent offenses other than drug offenses for manufacturing, possession, delivery, or intent to deliver a controlled substance.

(b) The length of the work ethic camp shall be at least one hundred twenty days and not more than one hundred eighty days. Because of the conversion ratio, earned early release time shall not accrue to offenders who successfully complete the program.

(2) If the sentencing judge determines that the offender is eligible for the work ethic camp and is likely to qualify under subsection (3) of this section, the judge shall impose a sentence within the standard range and may recommend that the offender serve the sentence at a work ethic camp. The sentence shall provide that if the offender successfully completes the program, the department shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp confinement to three days of total standard confinement. In sentencing an offender to the work ethic camp, the court shall specify: (a) That upon completion of the work ethic camp the offender shall be released on community custody for any remaining time of total confinement; (b) the applicable conditions of supervision on community custody status as required by RCW 9.94A.120(9)(b) and authorized by RCW 9.94A.120(9)(c); and (c) that violation of the conditions may result in a return to total confinement for the balance of the offender's remaining time of confinement.

(3) The department shall place the offender in the work ethic camp program, subject to capacity, unless: (a) The department determines that the offender has physical or mental impairments that would prevent participation and completion of the program; (b) the department determines that the offender's custody level prevents placement in the program; or (c) the offender refuses to agree to the terms and conditions of the program.

(4) An offender who fails to complete the work ethic camp program, who is administratively terminated from the program, or who otherwise violates any conditions of supervision, as defined by the department, shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing judge and shall be subject to all rules relating to earned early release time.

(5) During the last two weeks prior to release from the work ethic camp program the department shall provide the offender with comprehensive transition training. [1995 1st sp.s. c 19 § 20; 1993 c 338 § 4.]

Comment

In 1993, the Legislature established the Work Ethic Camp program sentencing alternative.

The 1995 Legislature expanded eligibility for Work Ethic Camp by including those sentenced for Possession, Manufacture, Delivery, or Possession with Intent to Deliver a Controlled Substance, eliminating age-based qualifications, and reducing from 22 to 16 months the minimum term of confinement qualifying an offender for Work Ethic Camp. The legislation also requires the sentencing court to specify conditions of supervision on community custody status after completion of the Work Ethic Camp, and to specify that violating those conditions may return the offender to total confinement for the remainder of the sentence. The Department of Corrections may deny placement in the Work Ethic Camp on the basis of an offender's custody level. This sentencing option was intended to be an alternative to the treatment-oriented Drug Offender Sentencing Alternative, not for use in conjunction with it.

RCW 9.94A.140 Restitution. (1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within one hundred eighty days. The court may continue the hearing beyond the one hundred eighty days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Except as provided in subsection (3) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a term of ten years following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years for payment of restitution. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during either the initial ten-year period or subsequent ten-year period if the criminal judgment is extended, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department of corrections.

(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 or as provided in subsection (3) of this section. 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) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a civil superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The defendant shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the defendant has satisfied support obligations under the superior court or administrative order but not longer than a maximum term of twenty-five years following the offender's release from total confinement or twenty-five years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the

offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(4) 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.

(5) This section does not limit civil remedies or defenses available to the victim or defendant including support enforcement remedies for support ordered under subsection (3) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. [1997 c 121 § 3; 1997 c 52 § 1; 1995 c 231 § 1; 1994 c 271 § 601; 1989 c 252 § 5; 1987 c 281 § 3; 1982 c 192 § 5; 1981 c 137 § 14.]

Comment

The 1995 Legislature extended the time for determining the amount of restitution from 60 days to 180 days after the sentencing hearing, or longer for good cause. This extension is retroactive to cases where the defendant was sentenced within a year before the effective date (i.e., on or after July 23, 1994) and restitution was not set within 60 days after that sentencing, unless the defendant would be unfairly prejudiced by the delay. In cases meeting that definition, the court may set restitution within 180 days of the effective date, or later for good cause. The same legislation prohibited the court from reducing the amount of restitution ordered because the offender may not be able to pay the full amount, required the court to identify each victim entitled to restitution and the amount due each victim, authorized the state or any victim to collect restitution through civil enforcement, and required that restitution collected be distributed proportionately to multiple victims.

Ordinarily the court's jurisdiction to enforce restitution expires ten years after the entry of the judgment and sentence or the offender's release from total confinement, whichever is later. The

1997 Legislature authorized the court to extend jurisdiction an additional ten years for payment of restitution.

The 1997 Legislature also required restitution, in cases of Rape of a Child 1, 2, or 3 in which the victim becomes pregnant, to include medical expenses and child support for up to 25 years.

RCW 9.94A.142 Restitution—Offenses committed after July 1, 1985. (1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within one hundred eighty days except as provided in subsection (4) of this section. The court may continue the hearing beyond the one hundred eighty days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if

there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Except as provided in subsection (3) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a term of ten years following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years for payment of restitution. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during either the initial ten-year period or subsequent ten-year period if the criminal judgment is extended, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department of corrections for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period.

(2) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (3) of this section unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a civil superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The defendant shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the defendant has satisfied support obligations under the superior court or administrative order but not longer than a maximum term of twenty-five years following the offender's release from total confinement or twenty-five years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(4) Regardless of the provisions of subsections (1), (2), and (3) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the

crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the judgment and sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(5) 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.

(6) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or defendant including support enforcement remedies for support ordered under subsection (3) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

(7) This section shall apply to offenses committed after July 1, 1985. [1997 c 121 § 4; 1997 c 52 § 2. Prior: 1995 c 231 § 2; 1995 c 33 § 4; 1994 c 271 § 602; 1989 c 252 § 6; 1987 c 281 § 4; 1985 c 443 § 10.]

Comment

The 1995 Legislature extended the time for determining the amount of restitution from 60 days to 180 days after the sentencing hearing, or longer for good cause. This extension is retroactive to cases where the defendant was sentenced within a year before the effective date (i.e., on or after July 23, 1994) and restitution was not set within 60 days after that sentencing, unless the defendant would be unfairly prejudiced by the delay. In cases meeting that definition, the court may set restitution within 180 days of the effective date, or later for good cause. The same legislation prohibited the court from reducing the amount of restitution ordered because the offender may not be able to pay the full amount, required the court to identify each victim entitled to restitution and the amount due each victim, authorized the state or any victim to collect restitution through civil enforcement, and required that restitution collected be distributed proportionately to multiple victims. This legislation was apparently in response to State v. Krall, 125 Wn. 2d 146 (1994).

The 1995 Legislature also authorized the Department of Labor and Industries, which administers the State Crime Victim Compensation Program, to petition the court to order restitution on behalf of a victim entitled to compensation by the program. The same legislation provided an administrative mechanism for the Department to recover from offenders the amounts paid to victims under the program.

Ordinarily the court's jurisdiction to enforce restitution expires ten years after the entry of the judgment and sentence or the offender's release from total confinement, whichever is later. The 1997 Legislature authorized the court to extend jurisdiction an additional ten years for payment of restitution.

The 1997 Legislature also required restitution, in cases of Rape of a Child 1, 2, or 3 in which the victim becomes pregnant, to include medical expenses and child support for up to 25 years.

RCW 9.94A.145 Legal financial obligations. (1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount. Upon receipt of an offender's monthly payment, after restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court.

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department of corrections.

(3) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be immediately issued. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(4) All legal financial obligations that are ordered as a result of a conviction for a felony, may also be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.140(3) or 9.94A.142(3) to a victim of rape of a child and the victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.140(3) and 9.94A.142(3). All other legal financial obligations may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period. Independent of the department, the party or entity to whom the legal financial

obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation.

(5) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to truthfully and honestly respond to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring any and all documents as requested by the department.

(6) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(7) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. Also, during the period of supervision, the offender may be required at the request of the department to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to truthfully and honestly respond to all questions concerning earning capabilities and the location and nature of all property or financial assets. Also, the offender is required to bring any and all documents as requested by the department in order to prepare the collection schedule.

(8) After the judgment and sentence or payment order is entered, the department shall for any period of supervision be authorized to collect the legal financial obligation from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purposes of disbursements. The department is authorized to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(9) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.2001.

(10) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties as provided in RCW 9.94A.200 for noncompliance.

(11) The county clerk shall provide the department with individualized monthly billings for each offender with an unsatisfied legal financial obligation and shall provide the department with notice of payments by such offenders no less frequently than weekly. [1997 c 121 § 5; 1997 c 52 § 3; 1995 c 231 § 3; 1991 c 93 § 2; 1989 c 252 § 3.]

Comment

The 1995 Legislature required that restitution collected through civil enforcement be distributed proportionately to multiple victims, and required that the judgment and sentence identify each victim to whom restitution is owed.

The 1995 Legislature amended RCW 36.18.190 to authorize Superior Court clerks to contract with private collection agencies to recover legal financial obligations ordered under this section, and to assess as court costs the charges paid for private or county collection services.

Ordinarily the court's jurisdiction to enforce legal financial obligations expires ten years after the entry of the judgment and sentence or the offender's release from total confinement, whichever is later. The 1997 Legislature authorized the court to extend jurisdiction an additional ten years.

The 1997 Legislature required that child support ordered as restitution, when the victim of Rape of a Child becomes pregnant, be payable to the state child support registry, and authorized enforcement of this obligation for up to 25 years.

RCW 9.94A.150 Leaving correctional facility or release before expiration of sentence prohibited—Exceptions. No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department, may be reduced by earned early release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned early release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department of corrections, the county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned early release time. In the case of an offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both, shall not receive any good time credits or earned early release time for that portion of his or her sentence that results from any deadly weapon enhancements. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case shall the aggregate earned early release time exceed one-third of the total sentence;

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

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

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

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

(6) The governor may pardon any offender;

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

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

Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.120(4) as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.120(4). [1996 c 199 § 2; 1995 c 129 § 7 (Initiative Measure No. 159); 1992 c 145 § 8; 1990 c 3 § 202; 1989 c 248 § 2. Prior: 1988 c 153 § 3; 1988 c 3 § 1; 1984 c 209 § 8; 1982 c 192 § 6; 1981 c 137 § 15.]

Comment

The 1990 Legislature changed the maximum earned early release time to fifteen percent of the sentence for offenders convicted of Class A sex offenses and serious violent offenses. The Legislature also clarified that earned early release credits shall not be granted until earned.

The enactment of Initiative 159 by the Legislature excluded the portion of any sentence attributable to a firearm or other deadly weapon enhancement (RCW 9.94A.310(3) and (4)) from reduction by earned early release time. This exclusion applies to sentences for crimes committed on or after July 23, 1995.

The 1996 Legislature provided for transfer to community custody in lieu of earned early release for persons convicted of Vehicular Homicide and Vehicular Assault

RCW 9.94A.151 Sex offenders—Release from total confinement—Notification of prosecutor. (1)(a) When it appears that a person who has been convicted of a sexually violent offense may meet the criteria of a sexually violent predator as defined in RCW 71.09.020(1), the agency with jurisdiction over the person shall refer the person in writing to the prosecuting attorney of the county where that person was convicted, three months prior to the anticipated release from total confinement.

(b) The agency shall inform the prosecutor of the following:

- (i) The person's name, identifying factors, anticipated future residence, and offense history; and
- (ii) Documentation of institutional adjustment and any treatment received.

(2) This section applies to acts committed before, on, or after March 26, 1992.

(3) The agency with jurisdiction, its employees, and officials shall be immune from liability for any good-faith conduct under this section.

(4) As used in this section, "agency with jurisdiction" means that agency with the authority to direct the release of a person serving a sentence or term of confinement and includes the department of corrections, the indeterminate sentence review board, and the department of social and health services. [1992 c 45 § 1; 1990 c 3 § 122.]

RCW 9.94A.152 Sex offenders—Release of information—Immunity. The department, its employees, and officials, shall be immune from liability for release of information regarding sex offenders that complies with RCW 4.24.550. [1990 c 3 § 123.]

RCW 9.94A.153 Sex offenders—Release of information. In addition to any other information required to be released under other provisions of this chapter, the department may,

pursuant to RCW 4.24.550, release information concerning convicted sex offenders confined to the department of corrections. [1990 c 3 § 124.]

RCW 9.94A.154 Drug offenders—Notice of release or escape. (1) At the earliest possible date, and in no event later than ten days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, community placement, work release placement, furlough, or escape about a specific inmate convicted of a serious drug offense to the following if such notice has been requested in writing about a specific inmate convicted of a serious drug offense:

(a) Any witnesses who testified against the inmate in any court proceedings involving the serious drug offense; and

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

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

(2) If an inmate convicted of a serious drug offense escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses who are entitled to notice under this section. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

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

(5) For purposes of this section, "serious drug offense" means an offense under RCW 69.50.401(a)(1) (i) or (ii) or (b)(1) (i) or (ii).[1996 c 205 § 4; 1991 c 147 § 1.]

Comment

As originally enacted, this section applies to offenders convicted of Manufacture, Delivery, or Possession with Intent to Manufacture or Deliver Narcotics Classified in Schedule I or II under the Uniform Controlled Substances Act, or counterfeits of such narcotics. In 1996, the Legislature expanded the notification requirement in this section to offenders convicted of Manufacture, Delivery, or Possession with Intent to Manufacture or Deliver Methamphetamine or Counterfeit Methamphetamine.

RCW 9.94A.155 Prisoner escape, parole, release, placement, or furlough—Notification procedures. (1) At the earliest possible date, and in no event later than thirty days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, release, community placement, work release placement, furlough, or escape about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, or a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, to the following:

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

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

The sheriff of the county where the offender was convicted shall be notified if the department does not know where the offender will reside. The department shall notify the state patrol of the release of all sex offenders, and that information shall be placed in the Washington crime information center for dissemination to all law enforcement.

(2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, or a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110:

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

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

(c) Any person specified in writing by the prosecuting attorney; and

(d) Any person who requests such notice about a specific inmate convicted of a sex offense as defined by RCW 9.94A.030 from the department of corrections at least sixty days prior to the expected release date of the offender.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate. Whenever the department of corrections mails notice pursuant to this subsection and the notice is returned as undeliverable, the department shall attempt alternative methods of notification, including a telephone call to the person's last known telephone number.

(3) The existence of the notice requirements contained in subsections (1) and (2) of this section shall not require an extension of the release date in the event that the release plan changes after notification.

(4) If an inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, or a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses and the victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(5) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

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

(7) The department of corrections shall keep, for a minimum of two years following the release of an inmate, the following:

(a) A document signed by an individual as proof that that person is registered in the victim or witness notification program; and

(b) A receipt showing that an individual registered in the victim or witness notification program was mailed a notice, at the individual's last known address, upon the release or movement of an inmate.

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

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

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

(9) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section. [1996 c 215 § 4. Prior: 1994 c 129 § 3; 1994 c 77 § 1; prior: 1992 c 186 § 7; 1992 c 45 § 2; 1990 c 3 § 121; 1989 c 30 § 1; 1985 c 346 § 1.]

Comment

The 1996 Legislature required that notice of release be provided to any person requesting such notice at least 60 days before the expected release date.

RCW 9.94A.156 Prisoner escape, release, or furlough—Homicide, violent, and sex offenses—Rights of victims and witnesses. The department of corrections shall provide the victims and next of kin in the case of a homicide and witnesses involved in violent offense cases or sex offenses as defined by RCW 9.94A.030 where a judgment and sentence was entered after October 1, 1983, a statement of the rights of victims and witnesses to request and receive notification under RCW 9.94A.155 and 9.94A.157. [1989 c 30 § 2; 1985 c 346 § 2.]

RCW 9.94A.157 Prisoner escape, release, or furlough—Requests for notification. Requests for notification under RCW 9.94A.155 shall be made by sending a written request by certified mail directly to the department of corrections and giving the defendant's name, the name of the county in which the trial took place, and the month of the trial. Notification information and necessary forms shall be available through the department of corrections, county prosecutors' offices, and other agencies as deemed appropriate by the department of corrections. [1985 c 346 § 3.]

RCW 9.94A.158 Prisoner escape, release, or furlough—Notification as additional requirement. The notification requirements of RCW 9.94A.155 are in addition to any requirements in RCW 43.43.745 or other law. [1985 c 346 § 4.]

RCW 9.94A.159 Prisoner escape, release, or furlough—Consequences of failure to notify. Civil liability shall not result from failure to provide notice required under RCW 9.94A.155 through 9.94A.158, 9.94A.030, and 43.43.745 unless the failure is the result of gross negligence. [1985 c 346 § 7.]

RCW 9.94A.160 Emergency due to inmate population exceeding correctional facility capacity. If the governor finds that an emergency exists in that the population of a state residential correctional facility exceeds its reasonable, maximum capacity, then the governor may do any one or more of the following:

(1) Call the sentencing guidelines commission into an emergency meeting for the purpose of evaluating the standard ranges and other standards. The commission may adopt any revision or amendment to the standard ranges or other standards that it believes appropriate to deal with the emergency situation. The revision or amendment shall be adopted in conformity with chapter 34.05

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

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

(3) Call the clemency and pardons board into an emergency meeting for the purpose of recommending whether the governor's commutation or pardon power should be exercised to meet the present emergency. [1984 c 246 § 1; 1983 c 163 § 4; 1981 c 137 § 16.]

*Reviser's note: The "board of prison terms and paroles" was redesignated the "indeterminate sentence review board" by 1986 c 224, effective July 1, 1986.

RCW 9.94A.165 Emergency in county jails population exceeding capacity. If the governor finds that an emergency exists in that the populations of county jails exceed their reasonable, maximum capacity in a significant manner as a result of increases in the sentenced felon population due to implementation of chapter 9.94A RCW, the governor may do any one or more of the following:

(1) Call the sentencing guidelines commission into an emergency meeting for the purpose of evaluating the standard ranges and other standards. The commission may adopt any revision or amendment to the standard ranges or other standards that it believes appropriate to deal with the emergency situation. The revision or amendment shall be adopted in conformity with chapter 34.05 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. [1984 c 209 § 9.]

RCW 9.94A.170 Tolling of term of confinement. (1) A term of confinement, including community custody, ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented him or herself from confinement without the prior approval of the entity in whose custody the offender has been placed. A term of partial confinement shall be tolled

during any period of time spent in total confinement pursuant to a new conviction or pursuant to sanctions for violation of sentence conditions on a separate felony conviction.

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

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

(4) For confinement or supervision sentences, the date for the tolling of the sentence shall be established by the entity responsible for the confinement or supervision. [1993 c 31 § 2; 1988 c 153 § 9; 1981 c 137 § 17.]

Comment

In 1993, the Legislature amended RCW 9.94A.170. The power to establish a tolling date for sentences involving supervision was shifted from the court to the Department of Corrections.

RCW 9.94A.175 Postrelease supervision—Violations—Expenses. If the offender violates any condition of postrelease supervision, a hearing may be conducted in the same manner as provided in RCW 9.94A.200. Jurisdiction shall be with the court of the county in which the offender was sentenced. However, the court may order a change of venue to the offender's county of residence or where the violation occurred, for the purpose of holding a violation hearing.

After the hearing, the court may order the offender to be confined for up to sixty days per violation in the county jail. Reimbursement to a city or county for the care of offenders who are detained solely for violating a condition of postrelease supervision shall be under RCW 70.48.440. A county shall be reimbursed for indigent defense costs for offenders who are detained solely for violating a condition of postrelease supervision in accordance with regulations to be promulgated by the office of financial management. An offender may be held in jail at state expense pending the hearing, and any time served while awaiting the hearing shall be credited against confinement imposed for a violation. The court shall retain jurisdiction for the purpose of holding the violation hearing and imposing a sanction. [1988 c 153 § 8.]

RCW 9.94A.180 Term of partial confinement, work release, home detention(1) An offender sentenced to a term of partial confinement shall be confined in the facility for at least eight hours per day or, if serving a work crew sentence shall comply with the conditions of that sentence as set forth in RCW *9.94A.030(23) and 9.94A.135. The offender shall be required as a condition of partial confinement to report to the facility at designated times. An offender may be required to comply with crime-related prohibitions during the period of partial confinement.

(2) An offender in a county jail ordered to serve all or part of a term of less than one year in work release, work crew, or a program of home detention who violates the rules of the work release facility, work crew, or program of home detention or fails to remain employed or enrolled in school may be transferred to the appropriate county detention facility without further court order but shall, upon request, be notified of the right to request an administrative hearing on the issue of whether or not the offender failed to comply with the order and relevant conditions. Pending such hearing, or in the absence of a request for the hearing, the offender shall serve the remainder of the term of

confinement as total confinement. This subsection shall not affect transfer or placement of offenders committed to the state department of corrections. [1991 c 181 § 4; 1988 c 154 § 4; 1987 c 456 § 3; 1981 c 137 § 18.]

*Reviser's note: RCW 9.94A.030 was amended by 1994 c 1 § 3, changing subsection (23) to subsection (24). RCW 9.94A.030 was subsequently amended by 1995 c 108 § 1, changing subsection (24) to subsection (26).

RCW 9.94A.185 Home detention—Conditions. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, assault of a child in the third degree, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance under RCW 69.50.401(d) or forged prescription for a controlled substance under RCW 69.50.403 if the offender fulfills the participation conditions set forth in this subsection [section] and is monitored for drug use by a treatment alternatives to street crime program or a comparable court or agency-referred program.

(1) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (a) Successfully completing twenty-one days in a work release program, (b) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (c) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (d) having no prior charges of escape, and (e) fulfilling the other conditions of the home detention program.

(2) Participation in a home detention program shall be conditioned upon: (a) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (b) abiding by the rules of the home detention program, and (c) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution. [1995 c 108 § 2.]

RCW 9.94A.190 Terms of more than one year or less than one year—Where served—Reimbursement of costs. (1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state. Except as provided for in subsection (3) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the defendant or a member of the defendant's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided for in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated

because of funds provided by the legislature to the department of corrections for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

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

(4) For sentences imposed pursuant to RCW 9.94A.120(6) which have a sentence range of over one year, notwithstanding any other provision of this section all such sentences regardless of length shall be served in a facility or institution operated, or utilized under contract, by the state. [1995 c 108 § 4; 1991 c 181 § 5; 1988 c 154 § 5; 1986 c 257 § 21; 1984 c 209 § 10; 1981 c 137 § 19.]

Comment

See also RCW 70.48.400: "Persons sentenced to felony terms or a combination of terms of more than three hundred sixty-five days of incarceration shall be committed to state institutions under the authority of the Department of Corrections. Persons serving sentences of three hundred sixty-five consecutive days or less may be sentenced to a jail as defined in RCW 70.48.020. All persons convicted of felonies or misdemeanors and sentenced to jail shall be the financial responsibility of the city or county."

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

The 1995 Legislature, in creating the Drug Offender Sentencing Alternative (see RCW 9.94A.120), provided that a term of confinement imposed under that alternative must be served, regardless of length, in a state correctional facility.

RCW 9.94A.195 Violation of condition or requirement of sentence—Arrest by community corrections officer—Confinement in county jail. If an offender violates any condition or requirement of a sentence, a community corrections officer may arrest or cause the arrest of the offender without a warrant, pending a determination by the court. If there is reasonable cause to believe that an offender has violated a condition or requirement of the sentence, an offender may be required to submit to a search and seizure of the offender's person, residence, automobile, or other personal property. A community corrections officer may also arrest an offender for any crime committed in his or her presence. The facts and circumstances of the conduct of the offender shall be reported by the community corrections officer, with recommendations, to the court.

If a community corrections officer arrests or causes the arrest of an offender under this section, the offender shall be confined and detained in the county jail of the county in which the offender was taken into custody, and the sheriff of that county shall receive and keep in the county jail, where room is available, all prisoners delivered to the jail by the community corrections officer, and such offenders shall not be released from custody on bail or personal recognizance, except upon approval of the court, pursuant to a written order. [1984 c 209 § 11.]

Comment

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

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

RCW 9.94A.200 Noncompliance with condition or requirement of sentence—Procedure—Penalty. (1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) In cases where conditions from a second or later sentence of community supervision begin prior to the term of the second or later sentence, the court shall treat a violation of such conditions as a violation of the sentence of community supervision currently being served.

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

(a)(i) Following the violation, if the offender and the department make a stipulated agreement, the department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community service, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, jail time, or other sanctions available in the community.

(ii) Within seventy-two hours of signing the stipulated agreement, the department shall submit a report to the court and the prosecuting attorney outlining the violation or violations, and sanctions imposed. Within fifteen days of receipt of the report, if the court is not satisfied with the sanctions, the court may schedule a hearing and may modify the department's sanctions. If this occurs, the offender may withdraw from the stipulated agreement.

(iii) If the offender fails to comply with the sanction administratively imposed by the department, the court may take action regarding the original noncompliance. Offender failure to comply with the sanction administratively imposed by the department may be considered an additional violation.

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in (a) of this subsection, 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;

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

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of legal financial obligations and regarding community service obligations.

(4) Nothing in this section prohibits the filing of escape charges if appropriate. [1995 c 167 § 1; 1995 c 142 § 1; 1989 c 252 § 7. Prior: 1988 c 155 § 2; 1988 c 153 § 11; 1984 c 209 § 12; 1981 c 137 § 20.]

Comment

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

The 1995 Legislature added (2), for cases where an offender under community supervision is sentenced for a subsequent offense under RCW 9.94A.400.

The 1995 Legislature also authorized the Department of Corrections to enter into agreements with noncomplying offenders to impose alternative sanctions. Such agreements must be reported to the sentencing court and prosecutor, and the court may modify the sanctions after a hearing.

RCW 9.94A.200005 "Earnings," "disposable earnings," and "obligee" defined. As used in this chapter, the term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, hours, or otherwise, and notwithstanding any other provision of law making such payments exempt from garnishment, attachment, or other process to satisfy court-ordered legal financial obligations, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type. Earnings shall specifically include all gain derived from capital, from labor, or from both, not including profit gained through sale or conversion of capital assets. The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amount required by law to be withheld. The term "obligee" means the department, party, or entity to whom the legal financial obligation is owed, or the department, party, or entity to whom the right to receive or collect support has been assigned. [1991 c 93 § 1.]

RCW 9.94A.200010 Legal financial obligation—Notice of payroll deduction—Issuance and content. (1) The department may issue a notice of payroll deduction in a criminal action if:

- (a) The court at sentencing orders its immediate issuance; or
- (b) The offender is more than thirty days past due in monthly payments in an amount equal to or greater than the amount payable for one month, provided:
 - (i) The judgment and sentence or subsequent order to pay contains a statement that a notice of payroll deduction may be issued without further notice to the offender; or
 - (ii) The department has served a notice on the offender stating such requirements and authorization. Service of such notice shall be made by personal service or any form of mail requiring a return receipt.

(2) The notice of payroll deduction is to be in writing and include:

- (a) The name, social security number, and identifying court case number of the offender/employee;

(b) The amount to be deducted from the offender/employee's disposable earnings each month, or alternative amounts and frequencies as may be necessary to facilitate processing of the payroll deduction by the employer;

(c) A statement that the total amount withheld on all payroll deduction notices for payment of court-ordered legal financial obligations combined shall not exceed twenty-five percent of the offender/employee's disposable earnings; and

(d) The address to which the payments are to be mailed or delivered.

(3) An informational copy of the notice of payroll deduction shall be mailed to the offender's last known address by regular mail or shall be personally served.

(4) Neither the department nor any agents of the department shall be held liable for actions taken under RCW 9.94A.145 and 9.94A.200005 through 9.94A.200050. [1991 c 93 § 3.]

RCW 9.94A.200015 Legal financial obligations—Payroll deductions—Maximum amounts withheld, apportionment. (1) The total amount to be withheld from the offender/employee's earnings each month, or from each earnings disbursement, shall not exceed twenty-five percent of the disposable earnings of the offender.

(2) If the offender is subject to two or more notices of payroll deduction for payment of a court-ordered legal financial obligation from different obligees, the employer or entity shall, if the nonexempt portion of the offender's earnings is not sufficient to respond fully to all notices of payroll deduction, apportion the offender's nonexempt disposable earnings between or among the various obligees equally. [1991 c 93 § 4.]

RCW 9.94A.200020 Legal financial obligations—Notice of payroll deduction—Employer or entity rights and responsibilities. (1) An employer or entity upon whom a notice of payroll deduction is served, shall make an answer to the department within twenty days after the date of service. The answer shall confirm compliance and institution of the payroll deduction or explain the circumstances if no payroll deduction is in effect. The answer shall also state whether the offender is employed by or receives earnings from the employer or entity, whether the employer or entity anticipates paying earnings, and the amount of earnings. If the offender is no longer employed, or receiving earnings from the employer or entity, the answer shall state the present employer or entity's name and address, if known.

(2) Service of a notice of payroll deduction upon an employer or entity requires an employer or entity to immediately make a mandatory payroll deduction from the offender/employee's unpaid disposable earnings. The employer or entity shall thereafter at each pay period deduct the amount stated in the notice divided by the number of pay periods per month. The employer or entity must remit the proper amounts to the appropriate clerk of the court on each date the offender/employee is due to be paid.

(3) The employer or entity may combine amounts withheld from the earnings of more than one employee in a single payment to the clerk of the court, listing separately the amount of the payment that is attributable to each individual employee.

(4) The employer or entity may deduct a processing fee from the remainder of the employee's earnings after withholding under the notice of payroll deduction, even if the remainder is exempt under RCW 9.94A.200050. The processing fee may not exceed:

(a) Ten dollars for the first disbursement made by the employer to the clerk of the court; and

(b) One dollar for each subsequent disbursement made under the notice of payroll deduction.

(5) The notice of payroll deduction shall remain in effect until released by the department or the court enters an order terminating the notice.

(6) An employer shall be liable to the obligee for the amount of court-ordered legal financial obligation moneys that should have been withheld from the offender/employee's earnings, if the employer:

(a) Fails or refuses, after being served with a notice of payroll deduction, to deduct and promptly remit from unpaid earnings the amounts of money required in the notice; or

(b) Fails or refuses to submit an answer to the notice of payroll deduction after being served.

In such cases, liability may be established in superior court. Awards in superior court shall include costs, interest under RCW 19.52.020 and 4.56.110, reasonable attorney fees, and staff costs as part of the award.

(7) No employer who complies with a notice of payroll deduction under this chapter may be liable to the employee for wrongful withholding.

(8) No employer may discipline or discharge an employee or refuse to hire a person by reason of an action authorized in this chapter. If an employer disciplines or discharges an employee or refuses to hire a person in violation of this section, the employee or person shall have a cause of action against the employer. The employer shall be liable for double the amount of lost wages and any other damages suffered as a result of the violation and for costs and reasonable attorney fees, and shall be subject to a civil penalty of not more than two thousand five hundred dollars for each violation. The employer may also be ordered to hire, rehire, or reinstate the aggrieved individual. [1991 c 93 § 5.]

RCW 9.94A.200025 Motion to quash, modify, or terminate payroll deduction—
Grounds for relief. (1) The offender subject to a payroll deduction under this chapter, may file a motion in superior court to quash, modify, or terminate the payroll deduction. The court may grant relief if:

(a) It is demonstrated that the payroll deduction causes extreme hardship or substantial injustice; or

(b) In cases where the court did not immediately order the issuance of a notice of payroll deduction at sentencing, that a court-ordered legal financial obligation payment was not more than thirty days past due in an amount equal to or greater than the amount payable for one month.

(2) Satisfaction by the offender of all past-due payments subsequent to the issuance of the notice of payroll deduction is not grounds to quash, modify, or terminate the notice of payroll deduction. If a notice of payroll deduction has been in operation for twelve consecutive months and the offender's payment towards a court-ordered legal financial obligation is current, upon motion of the offender, the court may order the department to terminate the payroll deduction, unless the department can show good cause as to why the notice of payroll deduction should remain in effect. [1991 c 93 § 6.]

RCW 9.94A.200030 Legal financial obligations—Order to withhold and deliver—
Issuance and contents. (1) The department may issue to any person or entity an order to withhold and deliver property of any kind, including but not restricted to, earnings that are due, owing, or belonging to the offender, if the department has reason to believe that there is in the possession of such person or entity, property that is due, owing, or belonging to the offender. Such order to withhold and deliver may be issued when a court-ordered legal financial obligation payment is past due:

(a) If an offender's judgment and sentence or a subsequent order to pay includes a statement that other income-withholding action under this chapter may be taken without further notice to the offender.

(b) If a judgment and sentence or a subsequent order to pay does not include the statement that other income-withholding action under this chapter may be taken without further notice to the offender

but the department has served a notice on the offender stating such requirements and authorizations. The service shall have been made by personal service or any form of mail requiring a return receipt.

(2) The order to withhold and deliver shall:

(a) Include the amount of the court-ordered legal financial obligation;

(b) Contain a summary of moneys that may be exempt from the order to withhold and deliver and a summary of the civil liability upon failure to comply with the order; and

(c) Be served by personal service or by any form of mail requiring a return receipt.

(3) The department shall also, on or before the date of service of the order to withhold and deliver, mail or cause to be mailed by any form of mail requiring a return receipt, a copy of the order to withhold and deliver to the offender at the offender's last known post office address, or, in the alternative, a copy of the order shall be personally served on the offender on or before the date of service of the order or within two days thereafter. The copy of the order shall be mailed or served together with an explanation of the right to petition for judicial review. If the copy is not mailed or served as this section provides, or if any irregularity appears with respect to the mailing or service, the superior court, in its discretion on motion of the offender promptly made and supported by affidavit showing that the offender has suffered substantial injury due to the failure to mail the copy, may set aside the order to withhold and deliver. [1991 c 93 § 7.]

RCW 9.94A.200035 Legal financial obligations—Order to withhold and deliver—Duties and rights of person or entity served. (1) A person or entity upon whom service has been made is hereby required to:

(a) Answer the order to withhold and deliver within twenty days, exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the order; and

(b) Provide further and additional answers when requested by the department.

(2) Any person or entity in possession of any property that may be subject to the order to withhold and deliver shall:

(a)(i) Immediately withhold such property upon receipt of the order to withhold and deliver;

(ii) Deliver the property to the appropriate clerk of the court as soon as the twenty-day answer period expires;

(iii) Continue to withhold earnings payable to the offender at each succeeding disbursement interval and deliver amounts withheld from earnings to the appropriate clerk of the court within ten days of the date earnings are payable to the offender;

(iv) Inform the department of the date the amounts were withheld as requested under this section; or

(b) Furnish the appropriate clerk of the court a good and sufficient bond, satisfactory to the clerk, conditioned upon final determination of liability.

(3) Where money is due and owing under any contract of employment, expressed or implied, or is held by any person or entity subject to withdrawal by the offender, the money shall be delivered by remittance payable to the order of the appropriate clerk of the court.

(4) Delivery to the appropriate clerk of the court of the money or other property held or claimed shall satisfy the requirement and serve as full acquittance of the order to withhold and deliver.

(5) The person or entity required to withhold and deliver the earnings of a debtor under this action may deduct a processing fee from the remainder of the offender's earnings, even if the remainder would otherwise be exempt under RCW 9.94A.200050. The processing fee may not exceed:

(a) Ten dollars for the first disbursement to the appropriate clerk of the court; and

(b) One dollar for each subsequent disbursement.

(6) A person or entity shall be liable to the obligee in an amount equal to one hundred percent of the value of the court-ordered legal financial obligation that is the basis of the order to withhold and deliver, or the amount that should have been withheld, whichever amount is less, together with costs, interest, and reasonable attorneys' fees if that person or entity fails or refuses to deliver property under the order.

The department is authorized to issue a notice of debt pursuant to and to take appropriate action to collect the debt under this chapter if a judgment has been entered as the result of an action by the court against a person or entity based on a violation of this section.

(7) Persons or entities delivering money or property to the appropriate clerk of the court under this chapter shall not be held liable for wrongful delivery.

(8) Persons or entities withholding money or property under this chapter shall not be held liable for wrongful withholding. [1991 c 93 § 8.]

RCW 9.94A.200040 Legal financial obligations—Financial institutions—Service on main office or branch, effect—Collection actions against community bank account, court hearing. An order to withhold and deliver or any other income-withholding action authorized by this chapter may be served on the main office of a bank, savings and loan association, or credit union or on a branch office of the financial institution. Service on the main office shall be effective to attach the deposits of an offender in the financial institution and compensation payable for personal services due the offender from the financial institution. Service on a branch office shall be effective to attach the deposits, accounts, credits, or other personal property of the offender, excluding compensation payable for personal services, in the possession or control of the particular branch served.

Notwithstanding any other provision of RCW 9.94A.145 and 9.94A.200005 through 9.94A.200050, if the department initiates collection action against a joint bank account, with or without the right of survivorship, or any other funds which are subject to the community property laws of this state, notice shall be given to all affected parties that the account or funds are subject to potential withholding. Such notice shall be by first class mail, return receipt required, or by personal service and be given at least twenty calendar days before withholding is made. Upon receipt of such notice, the nonobligated person shall have ten calendar days to file a petition with the department contesting the withholding of his or her interest in the account or funds. The department shall provide notice of the right of the filing of the petition with the notice provided in this paragraph. If the petition is not filed within the period provided for herein, the department is authorized to proceed with the collection action. [1991 c 93 § 9.]

RCW 9.94A.200045 Legal financial obligations—Notice of debt—Service or mailing—Contents—Action on, when. (1) The department may issue a notice of debt in order to enforce and collect a court-ordered legal financial obligation debt through either a notice of payroll deduction or an order to withhold and deliver.

(2) The notice of debt may be personally served upon the offender or be mailed to the offender at his or her last known address by any form of mail requiring a return receipt, demanding payment within twenty days of the date of receipt.

(3) The notice of debt shall include:

(a) A statement of the total court-ordered legal financial obligation and the amount to be paid each month.

(b) A statement that earnings are subject to a notice of payroll deduction.

(c) A statement that earnings or property, or both, are subject to an order to withhold and deliver.

(d) A statement that the net proceeds will be applied to the satisfaction of the court-ordered legal financial obligation.

(4) Action to collect a court-ordered legal financial obligation by notice of payroll deduction or an order to withhold and deliver shall be lawful after twenty days from the date of service upon the offender or twenty days from the receipt or refusal by the offender of the notice of debt.

(5) The notice of debt will take effect only if the offender's monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

(6) The department shall not be required to issue or serve the notice of debt in order to enforce and collect a court-ordered legal financial obligation debt through either a notice of payroll deduction or an order to withhold and deliver if either the offender's judgment and sentence or a subsequent order to pay includes a statement that income-withholding action under this chapter may be taken without further notice to the offender. [1991 c 93 § 10.]

RCW 9.94A.200050 Legal financial obligations—Exemption from notice of payroll deduction or order to withhold and deliver. Whenever a notice of payroll deduction or order to withhold and deliver is served upon a person or entity asserting a court-ordered legal financial obligation debt against earnings and there is in the possession of the person or entity any of the earnings, RCW 6.27.150 shall not apply, but seventy-five percent of the disposable earnings shall be exempt and may be disbursed to the offender whether such earnings are paid, or to be paid weekly, monthly, or at other intervals and whether there is due the offender earnings for one week or for a longer period. The notice of payroll deduction or order to withhold and deliver shall continue to operate and require said person or entity to withhold the nonexempt portion of earnings, at each succeeding earnings disbursement interval until the entire amount of the court-ordered legal financial obligation debt has been withheld. [1991 c 93 § 11.]

RCW 9.94A.2001 Legal financial obligations—Wage assignments—Petition or motion. A petition or motion seeking a mandatory wage assignment in a criminal action may be filed by the department or any obligee if the offender is more than thirty days past due in monthly payments in an amount equal to or greater than the amount payable for one month. The petition or motion shall include a sworn statement by the secretary or designee, or if filed solely by an obligee, by such obligee, stating the facts authorizing the issuance of the wage assignment order, including: (1) That the offender, stating his or her name and last known residence, is more than thirty days past due in payments in an amount equal to or greater than the amount payable for one month; (2) a description of the terms of the judgment and sentence and/or payment order requiring payment of a court-ordered legal financial obligation, the total amount remaining unpaid, and the amount past due; (3) the name and address of the offender's employer; (4) that notice by personal service, or any form of mail requiring a return receipt, has been provided to the offender at least fifteen days prior to the filing of a mandatory wage assignment, unless the judgment and sentence or the order for payment states that the department or obligee may seek a mandatory wage assignment without notice to the defendant. A copy of the judgment and sentence or payment order shall be attached to the petition or motion seeking the wage assignment. [1989 c 252 § 9.]

RCW 9.94A.2002 Legal financial obligations—Wage assignments—Answer. Upon receipt of a petition or motion seeking a mandatory wage assignment that complies with RCW 9.94A.2001, the court shall issue a wage assignment order as provided in RCW 9.94A.2004 and

including the information required in RCW 9.94A.2001, directed to the employer, and commanding the employer to answer the order on the forms served with the order that comply with RCW 9.94A.2006 within twenty days after service of the order upon the employer. [1989 c 252 § 10.]

RCW 9.94A.2003 Legal financial obligations—Wage assignments—Amounts to be withheld. (1) The wage assignment order in RCW 9.94A.2002 shall include: (a) The maximum amount or current amount owed on a court-ordered legal financial obligation, if any, to be withheld from the defendant's earnings each month, or from each earnings disbursement; and (b) the total amount of the arrearage or reimbursement judgment previously entered by the court, if any, together with interest, if any.

(2) The total amount to be withheld from the defendant's earnings each month, or from each earnings disbursement, shall not exceed twenty-five percent of the disposable earnings of the defendant. If the amounts to be paid toward the arrearage are specified in the payment order, then the maximum amount to be withheld is the sum of the current amount owed and the amount ordered to be paid toward the arrearage, or twenty-five percent of the disposable earnings of the defendant, whichever is less.

(3) If the defendant is subject to two or more attachments for payment of a court-ordered legal financial obligation on account of different obligees, the employer shall, if the nonexempt portion of the defendant's earnings is not sufficient to respond fully to all the attachments, apportion the defendant's nonexempt disposable earnings between or among the various obligees equally. Any obligee may seek a court order reapportioning the defendant's nonexempt disposable earnings upon notice to all interested parties. Notice shall be by personal service, or in the manner provided by the civil rules of superior court or applicable statute. [1989 c 252 § 11.]

RCW 9.94A.2004 Legal financial obligations—Wage assignments—Rules. The department shall develop a form and adopt rules for the wage assignment order. [1989 c 252 § 12.]

RCW 9.94A.2005 Legal financial obligations—Wage assignments—Employer responsibilities. (1) An employer upon whom service of a wage assignment order has been made shall answer the order by sworn affidavit within twenty days after the date of service. The answer shall state whether the offender is employed by or receives earnings from the employer, whether the employer will honor the wage assignment order, and whether there are multiple attachments against the offender.

(2) If the employer possesses any earnings due and owing to the offender, the earnings subject to the wage assignment order shall be withheld immediately upon receipt of the wage assignment order. The employer shall deliver the withheld earnings to the clerk of the court pursuant to the wage assignment order. The employer shall make the first delivery no sooner than twenty days after receipt of the wage assignment order.

(3) The employer shall continue to withhold the ordered amounts from nonexempt earnings of the offender until notified that the wage assignment has been modified or terminated. The employer shall promptly notify the clerk of the court who entered the order when the employee is no longer employed.

(4) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the wage assignment order, even if the remainder is exempt under RCW 9.94A.2003. The processing fee may not exceed: (a) Ten dollars for the first disbursement made by

the employer to the clerk of the court; and (b) one dollar for each subsequent disbursement made under the wage assignment order.

(5) An employer who fails to withhold earnings as required by a wage assignment order issued under this chapter may be held liable for the amounts disbursed to the offender in violation of the wage assignment order, and may be found by the court to be in contempt of court and may be punished as provided by law.

