
SENATE BILL 6641

State of Washington

64th Legislature

2016 Regular Session

By Senator Hargrove

Read first time 02/04/16. Referred to Committee on Law & Justice.

1 AN ACT Relating to addressing and mitigating the impacts of
2 property crimes in Washington state; amending RCW 9.94A.506,
3 9.94A.515, 9.94A.585, 9.94A.702, 9.94A.171, 9.94A.860, and 9.94A.533;
4 reenacting and amending RCW 9.94A.030, 9.94A.501, 9.94A.505, and
5 9.94A.701; adding a new section to chapter 43.88 RCW; adding new
6 sections to chapter 9.94A RCW; adding new sections to chapter 43.131
7 RCW; creating new sections; prescribing penalties; and providing an
8 effective date.

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

10 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

11 (a) Washington has the highest property crime rate in the
12 country.

13 (b) Washington's crime victims' compensation program does not
14 provide victims with financial assistance for expenses associated
15 with property crime.

16 (c) Funding for programs that notify victims when offenders are
17 released from jail in three large counties is set to expire in 2016.

18 (d) In recent years, an increasing number of individuals
19 convicted of property crimes have been sentenced to prison.
20 Supervision paired with treatment including, but not limited to,
21 mental health, chemical dependency, and cognitive behavioral

1 treatment and services, which can have a significant impact on
2 reducing the likelihood of reoffending, is not available as a
3 sentencing option for most people convicted of property offenses.

4 (e) Supervision practices in Washington are promising and the
5 department of corrections continues to refine its approach to
6 community supervision, but there is an opportunity to further
7 strengthen the quality of supervision and extend it to property crime
8 offenders.

9 (f) Pretrial detainees take up a significant portion of county
10 jail space and a portion of these individuals will be rearrested upon
11 release. Only a fraction of counties in Washington utilize risk
12 assessments to inform decision making regarding pretrial release.

13 (g) Sustained policy development in juvenile and criminal justice
14 would benefit from a more concerted, consistent, and visible form of
15 governance.

16 (2) It is the intent of the legislature to respond to the
17 findings of the Washington state justice reinvestment task force,
18 which are outlined in subsection (1) of this section, by changing
19 sentencing policy to require supervision of certain people convicted
20 of property offenses; by providing treatment, if needed, and programs
21 to reduce recidivism; and by providing additional support to local
22 governments and victims of property crime. The legislature adopts
23 this act with the goal of reducing property crime by at least fifteen
24 percent by fiscal year 2026.

25 **Sec. 2.** RCW 9.94A.030 and 2015 c 287 s 1 and 2015 c 261 s 12 are
26 each reenacted and amended to read as follows:

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

29 (1) "Board" means the indeterminate sentence review board created
30 under chapter 9.95 RCW.

31 (2) "Collect," or any derivative thereof, "collect and remit," or
32 "collect and deliver," when used with reference to the department,
33 means that the department, either directly or through a collection
34 agreement authorized by RCW 9.94A.760, is responsible for monitoring
35 and enforcing the offender's sentence with regard to the legal
36 financial obligation, receiving payment thereof from the offender,
37 and, consistent with current law, delivering daily the entire payment
38 to the superior court clerk without depositing it in a departmental
39 account.

1 (3) "Commission" means the sentencing guidelines commission.

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

6 (5) "Community custody" means that portion of an offender's
7 sentence of confinement in lieu of earned release time or imposed as
8 part of a sentence under this chapter and served in the community
9 subject to controls placed on the offender's movement and activities
10 by the department.

11 (6) "Community protection zone" means the area within eight
12 hundred eighty feet of the facilities and grounds of a public or
13 private school.

14 (7) "Community restitution" means compulsory service, without
15 compensation, performed for the benefit of the community by the
16 offender.

17 (8) "Confinement" means total or partial confinement.

18 (9) "Conviction" means an adjudication of guilt pursuant to Title
19 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,
20 and acceptance of a plea of guilty.

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

29 (11) "Criminal history" means the list of a defendant's prior
30 convictions and juvenile adjudications, whether in this state, in
31 federal court, or elsewhere.

32 (a) The history shall include, where known, for each conviction
33 (i) whether the defendant has been placed on probation and the length
34 and terms thereof; and (ii) whether the defendant has been
35 incarcerated and the length of incarceration.

36 (b) A conviction may be removed from a defendant's criminal
37 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,
38 9.95.240, or a similar out-of-state statute, or if the conviction has
39 been vacated pursuant to a governor's pardon.

1 (c) The determination of a defendant's criminal history is
2 distinct from the determination of an offender score. A prior
3 conviction that was not included in an offender score calculated
4 pursuant to a former version of the sentencing reform act remains
5 part of the defendant's criminal history.

6 (12) "Criminal street gang" means any ongoing organization,
7 association, or group of three or more persons, whether formal or
8 informal, having a common name or common identifying sign or symbol,
9 having as one of its primary activities the commission of criminal
10 acts, and whose members or associates individually or collectively
11 engage in or have engaged in a pattern of criminal street gang
12 activity. This definition does not apply to employees engaged in
13 concerted activities for their mutual aid and protection, or to the
14 activities of labor and bona fide nonprofit organizations or their
15 members or agents.

16 (13) "Criminal street gang associate or member" means any person
17 who actively participates in any criminal street gang and who
18 intentionally promotes, furthers, or assists in any criminal act by
19 the criminal street gang.

20 (14) "Criminal street gang-related offense" means any felony or
21 misdemeanor offense, whether in this state or elsewhere, that is
22 committed for the benefit of, at the direction of, or in association
23 with any criminal street gang, or is committed with the intent to
24 promote, further, or assist in any criminal conduct by the gang, or
25 is committed for one or more of the following reasons:

26 (a) To gain admission, prestige, or promotion within the gang;

27 (b) To increase or maintain the gang's size, membership,
28 prestige, dominance, or control in any geographical area;

29 (c) To exact revenge or retribution for the gang or any member of
30 the gang;

31 (d) To obstruct justice, or intimidate or eliminate any witness
32 against the gang or any member of the gang;

33 (e) To directly or indirectly cause any benefit, aggrandizement,
34 gain, profit, or other advantage for the gang, its reputation,
35 influence, or membership; or

36 (f) To provide the gang with any advantage in, or any control or
37 dominance over any criminal market sector, including, but not limited
38 to, manufacturing, delivering, or selling any controlled substance
39 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
40 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88

1 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual
2 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
3 9.68 RCW).

4 (15) "Day fine" means a fine imposed by the sentencing court that
5 equals the difference between the offender's net daily income and the
6 reasonable obligations that the offender has for the support of the
7 offender and any dependents.

8 (16) "Day reporting" means a program of enhanced supervision
9 designed to monitor the offender's daily activities and compliance
10 with sentence conditions, and in which the offender is required to
11 report daily to a specific location designated by the department or
12 the sentencing court.

13 (17) "Department" means the department of corrections.

14 (18) "Determinate sentence" means a sentence that states with
15 exactitude the number of actual years, months, or days of total
16 confinement, of partial confinement, of community custody, the number
17 of actual hours or days of community restitution work, or dollars or
18 terms of a legal financial obligation. The fact that an offender
19 through earned release can reduce the actual period of confinement
20 shall not affect the classification of the sentence as a determinate
21 sentence.

22 (19) "Disposable earnings" means that part of the earnings of an
23 offender remaining after the deduction from those earnings of any
24 amount required by law to be withheld. For the purposes of this
25 definition, "earnings" means compensation paid or payable for
26 personal services, whether denominated as wages, salary, commission,
27 bonuses, or otherwise, and, notwithstanding any other provision of
28 law making the payments exempt from garnishment, attachment, or other
29 process to satisfy a court-ordered legal financial obligation,
30 specifically includes periodic payments pursuant to pension or
31 retirement programs, or insurance policies of any type, but does not
32 include payments made under Title 50 RCW, except as provided in RCW
33 50.40.020 and 50.40.050, or Title 74 RCW.