(6) No employer who complies with a wage assignment order issued under this chapter may be liable to the employee for wrongful withholding.

(7) No employer may discharge, discipline, or refuse to hire an employee because of the entry or service of a wage assignment order issued and executed under this chapter. A person who violates this subsection may be found by the court to be in contempt of court and may be punished as provided by law.

(8) An employer shall deliver a copy of the wage assignment order to the obligor as soon as is reasonably possible. [1989 c 252 § 13.]

RCW 9.94A.2006 Legal financial obligations—Wage assignments—Form and rules. The department shall develop a form and adopt rules for the wage assignment answer, and instructions for employers for preparing such answer. [1989 c 252 § 14.]

RCW 9.94A.2007 Legal financial obligations—Wage assignments—Service. (1) Service of the wage assignment order on the employer is invalid unless it is served with five answer forms in substantial conformance with RCW 9.94A.2006, together with stamped envelopes addressed to, respectively, the clerk of the court where the order was issued, the obligee's attorney, the petitioner, the department, and the obligor. The petitioner shall also include an extra copy of the wage assignment order for the employer to deliver to the obligor. Service on the employer shall be in person or by any form of mail requiring a return receipt.

(2) On or before the date of service of the wage assignment order on the employer, the petitioner shall mail or cause to be mailed by certified mail a copy of the wage assignment order to the obligor at the obligor's last known post office address; or, in the alternative, a copy of the wage assignment order shall be served on the obligor in the same manner as a summons in a civil action on, before, or within two days after the date of service of the order on the employer. This requirement is not jurisdictional, but if the copy is not mailed or served as this subsection provides, or if any irregularity appears with respect to the mailing of service, the superior court, in its discretion, may quash the wage assignment order, upon motion of the obligor promptly made and supported by an affidavit showing that the defendant has suffered substantial injury due to the failure to mail or serve the copy. [1989 c 252 § 15.]

RCW 9.94A.2008 Legal financial obligations—Wage assignments—Hearing—Scope of relief. In a hearing to quash, modify, or terminate the wage assignment order, the court may grant relief only upon a showing that the wage assignment order causes extreme hardship or substantial injustice. Satisfaction by the defendant of all past-due payments subsequent to the issuance of the wage assignment order is not grounds to quash, modify, or terminate the wage assignment order. If a wage assignment order has been in operation for twelve consecutive months and the obligor's payment towards a court-ordered legal financial obligation is current, the court may terminate the order upon motion of the obligor unless the obligee or the department can show good cause as to why the wage

assignment order should remain in effect. The department shall notify the employer of any modification or termination of the wage assignment order. [1989 c 252 § 16.]

RCW 9.94A.2009 Legal financial obligations—Wage assignments—Recovery of costs, attorneys' fees. In any action to enforce legal financial obligations under this chapter, the prevailing party is entitled to a recovery of costs, including an award for reasonable attorneys' fees. An obligor may not be considered a prevailing party under this section unless the obligee has acted in bad faith in connection with the proceeding in question. [1989 c 252 § 17.]

RCW 9.94A.201 Legal financial obligations—Wage assignments—Sentences imposed before July 1, 1989. For those individuals who, as a condition and term of their sentence imposed on or before July 1, 1989, have had financial obligations imposed, and who are not in compliance with the court order requiring payment of that legal financial obligation, no action shall be brought before the court from July 1, 1989, through and including December 31, 1989, to impose a penalty for their failure to pay. All individuals who, after December 31, 1989, have not taken the opportunity to bring their legal financial obligation current, shall be proceeded against pursuant to RCW 9.94A.200. [1989 c 252 § 18.]

Comment

The preceding sections were passed by the 1989 Legislature, effective July 1, 1990, to set criteria for collecting legal financial obligations by the Department of Corrections. RCW 9.94A.201 was effective in 1989 but stayed action against offenders in noncompliance with their payments on legal financial obligations until January 1990.

RCW 9.94A.205 Community custody—Violations. (1) If an inmate violates any condition or requirement of community custody, the department may transfer the inmate to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (2) of this section.

(2)(a) For a sex offender sentenced to a term of community custody under RCW 9.94A.120(8) who violates any condition of community custody, the department may impose a sanction of up to sixty days' confinement in a local correctional facility for each violation. If the department imposes a sanction, the department shall submit within seventy-two hours a report to the court and the prosecuting attorney outlining the violation or violations and the sanctions imposed.

(b) For a sex offender sentenced to a term of community custody under RCW 9.94A.120(10) who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned early release, the department may impose a sanction of up to sixty days in a local correctional facility for each violation.

(3) If an inmate is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the department prior to the imposition of sanctions. The hearing shall be considered as inmate disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The department shall develop hearing procedures and sanctions. [1996 c 275 § 3; 1988 c 153 § 4.]

Comment

The 1996 Legislature authorized a 60-day jail sanction, imposed administratively by the Department of Corrections, for violation of a condition of community custody imposed as part of a sentence under the Special Sex Offender Sentencing Alternative, and for violations of a condition of community custody by offenders who have completed their maximum terms of total confinement. The Department may, alternatively, refer SSOSA community custody violations to the court.

RCW 9.94A.207 Community placement violators—Arrest, detention, financial responsibility. (1) The secretary may issue warrants for the arrest of any offender who violates a condition of community placement. The arrest warrants shall authorize any law enforcement or peace officer or community corrections officer of this state or any other state where such offender may be located, to arrest the offender and place him or her in total confinement pending disposition of the alleged violation. The department shall compensate the local jurisdiction at the office of financial management's adjudicated rate, in accordance with RCW 70.48.440. A community corrections officer, if he or she has reasonable cause to believe an offender in community placement has violated a condition of community placement, may suspend the person's community placement status and arrest or cause the arrest and detention in total confinement of the offender, pending the determination of the secretary as to whether the violation has occurred. The community corrections officer shall report to the secretary all facts and circumstances and the reasons for the action of suspending community placement status. A violation of a condition of community placement shall be deemed a violation of the sentence for purposes of RCW 9.94A.195. The authority granted to community corrections officers under this section shall be in addition to that set forth in RCW 9.94A.195.

(2) Inmates, as defined in RCW 72.09.015, who have been transferred to community custody and who are detained in a local correctional facility are the financial responsibility of the department of corrections, except as provided in subsection (3) of this section. The community custody inmate shall be removed from the local correctional facility, except as provided in subsection (3) of this section, not later than eight days, excluding weekends and holidays, following admittance to the local correctional facility and notification that the inmate is available for movement to a state correctional institution.

(3) The department may negotiate with local correctional authorities for an additional period of detention; however, sex offenders sanctioned for community custody violations under RCW 9.94A.205(2) to a term of confinement shall remain in the local correctional facility for the complete term of the sanction. For confinement sanctions imposed under RCW 9.94A.205(2)(a), the local correctional facility shall be financially responsible. For confinement sanctions imposed under RCW 9.94A.205(2)(b), the department of corrections shall be financially responsible for that portion of the sanction served during the time in which the sex offender is on community custody in lieu of earned early release, and the local correctional facility shall be financially responsible for that portion of the sanction served by the sex offender after the time in which the sex offender is on community custody in lieu of earned early release. [1996 c 275 § 4; 1988 c 153 § 5.]

Comment

The 1996 Legislature clarified financial responsibility between local and state correctional authorities for sex offenders sanctioned for community custody violations.

RCW 9.94A.210 Which sentences appealable—Procedure—Grounds for reversal—Written opinions. (1) A sentence within the standard range for the offense shall not be appealed. For purposes of this section, a sentence imposed on a first offender under RCW 9.94A.120(5) shall also be deemed to be within the standard range for the offense and shall not be appealed.

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

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

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

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

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

(7) The department may petition for a review of a sentence committing an offender to the custody or jurisdiction of the department. The review shall be limited to errors of law. Such petition shall be filed with the court of appeals no later than ninety days after the department has actual knowledge of terms of the sentence. The petition shall include a certification by the department that all reasonable efforts to resolve the dispute at the superior court level have been exhausted. [1989 c 214 § 1; 1984 c 209 § 13; 1982 c 192 § 7; 1981 c 137 § 21.]

RCW 9.94A.220 Discharge upon completion of sentence—Certificate of discharge—Counseling after discharge. (1) When an offender has completed the requirements of the sentence, the secretary of the department or the secretary's designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge.

(2) An offender who is not convicted of a violent offense or a sex offense and is sentenced to a term involving community supervision may be considered for a discharge of sentence by the sentencing court prior to the completion of community supervision, provided that the offender has completed at least one-half of the term of community supervision and has met all other sentence requirements.

(3) 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.

(4) 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. [1994 c 271 § 901; 1984 c 209 § 14; 1981 c 137 § 22.]

RCW 9.94A.230 Vacation of offender's record of conviction. (1) Every offender who has been discharged under RCW 9.94A.220 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may clear the record of conviction by: (a) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or (b) if the offender has been convicted after a plea of not guilty, by the court setting aside the verdict of guilty; and (c) by the court dismissing the information or indictment against the offender.

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

(3) Once the court vacates a record of conviction under subsection (1) of this section, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution. [1987 c 486 § 7; 1981 c 137 § 23.]

Comment

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

RCW 9.94A.250 Clemency and pardons board—Membership—Terms—Chairman—Bylaws—Travel expenses—Staff. (1) The clemency and pardons board is established as a board within the office of the governor. The board consists of five members appointed by the governor, subject to confirmation by the senate.

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

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

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

(5) The attorney general shall provide a staff as needed for the operation of the board. [1981 c 137 § 25.]

RCW 9.94A.260 Clemency and pardons board—Petitions for review and commutation of sentences and pardons—Restoration of civil rights. The clemency and pardons board shall receive petitions from individuals, organizations, and the department for review and commutation of sentences and pardoning of offenders in extraordinary cases, and shall make recommendations thereon to the governor.

The board shall receive petitions from individuals or organizations for the restoration of civil rights lost by operation of state law as a result of convictions for federal offenses or out-of-state felonies. The board may issue certificates of restoration limited to the elective rights to vote and to engage in political office. Any certifications granted by the board must be filed with the secretary of state to be effective. In all other cases, the board shall make recommendations to the governor. [1989 c 214 § 2; 1981 c 137 § 26.]

RCW 9.94A.270 Offender supervision assessments. (1) Whenever a punishment imposed under this chapter requires supervision services to be provided, the offender shall pay to the department of corrections the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the terms of supervision and which shall be considered as payment or part payment of the cost of providing supervision to the offender. The department may exempt or defer 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 department.

(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 department.

(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 dedicated fund established pursuant to RCW 72.11.040.

(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. [1991 c 104 § 1; 1989 c 252 § 8; 1984 c 209 § 15; 1982 c 207 § 2.]

RCW 9.94A.280 Alien offenders. (1) Subject to the limitations of this section, any alien offender committed to the custody of the department under the sentencing reform act of 1981, chapter 9.94A RCW, who has been found by the United States attorney general to be subject to a final order of deportation or exclusion, may be placed on conditional release status and released to the immigration and naturalization service for deportation at any time prior to the expiration of the offender's term of confinement. Conditional release shall continue until the expiration of the statutory maximum sentence

provided by law for the crime or crimes of which the offender was convicted. If the offender has multiple current convictions, the statutory maximum sentence allowed by law for each crime shall run concurrently.

(2) No offender may be released under this section unless the secretary or the secretary's designee find [finds] that such release is in the best interests of the state of Washington. Further, releases under this section may occur only with the approval of the sentencing court and the prosecuting attorney of the county of conviction.

(3) No offender may be released under this section who is serving a sentence for a violent offense or sex offense, as defined in RCW 9.94A.030, or any other offense that is a crime against a person.

(4) The unserved portion of the term of confinement of any offender released under this section shall be tolled at the time the offender is released to the immigration and naturalization service for deportation. Upon the release of an offender to the immigration and naturalization service, the department shall issue a warrant for the offender's arrest within the United States. This warrant shall remain in effect until the expiration of the offender's conditional release.

(5) Upon arrest of an offender, the department shall seek extradition as necessary and the offender shall be returned to the department for completion of the unserved portion of the offender's term of total confinement. The offender shall also be required to fully comply with all the terms and conditions of the sentence.

(6) Alien offenders released to the immigration and naturalization service for deportation under this section are not thereby relieved of their obligation to pay restitution or other legal financial obligations ordered by the sentencing court.

(7) Any offender released pursuant to this section who returns illegally to the United States may not thereafter be released again pursuant to this section.

(8) The secretary is authorized to take all reasonable actions to implement this section and shall assist federal authorities in prosecuting alien offenders who may illegally reenter the United States and enter the state of Washington. [1993 c 419 § 1.]

Comment

In 1993, the Legislature added section RCW 9.94A.280 authorizing the Department of Corrections to release certain alien offenders to the Immigration and Naturalization Service for deportation.

TABLE 1
RCW 9.94A.310(1) -- SENTENCING GRID
FOR CRIMES COMMITTED AFTER JULY 26, 1997

SERIOUSNESS LEVEL	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XV	Life Sentence without Parole/Death Penalty									
XIV	23y 4m 240 - 320	24y 4m 250 - 333	25y 4m 261 - 347	26y 4m 271 - 361	27y 4m 281 - 374	28y 4m 291 - 388	30y 4m 312 - 416	32y 10m 338 - 450	36y 370 - 493	40y 411 - 548
XIII	14y 4m 123 - 220	15y 4m 134 - 234	16y 2m 144 - 244	17 154 - 254	17y 11m 165 - 265	18y 9m 175 - 275	20y 5m 195 - 295	22y 2m 216 - 316	27y 7m 257 - 357	29y 298 - 397
XII	9y 93 - 123	9y 11m 102 - 136	10y 9m 111 - 147	11y 8m 120 - 160	12y 6m 129 - 171	13y 5m 138 - 184	15y 9m 162 - 216	17y 3m 178 - 236	20y 3m 209 - 277	23y 3m 240 - 318
XI	7y 6m 78 - 102	8y 4m 86 - 114	9y 2m 95 - 125	9y 11m 102 - 136	10y 9m 111 - 147	11y 7m 120 - 158	14y 2m 146 - 194	15y 5m 159 - 211	17y 11m 185 - 245	20y 5m 210 - 280
X	5y 51 - 68	5y 6m 57 - 75	6y 62 - 82	6y 6m 67 - 89	7y 72 - 96	7y 6m 77 - 102	9y 6m 98 - 130	10y 6m 108 - 144	12y 6m 129 - 171	14y 6m 149 - 198
IX	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	5y 51 - 68	5y 6m 57 - 75	7y 6m 77 - 102	8y 6m 87 - 116	10y 6m 108 - 144	12y 6m 129 - 171
VIII	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	6y 6m 67 - 89	7y 6m 77 - 102	8y 6m 87 - 116	10y 6m 108 - 144
VII	18m 15 - 20	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	5y 6m 57 - 75	6y 6m 67 - 89	7y 6m 77 - 102	8y 6m 87 - 116
VI	13m 12+ - 14	18m 15 - 20	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 6m 46 - 61	5y 6m 57 - 75	6y 6m 67 - 89	7y 6m 77 - 102
V	9m 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 41 - 54	5y 51 - 68	6y 62 - 82	7y 72 - 96
IV	6m 3 - 9	9m 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57	5y 2m 53 - 70	6y 2m 63 - 84
III	2m 1 - 3	5m 3 - 8	8m 4 - 12	11m 9 - 12	14m 12+ - 16	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57	5y 51 - 68
II	0 - 90 Days	4m 2 - 6	6m 3 - 9	8m 4 - 12	13m 12+ - 14	16m 14 - 18	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57
I	0 - 60 Days	0 - 90 Days	3m 2 - 5	4m 2 - 6	5m 3 - 8	8m 4 - 12	13m 12+ - 14	16m 14 - 18	20m 17 - 22	2y 2m 22 - 29

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

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

(3) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) Three years for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Eighteen months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4) (a), (b), and/or (c) of this section, or both, any and all firearm enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall not run concurrently with any other sentencing provisions.

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030.

(4) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon as defined in this chapter other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) One year for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Six months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3) (a), (b), and/or (c) of this section, or both, any and all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall not run concurrently with any other sentencing provisions.

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030.

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

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

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

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

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

(6) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435. [1997 c 365 § 3; 1997 c 338 § 50; 1996 c 205 § 5; 1995 c 129 § 2 (Initiative Measure No. 159); (1994 sp.s. c 7 § 512 repealed by 1995 c 129 § 19 (Initiative Measure No. 159)); 1992 c 145 § 9; 1991 c 32 § 2; 1990 c 3 § 701. Prior: 1989 c 271 § 101; 1989 c 124 § 1; 1988 c 218 § 1; 1986 c 257 § 22; 1984 c 209 § 16; 1983 c 115 § 2.]

Comment

The 1986 amendments provided that the 12-month deadly weapon penalty applies to those offenses defined in RCW 9.94A.030 as drug offenses, instead of applying only to Delivery or Possession of a Controlled Substance with Intent to Deliver. The term "drug offense," as defined in the SRA, excludes simple possession, forged prescriptions, and violations of the Legend Drug Act.

The 1986 revisions also clarified that the deadly weapon penalties apply to anticipatory offenses.

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

The 1990 Legislature amended the sentencing grid to add a new Level XII, and renumber Levels XII through XIV. The sentence ranges in Level XI were increased.

The 1990 Legislature amended the enhancement for certain drug crimes near schools to also apply to Manufacture, Delivery, and Possession with Intent to Deliver in parks, public transit vehicles, and transit stop shelters (RCW 69.50.435).

The 1992 Legislature added Assault of a Child 2 to the crimes eligible for deadly weapon penalties.

The 1994 Legislature amended subsection (4)(c) to apply the previous 12-month deadly weapon enhancement to all violent offenses not subject to a longer enhancement. This was repealed and replaced in 1995 by Initiative 159.

The enactment of Initiative Measure No. 159 by the 1995 Legislature split the previous deadly weapon enhancement into separate enhancements for firearms and for other deadly weapons, and broadened their application to all felonies except those in which using a firearm is an element of the offense. The enhancements double when the offender has previously (but on or after July 23, 1995) been sentenced to a deadly weapon enhancement under (3) or (4). The enhancements must run consecutively to any other sentence, as long as the period of total confinement does not exceed the statutory maximum for the offense. The amendments increased the enhancement (where the weapon is not a firearm) for Burglary 1 from 18 months to two years and reduced the enhancement for Theft of Livestock 2 from one year to six months.

Although the 1995 amendments to subsections (3) and (4) in Initiative 159 prohibit weapon enhancements from running concurrently to other sentencing provisions, the Initiative did not amend RCW 9.94A.400, which provides for concurrent sentencing of multiple counts except under circumstances specified in that section. It is unclear how these provisions interact when multiple counts are sentenced concurrently but include weapon enhancements.

Subsections (3) and (4) limit the total sentence for each count to the statutory maximum, even with weapon enhancements. However, it is unclear whether the maximum consists of the entire weapon enhancement plus the remainder of the base sentence, or of the base sentence plus whatever part of the weapon enhancement remains within the maximum. This issue is especially important in multiple-count cases, where the statutory maximum for the most serious count would limit the total sentence in the absence of weapon enhancements, but may not if weapon enhancements are computed consecutively.

The 1996 Legislature increased from 15 months to 18 months the enhancement for manufacture, delivery, or possession to manufacture or deliver methamphetamine in a county jail or state correctional facility. The Legislature also authorized local governments to designate additional “drug free zones,” at or around defined “civic centers,” under RCW 69.50.435, for purposes of the 24-month enhancement for drug offenses committed within such areas.

The 1997 Legislature increased the maximum term of total confinement in the standard range for Level XIII. However, the minimum term in this range applies only to sentences for Murder 2 because the Legislature amended limiting language in RCW 9.94A.040(4)(b) only for Murder 2 offenses. The sentencing grid in this section applies to crimes committed on or after July 27, 1997.

RCW 9.94A.320 Table 2—Crimes included within each seriousness level.

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV	Aggravated Murder 1 (RCW 10.95.020)
XIV	Murder 1 (RCW 9A.32.030) Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1))
XIII	Murder 2 (RCW 9A.32.050) Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
XI	Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076) Manslaughter 1 (RCW 9A.32.060)
X	Kidnapping 1 (RCW 9A.40.020) Child Molestation 1 (RCW 9A.44.083) Malicious explosion 3 (RCW 70.74.280(3)) Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406) Leading Organized Crime (RCW 9A.82.060(1)(a)) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
IX	Assault of a Child 2 (RCW 9A.36.130) Robbery 1 (RCW 9A.56.200) Explosive devices prohibited (RCW 70.74.180) Malicious placement of an explosive 2 (RCW 70.74.270(2)) Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406) Controlled Substance Homicide (RCW 69.50.415) Sexual Exploitation (RCW 9.68A.040) Inciting Criminal Profiteering (RCW 9A.82.060(1)(b)) Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
VIII	Arson 1 (RCW 9A.48.020) Promoting Prostitution 1 (RCW 9A.88.070) Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410) Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW

- 69.50.401(a)(1)(i))
 - Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)
 - Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
 - Manslaughter 2 (RCW 9A.32.070)
- VII
- Burglary 1 (RCW 9A.52.020)
 - Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
 - Introducing Contraband 1 (RCW 9A.76.140)
 - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
 - Child Molestation 2 (RCW 9A.44.086)
 - Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 - Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
 - Involving a minor in drug dealing (RCW 69.50.401(f))
 - Drive-by Shooting (RCW 9A.36.045)
 - Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
 - Malicious placement of an explosive 3 (RCW 70.74.270(3))
- VI
- Bribery (RCW 9A.68.010)
 - Rape of a Child 3 (RCW 9A.44.079)
 - Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 - Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
 - Incest 1 (RCW 9A.64.020(1))
 - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
 - Intimidating a Judge (RCW 9A.72.160)
 - Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
 - Theft of a Firearm (RCW 9A.56.300)
- V
- Persistent prison misbehavior (RCW 9.94.070)
 - Criminal Mistreatment 1 (RCW 9A.42.020)
 - Abandonment of dependent person 1 (RCW 9A.42.060)
 - Rape 3 (RCW 9A.44.060)
 - Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
 - Child Molestation 3 (RCW 9A.44.089)
 - Kidnapping 2 (RCW 9A.40.030)
 - Extortion 1 (RCW 9A.56.120)
 - Incest 2 (RCW 9A.64.020(2))
 - Perjury 1 (RCW 9A.72.020)
 - Extortionate Extension of Credit (RCW 9A.82.020)
 - Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 - Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 - Rendering Criminal Assistance 1 (RCW 9A.76.070)

Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
Sexually Violating Human Remains (RCW 9A.44.105)
Delivery of imitation controlled substance by person eighteen or over to person
under eighteen (RCW 69.52.030(2))
Possession of a Stolen Firearm (RCW 9A.56.310)

IV Residential Burglary (RCW 9A.52.025)
Theft of Livestock 1 (RCW 9A.56.080)
Robbery 2 (RCW 9A.56.210)
Assault 2 (RCW 9A.36.021)
Escape 1 (RCW 9A.76.110)
Arson 2 (RCW 9A.48.030)
Commercial Bribery (RCW 9A.68.060)
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
Malicious Harassment (RCW 9A.36.080)
Threats to Bomb (RCW 9A.61.160)
Willful Failure to Return from Furlough (RCW 72.66.060)
Hit and Run--Injury Accident (RCW 46.52.020(4))
Hit and Run with Vessel--Injury Accident (RCW 88.12.155(3))
Vehicular Assault (RCW 46.61.522)
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule
III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or
methamphetamines) (RCW 69.50.401 (a)(1) (iii) through (v))
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

III Criminal Gang Intimidation (RCW 9A.46.120)
Criminal Mistreatment 2 (RCW 9A.42.030)
Abandonment of dependent person 2 (RCW 9A.42.070)
Extortion 2 (RCW 9A.56.130)
Unlawful Imprisonment (RCW 9A.40.040)
Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)
Custodial Assault (RCW 9A.36.100)
Unlawful possession of firearm in the second degree (RCW 9A.41.040(1)(b))
Harassment (RCW 9A.46.020)
Promoting Prostitution 2 (RCW 9A.88.080)
Willful Failure to Return from Work Release (RCW 72.65.070)
Burglary 2 (RCW 9A.52.030)
Introducing Contraband 2 (RCW 9A.76.150)
Communication with a Minor for Immoral Purposes (RCW 9A.68A.090)
Patronizing a Juvenile Prostitute (RCW 9A.68A.100)
Escape 2 (RCW 9A.76.120)
Perjury 2 (RCW 9A.72.030)
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
Intimidating a Public Servant (RCW 9A.76.180)
Tampering with a Witness (RCW 9A.72.120)
Manufacture, deliver, or possess with intent to deliver marijuana (RCW

69.50.401(a)(1)(iii))

Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
Manufacture, distribute, or possess with intent to distribute an imitation
controlled substance (RCW 69.52.030(1))
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Theft of livestock 2 (RCW 9A.56.080)
Securities Act violation (RCW 21.20.400)

II Unlawful Practice of Law (RCW 2.48.180)
Malicious Mischief 1 (RCW 9A.48.070)
Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)
Class B Felony Theft of Rental, Leased, or Lease-purchased Property (RCW
9A.56.096(4))
Trafficking in Insurance Claims (RCW 48.30A.015)
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
Health Care False Claims (RCW 48.80.030)
Possession of controlled substance that is either heroin or narcotics from
Schedule I or II (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Create, deliver, or possess a counterfeit controlled substance (RCW
69.50.401(b))
Computer Trespass 1 (RCW 9A.52.110)
Escape from Community Custody (RCW 72.09.310)

I Theft 2 (RCW 9A.56.040)
Class C Felony Theft of Rental, Leased, or Lease-purchased Property (RCW
9A.56.096(4))
Possession of Stolen Property 2 (RCW 9A.56.160)
Forgery (RCW 9A.60.020)
Taking Motor Vehicle Without Permission (RCW 9A.56.070)
Vehicle Prowl 1 (RCW 9A.52.095)
Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
Malicious Mischief 2 (RCW 9A.48.080)
Reckless Burning 1 (RCW 9A.48.040)
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
False Verification for Welfare (RCW 74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW 69.50.403)
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or
Non-narcotic from Schedule I-V (except phencyclidine) (RCW
69.50.401(d))

[1997 c 365 § 4; 1997 c 346 § 3; 1997 c 340 § 1; 1997 c 338 § 51; 1997 c 266 § 15; 1997 c 120 § 5. Prior: 1996 c 302 § 6; 1996 c 205 § 3; 1996 c 36 § 2; prior: 1995 c 385 § 2; 1995 c 285 § 28; 1995 c 129 § 3 (Initiative Measure No. 159); prior: (1994 sp.s. c 7 § 510 repealed by 1995 c 129 § 19 (Initiative Measure No. 159)); 1994 c 275 § 20; 1994 c 53 § 2; prior: 1992 c 145 § 4; 1992 c 75 § 3; 1991 c 32 § 3; 1990 c 3 § 702; prior: 1989 2nd ex.s. c 1 § 3; 1989 c 412 § 3; 1989 c 405 § 1; 1989 c 271 § 102; 1989 c 99 § 1; prior: 1988 c 218 § 2; 1988 c 145 § 12; 1988 c 62 § 2; prior: 1987 c 224 § 1; 1987 c 187 § 4; 1986 c 257 § 23; 1984 c 209 § 17; 1983 c 115 § 3.]

Comment

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

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

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

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

The 1990 Legislature created an additional seriousness level at Level XI, and renumbered Levels XI through XIV, making these Levels XII through XV.

The 1994 Legislature created a new Class C felony offense, Theft of a Firearm (RCW 9A.56.300) at Level V of the scale, and increased the severity of Reckless Endangerment 1 (RCW 9A.36.045) from Level II to Level V. These amendments to this section were repealed and replaced in 1995 by Initiative Measure No. 159.

The 1994 Legislature increased the severity level of Vehicular Homicide by being under the influence of intoxicating liquor or any drug (RCW 46.61.520) from Level VIII to Level IX. Vehicular Homicide by operating a vehicle in a reckless manner remains at Level VIII.

The enactment of Initiative Measure No. 159 by the 1995 Legislature made numerous changes in definitions and seriousness levels of felonies involving firearms:

Increased the seriousness level of Reckless Endangerment 1 from Level V to Level VII.

Expanded the definition of Burglary 1 to cover entry into a non-residential building.

Increased the seriousness level of Theft of a Firearm from a Class C felony at Level V to a Class B felony at Level VI.

Created the Class B felony of Possessing a Stolen Firearm at Level V.

Narrowed the definitions of Theft and Possession of Stolen Property to exclude theft or possession of a firearm.

Created two degrees of Unlawful Possession of a Firearm. Unlawful Possession of a Firearm 1 is a Class B felony at Level VII. Unlawful Possession of a Firearm 2 is a Class C felony at Level III. See RCW 9A.41.040.

Authorized separate convictions for Theft of a Firearm, Possession of a Stolen Firearm, and Unlawful Possession of a Firearm arising from the same actions, required that sentences for each of these offenses run consecutively, and provided that each firearm constitutes a separate offense.

Expanded the definition of Aggravated Murder 1, subject to the death penalty, to include gang-related murders, "drive-by" shootings, and murders to avoid prosecution as a persistent ("third strike") offender.

The 1995 Legislature created the Class C felony offense of Persistent Prison Misbehavior, ranked at Level V (see RCW 9A.94.070).

The 1995 Legislature created several new felony offenses: Commercial Bribery (Class B at Level IV, see RCW 9A.68.060), Unlawful Practice of Law (Class C at Level II after the first violation, see RCW 2.48.180), Trafficking in Insurance Claims (Class C at Level II after the first violation, see RCW 48.30A.015), and Unlicensed Practice of a Profession or Business (Class C at Level II after the first violation, see RCW 18.130.190).

Health Care False Claims, a Class C felony, was ranked at Level II in 1995 (see RCW 48.80.030).

The 1996 Legislature created the following new ranked offenses: Possession of Ephedrine or Pseudoephedrine with Intent to Manufacture Methamphetamine, a Class B felony at Level VIII; Hit and Run with Vessel - Injury Accident, a Class C felony at Level IV; Abandonment of a Dependent Person 1, a Class B felony at Level V; and Abandonment of a Dependent Person 2, a Class C felony at Level III.

The 1997 Legislature increased the seriousness of Rape 1 and Rape of a Child 1 to Level XII, Rape 2 and Rape of a Child 2 to Level XI, and Indecent Liberties with force to Level X. The Legislature also increased the seriousness of Manslaughter 1 to Level XI and Manslaughter 2 to Level VIII.

The 1997 Legislature added new offenses relating to explosives and imitation explosives at Levels VI, VII, IX, X, XII, XIII, and XIV. Because the Legislature did not amend limiting language in RCW 9.94A.040(4)(b) to apply to these offenses at Level XIII, the minimum

standard-range sentence for Malicious Explosion 2 and Malicious Placement of an Explosive 1 may not be less than 75% of the maximum in RCW 9.94A.310.

The 1997 Legislature also added new felonies: Criminal Gang Intimidation at Level III, and Theft of Rental Property at Levels I and II. The Legislature also redesignated Reckless Endangerment 1 (at Level VII) as "Drive-by Shooting."

RECOMMENDED SENTENCING GUIDELINES

RCW 9.94A.340 Equal application. The sentencing guidelines and prosecuting standards apply equally to offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or the previous record of the defendant. [1983 c 115 § 5.]

RCW 9.94A.350 Offense seriousness level. The offense seriousness level is determined by the offense of conviction. [1990 c 3 § 703; 1983 c 115 § 6.]

RCW 9.94A.360 Offender score. The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

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

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

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

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

(i) Prior offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

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

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

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

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11) or (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and $\frac{1}{2}$ point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) 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 $\frac{1}{2}$ point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for Murder 1 or 2, Assault 1, Assault of a Child 1, Kidnapping 1, Homicide by Abuse, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and $\frac{1}{2}$ point for each prior juvenile nonviolent felony conviction.

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

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

(12) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, Willful Failure to Return from Work Release, RCW 72.65.070, or Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as $\frac{1}{2}$ point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as ½ point.

(15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(16) If the present conviction is for a sex offense, count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(17) If the present conviction is for an offense committed while the offender was under community placement, add one point. [1997 c 338 § 5. Prior: 1995 c 316 § 1; 1995 c 101 § 1; prior: 1992 c 145 § 10; 1992 c 75 § 4; 1990 c 3 § 706; 1989 c 271 § 103; prior: 1988 c 157 § 3; 1988 c 153 § 12; 1987 c 456 § 4; 1986 c 257 § 25; 1984 c 209 § 19; 1983 c 115 § 7.]

Comment

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

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

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

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

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

A prior conviction for an anticipatory crime (attempt, solicitation, conspiracy) counts as two points if the completed crime constitutes a "violent offense." (State v. Becker, 59 Wn.App. 848(1990)).

Juvenile Criminal History: Since the legislation required that certain prior juvenile felony adjudications be included as part of criminal history, the Commission needed to establish the relative

weight of these felonies in comparison to adult prior felonies. The Commission decided that prior violent felony convictions, whether committed by an adult or a juvenile, should receive the same number of points if the instant offense was violent. The Commission believed that a distinction was necessary between nonviolent adult felonies and nonviolent juvenile felonies because nonviolent juvenile felonies often represent less serious conduct.

In addition, under the definition of juvenile criminal history in RCW 9.94.030, the legislation originally 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). In 1986 and 1997, the Legislature expanded the definition of criminal history to include all juvenile felony adjudications.

"Wash Out" of Priors: The Commission decided that adult Class A felonies should always be considered as part of the Offender Score. The Commission decided that prior Class B and C felonies should eventually "wash out" and be eliminated from the Offender Score. The 1986 amendments changed the "wash out" provisions to clarify that once a crime meets the "wash out" test, it is always "washed out" and that any consecutive period of crime-free behavior can be used to meet the "wash out" test. However, 1995 legislation precluding "washout" after commission of a non-felony crime may result in previously "washed out" offenses being counted as criminal history.

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

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

The 1986 Amendments:

The 1986 amendments made several changes to this section:

- Added a definition of "prior conviction" and a definition of "other current offenses" in subsection (1);

- Provided that Class A juvenile convictions always count in the criminal history score if a juvenile was at least 15 at the time of the offense (previously, juvenile convictions no longer counted after the person was 23 years of age);

- Changed the scoring rules for felony traffic offenses;

- Clarified the fact that anticipatory offenses are to be counted the same as completed offenses for the purpose of scoring current convictions; and

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

The 1987 Amendments:

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

The 1988 Amendments:

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

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

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

The 1990 Amendments:

Several scoring rules were changed by the 1990 Legislature. These changes are effective for crimes committed after June 30, 1990, and include:

Adult and juvenile prior sex offenses are always included in the offender score; they do not wash out.

Juvenile sex offenses are counted regardless of the age of the offender at the time of commission of the juvenile offense or the current offense.

Juvenile prior convictions for violent offenses that are sentenced on the same day now count as separate crimes in cases involving separate victims.

Residential Burglary was included with First and Second Degree Burglary in the offender scoring rules. The 1989 Legislature neglected to amend this section in the bill creating the crime of Residential Burglary.

Prior and other current sex offenses count three points when the current conviction is a sex offense.

The 1995 Amendments:

The 1995 Legislature required that juvenile convictions for serious violent offenses (as defined in RCW 9.94A.030(29)) always be counted in the offender score, regardless of the offender's age at the time of the offense.

The Legislature also prohibited "wash out" of a prior conviction if, within the prescribed time period, an offender commits a crime for which he or she is subsequently convicted. Thus the qualifying period is measured not from release until a subsequent conviction, but from release until a subsequent offense. Intervening misdemeanors and gross misdemeanors, as well as felonies, appear to preclude "wash out." The legislation also amended (3) to classify federal convictions according to comparable Washington definitions and sentences, and to classify federal felony convictions as class C felonies, for purposes of calculating the offender score, when there is no clearly comparable Washington offense. In addition, (6) was amended to permit a sentencing court to presume that certain prior offenses did not encompass the same criminal conduct for scoring purposes. The term "served concurrently" in (6) was defined by adding (6)(b).

The 1997 Amendments:

The 1997 Legislature required that all prior juvenile felonies be counted as criminal history if they were sentenced consecutively, unless the court determines that they constituted the “same criminal conduct” as defined in RCW 9.94A.400. The Legislature did not change the fractional point values assigned to certain juvenile offenses.

RCW 9.94A.370 Presumptive sentence. (1) The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The additional time for deadly weapon findings or for those offenses enumerated in RCW 9.94A.310(4) that were committed in a state correctional facility or county jail shall be added to the entire presumptive sentence range. The court may impose any sentence within the range that it deems appropriate. All presumptive sentence ranges are expressed in terms of total confinement.

(2) In determining any sentence, the trial court may rely on no more information than is admitted by the plea agreement, or admitted, acknowledged, or proved in a trial or at the time of sentencing. 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 facts shall be deemed proved at the hearing by a preponderance of the evidence. Facts that establish the elements of a more serious crime or additional crimes may not be used to go outside the presumptive sentence range except upon stipulation or when specifically provided for in *RCW 9.94A.390(2) (c), (d), (f), and (g). [1996 c 248 § 1; 1989 c 124 § 2; 1987 c 131 § 1; 1986 c 257 § 26; 1984 c 209 § 20; 1983 c 115 § 8.]

*Reviser's note: RCW 9.94A.390 was amended by 1996 c 248 § 2 and by 1996 c 121 § 1, changing subsection (2)(c), (d), (f), and (g) to subsection (2)(d), (e), (g), and (h), respectively.

Comment

The Commission believed that defendants should be sentenced on the basis of facts which are acknowledged, proven, or pleaded to. Concerns were raised about facts which were not proven as an element of the conviction or the plea being used as a basis for sentence decisions, including decisions to depart from the sentence range. As a result, the "real facts policy" was adopted. Amendments in 1986 clarified that facts proven in a trial can be used by a court in determining a sentence.

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

RCW 9.94A.380 Alternatives to total confinement. Alternatives to total confinement are available for offenders with sentences of one year or less. These alternatives include the following sentence conditions that the court may order as substitutes for total confinement: (1) One day of partial confinement may be substituted for one day of total confinement; (2) in addition, for offenders convicted of nonviolent offenses only, eight hours of community service may be substituted for one day of total confinement, with a maximum conversion limit of two hundred forty hours or thirty days. Community service hours must be completed within the period of community supervision or a time period specified by the court, which shall not exceed twenty-four months, pursuant to a schedule determined by the department.

For sentences of nonviolent offenders for one year or less, the court shall consider and give priority to available alternatives to total confinement and shall state its reasons in writing on the

judgment and sentence form if the alternatives are not used. [1988 c 157 § 4; 1988 c 155 § 3; 1984 c 209 § 21; 1983 c 115 § 9.]

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

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

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

RCW 9.94A.383 Community supervision. On all sentences of confinement for one year or less, the court may impose up to one year of community supervision. An offender shall be on community supervision as of the date of sentencing. However, during the time for which the offender is in total or partial confinement pursuant to the sentence or a violation of the sentence, the period of community supervision shall toll. [1988 c 143 § 23; 1984 c 209 § 22.]

RCW 9.94A.386 Fines. On all sentences under this chapter the court may impose fines according to the following ranges:

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

[1984 c 209 § 23.]

RCW 9.94A.390 Departures from the guidelines If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

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

(1) Mitigating Circumstances

- (a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.
 - (b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.
 - (c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.
 - (d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.
 - (e) The defendant's capacity to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).
 - (f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.
 - (g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.
 - (h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.
- (2) Aggravating Circumstances
- (a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.
 - (b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.
 - (c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.
 - (d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:
 - (i) The current offense involved multiple victims or multiple incidents per victim;
 - (ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;
 - (iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or
 - (iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.
 - (e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:
 - (i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;
 - (ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;
 - (iii) The current offense involved the manufacture of controlled substances for use by other parties;
 - (iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;
 - (v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

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

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127.

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

(h) The current offense involved domestic violence, as defined in RCW 10.99.020 and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

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

(j) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter as expressed in RCW 9.94A.010.

(k) The offense resulted in the pregnancy of a child victim of rape. [1997 c 52 § 4. Prior: 1996 c 248 § 2; 1996 c 121 § 1; 1995 c 316 § 2; 1990 c 3 § 603; 1989 c 408 § 1; 1987 c 131 § 2; 1986 c 257 § 27; 1984 c 209 § 24; 1983 c 115 § 10.]

Comment

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

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

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

The 1986 amendments provided better enumeration of the aggravating and mitigating factors. In addition, the reference to firearm possession in major VUCSA offenses was removed. The

Commission decided that when firearm use was charged, it should be used to set a sentence within the standard range or as part of a sentence enhancement under RCW 9.94A.310; if firearm use is not charged, it can influence the sentence only upon the stipulation of both parties under RCW 9.94A.370. The other 1986 amendment added the adjective "current" to subsection (2) to make it clear that aggravating factors only apply to the circumstances surrounding the charged offense.

The 1990 Legislature added a finding of sexual motivation as an aggravating factor.

The 1995 Legislature authorized an exceptional sentence above the standard range when a defendant's prior unscored misdemeanor or foreign criminal history results in a presumptive sentence that is clearly too lenient.

The 1996 Legislature added two new statutory aggravating factors: (1) that the offense was violent and the defendant knew the victim was pregnant, and (2) that the offense involved domestic violence and additional circumstances as defined.

The 1997 Legislature authorized an exceptional sentence above the range in cases where a rape resulted in the pregnancy of a child victim.

RCW 9.94A.392 Findings and intent—1994 c 1 (Initiative Measure No. 593). (1) The people of the state of Washington find and declare that:

(a) Community protection from persistent offenders is a priority for any civilized society.
(b) Nearly fifty percent of the criminals convicted in Washington state have active prior criminal histories.

(c) Punishments for criminal offenses should be proportionate to both the seriousness of the crime and the prior criminal history.

(d) The public has the right and the responsibility to determine when to impose a life sentence.

(2) By sentencing three-time, most serious offenders to prison for life without the possibility of parole, the people intend to:

(a) Improve public safety by placing the most dangerous criminals in prison.

(b) Reduce the number of serious, repeat offenders by tougher sentencing.

(c) Set proper and simplified sentencing practices that both the victims and persistent offenders can understand.

(d) Restore public trust in our criminal justice system by directly involving the people in the process. [1994 c 1 § 1 (Initiative Measure No. 593, approved November 2, 1993).]

Comment

Initiative Measure No. 593 included this statement of findings and intent.

RCW 9.94A.393 Offender notification and warning. A sentencing judge, law enforcement agency, or state or local correctional facility may, but is not required to, give offenders who have been convicted of an offense that is a most serious offense as defined in RCW 9.94A.030 either written or oral notice, or both, of the sanctions imposed upon persistent offenders. General notice of these sanctions and the conditions under which they may be imposed may, but need not, be given in correctional facilities maintained by state or local agencies. This section is enacted to provide authority, but not requirement, for the giving of such notice in every conceivable way without incurring

liability to offenders or third parties. [1994 c 1 § 4 (Initiative Measure No. 593, approved November 2, 1993).]

RCW 9.94A.394 Governor's powers. (1) Nothing in chapter 1, Laws of 1994 shall ever be interpreted or construed as to reduce or eliminate the power of the governor to grant a pardon or clemency to any offender on an individual case-by-case basis. However, the people recommend that any offender subject to total confinement for life without the possibility of parole not be considered for release until the offender has reached the age of at least sixty years old and has been judged to be no longer a threat to society. The people further recommend that sex offenders be held to the utmost scrutiny under this subsection regardless of age.