34 (20) "Domestic violence" has the same meaning as defined in RCW
35 10.99.020 and 26.50.010.

36 (21) "Drug offender sentencing alternative" is a sentencing
37 option available to persons convicted of a felony offense other than
38 a violent offense or a sex offense and who are eligible for the
39 option under RCW 9.94A.660.

40 (22) "Drug offense" means:

1 (a) Any felony violation of chapter 69.50 RCW except possession
2 of a controlled substance (RCW 69.50.4013) or forged prescription for
3 a controlled substance (RCW 69.50.403);

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

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

10 (23) "Earned release" means earned release from confinement as
11 provided in RCW 9.94A.728.

12 (24) "Electronic monitoring" means tracking the location of an
13 individual, whether pretrial or posttrial, through the use of
14 technology that is capable of determining or identifying the
15 monitored individual's presence or absence at a particular location
16 including, but not limited to:

17 (a) Radio frequency signaling technology, which detects if the
18 monitored individual is or is not at an approved location and
19 notifies the monitoring agency of the time that the monitored
20 individual either leaves the approved location or tampers with or
21 removes the monitoring device; or

22 (b) Active or passive global positioning system technology, which
23 detects the location of the monitored individual and notifies the
24 monitoring agency of the monitored individual's location.

25 (25) "Escape" means:

26 (a) Sexually violent predator escape (RCW 9A.76.115), escape in
27 the first degree (RCW 9A.76.110), escape in the second degree (RCW
28 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
29 willful failure to return from work release (RCW 72.65.070), or
30 willful failure to be available for supervision by the department
31 while in community custody (RCW 72.09.310); or

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

35 (26) "Felony traffic offense" means:

36 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
37 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
38 run injury-accident (RCW 46.52.020(4)), felony driving while under
39 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),

1 or felony physical control of a vehicle while under the influence of
2 intoxicating liquor or any drug (RCW 46.61.504(6)); or

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

6 (27) "Fine" means a specific sum of money ordered by the
7 sentencing court to be paid by the offender to the court over a
8 specific period of time.

9 (28) "First-time offender" means any person who has no prior
10 convictions for a felony and is eligible for the first-time offender
11 waiver under RCW 9.94A.650.

12 (29) "Home detention" is a subset of electronic monitoring and
13 means a program of partial confinement available to offenders wherein
14 the offender is confined in a private residence twenty-four hours a
15 day, unless an absence from the residence is approved, authorized, or
16 otherwise permitted in the order by the court or other supervising
17 agency that ordered home detention, and the offender is subject to
18 electronic monitoring.

19 (30) "Homelessness" or "homeless" means a condition where an
20 individual lacks a fixed, regular, and adequate nighttime residence
21 and who has a primary nighttime residence that is:

22 (a) A supervised, publicly or privately operated shelter designed
23 to provide temporary living accommodations;

24 (b) A public or private place not designed for, or ordinarily
25 used as, a regular sleeping accommodation for human beings; or

26 (c) A private residence where the individual stays as a transient
27 invitee.

28 (31) "Legal financial obligation" means a sum of money that is
29 ordered by a superior court of the state of Washington for legal
30 financial obligations which may include restitution to the victim,
31 statutorily imposed crime victims' compensation fees as assessed
32 pursuant to RCW 7.68.035, court costs, county or interlocal drug
33 funds, court-appointed attorneys' fees, and costs of defense, fines,
34 and any other financial obligation that is assessed to the offender
35 as a result of a felony conviction. Upon conviction for vehicular
36 assault while under the influence of intoxicating liquor or any drug,
37 RCW 46.61.522(1)(b), or vehicular homicide while under the influence
38 of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal
39 financial obligations may also include payment to a public agency of

1 the expense of an emergency response to the incident resulting in the
2 conviction, subject to RCW 38.52.430.

3 (32) "Minor child" means a biological or adopted child of the
4 offender who is under age eighteen at the time of the offender's
5 current offense.

6 (33) "Most serious offense" means any of the following felonies
7 or a felony attempt to commit any of the following felonies:

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

11 (b) Assault in the second degree;

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

13 (d) Child molestation in the second degree;

14 (e) Controlled substance homicide;

15 (f) Extortion in the first degree;

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

17 (h) Indecent liberties;

18 (i) Kidnapping in the second degree;

19 (j) Leading organized crime;

20 (k) Manslaughter in the first degree;

21 (l) Manslaughter in the second degree;

22 (m) Promoting prostitution in the first degree;

23 (n) Rape in the third degree;

24 (o) Robbery in the second degree;

25 (p) Sexual exploitation;

26 (q) Vehicular assault, when caused by the operation or driving of
27 a vehicle by a person while under the influence of intoxicating
28 liquor or any drug or by the operation or driving of a vehicle in a
29 reckless manner;

30 (r) Vehicular homicide, when proximately caused by the driving of
31 any vehicle by any person while under the influence of intoxicating
32 liquor or any drug as defined by RCW 46.61.502, or by the operation
33 of any vehicle in a reckless manner;

34 (s) Any other class B felony offense with a finding of sexual
35 motivation;

36 (t) Any other felony with a deadly weapon verdict under RCW
37 9.94A.825;

38 (u) Any felony offense in effect at any time prior to December 2,
39 1993, that is comparable to a most serious offense under this
40 subsection, or any federal or out-of-state conviction for an offense

1 that under the laws of this state would be a felony classified as a
2 most serious offense under this subsection;

3 (v)(i) A prior conviction for indecent liberties under RCW
4 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.
5 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),
6 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW
7 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,
8 until July 1, 1988;

9 (ii) A prior conviction for indecent liberties under RCW
10 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
11 if: (A) The crime was committed against a child under the age of
12 fourteen; or (B) the relationship between the victim and perpetrator
13 is included in the definition of indecent liberties under RCW
14 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,
15 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,
16 1993, through July 27, 1997;

17 (w) Any out-of-state conviction for a felony offense with a
18 finding of sexual motivation if the minimum sentence imposed was ten
19 years or more; provided that the out-of-state felony offense must be
20 comparable to a felony offense under this title and Title 9A RCW and
21 the out-of-state definition of sexual motivation must be comparable
22 to the definition of sexual motivation contained in this section.

23 (34) "Nonviolent offense" means an offense which is not a violent
24 offense.

25 (35) "Offender" means a person who has committed a felony
26 established by state law and is eighteen years of age or older or is
27 less than eighteen years of age but whose case is under superior
28 court jurisdiction under RCW 13.04.030 or has been transferred by the
29 appropriate juvenile court to a criminal court pursuant to RCW
30 13.40.110. In addition, for the purpose of community custody
31 requirements under this chapter, "offender" also means a misdemeanor
32 or gross misdemeanor probationer ordered by a superior court to
33 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and
34 supervised by the department pursuant to RCW 9.94A.501 and
35 9.94A.5011. Throughout this chapter, the terms "offender" and
36 "defendant" are used interchangeably.

37 (36) "Partial confinement" means confinement for no more than one
38 year in a facility or institution operated or utilized under contract
39 by the state or any other unit of government, or, if home detention,
40 electronic monitoring, or work crew has been ordered by the court or

1 home detention has been ordered by the department as part of the
2 parenting program, in an approved residence, for a substantial
3 portion of each day with the balance of the day spent in the
4 community. Partial confinement includes work release, home detention,
5 work crew, electronic monitoring, and a combination of work crew,
6 electronic monitoring, and home detention.

7 (37) "Pattern of criminal street gang activity" means:

8 (a) The commission, attempt, conspiracy, or solicitation of, or
9 any prior juvenile adjudication of or adult conviction of, two or
10 more of the following criminal street gang-related offenses:

11 (i) Any "serious violent" felony offense as defined in this
12 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a
13 Child 1 (RCW 9A.36.120);

14 (ii) Any "violent" offense as defined by this section, excluding
15 Assault of a Child 2 (RCW 9A.36.130);

16 (iii) Deliver or Possession with Intent to Deliver a Controlled
17 Substance (chapter 69.50 RCW);

18 (iv) Any violation of the firearms and dangerous weapon act
19 (chapter 9.41 RCW);

20 (v) Theft of a Firearm (RCW 9A.56.300);

21 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);

22 (vii) Malicious Harassment (RCW 9A.36.080);

23 (viii) Harassment where a subsequent violation or deadly threat
24 is made (RCW 9A.46.020(2)(b));

25 (ix) Criminal Gang Intimidation (RCW 9A.46.120);

26 (x) Any felony conviction by a person eighteen years of age or
27 older with a special finding of involving a juvenile in a felony
28 offense under RCW 9.94A.833;

29 (xi) Residential Burglary (RCW 9A.52.025);

30 (xii) Burglary 2 (RCW 9A.52.030);

31 (xiii) Malicious Mischief 1 (RCW 9A.48.070);

32 (xiv) Malicious Mischief 2 (RCW 9A.48.080);

33 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);

34 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

35 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW
36 9A.56.070);

37 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
38 9A.56.075);

39 (xix) Extortion 1 (RCW 9A.56.120);

40 (xx) Extortion 2 (RCW 9A.56.130);

1 (xxi) Intimidating a Witness (RCW 9A.72.110);
2 (xxii) Tampering with a Witness (RCW 9A.72.120);
3 (xxiii) Reckless Endangerment (RCW 9A.36.050);
4 (xxiv) Coercion (RCW 9A.36.070);
5 (xxv) Harassment (RCW 9A.46.020); or
6 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);

7 (b) That at least one of the offenses listed in (a) of this
8 subsection shall have occurred after July 1, 2008;

9 (c) That the most recent committed offense listed in (a) of this
10 subsection occurred within three years of a prior offense listed in
11 (a) of this subsection; and

12 (d) Of the offenses that were committed in (a) of this
13 subsection, the offenses occurred on separate occasions or were
14 committed by two or more persons.

15 (38) "Persistent offender" is an offender who:

16 (a)(i) Has been convicted in this state of any felony considered
17 a most serious offense; and

18 (ii) Has, before the commission of the offense under (a) of this
19 subsection, been convicted as an offender on at least two separate
20 occasions, whether in this state or elsewhere, of felonies that under
21 the laws of this state would be considered most serious offenses and
22 would be included in the offender score under RCW 9.94A.525; provided
23 that of the two or more previous convictions, at least one conviction
24 must have occurred before the commission of any of the other most
25 serious offenses for which the offender was previously convicted; or

26 (b)(i) Has been convicted of: (A) Rape in the first degree, rape
27 of a child in the first degree, child molestation in the first
28 degree, rape in the second degree, rape of a child in the second
29 degree, or indecent liberties by forcible compulsion; (B) any of the
30 following offenses with a finding of sexual motivation: Murder in the
31 first degree, murder in the second degree, homicide by abuse,
32 kidnapping in the first degree, kidnapping in the second degree,
33 assault in the first degree, assault in the second degree, assault of
34 a child in the first degree, assault of a child in the second degree,
35 or burglary in the first degree; or (C) an attempt to commit any
36 crime listed in this subsection (38)(b)(i); and

37 (ii) Has, before the commission of the offense under (b)(i) of
38 this subsection, been convicted as an offender on at least one
39 occasion, whether in this state or elsewhere, of an offense listed in
40 (b)(i) of this subsection or any federal or out-of-state offense or

1 offense under prior Washington law that is comparable to the offenses
2 listed in (b)(i) of this subsection. A conviction for rape of a child
3 in the first degree constitutes a conviction under (b)(i) of this
4 subsection only when the offender was sixteen years of age or older
5 when the offender committed the offense. A conviction for rape of a
6 child in the second degree constitutes a conviction under (b)(i) of
7 this subsection only when the offender was eighteen years of age or
8 older when the offender committed the offense.

9 (39) "Predatory" means: (a) The perpetrator of the crime was a
10 stranger to the victim, as defined in this section; (b) the
11 perpetrator established or promoted a relationship with the victim
12 prior to the offense and the victimization of the victim was a
13 significant reason the perpetrator established or promoted the
14 relationship; or (c) the perpetrator was: (i) A teacher, counselor,
15 volunteer, or other person in authority in any public or private
16 school and the victim was a student of the school under his or her
17 authority or supervision. For purposes of this subsection, "school"
18 does not include home-based instruction as defined in RCW
19 28A.225.010; (ii) a coach, trainer, volunteer, or other person in
20 authority in any recreational activity and the victim was a
21 participant in the activity under his or her authority or
22 supervision; (iii) a pastor, elder, volunteer, or other person in
23 authority in any church or religious organization, and the victim was
24 a member or participant of the organization under his or her
25 authority; or (iv) a teacher, counselor, volunteer, or other person
26 in authority providing home-based instruction and the victim was a
27 student receiving home-based instruction while under his or her
28 authority or supervision. For purposes of this subsection: (A) "Home-
29 based instruction" has the same meaning as defined in RCW
30 28A.225.010; and (B) "teacher, counselor, volunteer, or other person
31 in authority" does not include the parent or legal guardian of the
32 victim.

33 (40) "Private school" means a school regulated under chapter
34 28A.195 or 28A.205 RCW.

35 (41) "Property offense" means:

36 (a)(i) Counterfeiting (RCW 9.16.035(4));

37 (ii) Identity Theft 1 (RCW 9.35.020(2));

38 (iii) Theft of Livestock 1 (RCW 9A.56.080);

39 (iv) Trafficking in Stolen Property 1 (RCW 9A.82.050);

1 (v) Unlawful Factoring of a Credit Card or Payment Card
2 Transaction (RCW 9A.56.290(4)(b));
3 (vi) Burglary 2 (RCW 9A.52.030);
4 (vii) Organized Retail Theft 1 (RCW 9A.56.350(2));
5 (viii) Retail Theft with Special Circumstances 1 (RCW
6 9A.56.360(2));
7 (ix) Theft of Livestock 2 (RCW 9A.56.083);
8 (x) Theft with the Intent to Resell 1 (RCW 9A.56.340(2));
9 (xi) Trafficking in Stolen Property 2 (RCW 9A.82.055);
10 (xii) Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b));
11 (xiii) Commercial Fishing Without a License 1 (RCW
12 77.15.500(3)(b));
13 (xiv) Counterfeiting (RCW 9.16.035(3));
14 (xv) Engaging in Fish Dealing Activity Unlicensed 1 (RCW
15 77.15.620(3)(b));
16 (xvi) Health Care False Claims (RCW 48.80.030);
17 (xvii) Identity Theft 2 (RCW 9.35.020(3));
18 (xviii) Malicious Mischief 1 (RCW 9A.48.070);
19 (xix) Organized Retail Theft 2 (RCW 9A.56.350(3));
20 (xx) Possession of Stolen Property 1 (RCW 9A.56.150);
21 (xxi) Possession of a Stolen Vehicle (RCW 9A.56.068);
22 (xxii) Retail Theft with Special Circumstances 2 (RCW
23 9A.56.360(3));
24 (xxiii) Scrap Processing, Recycling, or Supplying Without a
25 License (second or subsequent offense) (RCW 19.290.100(2)(b));
26 (xxiv) Theft 1 (RCW 9A.56.030);
27 (xxv) Theft of a Motor Vehicle (RCW 9A.56.065);
28 (xxvi) Theft of Rental, Leased, Lease-purchased, or Loaned
29 Property (valued at five thousand dollars or more) (RCW
30 9A.56.096(5)(a));
31 (xxvii) Theft with the Intent to Resell 2 (RCW 9A.56.340(3));
32 (xxviii) Trafficking in Insurance Claims (RCW 48.30A.015);
33 (xxix) Unlawful Factoring of a Credit Card or Payment Card
34 Transaction (RCW 9A.56.290(4)(a));
35 (xxx) False Verification for Welfare (RCW 74.08.055);
36 (xxxii) Forgery (RCW 9A.60.020);
37 (xxxiii) Malicious Mischief 2 (RCW 9A.48.080);
38 (xxxiv) Possession of Stolen Property 2 (RCW 9A.56.160);
39 (xxxv) Reckless Burning 1 (RCW 9A.48.040);
40 (xxxvi) Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075);