(2) Nothing in this section shall ever be interpreted or construed to grant any release for the purpose of reducing prison overcrowding. Furthermore, the governor shall provide twice yearly reports on the activities and progress of offenders subject to total confinement for life without the possibility of parole who are released through executive action during his or her tenure. These reports shall continue for not less than ten years after the release of the offender or upon the death of the released offender. [1994 c 1 § 5 (Initiative Measure No. 593, approved November 2, 1993).]

RCW 9.94A.395 Abused victim—Resentencing for murder of abuser. (1) The sentencing court or the court's successor shall consider recommendations from the indeterminate sentence review board for resentencing defendants convicted of murder if the indeterminate sentence review board advises the court of the following:

(a) The defendant was convicted for a murder committed prior to the *effective date of RCW 9.94A.390(1)(h);

(b) RCW 9.94A.390(1)(h), if *effective when the defendant committed the crime, would have provided a basis for the defendant to seek a mitigated sentence; and

(c) Upon review of the sentence, the indeterminate sentence review board believes that the sentencing court, when originally sentencing the defendant for the murder, did not consider evidence that the victim subjected the defendant or the defendant's children to a continuing pattern of sexual or physical abuse and the murder was in response to that abuse.

(2) The court may resentence the defendant in light of RCW 9.94A.390(1)(h) and impose an exceptional mitigating sentence pursuant to that provision. Prior to resentencing, the court shall consider any other recommendation and evidence concerning the issue of whether the defendant committed the crime in response to abuse.

(3) The court shall render its decision regarding reducing the inmate's sentence no later than six months after receipt of the indeterminate sentence review board's recommendation to reduce the sentence imposed. [1993 c 144 § 5.]

*Reviser's note: RCW 9.94A. 390(1)(h) became effective July 23, 1989.

Comment

In 1993, the Legislature enacted RCW 9.94A.395 to establish a procedure for reducing the sentences of certain offenders convicted of murder prior to the effective date of RCW 9.94A.390(1)(h) (July 23, 1989).

RCW 9.94A.400 Consecutive or concurrent sentences. (1)(a) Except as provided in (b) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and *9.94A.390(2)(f) or any other provision of RCW 9.94A.390. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition applies in cases involving vehicular assault or vehicular homicide even if the victims occupied the same vehicle.

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

(2)(a) Except as provided in (b) of this subsection, whenever a person while under sentence of felony commits another felony and is sentenced to another term of confinement, the latter term shall not begin until expiration of all prior terms.

(b) Whenever a second or later felony conviction results in community supervision with conditions not currently in effect, under the prior sentence or sentences of community supervision the court may require that the conditions of community supervision contained in the second or later sentence begin during the immediate term of community supervision and continue throughout the duration of the consecutive term of community supervision.

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

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

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.120(2), if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months. [1996 c 199 § 3; 1995 c 167 § 2; 1990 c 3 § 704. Prior: 1988 c 157 § 5; 1988 c 143 § 24; 1987 c 456 § 5; 1986 c 257 § 28; 1984 c 209 § 25; 1983 c 115 § 11.]

Comment

Under the SRA, a sentencing judge must impose concurrent sentences. There are two exceptions to this policy: under subsection (b), a person convicted of two or more serious violent offenses

arising from separate and distinct criminal conduct must be sentenced consecutively (the criminal history score is calculated differently than in subsection (a)); and under subsection (3), the sentencing judge may expressly order that the sentence be served consecutively to sentences already imposed in other jurisdictions. This comment was addressed by State v. Moore, 63 Wn. App. 466 (1991).

Unless the offenses fall under the exceptions listed in subsection (1) (b) or subsection (3), consecutive sentences imposed for current offenses constitute exceptional sentences and must comply with the exceptional sentence provisions of the Act. See RCW 9.94A.120(15).

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

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

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

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

Subsection (5) points out that the defendant must serve all terms of total confinement on consecutive sentences before other conditions are performed. As stated earlier, the multiple offense policy was among the most complex issues confronted by the Commission and the Legislature. The Legislature acknowledged in RCW 9.94A.390 (aggravating and mitigating factors) that the operation of the multiple offense policy might, in individual cases, result in a "clearly excessive" or "clearly too lenient" presumptive sentence, and therefore, departures from the range may be appropriate.

This section does not apply to First-Time Offenders sentenced under RCW 9.94A.120(5).

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

The 1990 Legislature changed the rules regarding consecutive sentencing for multiple serious violent offenses. The consecutive sentencing requirement now applies to two or more serious violent offenses instead of three.

The 1995 Legislature added (2)(b), for cases where an offender under community supervision is sentenced to additional conditions of community supervision for a subsequent offense.

Although this section was not amended, the enactment of Initiative Measure No. 159 by the 1995 Legislature amended RCW 9.41.010 to require "notwithstanding any other law," that an offender convicted under RCW 9.41.010 for Unlawful Possession of a Firearm 1 or 2, and for Theft of a Firearm and/or Possession of a Stolen Firearm, serve consecutive sentences for each of those offenses.

The 1996 Legislature required that Vehicular Assault and Vehicular Homicide be treated as different criminal conduct even if the victims occupied the same vehicle, and repealed language authorizing the court to consider multiple victims in such cases as an aggravating circumstance justifying an exceptional sentence.

RCW 9.94A.410 Anticipatory offenses. For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the crime, and multiplying the range by 75 percent.

In calculating an offender score, count each prior conviction as if the present conviction were for the completed offense. When these convictions are used as criminal history, score them the same as a completed crime. [1986 c 257 § 29; 1984 c 209 § 26; 1983 c 115 § 12.]

RCW 9.94A.420 Presumptive ranges that exceed the statutory maximum. If the presumptive sentence duration given in the sentencing grid exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence. [1983 c 115 § 13.]

RECOMMENDED PROSECUTING STANDARDS FOR CHARGING AND PLEA DISPOSITIONS

RCW 9.94A.430 Introduction. These standards are intended solely for the guidance of prosecutors in the state of Washington. They are not intended to, do not and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the state. [1983 c 115 § 14.]

Comment

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

RCW 9.94A.440 Evidentiary sufficiency.(1) Decision not to prosecute.

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

GUIDELINE/COMMENTARY:

Examples

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Conviction in the pending prosecution is imminent;

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

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

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

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

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

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

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

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

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

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

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

Notification

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

(2) Decision to prosecute.

STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120(8).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder

1st Degree Murder

2nd Degree Murder

1st Degree Kidnaping

1st Degree Assault

1st Degree Assault of a Child

1st Degree Rape
1st Degree Robbery
1st Degree Rape of a Child
1st Degree Arson
2nd Degree Kidnaping
2nd Degree Assault
2nd Degree Assault of a Child
2nd Degree Rape
2nd Degree Robbery
1st Degree Burglary
1st Degree Manslaughter
2nd Degree Manslaughter
1st Degree Extortion
Indecent Liberties
Incest
2nd Degree Rape of a Child
Vehicular Homicide
Vehicular Assault
3rd Degree Rape
3rd Degree Rape of a Child
1st Degree Child Molestation
2nd Degree Child Molestation
3rd Degree Child Molestation
2nd Degree Extortion
1st Degree Promoting Prostitution
Intimidating a Juror
Communication with a Minor
Intimidating a Witness
Intimidating a Public Servant
Bomb Threat (if against person)
3rd Degree Assault
3rd Degree Assault of a Child
Unlawful Imprisonment
Promoting a Suicide Attempt
Riot (if against person)

CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson
1st Degree Escape
2nd Degree Burglary
1st Degree Theft
1st Degree Perjury
1st Degree Introducing Contraband
1st Degree Possession of Stolen Property
Bribery
Bribing a Witness
Bribe received by a Witness
Bomb Threat (if against property)
1st Degree Malicious Mischief
2nd Degree Theft

2nd Degree Escape
2nd Degree Introducing Contraband
2nd Degree Possession of Stolen Property
2nd Degree Malicious Mischief
1st Degree Reckless Burning
Taking a Motor Vehicle without Authorization
Forgery
2nd Degree Perjury
2nd Degree Promoting Prostitution
Tampering with a Witness
Trading in Public Office
Trading in Special Influence
Receiving/Granting Unlawful Compensation
Bigamy
Eluding a Pursuing Police Vehicle
Willful Failure to Return from Furlough
Escape from Community Custody
Riot (if against property)
Thefts of Livestock

ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge

- (1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:
- (a) Will significantly enhance the strength of the state's case at trial; or
 - (b) Will result in restitution to all victims.
- (2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:
- (a) Charging a higher degree;
 - (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

GUIDELINES/COMMENTARY:

Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (2) The completion of necessary laboratory tests; and
- (3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (1) Probable cause exists to believe the suspect is guilty; and
- (2) The suspect presents a danger to the community or is likely to flee if not apprehended;

or

- (3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (1) Polygraph testing;
- (2) Hypnosis;
- (3) Electronic surveillance;
- (4) Use of informants.

Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions. [1996 c 93 § 2; 1995 c 288 § 3. Prior: 1992 c 145 § 11; 1992 c 75 § 5; 1989 c 332 § 2; 1988 c 145 § 13; 1986 c 257 § 30; 1983 c 115 § 15.]

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.

The 1995 Legislature added a guideline calling for prosecutors to consult with victims or their representatives about the selection or disposition of charges, and to consider those discussions before reaching any agreement with a defendant about charging or disposition.

RCW 9.94A.450 Plea dispositions. STANDARD: (1) Except as provided in subsection (2) of this section, a defendant will normally be expected to plead guilty to the charge or charges which adequately describe the nature of his or her criminal conduct or go to trial.

(2) In certain circumstances, a plea agreement with a defendant in exchange for a plea of guilty to a charge or charges that may not fully describe the nature of his or her criminal conduct may be necessary and in the public interest. Such situations may include the following:

- (a) Evidentiary problems which make conviction on the original charges doubtful;
- (b) The defendant's willingness to cooperate in the investigation or prosecution of others whose criminal conduct is more serious or represents a greater public threat;
- (c) A request by the victim when it is not the result of pressure from the defendant;
- (d) The discovery of facts which mitigate the seriousness of the defendant's conduct;
- (e) The correction of errors in the initial charging decision;
- (f) The defendant's history with respect to criminal activity;
- (g) The nature and seriousness of the offense or offenses charged;
- (h) The probable effect on witnesses. [1983 c 115 § 16.]

RCW 9.94A.460 Sentence recommendations. STANDARD:

The prosecutor may reach an agreement regarding sentence recommendations.

The prosecutor shall not agree to withhold relevant information from the court concerning the plea agreement. [1983 c 115 § 17.]

RCW 9.94A.470 Armed offenders. Notwithstanding the current placement or listing of crimes in categories or classifications of prosecuting standards for deciding to prosecute under RCW 9.94A.440(2), any and all felony crimes involving any deadly weapon special verdict under RCW 9.94A.125, any deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both, and any and all felony crimes as defined in RCW 9.94A.310 (3)(f) or (4)(f), or both, which are excluded from the deadly weapon enhancements shall all be treated as crimes against a person and subject to the prosecuting standards for deciding to prosecute under RCW 9.94A.440(2) as crimes against persons. [1995 c 129 § 4 (Initiative Measure No. 159).]

RCW 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.]

RCW 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]

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INTRODUCTION: SCORING FORMS

CONTENTS AND ORGANIZATION

General Scoring Forms are provided at the beginning of this section and are followed by the Individual Offense Reference Sheets. The General Scoring Forms are categorized according to the twelve types of offender scoring rules: Burglary 1; Residential and Burglary 2; Escape - Scoring Rule 1; Escape - Scoring Rule 2; Felony Traffic; Nonviolent; Nonviolent Sex; Serious Violent; Serious Violent Sex (Rape 1); Violent; Drug; and Violent Sex. Table 5, Offense Scoring Categories (page III-9), displays the crimes in each of these categories. The offenses are also listed on the top of each scoring form. The Individual Offense Reference Sheets are arranged alphabetically. The individual sheets for controlled substances, imitation controlled substances, and legend drug crimes are grouped together. Indexes are provided for each group of forms. Please note that the General Scoring Forms do not present sentencing option eligibility (e.g., work release, work ethic camp). Please refer to Individual Offense Reference Sheets for sentencing options.

The 1990 Legislature created a new finding for crimes committed with sexual motivation effective for crimes committed on or after July 1, 1990. The definition of sex offenses was also amended so that crimes with a sexual motivation finding are defined and scored as sex offenses. On the reverse side of most General Scoring Forms is a corresponding version for offenses in that category with a sexual motivation finding.

LEGISLATIVE CHANGES

The 1997 Regular Session of the Legislature resulted in a number of important modifications to the Sentencing Reform Act and related statutes.

Murder and Manslaughter Sentencing

The Legislature increased the maximum confinement time for Murder 2 at Level XIII, as shown on the new felony sentencing grid that takes effect for crimes committed on or after July 27, 1997 (page I-2). The minimum time in the Level XIII range was not affected for Murder 2.

The Legislature also designated Manslaughter 1 as a serious violent offense, requiring consecutive sentencing with other serious violent offenses under RCW 9.94A.400(1)(b). However, Manslaughter 1 was not included with the other serious violent offenses which are triple-scored as criminal history under RCW 9.94A.360(10). Manslaughter 1 was also increased to a Class A felony and the seriousness increased to Level XI. Manslaughter 2 was increased to a Class B felony and its seriousness increased to Level VIII.

Sex Offense Seriousness Levels

The Legislature increased seriousness levels for sex offenses as follows:

<u>Crime</u>	<u>Level</u>
Rape 1	XII
Rape 2	XI
Rape of a Child 1	XII
Rape of a Child 2	XI
Indecent Liberties with Force	X

The maximum standard-range sentence that may be suspended to permit the use of the Special Sex Offender Sentencing Alternative (SSOSA) was increased from less than 8 years to less than 11 years. As a result, SSOSA may continue to be used in any cases where it would have been available under prior law.

Sex Offenses Against Children

The Legislature added several sex offenses to the list of most serious offenses where the standard range is life imprisonment after convictions on two separate occasions (“Two Strikes You’re Out”). The additional offenses are Rape of a Child 1 (where the offender was age 16 or older at the time of the offense), Rape of a Child 2 (where the offender was 18 or older), Child Molestation 1, Homicide by Abuse with sexual motivation, and Assault of a Child 1 with sexual motivation.

The Legislature authorized an exceptional sentence above the standard range if the offense resulted in the pregnancy of a child victim of rape, and also required payment of medical expenses and child support (extending the court’s jurisdiction to 25 years after sentence or release from confinement) as restitution for Rape of a Child 1, 2, or 3 that results in the victim’s pregnancy.

Offender Registration

It is an unranked Class C felony for an offender convicted of a Class A felony sex offense to fail to register as required under RCW 9A.44.130. It has been a gross misdemeanor for an offender convicted of a Class B or C felony sex offense to fail to register. The Legislature increased Failure of a Class B or C Sex Offender to Register to an unranked Class C felony. Therefore it is a felony for any felony sex offender to fail to register.

The Legislature extended registration requirements under RCW 9A.44.130 to include offenders convicted of Kidnapping 1 or 2 or Unlawful Imprisonment, where the victim was a minor and the offender was not the victim’s parent. Registration requirements were also extended to those convicted of Sexual Exploitation, Dealing in Depictions of a Minor, Sending or Bringing into State Depictions of a Minor, Communicating with a Minor, Patronizing a Juvenile Prostitute, or Sexual Misconduct 2.

JuvenileCriminalHistory

Certain adjudications in juvenile court have not been counted as history for adult sentencing purposes if they were committed before age 15 and the offender is age 23 or older. Effective July 1, 1997, all felony adjudications in juvenile court must be counted as criminal history for purposes of adult sentencing, except under the general “washout” provisions that have applied to adult offenses. However, some juvenile offenses continue to be scored at ½ point as under prior law.

Unlike most adult felonies, juvenile offenses are normally sentenced consecutively. Previously, juvenile offenses sentenced on the same day have been counted as one offense in calculating history for purposes of adult sentencing. The Legislature now requires that these offenses be counted separately unless they constituted the “same criminal conduct” as defined in RCW 9.94A.400(1)(a).

Drive-by Shooting

The Legislature redesignated Reckless Endangerment 1 as Drive-by Shooting and classified it as a violent offense. Reckless Endangerment 2 becomes Reckless Endangerment. These changes take effect July 1, 1997.

Offenses Involving Explosives

The Legislature redefined offenses involving placement of explosive devices and damaging property by explosion, and also increased the seriousness levels for such offenses (see Table 4). Two offenses, Malicious Explosion 2 and Malicious Placement of an Explosive 1, were placed at Level XIII. However, the bottom of the standard range for these offenses may not be less than 75% of the top of the range.

Offender Supervision

Crime-related prohibitions in sentences may not require the offender to perform affirmative conduct. However, the Legislature has clarified that the Department of Corrections (DOC) may require offenders to perform conduct necessary to monitor their compliance with these prohibitions, such as submitting to polygraph or drug testing.

The Legislature also clarified that earned early release credit is not available while serving a suspended sentence under SSOSA, and authorized DOC to impose appropriate conditions of community custody, in addition to those imposed by the court, on all offenders serving sentences involving community custody for crimes committed on or after June 6, 1996.

In addition, the Legislature required DOC to supervise offenders’ compliance with legal financial obligations for 10 years after the sentence or release from confinement (whichever is later), and

authorized the court to extend its jurisdiction (but not DOC's supervision responsibility) another 10 years if the obligations are not paid within the first 10 years.

Drug Provisions

The Legislature prohibited suspension of the first \$3,000 of any fine for Manufacture, Delivery, or Possession with Intent to Manufacture or Deliver Methamphetamine or for Possession of Ephedrine or Pseudoephedrine with Intent to Manufacture Methamphetamine. This \$3,000 must be applied to the law enforcement entity responsible for cleaning up methamphetamine laboratory sites.

The Legislature authorized local governments to designate public housing areas as "drug free zones," doubling the statutory maximum sentence and adding two years to the standard range for violations of the Uniform Controlled Substance Act occurring in those areas.

School Notification

The Legislature required that the court notify the principal of any public school in which an offender is enrolled, when the offender is convicted of violent, sex, or Violations of the Uniform Controlled Substance Act (VUCSA) offenses, or of any degree of Assault, Reckless Endangerment (including Drive-by Shooting), Coercion, Promoting a Suicide Attempt, Malicious Harassment, Assault of a Child, Kidnapping, Unlawful Imprisonment, Custodial Interference, Harassment, Stalking, Arson, Reckless Burning, or Malicious Mischief.

Changes to Specific Offenses

The 1997 Regular Session of the Legislature enacted various laws affecting specific felonies sentenced under the Sentencing Reform Act. These changes created new felonies, eliminated others, amended felony classes and seriousness levels, and changed the definitions of some offenses. These changes, including effective dates, are reflected in the felony lists in Section IV and summarized in Table 4 of this section.

Table 4. Felony Offenses Affected by 1997 Session Laws

Title	RCW	Class	Level	Effective Date	Law Reference	Comment
Assault 1	9A.36.011	A	XII	7/27/97	c. 196 §1	Definition modified to include exposure to HIV.
Assault 2	9A.36.021	B	IV	7/27/97	c. 196 §2	Definition modified to exclude exposure to HIV.
Assault 3	9A.36.031	C	III	7/27/97	c. 172 §1	Definition modified to include assaulting health care providers.
Conspiracy	9A.28.040			7/27/97	c. 17 §1	Definition modified to remove potential defense.
Criminal Gang Intimidation	9A.46.120	C	III	7/27/97	c. 266 §3	New offense.
Criminal Mistreatment 1	9A.42.020	B	V	7/27/97	c. 392 §510	Definition modified to cover persons employed for care.
Criminal Mistreatment 2	9A.42.030	C	III	7/27/97	c. 392 §511	Definition modified to cover persons employed for care.
Criminal Possession of Leased or Rented Machinery	9A.56.095	C	Unranked	7/27/97	c. 346 §4	Repealed and replaced.
Damaging Building etc. by Explosion with No Threat to Human Being	70.74.280(2)	C	VI	7/27/97	c. 120 §3	Repealed and replaced.
Damaging Building etc. by Explosion with Threat to Human Being	70.74.280(1)	A	X	7/27/97	c. 120 §3	Repealed and replaced.
Drive-by Shooting	9A.36.045	B	VII	7/1/97	c. 338 §44	New name for Reckless Endangerment 1.
Endangering Life and Property by Explosives with No Threat to Human Being	70.74.270(2)	C	VI	7/27/97	c. 120 §1	Repealed and replaced.
Endangering Life and Property by Explosives with Threat to Human Being	70.74.270(1)	A	IX	7/27/97	c. 120 §1	Repealed and replaced.
Evading Industrial Insurance Premiums	51.48.020(1)	C	Unranked	7/27/97	c. 324 §1	New offense.
Failure to Register as a Felony Sex Offender	9A.44.130	C	Unranked	7/27/97	c. 340 §3, c. 113 §3	Raised from gross misdemeanor as to Class B or C offenders. Definition expanded to include certain kidnapping and unlawful imprisonment offenders.
Fraudulently Receiving Credit Union Deposit	31.12.724	B	Unranked	1/1/98	c. 397 §86	New offense.
Harassment (Subsequent Violation or Deadly Threat Made)	9A.46.020(2)	C	III	7/27/97	c. 105 §1	Definition modified to cover immediate threat.
Indecent Liberties w/o Force	9A.44.100(1)	B	VII	7/27/97	c. 392 §515	Definition modified to cover frail elders/vulnerable adult victims.
Indecent Liberties w/Force	9A.44.100(1)(a)	A	X	7/27/97	c. 340 §1	Increased from Level IX to X.
Intimidating a Witness	9A.72.110	B	VI	7/27/97	c. 29 §1	Definition modified to cover certain threats to former witnesses. Terms defined.
Malicious Explosion 1	70.74.280(1)	A	XIV	7/27/97	c. 120 §3	New offense.

Table 4. Felony Offenses Affected by 1997 Session Laws

Title	RCW	Class	Level	Effective Date	Law Reference	Comment
Malicious Explosion 2	70.74.280(2)	A	XIII	7/27/97	c. 120 §3	New offense.
Malicious Explosion 3	70.74.280(3)	B	X	7/27/97	c. 120 §3	New offense.
Malicious Placement of an Explosive 1	70.74.270(1)	A	XIII	7/27/97	c. 120 §1	New offense.
Malicious Placement of an Explosive 2	70.74.270(2)	B	IX	7/27/97	c. 120 §1	New offense.
Malicious Placement of an Explosive 3	70.74.270(3)	B	VII	7/27/97	c. 120 §1	New offense.
Malicious Placement of an Imitation Device 1	70.74.272(1)(a)	B	XII	7/27/97	c. 120 §2	New offense.
Malicious Placement of an Imitation Device 2	70.74.272(1)(b)	C	VI	7/27/97	c. 120 §2	New offense.
Manslaughter 1	9A.32.60	A	XI	7/27/97	c. 365 §§1, 4, 5	Increased from Level IX to XI, from Class B to Class A, designated as a serious violent offense.
Manslaughter 2	9A.32.070	B	VIII	7/27/97	c. 365 §§4, 6	Increased from Level VI to VIII and from Class C to Class B.
Manufacture, Deliver, or Possess with Intent to Deliver Methamphetamine	69.50.401(a)(1)(ii)	B	VIII	7/27/97	c. 71 §2	First \$3,000 of fine may not be suspended, to be applied to law enforcement agency responsible for lab site cleanup.
Preferential Transfer of Credit Union Assets	31.12.724	B	Unranked	1/1/98	c. 397 §86	New offense.
Professional Gambling 1	9.46.220	B	Unranked	7/27/97	c. 78 §2	Definition modified to reduce requirement for personal participation.
Professional Gambling 2	9.46.221	C	Unranked	7/27/97	c. 78 §3	Definition modified to reduce requirement for personal participation.
Rape 1	9A.44.040	A	XII	7/27/97	c. 340 §1	Increased from Level XI to XII.
Rape 2	9A.44.050	A	X	7/27/97	c. 392 §514, c. 340 §1	Increased from Level X to XI. Definition modified to cover frail elder/vulnerable adult victims.
Rape of a Child 1	9A.44.073	A	XII	7/27/97	c. 340 §1	Increased from Level XI to XII.
Rape of a Child 2	9A.44.076	A	XI	7/27/97	c. 340 §1	Increased from Level X to XI.
Reckless Endangerment 1	9A.36.045	B	VII	7/1/97	c. 338 §44	Renamed "Drive-by Shooting" and designated as a violent offense.
Theft of Rental, Leased or Lease-purchased Property (\$1500 or more)	9A.56.096(4)	B	II	7/27/97	c. 346 §1	New offense.
Theft of Rental, Leased or Lease-purchased Property (\$250-1500)	9A.56.096(4)	C	I	7/27/97	c. 346 §1	New offense.

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TABLE 5. OFFENSE SCORING CATEGORIES

OFFENSE SERIOUSNESS LEVEL	OFFENSE TITLE	RCW
** First Degree Burglary **		
(Violent)		
VII	Burglary 1	9A.52.020
** Residential and Second Degree Burglary **		
(Nonviolent)		
III	Burglary 2	9A.52.030
IV	Residential Burglary	9A.52.025
** Escape - Scoring Rule 1 (9.94A.360(13))**		
(Nonviolent)		
II	Escape from Community Custody	72.09.310
IV	Willful Failure to Return from Furlough	72.66.060
III	Willful Failure to Return from Work Release	72.65.070
** Escape - Scoring Rule 2 (9.94A.360(14)) **		
(Nonviolent)		
IV	Escape 1	9A.76.110
III	Escape 2	9A.76.120
**Felony Traffic **		
I	Attempting to Elude Pursuing Police Vehicle	46.61.024
IV	Hit and Run - Injury Accident	46.52.020(4)
IV	Vehicular Assault	46.61.522
IX	Vehicular Homicide by Being Under the Influence of Intoxicating Liquor or any Drug	46.61.520(1)(a)
VIII	Vehicular Homicide by the Operation of any Vehicle in a Reckless Manner	46.61.520(1)(b)
VII	Vehicular Homicide by Disregard for the Safety of Others	46.61.520(1)(c)
** Nonviolent **		
V	Abandonment of Dependent Persons 1	9A.42.060
III	Abandonment of Dependent Persons 2	9A.42.070
V	Advancing Money or Property for Extortionate Extension of Credit	9A.82.030
III	Assault 3	9A.36.031
III	Assault of a Child 3	9A.36.140
V	Bail Jumping with Class A Felony	9A.76.170(2)(b)
III	Bail Jumping with Class B or C Felony	9A.76.170(2)(c)
IV	Bribe Received by Witness	9A.72.100
VI	Bribery	9A.68.010

TABLE 5. OFFENSE SCORING CATEGORIES

OFFENSE SERIOUSNESS LEVEL	OFFENSE TITLE	RCW
IV	Bribing a Witness	9A.72.090
IV	Commercial Bribery	9A.68.060
II	Computer Trespass 1	9A.52.110
III	Criminal Gang Intimidation	9A.46.120
V	Criminal Mistreatment 1	9A.42.020
III	Criminal Mistreatment 2	9A.42.030
III	Custodial Assault	9A.36.100
VII	Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct	9.68A.050
V	Delivery of Imitation Controlled Substance by Person 18 or Over to Person Under 18	69.52.030(2)
IV	Escape 1	9A.76.110
III	Escape 2	9A.76.120
III	Extortion 2	9A.56.130
V	Extortionate Extension of Credit	9A.82.020
V	Extortionate Means to Collect Extensions of Credit	9A.82.040
I	False Verification for Welfare	74.08.055
I	Forged Prescription (Legend Drug)	69.41.020
I	Forged Prescription for a Controlled Substance	69.50.403
I	Forgery	9A.60.020
III	Harassment	9A.46.020
II	Health Care False Claims	48.80.030
IV	Hit and Run with Vessel - Injury Accident	88.12.155(3)
IX	Inciting Criminal Profiteering	9A.82.060(1)(b)
IV	Influencing Outcome of a Sporting Event	9A.82.070
VI	Intimidating a Judge	9A.72.160
VI	Intimidating a Juror	9A.72.130
III	Intimidating a Public Servant	9A.76.180
VI	Intimidating a Witness	9A.72.110
VII	Introducing Contraband 1	9A.76.140
III	Introducing Contraband 2	9A.76.150
IV	Knowingly Trafficking in Stolen Property	9A.82.050(2)
X	Malicious Explosion 3	70.74.280(3)
IV	Malicious Harassment	9A.36.080
II	Malicious Mischief 1	9A.48.070
I	Malicious Mischief 2	9A.48.080

TABLE 5. OFFENSE SCORING CATEGORIES

OFFENSE SERIOUSNESS LEVEL	OFFENSE TITLE	RCW
IX	Malicious Placement of Explosives 2	70.74.270(2)
VII	Malicious Placement of Explosives 3	70.74.270(3)
XII	Malicious Placement of Imitation Device 1	70.74.272(1)(a)
VI	Malicious Placement of Imitation Device 2	70.74.272(1)(b)
III	Manufacture, Distribute, or Possess with Intent to Distribute Imitation Controlled Substance	69.52.030(1)
III	Patronizing a Juvenile Prostitute	9.68A.100
V	Perjury 1	9A.72.020
III	Perjury 2	9A.72.030
V	Persistent Prison Misbehavior	9.94.070
V	Possession of a Stolen Firearm	9A.56.310
II	Possession of a Controlled Substance that is Either Heroin or a Narcotic from Schedule I or II	69.50.401(d)
I	Possession of a Controlled Substance that is a Narcotic from Schedule III-V or Nonnarcotic from Schedule I-V (Except Phencyclidine)	69.50.401(d)
II	Possession of Phencyclidine (PCP)	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
I	Reckless Burning 1	9A.48.040
III	Recklessly Trafficking in Stolen Property (Same as Trafficking in Stolen Property in the Second Degree)	9A.82.050(1)
V	Rendering Criminal Assistance 1	9A.76.070
III	Securities Act Violation	21.20.400
VII	Sending, Bringing into the State Depictions of Minor Engaged in Sexually Explicit Conduct	9.68A.060
IX	Sexual Exploitation	9.68A.040
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
VI	Theft of a Firearm	9A.56.300
IV	Theft of Livestock 1	9A.56.080
III	Theft of Livestock 2	9A.56.080

TABLE 5. OFFENSE SCORING CATEGORIES

OFFENSE SERIOUSNESS LEVEL	OFFENSE TITLE	RCW
II	Theft of Rental, Leased, or Lease-purchase Property, Class B	9A.56.096(4)
I	Theft of Rental, Leased, or Lease-purchase Property, Class C	9A.56.096(4)
IV	Threats to Bomb	9.61.160
II	Trafficking in Insurance Claims	48.30A.015
III	Unlawful Imprisonment	9A.40.040
I	Unlawful Issuance of Checks or Drafts	9A.56.060
VII	Unlawful Possession of a Firearm 1	9.41.040(1)(a)
III	Unlawful Possession of a Firearm 2	9.41.040(1)(b)
II	Unlawful Practice of Law	2.48.180
I	Unlawful Use of Food Stamps	9.91.140(2), (3)
II	Unlicensed Practice of a Profession or Business	18.130.190(7)
IV	Use of Proceeds of Criminal Profiteering	9A.82.080(1), (2)
I	Vehicle Prowl 1	9A.52.095
** Drug **		
IX	Controlled Substance Homicide	69.50.415
II	Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule I or II Narcotic	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)
III	Delivery of a Material in Lieu of a Controlled Substance	69.50.401(c)
---	Forged Prescription (see NONVIOLENT category)	
---	Imitation Controlled Substances (see NONVIOLENT category)	
VII	Involving a Minor in Drug Dealing	69.50.401(f)
IV	Manufacture, Deliver or Possess with Intent to Deliver Narcotics from Schedule III-V or Nonnarcotics from Schedule I-V (Except Marijuana or Methamphetamine)	69.50.401(a)(1)(ii-iv)
VI	Manufacture, Deliver, or Possess with Intent to Deliver Narcotics from Schedule I or II (Except Heroin or Cocaine)	69.50.401(a)(1)(i)
VIII	Manufacture, Deliver, or Possess with Intent to Deliver Heroin or Cocaine	69.50.401(a)(1)(i)
III	Manufacture, Deliver, or Possess with Intent to Deliver Marijuana	69.50.401(a)(1)(ii)
VIII	Manufacture, Deliver, or Possess with Intent to Deliver Methamphetamine	69.50.401(a)(1)(ii)
X	Over 18 and Deliver a Narcotic from Schedule I or II or Methamphetamine to Someone Under 18	69.50.406
IX	Over 18 and Deliver Narcotic from Schedule III-V or a Nonnarcotic from Schedule I-V to Someone Under 18 and 3 Years Junior	69.50.406

TABLE 5. OFFENSE SCORING CATEGORIES

OFFENSE SERIOUSNESS LEVEL	OFFENSE TITLE	RCW
VIII	Possession of Ephedrine or Pseudoephedrine with Intent to Manufacture Methamphetamine	69.50.440
---	Possess Controlled Substance (see NONVIOLENT category)	
VIII	Selling for Profit (Controlled or Counterfeit) any Controlled Substance	69.50.410
** Nonviolent Sex **		
VII	Child Molestation 2	9A.44.086
V	Child Molestation 3	9A.44.089
III	Communication with a Minor for Immoral Purposes	9.68A.090
VI	Incest 1	9A.64.020(1)
V	Incest 2	9A.64.020(2)
VII	Indecent Liberties (without forcible compulsion)	9A.44.100(1)(b),(c)
V	Rape 3	9A.44.060
VI	Rape of a Child 3	9A.44.079
V	Sexual Misconduct with Minor 1	9A.44.093
V	Sexually Violating Human Remains	9A.44.105
** Serious Violent Sex **		
XII	Rape 1	9A.44.040
** Serious Violent **		
XV	Aggravated Murder 1	10.95.020
XII	Assault 1	9A.36.011
XII	Assault of a Child 1	9A.36.120
XIV	Homicide By Abuse	9A.32.055
X	Kidnapping 1	9A.40.020
XIV	Murder 1	9A.32.030
XIII	Murder 2	9A.32.050
** Violent **		
VIII	Arson 1	9A.48.020
IV	Arson 2	9A.48.030
IV	Assault 2	9A.36.021
IX	Assault of a Child 2	9A.36.130
VI	Bail Jumping with Murder 1	9A.76.170(2)(a)
VII	Drive-by Shooting	9A.36.045
IX	Explosive Devices Prohibited	70.74.180
V	Extortion 1	9A.56.120

TABLE 5. OFFENSE SCORING CATEGORIES

OFFENSE SERIOUSNESS LEVEL	OFFENSE TITLE	RCW
V	Kidnapping 2	9A.40.030
X	Leading Organized Crime	9A.82.060(1)(a)
XIV	Malicious Explosion 1	70.74.280(1)
XIII	Malicious Explosion 2	70.74.280(2)
XIII	Malicious Placement of Explosives 1	70.74.270(1)
XI	Manslaughter 1	9A.32.060
VI	Manslaughter 2	9A.32.070
IX	Robbery 1	9A.56.200
IV	Robbery 2	9A.56.210
** Violent Sex **		
X	Child Molestation 1	9A.44.083
X	Indecent Liberties (with Forcible Compulsion)	9A.44.100(1)(a)
XI	Rape 2	9A.44.050
XII	Rape of a Child 1	9A.44.073
XI	Rape of a Child 2	9A.44.076

GENERAL SCORING FORMS

GENERAL DEADLY WEAPON ENHANCEMENT - FORM A

Firearm or Other Deadly Weapon Enhancements*¹

For offenses committed after July 23, 1995

Use of this form: Only for offenses committed after July 23, 1995 that have a firearm or other deadly weapon finding.

CLASS A FELONY DEADLY WEAPON ENHANCEMENTS

First Deadly Weapon/Firearm Offense**:		Subsequent*** Deadly Weapon Offense:	
Firearm	5 years	Firearm	10 years
Other Deadly Weapon	2 years	Other Deadly Weapon	4 years

CLASS B FELONY DEADLY WEAPON ENHANCEMENTS

First Deadly Weapon/Firearm Offense**:		Subsequent*** Deadly Weapon Offense:	
Firearm	3 years	Firearm	6 years
Other Deadly Weapon	1 year	Other Deadly Weapon	2 years

CLASS C FELONY DEADLY WEAPON ENHANCEMENTS

First Deadly Weapon/Firearm Offense**:		Subsequent*** Deadly Weapon Offense:	
Firearm	18 months	Firearm	3 years
Other Deadly Weapon	6 months	Other Deadly Weapon	1 year

* Excluded offenses: Possession of a Machine Gun, Possessing a Stolen Firearm, Drive-by Shooting, Theft of a Firearm, Unlawful Possession of a Firearm 1 and 2, Use of a Machine Gun in a felony, or any offense committed on or before July 23, 1995 with a deadly weapon finding.

** This enhancement is limited to offenses committed after July 23, 1995.

*** To be sentenced as a subsequent deadly weapon finding, the offense in history with a deadly weapon finding must also have been committed after July 23, 1995.

STANDARD RANGE CALCULATION

CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	BASE STANDARD SENTENCE RANGE
<input style="width: 100%; height: 20px;" type="text"/>	<input style="width: 100%; height: 20px;" type="text"/>	<input style="width: 100%; height: 20px;" type="text"/>	<input style="width: 15%; height: 20px;" type="text"/> TO <input style="width: 15%; height: 20px;" type="text"/>
			LOW HIGH
			<input style="width: 15%; height: 20px;" type="text"/> <input style="width: 15%; height: 20px;" type="text"/>

DEADLY WEAPON ENHANCEMENT

NOTE: The "base standard sentence range" is the appropriate standard sentence without the deadly weapon enhancement.

STANDARD RANGE

<input style="width: 15%; height: 20px;" type="text"/>	TO	<input style="width: 15%; height: 20px;" type="text"/>
LOW		HIGH

¹For anticipatory offenses with a deadly weapon finding, add the enhancement after reducing the standard sentence range by 25%.

GENERAL DEADLY WEAPON ENHANCEMENT - FORM B

Deadly Weapon Enhancements¹

For offenses committed between June 13, 1994 and July 23, 1995

Use of this form: Only for the following offenses committed after June 12, 1994 and before July 24, 1995, which have a deadly weapon finding.

The crimes eligible for a specific deadly weapon enhancement are:

<u>Offense</u>	<u>Deadly Weapon Enhancement</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
Second Degree Assault of a Child	12 months
First Degree Escape	12 months
Second Degree Kidnapping	12 months
Second Degree Burglary	12 months
Drug Offense	12 months
Theft of Livestock (First and Second Degree)	12 months
Any Violent Offense (Including Serious Violent) Not Listed Above	12 months

STANDARD RANGE CALCULATION

CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	BASE STANDARD SENTENCE RANGE
			<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border: 1px solid black; width: 40px; height: 20px; display: flex; align-items: center; justify-content: center;"> </div> TO <div style="border: 1px solid black; width: 40px; height: 20px; display: flex; align-items: center; justify-content: center;"> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> LOW HIGH </div>
<p>NOTE 1: The "base standard sentence range" is the appropriate standard sentence without the deadly weapon enhancement.</p> <p>NOTE 2: The standard range may in no case exceed the statutory maximum.</p>			<p>DEADLY WEAPON ENHANCEMENT</p> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 5px auto; display: flex; align-items: center; justify-content: center;"> </div>
			<p>STANDARD RANGE</p> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border: 1px solid black; width: 40px; height: 20px; display: flex; align-items: center; justify-content: center;"> </div> TO <div style="border: 1px solid black; width: 40px; height: 20px; display: flex; align-items: center; justify-content: center;"> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> LOW HIGH </div>

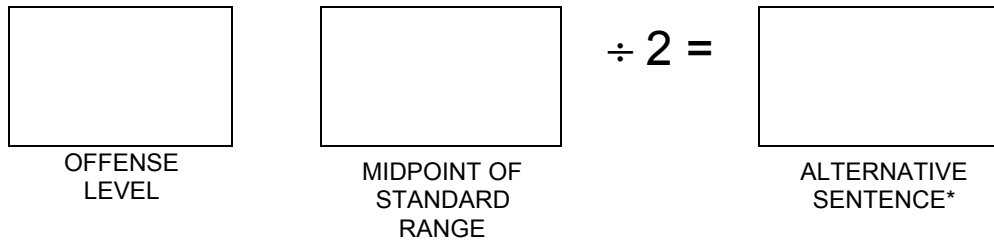
¹ For anticipatory offenses with a deadly weapon finding, add the enhancement after reducing the standard sentence range by 25%.

DRUG OFFENDER SENTENCING ALTERNATIVE (DOSA) FORM

Manufacture, Deliver, or Possess with Intent to Deliver Schedule I or II Narcotics Offenses

	SENTENCE RANGE									
A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VI)	12+ - 14 months	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	46 - 61 months	57 - 75 months	67 - 89 months	77 - 102 months
MIDPOINT OF THE RANGE	13 months	18 months	24 months	30 months	36 months	42 months	54 months	66 months	78 months	90 months

	SENTENCE RANGE									
A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VIII)	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	67 - 89 months	77 - 102 months	87 - 116 months	108 - 144 months
MIDPOINT OF THE RANGE	24 months	30 months	36 months	42 months	48 months	54 months	78 months	90 months	102 months	126 months



If the offense was a solicitation, multiply one-half the midpoint of the standard range (the alternative sentence) listed above by 75%.

- Eligibility:
1. Must be convicted of the Manufacture, Delivery, or Possession with Intent to Manufacture or Deliver a Controlled Substance classified in Schedule I or II that is a narcotic drug or a felony that is, under 9A.28 RCW or 69.50.407 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes, and the violation does not involve a sentence under RCW 9.94A.310(3) or (4).
 2. The offender has no prior convictions for a felony in this state, another state, or the United States.
 3. The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

*All sentences must be served in a state facility.

GENERAL SCORING FORM

Burglary 1 Offenses

Use this form only for Burglary 1 offenses.

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions _____ x 2 = _____
 Enter number of Residential Burglary and Burglary 2 convictions _____ x 2 = _____
 Enter number of other nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of other serious violent and violent felony adjudications _____ x 2 = _____
 Enter number of Residential Burglary and Burglary 2 adjudications _____ x 1 = _____
 Enter number of other nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of other serious violent and violent felony convictions _____ x 2 = _____
 Enter number of Residential Burglary and Burglary 2 convictions _____ x 2 = _____
 Enter number of other nonviolent felony convictions _____ x 1 = _____

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

STANDARD RANGE CALCULATION*

			TO	
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE		LOW STANDARD SENTENCE RANGE

* Multiply the range by .75 if the current offense is an attempt, conspiracy, or solicitation.
 * If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

GENERAL SCORING FORM

Burglary 1 With a Sexual Motivation Finding

Use this form only for Burglary 1 offenses.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID#
JUDGE	CAUSE#	FBI ID#

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions	_____	x	3	=	_____
Enter number of other serious violent and violent felony convictions	_____	x	2	=	_____
Enter number of Residential Burglary and Burglary 2 convictions	_____	x	2	=	_____
Enter number of other nonviolent felony convictions	_____	x	1	=	_____

JUVENILE HISTORY:

Enter number of sex offense adjudications	_____	x	3	=	_____
Enter number of other serious violent and violent felony adjudications	_____	x	2	=	_____
Enter number of Residential Burglary and Burglary 2 adjudications	_____	x	1	=	_____
Enter number of other nonviolent felony adjudications	_____	x	½	=	_____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of sex offense convictions	_____	x	3	=	_____
Enter number of other serious violent and violent felony convictions	_____	x	2	=	_____
Enter number of Residential Burglary and Burglary 2 convictions	_____	x	2	=	_____
Enter number of other nonviolent felony convictions	_____	x	1	=	_____

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point	_____	+	1	=	_____
---	-------	---	---	---	-------

Total the last column to get the Offender Score (Round down to the nearest whole number)	
---	--

STANDARD RANGE CALCULATION*					
				TO	
CURRENT OFFENSE BEING SCORED		SERIOUSNESS LEVEL	OFFENDER SCORE		LOW STANDARD SENTENCE RANGE

- * Multiply the range by .75 if the current offense is an attempt, conspiracy, or solicitation.
- * If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- * If no prior sex offense conviction and sentence is less than eleven years, the Special Sex Offender Sentencing Alternative is an option.

GENERAL SCORING FORM

Residential Burglary and Burglary 2 Offenses

Use this form only for Residential Burglary and Burglary 2 offenses.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID#
JUDGE	CAUSE#	FBI ID#

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Burglary 1 convictions	_____	x	2	=	_____
Enter number of Residential Burglary and Burglary 2 convictions	_____	x	2	=	_____
Enter number of other felony convictions	_____	x	1	=	_____

JUVENILE HISTORY:

Enter number of Burglary 1 adjudications	_____	x	2	=	_____
Enter number of Residential Burglary and Burglary 2 adjudications	_____	x	1	=	_____
Enter number of serious violent and violent felony adjudications	_____	x	1	=	_____
Enter number of other nonviolent felony adjudications	_____	x	½	=	_____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of Burglary 1 convictions	_____	x	2	=	_____
Enter number of Residential Burglary and Burglary 2 convictions	_____	x	2	=	_____
Enter number of other felony convictions	_____	x	1	=	_____

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point	_____	+	1	=	_____
---	-------	---	---	---	-------

Total the last column to get the Offender Score (Round down to the nearest whole number)	
---	--

STANDARD RANGE CALCULATION*						
					TO	
CURRENT OFFENSE BEING SCORED		SERIOUSNESS LEVEL		OFFENDER SCORE		LOW STANDARD SENTENCE RANGE

- * Multiply the range by .75 if the current offense is an attempt, conspiracy, or solicitation.
- * If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

GENERAL SCORING FORM

Residential Burglary and Burglary 2 With a Sexual Motivation Finding

Use this form only for Residential Burglary and Burglary 2 offenses.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID#
JUDGE	CAUSE#	FBI ID#

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of other sex offense convictions	_____	x	3	=	_____
Enter number of Burglary 1 convictions	_____	x	2	=	_____
Enter number of Residential Burglary and Burglary 2 convictions	_____	x	2	=	_____
Enter number of other felony convictions	_____	x	1	=	_____

JUVENILE HISTORY:

Enter number of sex offense adjudications	_____	x	3	=	_____
Enter number of Burglary 1 adjudications	_____	x	2	=	_____
Enter number of Residential Burglary and Burglary 2 adjudications	_____	x	1	=	_____
Enter number of other serious violent and violent felony adjudications	_____	x	1	=	_____
Enter number of other nonviolent felony adjudications	_____	x	1/2	=	_____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of other sex offense convictions	_____	x	3	=	_____
Enter number of Burglary 1 convictions	_____	x	2	=	_____
Enter number of other Residential Burglary and Burglary 2 convictions	_____	x	2	=	_____
Enter number of other felony convictions	_____	x	1	=	_____

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point	_____	+	1	=	_____
---	-------	---	---	---	-------

Total the last column to get the Offender Score
(Round down to the nearest whole number)

STANDARD RANGE CALCULATION*					
				TO	
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	LOW STANDARD SENTENCE RANGE		HIGH STANDARD SENTENCE RANGE

- * Multiply the range by .75 if the current offense is an attempt, conspiracy, or solicitation.
- * If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- * If no prior sex offense conviction and sentence is less than eleven years, the Special Sex Offender Sentencing Alternative is an option.

GENERAL SCORING FORM

Escape Offenses - Scoring Rule 1 (9.94A.360(13))

Use this form only for the following offenses: Escape from Community Custody; Willful Failure to Return from Furlough; Willful Failure to Return from Work Release.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID#
JUDGE	CAUSE#	FBI ID#

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number Escape 1, Escape 2, Willful Failure to Return from Furlough, Willful Failure to Return from Work Release, and Willful Failure to Comply with Community Custody convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number Escape 1, Escape 2, Willful Failure to Return from Furlough, Willful Failure to Return from Work Release, and Willful Failure to Comply with Community Custody convictions _____ x ½ = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number Escape 1, Escape 2, Willful Failure to Return from Furlough, Willful Failure to Return from Work Release, and Willful Failure to Comply with Community Custody convictions _____ x 1 = _____

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point + 1 = _____

Total the last column to get the Offender Score (Round down to the nearest whole number)	
---	--

STANDARD RANGE CALCULATION*

CURRENT OFFENSE BEING SCORED		SERIOUSNESS LEVEL		OFFENDER SCORE		TO	LOW STANDARD SENTENCE RANGE			HIGH STANDARD SENTENCE RANGE

- * Multiply the range by .75 if the current offense is an attempt, conspiracy, or solicitation.
- * If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

GENERAL SCORING FORM

Felony Traffic Offenses

Use this form only for the following offenses: Attempting to Elude Pursuing Police Vehicle, Hit and Run - Injury Accident, Vehicular Assault, Vehicular Homicide.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID#
JUDGE	CAUSE#	FBI ID#

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Vehicular Homicide or Vehicular Assault convictions	_____	x	2	=	_____
Enter number of other felony convictions	_____	x	1	=	_____
Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving, and misdemeanor Hit and Run - Attended convictions	_____	x	1	=	_____

JUVENILE HISTORY:

Enter number of Vehicular Homicide or Vehicular Assault adjudications	_____	x	2	=	_____
Enter number of other felony adjudications	_____	x	½	=	_____
Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving, and misdemeanor Hit and Run - Attended convictions	_____	x	½	=	_____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of Vehicular Homicide or Vehicular Assault convictions	_____	x	2	=	_____
Enter number of other felony convictions	_____	x	1	=	_____
Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving, and misdemeanor Hit and Run - Attended convictions	_____	x	1	=	_____

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point	_____	+	1	=	_____
---	-------	---	---	---	-------

Total the last column to get the Offender Score (Round down to the nearest whole number)	
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STANDARD RANGE CALCULATION*

					TO		
CURRENT OFFENSE BEING SCORED		SERIOUSNESS LEVEL		OFFENDER SCORE		LOW STANDARD SENTENCE RANGE	HIGH

* Multiply the range by .75 if the current offense is an attempt, conspiracy, or solicitation under RCW 9A.28.
 * If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

GENERAL SCORING FORM

Nonviolent Offenses with a Sexual Motivation Finding

Use this form only for the following offenses: Abandonment of Dependent Persons 1; Abandonment of Dependent Persons 2; Advancing Money or Property for Extortionate Extension of Credit; Assault 3; Assault of a Child 3; Bail Jumping with Class A Felony; Bail Jumping with Class B or C Felony; Bribe Received by Witness; Bribery; Bribing a Witness; Commercial Bribery; Computer Trespass 1; Criminal Gang Intimidation; Criminal Mistreatment 1; Criminal Mistreatment 2; Custodial Assault; Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct; Delivery of Imitation Controlled Substance by Person 18 or Over to Person Under 18; Extortion 2; Extortionate Extension of Credit; Extortionate Means to Collect Extensions of Credit; False Verification for Welfare; Forged Prescription (Legend Drug); Forged Prescription for a Controlled Substance; Forgery; Harassment; Health Care False Claims; Hit and Run with Vessel - Injury Accident; Inciting Criminal Profiteering; Influencing Outcome of a Sporting Event; Intimidating a Judge; Intimidating a Juror; Intimidating a Public Servant; Intimidating a Witness; Introducing Contraband 1; Introducing Contraband 2; Knowingly Trafficking in Stolen Property; Malicious Explosion 3; Malicious Harassment; Malicious Mischief 1; Malicious Mischief 2; Malicious Placement of Explosives 2 and 3; Malicious Placement of Imitation Device 1 and 2; Manufacture, Distribute, or Possess with Intent to Distribute an Imitation Controlled Substance; Patronizing a Juvenile Prostitute; Perjury 1; Perjury 2; Persistent Prison Misbehavior; Possession of a Stolen Firearm; 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-V or a Nonnarcotic from Schedule I-V; Possession of Phencyclidine (PCP); Possession of Stolen Property 1; Possession of Stolen Property 2; Promoting Prostitution 1; Promoting Prostitution 2; Reckless Burning 1; Recklessly Trafficking in Stolen Property; Rendering Criminal Assistance 1; Securities Act Violation; Sending, Bringing into the State Depictions of Minor Engaged in Sexually Explicit Conduct; Sexual Exploitation; Taking Motor Vehicle Without Permission; Tampering with a Witness; Theft 1; Theft 2; Theft of a Firearm; Theft of Livestock 1; Theft of Livestock 2; Theft of Rental, Leased, or Lease-purchase Property, Class B and C; Threats to Bomb; Trafficking in Insurance Claims; Unlawful Imprisonment; Unlawful Issuance of Checks or Drafts; Unlawful Possession of a Firearm 1 and 2; Unlawful Practice of Law; Unlawful Use of Food Stamps; Unlicensed Practice of a Profession or Business; Use of Proceeds of Criminal Profiteering; Vehicle Prowl 1.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID#
JUDGE	CAUSE#	FBI ID#

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of sex offense adjudications _____ x 3 = _____
 Enter number of other serious violent and violent felony adjudications _____ x 1 = _____
 Enter number of other felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of sex offense convictions _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

STANDARD RANGE CALCULATION*				
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	TO	HIGH STANDARD SENTENCE RANGE

* Multiply the range by .75 if the current offense is an attempt, conspiracy, or solicitation under RCW 9A.28. For Possession of a Controlled Substance or Forged Prescription of a Controlled Substance, see RCW 69.50.407.
 * If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
 * If no prior sex offense conviction and sentence is less than eleven years, the Special Sex Offender Sentencing Alternative is an option.

GENERAL SCORING FORM

Drug Offenses

Use this form only for the following offenses: Controlled Substance Homicide; Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule I or II Narcotic; Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule III-V Narcotic or Schedule I-V Nonnarcotic; Delivery of a Material in Lieu of a Controlled Substance; Involving a Minor in Drug Dealing; Manufacture, Deliver, or Possess with Intent to Deliver a Narcotic from Schedule I-II (except Heroin or Cocaine); Manufacture, Deliver, or Possess with Intent to Deliver Heroin or Cocaine; Manufacture, Deliver, or Possess with Intent to Deliver Methamphetamine; Manufacture, Deliver, or Possess with Intent to Deliver a Narcotic from Schedule III-V or Nonnarcotic from Schedule I-V (except Marijuana or Methamphetamine); 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; Possession of Ephedrine or Pseudoephedrine with Intent to Manufacture Methamphetamine; Selling for Profit (Controlled or Counterfeit) any Controlled Substance.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID#
JUDGE	CAUSE#	FBI ID#

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030(16)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030(16)) _____ x 2 = _____
 Enter number of other serious violent and violent felony adjudications _____ x 1 = _____
 Enter number of other felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of other felony drug convictions (as defined by RCW 9.94A.030(16)) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

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STANDARD RANGE CALCULATION*

			TO	
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE		LOW STANDARD SENTENCE RANGE

- * If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- * Add additional time to the standard range for some drug offenses committed in a correctional facility or in a protected zone. See the individual offense reference sheets for specifics.
- * If Drug Offender Sentencing Alternative (DOSAs) eligible: see DOSAs form for alternative sentence on page III- 18.

GENERAL SCORING FORM

Nonviolent Sex Offenses

Use this form only for the following offenses: Child Molestation 2, Child Molestation 3, Communication with a Minor for Immoral Purposes, Incest 1, Incest 2, Indecent Liberties (without forcible compulsion), Rape 3, Rape of a Child 3, Sexual Misconduct with a Minor 1, Sexually Violating Human Remains, or any nonviolent offense with a sexual motivation finding.

Table with 2 rows and 3 columns: OFFENDER'S NAME, OFFENDER'S DOB, STATE ID#, JUDGE, CAUSE#, FBI ID#

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions x 3 =
Enter number of other felony convictions x 1 =

JUVENILE HISTORY:

Enter number of sex offense adjudications x 3 =
Enter number of other serious violent and violent felony adjudications x 1 =
Enter number of other felony adjudications x 1/2 =

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of sex offense convictions x 3 =
Enter number of other felony convictions x 1 =

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point + 1 =

Total the last column to get the Offender Score (Round down to the nearest whole number) [Box]

STANDARD RANGE CALCULATION* table with boxes for CURRENT OFFENSE BEING SCORED, SERIOUSNESS LEVEL, OFFENDER SCORE, LOW STANDARD SENTENCE RANGE, and HIGH STANDARD SENTENCE RANGE

* Multiply the range by .75 if the current offense is an attempt, conspiracy, or solicitation.
* If no prior sex offense conviction and sentence is less than eleven years, the Special Sex Offender Sentencing Alternative is an option.
* If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-16 or III-17 to calculate the enhanced sentence.

GENERAL SCORING FORM

Rape 1 Offenses

Use this form only for Rape 1.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID#
JUDGE	CAUSE#	FBI ID#

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions $\underline{\quad\quad}$ x 3 = $\underline{\quad\quad}$

Enter number of other serious violent felony convictions $\underline{\quad\quad}$ x 3 = $\underline{\quad\quad}$

Enter number of other violent felony convictions $\underline{\quad\quad}$ x 2 = $\underline{\quad\quad}$

Enter number of other nonviolent felony convictions $\underline{\quad\quad}$ x 1 = $\underline{\quad\quad}$

JUVENILE HISTORY:

Enter number of sex offense adjudications $\underline{\quad\quad}$ x 3 = $\underline{\quad\quad}$

Enter number of other serious violent felony adjudications $\underline{\quad\quad}$ x 3 = $\underline{\quad\quad}$

Enter number of other violent felony adjudications $\underline{\quad\quad}$ x 2 = $\underline{\quad\quad}$

Enter number of other nonviolent felony adjudications $\underline{\quad\quad}$ x $\frac{1}{2}$ = $\underline{\quad\quad}$

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of other sex offense convictions $\underline{\quad\quad}$ x 3 = $\underline{\quad\quad}$

Enter number of other serious violent felony convictions $\underline{\quad\quad}$ x 3 = $\underline{\quad\quad}$

Enter number of other violent felony convictions $\underline{\quad\quad}$ x 2 = $\underline{\quad\quad}$

Enter number of other nonviolent felony convictions $\underline{\quad\quad}$ x 1 = $\underline{\quad\quad}$

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point + 1 = $\underline{\quad\quad}$

Total the last column to get the Offender Score
(Round down to the nearest whole number)

$\underline{\quad\quad}$

STANDARD RANGE CALCULATION*

$\underline{\quad\quad}$		$\underline{\quad\quad}$		$\underline{\quad\quad}$	TO	$\underline{\quad\quad}$		
CURRENT OFFENSE BEING SCORED		SERIOUSNESS LEVEL		OFFENDER SCORE		LOW STANDARD SENTENCE RANGE		HIGH

- * Multiply the range by .75 if the current offense is an attempt, conspiracy, or solicitation.
- * If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

GENERAL SCORING FORM

Serious Violent Offenses

Use this form only for the following offenses: Assault 1, Assault of a Child 1, Homicide by Abuse, Kidnapping 1, Murder 1 and 2.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID#
JUDGE	CAUSE#	FBI ID#

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent felony convictions _____ x 3 = _____

Enter number of other violent felony convictions _____ x 2 = _____

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

JUVENILE HISTORY:

Enter number of serious violent felony adjudications _____ x 3 = _____

Enter number of other violent felony adjudications _____ x 2 = _____

Enter number of other nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of other violent felony convictions _____ x 2 = _____

Enter number of nonviolent felony convictions _____ x 1 = _____

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

STANDARD RANGE CALCULATION*

					TO			
CURRENT OFFENSE BEING SCORED		SERIOUSNESS LEVEL		OFFENDER SCORE		LOW STANDARD SENTENCE RANGE		HIGH STANDARD SENTENCE RANGE

* Multiply the range by .75 if the current offense is an attempt, conspiracy, or solicitation.

* If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

GENERAL SCORING FORM

Serious Violent Offenses with a Sexual Motivation Finding

Use this form only for the following offenses: Assault 1, Assault of a Child 1, Homicide by Abuse, Kidnapping 1, Murder 1 and 2.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID#
JUDGE	CAUSE#	FBI ID#

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions	_____ x 3 = _____
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 = _____

JUVENILE HISTORY:

Enter number of sex offense adjudications	_____ x 3 = _____
Enter number of other serious violent felony adjudications	_____ x 3 = _____
Enter number of other violent felony adjudications	_____ x 2 = _____
Enter number of other nonviolent felony adjudications	_____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of other sex offense convictions (excluding Rape 1)	_____ x 3 = _____
Enter number of other violent felony convictions	_____ x 2 = _____
Enter number of other nonviolent felony convictions	_____ x 1 = _____

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point	+ 1 = _____
---	-------------

Total the last column to get the Offender Score
(Round down to the nearest whole number)

STANDARD RANGE CALCULATION*

CURRENT OFFENSE BEING SCORED		SERIOUSNESS LEVEL		OFFENDER SCORE	TO	LOW STANDARD SENTENCE RANGE		HIGH		HIGH

* Multiply the range by .75 if the current offense is an attempt, conspiracy, or solicitation.

* If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

GENERAL SCORING FORM

Violent Offenses

Use this form only for the following offenses: Arson 1; Arson 2; Assault 2; Assault of a Child 2; Bail Jumping with Murder 1; Drive-by Shooting; Explosive Devices Prohibited; Extortion 1; Kidnapping 2; Leading Organized Crime; Malicious Explosion 1 and 2; Malicious Placement of Explosives 1; Manslaughter 1 and 2; Robbery 1 and 2.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID#
JUDGE	CAUSE#	FBI ID#

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions _____ x 2 = _____

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

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 2 = _____

Enter number of other nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of other serious violent and violent felony convictions _____ x 2 = _____

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

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

STANDARD RANGE CALCULATION*

			TO		
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE		LOW STANDARD SENTENCE RANGE	HIGH STANDARD SENTENCE RANGE

* Multiply the range by .75 if the current offense is an attempt, conspiracy, or solicitation.

* If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

GENERAL SCORING FORM

Violent Offenses with a Sexual Motivation Finding

Use this form only for the following offenses: Arson 1; Arson 2; Assault 2; Assault of a Child 2; Bail Jumping with Murder 1; Drive-by Shooting; Explosive Devices Prohibited; Extortion 1; Kidnapping 2; Leading Organized Crime; Malicious Explosion 1 and 2; Malicious Placement of Explosives 1; Manslaughter 1 and 2; Robbery 1 and 2.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID#
JUDGE	CAUSE#	FBI ID#

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions	_____ x 3 = _____
Enter number of other serious violent and violent felony convictions	_____ x 2 = _____
Enter number of other nonviolent felony convictions	_____ x 1 = _____

JUVENILE HISTORY:

Enter number of sex offense adjudications	_____ x 3 = _____
Enter number of other serious violent and violent felony adjudications	_____ x 2 = _____
Enter number of other nonviolent felony adjudications	_____ x ½ = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of other sex offense convictions	_____ x 3 = _____
Enter number of other serious violent and violent felony convictions	_____ x 2 = _____
Enter number of other nonviolent felony convictions	_____ x 1 = _____

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point	+ 1 = _____
---	-------------

Total the last column to get the Offender Score
(Round down to the nearest whole number)

STANDARD RANGE CALCULATION*

	SERIOUSNESS LEVEL	OFFENDER SCORE	TO		LOW STANDARD SENTENCE RANGE	HIGH STANDARD SENTENCE RANGE
CURRENT OFFENSE BEING SCORED						

- * Multiply the range by .75 if the current offense is an attempt, conspiracy, or solicitation.
- * If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- * If no prior sex offense conviction and sentence is less than eleven years, the Special Sex Offender Sentencing Alternative is an option.

GENERAL SCORING FORM

Violent Sex Offenses

Use this form only for the following offenses: Child Molestation 1, Indecent Liberties (with forcible compulsion), Rape of a Child 1 and 2, Rape 2.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID#
JUDGE	CAUSE#	FBI ID#

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions _____ x 3 = _____

Enter number of other serious violent and violent felony convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of sex offense adjudications _____ x 3 = _____

Enter number of other serious violent and violent felony adjudications _____ x 2 = _____

Enter number of other felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of other sex offense convictions _____ x 3 = _____

Enter number of other serious violent and violent felony convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

STANDARD RANGE CALCULATION*

					TO	
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE		LOW STANDARD SENTENCE RANGE		HIGH STANDARD SENTENCE RANGE

- * Multiply the range by .75 if the current offense is an attempt, conspiracy, or solicitation.
- * If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- * If no prior sex offense conviction and sentence is less than eleven years, the Special Sex Offender Sentencing Alternative is a n option.

GENERAL 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

STATUS AT TIME OF CURRENT OFFENSES:
Not scored

STANDARD RANGE CALCULATION*

				TO	
CURRENT OFFENSE BEING SCORED		SERIOUSNESS LEVEL	OFFENDER SCORE		LOW STANDARD SENTENCE RANGE HIGH STANDARD SENTENCE RANGE

* Multiply the range by .75 if the current offense is an attempt, conspiracy, or solicitation.

* If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

GENERAL SCORING FORM

Unranked Offenses with a Sexual Motivation Finding

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

STATUS AT TIME OF CURRENT OFFENSES:

Not scored

STANDARD RANGE CALCULATION*

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	TO	<input type="text"/>
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	LOW STANDARD SENTENCE RANGE		HIGH STANDARD SENTENCE RANGE

- * Multiply the range by .75 if the current offense is an attempt, conspiracy, or solicitation.
- * If no prior sex offense conviction, the Special Sex Offender Sentencing Alternative is an option.
- * If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

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ABANDONMENT OF DEPENDENT PERSONS 1

(RCW 9A.42.060)

CLASS B FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27.)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL V)

0	1	2	3	4	5	6	7	8	9 or more
6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 - 68 months	62 - 82 months	72 - 96 months

B. The range for attempt, soli citation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).

B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).

C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

D. Partial confinement may be served in home detention (RCW 9.94A.030).

E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

ABANDONMENT OF DEPENDENT PERSONS 2
(RCW 9A.42.070)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE: STANDARD RANGE (LEVEL III)	0	1	2	3	4	5	6	7	8	9 or more
	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

ADVANCING MONEY OR PROPERTY FOR EXTORTIONATE EXTENSION OF CREDIT

(RCW 9A.82.030)

CLASS B FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL V)	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 - 68 months	62 - 82 months	72 - 96 months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

C. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

III. SENTENCING OPTIONS

A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).

B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).

C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

D. Partial confinement may be served in home detention (RCW 9.94A.030).

E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

AGGRAVATED MURDER, FIRST DEGREE

(RCW 10.95.020)
CLASS A FELONY
SERIOUS VIOLENT

I. OFFENDER SCORING

ADULT HISTORY:

Not scored

JUVENILE HISTORY:

Not scored

OTHER CURRENT OFFENSES:

Not scored

STATUS:

Not scored

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL XV)

NONE
DEATH SENTENCE OR LIFE SENTENCE WITHOUT PAROLE

B. A person found to be mentally retarded under RCW 10.95.030 may in no case be sentenced to death (RCW 10.95.070).

ARSON, FIRST DEGREE

(RCW 9A.48.020)

CLASS A FELONY

VIOLENT

(If sexual motivation finding, use form on page III35)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions _____ x 2 = _____

Enter number of nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 2 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

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 nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL VIII)

0	1	2	3	4	5	6	7	8	9 or more
21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	67 - 89 months	77 - 102 months	87 - 116 months	108 - 144 months

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence and add one year community placement following release from state prison (RCW 9.94A.120).

ARSON, SECOND DEGREE

(RCW 9A.48.030)

CLASS B FELONY

VIOLENT

(If sexual motivation finding/verdict, use form on page III35)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions x 2 = _____

Enter number of nonviolent felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications x 2 = _____

Enter number of nonviolent felony adjudications x ½ = _____

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 nonviolent felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL IV)

0	1	2	3	4	5	6	7	8	9 or more
3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If sentence is one year or less: part or all of the sentence may be converted to partial confinement (RCW 9.94A.380).
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

ASSAULT, FIRST DEGREE

(RCW 9A.36.011)

CLASS A FELONY

SERIOUS VIOLENT

(If sexual motivation finding/verdict, use form on page III33)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent felony convictions _____ x 3 = _____
 Enter number of violent felony convictions _____ x 2 = _____
 Enter number of nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent felony adjudications _____ x 3 = _____
 Enter number of violent felony adjudications _____ x 2 = _____
 Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other violent felony convictions _____ x 2 = _____
 Enter number of nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL XII)	93 - 123 months	102 - 136 months	111 - 147 months	120 - 160 months	129 - 171 months	138 - 184 months	162 - 216 months	178 - 236 months	209 - 277 months	240 - 318 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. Following release from state prison, the offender must serve community placement of 24 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).
- D. Statutory minimum sentence is 60 months if the offender used force or means likely to result in death or intended to kill the victim (RCW 9.94A.120).
- E. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

ASSAULT, SECOND DEGREE

(RCW 9A.36.021)

CLASS B FELONY

VIOLENT

(If sexual motivation finding/verdict, use form on page III35)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions x 2 = _____

Enter number of nonviolent felony convictions x 1 = _____

JUVENILE HISTORY:

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 conduct count in offender score)

Enter number of other serious violent and violent felony convictions x 2 = _____

Enter number of nonviolent felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL IV)

0	1	2	3	4	5	6	7	8	9 or more
3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-16 or III-17 to calculate the enhanced sentence.
- D. One year of community placement must be served following release from state prison (RCW 9.94A.120).

III. SENTENCING OPTIONS

- A. If sentence is one year or less: part or all of the sentence may be converted to partial confinement (RCW 9.94A.380).
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

ASSAULT, THIRD DEGREE
(RCW 9A.36.031)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence and add one year of community placement following release from state prison (RCW 9.94A.120).
- * Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

ASSAULT OF A CHILD, FIRST DEGREE
 (RCW 9A.36.120)
 CLASS A FELONY
 SERIOUS VIOLENT
 (If sexual motivation finding/verdict, use form on page III33)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent felony convictions x 3 =
 Enter number of violent felony convictions..... x 2 =
 Enter number of nonviolent felony convictions..... x 1 =

JUVENILE HISTORY:

Enter number of serious violent felony adjudications x 3 =
 Enter number of violent felony adjudications x 2 =
 Enter number of nonviolent felony adjudications x ½ =

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other violent felony convictions x 2 =
 Enter number of nonviolent felony convictions..... x 1 =

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 =

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL XII)	93 - 123 months	102 - 136 months	111 - 147 months	120 - 160 months	129 - 171 months	138 - 184 months	162 - 216 months	178 - 236 months	209 - 277 months	240 - 318 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. Following release from state prison, the offender must serve community placement of 24 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).
- D. Statutory minimum sentence is 60 months if the offender used force or means likely to result in death or intended to kill the victim (RCW 9.94A.120).
- E. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

ASSAULT OF A CHILD, SECOND DEGREE
(RCW 9A.36.130)
CLASS B FELONY
VIOLENT
(If sexual motivation finding/verdict, use form on page III35)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions _____ x 2 = _____
Enter number of nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 2 = _____
Enter number of nonviolent felony adjudications _____ x ½ = _____

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 nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IX)	31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	51 - 68 months	57 - 75 months	77 - 102 months	87 - 116 months	108 - 120* months	120* months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
 - C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-16 or III-17 to calculate the enhanced sentence.
 - D. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- * Statutory maximum sentence is 120 months (10 years) (RCW 9A.20.021).

ASSAULT OF A CHILD, THIRD DEGREE
(RCW 9A.36.140)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL III)

0	1	2	3	4	5	6	7	8	9 or more
1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-16 or III-17 to calculate the enhanced sentence and add one year of community placement following release from state prison (RCW 9.94A.120).

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).

B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).

C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

D. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

ATTEMPTING TO ELUDE PURSUING POLICE VEHICLE

(RCW 46.61.024)

CLASS C FELONY

NONVIOLENT TRAFFIC OFFENSE

I. OFFENDER SCORING (RCW 9.94A.360 (11))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____
 Enter number of other felony convictions _____ x 1 = _____
 Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving and
 misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of Vehicular Homicide and Vehicular Assault adjudications _____ x 2 = _____
 Enter number of other felony adjudications _____ x ½ = _____
 Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving
 and misdemeanor Hit and Run - Attended adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____
 Enter number of other felony convictions _____ x 1 = _____
 Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving
 and misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL I)	0 - 60 days	0 - 90 days	2 - 5 months	2 - 6 months	3 - 8 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

BAIL JUMPING WITH CLASS A FELONY
 (RCW 9A.76.170(2)(b))
 CLASS B FELONY
 NONVIOLENT
 (If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL V)	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 - 68 months	62 - 82 months	72 - 96 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

BAIL JUMPING WITH CLASS B OR C FELONY
 (RCW 9A.76.170(2)(c))
 CLASS C FELONY
 NONVIOLENT
 (If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

BAIL JUMPING WITH MURDER 1

(RCW 9A.76.170(2)(a))

CLASS A FELONY

VIOLENT

(If sexual motivation finding/verdict, use form on page III35)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions x 2 = _____

Enter number of nonviolent felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications x 2 = _____

Enter number of nonviolent felony adjudications x ½ = _____

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 nonviolent felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL VI)

0	1	2	3	4	5	6	7	8	9 or more
12+ - 14 months	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	46 - 61 months	57 - 75 months	67 - 89 months	77 - 102 months

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

BRIBE RECEIVED BY WITNESS
 (RCW 9A.72.100)
 CLASS B FELONY
 NONVIOLENT
 (If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IV)	3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

BRIBERY
(RCW 9A.68.010)
CLASS B FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VI)	12+ - 14 months	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	46 - 61 months	57 - 75 months	67 - 89 months	77 - 102 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

BRIBING A WITNESS
(RCW 9A.72.090)
CLASS B FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IV)	3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.41 0).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 2 40 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

BURGLARY, FIRST DEGREE
(RCW 9A.52.020)
CLASS A FELONY
BURGLARY 1 (VIOLENT)
(If sexual motivation finding/verdict, use form on page III20)

I. OFFENDER SCORING (RCW 9.94A.360 (10))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions x 2 = _____
Enter number of Burglary 2 or Residential Burglary convictions x 2 = _____
Enter number of other nonviolent felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications x 2 = _____
Enter number of Burglary 2 or Residential Burglary adjudications x 1 = _____
Enter number of other nonviolent felony adjudications x ½ = _____

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 Burglary 2 or Residential Burglary convictions x 2 = _____
Enter number of other nonviolent felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VII)	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	57 - 75 months	67 - 89 months	77 - 102 months	87 - 116 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence and add one year of community placement following release from state prison (RCW 9.94A.120).

BURGLARY, RESIDENTIAL
(RCW 9A.52.025)
CLASS B FELONY
RESIDENTIAL AND SECOND DEGREE BURGLARY (NONVIOLENT)
(If sexual motivation finding/verdict, use form on page III22)

I. OFFENDER SCORING (RCW 9.94A.360 (15))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Burglary 1 convictions _____ x 2 = _____
Enter number of Burglary 2 or Residential Burglary convictions _____ x 2 = _____
Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of Burglary 1 adjudications _____ x 2 = _____
Enter number of Burglary 2 or Residential Burglary adjudications _____ x 1 = _____
Enter number of serious violent and violent felony adjudications _____ x 1 = _____
Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of Burglary 1 convictions _____ x 2 = _____
Enter number of other Burglary 2 or Residential Burglary convictions _____ x 2 = _____
Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IV)	3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages I II-16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention under certain conditions (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

BURGLARY, SECOND DEGREE
(RCW 9A.52.030)
CLASS B FELONY
RESIDENTIAL AND SECOND DEGREE BURGLARY (NONVIOLENT)
(If sexual motivation finding/verdict, use form on page III22)

I. OFFENDER SCORING (RCW 9.94A.360 (15))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Burglary 1 convictions _____ x 2 = _____
Enter number of Burglary 2 or Residential Burglary convictions _____ x 2 = _____
Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of Burglary 1 adjudications _____ x 2 = _____
Enter number of Burglary 2 or Residential Burglary adjudications _____ x 1 = _____
Enter number of serious violent and violent felony adjudications _____ x 1 = _____
Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of Burglary 1 convictions _____ x 2 = _____
Enter number of other Burglary 2 or Residential Burglary convictions _____ x 2 = _____
Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 68 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.38 3).
- D. Partial confinement may be served in home detention under certain conditions (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

CHILD MOLESTATION, FIRST DEGREE

(RCW 9A.44.083)

CLASS A FELONY

VIOLENT SEX

I. OFFENDER SCORING (RCW 9.94A.360 (16))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions _____ x 3 = _____
 Enter number of other serious violent and violent felony convictions _____ x 2 = _____
 Enter number of other nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of sex offense adjudications _____ x 3 = _____
 Enter number of other serious violent and violent felony adjudications _____ x 2 = _____
 Enter number of other nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other sex offense convictions _____ x 3 = _____
 Enter number of other serious violent and violent felony convictions _____ x 2 = _____
 Enter number of other nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL X)	51 - 68 months	57 - 75 months	62 - 82 months	67 - 89 months	72 - 96 months	77 - 102 months	98 - 130 months	108 - 144 months	129 - 171 months	149 - 198 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. Following release from state prison, the offender must serve community custody of 36 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).
- D. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If no prior sex offense conviction and sentence is less than eleven years: Special Sex Offender Sentencing Alternative (RCW 9A.20.120).

CHILD MOLESTATION, SECOND DEGREE

(RCW 9A.44.086)
CLASS B FELONY
NONVIOLENT SEX

I. OFFENDER SCORING (RCW 9.94A.360 (16))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions _____ x 3 = _____
Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of sex offense adjudications _____ x 3 = _____
Enter number of other serious violent and violent felony adjudications _____ x 1 = _____
Enter number of other nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other sex offense convictions _____ x 3 = _____
Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VII)	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	57 - 75 months	67 - 89 months	77 - 102 months	87 - 116 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. Following release from state prison, the offender must serve community custody of 36 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).
- D. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If no prior sex offense conviction and sentence is less than eleven years: Special Sex Offender Sentencing Alternative (RCW 9A.20.120).

CHILD MOLESTATION, THIRD DEGREE

(RCW 9A.44.089)
 CLASS C FELONY
 NONVIOLENT SEX

I. OFFENDER SCORING (RCW 9.94A.360 (16))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of sex offense adjudications _____ x 3 = _____
 Enter number of other serious violent and violent felony adjudications _____ x 1 = _____
 Enter number of other nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other sex offense convictions _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

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II. SENTENCE RANGE

A. OFFENDER SCORE:

	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL V)	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 - 60*	60*	60*

- B. Following release from state prison, the offender must serve community custody of 36 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- * Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If no prior sex offense conviction and sentence is less than eleven years: Special Sex Offender Sentencing Alternative (RCW 9A.20.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

COMMERCIAL BRIBERY

(RCW 9A.68.060)

CLASS B FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IV)	3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. Partial confinement may be served in home detention (RCW 9.94A.030).
- C. If sentence is one year or less: 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 eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).
- E. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSES

(RCW 9.68A.090)
CLASS C FELONY
NONVIOLENT SEX

I. OFFENDER SCORING (RCW 9.94A.360 (16))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions _____ x 3 = _____
Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of sex offense adjudications _____ x 3 = _____
Enter number of other serious violent and violent felony adjudications _____ x 1 = _____
Enter number of other nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other sex offense convictions _____ x 3 = _____
Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

- B. Following release from state prison, the offender must serve community custody of 36 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).
 - C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- * Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If no prior sex offense conviction and sentence is less than eleven years: Special Sex Offender Sentencing Alternative (RCW 9A.20.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

COMPUTER TRESPASS, FIRST DEGREE
(RCW 9A.52.110)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL II)	0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

CRIMINAL GANG INTIMIDATION

(RCW 9A.46...)

CLASS C FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 24 0 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

CRIMINAL MISTREATMENT, FIRST DEGREE
(RCW 9A.42.020)
CLASS B FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL V)	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 - 68 months	62 - 82 months	72 - 96 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

CRIMINAL MISTREATMENT, SECOND DEGREE
(RCW 9A.42.030)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

CUSTODIAL ASSAULT

(RCW 9A.36.100)

CLASS C FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

DEALING IN DEPICTIONS OF MINOR
ENGAGED IN SEXUALLY EXPLICIT CONDUCT

(RCW 9.68A.050)

CLASS C FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications x 1 = _____

Enter number of nonviolent felony adjudications x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VII)	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	57 - 60* months	60* months	60* months	60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).

B. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

DRIVE-BY SHOOTING
 (RCW 9A.36.045)
 CLASS B FELONY
 VIOLENT
 (If sexual motivation finding, use form on page III35)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions _____ x 2 = _____
 Enter number of nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 2 = _____
 Enter number of nonviolent felony adjudications _____ x ½ = _____

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 nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:
 STANDARD RANGE
 (LEVEL VII)

0	1	2	3	4	5	6	7	8	9 or more
15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	57 - 75 months	67 - 89 months	77 - 102 months	87 - 116 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence and add one year community placement following release from state prison (RCW 9.94A.120).

ESCAPE, FIRST DEGREE
(RCW 9A.76.110)
CLASS B FELONY
ESCAPE - RULE 2 (NONVIOLENT)

I. OFFENDER SCORING (RCW 9.94A.360 (14))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IV)	3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- C. Partial confinement may be served in home detention (RCW 9.94A.030).
- D. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

ESCAPE, SECOND DEGREE
(RCW 9A.76.120)
CLASS C FELONY
ESCAPE - RULE 2 (NONVIOLENT)

I. OFFENDER SCORING (RCW 9.94A.360 (14))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

ESCAPE FROM COMMUNITY CUSTODY

(RCW 72.09.310)

CLASS C FELONY

ESCAPE - RULE 1 (NONVIOLENT)

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Escape 1, Escape 2, Willful Failure to Return from Furlough, Willful Failure to Return from Work Release, and Escape from Community Custody convictions x 1 = _____

JUVENILE HISTORY:

Enter number of Escape 1, Escape 2, Willful Failure to Return from Furlough, and Willful Failure to Return from Work Release 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 Escape 1, Escape 2, Willful Failure to Return from Furlough, Willful Failure to Return from Work Release, and Escape from Community Custody convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL II)	0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If sentence is one year or less: 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. Partial confinement may be served in home detention (RCW 9.94A.030).
- C. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

EXPLOSIVE DEVICES PROHIBITED

(RCW 70.74.180)

CLASS A FELONY

VIOLENT

(If sexual motivation finding/verdict, use form on page III35)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions x 2 = _____

Enter number of nonviolent felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications x 2 = _____

Enter number of nonviolent felony adjudications x ½ = _____

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 nonviolent felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL IX)

0	1	2	3	4	5	6	7	8	9 or more
31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	51 - 68 months	57 - 75 months	77 - 102 months	87 - 116 months	108 - 144 months	129 - 171 months

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-16 or III-17 to calculate the enhanced sentence.

EXTORTION, FIRST DEGREE

(RCW 9A.56.120)

CLASS B FELONY

VIOLENT

(If sexual motivation finding/verdict, use form on page III35)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions x 2 = _____

Enter number of nonviolent felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications x 2 = _____

Enter number of nonviolent felony adjudications x ½ = _____

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 nonviolent felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL V)

0	1	2	3	4	5	6	7	8	9 or more
6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 - 68 months	62 - 82 months	72 - 96 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence and add one year of community placement following release from state prison (RCW 9.94A.120).

III. SENTENCING OPTIONS

- A. If sentence is one year or less: part or all of the sentence may be converted to partial confinement (RCW 9.94A.380).
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

EXTORTION, SECOND DEGREE
 (RCW 9A.56.130)
 CLASS C FELONY
 NONVIOLENT
 (If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence and add one year of community placement following release from state prison (RCW 9.94A.120).

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

EXTORTIONATE EXTENSION OF CREDIT
(RCW 9A.82.020)
CLASS B FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL V)	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 - 68 months	62 - 82 months	72 - 96 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

EXTORTIONATE MEANS TO COLLECT EXTENSIONS OF CREDIT

(RCW 9A.82.040)

CLASS B FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications x 1 = _____

Enter number of nonviolent felony adjudications x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score (Round down to the nearest whole number)

Empty box for Offender Score

II. SENTENCE RANGE

A. OFFENDER SCORE: STANDARD RANGE (LEVEL V)

Table with 10 columns: 0, 1, 2, 3, 4, 5, 6, 7, 8, 9 or more. Rows show corresponding sentence ranges in months.

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.9 4A.410).

C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).

B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).

C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

D. Partial confinement may be served in home detention (RCW 9.94A.030).

E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

FALSE VERIFICATION FOR WELFARE
(RCW 74.08.055)
CLASS B FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL I)	0 - 60 days	0 - 90 days	2 - 5 months	2 - 6 months	3 - 8 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

FORGERY
(RCW 9A.60.020)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL I)	0 - 60 days	0 - 90 days	2 - 5 months	2 - 6 months	3 - 8 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.9 4A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

HARASSMENT
(RCW 9A.46.020)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL III)

0	1	2	3	4	5	6	7	8	9 or more
1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

HEALTH CARE FALSE CLAIMS

(RCW 48.80.030)

CLASS C FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL II)	0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

HIT AND RUN WITH A VESSEL - INJURY ACCIDENT

(RCW 88.12.155(3))

CLASS C FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications x 1 = _____

Enter number of nonviolent felony adjudications x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score (Round down to the nearest whole number) []

II. SENTENCE RANGE

A. OFFENDER SCORE: STANDARD RANGE (LEVEL IV)

Table with 10 columns: 0, 1, 2, 3, 4, 5, 6, 7, 8, 9 or more. Rows show corresponding sentence ranges in months.

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
D. Partial confinement may be served in home detention (RCW 9.94A.030).
E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

HIT AND RUN - INJURY ACCIDENT

(RCW 46.52.020 (4))

CLASS C FELONY

NONVIOLENT TRAFFIC OFFENSE

I. OFFENDER SCORING (RCW 9.94A.360 (11))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____
 Enter number of other felony convictions _____ x 1 = _____
 Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving and
 misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of Vehicular Homicide and Vehicular Assault adjudications _____ x 2 = _____
 Enter number of other felony adjudications _____ x ½ = _____
 Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving and
 misdemeanor Hit and Run - Attended adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____
 Enter number of other felony convictions _____ x 1 = _____
 Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving and
 misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:

	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IV)	3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 60* months	60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

HOMICIDE BY ABUSE

(RCW 9A.32.055)

CLASS A FELONY

SERIOUS VIOLENT

(If sexual motivation finding/verdict, use form on page III33)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent felony convictions _____ x 3 = _____
 Enter number of violent felony convictions _____ x 2 = _____
 Enter number of nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent felony adjudications _____ x 3 = _____
 Enter number of violent felony adjudications _____ x 2 = _____
 Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other violent felony convictions _____ x 2 = _____
 Enter number of nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL XIV)	240 - 320 months	250 - 333 months	261 - 347 months	271 - 361 months	281 - 374 months	291 - 388 months	312 - 416 months	338 - 450 months	370 - 493 months	411 - 548 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. Following release from state prison, the offender must serve community placement of 24 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).
- D. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

INCEST, FIRST DEGREE

(RCW 9A.64.020 (1))

CLASS B FELONY

NONVIOLENT SEX

I. OFFENDER SCORING (RCW 9.94A.360 (16))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions x 3 = _____

Enter number of other felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of sex offense adjudications x 3 = _____

Enter number of other serious violent and violent felony adjudications x 1 = _____

Enter number of other nonviolent felony adjudications x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other sex offense convictions x 3 = _____

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:

	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VI)	12+ - 14 months	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	46 - 61 months	57 - 75 months	67 - 89 months	77 - 102 months

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. Following release from state prison, the offender must serve community custody of 36 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).

D. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

A. If no prior sex offense conviction and sentence is less than eleven years: Special Sex Offender Sentencing Alternative (RCW 9A.20.120).

INCEST, SECOND DEGREE

(RCW 9A.64.020 (2))

CLASS C FELONY

NONVIOLENT SEX

I. OFFENDER SCORING (RCW 9.94A.360 (16))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions x 3 = _____

Enter number of other felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of sex offense adjudications x 3 = _____

Enter number of other serious violent and violent felony adjudications x 1 = _____

Enter number of other nonviolent felony adjudications x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other sex offense convictions x 3 = _____

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:

	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL V)	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 - 60* months	60* months	60* months

B. Following release from state prison, the offender must serve community custody of 36 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).

C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

A. If no prior sex offense conviction and sentence is less than eleven years: Special Sex Offender Sentencing Alternative (RCW 9A.20.120).

B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).

C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

INCITING CRIMINAL PROFITEERING
 (RCW 9A.82.060(1)(b))
CLASS B FELONY
NONVIOLENT
 (If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IX)	31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	51 - 68 months	57 - 75 months	77 - 102 months	87 - 116 months	108 - 120* months	120* months

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 120 months (10 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).

B. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

INDECENT LIBERTIES (WITH FORCIBLE COMPULSION)

(RCW 9A.44.100 (1)(a))

CLASS B FELONY

VIOLENT SEX

I. OFFENDER SCORING (RCW 9.94A.360 (16))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions x 3 = _____

Enter number of other serious violent and violent felony convictions x 2 = _____

Enter number of other nonviolent felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of sex offense adjudications x 3 = _____

Enter number of other serious violent and violent felony adjudications x 2 = _____

Enter number of other 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 sex offense convictions x 3 = _____

Enter number of other serious violent and violent felony convictions x 2 = _____

Enter number of other nonviolent felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score (Round down to the nearest whole number) []

II. SENTENCE RANGE

Table with 10 columns: OFFENDER SCORE (0-9 or more) and STANDARD RANGE (LEVEL X) (51-68 to 120* months).

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
C. Following release from state prison, the offender must serve community custody of 36 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).
D. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
* Statutory maximum sentence is 120 months (10 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

A. If no prior sex offense conviction and sentence is less than eleven years: Special Sex Offender Sentencing Alternative (RCW 9A.20.120).

INDECENT LIBERTIES (WITHOUT FORCIBLE COMPULSION)

(RCW 9A.44.100 (1)(b) and (c))

CLASS B FELONY

NONVIOLENT SEX

I. OFFENDER SCORING (RCW 9.94A.360 (16))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions x 3 = _____

Enter number of other felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of sex offense adjudications x 3 = _____

Enter number of other serious violent and violent felony adjudications x 1 = _____

Enter number of other nonviolent felony adjudications x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other sex offense convictions x 3 = _____

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:

	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VII)	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	57 - 75 months	67 - 89 months	77 - 102 months	87 - 116 months

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. Following release from state prison, the offender must serve community custody of 36 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).

D. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

A. If no prior sex offense conviction and sentence is less than eleven years: Special Sex Offender Sentencing Alternative (RCW 9A.20.120).

INFLUENCING OUTCOME OF SPORTING EVENT
(RCW 9A.82.070)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE: STANDARD RANGE (LEVEL IV)	0	1	2	3	4	5	6	7	8	9 or more
	3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 60* months	60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

INTIMIDATING A JUDGE
 (RCW 9A.72.160)
 CLASS B FELONY
 NONVIOLENT
 (If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VI)	12+ - 14 months	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	46 - 61 months	57 - 75 months	67 - 89 months	77 - 102 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

INTIMIDATING A JUROR
(RCW 9A.72.130)
CLASS B FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VI)	12+ - 14 months	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	46 - 61 months	57 - 75 months	67 - 89 months	77 - 102 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence and add one year of community placement following release from state prison (RCW 9.94A.120).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

INTIMIDATING A PUBLIC SERVANT
 (RCW 9A.76.180)
 CLASS B FELONY
 NONVIOLENT
 (If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 68 months

- B. The range for attempt, solicitation, and conspiracy is 75 % of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence and add one year of community placement following release from state prison (RCW 9.94A.120).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

INTIMIDATING A WITNESS
 (RCW 9A.72.110)
 CLASS B FELONY
 NONVIOLENT
 (If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:
 STANDARD RANGE
 (LEVEL VI)

0	1	2	3	4	5	6	7	8	9 or more
12+ - 14 months	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	46 - 61 months	57 - 75 months	67 - 89 months	77 - 102 months

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence and add one year of community placement following release from state prison (RCW 9.94A.120).

III. SENTENCING OPTIONS

A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).

B. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

INTRODUCING CONTRABAND, FIRST DEGREE
(RCW 9A.76.140)
CLASS B FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VII)	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	57 - 75 months	67 - 89 months	77 - 102 months	87 - 116 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

INTRODUCING CONTRABAND, SECOND DEGREE
(RCW 9A.76.150)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

KIDNAPPING, FIRST DEGREE

(RCW 9A.40.020)

CLASS A FELONY

SERIOUS VIOLENT

(If sexual motivation finding/verdict, use form on page III33)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent felony convictions _____ x 3 = _____
 Enter number of violent felony convictions _____ x 2 = _____
 Enter number of nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent felony adjudications _____ x 3 = _____
 Enter number of violent felony adjudications _____ x 2 = _____
 Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of violent felony convictions _____ x 2 = _____
 Enter number of nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL X)	51 - 68 months	57 - 75 months	62 - 82 months	67 - 89 months	72 - 96 months	77 - 102 months	98 - 130 months	108 - 144 months	129 - 171 months	149 - 198 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- D. Following release from state prison, the offender must serve community placement of 24 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).

KIDNAPPING, SECOND DEGREE

(RCW 9A.40.030)

CLASS B FELONY

VIOLENT

(If sexual motivation finding/verdict, use form on page III35)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions x 2 = _____

Enter number of nonviolent felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications x 2 = _____

Enter number of nonviolent felony adjudications x ½ = _____

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 nonviolent felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

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II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL V)

0	1	2	3	4	5	6	7	8	9 or more
6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 - 68 months	62 - 82 months	72 - 96 months

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence and add one year of community placement following release from state prison (RCW 9.94A.120).

III. SENTENCING OPTIONS

A. If sentence is one year or less: part or all of the sentence may be converted to partial confinement (RCW 9.94A.380).

B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

KNOWINGLY TRAFFICKING IN STOLEN PROPERTY
(RCW 9A.82.050(2))
CLASS B FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IV)	3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

LEADING ORGANIZED CRIME

(RCW 9A.82.060(1)(a))

CLASS A FELONY

VIOLENT

(If sexual motivation finding/verdict, use form on page III35)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions _____ x 2 = _____
 Enter number of nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 2 = _____
 Enter number of nonviolent felony adjudications _____ x ½ = _____

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 nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:
 STANDARD RANGE
 (LEVEL X)

0	1	2	3	4	5	6	7	8	9 or more
51 - 68 months	57 - 75 months	62 - 82 months	67 - 89 months	72 - 96 months	77 - 102 months	98 - 130 months	108 - 144 months	129 - 171 months	149 - 198 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

MALICIOUS EXPLOSION, FIRST DEGREE
 (RCW 70.74.280(1))
 CLASS A FELONY
 VIOLENT
 (If sexual motivation finding, use form on page III35)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions _____ x 2 = _____
 Enter number of nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 2 = _____
 Enter number of nonviolent felony adjudications _____ x ½ = _____

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 nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL XIV)	240 - 320 months	250 - 333 months	261 - 347 months	271 - 361 months	281 - 374 months	291 - 388 months	312 - 416 months	338 - 450 months	370 - 493 months	411 - 548 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence and add one year community placement following release from state prison (RCW 9.94A.120).

MALICIOUS EXPLOSION, SECOND DEGREE
 (RCW 70.74.280(2))
 CLASS A FELONY
 VIOLENT
 (If sexual motivation finding, use form on page III35)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions _____ x 2 = _____
 Enter number of nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 2 = _____
 Enter number of nonviolent felony adjudications _____ x ½ = _____

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 nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:

	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL XIII)	165* - 220 months	176* - 234 months	183* - 244 months	191* - 254 months	199* - 265 months	207* - 275 months	222* - 295 months	237* - 316 months	268* - 357 months	298 - 397 months

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence and add one year community placement following release from state prison (RCW 9.94A.120).

* The 1997 Legislature amended the sentencing grid to increase the top end of the range at Level 13. The Legislature did not amend 9.94A.040 (except for murder 2 offenses) to allow the minimum to be less than 75% of the maximum.

MALICIOUS EXPLOSION, THIRD DEGREE
 (RCW 70.74.280(3))
 CLASS B FELONY
 NONVIOLENT
 (If sexual motivation finding/verdict, use form on page III35)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL X)	51 - 68 months	57 - 75 months	62 - 82 months	67 - 89 months	72 - 96 months	77 - 102 months	98 - 120* months	120* months	120* months	120* months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- D. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).
- E. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 120 months (10 years) (RCW 9A.20.021).

MALICIOUS HARASSMENT

(RCW 9A.36.080)

CLASS C FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL IV)

0	1	2	3	4	5	6	7	8	9 or more
3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 60* months	60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Ca mp may be recommended (RCW 9.94A.137).

MALICIOUS MISCHIEF, FIRST DEGREE
 (RCW 9A.48.070)
 CLASS B FELONY
 NONVIOLENT
 (If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:
 STANDARD RANGE
 (LEVEL II)

0	1	2	3	4	5	6	7	8	9 or more
0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

MALICIOUS MISCHIEF, SECOND DEGREE
(RCW 9A.48.080)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL I)	0 - 60 days	0 - 90 days	2 - 5 months	2 - 6 months	3 - 8 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

MALICIOUS PLACEMENT OF EXPLOSIVE, FIRST DEGREE

(RCW 70.74.270(1))

CLASS A FELONY

VIOLENT

(If sexual motivation finding, use form on page III35)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions _____ x 2 = _____
 Enter number of nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 2 = _____
 Enter number of nonviolent felony adjudications _____ x ½ = _____

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 nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL XIII)	165* - 220 months	176* - 234 months	183* - 244 months	191* - 254 months	199* - 265 months	207* - 275 months	222* - 295 months	237* - 316 months	268* - 357 months	298 - 397 months

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence and add one year community placement following release from state prison (RCW 9.94A.120).

* The 1997 Legislature amended the sentencing grid to increase the top end of the range at Level 13. The Legislature did not amend 9.94A.040 (except for murder 2 offenses) to allow the minimum to be less than 75% of the maximum.

MALICIOUS PLACEMENT OF EXPLOSIVES, SECOND DEGREE

(RCW 70.74.270(2))

CLASS B FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IX)	31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	51 - 68 months	57 - 75 months	77 - 102 months	87 - 116 months	108 - 120* months	120* months

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 120 months (10 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).

B. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

MALICIOUS PLACEMENT OF IMITATION DEVICE, SECOND DEGREE

(RCW 70.74.272(1)(b))

CLASS C FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications x 1 = _____

Enter number of nonviolent felony adjudications x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score (Round down to the nearest whole number) []

II. SENTENCE RANGE

Table with columns for Offender Score (0-9 or more) and Standard Range (Level VI) in months.

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).

B. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

MANSLAUGHTER, FIRST DEGREE
(RCW 9A.32.060)
CLASS A FELONY
SERIOUS VIOLENT
(If sexual motivation finding/verdict, use form on page III35)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions _____ x 2 = _____

Enter number of nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 2 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

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 nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL XI)

0	1	2	3	4	5	6	7	8	9 or more
78 - 102 months	86 - 114 months	95 - 125 months	102 - 136 months	111 - 147 months	120 - 158 months	146 - 194 months	159 - 211 months	185 - 245 months	210 - 280 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94 A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- D. Following release from state prison, the offender must serve community placement of 24 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).

MANSLAUGHTER, SECOND DEGREE
(RCW 9A.32.070)
CLASS B FELONY
VIOLENT
(If sexual motivation finding/verdict, use form on page III35)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions _____ x 2 = _____
Enter number of nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 2 = _____
Enter number of nonviolent felony adjudications _____ x ½ = _____

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 nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VIII)	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	67 - 89 months	77 - 102 months	87 - 116 months	108 - 120* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence and add one year of community placement following release from state prison (RCW 9.94A.120).

* Statutory maximum sentence is 120 months (10 years) (RCW 9A.20.021).

MURDER, FIRST DEGREE

(RCW 9A.32.030)

CLASS A FELONY

SERIOUS VIOLENT

(If sexual motivation finding/verdict, use form on page III33)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent felony convictions _____ x 3 = _____
 Enter number of violent felony convictions _____ x 2 = _____
 Enter number of nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent felony adjudications _____ x 3 = _____
 Enter number of violent felony adjudications _____ x 2 = _____
 Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of violent felony convictions _____ x 2 = _____
 Enter number of nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL XIV)	240 - 320 months	250 - 333 months	261 - 347 months	271 - 361 months	281 - 374 months	291 - 388 months	312 - 416 months	338 - 450 months	370 - 493 months	411 - 548 months

- B. The range for attempt, solicitation, and conspiracy is 75 % of the range for the completed crime (RCW 9.94A.410).
- C. Following release from state prison, the offender must serve community placement of 24 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).
- D. Statutory minimum sentence is 240 months (20 years) (RCW 9.94A.120 (4)).
- E. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

MURDER, SECOND DEGREE

(RCW 9A.32.050)

CLASS A FELONY

SERIOUS VIOLENT

(If sexual motivation finding/verdict, use form on page III33)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent felony convictions _____ x 3 = _____
 Enter number of violent felony convictions _____ x 2 = _____
 Enter number of nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent felony adjudications _____ x 3 = _____
 Enter number of violent felony adjudications _____ x 2 = _____
 Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of violent felony convictions _____ x 2 = _____
 Enter number of nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:
 STANDARD RANGE
 (LEVEL XIII)

0	1	2	3	4	5	6	7	8	9 or more
123 - 220 months	134 - 234 months	144 - 244 months	154 - 254 months	165 - 265 months	175 - 275 months	195 - 295 months	216 - 316 months	257 - 357 months	298 - 397 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. Following release from state prison, the offender must serve community placement of 24 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).
- D. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

PATRONIZING A JUVENILE PROSTITUTE
(RCW 9.68A.100)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

PERJURY, FIRST DEGREE

(RCW 9A.72.020)

CLASS B FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL V)

0	1	2	3	4	5	6	7	8	9 or more
6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 - 68 months	62 - 82 months	72 - 96 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

PERJURY, SECOND DEGREE

(RCW 9A.72.030)

CLASS C FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

PERSISTENT PRISON MISBEHAVIOR
(RCW 9.94.070)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL V)

0	1	2	3	4	5	6	7	8	9 or more
6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 - 60*	60* months	60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

A. Partial confinement may be served in home detention (RCW 9.94A.030).

B. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

C. If sentence is one year or less: 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).

POSSESSION OF A STOLEN FIREARM*

(RCW 9A.56.310)

CLASS B FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

* Each firearm possessed under this section is a separate offense.

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL V)	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 - 68 months	62 - 82 months	72 - 96 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of the possession of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: 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. Partial confinement may be served in home detention (RCW 9.94A.030).
- D. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

POSSESSION OF STOLEN PROPERTY, FIRST DEGREE

(RCW 9A.56.150)

CLASS B FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL II)

0	1	2	3	4	5	6	7	8	9 or more
0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

POSSESSION OF STOLEN PROPERTY, SECOND DEGREE

(RCW 9A.56.160)

CLASS C FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL I)	0 - 60 days	0 - 90 days	2 - 5 months	2 - 6 months	3 - 8 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible : 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

PROMOTING PROSTITUTION, FIRST DEGREE
(RCW 9A.88.070)
CLASS B FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VIII)	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	67 - 89 months	77 - 102 months	87 - 116 months	108 - 120* months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
 - C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence and add one year of community placement following release from state prison (RCW 9.94A.120).
- * Statutory maximum sentence is 120 months (10 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

PROMOTING PROSTITUTION, SECOND DEGREE
(RCW 9A.88.080)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

RAPE, FIRST DEGREE

(RCW 9A.44.040)

CLASS A FELONY

SERIOUS VIOLENT SEX

I. OFFENDER SCORING (RCW 9.94A.360 (16))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions _____ x 3 = _____
 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 = _____

JUVENILE HISTORY:

Enter number of sex offense adjudications _____ x 3 = _____
 Enter number of other serious violent felony adjudications _____ x 3 = _____
 Enter number of other violent felony adjudications _____ x 2 = _____
 Enter number of other nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other sex offense convictions _____ x 3 = _____
 Enter number of other violent felony convictions _____ x 2 = _____
 Enter number of other nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL XII)	93 - 123 months	102 - 136 months	111 - 147 months	120 - 160 months	129 - 171 months	138 - 184 months	162 - 216 months	178 - 236 months	209 - 277 months	240 - 318 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III -16 or III-17 to calculate the enhanced sentence.
- D. Following release from state prison, the offender must serve community custody of 36 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).
- E. Statutory minimum sentence is 60 months (RCW 9.94A.120).

RAPE, SECOND DEGREE

(RCW 9A.44.050)

CLASS A FELONY

VIOLENT SEX

I. OFFENDER SCORING (RCW 9.94A.360 (16))

ADULT HISTORY: (If the prior offense was committed before 7/1/86 , count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions x 3 = _____
Enter number of other serious violent and violent felony convictions x 2 = _____
Enter number of other nonviolent felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of sex offense adjudications x 3 = _____
Enter number of other serious violent and violent felony adjudications x 2 = _____
Enter number of other 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 sex offense convictions x 3 = _____
Enter number of other serious violent and violent felony convictions x 2 = _____
Enter number of other nonviolent felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score (Round down to the nearest whole number) []

II. SENTENCE RANGE

A. OFFENDER SCORE:

Table with 10 columns: 0, 1, 2, 3, 4, 5, 6, 7, 8, 9 or more. Row 1: STANDARD RANGE (LEVEL XI) with corresponding month ranges.

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
C. Following release from state prison, the offender must serve community custody of 36 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).
D. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

RAPE OF A CHILD, FIRST DEGREE

(RCW 9A.44.073)

CLASS A FELONY

VIOLENT SEX

I. OFFENDER SCORING (RCW 9.94A.360 (16))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions x 3 = _____

Enter number of other serious violent and violent felony convictions x 2 = _____

Enter number of other nonviolent felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of sex offense adjudications x 3 = _____

Enter number of other serious violent and violent felony adjudications x 2 = _____

Enter number of other nonviolent felony adjudications x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of sex offense convictions x 3 = _____

Enter number of other serious violent and violent felony convictions x 2 = _____

Enter number of other nonviolent felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL XII)	93 - 123 months	102 - 136 months	111 - 147 months	120 - 160 months	129 - 171 months	138 - 184 months	162 - 216 months	178 - 236 months	209 - 277 months	240 - 318 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. Following release from state prison, the offender must serve community custody of 36 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).
- D. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If no prior sex offense conviction and sentence is less than eleven years: Special Sex Offender Sentencing Alternative (RCW 9A.20.120).

RAPE OF A CHILD, SECOND DEGREE

(RCW 9A.44.076)

CLASS A FELONY

VIOLENT SEX

I. OFFENDER SCORING (RCW 9.94A.360 (16))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions x 3 = _____

Enter number of other serious violent and violent felony convictions x 2 = _____

Enter number of other nonviolent felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of sex offense adjudications x 3 = _____

Enter number of other serious violent and violent felony adjudications x 2 = _____

Enter number of other nonviolent felony adjudications x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of sex offense convictions x 3 = _____

Enter number of other serious violent and violent felony convictions x 2 = _____

Enter number of other nonviolent felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL XI)	78 - 102 months	86 - 114 months	95 - 125 months	102 - 136 months	111 - 147 months	120 - 158 months	146 - 194 months	159 - 211 months	185 - 245 months	210 - 280 months

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. Following release from state prison, the offender must serve community custody of 36 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).

D. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

A. If no prior sex offense conviction and sentence is less than eleven years: Special Sex Offender Sentencing Alternative (RCW 9A.20.120).

RAPE OF A CHILD, THIRD DEGREE

(RCW 9A.44.079)
 CLASS C FELONY
 NONVIOLENT SEX

I. OFFENDER SCORING (RCW 9.94A.360 (16))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of sex offense adjudications _____ x 3 = _____
 Enter number of other serious violent and violent felony adjudications _____ x 1 = _____
 Enter number of other nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other sex offense convictions _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:

	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VI)	12+ - 14 months	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	46 - 60* months	60* months	60* months	60* months

- B. Following release from state prison, the offender must serve community custody of 36 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If no prior sex offense conviction and sentence is less than eleven years: Special Sex Offender Sentencing Alternative (RCW 9A.20.120).

RECKLESS BURNING, FIRST DEGREE
(RCW 9A.48.040)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL I)	0 - 60 days	0 - 90 days	2 - 5 months	2 - 6 months	3 - 8 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

RECKLESSLY TRAFFICKING IN STOLEN PROPERTY

(RCW 9A.82.050 (1))

CLASS C FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.1 20).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

RENDERING CRIMINAL ASSISTANCE, FIRST DEGREE
(RCW 9A.76.070)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL V)

0	1	2	3	4	5	6	7	8	9 or more
6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 - 60* months	60* months	60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

RESIDENTIAL BURGLARY
(RCW 9A.52.025)
CLASS B FELONY
RESIDENTIAL AND SECOND DEGREE BURGLARY (NONVIOLENT)
(If sexual motivation finding/verdict, use form on page III22)

I. OFFENDER SCORING (RCW 9.94A.360 (15))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Burglary 1 convictions _____ x 2 = _____
 Enter number of Burglary 2 or Residential Burglary convictions _____ x 2 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of Burglary 1 adjudications _____ x 2 = _____
 Enter number of Burglary 2 or Residential Burglary adjudications _____ x 1 = _____
 Enter number of serious violent and violent felony adjudications _____ x 1 = _____
 Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other Burglary 1 convictions _____ x 2 = _____
 Enter number of other Burglary 2 or Residential Burglary convictions _____ x 2 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IV)	3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months

- B. The range for a ttempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
 C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
 B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
 C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
 D. Partial confinement may be served in home detention under certain conditions (RCW 9.94A.030).
 E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

ROBBERY, FIRST DEGREE

(RCW 9A.56.200)

CLASS A FELONY

VIOLENT

(If sexual motivation finding/verdict, use form on page III35)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions x 2 = _____

Enter number of nonviolent felony convictions x 1 = _____

JUVENILE HISTORY:

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 conduct count in offender score)

Enter number of other serious violent and violent felony convictions x 2 = _____

Enter number of nonviolent felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL IX)

0	1	2	3	4	5	6	7	8	9 or more
31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	51 - 68 months	57 - 75 months	77 - 102 months	87 - 116 months	108 - 144 months	129 - 171 months

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence and add one year of community placement following release from state prison (RCW 9.94A.120).

ROBBERY, SECOND DEGREE

(RCW 9A.56.210)

CLASS B FELONY

VIOLENT

(If sexual motivation finding/verdict, use form on page III35)

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

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of serious violent and violent felony convictions _____ x 2 = _____

Enter number of nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 2 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

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 nonviolent felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), _____ + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IV)	3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence and add one year of community placement following release from state prison (RCW 9.94A.120).

III. SENTENCING OPTIONS

- A. If sentence is one year or less: part or all of the sentence may be converted to partial confinement (RCW 9.94A.380).
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

SECURITIES ACT VIOLATION

(RCW 21.20.400)

CLASS B FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL III)

0	1	2	3	4	5	6	7	8	9 or more
1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 68 months

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).

B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).

C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

D. Partial confinement may be served in home detention (RCW 9.94A.030).

E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

SENDING, BRINGING INTO THE STATE DEPICTIONS
OF A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT

(RCW 9.68A.060)

CLASS C FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications x 1 = _____

Enter number of nonviolent felony adjudications x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VII)	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	57 - 60* months	60* months	60* months	60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).

B. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

SEXUAL EXPLOITATION

(RCW 9.68A.040)

CLASS B FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IX)	31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	51 - 68 months	57 - 75 months	77 - 102 months	87 - 116 months	108 - 120* months	120* months

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 120 months (10 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).

B. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

SEXUALLY VIOLATING HUMAN REMAINS

(RCW 9A.44.105)
 CLASS C FELONY
 NONVIOLENT SEX

I. OFFENDER SCORING (RCW 9.94A.360 (16))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions x 3 = _____
 Enter number of other felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of sex offense adjudications x 3 = _____
 Enter number of other serious violent and violent felony adjudications x 1 = _____
 Enter number of other nonviolent felony adjudications x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other sex offense convictions x 3 = _____
 Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL V)	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 - 60* months	60* months	60* months

- B. Following release from state prison, the offender must serve community custody of 36 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).
 - C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- * Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If no prior sex offense conviction and sentence is less than eleven years: Special Sex Offender Sentencing Alternative (RCW 9A.20.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

SEXUAL MISCONDUCT WITH A MINOR, FIRST DEGREE

(RCW 9A.44.093)
 CLASS C FELONY
 NONVIOLENT SEX

I. OFFENDER SCORING (RCW 9.94A.360 (16))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of sex offense adjudications _____ x 3 = _____
 Enter number of other serious violent and violent felony adjudications _____ x 1 = _____
 Enter number of other nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other sex offense convictions _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL V)	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 - 60* months	60* months	60* months

- B. Following release from state prison, the offender must serve community custody of 36 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).
 - C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- * Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If no prior sex offense conviction and sentence is less than eleven years: Special Sex Offender Sentencing Alternative (RCW 9A.20.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

TAKING MOTOR VEHICLE WITHOUT PERMISSION
(RCW 9A.56.070)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL I)	0 - 60 days	0 - 90 days	2 - 5 months	2 - 6 months	3 - 8 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

TAMPERING WITH A WITNESS

(RCW 9A.72.120)

CLASS C FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

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II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL III)

0	1	2	3	4	5	6	7	8	9 or more
1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

THEFT, FIRST DEGREE
(RCW 9A.56.030)
CLASS B FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL II)	0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

THEFT, SECOND DEGREE
(RCW 9A.56.040)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL I)	0 - 60 days	0 - 90 days	2 - 5 months	2 - 6 months	3 - 8 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

THEFT OF A FIREARM*

(RCW 9A.56.300)

CLASS B FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

*Each firearm possessed under this section is a separate offense.

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL VI)

0	1	2	3	4	5	6	7	8	9 or more
12+ - 14 months	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	46 - 61 months	57 - 75 months	67 - 89 months	77 - 102 months

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. If the offender is convicted under this section for Unlawful Possession of a Firearm in the first or second degree and for the felony crimes of Theft of a Firearm or Possession of a Stolen Firearm, or both, then the offender shall serve consecutive sentences.

III. SENTENCING OPTIONS

A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).

B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

C. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

THEFT OF LIVESTOCK, FIRST DEGREE
(RCW 9A.56.080 (1))
CLASS B FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IV)	3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- D. A mandatory fine of \$2,000 for each animal shall be imposed (RCW 9A.56.085).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A. 137).

THEFT OF LIVESTOCK, SECOND DEGREE
(RCW 9A.56.080(2))
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

C. A mandatory fine of \$2,000 for each animal shall be imposed (RCW 9A.56.085).

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).

B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).

C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

D. Partial confinement may be served in home detention (RCW 9.94A.030) .

E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

THEFT OF RENTAL, LEASED, OR LEASE-PURCHASED
PROPERTY, CLASS B OFFENSE

(RCW 9A.56.096.(4))

CLASS B FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications x 1 = _____

Enter number of nonviolent felony adjudications x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL II)	0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).

B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).

C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

D. Partial confinement may be served in home detention (RCW 9.94A.030).

E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

THEFT OF RENTAL, LEASED, OR LEASE-PURCHASED
PROPERTY, CLASS C

(RCW 9A.56.096.(4))

CLASS C FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications x 1 = _____

Enter number of nonviolent felony adjudications x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL I)	0 - 60 days	0 - 90 days	2 - 5 months	2 - 6 months	3 - 8 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

THREATS TO BOMB
(RCW 9.61.160)
CLASS B FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL IV)

0	1	2	3	4	5	6	7	8	9 or more
3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

TRAFFICKING IN INSURANCE CLAIMS
(RCW 48.30A.015)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL II)	0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. Partial confinement may be served in home detention (RCW 9.94A.030).
- C. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).
- D. If sentence is one year or less: 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).
- E. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

TRAFFICKING IN STOLEN PROPERTY, FIRST DEGREE

(RCW 9A.82.050(2))

CLASS B FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IV)	3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

UNLAWFUL IMPRISONMENT

(RCW 9A.40.040)

CLASS C FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

UNLAWFUL ISSUANCE OF CHECKS OR DRAFTS
(RCW 9A.56.060)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL I)	0 - 60 days	0 - 90 days	2 - 5 months	2 - 6 months	3 - 8 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

UNLAWFUL POSSESSION OF A FIREARM, FIRST DEGREE*

(RCW 9.41.040(1)(a))

CLASS B FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

*Each firearm possessed under this section is a separate offense.

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VII)	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	57 - 75 months	67 - 89 months	77 - 102 months	87 - 116 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the offender is convicted under this section for Unlawful Possession of a Firearm in the first or second degree and for the felony crimes of Theft of a Firearm or Possession of a Stolen Firearm, or both, then the offender shall serve consecutive sentences.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

UNLAWFUL PRACTICE OF LAW
(RCW 2.48.180)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL II)	0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages I II-16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. Partial confinement may be served in home detention (RCW 9.94A.030).
- C. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).
- D. If sentence is one year or less: 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).
- E. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

UNLAWFUL USE OF FOOD STAMPS
(RCW 9.91.140 (2) and (3))
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL I)	0 - 60 days	0 - 90 days	2 - 5 months	2 - 6 months	3 - 8 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

UNLICENSED PRACTICE OF A PROFESSION OR BUSINESS

(RCW 18.130.190(7))

CLASS C FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL II)	0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. Partial confinement may be served in home detention (RCW 9.94A.030).
- C. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).
- D. If sentence is one year or less: 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).
- E. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

UNRANKED OFFENSE

(If sexual motivation finding/verdict, use form on page III38)

I. OFFENDER SCORING

ADULT HISTORY:

Not scored

JUVENILE HISTORY:

Not scored

OTHER CURRENT OFFENSES:

Not scored

STATUS:

Not scored

II. SENTENCE RANGE

A. OFFENDER SCORE:

NONE

STANDARD RANGE
(unranked)

Not more than 12 months (9.94A.120)

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If not a sex offense, not a drug offense and not a violent offense (RCW 9.94A.030), and if "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. Sentence can include community service work and a term of community supervision not to exceed one year (RCW 9.94A.120).
- C. If not a sex offense (RCW 9.94A.030), not a drug offense (RCW 9.94A.030), and not a violent offense (RCW 9.94A.030), then partial confinement may be served in home detention (RCW 9.94A.030).
- D. If sentence is one year or less: 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).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137)

USE OF PROCEEDS OF CRIMINAL PROFITEERING
(RCW 9A.82.080 (1) and (2))
CLASS B FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IV)	3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

VEHICLE PROWL, FIRST DEGREE

(RCW 9A.52.095)

CLASS C FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL I)

0	1	2	3	4	5	6	7	8	9 or more
0 - 60 days	0 - 90 days	2 - 5 months	2 - 6 months	3 - 8 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

VEHICULAR ASSAULT
(RCW 46.61.522)
CLASS B FELONY
VIOLENT TRAFFIC OFFENSE

I. OFFENDER SCORING (RCW 9.94A.360 (11))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____
Enter number of other felony convictions _____ x 1 = _____
Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving
and misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of Vehicular Homicide and Vehicular Assault adjudications _____ x 2 = _____
Enter number of other felony adjudications _____ x ½ = _____
Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving
and misdemeanor Hit and Run - Attended adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____
Enter number of other felony convictions _____ x 1 = _____
Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving
and misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IV)	3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- D. Following release from state prison, the offender must serve community placement of 24 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).

III. SENTENCING OPTIONS

- A. If sentence is one year or less: part or all of the sentence may be converted to partial confinement (RCW 9.94A.380).
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

VEHICULAR HOMICIDE BY DISREGARD
FOR SAFETY OF OTHERS

(RCW 46.61.520(1)(c))

CLASS A FELONY

VIOLENT TRAFFIC OFFENSE

I. OFFENDER SCORING (RCW 9.94A.360 (11))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving
and misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of Vehicular Homicide and Vehicular Assault adjudications _____ x 2 = _____

Enter number of other felony adjudications _____ x ½ = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving
and misdemeanor Hit and Run - Attended adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving
and misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:

	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VII)	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	57 - 75 months	67 - 89 months	77 - 102 months	87 - 116 months

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

D. Following release from state prison, the offender must serve community placement of 24 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).

VEHICULAR HOMICIDE BY BEING UNDER THE INFLUENCE
OF INTOXICATING LIQUOR OR ANY DRUG

(RCW 46.61.520(1)(a))

CLASS A FELONY

VIOLENT TRAFFIC OFFENSE

I. OFFENDER SCORING (RCW 9.94A.360 (11))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving
and misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of Vehicular Homicide and Vehicular Assault adjudications _____ x 2 = _____

Enter number of other felony adjudications _____ x ½ = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving
and misdemeanor Hit and Run - Attended adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving
and misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IX)	31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	51 - 68 months	57 - 75 months	77 - 102 months	87 - 116 months	108 - 144 months	129 - 171 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- D. Following release from state prison, the offender must serve community placement of 24 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).

VEHICULAR HOMICIDE BY THE OPERATION OF ANY VEHICLE
IN A RECKLESS MANNER

(RCW 46.61.520(1)(b))

CLASS A FELONY

VIOLENT TRAFFIC OFFENSE

I. OFFENDER SCORING (RCW 9.94A.360 (11))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving
and misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of Vehicular Homicide and Vehicular Assault adjudications _____ x 2 = _____

Enter number of other felony adjudications _____ x ½ = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving
and misdemeanor Hit and Run - Attended adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____

Enter number of other felony convictions _____ x 1 = _____

Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving
and misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VIII)	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	67 - 89 months	77 - 102 months	87 - 116 months	108 - 144 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- D. Following release from state prison, the offender must serve community placement of 24 months, or up to the period of earned early release awarded, whichever is longer (RCW 9.94A.120).

WILLFUL FAILURE TO RETURN FROM FURLOUGH

(RCW 72.66.060)

CLASS B FELONY

ESCAPE - RULE 1 (NONVIOLENT)

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Escape 1, Escape 2, Willful Failure to Return from Furlough, Willful Failure to Return from Work Release, and Escape from Community Custody convictions x 1 = _____

JUVENILE HISTORY:

Enter number of Escape 1, Escape 2, Willful Failure to Return from Furlough, and Willful Failure to Return from Work Release adjudications x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

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

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:
STANDARD RANGE
(LEVEL IV)

0	1	2	3	4	5	6	7	8	9 or more
3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months

B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).

C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

A. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).

B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

C. Partial confinement may be served in home detention (RCW 9.94A.030).

D. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

WILLFUL FAILURE TO RETURN FROM WORK RELEASE

(RCW 72.65.070)

CLASS B FELONY

ESCAPE - RULE 1 (NONVIOLENT)

I. OFFENDER SCORING (RCW 9.94A.360 (13))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of Escape 1, Escape 2, Willful Failure to Return from Furlough, Willful Failure to Return from Work Release, and Escape from Community Custody convictions x 1 = _____

JUVENILE HISTORY:

Enter number of Escape 1, Escape 2, Willful Failure to Return from Furlough, and Willful Failure to Return from Work Release 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 Escape 1, Escape 2, Willful Failure to Return from Furlough, Willful Failure to Return from Work Release, and Escape from Community Custody convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 68 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- C. Partial confinement may be served in home detention (RCW 9.94A.030).
- D. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

CONTROLLED SUBSTANCES, IMITATION,
AND LEGEND DRUG OFFENSE REFERENCE SHEETS

CONTROLLED SUBSTANCE HOMICIDE

(RCW 69.50.415)

CLASS B FELONY

FIRST DRUG CONVICTION

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) x 3 = _____

Enter number of other felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) x 2 = _____

Enter number of serious violent and violent felony adjudications x 1 = _____

Enter number of other 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 felony drug convictions (as defined by RCW 9.94A.030) x 3 = _____

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

Empty rectangular box for the total offender score.

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IX)	31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	51 - 68 months	57 - 75 months	77 - 102 months	87 - 116 months	108 - 120* months	120* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

C. One year of community placement must be served following release from state prison (RCW 9.94A.120).

D. A \$1,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).

E. For sentence ranges for anticipatory drug offenses, see page III- 220.

* Statutory maximum sentence for first conviction under RCW 69.50 is 120 months (10 years) (RCW 69.50.415).

III. SENTENCING OPTIONS

A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).

B. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

CONTROLLED SUBSTANCE HOMICIDE
(RCW 69.50.415)
CLASS B FELONY
SUBSEQUENT DRUG CONVICTION
DRUG
(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) _____ x 2 = _____

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of other nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IX)	31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	51 - 68 months	57 - 75 months	77 - 102 months	87 - 116 months	108 - 144 months	129 - 171 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- D. A \$2,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).
- E. Statutory maximum sentence for subsequent conviction under RCW 69.50 is 240 months (20 years) (RCW 69.50.408).
- F. For sentence ranges for anticipatory drug offenses, see page III- 220.

III. SENTENCING OPTIONS

- A. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED
SUBSTANCE - METHAMPHETAMINE

(RCW 69.50.401 (b)(1)(ii))

CLASS B FELONY

FIRST DRUG CONVICTION

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) _____ x 2 = _____
 Enter number of serious violent and violent felony adjudications _____ x 1 = _____
 Enter number of nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL II)	0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- D. A \$1,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).
- E. Statutory maximum sentence for first conviction under RCW 69.50 is 120 months (10 years) (RCW 69.50.401).
- F. For sentence ranges for anticipatory drug offenses, see page III- 220.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED
SUBSTANCE - METHAMPHETAMINE

(RCW 69.50.401 (b)(1)(ii))

CLASS B FELONY

SUBSEQUENT DRUG CONVICTION

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) _____ x 2 = _____
 Enter number of serious violent and violent felony adjudications _____ x 1 = _____
 Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL II)	0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- D. A \$2,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).
- E. Statutory maximum sentence for subsequent conviction under RCW 69.50 is 240 months (20 years) (RCW 69.50.401).
- F. For sentence ranges for anticipatory drug offenses, see page III- 220.

III. SENTENCING OPTIONS

- A. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- C. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED
SUBSTANCE - SCHEDULE I OR II NARCOTIC

(RCW 69.50.401 (b)(1)(i))

CLASS B FELONY

FIRST DRUG CONVICTION

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) _____ x 2 = _____

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

	0	1	2	3	4	5	6	7	8	9 or more
A. OFFENDER SCORE: STANDARD RANGE (LEVEL II)	0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- D. A \$1,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).
- E. Statutory maximum sentence for first conviction under RCW 69.50 is 120 months (10 years) (RCW 69.50.401).
- F. For sentence ranges for anticipatory drug offenses, see page III- 220.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED
SUBSTANCE - SCHEDULE I OR II NARCOTIC

CLASS B FELONY

(RCW 69.50.401 (b)(1)(i))

SUBSEQUENT DRUG CONVICTION

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) x 3 = _____

Enter number of other felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) x 2 = _____

Enter number of serious violent and violent felony adjudications x 1 = _____

Enter number of nonviolent felony adjudications x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) x 3 = _____

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL II)	0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-16 or III-17 to calculate the enhanced sentence.
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- D. A \$2,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).
- E. Statutory maximum sentence for subsequent conviction under RCW 69.50 is 240 months (20 years) (RCW 69.50.408).
- F. For sentence ranges for anticipatory drug offenses, see page III- 220.

III. SENTENCING OPTIONS

- A. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- C. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED SUBSTANCE - SCHEDULE III-V
NARCOTIC OR SCHEDULE I-V NONNARCOTIC (except Methamphetamine)

(RCW 69.50.401 (b)(1)(iii-v))

CLASS C FELONY

FIRST DRUG CONVICTION

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) _____ x 2 = _____

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL II)	0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- D. A \$1,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).
- E. Statutory maximum sentence for first conviction under RCW 69.50 is 60 months (5 years) (RCW 69.50.401).
- F. For sentence ranges for anticipatory drug offenses, see page III- 220.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED SUBSTANCE - SCHEDULE III-V
NARCOTIC OR SCHEDULE I-V NONNARCOTIC (except Methamphetamine)

(RCW 69.50.401 (b)(1)(iii-v))

CLASS C FELONY

SUBSEQUENT DRUG CONVICTION

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) _____ x 2 = _____

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL II)	0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- D. A \$2,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).
- E. Statutory maximum sentence for subsequent conviction under RCW 69.50 is 120 months (10 years) (RCW 69.50.408).
- F. For sentence ranges for anticipatory drug offenses, see page III- 220.

III. SENTENCING OPTIONS

- A. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- C. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

DELIVERY OF IMITATION CONTROLLED SUBSTANCES BY PERSON 18
OR OVER TO PERSON UNDER 18

(RCW 69.52.030 (2))

CLASS B FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications x 1 = _____

Enter number of nonviolent felony adjudications x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL V)	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 - 68 months	62 - 82 months	72 - 96 months

- B. The range for attempt, solicitation, and conspiracy is 75% of the range for the completed crime (RCW 9.94A.410).
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- D. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A .383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

DELIVERY OF MATERIAL IN LIEU OF A CONTROLLED SUBSTANCE

(RCW 69.50.401 (c))

CLASS C FELONY

FIRST DRUG CONVICTION

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) x 3 = _____

Enter number of other felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) x 2 = _____

Enter number of serious violent and violent felony adjudications x 1 = _____

Enter number of other 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 felony drug convictions (as defined by RCW 9.94A.030) x 3 = _____

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

C. One year of community placement must be served following release from state prison (RCW 9.94A.120).

D. A \$1,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).

E. For sentence ranges for anticipatory drug offenses, see page III-220.

* Statutory maximum sentence is 60 months (5 years) (RCW 69.50.401).

III. SENTENCING OPTIONS

A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).

B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).

C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).

D. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

DELIVERY OF MATERIAL IN LIEU OF A CONTROLLED SUBSTANCE

(RCW 69.50.401 (c))

CLASS C FELONY

SUBSEQUENT DRUG CONVICTION

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense ; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) _____ x 2 = _____

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of other nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 68 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- D. A \$2,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).
- E. Statutory maximum sentence for subsequent conviction under RCW 69.50 is 120 months (10 years) (RCW 69.50.408).
- F. For sentence ranges for anticipatory drug offenses, see page III- 220.