1 (xxxvi) Theft 2 (RCW 9A.56.040);
2 (xxxvii) Theft of Rental, Leased, Lease-purchased, or Loaned
3 Property (valued at seven hundred fifty dollars or more but less than
4 five thousand dollars) (RCW 9A.56.096(5)(b));
5 (xxxviii) Unlawful Issuance of Checks or Drafts (RCW 9A.56.060);
6 (xxxix) Unlawful Possession of Fictitious Identification (RCW
7 9A.56.320(4));
8 (xl) Unlawful Possession of Instruments of Financial Fraud (RCW
9 9A.56.320(5));
10 (xli) Unlawful Possession of Payment Instruments (RCW
11 9A.56.320(2));
12 (xlii) Unlawful Possession of a Personal Identification Device
13 (RCW 9A.56.320(3));
14 (xliii) Unlawful Production of Payment Instruments (RCW
15 9A.56.320(1));
16 (xliv) Unlawful Trafficking in Food Stamps (RCW 9.91.142);
17 (xlv) Unlawful Use of Food Stamps (RCW 9.91.144);
18 (xlvi) Taking Motor Vehicle without Permission 1 (RCW 9A.56.070);
19 (b) An attempt, criminal solicitation, or criminal conspiracy to
20 commit a property offense under (a) of this subsection; or
21 (c) Any federal or out-of-state conviction for an offense that
22 under the laws of this state would be a felony classified as a
23 property offense under (a) or (b) of this subsection.
24 (42) "Public school" has the same meaning as in RCW 28A.150.010.
25 ~~((42))~~ (43) "Repetitive domestic violence offense" means any:
26 (a)(i) Domestic violence assault that is not a felony offense
27 under RCW 9A.36.041;
28 (ii) Domestic violence violation of a no-contact order under
29 chapter 10.99 RCW that is not a felony offense;
30 (iii) Domestic violence violation of a protection order under
31 chapter 26.09, 26.10, 26.26, or 26.50 RCW that is not a felony
32 offense;
33 (iv) Domestic violence harassment offense under RCW 9A.46.020
34 that is not a felony offense; or
35 (v) Domestic violence stalking offense under RCW 9A.46.110 that
36 is not a felony offense; or
37 (b) Any federal, out-of-state, tribal court, military, county, or
38 municipal conviction for an offense that under the laws of this state
39 would be classified as a repetitive domestic violence offense under
40 (a) of this subsection.

1 (~~(43)~~) (44) "Restitution" means a specific sum of money ordered
2 by the sentencing court to be paid by the offender to the court over
3 a specified period of time as payment of damages. The sum may include
4 both public and private costs.

5 (~~(44)~~) (45) "Risk assessment" means the application of the risk
6 instrument recommended to the department by the Washington state
7 institute for public policy as having the highest degree of
8 predictive accuracy for assessing an offender's risk of reoffense.

9 (~~(45)~~) (46) "Serious traffic offense" means:

10 (a) Nonfelony driving while under the influence of intoxicating
11 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
12 while under the influence of intoxicating liquor or any drug (RCW
13 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
14 attended vehicle (RCW 46.52.020(5)); or

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

18 (~~(46)~~) (47) "Serious violent offense" is a subcategory of
19 violent offense and means:

20 (a)(i) Murder in the first degree;

21 (ii) Homicide by abuse;

22 (iii) Murder in the second degree;

23 (iv) Manslaughter in the first degree;

24 (v) Assault in the first degree;

25 (vi) Kidnapping in the first degree;

26 (vii) Rape in the first degree;

27 (viii) Assault of a child in the first degree; or

28 (ix) An attempt, criminal solicitation, or criminal conspiracy to
29 commit one of these felonies; or

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

33 (~~(47)~~) (48) "Sex offense" means:

34 (a)(i) A felony that is a violation of chapter 9A.44 RCW other
35 than RCW 9A.44.132;

36 (ii) A violation of RCW 9A.64.020;

37 (iii) A felony that is a violation of chapter 9.68A RCW other
38 than RCW 9.68A.080;

1 (iv) A felony that is, under chapter 9A.28 RCW, a criminal
2 attempt, criminal solicitation, or criminal conspiracy to commit such
3 crimes; or

4 (v) A felony violation of RCW 9A.44.132(1) (failure to register
5 as a sex offender) if the person has been convicted of violating RCW
6 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130
7 prior to June 10, 2010, on at least one prior occasion;

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

11 (c) A felony with a finding of sexual motivation under RCW
12 9.94A.835 or 13.40.135; or

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

16 ~~((48))~~ (49) "Sexual motivation" means that one of the purposes
17 for which the defendant committed the crime was for the purpose of
18 his or her sexual gratification.

19 ~~((49))~~ (50) "Standard sentence range" means the sentencing
20 court's discretionary range in imposing a nonappealable sentence.

21 ~~((50))~~ (51) "Statutory maximum sentence" means the maximum
22 length of time for which an offender may be confined as punishment
23 for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the
24 statute defining the crime, or other statute defining the maximum
25 penalty for a crime.

26 ~~((51))~~ (52) "Stranger" means that the victim did not know the
27 offender twenty-four hours before the offense.

28 ~~((52))~~ (53) "Total confinement" means confinement inside the
29 physical boundaries of a facility or institution operated or utilized
30 under contract by the state or any other unit of government for
31 twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

32 ~~((53))~~ (54) "Transition training" means written and verbal
33 instructions and assistance provided by the department to the
34 offender during the two weeks prior to the offender's successful
35 completion of the work ethic camp program. The transition training
36 shall include instructions in the offender's requirements and
37 obligations during the offender's period of community custody.

38 ~~((54))~~ (55) "Victim" means any person who has sustained
39 emotional, psychological, physical, or financial injury to person or
40 property as a direct result of the crime charged.

1 (~~(55)~~) (56) "Violent offense" means:
2 (a) Any of the following felonies:
3 (i) Any felony defined under any law as a class A felony or an
4 attempt to commit a class A felony;
5 (ii) Criminal solicitation of or criminal conspiracy to commit a
6 class A felony;
7 (iii) Manslaughter in the first degree;
8 (iv) Manslaughter in the second degree;
9 (v) Indecent liberties if committed by forcible compulsion;
10 (vi) Kidnapping in the second degree;
11 (vii) Arson in the second degree;
12 (viii) Assault in the second degree;
13 (ix) Assault of a child in the second degree;
14 (x) Extortion in the first degree;
15 (xi) Robbery in the second degree;
16 (xii) Drive-by shooting;
17 (xiii) Vehicular assault, when caused by the operation or driving
18 of a vehicle by a person while under the influence of intoxicating
19 liquor or any drug or by the operation or driving of a vehicle in a
20 reckless manner; and
21 (xiv) Vehicular homicide, when proximately caused by the driving
22 of any vehicle by any person while under the influence of
23 intoxicating liquor or any drug as defined by RCW 46.61.502, or by
24 the operation of any vehicle in a reckless manner;
25 (b) Any conviction for a felony offense in effect at any time
26 prior to July 1, 1976, that is comparable to a felony classified as a
27 violent offense in (a) of this subsection; and
28 (c) Any federal or out-of-state conviction for an offense that
29 under the laws of this state would be a felony classified as a
30 violent offense under (a) or (b) of this subsection.
31 (~~(56)~~) (57) "Work crew" means a program of partial confinement
32 consisting of civic improvement tasks for the benefit of the
33 community that complies with RCW 9.94A.725.
34 (~~(57)~~) (58) "Work ethic camp" means an alternative
35 incarceration program as provided in RCW 9.94A.690 designed to reduce
36 recidivism and lower the cost of corrections by requiring offenders
37 to complete a comprehensive array of real-world job and vocational
38 experiences, character-building work ethics training, life management
39 skills development, substance abuse rehabilitation, counseling,
40 literacy training, and basic adult education.