III. SENTENCING OPTIONS

- A. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- C. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

FORGED PRESCRIPTION (Legend Drug)
(RCW 69.41.020)
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL I)	0 - 60 days	0 - 90 days	2 - 5 months	2 - 6 months	3 - 8 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A. 120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

FORGED PRESCRIPTION FOR A CONTROLLED SUBSTANCE

(RCW 69.50.403)
 CLASS C FELONY
 FIRST CONVICTION
 NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL I)	0 - 60 days	0 - 90 days	2 - 5 months	2 - 6 months	3 - 8 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 24* months

- B. One year of community placement must be served following release from state pr ison (RCW 9.94A.120).
 - C. A \$1,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).
 - D. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
 - E. For sentence ranges for anticipatory drug offenses, see page III- 220.
- * Statutory maximum sentence for first conviction under RCW 69.50 is 24 months (2 years) (RCW 69.50.403).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention under certain conditions (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

FORGED PRESCRIPTION FOR A CONTROLLED SUBSTANCE

(RCW 69.50.403)

CLASS C FELONY

SUBSEQUENT CONVICTION

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL I)	0 - 60 days	0 - 90 days	2 - 5 months	2 - 6 months	3 - 8 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months

- B. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- C. A \$2,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).
- D. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- E. Statutory maximum sentence for subsequent conviction under RCW 69.50 is 48 months (4 years) (RCW 69.50.408).
- F. For sentence ranges for anticipatory drug offenses, see page III- 220.

III. SENTENCING OPTIONS

- A. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- C. Partial confinement may be served in home detention under certain conditions (RCW 9.94A.030).
- D. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

INVOLVING A MINOR IN DRUG DEALING
 (RCW 69.50.401 (f))
 CLASS C FELONY
 FIRST DRUG CONVICTION
 DRUG
 (If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) _____ x 2 = _____

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VII)	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	57 - 60* months	60* months	60* months	60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

C. One year of community placement must be served following release from state prison (RCW 9.94A.120).

D. A \$1,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).

E. For sentence ranges for anticipatory drug offenses, see page III- 220.

* Statutory maximum sentence is 60 months (5 years) for the first conviction (RCW 69.50.401).

III. SENTENCING OPTIONS

A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).

B. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

INVOLVING A MINOR IN DRUG DEALING
(RCW 69.50.401 (f))
CLASS C FELONY
SUBSEQUENT DRUG CONVICTION
DRUG
(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) _____ x 2 = _____

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VII)	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	57 - 75 months	67 - 89 months	77 - 102 months	87 - 116 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-16 or III-17 to calculate the enhanced sentence.
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- D. A \$2,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).
- E. Statutory maximum sentence is 120 months (10 years) for the subsequent conviction (RCW 69.50.408).
- F. For sentence ranges for anticipatory drug offenses, see page III- 220.

III. SENTENCING OPTIONS

- A. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER
HEROIN OR COCAINE

(RCW 69.50.401 (a)(1)(i))

CLASS B FELONY

FIRST DRUG CONVICTION AND NOT IN A PROTECTED ZONE

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) x 3 = _____

Enter number of other felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) x 2 = _____

Enter number of serious violent and violent felony adjudications x 1 = _____

Enter number of nonviolent felony adjudications x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) x 3 = _____

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:

0	1	2	3	4	5	6	7	8	9 or more
21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	67 - 89 months	77 - 102 months	87 - 116 months	108 - 120* months

STANDARD RANGE
(LEVEL VIII)

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- C. Add 18 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310).
- D. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- E. A \$1,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).
- F. For sentence ranges for anticipatory drug offenses, see page III- 220.

* Statutory maximum sentence for first conviction under RCW 69.50 is 120 months (10 years) (RCW 69.50.401).

III. SENTENCING OPTIONS

- A. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).
- B. If Drug Offender Sentencing Alternative (DOSA) eligible: see DOSA form for alternative sentence on page III- 18 (9.94A.126).

MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER
HEROIN OR COCAINE

(RCW 69.50.401 (a)(1)(i))

CLASS B FELONY

SUBSEQUENT DRUG CONVICTION OR IN A PROTECTED ZONE

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) x 3 = _____

Enter number of other felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) x 2 = _____

Enter number of serious violent and violent felony adjudications x 1 = _____

Enter number of nonviolent felony adjudications x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) x 3 = _____

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VIII)	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	67 - 89 months	77 - 102 months	87 - 116 months	108 - 144 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- C. Add 18 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310).
- D. Add 24 months to the entire standard sentence range with a finding that the offense took place within 1,000 feet of a school bus route stop, within 1,000 feet of the perimeter of school grounds, in a public park, on a public transit vehicle, or in a public transit stop shelter (RCW 9.94A.310, 69.50.435).
- E. Statutory maximum sentence for subsequent conviction under RCW 69.50 is 240 months (20 years) (RCW 69.50.408).
- F. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- G. A \$2,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).
- H. For sentence ranges for anticipatory drug offenses, see page III-220.

III. SENTENCING OPTIONS

- A. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).
- B. If Drug Offender Sentencing Alternative (DOSA) eligible: see DOSA form for alternative sentence on page III- 18 (9.94A.126).

MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER MARIJUANA

(RCW 69.50.401 (a)(1)(iii))

CLASS C FELONY

FIRST DRUG CONVICTION AND NOT IN A PROTECTED ZONE

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) _____ x 2 = _____

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- C. Add 15 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310).
- D. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- E. A \$1,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).
- F. For sentence ranges for anticipatory drug offenses, see page III- 220.

* Statutory maximum sentence for first conviction under RCW 69.50 is 60 months (5 years) (RCW 69.50.401).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER MARIJUANA

(RCW 69.50.401 (a)(1)(iii))

CLASS C FELONY

SUBSEQUENT DRUG CONVICTION OR IN A PROTECTED ZONE

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) _____ x 2 = _____

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 68 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- C. Add 24 months to the entire standard sentence range with a finding that the offense took place within 1,000 feet of a school bus route stop, within 1,000 feet of the perimeter of school grounds, in a public park, on a public transit vehicle, or in a public transit stop shelter (RCW 9.94A.310, 69.50.435).
- D. Add 15 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310).
- E. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- F. A \$2,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).
- G. Statutory maximum sentence for subsequent conviction under RCW 69.50 is 120 months (10 years) (RCW 69.50.408).
- H. For sentence ranges for anticipatory drug offenses, see page III-220.

III. SENTENCING OPTIONS

- A. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- C. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER METHAMPHETAMINE

(RCW 69.50.401 (a)(1)(ii))

CLASS B FELONY

FIRST DRUG CONVICTION OR NOT IN A PROTECTED ZONE

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) x 3 = _____

Enter number of other felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) x 2 = _____

Enter number of serious violent and violent felony adjudications x 1 = _____

Enter number of nonviolent felony adjudications x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony drug convictions (as defined by RCW 9.94A.030) x 3 = _____

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score (Round down to the nearest whole number)

II. SENTENCE RANGE

Table with columns for Offender Score (0-9 or more) and Standard Range (Level VIII) in months.

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-16 or III-17 to calculate the enhanced sentence.
C. Add 18 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310).
D. One year of community placement must be served following release from state prison (RCW 9.94A.120).
E. A mandatory \$3,000 fine is to be deposited with the law enforcement agency responsible for clean-up of laboratories, sites, or substances used in the manufacture of the methamphetamine (RCW 69.50.401).
F. For sentence ranges for anticipatory drug offenses, see page III- 220.

* Statutory maximum sentence for first conviction under RCW 69.50 is 120 months (10 years) (RCW 69.50.401).

III. SENTENCING OPTIONS

- A. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER METHAMPHETAMINE

(RCW 69.50.401 (a)(1)(ii))

CLASS B FELONY

SUBSEQUENT DRUG CONVICTION OR IN A PROTECTED ZONE

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) _____ x 2 = _____

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VIII)	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	67 - 89 months	77 - 102 months	87 - 116 months	108 - 144 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- C. Add 24 months to the entire standard sentence range with a finding that the offense took place within 1,000 feet of a school bus route stop, within 1,000 feet of the perimeter of school grounds, in a public park, on a public transit vehicle, or in a public transit stop shelter (RCW 9.94A.310, 69.50.435).
- D. Add 18 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310).
- E. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- F. A mandatory \$3,000 fine is to deposited with the law enforcement agency responsible for clean-up of laboratories, sites, or substances used in the manufacture of the methamphetamine (RCW 69.50.401).
- G. For sentence ranges for anticipatory drug offenses, see page III- 220.
- H. Statutory maximum sentence for subsequent conviction under RCW 69.50 is 240 months (20 years) (RCW 69.50.408).

III. SENTENCING OPTIONS

- A. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER NARCOTICS
FROM SCHEDULE I OR II (EXCEPT HEROIN OR COCAINE)

(RCW 69.50.401 (a)(1)(i))

CLASS B FELONY

FIRST DRUG CONVICTION AND NOT IN A PROTECTED ZONE

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) x 3 = _____

Enter number of other felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) x 2 = _____

Enter number of serious violent and violent felony adjudications x 1 = _____

Enter number of nonviolent felony adjudications x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) x 3 = _____

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VI)	12+ - 14 months	15 - 20 months	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	46 - 61 months	57 - 75 months	67 - 89 months	77 - 102 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- C. Add 18 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310) .
- D. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- E. A \$1,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).
- F. Statutory maximum sentence for first conviction under RCW 69.50 is 120 months (10 years) (RCW 69.50.401).
- G. For sentence ranges for anticipatory drug offenses, see page III- 220.

III. SENTENCING OPTIONS

- A. If Drug Offender Sentencing Alternative (DOSA) eligible: see DOSA form for alternative sentence on page III-18 (9.94A.126).
- B. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER NARCOTICS FROM SCHEDULE III-V OR
NONNARCOTICS FROM SCHEDULE I-V (EXCEPT MARIJUANA OR METHAMPHETAMINE)

(RCW 69.50.401 (a)(1)(iii-v))

CLASS C FELONY

FIRST DRUG CONVICTION AND NOT IN A PROTECTED ZONE

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) _____ x 2 = _____
 Enter number of serious violent and violent felony adjudications _____ x 1 = _____
 Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

A. OFFENDER SCORE:

STANDARD RANGE
(LEVEL IV)

0	1	2	3	4	5	6	7	8	9 or more
3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 60* months	60* months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- C. Add 15 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310).
- D. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- E. A \$1,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).
- F. For sentence ranges for anticipatory drug offenses, see page III- 220.

* Statutory maximum sentence for first conviction under RCW 69.50 is 60 months (5 years) (RCW 69.50.401).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER NARCOTICS FROM SCHEDULE III-V OR
NONNARCOTICS FROM SCHEDULE I-V (EXCEPT MARIJUANA OR METHAMPHETAMINE)

(RCW 69.50.401 (a)(1)(iii-v))

CLASS C FELONY

SUBSEQUENT DRUG CONVICTION OR IN A PROTECTED ZONE

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) _____ x 2 = _____

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IV)	3 - 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- C. Add 24 months to the entire standard sentence range with a finding that the offense took place within 1,000 feet of a school bus route stop, within 1,000 feet of the perimeter of school grounds, in a public park, on a public transit vehicle, or in a public transit stop shelter (RCW 9.94A.310, 69.50.435).
- D. Add 15 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310).
- E. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- F. A \$2,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).
- G. Statutory maximum sentence for subsequent conviction under RCW 69.50 is 120 months (10 years) (RCW 69.50.408).
- H. For sentence ranges for anticipatory drug offenses, see page III- 220.

III. SENTENCING OPTIONS

- A. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- B. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- C. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

MANUFACTURE, DISTRIBUTE, OR POSSESS WITH INTENT TO DISTRIBUTE
AN IMITATION CONTROLLED SUBSTANCE

(RCW 69.52.030 (1))

CLASS C FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications x 1 = _____

Enter number of nonviolent felony adjudications x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 60* months

B. One year of community placement must be served following release from state prison (RCW 9.94A.120).

C. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

* Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).

III. SENTENCING OPTIONS

A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).

B. If sentence is one year or less: 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 super vision may be ordered for up to one year (RCW 9.94A.383).

D. Partial confinement may be served in home detention (RCW 9.94A.030).

E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

**OVER 18 AND DELIVER HEROIN OR A NARCOTIC FROM SCHEDULE I OR II OR METHAMPHETAMINE
TO SOMEONE UNDER 18**

(RCW 69.50.406)

CLASS B FELONY

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) _____ x 2 = _____
 Enter number of serious violent and violent felony adjudications _____ x 2 = _____
 Enter number of other felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____
 Enter number of other serious violent and violent felony convictions _____ x 2 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:
 STANDARD RANGE
 (LEVEL X)

0	1	2	3	4	5	6	7	8	9 or more
51 - 68 months	57 - 75 months	62 - 82 months	67 - 89 months	72 - 96 months	77 - 102 months	98 - 130 months	108 - 144 months	129 - 171 months	149 - 198 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- C. Add 24 months to the entire standard sentence range with a finding that the offense took place within 1,000 feet of a school bus route stop, within 1,000 feet of the perimeter of school grounds, in a public park, on a public transit vehicle, or in a public transit stop shelter (RCW 9.94A.310, 69.50.435).
- D. Add 18 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310).
- E. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- F. A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50.430).
- G. Statutory maximum for this offense is 240 months (20 years) (69.50.408).
- H. For sentence ranges for anticipatory drug offenses, see page III- 220.

OVER 18 AND DELIVER NARCOTIC FROM SCHEDULE III-V OR A NONNARCOTIC FROM SCHEDULE I-V TO SOMEONE UNDER 18 AND 3 YEARS JUNIOR (Excluding Methamphetamine)

(RCW 69.50.406)

CLASS C FELONY

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) _____ x 2 = _____
 Enter number of serious violent and violent felony adjudications _____ x 1 = _____
 Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL IX)	31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	51 - 68 months	57 - 75 months	77 - 102 months	87 - 116 months	108 - 120* months	120* months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- C. Add 24 months to the entire standard sentence range with a finding that the offense took place within 1,000 feet of a school bus route stop, within 1,000 feet of the perimeter of school grounds, in a public park, on a public transit vehicle, or in a public transit stop shelter (RCW 9.94A.310, 69.50.435).
- D. Add 15 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310).
- E. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- F. A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50.430).
- G. For sentence ranges for anticipatory drug offenses, see page III- 220.

* Statutory maximum sentence is 120 months (10 years) (RCW 69.50.406).

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

POSSESSION OF A CONTROLLED SUBSTANCE THAT IS EITHER HEROIN OR
NARCOTICS FROM SCHEDULE I OR II (e.g., Cocaine)

(RCW 69.50.401 (d))

CLASS C FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications x 1 = _____

Enter number of nonviolent felony adjudications x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL II)	0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

- B. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- C. Add 12 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310).
- D. A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50.430).
- E. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- F. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).
- G. For sentence ranges for anticipatory drug offenses, see page III- 220.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention under certain conditions (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

POSSESSION OF A CONTROLLED SUBSTANCE THAT IS A NARCOTIC FROM SCHEDULE III-V
OR A NONNARCOTIC FROM SCHEDULE I-V (EXCEPT PHENCYCLIDINE) (e.g., Methamphetamine and Marijuana)

(RCW 69.50.401 (d))

CLASS C FELONY

NONVIOLENT

(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications x 1 = _____

Enter number of nonviolent felony adjudications x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL I)	0 - 60 days	0 - 90 days	2 - 5 months	2 - 6 months	3 - 8 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months

- B. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- C. Add 12 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310).
- D. A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50.430).
- E. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- F. Statutory maximum sentence is 60 months (5 years) (RCW 9A. 20.021).
- G. For sentence ranges for anticipatory drug offenses, see page III- 220.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention under certain conditions (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

POSSESSION OF EPHEDRINE OR PSEUDOEPHEDRINE WITH INTENT
TO MANUFACTURE METHAMPHETAMINE

(RCW 69.50.440)

CLASS B FELONY

FIRST DRUG CONVICTION

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) _____ x 2 = _____
 Enter number of serious violent and violent felony adjudications _____ x 1 = _____
 Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____
 Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
 (Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VIII)	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	67 - 89 months	77 - 102 months	87 - 116 months	108 - 120* months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
 - C. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
 - D. One year of community placement must be served following release from state prison (RCW 9.94A.120).
 - E. A mandatory \$3,000 fine is to deposited with the law enforcement agency responsible for clean-up of laboratories, sites, or substances used in the manufacture of the methamphetamine (RCW 69.50.401).
 - F. For sentence ranges for anticipatory drug offenses, see page III- 220.
- * Statutory maximum sentence for first conviction under RCW 69.50 is 120 months (10 years) (RCW 69.50.401).

III. SENTENCING OPTIONS

- A. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

**POSSESSION OF EPHEDRINE OR PSEUDOEPHEDRINE WITH INTENT
TO MANUFACTURE METHAMPHETAMINE**

(RCW 69.50.440)

CLASS B FELONY

SUBSEQUENT DRUG CONVICTION

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) _____ x 2 = _____

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VIII)	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	67 - 89 months	77 - 102 months	87 - 116 months	108 - 144 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- C. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- D. A mandatory \$3,000 fine is to deposited with the law enforcement agency responsible for clean-up of laboratories, sites, or substances used in the manufacture of the methamphetamine (RCW 69.50.401).
- E. For sentence ranges for anticipatory drug offenses, see page III- 220.
- F. Statutory maximum sentence for subsequent conviction under RCW 69.50 is 240 months (20 years) (RCW 69.50.408).

III. SENTENCING OPTIONS

- A. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

POSSESSION OF PHENCYCLIDINE (PCP)
(RCW 69.50.401 (d))
CLASS C FELONY
NONVIOLENT
(If sexual motivation finding/verdict, use form on page III27)

I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL II)	0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

- B. One year of community placement must be served following release from state prison (RCW 9.94A.120).
- C. Add 12 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310).
- D. A \$1,000 mandatory fine shall be imposed (\$2,000 for a subsequent conviction), unless indigent (RCW 69.50.430).
- E. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
- F. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021).
- G. For sentence ranges for anticipatory drug offenses, see page III- 220.

III. SENTENCING OPTIONS

- A. If "First-time Offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120).
- B. If sentence is one year or less: one day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380).
- C. If sentence is one year or less: community supervision may be ordered for up to one year (RCW 9.94A.383).
- D. Partial confinement may be served in home detention under certain conditions (RCW 9.94A.030).
- E. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

SELLING FOR PROFIT (CONTROLLED OR COUNTERFEIT)
ANY CONTROLLED SUBSTANCE

(RCW 69.50.410)

CLASS C FELONY

FIRST DRUG CONVICTION AND NOT IN A PROTECTED ZONE

DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) _____ x 2 = _____

Enter number of serious violent and violent felony adjudications _____ x 1 = _____

Enter number of nonviolent felony adjudications _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony drug convictions (as defined by RCW 9.94A.030) _____ x 3 = _____

Enter number of other felony convictions _____ x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VIII)	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	46 - 60* months	60* months	60* months	60* months	60* months

B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.

C. One year of community placement must be served following release from state prison (RCW 9.94A.120).

D. A \$1,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).

E. Add 18 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310).

F. For sentence ranges for anticipatory drug offenses, see page III- 220.

* Statutory maximum sentence for first conviction under RCW 69.50 is 60 months (5 years) (RCW 69.50.401).

III. SENTENCING OPTIONS

A. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

SELLING FOR PROFIT (CONTROLLED OR COUNTERFEIT)
ANY CONTROLLED SUBSTANCE

(RCW 69.50.410)
CLASS C FELONY

SUBSEQUENT DRUG CONVICTION OR IN A PROTECTED ZONE
DRUG

(If sexual motivation finding/verdict, use form on page III29)

I. OFFENDER SCORING (RCW 9.94A.360 (12))

ADULT HISTORY: (If the prior offense was committed before 7/1/86, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/86, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9.94A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of felony drug convictions (as defined by RCW 9.94A.030) x 3 = _____
Enter number of other felony convictions x 1 = _____

JUVENILE HISTORY:

Enter number of felony drug adjudications (as defined by RCW 9.94A.030) x 2 = _____
Enter number of serious violent and violent felony adjudications x 1 = _____
Enter number of nonviolent felony adjudications x 1/2 = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of other felony drug convictions (as defined by RCW 9.94A.030) x 3 = _____
Enter number of other felony convictions x 1 = _____

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the Offender Score
(Round down to the nearest whole number)

--

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL VIII)	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	41 - 54 months	46 - 61 months	67 - 89 months	77 - 102 months	87 - 116 months	108 - 120*

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III- 16 or III-17 to calculate the enhanced sentence.
 - C. One year of community placement must be served following release from state prison (RCW 9.94A.120).
 - D. A \$2,000 mandatory fine shall be imposed, unless indigent (RCW 69.50.430).
 - E. Add 24 months to the entire standard sentence range with a finding that the offense took place within 1,000 feet of a school bus stop, within 1,000 feet of the perimeter of school ground, in a public park, on a public transit vehicle, or in a public transit stop shelter (RCW 9.94A.310, 69.50.435).
 - F. Add 18 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.310).
 - G. For sentence ranges for anticipatory drug offenses, see page III-220.
- * Statutory maximum sentence for this crime is 120 months (10 years) for the second conviction under 69.50 (RCW 69.50.410(2)) and 120 months (10 years) for a conviction under 69.50.435 (Protected Zone Enhancement).

III. SENTENCING OPTIONS

- A. If eligible, Work Ethic Camp may be recommended (RCW 9.94A.137).

SENTENCE RANGES FOR ANTICIPATORY DRUG OFFENSES

The appropriate sentence ranges for anticipatory offenses (attempts, solicitations, and conspiracies) involving violations of the Uniform Controlled Substances Act (VUCSA) have been clarified through a series of court decisions and legislative actions. Table 6 presents the current status of statute and case law on appropriate sentence ranges for anticipatory violations of the Uniform Controlled Substances Act.

Table 6. Sentence Ranges for Anticipatory Drug Offenses

	SENTENCE RANGE	STATUTE
Attempt Delivery	Unranked (0 to 12)	RCW 69.50.407
Possession	Unranked (0 to 12)	RCW 69.50.407
Solicitation* Delivery	75% of Standard Range	RCW 9A.28.030
Possession	75% of Standard Range	RCW 9A.28.030
Conspiracy Delivery	Unranked (0 to 12)	RCW 69.50.407
Possession	Unranked (0 to 12)	RCW 69.50.407

*Solicitations drop one class from the underlying offense (e.g., a solicitation to commit a Class B felony is a Class C felony). Solicitations to commit Class C felonies are gross misdemeanors.

RELEVANT STATUTES

RCW 9A.28.020 Criminal attempt. (1) A person is guilty of an attempt to commit crime if, with intent to commit a specific crime, he does any act which is a substantial step toward the commission of that crime.

(2) If the conduct in which a person engages otherwise constitutes an attempt to commit a crime, it is no defense to a prosecution of such attempt that the crime charged to have been attempted was, under the attendant circumstances, factually or legally impossible of commission.

(3) An attempt to commit a crime is a:

- (a) Class A felony when the crime attempted is murder in the first degree or arson in the first degree;
- (b) Class B felony when the crime attempted is a Class A felony other than murder in the first degree or arson in the first degree;
- (c) Class C felony when the crime attempted is a Class B felony;
- (d) Gross misdemeanor when the crime attempted is a Class C felony;
- (e) Misdemeanor when the crime attempted is a gross misdemeanor or misdemeanor.

RCW 9A.28.030 Criminal solicitation. (1) A person is guilty of criminal solicitation when, with intent to promote or facilitate the commission of a crime, he offers to give or gives money or other thing of

value to another to engage in specific conduct which would constitute such crime or which would establish complicity of such other person in its commission or attempted commission had such crime been attempted or committed.

(2) Criminal solicitation shall be punished in the same manner as criminal attempt under RCW 9A.28.020.

RCW 9A.28.040 Criminal conspiracy. (1) A person is guilty of criminal conspiracy when, with intent that conduct constituting a crime be performed, he agrees with one or more persons to engage in or cause the performance of such conduct, and any one of them takes a substantial step in pursuance of such agreement.

(2) It shall not be a defense to criminal conspiracy that the person or persons with whom the accused is alleged to have conspired:

- (a) Has not been prosecuted or convicted; or
- (b) Has been convicted of a different offense; or
- (c) Is not amenable to justice; or
- (d) Has been acquitted; or
- (e) Lacked the capacity to commit an offense.

(3) Criminal conspiracy is a:

- (a) Class A felony when an object of the conspiratorial agreement is murder in the first degree;
- (b) Class B felony when an object of the conspiratorial agreement is a Class A felony other than murder in the first degree;
- (c) Class C felony when an object of the conspiratorial agreement is a Class B felony;
- (d) Gross misdemeanor when an object of the conspiratorial agreement is a Class C felony;
- (e) Misdemeanor when an object of the conspiratorial agreement is a gross misdemeanor or misdemeanor.

RCW 9.94A.410 Anticipatory offenses. For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the crime, and multiplying the range by 75 percent.

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

RCW 69.50.101(f) "Deliver" or "delivery" means the actual or constructive transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

RCW 69.50.407 Conspiracy. Any person who attempts or conspires to commit any offense defined in this chapter is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

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APPENDIX A
FELONY INDEX

FELONY INDEX

Statute (RCW)	Offense	Class	Seriousness Level
9A.42.060	Abandonment of Dependent Persons 1	B	V
9A.42.070	Abandonment of Dependent Persons 2	C	III
29.36.160	Absentee Voting Violation	C	Unranked
9A.82.030	Advancing Money or Property for Extortionate Extension of Credit	B	V
9.05.020	Advocating Criminal Anarchy	B	Unranked
9.05.080	Advocating Sabotage	B	Unranked
10.95.020	Aggravated Murder 1	A	XV
9.41.170	Alien Possession of a Firearm Without an Alien Firearm License	C	Unranked
46.12.220	Alteration or Forgery - Motor Vehicle Title	B	Unranked
9.45.210	Altering Sample or Certificate of Assay	B	Unranked
16.52.205	Animal Cruelty 1	C	Unranked
9A.48.020	Arson 1	A	VIII
9A.48.030	Arson 2	B	IV
9A.36.011	Assault 1	A	XII
9A.36.021	Assault 2	B	IV
9A.36.031	Assault 3	C	III
9A.36.120	Assault of a Child 1	A	XII
9A.36.130	Assault of a Child 2	B	IX
9A.36.140	Assault of a Child 3	C	III
9.05.030	Assembly of Anarchists	B	Unranked
72.23.170	Assist Escape of Mental Patient	C	Unranked
88.12.045	Attempting to Elude Pursuing Law Enforcement Vessel	C	Unranked
46.61.024	Attempting to Elude Pursuing Police Vehicle	C	I
9A.76.170(2)(b)	Bail Jump with Class A Offense	B	V
9A.76.170(2)(c)	Bail Jump with Class B or C Offense	C	III
9A.76.170(2)(a)	Bail Jump with Murder 1 Offense	A	VI
30.12.100	Bank or Trust Company/Destroy or Secrete Records	B	Unranked
30.12.090	Bank or Trust Company/False Entry, Statements, etc.	B	Unranked
30.44.120	Bank or Trust Company/Receiving Deposits When Insolvent	B	Unranked
9A.64.010	Bigamy	C	Unranked

FELONY INDEX (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9.61.160	Bomb Threat	B	IV
9A.72.100	Bribe Received by Witness	B	IV
16.49A.360	Bribe Received by/Offering to Meat Inspector	C	Unranked
9A.68.010	Bribery	B	VI
9A.72.090	Bribing a Witness	B	IV
72.23.300	Bringing Narcotics, Liquor, or Weapons into Institution or Grounds	B	Unranked
9.47.120	Bunco Steering	B	Unranked
9A.52.020	Burglary 1	A	VII
9A.52.030	Burglary 2	B	III
9.46.180	Causing Person to Violate Gambling Laws	B	Unranked
65.12.730	Certification of Land Registration Subject to Larceny	B	Unranked
49.12.410	Child Labor Law Violation - Death/Disability	C	Unranked
9A.44.083	Child Molestation 1	A	X
9A.44.086	Child Molestation 2	B	VII
9A.44.089	Child Molestation 3	C	V
9A.64.030	Child Selling or Buying	C	Unranked
82.24.110(2)	Cigarette Transportation Unlawfully	C	Unranked
9A.68.060	Commercial Bribery	B	IV
19.158.160	Commercial Telephone Solicitor Deception	C	Unranked
20.01.460	Commission Merchant, Dealer, Cash Buyer Without License	C	Unranked
9.68A.090	Communication with Minor for Immoral Purposes (Subsequent Sex Offense)	C	III
9A.52.110	Computer Trespass 1	C	II
32.04.110	Conceal or Destroy Evidence by Savings Bank	B	Unranked
69.50.415	Controlled Substance Homicide	B	IX
69.50.416	Controlled Substance Label Violation	C	Unranked
69.50.401(b)(1)(ii)	Create, Deliver, or Possess a Counterfeit Controlled Substance - Methamphetamine	B	II
69.50.401(b)(1)(i)	Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule I or II Narcotic	B	II
69.50.401(b)(1)(iii-v)	Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule III-V Narcotic or Schedule I-V Nonnarcotic	C	II

FELONY INDEX (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9.08.090	Crimes Against Animal Facilities	C	Unranked
9A.28.020(3)(a)	Criminal Attempt - Arson 1	A	*
9A.28.020(3)(b)	Criminal Attempt - Class A Felony (Not Arson 1, Murder 1 or Murder 2)	B	*
9A.28.020(3)(c)	Criminal Attempt - Class B Felony	C	*
9A.28.020(3)(a)	Criminal Attempt - Murder 1 or Murder 2	A	*
9A.28.040(3)(b)	Criminal Conspiracy - Class A Felony (Not Murder 1)	B	*
9A.28.040(3)(c)	Criminal Conspiracy - Class B Felony	C	*
9A.28.040(3)(a)	Criminal Conspiracy - Murder 1	A	*
9A.46.120	Criminal Gang Intimidation	C	III
9A.42.020	Criminal Mistreatment 1	B	V
9A.42.030	Criminal Mistreatment 2	C	III
9A.28.030(2)	Criminal Solicitation - Arson 1, Murder 1 or Murder 2	A	*
9A.28.030(2)	Criminal Solicitation - Class A Felony (Not Arson 1, Murder 1 or Murder 2)	B	*
9A.28.030(2)	Criminal Solicitation - Class B Felony	C	*
9A.36.100	Custodial Assault	C	III
9A.40.060	Custodial Interference 1	C	Unranked
9A.40.070	Custodial Interference 2 (Subsequent Offense)	C	Unranked
16.08.100(2)	Dangerous Dog Attacks Person or Another Domestic Animal (Subsequent Offense)	C	Unranked
9.68A.050	Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct	C	VII
9A.61.030	Defrauding a Public Utility 1	B	Unranked
9A.61.040	Defrauding a Public Utility 2	C	Unranked
19.48.110	Defrauding an Innkeeper, Amount Greater than \$75.00	B	Unranked
9.41.110(8)	Delivery of Firearm by Dealer to Ineligible Person	C	Unranked
9.41.080	Delivery of Firearms to Ineligible Person	C	Unranked
69.52.030(2)	Delivery of Imitation Controlled Substance by Person 18 or Over to Person Under 18	B	V
69.50.401(c)	Delivery of Material in Lieu of a Controlled Substance	C	III
43.06.230	Destroy, Damage Property or Cause Personal Injury after Emergency Proclaimed	B	Unranked
68.60.040	Destruction of Tomb, Plot, Marker, Enclosure, or Cemetery Property	C	Unranked

FELONY INDEX (continued)

Statute (RCW)	Offense	Class	Seriousness Level
19.110.070	Disclosures Knowingly Not Provided at Sale of Business Opportunity	B	Unranked
69.50.402	Dispensing Violation (VUCSA)	C	Unranked
9.05.100	Displaying Emblems of Seditious or Anarchistic Group	B	Unranked
27.44.040	Disturbing Indian Graves	C	Unranked
9A.36.045	Drive-by Shooting	B	VII
29.15.110	Duplication of Names - Conspiracy	B	Unranked
29.15.100	Duplication of, Use of Nonexistent or Untrue Names	B	Unranked
29.85.110	Election Law Violations	C	Unranked
88.12.045	Eluding a Law Enforcement Vessel	C	Unranked
36.18.140	Embezzle County Funds - Fail to Pay Treasurer	C	Unranked
43.08.140	Embezzlement by State Treasurer	B	Unranked
51.48.015	Employer Knowingly Reports False Information Regarding Payroll	C	Unranked
51.48.103(2)	Engaging in Business after Revocation	C	Unranked
16.08.100(4)	Entering Dog in a Dog Fight	C	Unranked
9.68.060	Erotic Material (3rd Offense)	B	Unranked
9A.76.110	Escape 1	B	IV
9A.76.120	Escape 2	C	III
72.09.310	Escape from Community Custody	C	II
51.48.020(1)	Evading Industrial Insurance Premiums	C	Unranked
70.74.022(1)	Explosive Device Activities Without License	C	Unranked
70.74.180	Explosive Devices Prohibited (Possession of Explosive Device for Unlawful Purpose)	A	IX
9A.56.120	Extortion 1	B	V
9A.56.130	Extortion 2	C	III
9A.82.020	Extortionate Extension of Credit	B	V
9A.82.040	Extortionate Means to Collect Extensions of Credit	B	V
39.44.101	Facsimile Signatures on Bonds and Coupons	B	Unranked
9A.56.290	Factoring of Credit Card Transactions	C	Unranked
9A.44.130	Failure of Felony Sex Offender or Kidnapper to Register	C	Unranked
10.19.130	Failure to Appear after Release on Recognizance	C	Unranked
19.25.040(2)(a)	Failure to Disclose Origin of Certain Recordings (100 or More Recordings or Subsequent Conviction)	B	Unranked

FELONY INDEX (continued)

Statute (RCW)	Offense	Class	Seriousness Level
19.25.040(2)(b)	Failure to Disclose Origin of Certain Recordings (More than 10 and up to 99 Recordings)	C	Unranked
19.146.110	Failure to Use a Trust Account	C	Unranked
19.142.080	Failure to Use a Trust Account or Furnish Bond for Health Studio	C	Unranked
42.24.100	False Claim from Municipal Corporation (Charged as Perjury 2)	C	Unranked
51.48.020(2)	False Information in Industrial Insurance Claim	B	Unranked
48.30.230	False Insurance Claims in Excess of \$1,500	C	Unranked
9.24.050	False Report of Corporation	B	Unranked
74.09.230	False Statement for Medical Assistance	C	Unranked
69.43.080	False Statement in Report of Precursor Drugs	C	Unranked
46.12.210	False Statement or Illegal Transfer of Motor Vehicle Ownership	B	Unranked
82.32.290(2)	False Statement to Department of Revenue	C	Unranked
65.12.740	False Swearing - Registration of Land Title (Charged as Perjury 1)	B	Unranked
65.12.740	False Swearing - Registration of Land Title (Charged as Perjury 2)	C	Unranked
74.08.055	False Verification for Welfare	B	I
33.36.040	Falsify Savings and Loan Association Books	C	Unranked
32.04.100	Falsify Savings Books, etc.	B	Unranked
75.10.190	Food Fish/Shellfish - Commercial Violation	C	Unranked
69.41.020	Forged Prescription (Legend Drug)	B	I
69.50.403	Forged Prescription for a Controlled Substance	C	I
76.48.120	Forged, False, Stolen Specialized Forest Products Permit, Sales Invoice, Bill of Lading, etc.	C	Unranked
9A.60.020	Forgery	C	I
76.36.120	Forgery of Forest Product Mark	B	Unranked
65.12.760	Forgery of Registrar's Signature or Seal	B	Unranked
82.24.100	Forgery or Counterfeit Cigarette Tax Stamp	B	Unranked
29.85.100	Fraud in Certification of Nomination or Ballot	C	Unranked
9.45.160	Fraud in Liquor Warehouse Receipts	C	Unranked
9.45.124	Fraud in Measurement of Goods	B	Unranked
9.26A.110	Fraud in Obtaining Telecommunications Services, \$250+	C	Unranked

FELONY INDEX (continued)

Statute (RCW)	Offense	Class	Seriousness Level
67.24.010	Fraud in Sporting Contest	C	Unranked
9.91.090	Fraudulent Destruction of Insured Property	B	Unranked
9.24.020	Fraudulent Issue of Stock, etc.	B	Unranked
65.12.750	Fraudulent Procurement or False Entry on Registration	C	Unranked
31.12.724	Fraudulently Receiving Credit Union Deposit	B	Unranked
82.36.380	Fuel Tax Evasion	C	Unranked
9.46.160	Gambling Without License	B	Unranked
77.21.010	Game Violation (Subsequent Conviction)	C	Unranked
9A.46.020(2)	Harassment (Subsequent Violation or Deadly Threat Made)	C	III
9A.76.200	Harming a Police Dog or an Accelerant Detection Dog	C	Unranked
70.105.085(1)	Hazardous Waste Management, Knowingly Place Another Person in Danger of Injury or Death	B	Unranked
70.105.085(2)	Hazardous Waste Management, Knowingly Place Another Person's Property in Danger of Harm	C	Unranked
48.80.030	Health Care False Claims (Subsequent Violation)	C	II
46.52.020(4)	Hit and Run (Injury Accident)	C	IV
88.12.155(3)	Hit and Run with Vessel; Injury Accident	C	IV
9.94.030	Holding Hostages or Interfering with Officer's Duty	B	Unranked
9A.32.055	Homicide by Abuse	A	XIV
48.30.190	Illegal Dealing in Premiums	B	Unranked
9.46.215	Illegal Gambling Device	C	Unranked
69.41.040	Illegal Issuance of Legend Drug Prescription	B	Unranked
9.16.020	Imitating Lawful Brands	C	Unranked
9A.64.020(1)	Incest 1	B	VI
9A.64.020(1)	Incest 1 (Victim under the Age of 14)	B	VI
9A.64.020(2)	Incest 2	C	V
9A.64.020(2)	Incest 2 (Victim under the Age of 14)	C	V
9A.82.060(1)(b)	Inciting Criminal Profiteering	B	IX
9A.88.010	Indecent Exposure to Person Under 14 (Subsequent Sex Offense)	C	Unranked
9A.44.100(1)(a)	Indecent Liberties (with Forcible Compulsion)	B	X
9A.44.100(1)(b),(c)	Indecent Liberties (without Forcible Compulsion)	B	VII
9.45.126	Inducing Fraud in Measurement of Goods	B	Unranked

FELONY INDEX (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9A.82.070	Influencing Outcome of Sporting Event	C	IV
29.79.440	Initiative and Referendum - Violation	C	Unranked
40.16.010	Injury to a Public Record	C	Unranked
40.16.020	Injury to and Misappropriation of Public Record by Officer	B	Unranked
9.24.030	Insolvent Bank Receiving Deposit	B	Unranked
48.06.190	Insurance Fraud, False Accounts of Insurer	B	Unranked
9.05.070	Interference with Owner's Control	B	Unranked
29.85.060	Intimidate, Influence or Bribe an Elector	C	Unranked
9A.72.160	Intimidating a Judge	B	VI
9A.72.130	Intimidating a Juror	B	VI
9A.76.180	Intimidating a Public Servant	B	III
9A.72.110	Intimidating a Witness	B	VI
70.74.275	Intimidation with an Explosive	C	Unranked
9A.76.140	Introducing Contraband 1	B	VII
9A.76.150	Introducing Contraband 2	C	III
69.50.401(f)	Involving a Minor in Drug Dealing	C	VII
9A.40.020	Kidnapping 1	A	X
9A.40.030	Kidnapping 2	B	V
9A.82.050(2)	Knowingly Trafficking in Stolen Property	B	IV
9A.82.060(1)(a)	Leading Organized Crime	A	X
30.12.120	Loan to Officer or Employee from Trust Fund	B	Unranked
67.70.130	Lottery Fraud	B	Unranked
9A.40.090	Luring of a Child or Developmentally Disabled Person	C	Unranked
9.41.190	Machine Gun or Short-barreled Shotgun/Rifle Possession Prohibited	C	Unranked
9.47.090	Maintaining a Bucket Shop	C	Unranked
69.50.402(a)(6)	Maintaining a Dwelling for Controlled Substances	C	Unranked
9.45.220	Making False Sample or Assay of Ore	B	Unranked
70.74.280(1)	Malicious Explosion 1	A	XIV
70.74.280(2)	Malicious Explosion 2	A	XIII
70.74.280(3)	Malicious Explosion 3	B	X
9A.36.080	Malicious Harassment	C	IV
81.60.070	Malicious Injury to Railroad Property	A	Unranked

FELONY INDEX (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9A.48.070	Malicious Mischief 1	B	II
9A.48.080	Malicious Mischief 2	C	I
70.74.270(1)	Malicious Placement of Explosives 1	A	XIII
70.74.270(2)	Malicious Placement of Explosives 2	B	IX
70.74.270(3)	Malicious Placement of Explosives 3	B	VII
70.74.272(1)(a)	Malicious Placement of Imitation Device 1	B	XII
70.74.272(1)(b)	Malicious Placement of Imitation Device 2	C	VI
9.62.010	Malicious Prosecution	C	Unranked
9A.32.060	Manslaughter 1	A	XI
9A.32.070	Manslaughter 2	B	VIII
69.50.401(a)(1)(f)	Manufacture, Deliver, or Possess with Intent to Deliver Heroin or Cocaine	B	VIII
69.50.401(a)(1)(iii)	Manufacture, Deliver, or Possess with Intent to Deliver Marijuana	C	III
69.50.401(a)(1)(ii)	Manufacture, Deliver, or Possess with Intent to Deliver Methamphetamine	B	VIII
69.50.401(a)(1)(f)	Manufacture, Deliver, or Possess with Intent to Deliver Narcotics from Schedule I and II (Except Heroin or Cocaine)	B	VI
69.50.401(a)(1)(iii-v)	Manufacture, Deliver, or Possess with Intent to Deliver Narcotics from Schedule III-V or Nonnarcotics from Schedule I-V (Except Marijuana or Methamphetamine)	C	IV
69.52.030(1)	Manufacture, Distribute, or Possess with Intent to Distribute Imitation Controlled Substance	C	III
9.81.030	Member Subversive Organization	C	Unranked
42.20.070	Misappropriating and Falsifying Accounts by Public	B	Unranked
42.20.090	Misappropriating and Falsifying Accounts by Treasurer	C	Unranked
19.110.120	Misleading/Untrue Statements Made During Sale of Business Opportunity	B	Unranked
9.82.030	Misprision of Treason	C	Unranked
29.04.120	Misuse of Registered Voter Data Tapes	C	Unranked
9.45.070	Mock Auction	C	Unranked
9A.83.020	Money Laundering	B	Unranked
9A.32.030	Murder 1	A	XIV
9A.32.050	Murder 2	A	XIII
10.99.040(4)(b),(c)	No Contact Order Violation - Domestic Violence Assault	C	Unranked

FELONY INDEX (continued)

Statute (RCW)	Offense	Class	Seriousness Level
10.99.050(2)	No Contact Order Violation - Domestic Violence Sentence Condition	C	Unranked
26.20.030	Nonsupport of Child Under 16 (Family Abandonment)	C	Unranked
69.50.403	Obtain a Controlled Substance by Fraud or Forged Prescription	C	I
19.48.110	Obtaining Accommodations by Fraud	B	Unranked
9A.60.030	Obtaining Signature by Deception or Duress	C	Unranked
46.70.180(5)	Odometer Offense	C	Unranked
40.16.030	Offering False Instrument for Filing or Record	C	Unranked
68.50.140	Opening Graves, Removing Personal Effects, Removing or Receiving Human Remains	C	Unranked
90.56.540	Operating Covered Vessel While Under the Influence of Liquor or Drugs (Pilotage Act)	C	Unranked
69.50.406	Over 18 and Deliver a Narcotic from Schedule I or II or Methamphetamine to Someone Under 18	B	X
69.50.406	Over 18 and Deliver Narcotic from Schedule III-V, or a Nonnarcotic from Schedule I-V to Someone Under 18 and 3 Years Junior	C	IX
16.08.100(3)	Owner of Dog that Attacks	C	Unranked
9.46.215	Owning, Buying, etc., Gambling Devices or Records	C	Unranked
9.68A.100	Patronizing a Juvenile Prostitute	C	III
9A.72.020	Perjury 1	B	V
9A.72.030	Perjury 2	C	III
9.94.070	Persistent Prison Misbehavior	C	V
69.40.030	Placing Poison or Other Harmful Object or Substance in Food, Drinks, Medicine or Water	B	Unranked
69.40.020	Poison in Milk or Food Product	C	Unranked
9.41.040(6)	Possession of a Firearm by Person Under Court Order for Mental Illness Treatment	C	Unranked
9.41.190	Possession of a Machine Gun or Short-barreled Shotgun/ Rifle	C	Unranked
9A.56.310	Possession of a Stolen Firearm	B	V
9.94.041	Possession of Controlled Substance by Prisoners	C	Unranked
9.94.045	Possession of Controlled Substance in Prison by Non-prisoner	C	Unranked

FELONY INDEX (continued)

Statute (RCW)	Offense	Class	Seriousness Level
69.50.401(d)	Possession of Controlled Substance that is a Narcotic from Schedule III-V or Nonnarcotic from Schedule I-V (Except Phencyclidine)	C	I
69.50.401(d)	Possession of Controlled Substance that is either Heroin or Narcotics from Schedule I or II	C	II
9.68A.070	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct	C	Unranked
69.50.440	Possession of Ephedrine or Pseudoephedrine With Intent to Manufacture Methamphetamine	B	VIII
9.46.215	Possession of Gambling Device	C	Unranked
9.40.120	Possession of Incendiary Device	A	Unranked
69.50.401(d)	Possession of Phencyclidine (PCP)	C	II
69.41.070(8)(b)	Possession of Steroids in Excess of 200 tablets or eight 2cc Bottles, Without a Valid Prescription	C	Unranked
9A.56.150	Possession of Stolen Property 1	B	II
9A.56.160	Possession of Stolen Property 2	C	I
9.05.110	Possession of Unlawful Emblems	B	Unranked
9.94.040	Possession of Weapons by Prisoners	B	Unranked
9.94.043	Possession of Weapons in Prison by Non-prisoner	B	Unranked
33.36.030	Preference in Case of Insolvency - Savings Bank	C	Unranked
30.44.110	Preference Prohibited - Bank or Trust Company	B	Unranked
31.12.724	Preferential Transfer of Credit Union Assets	B	Unranked
9.94.020	Prison Riot	B	Unranked
9.46.220	Professional Gambling 1	B	Unranked
9.46.221	Professional Gambling 2	C	Unranked
9A.36.060	Promoting a Suicide Attempt	C	Unranked
9.68.140	Promoting Pornography	C	Unranked
9A.88.070	Promoting Prostitution 1	B	VIII
9A.88.080	Promoting Prostitution 2	C	III
26.50.110(4),(5)	Protection Order Violation - Domestic Violence Civil Action	C	Unranked
9A.44.040	Rape 1	A	XII
9A.44.050	Rape 2	A	XI
9A.44.060	Rape 3	C	V
9A.44.073	Rape of a Child 1	A	XII

FELONY INDEX (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9A.44.076	Rape of a Child 2	A	XI
9A.44.079	Rape of a Child 3	C	VI
29.82.170	Recall (Violation by Signer)	B	Unranked
9A.68.030	Receiving or Granting Unlawful Compensation	C	Unranked
9A.48.040	Reckless Burning 1	C	I
90.56.530	Reckless Operation of a Tank Vessel	C	Unranked
9A.82.050(1)	Recklessly Trafficking in Stolen Property	C	III
19.110.050	Registration Knowingly Not Obtained Prior to Sale of Business Opportunity	B	Unranked
46.12.075	Remove Marking Inscribed by WSP on Rebuilt Vehicles	C	Unranked
68.50.145	Removing Human Remains	C	Unranked
9.16.010	Removing Lawful Brands	C	Unranked
9A.76.070	Rendering Criminal Assistance 1	C	V
19.25.020(2)(a)	Reproduction of Sound Recordings Without Consent of Owner - Recording Fixed Before 2/15/1972 - (More than 1,000 Recordings or Subsequent Conviction)	B	Unranked
19.25.020(2)(b)	Reproduction of Sound Recordings Without Consent of Owner - Recording Fixed Before 2/15/1972 - (More than 100 and up to 999 Recordings)	C	Unranked
9A.68.020	Requesting Unlawful Compensation	C	Unranked
9A.52.025	Residential Burglary	B	IV
9A.84.010	Riot	C	Unranked
9A.56.200	Robbery 1	A	IX
9A.56.210	Robbery 2	B	IV
9.05.060	Sabotage	B	Unranked
81.60.080	Sabotaging Rolling Stock	C	Unranked
46.12.215	Sale or Convey a Vehicle Certificate of Ownership Except in Conjunction with the Sale or Transfer of the Vehicle	C	Unranked
69.43.070	Sale or Receipt of Precursor Drugs	B	Unranked
69.41.030	Sale, Delivery, or Possession of Legend Drug Without Prescription or Order	B	Unranked
21.20.400	Securities Act Violation	B	III
69.50.410	Selling for Profit (Controlled or Counterfeit) any Controlled Substance	C	VIII

FELONY INDEX (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9.68A.060	Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct	C	VII
9.68A.040	Sexual Exploitation	B	IX
9A.44.093	Sexual Misconduct with a Minor 1	C	V
9A.44.105	Sexually Violating Human Remains	C	V
9A.46.110	Stalking	C	Unranked
9.45.020	Substitution of Child	B	Unranked
9.81.020	Subversive Acts	B	Unranked
33.36.060	Suppress, Secrete or Destroy Evidence or Records	C	Unranked
9A.56.070	Taking Motor Vehicle Without Permission	C	I
9A.72.120	Tampering with a Witness	C	III
9.40.100(2)	Tampering with Fire Alarm, Emergency Signal, or Fire-fighting Equipment with Intent to Commit Arson	B	Unranked
9.61.230	Telephone Harassment (Subsequent Conviction or Threat of Death)	C	Unranked
9A.56.030	Theft 1	B	II
9A.56.040	Theft 2	C	I
9A.56.300	Theft of a Firearm	B	VI
9A.56.080(1)	Theft of Livestock 1	B	IV
9A.56.080(2)	Theft of Livestock 2	C	III
9A.56.096(4)	Theft of Rental, Leased, or Lease-purchased Property, Class B	B	II
9A.56.096(4)	Theft of Rental, Leased, or Lease-purchased Property, Class C	C	I
9A.56.262	Theft of Telecommunication Service	C	Unranked
9A.36.090	Threats Against Governor or Family	C	Unranked
9.61.160	Threats to Bomb	B	IV
9A.68.040	Trading in Public Office	C	Unranked
9A.68.050	Trading in Special Influence	C	Unranked
48.30A.015	Trafficking in Insurance Claims (Subsequent Violation)	C	II
9A.82.050(2)	Trafficking in Stolen Property 1	B	IV
9A.82.050(1)	Trafficking in Stolen Property 2	C	III
32.24.080	Transfer Mutual Savings Bank Assets When Insolvent	B	Unranked
9.82.010	Treason	A	Unranked

FELONY INDEX (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9.02.120	Unauthorized Abortion	C	Unranked
39.62.040	Unauthorized Use of Public Official Facsimile Signature or Seal	B	Unranked
69.43.070(1)	Unlawful Delivery of Substance with Intent to Use	B	Unranked
69.53.020	Unlawful Fortification of Building for Drug Purposes	C	Unranked
9A.40.040	Unlawful Imprisonment	C	III
9A.56.060	Unlawful Issuance of Checks or Drafts	C	I
9A.56.264	Unlawful Manufacture of a Telecommunication Device	C	Unranked
88.46.080	Unlawful Operation of a Covered Vessel	C	Unranked
90.56.300	Unlawful Operation of Onshore or Offshore Facility (Subsequent Conviction)	C	Unranked
9.41.040(1)(a)	Unlawful Possession of a Firearm 1	B	VII
9.41.040(1)(b)	Unlawful Possession of a Firearm 2	C	III
2.48.180(3)	Unlawful Practice of Law (Subsequent Violation)	C	II
69.43.070(2)	Unlawful Receipt of Substance with Intent to Use	B	Unranked
9A.56.266	Unlawful Sale of a Telecommunication Device	C	Unranked
9A.56.230	Unlawful Sale of Subscription Television Services	C	Unranked
19.116.080	Unlawful Subleasing of Motor Vehicle	C	Unranked
46.80.020	Unlawful to Engage in Business of Wrecking Vehicles Without a License	B	Unranked
69.53.010	Unlawful Use of Building for Drug Purposes - Owner or Manager Knowingly Leases or Rents	C	Unranked
9.91.140(2),(3)	Unlawful Use of Food Stamps	C	I
69.53.030	Unlawful Use of Fortified Building	C	Unranked
66.44.120	Unlawful Use of Liquor Board Seal (3rd Offense)	C	Unranked
18.130.190(7)	Unlicensed Practice of a Profession or Business (Subsequent Violation)	C	II
29.85.240	Unqualified Person Voting	C	Unranked
9.45.260	Unsafe Sprinkler Contractor Work	C	Unranked
9.41.225	Use of Machine Gun in Commission of Felony	A	Unranked
9A.82.080(1),(2)	Use of Proceeds of Criminal Profiteering	B	IV
19.25.030(2)(a)	Use of Recording of Live Performance Without Consent of Owner (More than 1,000 Recordings or More than 100 Unauthorized Audiovisual Recordings or Subsequent Offense)	B	Unranked

FELONY INDEX (continued)

Statute (RCW)	Offense	Class	Seriousness Level
19.25.030(2)(b)	Use of Recording of Live Performance Without Consent of Owner (More than 100 and up to 999 Recordings or More than 10 and up to 99 unauthorized Audiovisual Recordings)	C	Unranked
69.50.403	Utter False or Forged Prescription	C	I
9A.52.095	Vehicle Prowl I	C	I
46.61.522	Vehicular Assault	B	IV
46.61.520(1)(a)	Vehicular Homicide by Being Under the Influence of Intoxicating Liquor or any Drug	A	IX
46.61.520(1)(c)	Vehicular Homicide by Disregard for the Safety of Others	A	VII
46.61.520(1)(b)	Vehicular Homicide by the Operation of any Vehicle in a Reckless Manner	A	VIII
29.85.260	Voting Machine - Tampering or Extra Keys	C	Unranked
48.30.220	Willful Destruction, Injury, Secretion, etc., of Insured Property	B	Unranked
72.66.060	Willful Failure to Return from Furlough	B	IV
72.65.070	Willful Failure to Return from Work Release	B	III
10.66.090	Willfully Disobeys Order to Remain Outside "Protected Against Drug Trafficking Area" (School Area or Subsequent Violation)	C	Unranked

* Refer to Table 6 in Section III of this manual for sentence ranges for persons convicted of criminal attempt, solicitation, or conspiracy to commit an offense in violation of the Uniform Controlled Substances Act (RCW 69.50). For all other persons convicted of criminal attempt, solicitation, or any conspiracy under Chapter 9A.28 RCW, the standard range is 75 percent of the range for a completed offense. (See Table 3 in Section I of this manual.)

APPENDIX B
FELONY OFFENSES BY CLASS

INTRODUCTION

Felonies defined in Title 9A and Title 9 of the Revised Code of Washington (RCW) fall into one of three classes: Class A, Class B, or Class C. The class of these felonies is either defined explicitly as part of the definition of the offense, or implicitly, based on the statutory maximum period of incarceration. A felony wash out period (RCW 9.94A.360(2),(4)), vacation of conviction record (RCW 9.94A.230(2)), status as a violent offense (Class A felonies are defined as violent-RCW 9.94A.030(34)), and statutory maximum period of incarceration are functions of offense class.

Felonies Defined in Title 9A RCW

Felonies defined by Title 9A RCW have an A, B, or C class designation explicitly stated. These felonies carry the following maximum penalties (RCW 9A.20.021):

Class A	Life in prison, \$50,000 fine
Class B	10 years in prison, \$20,000 fine
Class C	5 years in prison, \$10,000 fine

Felonies Defined Outside Title 9A

Some felonies are defined outside Title 9A RCW without an explicit felony class. The 1996 Legislature enacted RCW 9.94A.035, establishing the classes of such offenses for SRA purposes.¹ The class is based on the maximum period of incarceration provided for the first conviction of violating the statute creating the offense:

Class A	20 years or more
Class B	8 or more, less than 20 years
Class C	Less than 8 years

Therefore, statutes increasing the maximum sentence for subsequent convictions do not affect the classification of the offense for SRA purposes, even though they increase the maximum sentence that may be imposed.

Felonies for which no maximum punishment is specifically prescribed shall be punished by confinement for not more than ten years and a fine not to exceed \$20,000 or both, and shall be classified as Class B felonies (RCW 9.92.010 as amended in 1996).

¹ Historically, RCW 9A.20.040 was used to determine the class of these "unclassified" offenses for SRA sentencing purposes, based on the same relationship between the offense and the maximum sentence as shown above. A 1995 decision of the Court of Appeals, Division II *State v. Kelley*, 77 Wn. App. 66 held that RCW 9A.20.040 should not be used to determine the class of crimes defined outside Title 9A, or where the statutory maximum has been doubled as a result of sentencing enhancements. The 1996 legislation was intended to be consistent with the Kelley decision.

FELONY OFFENSES BY CLASS - CLASS A

Statute (RCW)	Offense	Class	Seriousness Level
10.95.020	Aggravated Murder 1	A	XV
9A.48.020	Arson 1	A	VIII
9A.36.011	Assault 1	A	XII
9A.36.120	Assault of a Child 1	A	XII
9A.76.170(2)(a)	Bail Jump with Murder 1 Offense	A	VI
9A.52.020	Burglary 1	A	VII
9A.44.083	Child Molestation 1	A	X
9A.28.020(3)(a)	Criminal Attempt - Arson 1	A	*
9A.28.020(3)(a)	Criminal Attempt - Murder 1 or Murder 2	A	*
9A.28.040(3)(a)	Criminal Conspiracy - Murder 1	A	*
9A.28.030(2)	Criminal Solicitation - Arson 1, Murder 1 or Murder 2	A	*
70.74.180	Explosive Devices Prohibited (Possession of Explosive Device for Unlawful Purpose)	A	IX
9A.32.055	Homicide by Abuse	A	XIV
9A.40.020	Kidnapping 1	A	X
9A.82.060(1)(a)	Leading Organized Crime	A	X
70.74.280(1)	Malicious Explosion 1	A	XIV
70.74.280(2)	Malicious Explosion 2	A	XIII
81.60.070	Malicious Injury to Railroad Property	A	Unranked
70.74.270(1)	Malicious Placement of Explosives 1	A	XIII
9A.32.060	Manslaughter 1	A	XI
9A.32.030	Murder 1	A	XIV
9A.32.050	Murder 2	A	XIII
9.40.120	Possession of Incendiary Device	A	Unranked
9A.44.040	Rape 1	A	XII
9A.44.050	Rape 2	A	XI
9A.44.073	Rape of a Child 1	A	XII
9A.44.076	Rape of a Child 2	A	XI
9A.56.200	Robbery 1	A	IX
9.82.010	Treason	A	Unranked
9.41.225	Use of Machine Gun in Commission of Felony	A	Unranked
46.61.520(1)(a)	Vehicular Homicide by Being Under the Influence of Intoxicating Liquor or any Drug	A	IX

FELONY OFFENSES BY CLASS - CLASS A (continued)

Statute (RCW)	Offense	Class	Seriousness Level
46.61.520(1)(c)	Vehicular Homicide by Disregard for the Safety of Others	A	VII
46.61.520(1)(b)	Vehicular Homicide by the Operation of any Vehicle in a Reckless Manner	A	VIII

* For persons convicted of criminal attempt, solicitation, or any conspiracy under Chapter 9A.28 RCW, the standard range is 75 percent of the range for a completed offense. (See Table 3 in Section I of this manual.)

FELONY OFFENSES BY CLASS - CLASS B

Statute (RCW)	Offense	Class	Seriousness Level
9A.42.060	Abandonment of Dependent Persons 1	B	V
9A.82.030	Advancing Money or Property for Extortionate Extension of Credit	B	V
9.05.020	Advocating Criminal Anarchy	B	Unranked
9.05.080	Advocating Sabotage	B	Unranked
46.12.220	Alteration or Forgery - Motor Vehicle Title	B	Unranked
9.45.210	Altering Sample or Certificate of Assay	B	Unranked
9A.48.030	Arson 2	B	IV
9A.36.021	Assault 2	B	IV
9A.36.130	Assault of a Child 2	B	IX
9.05.030	Assembly of Anarchists	B	Unranked
9A.76.170(2)(b)	Bail Jump with Class A Offense	B	V
30.12.100	Bank or Trust Company/Destroy or Secrete Records	B	Unranked
30.12.090	Bank or Trust Company/False Entry, Statements, etc.	B	Unranked
30.44.120	Bank or Trust Company/Receiving Deposits When Insolvent	B	Unranked
9.61.160	Bomb Threat	B	IV
9A.72.100	Bribe Received by Witness	B	IV
9A.68.010	Bribery	B	VI
9A.72.090	Bribing a Witness	B	IV
72.23.300	Bringing Narcotics, Liquor, or Weapons into Institution or Grounds	B	Unranked
9.47.120	Bunco Steering	B	Unranked
9A.52.030	Burglary 2	B	III
9.46.180	Causing Person to Violate Gambling Laws	B	Unranked
65.12.730	Certification of Land Registration Subject to Larceny	B	Unranked
9A.44.086	Child Molestation 2	B	VII
9A.68.060	Commercial Bribery	B	IV
32.04.110	Conceal or Destroy Evidence by Savings Bank	B	Unranked
69.50.415	Controlled Substance Homicide	B	IX
69.50.401(b)(1)(ii)	Create, Deliver, or Possess a Counterfeit Controlled Substance - Methamphetamine	B	II
69.50.401(b)(1)(i)	Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule I or II Narcotic	B	II

FELONY OFFENSES BY CLASS - CLASS B (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9A.28.020(3)(b)	Criminal Attempt - Class A Felony (Not Arson 1, Murder 1 or Murder 2)	B	*
9A.28.040(3)(b)	Criminal Conspiracy - Class A Felony (Not Murder 1)	B	*
9A.42.020	Criminal Mistreatment 1	B	V
9A.28.030(2)	Criminal Solicitation - Class A Felony (Not Arson 1, Murder 1 or Murder 2)	B	*
9A.61.030	Defrauding a Public Utility 1	B	Unranked
19.48.110	Defrauding an Innkeeper, Amount Greater than \$75.00	B	Unranked
69.52.030(2)	Delivery of Imitation Controlled Substance by Person 18 or Over to Person Under 18	B	V
43.06.230	Destroy, Damage Property or Cause Personal Injury after Emergency Proclaimed	B	Unranked
19.110.070	Disclosures Knowingly Not Provided at Sale of Business Opportunity	B	Unranked
9.05.100	Displaying Emblems of Seditious or Anarchistic Group	B	Unranked
9A.36.045	Drive-by Shooting	B	VII
29.15.110	Duplication of Names - Conspiracy	B	Unranked
29.15.100	Duplication of, Use of Nonexistent or Untrue Names	B	Unranked
43.08.140	Embezzlement by State Treasurer	B	Unranked
9.68.060	Erotic Material (3rd Offense)	B	Unranked
9A.76.110	Escape 1	B	IV
9A.56.120	Extortion 1	B	V
9A.82.020	Extortionate Extension of Credit	B	V
9A.82.040	Extortionate Means to Collect Extensions of Credit	B	V
39.44.101	Facsimile Signatures on Bonds and Coupons	B	Unranked
19.25.040(2)(a)	Failure to Disclose Origin of Certain Recordings (100 or More Recordings or Subsequent Conviction)	B	Unranked
51.48.020(2)	False Information in Industrial Insurance Claim	B	Unranked
9.24.050	False Report of Corporation	B	Unranked
46.12.210	False Statement or Illegal Transfer of Motor Vehicle Ownership	B	Unranked
65.12.740	False Swearing - Registration of Land Title (Charged as Perjury 1)	B	Unranked
74.08.055	False Verification for Welfare	B	I
32.04.100	Falsify Savings Books, etc.	B	Unranked

FELONY OFFENSES BY CLASS - CLASS B (continued)

Statute (RCW)	Offense	Class	Seriousness Level
69.41.020	Forged Prescription (Legend Drug)	B	I
76.36.120	Forgery of Forest Product Mark	B	Unranked
65.12.760	Forgery of Registrar's Signature or Seal	B	Unranked
82.24.100	Forgery or Counterfeit Cigarette Tax Stamp	B	Unranked
9.45.124	Fraud in Measurement of Goods	B	Unranked
9.91.090	Fraudulent Destruction of Insured Property	B	Unranked
9.24.020	Fraudulent Issue of Stock, etc.	B	Unranked
31.12.724	Fraudulently Receiving Credit Union Deposit	B	Unranked
9.46.160	Gambling Without License	B	Unranked
70.105.085(1)	Hazardous Waste Management, Knowingly Place Another Person in Danger of Injury or Death	B	Unranked
9.94.030	Holding Hostages or Interfering with Officer's Duty	B	Unranked
48.30.190	Illegal Dealing in Premiums	B	Unranked
69.41.040	Illegal Issuance of Legend Drug Prescription	B	Unranked
9A.64.020(1)	Incest 1	B	VI
9A.64.020(1)	Incest 1 (Victim under the Age of 14)	B	VI
9A.82.060(1)(b)	Inciting Criminal Profiteering	B	IX
9A.44.100(1)(a)	Indecent Liberties (with Forcible Compulsion)	B	X
9A.44.100(1)(b),(c)	Indecent Liberties (without Forcible Compulsion)	B	VII
9.45.126	Inducing Fraud in Measurement of Goods	B	Unranked
40.16.020	Injury to and Misappropriation of Public Record by Officer	B	Unranked
9.24.030	Insolvent Bank Receiving Deposit	B	Unranked
48.06.190	Insurance Fraud, False Accounts of Insurer	B	Unranked
9.05.070	Interference with Owner's Control	B	Unranked
9A.72.160	Intimidating a Judge	B	VI
9A.72.130	Intimidating a Juror	B	VI
9A.76.180	Intimidating a Public Servant	B	III
9A.72.110	Intimidating a Witness	B	VI
9A.76.140	Introducing Contraband 1	B	VII
9A.40.030	Kidnapping 2	B	V
9A.82.050(2)	Knowingly Trafficking in Stolen Property	B	IV
30.12.120	Loan to Officer or Employee from Trust Fund	B	Unranked
67.70.130	Lottery Fraud	B	Unranked

FELONY OFFENSES BY CLASS - CLASS B (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9.45.220	Making False Sample or Assay of Ore	B	Unranked
70.74.280(3)	Malicious Explosion 3	B	X
9A.48.070	Malicious Mischief 1	B	II
70.74.270(2)	Malicious Placement of Explosives 2	B	IX
70.74.270(3)	Malicious Placement of Explosives 3	B	VII
70.74.272(1)(a)	Malicious Placement of Imitation Device 1	B	XII
9A.32.070	Manslaughter 2	B	VIII
69.50.401(a)(1)(i)	Manufacture, Deliver, or Possess with Intent to Deliver Heroin or Cocaine	B	VIII
69.50.401(a)(1)(ii)	Manufacture, Deliver, or Possess with Intent to Deliver Methamphetamine	B	VIII
69.50.401(a)(1)(i)	Manufacture, Deliver, or Possess with Intent to Deliver Narcotics from Schedule I and II (Except Heroin or Cocaine)	B	VI
42.20.070	Misappropriating and Falsifying Accounts by Public Officer	B	Unranked
19.110.120	Misleading/Untrue Statements Made During Sale of Business Opportunity	B	Unranked
9A.83.020	Money Laundering	B	Unranked
19.48.110	Obtaining Accommodations by Fraud	B	Unranked
69.50.406	Over 18 and Deliver a Narcotic from Schedule I or II or Methamphetamine to Someone Under 18	B	X
9A.72.020	Perjury 1	B	V
69.40.030	Placing Poison or Other Harmful Object or Substance in Food, Drinks, Medicine or Water	B	Unranked
9A.56.310	Possession of a Stolen Firearm	B	V
69.50.440	Possession of Ephedrine or Pseudoephedrine With Intent to Manufacture Methamphetamine	B	VIII
9A.56.150	Possession of Stolen Property 1	B	II
9.05.110	Possession of Unlawful Emblems	B	Unranked
9.94.040	Possession of Weapons by Prisoners	B	Unranked
9.94.043	Possession of Weapons in Prison by Non-prisoner	B	Unranked
30.44.110	Preference Prohibited - Bank or Trust Company	B	Unranked
31.12.724	Preferential Transfer of Credit Union Assets	B	Unranked
9.94.020	Prison Riot	B	Unranked
9.46.220	Professional Gambling 1	B	Unranked

FELONY OFFENSES BY CLASS - CLASS B (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9A.88.070	Promoting Prostitution 1	B	VIII
29.82.170	Recall (Violation by Signer)	B	Unranked
19.110.050	Registration Knowingly Not Obtained Prior to Sale of Business Opportunity	B	Unranked
19.25.020(2)(a)	Reproduction of Sound Recordings Without Consent of Owner - Recording Fixed Before 2/15/1972 - (More than 1,000 Recordings or Subsequent Conviction)	B	Unranked
9A.52.025	Residential Burglary	B	IV
9A.56.210	Robbery 2	B	IV
9.05.060	Sabotage	B	Unranked
69.43.070	Sale or Receipt of Precursor Drugs	B	Unranked
69.41.030	Sale, Delivery, or Possession of Legend Drug Without Prescription or Order	B	Unranked
21.20.400	Securities Act Violation	B	III
9.68A.040	Sexual Exploitation	B	IX
9.45.020	Substitution of Child	B	Unranked
9.81.020	Subversive Acts	B	Unranked
9.40.100(2)	Tampering with Fire Alarm, Emergency Signal, or Fire-fighting Equipment with Intent to Commit Arson	B	Unranked
9A.56.030	Theft 1	B	II
9A.56.300	Theft of a Firearm	B	VI
9A.56.080(1)	Theft of Livestock 1	B	IV
9A.56.096(4)	Theft of Rental, Leased, or Lease-purchased Property, Class B	B	II
9.61.160	Threats to Bomb	B	IV
9A.82.050(2)	Trafficking in Stolen Property 1	B	IV
32.24.080	Transfer Mutual Savings Bank Assets When Insolvent	B	Unranked
39.62.040	Unauthorized Use of Public Official Facsimile Signature or Seal	B	Unranked
69.43.070(1)	Unlawful Delivery of Substance with Intent to Use	B	Unranked
9.41.040(1)(a)	Unlawful Possession of a Firearm 1	B	VII
69.43.070(2)	Unlawful Receipt of Substance with Intent to Use	B	Unranked
46.80.020	Unlawful to Engage in Business of Wrecking Vehicles Without a License	B	Unranked
9A.82.080(1),(2)	Use of Proceeds of Criminal Profiteering	B	IV

FELONY OFFENSES BY CLASS - CLASS B (continued)

Statute (RCW)	Offense	Class	Seriousness Level
19.25.030(2)(a)	Use of Recording of Live Performance Without Consent of Owner (More than 1,000 Recordings or More than 100 Unauthorized Audiovisual Recordings or Subsequent Offense)	B	Unranked
46.61.522	Vehicular Assault	B	IV
48.30.220	Willful Destruction, Injury, Secretion, etc., of Insured Property	B	Unranked
72.66.060	Willful Failure to Return from Furlough	B	IV
72.65.070	Willful Failure to Return from Work Release	B	III

* Refer to Table 6 in Section III of this manual for sentence ranges for persons convicted of criminal attempt, solicitation, or conspiracy to commit an offense in violation of the Uniform Controlled Substances Act (RCW 69.50). For all other persons convicted of criminal attempt, solicitation, or any conspiracy under Chapter 9A.28 RCW, the standard range is 75 percent of the range for a completed offense. (See Table 3 in Section I of this manual.)

FELONY OFFENSES BY CLASS - CLASS C

Statute (RCW)	Offense	Class	Seriousness Level
9A.42.070	Abandonment of Dependent Persons 2	C	III
29.36.160	Absentee Voting Violation	C	Unranked
9.41.170	Alien Possession of a Firearm Without an Alien Firearm License	C	Unranked
16.52.205	Animal Cruelty 1	C	Unranked
9A.36.031	Assault 3	C	III
9A.36.140	Assault of a Child 3	C	III
72.23.170	Assist Escape of Mental Patient	C	Unranked
88.12.045	Attempting to Elude Pursuing Law Enforcement Vessel	C	Unranked
46.61.024	Attempting to Elude Pursuing Police Vehicle	C	I
9A.76.170(2)(c)	Bail Jump with Class B or C Offense	C	III
9A.64.010	Bigamy	C	Unranked
16.49A.360	Bribe Received by/Offering to Meat Inspector	C	Unranked
49.12.410	Child Labor Law Violation - Death/Disability	C	Unranked
9A.44.089	Child Molestation 3	C	V
9A.64.030	Child Selling or Buying	C	Unranked
82.24.110(2)	Cigarette Transportation Unlawfully	C	Unranked
19.158.160	Commercial Telephone Solicitor Deception	C	Unranked
20.01.460	Commission Merchant, Dealer, Cash Buyer Without License	C	Unranked
9.68A.090	Communication with Minor for Immoral Purposes (Subsequent Sex Offense)	C	III
9A.52.110	Computer Trespass 1	C	II
69.50.416	Controlled Substance Label Violation	C	Unranked
69.50.401(b)(1)(iii-v)	Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule III-V Narcotic or Schedule I-V Nonnarcotic	C	II
9.08.090	Crimes Against Animal Facilities	C	Unranked
9A.28.020(3)(c)	Criminal Attempt - Class B Felony	C	*
9A.28.040(3)(c)	Criminal Conspiracy - Class B Felony	C	*
9A.46.120	Criminal Gang Intimidation	C	III
9A.42.030	Criminal Mistreatment 2	C	III
9A.28.030(2)	Criminal Solicitation - Class B Felony	C	*
9A.36.100	Custodial Assault	C	III

FELONY OFFENSES BY CLASS - CLASS C (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9A.40.060	Custodial Interference 1	C	Unranked
9A.40.070	Custodial Interference 2 (Subsequent Offense)	C	Unranked
16.08.100(2)	Dangerous Dog Attacks Person or Another Domestic Animal (Subsequent Offense)	C	Unranked
9.68A.050	Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct	C	VII
9A.61.040	Defrauding a Public Utility 2	C	Unranked
9.41.110(8)	Delivery of Firearm by Dealer to Ineligible Person	C	Unranked
9.41.080	Delivery of Firearms to Ineligible Person	C	Unranked
69.50.401(c)	Delivery of Material in Lieu of a Controlled Substance	C	III
68.60.040	Destruction of Tomb, Plot, Marker, Enclosure, or Cemetery Property	C	Unranked
69.50.402	Dispensing Violation (VUCSA)	C	Unranked
27.44.040	Disturbing Indian Graves	C	Unranked
29.85.110	Election Law Violations	C	Unranked
88.12.045	Eluding a Law Enforcement Vessel	C	Unranked
36.18.140	Embezzle County Funds - Fail to Pay Treasurer	C	Unranked
51.48.015	Employer Knowingly Reports False Information Regarding Payroll	C	Unranked
51.48.103(2)	Engaging in Business after Revocation	C	Unranked
16.08.100(4)	Entering Dog in a Dog Fight	C	Unranked
9A.76.120	Escape 2	C	III
72.09.310	Escape from Community Custody	C	II
51.48.020(1)	Evading Industrial Insurance Premiums	C	Unranked
70.74.022(1)	Explosive Device Activities Without License	C	Unranked
9A.56.130	Extortion 2	C	III
9A.56.290	Factoring of Credit Card Transactions	C	Unranked
9A.44.130	Failure of Felony Sex Offender or Kidnapper to Register	C	Unranked
10.19.130	Failure to Appear after Release on Recognizance	C	Unranked
19.25.040(2)(b)	Failure to Disclose Origin of Certain Recordings (More than 10 and up to 99 Recordings)	C	Unranked
19.146.110	Failure to Use a Trust Account	C	Unranked
19.142.080	Failure to Use a Trust Account or Furnish Bond for Health Studio	C	Unranked

FELONY OFFENSES BY CLASS - CLASS C (continued)

Statute (RCW)	Offense	Class	Seriousness Level
42.24.100	False Claim from Municipal Corporation (Charged as Perjury 2)	C	Unranked
48.30.230	False Insurance Claims in Excess of \$1,500	C	Unranked
74.09.230	False Statement for Medical Assistance	C	Unranked
69.43.080	False Statement in Report of Precursor Drugs	C	Unranked
82.32.290(2)	False Statement to Department of Revenue	C	Unranked
65.12.740	False Swearing - Registration of Land Title (Charged as Perjury 2)	C	Unranked
33.36.040	Falsify Savings and Loan Association Books	C	Unranked
75.10.190	Food Fish/Shellfish - Commercial Violation	C	Unranked
69.50.403	Forged Prescription for a Controlled Substance	C	I
76.48.120	Forged, False, Stolen Specialized Forest Products Permit, Sales Invoice, Bill of Lading, etc.	C	Unranked
9A.60.020	Forgery	C	I
29.85.100	Fraud in Certification of Nomination or Ballot	C	Unranked
9.45.160	Fraud in Liquor Warehouse Receipts	C	Unranked
9.26A.110	Fraud in Obtaining Telecommunications Services, \$250+	C	Unranked
67.24.010	Fraud in Sporting Contest	C	Unranked
65.12.750	Fraudulent Procurement or False Entry on Registration	C	Unranked
82.36.380	Fuel Tax Evasion	C	Unranked
77.21.010	Game Violation (Subsequent Conviction)	C	Unranked
9A.46.020(2)	Harassment (Subsequent Violation or Deadly Threat Made)	C	III
9A.76.200	Harming a Police Dog or an Accelerant Detection Dog	C	Unranked
70.105.085(2)	Hazardous Waste Management, Knowingly Place Another Person's Property in Danger of Harm	C	Unranked
48.80.030	Health Care False Claims (Subsequent Violation)	C	II
46.52.020(4)	Hit and Run (Injury Accident)	C	IV
88.12.155(3)	Hit and Run with Vessel; Injury Accident	C	IV
9.46.215	Illegal Gambling Device	C	Unranked
9.16.020	Imitating Lawful Brands	C	Unranked
9A.64.020(2)	Incest 2	C	V
9A.64.020(2)	Incest 2 (Victim under the Age of 14)	C	V
9A.88.010	Indecent Exposure to Person Under 14 (Subsequent Sex Offense)	C	Unranked

FELONY OFFENSES BY CLASS - CLASS C (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9A.82.070	Influencing Outcome of Sporting Event	C	IV
29.79.440	Initiative and Referendum - Violation	C	Unranked
40.16.010	Injury to a Public Record	C	Unranked
29.85.060	Intimidate, Influence or Bribe an Elector	C	Unranked
70.74.275	Intimidation with an Explosive	C	Unranked
9A.76.150	Introducing Contraband 2	C	III
69.50.401(f)	Involving a Minor in Drug Dealing	C	VII
9A.40.090	Luring of a Child or Developmentally Disabled Person	C	Unranked
9.41.190	Machine Gun or Short-barreled Shotgun/Rifle Possession Prohibited	C	Unranked
9.47.090	Maintaining a Bucket Shop	C	Unranked
69.50.402(a)(6)	Maintaining a Dwelling for Controlled Substances	C	Unranked
9A.36.080	Malicious Harassment	C	IV
9A.48.080	Malicious Mischief 2	C	I
70.74.272(1)(b)	Malicious Placement of Imitation Device 2	C	VI
9.62.010	Malicious Prosecution	C	Unranked
69.50.401(a)(1)(iii)	Manufacture, Deliver, or Possess with Intent to Deliver Marijuana	C	III
69.50.401(a)(1)(iii-v)	Manufacture, Deliver, or Possess with Intent to Deliver Narcotics from Schedule III-V or Nonnarcotics from Schedule I-V (Except Marijuana or Methamphetamine)	C	IV
69.52.030(1)	Manufacture, Distribute, or Possess with Intent to Distribute Imitation Controlled Substance	C	III
9.81.030	Member Subversive Organization	C	Unranked
42.20.090	Misappropriating and Falsifying Accounts by Treasurer	C	Unranked
9.82.030	Misprision of Treason	C	Unranked
29.04.120	Misuse of Registered Voter Data Tapes	C	Unranked
9.45.070	Mock Auction	C	Unranked
10.99.040(4)(b),(c)	No Contact Order Violation - Domestic Violence Assault	C	Unranked
10.99.050(2)	No Contact Order Violation - Domestic Violence Sentence Condition	C	Unranked
26.20.030	Nonsupport of Child Under 16 (Family Abandonment)	C	Unranked
69.50.403	Obtain a Controlled Substance by Fraud or Forged Prescription	C	I
9A.60.030	Obtaining Signature by Deception or Duress	C	Unranked

FELONY OFFENSES BY CLASS - CLASS C (continued)

Statute (RCW)	Offense	Class	Seriousness Level
46.70.180(5)	Odometer Offense	C	Unranked
40.16.030	Offering False Instrument for Filing or Record	C	Unranked
68.50.140	Opening Graves, Removing Personal Effects, Removing or Receiving Human Remains	C	Unranked
90.56.540	Operating Covered Vessel While Under the Influence of Liquor or Drugs (Pilotage Act)	C	Unranked
69.50.406	Over 18 and Deliver Narcotic from Schedule III-V, or a Nonnarcotic from Schedule I-V to Someone Under 18 and 3 Years Junior	C	IX
16.08.100(3)	Owner of Dog that Attacks	C	Unranked
9.46.215	Owning, Buying, etc., Gambling Devices or Records	C	Unranked
9.68A.100	Patronizing a Juvenile Prostitute	C	III
9A.72.030	Perjury 2	C	III
9.94.070	Persistent Prison Misbehavior	C	V
69.40.020	Poison in Milk or Food Product	C	Unranked
9.41.040(6)	Possession of a Firearm by Person Under Court Order for Mental Illness Treatment	C	Unranked
9.41.190	Possession of a Machine Gun or Short-barreled Shotgun/ Rifle	C	Unranked
9.94.041	Possession of Controlled Substance by Prisoners	C	Unranked
9.94.045	Possession of Controlled Substance in Prison by Non-prisoner	C	Unranked
69.50.401(d)	Possession of Controlled Substance that is a Narcotic from Schedule III-V or Nonnarcotic from Schedule I-V (Except Phencyclidine)	C	I
69.50.401(d)	Possession of Controlled Substance that is either Heroin or Narcotics from Schedule I or II	C	II
9.68A.070	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct	C	Unranked
9.46.215	Possession of Gambling Device	C	Unranked
69.50.401(d)	Possession of Phencyclidine (PCP)	C	II
69.41.070(8)(b)	Possession of Steroids in Excess of 200 tablets or eight 2cc Bottles, Without a Valid Prescription	C	Unranked
9A.56.160	Possession of Stolen Property 2	C	I
33.36.030	Preference in Case of Insolvency - Savings Bank	C	Unranked
9.46.221	Professional Gambling 2	C	Unranked
9A.36.060	Promoting a Suicide Attempt	C	Unranked

FELONY OFFENSES BY CLASS - CLASS C (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9.68.140	Promoting Pornography	C	Unranked
9A.88.080	Promoting Prostitution 2	C	III
26.50.110(4),(5)	Protection Order Violation - Domestic Violence Civil Action	C	Unranked
9A.44.060	Rape 3	C	V
9A.44.079	Rape of a Child 3	C	VI
9A.68.030	Receiving or Granting Unlawful Compensation	C	Unranked
9A.48.040	Reckless Burning 1	C	I
90.56.530	Reckless Operation of a Tank Vessel	C	Unranked
9A.82.050(1)	Recklessly Trafficking in Stolen Property	C	III
46.12.075	Remove Marking Inscribed by WSP on Rebuilt Vehicles	C	Unranked
68.50.145	Removing Human Remains	C	Unranked
9.16.010	Removing Lawful Brands	C	Unranked
9A.76.070	Rendering Criminal Assistance 1	C	V
19.25.020(2)(b)	Reproduction of Sound Recordings Without Consent of Owner - Recording Fixed Before 2/15/1972 - (More than 100 and up to 999 Recordings)	C	Unranked
9A.68.020	Requesting Unlawful Compensation	C	Unranked
9A.84.010	Riot	C	Unranked
81.60.080	Sabotaging Rolling Stock	C	Unranked
46.12.215	Sale or Convey a Vehicle Certificate of Ownership Except in Conjunction with the Sale or Transfer of the Vehicle	C	Unranked
69.50.410	Selling for Profit (Controlled or Counterfeit) any Controlled Substance	C	VIII
9.68A.060	Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct	C	VII
9A.44.093	Sexual Misconduct with a Minor 1	C	V
9A.44.105	Sexually Violating Human Remains	C	V
9A.46.110	Stalking	C	Unranked
33.36.060	Suppress, Secrete or Destroy Evidence or Records	C	Unranked
9A.56.070	Taking Motor Vehicle Without Permission	C	I
9A.72.120	Tampering with a Witness	C	III
9.61.230	Telephone Harassment (Subsequent Conviction or Threat of Death)	C	Unranked
9A.56.040	Theft 2	C	I

FELONY OFFENSES BY CLASS - CLASS C (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9A.56.080(2)	Theft of Livestock 2	C	III
9A.56.096(4)	Theft of Rental, Leased, or Lease-purchased Property, Class C	C	I
9A.56.262	Theft of Telecommunication Service	C	Unranked
9A.36.090	Threats Against Governor or Family	C	Unranked
9A.68.040	Trading in Public Office	C	Unranked
9A.68.050	Trading in Special Influence	C	Unranked
48.30A.015	Trafficking in Insurance Claims (Subsequent Violation)	C	II
9A.82.050(1)	Trafficking in Stolen Property 2	C	III
9.02.120	Unauthorized Abortion	C	Unranked
69.53.020	Unlawful Fortification of Building for Drug Purposes	C	Unranked
9A.40.040	Unlawful Imprisonment	C	III
9A.56.060	Unlawful Issuance of Checks or Drafts	C	I
9A.56.264	Unlawful Manufacture of a Telecommunication Device	C	Unranked
88.46.080	Unlawful Operation of a Covered Vessel	C	Unranked
90.56.300	Unlawful Operation of Onshore or Offshore Facility (Subsequent Conviction)	C	Unranked
9.41.040(1)(b)	Unlawful Possession of a Firearm 2	C	III
2.48.180(3)	Unlawful Practice of Law (Subsequent Violation)	C	II
9A.56.266	Unlawful Sale of a Telecommunication Device	C	Unranked
9A.56.230	Unlawful Sale of Subscription Television Services	C	Unranked
19.116.080	Unlawful Subleasing of Motor Vehicle	C	Unranked
69.53.010	Unlawful Use of Building for Drug Purposes - Owner or Manager Knowingly Leases or Rents	C	Unranked
9.91.140(2),(3)	Unlawful Use of Food Stamps	C	I
69.53.030	Unlawful Use of Fortified Building	C	Unranked
66.44.120	Unlawful Use of Liquor Board Seal (3rd Offense)	C	Unranked
18.130.190(7)	Unlicensed Practice of a Profession or Business (Subsequent Violation)	C	II
29.85.240	Unqualified Person Voting	C	Unranked
9.45.260	Unsafe Sprinkler Contractor Work	C	Unranked
19.25.030(2)(b)	Use of Recording of Live Performance Without Consent of Owner (More than 100 and up to 999 Recordings or More than 10 and up to 99 Unauthorized Audiovisual Recordings)	C	Unranked
69.50.403	Utter False or Forged Prescription	C	I

FELONY OFFENSES BY CLASS - CLASS C (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9A.52.095	Vehicle Prowl 1	C	I
29.85.260	Voting Machine - Tampering or Extra Keys	C	Unranked
10.66.090	Willfully Disobeys Order to Remain Outside "Protected Against Drug Trafficking Area" (School Area or Subsequent Violation)	C	Unranked

* Refer to Table 6 in Section III of this manual for sentence ranges for persons convicted of criminal attempt, solicitation, or conspiracy to commit an offense in violation of the Uniform Controlled Substances Act (RCW 69.50). For all other persons convicted of criminal attempt, solicitation, or any conspiracy under Chapter 9A.28 RCW, the standard range is 75 percent of the range for a completed offense. (See Table 3 in Section I of this manual.)