1 (~~(58)~~) (59) "Work release" means a program of partial
2 confinement available to offenders who are employed or engaged as a
3 student in a regular course of study at school.

4 **Sec. 3.** RCW 9.94A.501 and 2015 c 290 s 1 and 2015 c 134 s 1 are
5 each reenacted and amended to read as follows:

6 (1) The department shall supervise the following offenders who
7 are sentenced to probation in superior court, pursuant to RCW
8 9.92.060, 9.95.204, or 9.95.210:

9 (a) Offenders convicted of:

10 (i) Sexual misconduct with a minor second degree;

11 (ii) Custodial sexual misconduct second degree;

12 (iii) Communication with a minor for immoral purposes; and

13 (iv) Violation of RCW 9A.44.132(2) (failure to register); and

14 (b) Offenders who have:

15 (i) A current conviction for a repetitive domestic violence
16 offense where domestic violence has been (~~plead~~~~[pleaded]~~) pleaded
17 and proven after August 1, 2011; and

18 (ii) A prior conviction for a repetitive domestic violence
19 offense or domestic violence felony offense where domestic violence
20 has been (~~plead~~~~[pleaded]~~) pleaded and proven after August 1, 2011.

21 (2) Misdemeanor and gross misdemeanor offenders supervised by the
22 department pursuant to this section shall be placed on community
23 custody.

24 (3) The department shall supervise every felony offender
25 sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702
26 whose risk assessment classifies the offender as one who is at a high
27 risk to reoffend.

28 (4) Notwithstanding any other provision of this section, the
29 department shall supervise an offender sentenced to community custody
30 regardless of risk classification if the offender:

31 (a) Has a current conviction for a sex offense or a serious
32 violent offense and was sentenced to a term of community custody
33 pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

34 (b) Has been identified by the department as a dangerous mentally
35 ill offender pursuant to RCW 72.09.370;

36 (c) Has an indeterminate sentence and is subject to parole
37 pursuant to RCW 9.95.017;

1 (d) Has a current conviction for violating RCW 9A.44.132(1)
2 (failure to register) and was sentenced to a term of community
3 custody pursuant to RCW 9.94A.701;

4 (e)(i) Has a current conviction for a domestic violence felony
5 offense where domestic violence has been (~~plead~~~~[pleaded]~~) pleaded
6 and proven after August 1, 2011, and a prior conviction for a
7 repetitive domestic violence offense or domestic violence felony
8 offense where domestic violence was (~~plead~~~~[pleaded]~~) pleaded and
9 proven after August 1, 2011. This subsection (4)(e)(i) applies only
10 to offenses committed prior to July 24, 2015;

11 (ii) Has a conviction for a domestic violence felony offense
12 where domestic violence was (~~plead~~~~[pleaded]~~) pleaded and proven
13 and that was committed after July 24, 2015. The state and its
14 officers, agents, and employees shall not be held criminally or
15 civilly liable for its supervision of an offender under this
16 subsection (4)(e)(ii) unless the state and its officers, agents, and
17 employees acted with gross negligence;

18 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or
19 9.94A.670;

20 (g) Is subject to supervision pursuant to RCW 9.94A.745; (~~or~~)

21 (h) Was convicted and sentenced under RCW 46.61.520 (vehicular
22 homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6)
23 (felony DUI), or RCW 46.61.504(6) (felony physical control); or

24 (i) Has a current conviction for a property offense as defined in
25 RCW 9.94A.030, and has an offender score of four points or more,
26 unless the offender is a habitual property offender as defined in
27 section 18 of this act.

28 (5) The department shall supervise any offender who is released
29 by the indeterminate sentence review board and who was sentenced to
30 community custody or subject to community custody under the terms of
31 release.

32 (6) The department is not authorized to, and may not, supervise
33 any offender sentenced to a term of community custody or any
34 probationer unless the offender or probationer is one for whom
35 supervision is required under this section or RCW 9.94A.5011.

36 (7) The department shall conduct a risk assessment for every
37 felony offender sentenced to a term of community custody who may be
38 subject to supervision under this section or RCW 9.94A.5011.

1 **Sec. 4.** RCW 9.94A.505 and 2015 c 287 s 10 and 2015 c 81 s 1 are
2 each reenacted and amended to read as follows:

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

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

7 (i) Unless another term of confinement applies, a sentence within
8 the standard sentence range established in RCW 9.94A.510 ~~((~~o~~))~~,
9 9.94A.517, or section 7 of this act;

10 (ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

11 (iii) RCW 9.94A.570, relating to persistent offenders;

12 (iv) RCW 9.94A.540, relating to mandatory minimum terms;

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

14 (vi) RCW 9.94A.660, relating to the drug offender sentencing
15 alternative;

16 (vii) RCW 9.94A.670, relating to the special sex offender
17 sentencing alternative;

18 (viii) RCW 9.94A.655, relating to the parenting sentencing
19 alternative;

20 (ix) RCW 9.94A.507, relating to certain sex offenses;

21 (x) RCW 9.94A.535, relating to exceptional sentences;

22 (xi) RCW 9.94A.589, relating to consecutive and concurrent
23 sentences;

24 (xii) RCW 9.94A.603, relating to felony driving while under the
25 influence of intoxicating liquor or any drug and felony physical
26 control of a vehicle while under the influence of intoxicating liquor
27 or any drug.

28 (b) If a standard sentence range has not been established for the
29 offender's crime, the court shall impose a determinate sentence which
30 may include not more than one year of confinement; community
31 restitution work; a term of community custody under RCW 9.94A.702 not
32 to exceed one year; and/or other legal financial obligations. The
33 court may impose a sentence which provides more than one year of
34 confinement and a community custody term under RCW 9.94A.701 if the
35 court finds reasons justifying an exceptional sentence as provided in
36 RCW 9.94A.535.

37 (3) If the court imposes a sentence requiring confinement of
38 thirty days or less, the court may, in its discretion, specify that
39 the sentence be served on consecutive or intermittent days. A
40 sentence requiring more than thirty days of confinement shall be

1 served on consecutive days. Local jail administrators may schedule
2 court-ordered intermittent sentences as space permits.

3 (4) If a sentence imposed includes payment of a legal financial
4 obligation, it shall be imposed as provided in RCW 9.94A.750,
5 9.94A.753, 9.94A.760, and 43.43.7541.

6 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a
7 court may not impose a sentence providing for a term of confinement
8 or community custody that exceeds the statutory maximum for the crime
9 as provided in chapter 9A.20 RCW.

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

14 (7) The sentencing court shall not give the offender credit for
15 any time the offender was required to comply with an electronic
16 monitoring program prior to sentencing if the offender was convicted
17 of one of the following offenses:

18 (a) A violent offense;

19 (b) Any sex offense;

20 (c) Any drug offense;

21 (d) Reckless burning in the first or second degree as defined in
22 RCW 9A.48.040 or 9A.48.050;

23 (e) Assault in the third degree as defined in RCW 9A.36.031;

24 (f) Assault of a child in the third degree;

25 (g) Unlawful imprisonment as defined in RCW 9A.40.040; or

26 (h) Harassment as defined in RCW 9A.46.020.

27 (8) The court shall order restitution as provided in RCW
28 9.94A.750 and 9.94A.753.

29 (9) As a part of any sentence, the court may impose and enforce
30 crime-related prohibitions and affirmative conditions as provided in
31 this chapter. "Crime-related prohibitions" may include a prohibition
32 on the use or possession of alcohol or controlled substances if the
33 court finds that any chemical dependency or substance abuse
34 contributed to the offense.

35 (10) In any sentence of partial confinement, the court may
36 require the offender to serve the partial confinement in work
37 release, in a program of home detention, on work crew, or in a
38 combined program of work crew and home detention.

1 Assault of a Child 1 (RCW 9A.36.120)
2 Malicious placement of an imitation
3 device 1 (RCW 70.74.272(1)(a))
4 Promoting Commercial Sexual Abuse
5 of a Minor (RCW 9.68A.101)
6 Rape 1 (RCW 9A.44.040)
7 Rape of a Child 1 (RCW 9A.44.073)
8 Trafficking 2 (RCW 9A.40.100(3))
9 XI Manslaughter 1 (RCW 9A.32.060)
10 Rape 2 (RCW 9A.44.050)
11 Rape of a Child 2 (RCW 9A.44.076)
12 Vehicular Homicide, by being under
13 the influence of intoxicating liquor
14 or any drug (RCW 46.61.520)
15 X Child Molestation 1 (RCW 9A.44.083)
16 Criminal Mistreatment 1 (RCW
17 9A.42.020)
18 Indecent Liberties (with forcible
19 compulsion) (RCW
20 9A.44.100(1)(a))
21 Kidnapping 1 (RCW 9A.40.020)
22 Leading Organized Crime (RCW
23 9A.82.060(1)(a))
24 Malicious explosion 3 (RCW
25 70.74.280(3))
26 Sexually Violent Predator Escape
27 (RCW 9A.76.115)
28 IX Abandonment of Dependent Person 1
29 (RCW 9A.42.060)
30 Assault of a Child 2 (RCW 9A.36.130)
31 Explosive devices prohibited (RCW
32 70.74.180)
33 Hit and Run—Death (RCW
34 46.52.020(4)(a))

1 Homicide by Watercraft, by being
2 under the influence of intoxicating
3 liquor or any drug (RCW
4 79A.60.050)

5 Inciting Criminal Profiteering (RCW
6 9A.82.060(1)(b))

7 Malicious placement of an explosive 2
8 (RCW 70.74.270(2))

9 Robbery 1 (RCW 9A.56.200)

10 Sexual Exploitation (RCW 9.68A.040)

11 VIII Arson 1 (RCW 9A.48.020)

12 Commercial Sexual Abuse of a Minor
13 (RCW 9.68A.100)

14 Homicide by Watercraft, by the
15 operation of any vessel in a
16 reckless manner (RCW
17 79A.60.050)

18 Manslaughter 2 (RCW 9A.32.070)

19 Promoting Prostitution 1 (RCW
20 9A.88.070)

21 Theft of Ammonia (RCW 69.55.010)

22 Vehicular Homicide, by the operation
23 of any vehicle in a reckless
24 manner (RCW 46.61.520)

25 VII Burglary 1 (RCW 9A.52.020)

26 Child Molestation 2 (RCW 9A.44.086)

27 Civil Disorder Training (RCW
28 9A.48.120)

29 Dealing in depictions of minor engaged
30 in sexually explicit conduct 1
31 (RCW 9.68A.050(1))

32 Drive-by Shooting (RCW 9A.36.045)

33 Homicide by Watercraft, by disregard
34 for the safety of others (RCW
35 79A.60.050)

1 Indecent Liberties (without forcible
2 compulsion) (RCW 9A.44.100(1)
3 (b) and (c))
4 Introducing Contraband 1 (RCW
5 9A.76.140)
6 Malicious placement of an explosive 3
7 (RCW 70.74.270(3))
8 Negligently Causing Death By Use of a
9 Signal Preemption Device (RCW
10 46.37.675)
11 Sending, bringing into state depictions
12 of minor engaged in sexually
13 explicit conduct 1 (RCW
14 9.68A.060(1))
15 Unlawful Possession of a Firearm in
16 the first degree (RCW
17 9.41.040(1))
18 Use of a Machine Gun in Commission
19 of a Felony (RCW 9.41.225)
20 Vehicular Homicide, by disregard for
21 the safety of others (RCW
22 46.61.520)
23 VI Bail Jumping with Murder 1 (RCW
24 9A.76.170(3)(a))
25 Bribery (RCW 9A.68.010)
26 Incest 1 (RCW 9A.64.020(1))
27 Intimidating a Judge (RCW 9A.72.160)
28 Intimidating a Juror/Witness (RCW
29 9A.72.110, 9A.72.130)
30 Malicious placement of an imitation
31 device 2 (RCW 70.74.272(1)(b))
32 Possession of Depictions of a Minor
33 Engaged in Sexually Explicit
34 Conduct 1 (RCW 9.68A.070(1))
35 Rape of a Child 3 (RCW 9A.44.079)
36 Theft of a Firearm (RCW 9A.56.300)

1 Unlawful Storage of Ammonia (RCW
2 69.55.020)

3 V Abandonment of Dependent Person 2
4 (RCW 9A.42.070)

5 Advancing money or property for
6 extortionate extension of credit
7 (RCW 9A.82.030)

8 Bail Jumping with class A Felony
9 (RCW 9A.76.170(3)(b))

10 Child Molestation 3 (RCW 9A.44.089)

11 Criminal Mistreatment 2 (RCW
12 9A.42.030)

13 Custodial Sexual Misconduct 1 (RCW
14 9A.44.160)

15 Dealing in Depictions of Minor
16 Engaged in Sexually Explicit
17 Conduct 2 (RCW 9.68A.050(2))

18 Domestic Violence Court Order
19 Violation (RCW 10.99.040,
20 10.99.050, 26.09.300, 26.10.220,
21 26.26.138, 26.50.110, 26.52.070,
22 or 74.34.145)

23 Driving While Under the Influence
24 (RCW 46.61.502(6))

25 Extortion 1 (RCW 9A.56.120)

26 Extortionate Extension of Credit (RCW
27 9A.82.020)

28 Extortionate Means to Collect
29 Extensions of Credit (RCW
30 9A.82.040)

31 Incest 2 (RCW 9A.64.020(2))

32 Kidnapping 2 (RCW 9A.40.030)

33 Perjury 1 (RCW 9A.72.020)

34 Persistent prison misbehavior (RCW
35 9.94.070)

1 Physical Control of a Vehicle While
2 Under the Influence (RCW
3 46.61.504(6))
4 Possession of a Stolen Firearm (RCW
5 9A.56.310)
6 Rape 3 (RCW 9A.44.060)
7 Rendering Criminal Assistance 1
8 (RCW 9A.76.070)
9 Sending, Bringing into State
10 Depictions of Minor Engaged in
11 Sexually Explicit Conduct 2
12 (RCW 9.68A.060(2))
13 Sexual Misconduct with a Minor 1
14 (RCW 9A.44.093)
15 Sexually Violating Human Remains
16 (RCW 9A.44.105)
17 Stalking (RCW 9A.46.110)
18 ~~((Taking Motor Vehicle Without
19 Permission 1 (RCW 9A.56.070)))~~
20 IV Arson 2 (RCW 9A.48.030)
21 Assault 2 (RCW 9A.36.021)
22 Assault 3 (of a Peace Officer with a
23 Projectile Stun Gun) (RCW
24 9A.36.031(1)(h))
25 Assault by Watercraft (RCW
26 79A.60.060)
27 Bribing a Witness/Bribe Received by
28 Witness (RCW 9A.72.090,
29 9A.72.100)
30 Cheating 1 (RCW 9.46.1961)
31 Commercial Bribery (RCW
32 9A.68.060)
33 ~~((Counterfeiting (RCW 9.16.035(4))))~~
34 Endangerment with a Controlled
35 Substance (RCW 9A.42.100)