APPENDIX C (PART 1)
SERIOUS VIOLENT OFFENSES

FELONY INDEX OF SERIOUS VIOLENT OFFENSES

Statute (RCW)	Offense	Class	Seriousness Level
10.95.020	Aggravated Murder 1	A	XV
9A.36.011	Assault 1	A	XII
9A.36.120	Assault of a Child 1	A	XII
9A.32.055	Homicide by Abuse	A	XIV
9A.40.020	Kidnapping 1	A	X
9A.32.060	Manslaughter 1	A	XI
9A.32.030	Murder 1	A	XIV
9A.32.050	Murder 2	A	XIII
9A.44.040	Rape 1	A	XII
Serious violent offenses are also defined as violent offenses in RCW 9.94A.030.			

NOTE: Also defined as a serious violent offense in RCW 9.94A.030 is an attempt, criminal solicitation, or criminal conspiracy to commit one of the above offenses.

APPENDIX C (PART 2)
VIOLENT OFFENSES

FELONY INDEX OF VIOLENT OFFENSES

Statute (RCW)	Offense	Class	Seriousness Level
9A.48.020	Arson 1	A	VIII
9A.48.030	Arson 2	B	IV
9A.36.021	Assault 2	B	IV
9A.36.130	Assault of a Child 2	B	IX
9A.76.170(2)(a)	Bail Jump with Murder 1 Offense	A	VI
9A.52.020	Burglary 1	A	VII
9A.44.083	Child Molestation 1	A	X
9A.28.020(3)(a)	Criminal Attempt - Arson 1	A	*
9A.36.045	Drive-by Shooting	B	VII
70.74.180	Explosive Devices Prohibited (Possession of Explosive Device for Unlawful Purpose)	A	IX
9A.56.120	Extortion 1	B	V
9A.44.100(1)(a)	Indecent Liberties (with Forcible Compulsion)	B	X
9A.40.030	Kidnapping 2	B	V
9A.82.060(1)(a)	Leading Organized Crime	A	X
70.74.280(1)	Malicious Explosion 1	A	XIV
70.74.280(2)	Malicious Explosion 2	A	XIII
81.60.070	Malicious Injury to Railroad Property	A	Unranked
70.74.270(1)	Malicious Placement of Explosives 1	A	XIII
9A.32.070	Manslaughter 2	B	VIII
9.40.120	Possession of Incendiary Device	A	Unranked
9A.44.050	Rape 2	A	XI
9A.44.073	Rape of a Child 1	A	XII
9A.44.076	Rape of a Child 2	A	XI
9A.56.200	Robbery 1	A	IX
9A.56.210	Robbery 2	B	IV
9.82.010	Treason	A	Unranked
9.41.225	Use of Machine Gun in Commission of Felony	A	Unranked
46.61.522	Vehicular Assault	B	IV
46.61.520(1)(a)	Vehicular Homicide by Being Under the Influence of Intoxicating Liquor or any Drug	A	IX
46.61.520(1)(c)	Vehicular Homicide by Disregard for the Safety of Others	A	VII

FELONY INDEX OF VIOLENT OFFENSES (continued)

Statute (RCW)	Offense	Class	Seriousness Level
46.61.520(1)(b)	Vehicular Homicide by the Operation of any Vehicle in a Reckless Manner Serious violent offenses are also defined as violent offenses in RCW 9.94A.030.	A	VIII

* For persons convicted of criminal attempt, solicitation, or any conspiracy under Chapter 9A.28 RCW, the standard range is 75 percent of the range for a completed offense. (See Table 3 in Section I of this manual.)

APPENDIX C (PART 3)
NONVIOLENT OFFENSES

FELONY INDEX OF NONVIOLENT OFFENSES

Statute (RCW)	Offense	Class	Seriousness Level
9A.42.060	Abandonment of Dependent Persons 1	B	V
9A.42.070	Abandonment of Dependent Persons 2	C	III
29.36.160	Absentee Voting Violation	C	Unranked
9A.82.030	Advancing Money or Property for Extortionate Extension of Credit	B	V
9.05.020	Advocating Criminal Anarchy	B	Unranked
9.05.080	Advocating Sabotage	B	Unranked
9.41.170	Alien Possession of a Firearm Without an Alien Firearm License	C	Unranked
46.12.220	Alteration or Forgery - Motor Vehicle Title	B	Unranked
9.45.210	Altering Sample or Certificate of Assay	B	Unranked
16.52.205	Animal Cruelty 1	C	Unranked
9A.36.031	Assault 3	C	III
9A.36.140	Assault of a Child 3	C	III
9.05.030	Assembly of Anarchists	B	Unranked
72.23.170	Assist Escape of Mental Patient	C	Unranked
88.12.045	Attempting to Elude Pursuing Law Enforcement Vessel	C	Unranked
46.61.024	Attempting to Elude Pursuing Police Vehicle	C	I
9A.76.170(2)(b)	Bail Jump with Class A Offense	B	V
9A.76.170(2)(c)	Bail Jump with Class B or C Offense	C	III
30.12.100	Bank or Trust Company/Destroy or Secrete Records	B	Unranked
30.12.090	Bank or Trust Company/False Entry, Statements, etc.	B	Unranked
30.44.120	Bank or Trust Company/Receiving Deposits When Insolvent	B	Unranked
9A.64.010	Bigamy	C	Unranked
9.61.160	Bomb Threat	B	IV
9A.72.100	Bribe Received by Witness	B	IV
16.49A.360	Bribe Received by/Offering to Meat Inspector	C	Unranked
9A.68.010	Bribery	B	VI
9A.72.090	Bribing a Witness	B	IV
72.23.300	Bringing Narcotics, Liquor, or Weapons into Institution or Grounds	B	Unranked
9.47.120	Bunco Steering	B	Unranked

FELONY INDEX OF NONVIOLENT OFFENSES (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9A.52.030	Burglary 2	B	III
9.46.180	Causing Person to Violate Gambling Laws	B	Unranked
65.12.730	Certification of Land Registration Subject to Larceny	B	Unranked
49.12.410	Child Labor Law Violation - Death/Disability	C	Unranked
9A.44.086	Child Molestation 2	B	VII
9A.44.089	Child Molestation 3	C	V
9A.64.030	Child Selling or Buying	C	Unranked
82.24.110(2)	Cigarette Transportation Unlawfully	C	Unranked
9A.68.060	Commercial Bribery	B	IV
19.158.160	Commercial Telephone Solicitor Deception	C	Unranked
20.01.460	Commission Merchant, Dealer, Cash Buyer Without License	C	Unranked
9.68A.090	Communication with Minor for Immoral Purposes (Subsequent Sex Offense)	C	III
9A.52.110	Computer Trespass 1	C	II
32.04.110	Conceal or Destroy Evidence by Savings Bank	B	Unranked
69.50.415	Controlled Substance Homicide	B	IX
69.50.416	Controlled Substance Label Violation	C	Unranked
69.50.401(b)(1)(ii)	Create, Deliver, or Possess a Counterfeit Controlled Substance - Methamphetamine	B	II
69.50.401(b)(1)(i)	Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule I or II Narcotic	B	II
69.50.401(b)(1)(iii-v)	Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule III-V Narcotic or Schedule I-V Nonnarcotic	C	II
9.08.090	Crimes Against Animal Facilities	C	Unranked
9A.46.120	Criminal Gang Intimidation	C	III
9A.42.020	Criminal Mistreatment 1	B	V
9A.42.030	Criminal Mistreatment 2	C	III
9A.36.100	Custodial Assault	C	III
9A.40.060	Custodial Interference 1	C	Unranked
9.68A.050	Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct	C	VII
9A.61.030	Defrauding a Public Utility 1	B	Unranked
9A.61.040	Defrauding a Public Utility 2	C	Unranked

FELONY INDEX OF NONVIOLENT OFFENSES (continued)

Statute (RCW)	Offense	Class	Seriousness Level
19.48.110	Defrauding an Innkeeper, Amount Greater than \$75.00	B	Unranked
9.41.110(8)	Delivery of Firearm by Dealer to Ineligible Person	C	Unranked
9.41.080	Delivery of Firearms to Ineligible Person	C	Unranked
69.52.030(2)	Delivery of Imitation Controlled Substance by Person 18 or Over to Person Under 18	B	V
69.50.401(c)	Delivery of Material in Lieu of a Controlled Substance	C	III
43.06.230	Destroy, Damage Property or Cause Personal Injury after Emergency Proclaimed	B	Unranked
68.60.040	Destruction of Tomb, Plot, Marker, Enclosure, or Cemetery Property	C	Unranked
19.110.070	Disclosures Knowingly Not Provided at Sale of Business Opportunity	B	Unranked
69.50.402	Dispensing Violation (VUCSA)	C	Unranked
9.05.100	Displaying Emblems of Seditious or Anarchistic Group	B	Unranked
27.44.040	Disturbing Indian Graves	C	Unranked
29.15.110	Duplication of Names - Conspiracy	B	Unranked
29.15.100	Duplication of, Use of Nonexistent or Untrue Names	B	Unranked
29.85.110	Election Law Violations	C	Unranked
88.12.045	Eluding a Law Enforcement Vessel	C	Unranked
36.18.140	Embezzle County Funds - Fail to Pay Treasurer	C	Unranked
43.08.140	Embezzlement by State Treasurer	B	Unranked
51.48.015	Employer Knowingly Reports False Information Regarding Payroll	C	Unranked
51.48.103(2)	Engaging in Business after Revocation	C	Unranked
16.08.100(4)	Entering Dog in a Dog Fight	C	Unranked
9.68.060	Erotic Material (3rd Offense)	B	Unranked
9A.76.110	Escape 1	B	IV
9A.76.120	Escape 2	C	III
72.09.310	Escape from Community Custody	C	II
51.48.020(1)	Evading Industrial Insurance Premiums	C	Unranked
70.74.022(1)	Explosive Device Activities Without License	C	Unranked
9A.56.130	Extortion 2	C	III
9A.82.020	Extortionate Extension of Credit	B	V
9A.82.040	Extortionate Means to Collect Extensions of Credit	B	V

FELONY INDEX OF NONVIOLENT OFFENSES (continued)

Statute (RCW)	Offense	Class	Seriousness Level
39.44.101	Facsimile Signatures on Bonds and Coupons	B	Unranked
9A.56.290	Factoring of Credit Card Transactions	C	Unranked
9A.44.130	Failure of Felony Sex Offender or Kidnapper to Register	C	Unranked
10.19.130	Failure to Appear after Release on Recognizance	C	Unranked
19.25.040(2)(a)	Failure to Disclose Origin of Certain Recordings (100 or More Recordings or Subsequent Conviction)	B	Unranked
19.25.040(2)(b)	Failure to Disclose Origin of Certain Recordings (More than 10 and up to 99 Recordings)	C	Unranked
19.146.110	Failure to Use a Trust Account	C	Unranked
19.142.080	Failure to Use a Trust Account or Furnish Bond for Health Studio	C	Unranked
42.24.100	False Claim from Municipal Corporation (Charged as Perjury 2)	C	Unranked
51.48.020(2)	False Information in Industrial Insurance Claim	B	Unranked
48.30.230	False Insurance Claims in Excess of \$1,500	C	Unranked
9.24.050	False Report of Corporation	B	Unranked
74.09.230	False Statement for Medical Assistance	C	Unranked
69.43.080	False Statement in Report of Precursor Drugs	C	Unranked
46.12.210	False Statement or Illegal Transfer of Motor Vehicle Ownership	B	Unranked
82.32.290(2)	False Statement to Department of Revenue	C	Unranked
65.12.740	False Swearing - Registration of Land Title (Charged as Perjury 1)	B	Unranked
65.12.740	False Swearing - Registration of Land Title (Charged as Perjury 2)	C	Unranked
74.08.055	False Verification for Welfare	B	I
33.36.040	Falsify Savings and Loan Association Books	C	Unranked
32.04.100	Falsify Savings Books, etc.	B	Unranked
75.10.190	Food Fish/Shellfish - Commercial Violation	C	Unranked
69.41.020	Forged Prescription (Legend Drug)	B	I
69.50.403	Forged Prescription for a Controlled Substance	C	I
76.48.120	Forged, False, Stolen Specialized Forest Products Permit, Sales Invoice, Bill of Lading, etc.	C	Unranked
9A.60.020	Forgery	C	I
76.36.120	Forgery of Forest Product Mark	B	Unranked

FELONY INDEX OF NONVIOLENT OFFENSES (continued)

Statute (RCW)	Offense	Class	Seriousness Level
65.12.760	Forgery of Registrar's Signature or Seal	B	Unranked
82.24.100	Forgery or Counterfeit Cigarette Tax Stamp	B	Unranked
29.85.100	Fraud in Certification of Nomination or Ballot	C	Unranked
9.45.160	Fraud in Liquor Warehouse Receipts	C	Unranked
9.45.124	Fraud in Measurement of Goods	B	Unranked
9.26A.110	Fraud in Obtaining Telecommunications Services, \$250+	C	Unranked
67.24.010	Fraud in Sporting Contest	C	Unranked
9.91.090	Fraudulent Destruction of Insured Property	B	Unranked
9.24.020	Fraudulent Issue of Stock, etc.	B	Unranked
65.12.750	Fraudulent Procurement or False Entry on Registration	C	Unranked
31.12.724	Fraudulently Receiving Credit Union Deposit	B	Unranked
82.36.380	Fuel Tax Evasion	C	Unranked
9.46.160	Gambling Without License	B	Unranked
77.21.010	Game Violation (Subsequent Conviction)	C	Unranked
9A.46.020(2)	Harassment (Subsequent Violation or Deadly Threat Made)	C	III
9A.76.200	Harming a Police Dog or an Accelerant Detection Dog	C	Unranked
70.105.085(1)	Hazardous Waste Management, Knowingly Place Another Person in Danger of Injury or Death	B	Unranked
70.105.085(2)	Hazardous Waste Management, Knowingly Place Another Person's Property in Danger of Harm	C	Unranked
48.80.030	Health Care False Claims (Subsequent Violation)	C	II
46.52.020(4)	Hit and Run (Injury Accident)	C	IV
88.12.155(3)	Hit and Run with Vessel; Injury Accident	C	IV
9.94.030	Holding Hostages or Interfering with Officer's Duty	B	Unranked
48.30.190	Illegal Dealing in Premiums	B	Unranked
9.46.215	Illegal Gambling Device	C	Unranked
69.41.040	Illegal Issuance of Legend Drug Prescription	B	Unranked
9.16.020	Imitating Lawful Brands	C	Unranked
9A.64.020(1)	Incest 1	B	VI
9A.64.020(1)	Incest 1 (Victim under the Age of 14)	B	VI
9A.64.020(2)	Incest 2	C	V
9A.64.020(2)	Incest 2 (Victim under the Age of 14)	C	V
9A.82.060(1)(b)	Inciting Criminal Profiteering	B	IX

FELONY INDEX OF NONVIOLENT OFFENSES (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9A.88.010	Indecent Exposure to Person Under 14 (Subsequent Sex Offense)	C	Unranked
9A.44.100(1)(b),(c)	Indecent Liberties (without Forcible Compulsion)	B	VII
9.45.126	Inducing Fraud in Measurement of Goods	B	Unranked
9A.82.070	Influencing Outcome of Sporting Event	C	IV
29.79.440	Initiative and Referendum - Violation	C	Unranked
40.16.010	Injury to a Public Record	C	Unranked
40.16.020	Injury to and Misappropriation of Public Record by Officer	B	Unranked
9.24.030	Insolvent Bank Receiving Deposit	B	Unranked
48.06.190	Insurance Fraud, False Accounts of Insurer	B	Unranked
9.05.070	Interference with Owner's Control	B	Unranked
29.85.060	Intimidate, Influence or Bribe an Elector	C	Unranked
9A.72.160	Intimidating a Judge	B	VI
9A.72.130	Intimidating a Juror	B	VI
9A.76.180	Intimidating a Public Servant	B	III
9A.72.110	Intimidating a Witness	B	VI
70.74.275	Intimidation with an Explosive	C	Unranked
9A.76.140	Introducing Contraband 1	B	VII
9A.76.150	Introducing Contraband 2	C	III
69.50.401(f)	Involving a Minor in Drug Dealing	C	VII
9A.82.050(2)	Knowingly Trafficking in Stolen Property	B	IV
30.12.120	Loan to Officer or Employee from Trust Fund	B	Unranked
67.70.130	Lottery Fraud	B	Unranked
9A.40.090	Luring of a Child or Developmentally Disabled Person	C	Unranked
9.41.190	Machine Gun or Short-barreled Shotgun/Rifle Possession Prohibited	C	Unranked
9.47.090	Maintaining a Bucket Shop	C	Unranked
69.50.402(a)(6)	Maintaining a Dwelling for Controlled Substances	C	Unranked
9.45.220	Making False Sample or Assay of Ore	B	Unranked
70.74.280(3)	Malicious Explosion 3	B	X
9A.36.080	Malicious Harassment	C	IV
9A.48.070	Malicious Mischief 1	B	II
9A.48.080	Malicious Mischief 2	C	I

FELONY INDEX OF NONVIOLENT OFFENSES (continued)

Statute (RCW)	Offense	Class	Seriousness Level
70.74.270(2)	Malicious Placement of Explosives 2	B	IX
70.74.270(3)	Malicious Placement of Explosives 3	B	VII
70.74.272(1)(a)	Malicious Placement of Imitation Device 1	B	XII
70.74.272(1)(b)	Malicious Placement of Imitation Device 2	C	VI
9.62.010	Malicious Prosecution	C	Unranked
69.50.401(a)(1)(f)	Manufacture, Deliver, or Possess with Intent to Deliver Heroin or Cocaine	B	VIII
69.50.401(a)(1)(iii)	Manufacture, Deliver, or Possess with Intent to Deliver Marijuana	C	III
69.50.401(a)(1)(ii)	Manufacture, Deliver, or Possess with Intent to Deliver Methamphetamine	B	VIII
69.50.401(a)(1)(f)	Manufacture, Deliver, or Possess with Intent to Deliver Narcotics from Schedule I and II (Except Heroin or Cocaine)	B	VI
69.50.401(a)(1)(iii-v)	Manufacture, Deliver, or Possess with Intent to Deliver Narcotics from Schedule III-V or Nonnarcotics from Schedule I-V (Except Marijuana or Methamphetamine)	C	IV
69.52.030(1)	Manufacture, Distribute, or Possess with Intent to Distribute Imitation Controlled Substance	C	III
9.81.030	Member Subversive Organization	C	Unranked
42.20.070	Misappropriating and Falsifying Accounts by Public	B	Unranked
42.20.090	Misappropriating and Falsifying Accounts by Treasurer	C	Unranked
19.110.120	Misleading/Untrue Statements Made During Sale of Business Opportunity	B	Unranked
9.82.030	Misprision of Treason	C	Unranked
29.04.120	Misuse of Registered Voter Data Tapes	C	Unranked
9.45.070	Mock Auction	C	Unranked
9A.83.020	Money Laundering	B	Unranked
10.99.040(4)(b),(c)	No Contact Order Violation - Domestic Violence Assault	C	Unranked
10.99.050(2)	No Contact Order Violation - Domestic Violence Sentence Condition	C	Unranked
26.20.030	Nonsupport of Child Under 16 (Family Abandonment)	C	Unranked
69.50.403	Obtain a Controlled Substance by Fraud or Forged Prescription	C	I
19.48.110	Obtaining Accommodations by Fraud	B	Unranked
9A.60.030	Obtaining Signature by Deception or Duress	C	Unranked

FELONY INDEX OF NONVIOLENT OFFENSES (continued)

Statute (RCW)	Offense	Class	Seriousness Level
46.70.180(5)	Odometer Offense	C	Unranked
40.16.030	Offering False Instrument for Filing or Record	C	Unranked
68.50.140	Opening Graves, Removing Personal Effects, Removing or Receiving Human Remains	C	Unranked
90.56.540	Operating Covered Vessel While Under the Influence of Liquor or Drugs (Pilotage Act)	C	Unranked
69.50.406	Over 18 and Deliver a Narcotic from Schedule I or II or Methamphetamine to Someone Under 18	B	X
69.50.406	Over 18 and Deliver Narcotic from Schedule III-V, or a Nonnarcotic from Schedule I-V to Someone Under 18 and 3 Years Junior	C	IX
16.08.100(3)	Owner of Dog that Attacks	C	Unranked
9.46.215	Owning, Buying, etc., Gambling Devices or Records	C	Unranked
9.68A.100	Patronizing a Juvenile Prostitute	C	III
9A.72.020	Perjury 1	B	V
9A.72.030	Perjury 2	C	III
9.94.070	Persistent Prison Misbehavior	C	V
69.40.030	Placing Poison or Other Harmful Object or Substance in Food, Drinks, Medicine or Water	B	Unranked
69.40.020	Poison in Milk or Food Product	C	Unranked
9.41.040(6)	Possession of a Firearm by Person Under Court Order for Mental Illness Treatment	C	Unranked
9.41.190	Possession of a Machine Gun or Short-barreled Shotgun/ Rifle	C	Unranked
9A.56.310	Possession of a Stolen Firearm	B	V
9.94.041	Possession of Controlled Substance by Prisoners	C	Unranked
9.94.045	Possession of Controlled Substance in Prison by Non-prisoner	C	Unranked
69.50.401(d)	Possession of Controlled Substance that is a Narcotic from Schedule III-V or Nonnarcotic from Schedule I-V (Except Phencyclidine)	C	I
69.50.401(d)	Possession of Controlled Substance that is either Heroin or Narcotics from Schedule I or II	C	II
9.68A.070	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct	C	Unranked
69.50.440	Possession of Ephedrine or Pseudoephedrine With Intent to Manufacture Methamphetamine	B	VIII

FELONY INDEX OF NONVIOLENT OFFENSES (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9.46.215	Possession of Gambling Device	C	Unranked
69.50.401(d)	Possession of Phencyclidine (PCP)	C	II
69.41.070(8)(b)	Possession of Steroids in Excess of 200 tablets or eight 2cc Bottles, Without a Valid Prescription	C	Unranked
9A.56.150	Possession of Stolen Property 1	B	II
9A.56.160	Possession of Stolen Property 2	C	I
9.05.110	Possession of Unlawful Emblems	B	Unranked
9.94.040	Possession of Weapons by Prisoners	B	Unranked
9.94.043	Possession of Weapons in Prison by Non-prisoner	B	Unranked
33.36.030	Preference in Case of Insolvency - Savings Bank	C	Unranked
30.44.110	Preference Prohibited - Bank or Trust Company	B	Unranked
31.12.724	Preferential Transfer of Credit Union Assets	B	Unranked
9.94.020	Prison Riot	B	Unranked
9.46.220	Professional Gambling 1	B	Unranked
9.46.221	Professional Gambling 2	C	Unranked
9A.36.060	Promoting a Suicide Attempt	C	Unranked
9.68.140	Promoting Pornography	C	Unranked
9A.88.070	Promoting Prostitution 1	B	VIII
9A.88.080	Promoting Prostitution 2	C	III
26.50.110(4),(5)	Protection Order Violation - Domestic Violence Civil Action	C	Unranked
9A.44.060	Rape 3	C	V
9A.44.079	Rape of a Child 3	C	VI
29.82.170	Recall (Violation by Signer)	B	Unranked
9A.68.030	Receiving or Granting Unlawful Compensation	C	Unranked
9A.48.040	Reckless Burning 1	C	I
90.56.530	Reckless Operation of a Tank Vessel	C	Unranked
9A.82.050(1)	Recklessly Trafficking in Stolen Property	C	III
19.110.050	Registration Knowingly Not Obtained Prior to Sale of Business Opportunity	B	Unranked
46.12.075	Remove Marking Inscribed by WSP on Rebuilt Vehicles	C	Unranked
68.50.145	Removing Human Remains	C	Unranked
9.16.010	Removing Lawful Brands	C	Unranked

FELONY INDEX OF NONVIOLENT OFFENSES (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9A.76.070	Rendering Criminal Assistance 1	C	V
19.25.020(2)(a)	Reproduction of Sound Recordings Without Consent of Owner - Recording Fixed Before 2/15/1972 - (More than 1,000 Recordings or Subsequent Conviction)	B	Unranked
19.25.020(2)(b)	Reproduction of Sound Recordings Without Consent of Owner - Recording Fixed Before 2/15/1972 - (More than 100 and up to 999 Recordings)	C	Unranked
9A.68.020	Requesting Unlawful Compensation	C	Unranked
9A.52.025	Residential Burglary	B	IV
9A.84.010	Riot	C	Unranked
9.05.060	Sabotage	B	Unranked
81.60.080	Sabotaging Rolling Stock	C	Unranked
46.12.215	Sale or Convey a Vehicle Certificate of Ownership Except in Conjunction with the Sale or Transfer of the Vehicle	C	Unranked
69.43.070	Sale or Receipt of Precursor Drugs	B	Unranked
69.41.030	Sale, Delivery, or Possession of Legend Drug Without Prescription or Order	B	Unranked
21.20.400	Securities Act Violation	B	III
69.50.410	Selling for Profit (Controlled or Counterfeit) any Controlled Substance	C	VIII
9.68A.060	Sending, Bringing into StateDepictions of Minor Engaged in Sexually Explicit Conduct	C	VII
9.68A.040	Sexual Exploitation	B	IX
9A.44.093	Sexual Misconduct with a Minor 1	C	V
9A.44.105	Sexually Violating Human Remains	C	V
9A.46.110	Stalking	C	Unranked
9.45.020	Substitution of Child	B	Unranked
9.81.020	Subversive Acts	B	Unranked
33.36.060	Suppress, Secrete or Destroy Evidence or Records	C	Unranked
9A.56.070	Taking Motor Vehicle Without Permission	C	I
9A.72.120	Tampering with a Witness	C	III
9.40.100(2)	Tampering with Fire Alarm, Emergency Signal, or Fire-fighting Equipment with Intent to Commit Arson	B	Unranked
9.61.230	Telephone Harassment (Subsequent Conviction or Threat of Death)	C	Unranked

FELONY INDEX OF NONVIOLENT OFFENSES (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9A.56.030	Theft 1	B	II
9A.56.040	Theft 2	C	I
9A.56.300	Theft of a Firearm	B	VI
9A.56.080(1)	Theft of Livestock 1	B	IV
9A.56.080(2)	Theft of Livestock 2	C	III
9A.56.096(4)	Theft of Rental, Leased, or Lease-purchased Property, Class B	B	II
9A.56.096(4)	Theft of Rental, Leased, or Lease-purchased Property, Class C	C	I
9A.56.262	Theft of Telecommunication Service	C	Unranked
9A.36.090	Threats Against Governor or Family	C	Unranked
9.61.160	Threats to Bomb	B	IV
9A.68.040	Trading in Public Office	C	Unranked
9A.68.050	Trading in Special Influence	C	Unranked
48.30A.015	Trafficking in Insurance Claims (Subsequent Violation)	C	II
9A.82.050(2)	Trafficking in Stolen Property 1	B	IV
9A.82.050(1)	Trafficking in Stolen Property 2	C	III
32.24.080	Transfer Mutual Savings Bank Assets When Insolvent	B	Unranked
9.02.120	Unauthorized Abortion	C	Unranked
39.62.040	Unauthorized Use of Public Official Facsimile Signature or Seal	B	Unranked
69.43.070(1)	Unlawful Delivery of Substance with Intent to Use	B	Unranked
69.53.020	Unlawful Fortification of Building for Drug Purposes	C	Unranked
9A.40.040	Unlawful Imprisonment	C	III
9A.56.060	Unlawful Issuance of Checks or Drafts	C	I
9A.56.264	Unlawful Manufacture of a Telecommunication Device	C	Unranked
88.46.080	Unlawful Operation of a Covered Vessel	C	Unranked
90.56.300	Unlawful Operation of Onshore or Offshore Facility (Subsequent Conviction)	C	Unranked
9.41.040(1)(a)	Unlawful Possession of a Firearm 1	B	VII
9.41.040(1)(b)	Unlawful Possession of a Firearm 2	C	III
2.48.180(3)	Unlawful Practice of Law (Subsequent Violation)	C	II
69.43.070(2)	Unlawful Receipt of Substance with Intent to Use	B	Unranked

FELONY INDEX OF NONVIOLENT OFFENSES (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9A.56.266	Unlawful Sale of a Telecommunication Device	C	Unranked
9A.56.230	Unlawful Sale of Subscription Television Services	C	Unranked
19.116.080	Unlawful Subleasing of Motor Vehicle	C	Unranked
46.80.020	Unlawful to Engage in Business of Wrecking Vehicles Without a License	B	Unranked
69.53.010	Unlawful Use of Building for Drug Purposes - Owner or Manager Knowingly Leases or Rents	C	Unranked
9.91.140(2),(3)	Unlawful Use of Food Stamps	C	I
69.53.030	Unlawful Use of Fortified Building	C	Unranked
66.44.120	Unlawful Use of Liquor Board Seal (3rd Offense)	C	Unranked
18.130.190(7)	Unlicensed Practice of a Profession or Business (Subsequent Violation)	C	II
29.85.240	Unqualified Person Voting	C	Unranked
9.45.260	Unsafe Sprinkler Contractor Work	C	Unranked
9A.82.080(1),(2)	Use of Proceeds of Criminal Profiteering	B	IV
19.25.030(2)(a)	Use of Recording of Live Performance Without Consent of Owner (More than 1,000 Recordings or More than 100 Unauthorized Audiovisual Recordings or Subsequent Offense)	B	Unranked
19.25.030(2)(b)	Use of Recording of Live Performance Without Consent of Owner (More than 100 and up to 999 Recordings or More than 10 and up to 99 Unauthorized Audiovisual Recordings)	C	Unranked
69.50.403	Utter False or Forged Prescription	C	I
9A.52.095	Vehicle Prowl 1	C	I
29.85.260	Voting Machine - Tampering or Extra Keys	C	Unranked
48.30.220	Willful Destruction, Injury, Secretion, etc., of Insured Property	B	Unranked
72.66.060	Willful Failure to Return from Furlough	B	IV
72.65.070	Willful Failure to Return from Work Release	B	III
10.66.090	Willfully Disobeys Order to Remain Outside "Protected Against Drug Trafficking Area" (School Area or Subsequent Violation)	C	Unranked

APPENDIX C (PART 4)

SEX OFFENSES

FELONY INDEX OF SEX OFFENSES

Statute (RCW)	Offense	Class	Seriousness Level
9A.44.083	Child Molestation 1	A	X
9A.44.086	Child Molestation 2	B	VII
9A.44.089	Child Molestation 3	C	V
9.68A.090	Communication with Minor for Immoral Purposes (Subsequent Sex Offense)	C	III
9A.44.130	Failure of Felony Sex Offender or Kidnapper to Register	C	Unranked
9A.64.020(1)	Incest 1	B	VI
9A.64.020(1)	Incest 1 (Victim under the Age of 14)	B	VI
9A.64.020(2)	Incest 2	C	V
9A.64.020(2)	Incest 2 (Victim under the Age of 14)	C	V
9A.44.100(1)(a)	Indecent Liberties (with Forcible Compulsion)	B	X
9A.44.100(1)(b),(c)	Indecent Liberties (without Forcible Compulsion)	B	VII
9A.44.040	Rape 1	A	XII
9A.44.050	Rape 2	A	XI
9A.44.060	Rape 3	C	V
9A.44.073	Rape of a Child 1	A	XII
9A.44.076	Rape of a Child 2	A	XI
9A.44.079	Rape of a Child 3	C	VI
9A.44.093	Sexual Misconduct with a Minor 1	C	V
9A.44.105	Sexually Violating Human Remains	C	V

NOTE: The following are also defined in RCW 9.94.030 as sex offenses:

- (a) any criminal attempt, criminal solicitation, or criminal conspiracy to commit one of the above;
- (b) any felony with a finding of sexual motivation under RCW 9.94A.127; or
- (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 sex offense.

APPENDIX C (PART 5)
MOST SERIOUS OFFENSES

FELONY INDEX OF MOST SERIOUS OFFENSES

Statute (RCW)	Offense	Class	Seriousness Level
10.95.020	Aggravated Murder 1	A	XV
9A.48.020	Arson 1	A	VIII
9A.36.011	Assault 1	A	XII
9A.36.021	Assault 2	B	IV
9A.36.120	Assault of a Child 1	A	XII
9A.36.130	Assault of a Child 2	B	IX
9A.76.170(2)(a)	Bail Jump with Murder 1 Offense	A	VI
9A.52.020	Burglary 1	A	VII
9A.44.083	Child Molestation 1	A	X
9A.44.086	Child Molestation 2	B	VII
69.50.415	Controlled Substance Homicide	B	IX
70.74.180	Explosive Devices Prohibited (Possession of Explosive Device for Unlawful Purpose)	A	IX
9A.56.120	Extortion 1	B	V
9A.32.055	Homicide by Abuse	A	XIV
9A.64.020(1)	Incest 1 (Victim under the Age of 14)	B	VI
9A.64.020(2)	Incest 2 (Victim under the Age of 14)	C	V
9A.44.100(1)(a)	Indecent Liberties (with Forcible Compulsion)	B	X
9A.44.100(1)(b),(c)	Indecent Liberties (without Forcible Compulsion)	B	VII
9A.40.020	Kidnapping 1	A	X
9A.40.030	Kidnapping 2	B	V
9A.82.060(1)(a)	Leading Organized Crime	A	X
70.74.280(1)	Malicious Explosion 1	A	XIV
70.74.280(2)	Malicious Explosion 2	A	XIII
81.60.070	Malicious Injury to Railroad Property	A	Unranked
70.74.270(1)	Malicious Placement of Explosives 1	A	XIII
9A.32.060	Manslaughter 1	A	XI
9A.32.070	Manslaughter 2	B	VIII
9A.32.030	Murder 1	A	XIV
9A.32.050	Murder 2	A	XIII
9.40.120	Possession of Incendiary Device	A	Unranked
9A.88.070	Promoting Prostitution 1	B	VIII
9A.44.040	Rape 1	A	XII

FELONY INDEX OF MOST SERIOUS OFFENSES (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9A.44.050	Rape 2	A	XI
9A.44.060	Rape 3	C	V
9A.44.073	Rape of a Child 1	A	XII
9A.44.076	Rape of a Child 2	A	XI
9A.56.200	Robbery 1	A	IX
9A.56.210	Robbery 2	B	IV
9.68A.040	Sexual Exploitation	B	IX
9.82.010	Treason	A	Unranked
9.41.225	Use of Machine Gun in Commission of Felony	A	Unranked
46.61.522	Vehicular Assault	B	IV
46.61.520(1)(a)	Vehicular Homicide by Being Under the Influence of Intoxicating Liquor or any Drug	A	IX
46.61.520(1)(c)	Vehicular Homicide by Disregard for the Safety of Others	A	VII
46.61.520(1)(b)	Vehicular Homicide by the Operation of any Vehicle in a Reckless Manner	A	VIII
	Any criminal solicitation or criminal conspiracy to commit a Class A offense		
	Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a Most Serious Offense		
	Any felony attempt to commit any Most Serious Offense		
	Any other Class B felony offense with a finding of sexual motivation		
	Any other felony with a deadly weapon verdict under 9.94A.125		

APPENDIX C (PART 6)

REPORTABLE OFFENSES UNDER RCW 9.94A.105

REPORTABLE OFFENSES UNDER RCW 9.94A.105

RCW 9.94A.105 requires the Sentencing Commission to compile a record of each Superior Court judge's sentences for the offenses listed in this table. The Commission is required to publish an annual report comparing these sentences to the standard range.

Statute (RCW)	Offense	Class	Seriousness Level
10.95.020	Aggravated Murder 1	A	XV
9A.48.020	Arson 1	A	VIII
9A.48.030	Arson 2	B	IV
9A.36.011	Assault 1	A	XII
9A.36.021	Assault 2	B	IV
9A.36.120	Assault of a Child 1	A	XII
9A.36.130	Assault of a Child 2	B	IX
9A.76.170(2)(a)	Bail Jump with Murder 1 Offense	A	VI
9A.52.020	Burglary 1	A	VII
9A.44.083	Child Molestation 1	A	X
9A.44.086	Child Molestation 2	B	VII
69.50.415	Controlled Substance Homicide	B	IX
9A.36.045	Drive-by Shooting	B	VII
70.74.180	Explosive Devices Prohibited (Possession of Explosive Device for Unlawful Purpose)	A	IX
9A.56.120	Extortion 1	B	V
9A.32.055	Homicide by Abuse	A	XIV
9A.64.020(1)	Incest 1 (Victim under the Age of 14)	B	VI
9A.64.020(2)	Incest 2 (Victim under the Age of 14)	C	V
9A.44.100(1)(a)	Indecent Liberties (with Forcible Compulsion)	B	X
9A.44.100(1)(b),(c)	Indecent Liberties (without Forcible Compulsion)	B	VII
9A.40.020	Kidnapping 1	A	X
9A.40.030	Kidnapping 2	B	V
9A.82.060(1)(a)	Leading Organized Crime	A	X
9.41.190	Machine Gun or Short-barreled Shotgun/Rifle Possession Prohibited	C	Unranked
70.74.280(1)	Malicious Explosion 1	A	XIV
70.74.280(2)	Malicious Explosion 2	A	XIII
81.60.070	Malicious Injury to Railroad Property	A	Unranked
70.74.270(1)	Malicious Placement of Explosives 1	A	XIII
9A.32.060	Manslaughter 1	A	XI

REPORTABLE OFFENSES UNDER RCW 9.94A.105 (continued)

Statute (RCW)	Offense	Class	Seriousness Level
9A.32.070	Manslaughter 2	B	VIII
9A.32.030	Murder 1	A	XIV
9A.32.050	Murder 2	A	XIII
9A.56.310	Possession of a Stolen Firearm	B	V
9.40.120	Possession of Incendiary Device	A	Unranked
9A.88.070	Promoting Prostitution 1	B	VIII
9A.44.040	Rape 1	A	XII
9A.44.050	Rape 2	A	XI
9A.44.060	Rape 3	C	V
9A.44.073	Rape of a Child 1	A	XII
9A.44.076	Rape of a Child 2	A	XI
9A.56.200	Robbery 1	A	IX
9A.56.210	Robbery 2	B	IV
9.68A.040	Sexual Exploitation	B	IX
9A.56.300	Theft of a Firearm	B	VI
9.82.010	Treason	A	Unranked
9.41.040(1)(a)	Unlawful Possession of a Firearm 1	B	VII
9.41.040(1)(b)	Unlawful Possession of a Firearm 2	C	III
9.41.225	Use of Machine Gun in Commission of Felony	A	Unranked
46.61.522	Vehicular Assault	B	IV
46.61.520(1)(a)	Vehicular Homicide by Being Under the Influence of Intoxicating Liquor or any Drug	A	IX
46.61.520(1)(c)	Vehicular Homicide by Disregard for the Safety of Others	A	VII
46.61.520(1)(b)	Vehicular Homicide by the Operation of any Vehicle in a Reckless Manner	A	VIII
	Any criminal solicitation or criminal conspiracy to commit a Class A offense		
	Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a Most Serious Offense		
	Any felony attempt to commit any Most Serious Offense		
	Any other Class B felony offense with a finding of sexual motivation		
	Any other felony with a deadly weapon enhancement under RCW 9.94A.310(3) or (4), or both		
	Any other felony with a deadly weapon verdict under 9.94A.125		

APPENDIX D
SENTENCING GRIDS

APPENDIX D - GRID A
SENTENCING GRID
FOR CRIMES COMMITTED BEFORE JULY 1, 1990

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

APPENDIX D - GRID B
SENTENCING GRID
FOR CRIMES COMMITTED ON OR AFTER JULY 1, 1990 AND BEFORE JULY 27, 1997

SERIOUSNESS LEVEL	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XV	Life Sentence without Parole/Death Penalty									
XIV	23y 4m 240 - 320	24y 4m 250 - 333	25y 4m 261 - 347	26y 4m 271 - 361	27y 4m 281 - 374	28y 4m 291 - 388	30y 4m 312 - 416	32y 10m 338 - 450	36y 370 - 493	40y 411 - 548
XIII	12y 123 - 164	13y 134 - 178	14y 144 - 192	15y 154 - 205	16y 165 - 219	17y 175 - 233	19y 195 - 260	21y 216 - 288	25y 257 - 342	29y 298 - 397
XII	9y 93 - 123	9y 11m 102 - 136	10y 9m 111 - 147	11y 8m 120 - 160	12y 6m 129 - 171	13y 5m 138 - 184	15y 9m 162 - 216	17y 3m 178 - 236	20y 3m 209 - 277	23y 3m 240 - 318
XI	7y 6m 78 - 102	8y 4m 86 - 114	9y 2m 95 - 125	9y 11m 102 - 136	10y 9m 111 - 147	11y 7m 120 - 158	14y 2m 146 - 194	15y 5m 159 - 211	17y 11m 185 - 245	20y 5m 210 - 280
X	5y 51 - 68	5y 6m 57 - 75	6y 62 - 82	6y 6m 67 - 89	7y 72 - 96	7y 6m 77 - 102	9y 6m 98 - 130	10y 6m 108 - 144	12y 6m 129 - 171	14y 6m 149 - 198
IX	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	5y 51 - 68	5y 6m 57 - 75	7y 6m 77 - 102	8y 6m 87 - 116	10y 6m 108 - 144	12y 6m 129 - 171
VIII	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	6y 6m 67 - 89	7y 6m 77 - 102	8y 6m 87 - 116	10y 6m 108 - 144
VII	18m 15 - 20	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	5y 6m 57 - 75	6y 6m 67 - 89	7y 6m 77 - 102	8y 6m 87 - 116
VI	13m 12+ - 14	18m 15 - 20	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 6m 46 - 61	5y 6m 57 - 75	6y 6m 67 - 89	7y 6m 77 - 102
V	9m 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 41 - 54	5y 51 - 68	6y 62 - 82	7y 72 - 96
IV	6m 3 - 9	9m 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57	5y 2m 53 - 70	6y 2m 63 - 84
III	2m 1 - 3	5m 3 - 8	8m 4 - 12	11m 9 - 12	14m 12+ - 16	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57	5y 51 - 68
II	0 - 90 Days	4m 2 - 6	6m 3 - 9	8m 4 - 12	13m 12+ - 14	16m 14 - 18	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57
I	0 - 60 Days	0 - 90 Days	3m 2 - 5	4m 2 - 6	5m 3 - 8	8m 4 - 12	13m 12+ - 14	16m 14 - 18	20m 17 - 22	2y 2m 22 - 29