1 Escape 1 (RCW 9A.76.110)
2 Hit and Run—Injury (RCW
3 46.52.020(4)(b))
4 Hit and Run with Vessel—Injury
5 Accident (RCW 79A.60.200(3))
6 ~~((Identity Theft 1 (RCW 9.35.020(2))))~~
7 Indecent Exposure to Person Under
8 Age Fourteen (subsequent sex
9 offense) (RCW 9A.88.010)
10 Influencing Outcome of Sporting Event
11 (RCW 9A.82.070)
12 Malicious Harassment (RCW
13 9A.36.080)
14 Possession of Depictions of a Minor
15 Engaged in Sexually Explicit
16 Conduct 2 (RCW 9.68A.070(2))
17 Residential Burglary (RCW
18 9A.52.025)
19 Robbery 2 (RCW 9A.56.210)
20 ~~((Theft of Livestock 1 (RCW
21 9A.56.080)))~~
22 Threats to Bomb (RCW 9.61.160)
23 ~~((Trafficking in Stolen Property 1
24 (RCW 9A.82.050))~~
25 ~~Unlawful factoring of a credit card or
26 payment card transaction (RCW
27 9A.56.290(4)(b))))~~
28 Unlawful transaction of health
29 coverage as a health care service
30 contractor (RCW 48.44.016(3))
31 Unlawful transaction of health
32 coverage as a health maintenance
33 organization (RCW 48.46.033(3))
34 Unlawful transaction of insurance
35 business (RCW 48.15.023(3))

1 Unlicensed practice as an insurance
2 professional (RCW 48.17.063(2))
3 Use of Proceeds of Criminal
4 Profiteering (RCW 9A.82.080 (1)
5 and (2))
6 Vehicle Prowling 2 (third or
7 subsequent offense) (RCW
8 9A.52.100(3))
9 Vehicular Assault, by being under the
10 influence of intoxicating liquor or
11 any drug, or by the operation or
12 driving of a vehicle in a reckless
13 manner (RCW 46.61.522)
14 Viewing of Depictions of a Minor
15 Engaged in Sexually Explicit
16 Conduct 1 (RCW 9.68A.075(1))
17 Willful Failure to Return from
18 Furlough (RCW 72.66.060)
19 III Animal Cruelty 1 (Sexual Conduct or
20 Contact) (RCW 16.52.205(3))
21 Assault 3 (Except Assault 3 of a Peace
22 Officer With a Projectile Stun
23 Gun) (RCW 9A.36.031 except
24 subsection (1)(h))
25 Assault of a Child 3 (RCW 9A.36.140)
26 Bail Jumping with class B or C Felony
27 (RCW 9A.76.170(3)(c))
28 ~~((Burglary 2 (RCW 9A.52.030)))~~
29 Communication with a Minor for
30 Immoral Purposes (RCW
31 9.68A.090)
32 Criminal Gang Intimidation (RCW
33 9A.46.120)
34 Custodial Assault (RCW 9A.36.100)

1 Cyberstalking (subsequent conviction
2 or threat of death) (RCW
3 9.61.260(3))
4 Escape 2 (RCW 9A.76.120)
5 Extortion 2 (RCW 9A.56.130)
6 Harassment (RCW 9A.46.020)
7 Intimidating a Public Servant (RCW
8 9A.76.180)
9 Introducing Contraband 2 (RCW
10 9A.76.150)
11 Malicious Injury to Railroad Property
12 (RCW 81.60.070)
13 Mortgage Fraud (RCW 19.144.080)
14 Negligently Causing Substantial
15 Bodily Harm By Use of a Signal
16 Preemption Device (RCW
17 46.37.674)
18 ~~((Organized Retail Theft 1 (RCW~~
19 ~~9A.56.350(2))))~~
20 Perjury 2 (RCW 9A.72.030)
21 Possession of Incendiary Device (RCW
22 9.40.120)
23 Possession of Machine Gun or Short-
24 Barreled Shotgun or Rifle (RCW
25 9.41.190)
26 Promoting Prostitution 2 (RCW
27 9A.88.080)
28 ~~((Retail Theft with Special~~
29 ~~Circumstances 1 (RCW~~
30 ~~9A.56.360(2))))~~
31 Securities Act violation (RCW
32 21.20.400)
33 Tampering with a Witness (RCW
34 9A.72.120)

1 Telephone Harassment (subsequent
2 conviction or threat of death)
3 (RCW 9.61.230(2))
4 ~~((Theft of Livestock 2 (RCW
5 9A.56.083)
6 Theft with the Intent to Resell 1 (RCW
7 9A.56.340(2))
8 Trafficking in Stolen Property 2 (RCW
9 9A.82.055)
10 Unlawful Hunting of Big Game 1
11 (RCW 77.15.410(3)(b))))
12 Unlawful Imprisonment (RCW
13 9A.40.040)
14 Unlawful Misbranding of Food Fish or
15 Shellfish 1 (RCW 69.04.938(3))
16 Unlawful possession of firearm in the
17 second degree (RCW 9.41.040(2))
18 Unlawful Taking of Endangered Fish
19 or Wildlife 1 (RCW
20 77.15.120(3)(b))
21 Unlawful Trafficking in Fish, Shellfish,
22 or Wildlife 1 (RCW
23 77.15.260(3)(b))
24 Unlawful Use of a Nondesignated
25 Vessel (RCW 77.15.530(4))
26 Vehicular Assault, by the operation or
27 driving of a vehicle with disregard
28 for the safety of others (RCW
29 46.61.522)
30 Willful Failure to Return from Work
31 Release (RCW 72.65.070)
32 II ~~((Commercial Fishing Without a
33 License 1 (RCW
34 77.15.500(3)(b))))
35 Computer Trespass 1 (RCW
36 9A.52.110)~~~~

1 ~~((Counterfeiting (RCW 9.16.035(3))~~
2 ~~Engaging in Fish Dealing Activity~~
3 ~~Unlicensed 1 (RCW~~
4 ~~77.15.620(3)))~~
5 ~~Escape from Community Custody~~
6 ~~(RCW 72.09.310)~~
7 ~~Failure to Register as a Sex Offender~~
8 ~~(second or subsequent offense)~~
9 ~~(RCW 9A.44.130 prior to June 10,~~
10 ~~2010, and RCW 9A.44.132)~~
11 ~~((Health Care False Claims (RCW~~
12 ~~48.80.030)~~
13 ~~Identity Theft 2 (RCW 9.35.020(3)))~~
14 ~~Improperly Obtaining Financial~~
15 ~~Information (RCW 9.35.010)~~
16 ~~((Malicious Mischief 1 (RCW~~
17 ~~9A.48.070)~~
18 ~~Organized Retail Theft 2 (RCW~~
19 ~~9A.56.350(3))~~
20 ~~Possession of Stolen Property 1 (RCW~~
21 ~~9A.56.150)~~
22 ~~Possession of a Stolen Vehicle (RCW~~
23 ~~9A.56.068)~~
24 ~~Retail Theft with Special~~
25 ~~Circumstances 2 (RCW~~
26 ~~9A.56.360(3))~~
27 ~~Scrap Processing, Recycling, or~~
28 ~~Supplying Without a License~~
29 ~~(second or subsequent offense)~~
30 ~~(RCW 19.290.100)~~
31 ~~Theft 1 (RCW 9A.56.030)~~
32 ~~Theft of a Motor Vehicle (RCW~~
33 ~~9A.56.065)~~

1 Theft of Rental, Leased, or Lease-
2 purchased Property (valued at one
3 thousand five hundred dollars or
4 more) (RCW 9A.56.096(5)(a))
5 Theft with the Intent to Resell 2 (RCW
6 9A.56.340(3))
7 Trafficking in Insurance Claims (RCW
8 48.30A.015)
9 Unlawful factoring of a credit card or
10 payment card transaction (RCW
11 9A.56.290(4)(a)))
12 Unlawful Participation of Non-Indians
13 in Indian Fishery (RCW
14 77.15.570(2))
15 Unlawful Practice of Law (RCW
16 2.48.180)
17 Unlawful Purchase or Use of a License
18 (RCW 77.15.650(3)(b))
19 Unlawful Trafficking in Fish, Shellfish,
20 or Wildlife 2 (RCW
21 77.15.260(3)(a))
22 Unlicensed Practice of a Profession or
23 Business (RCW 18.130.190(7))
24 Voyeurism (RCW 9A.44.115)
25 I Attempting to Elude a Pursuing Police
26 Vehicle (RCW 46.61.024)
27 ((False Verification for Welfare (RCW
28 74.08.055)
29 Forgery (RCW 9A.60.020)))
30 Fraudulent Creation or Revocation of a
31 Mental Health Advance Directive
32 (RCW 9A.60.060)
33 ((Malicious Mischief 2 (RCW
34 9A.48.080)))
35 Mineral Trespass (RCW 78.44.330)

1 ((Possession of Stolen Property 2
2 (RCW 9A.56.160)
3 Reckless Burning 1 (RCW
4 9A.48.040)))
5 Spotlighting Big Game 1 (RCW
6 77.15.450(3)(b))
7 Suspension of Department Privileges 1
8 (RCW 77.15.670(3)(b))
9 ((Taking Motor Vehicle Without
10 Permission 2 (RCW 9A.56.075)
11 Theft 2 (RCW 9A.56.040)
12 Theft of Rental, Leased, or Lease-
13 purchased Property (valued at two
14 hundred fifty dollars or more but
15 less than one thousand five
16 hundred dollars) (RCW
17 9A.56.096(5)(b))))
18 Transaction of insurance business
19 beyond the scope of licensure
20 (RCW 48.17.063)
21 Unlawful Fish and Shellfish Catch
22 Accounting (RCW
23 77.15.630(3)(b))
24 ((Unlawful Issuance of Checks or
25 Drafts (RCW 9A.56.060)
26 Unlawful Possession of Fictitious
27 Identification (RCW 9A.56.320)
28 Unlawful Possession of Instruments of
29 Financial Fraud (RCW 9A.56.320)
30 Unlawful Possession of Payment
31 Instruments (RCW 9A.56.320)
32 Unlawful Possession of a Personal
33 Identification Device (RCW
34 9A.56.320)
35 Unlawful Production of Payment
36 Instruments (RCW 9A.56.320)))

1 Unlawful Releasing, Planting,
 2 Possessing, or Placing Deleterious
 3 Exotic Wildlife (RCW
 4 77.15.250(2)(b))
 5 ((Unlawful Trafficking in Food Stamps
 6 (RCW 9.91.142)
 7 Unlawful Use of Food Stamps (RCW
 8 9.91.144)))
 9 Unlawful Use of Net to Take Fish 1
 10 (RCW 77.15.580(3)(b))
 11 Unlawful Use of Prohibited Aquatic
 12 Animal Species (RCW
 13 77.15.253(3))
 14 Vehicle Prowl 1 (RCW 9A.52.095)
 15 Violating Commercial Fishing Area or
 16 Time 1 (RCW 77.15.550(3)(b))

17 NEW SECTION. **Sec. 7.**
 18 (1)

19 TABLE 5 - PROPERTY OFFENSE SENTENCING GRID

| Seriousness Level | Offender Score | | | | | | | | | |
|----------------------|----------------|----------------|----------------|------------------|------------------|------------------|------------------|------------------|-------------------|-------------------|
| | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
| 4 | 15-180 days | 30-240 days | 30-300 days | 12+-14 months | 12+-16 months | 14-18 months | 16-24 months | 24-30 months | 30-36.5 months | 36.5-42 months |
| 3 | 10-90 days | 15-180 days | 20-180 days | 30-240 days | 30-300 days | 12+-14 months | 12+-16 months | 14-18 months | 16-24 months | 24-30 months |
| 2 | 0-90 days | 10-120 days | 15-180 days | 20-180 days | 30-240 days | 30-300 days | 12+-14 months | 12+-16 months | 14-18 months | 16-20 months |
| 1 | 0-60 days | 0-90 days | 10-120 days | 20-180 days | 30-240 days | 30-300 days | 30-300 days | 12+-14 months | 12+-16 months | 14-18 months |

32 References to months represent the standard sentence range. 12+
 33 equals one year and one day.

1 (2) The court may utilize any other sanctions or alternatives as
2 authorized by law, including but not limited to the special drug
3 offender sentencing alternative under RCW 9.94A.660 or drug court
4 under chapter 2.30 RCW.

5 (3) Nothing in this section creates an entitlement for a criminal
6 defendant to any specific sanction, alternative, sentence option, or
7 substance abuse treatment.

8 NEW SECTION. **Sec. 8.**

9 TABLE 6 - PROPERTY OFFENSES
10 INCLUDED WITHIN EACH SERIOUSNESS LEVEL

| | | |
|----|-----|---|
| 11 | IV | Counterfeiting (RCW 9.16.035(4)) |
| 12 | | Identity Theft 1 (RCW 9.35.020(2)) |
| 13 | | Theft of Livestock 1 (RCW 9A.56.080) |
| 14 | | Trafficking in Stolen Property 1 (RCW |
| 15 | | 9A.82.050) |
| 16 | | Unlawful Factoring of a Credit Card or |
| 17 | | Payment Card Transaction (RCW |
| 18 | | 9A.56.290(4)(b)) |
| 19 | III | Burglary 2 (RCW 9A.52.030) |
| 20 | | Organized Retail Theft 1 (RCW |
| 21 | | 9A.56.350(2)) |
| 22 | | Possession of Stolen Vehicle (RCW |
| 23 | | 9A.56.068) |
| 24 | | Retail Theft with Special Circumstances 1 |
| 25 | | (RCW 9A.56.360(2)) |
| 26 | | Taking Motor Vehicle without Permission 1 |
| 27 | | (RCW 9A.56.070) |
| 28 | | Theft of Livestock 2 (RCW 9A.56.083) |
| 29 | | Theft of Motor Vehicle (RCW 9A.56.065) |
| 30 | | Theft with the Intent to Resell 1 (RCW |
| 31 | | 9A.56.340(2)) |
| 32 | | Trafficking in Stolen Property 2 (RCW |
| 33 | | 9A.82.055) |
| 34 | | Unlawful Hunting of Big Game 1 (RCW |
| 35 | | 77.15.410(3)(b)) |

1 II Commercial Fishing Without a License 1
2 (RCW 77.15.500(3)(b))
3 Counterfeiting (RCW 9.16.035(3))
4 Engaging in Fish Dealing Activity
5 Unlicensed 1 (RCW 77.15.620(3)(b))
6 Health Care False Claims (RCW 48.80.030)
7 Identity Theft 2 (RCW 9.35.020(3))
8 Malicious Mischief 1 (RCW 9A.48.070)
9 Organized Retail Theft 2 (RCW
10 9A.56.350(3))
11 Possession of Stolen Property 1 (RCW
12 9A.56.150)
13 Retail Theft with Special Circumstances 2
14 (RCW 9A.56.360(3))
15 Scrap Processing, Recycling, or Supplying
16 Without a License (second or
17 subsequent offense) (RCW
18 19.290.100(2)(b))
19 Theft 1 (RCW 9A.56.030)
20 Theft of Rental, Leased, or Lease-
21 purchased, or Loaned Property (valued
22 at five thousand dollars or more) (RCW
23 9A.56.096(5)(a))
24 Theft with the Intent to Resell 2 (RCW
25 9A.56.340(3))
26 Trafficking in Insurance Claims (RCW
27 48.30A.015)
28 Unlawful Factoring of a Credit Card or
29 Payment Card Transaction (RCW
30 9A.56.290(4)(a))
31 I False Verification for Welfare (RCW
32 74.08.055)
33 Forgery (RCW 9A.60.020)
34 Malicious Mischief 2 (RCW 9A.48.080)

1 Possession of Stolen Property 2 (RCW
2 9A.56.160)
3 Reckless Burning 1 (RCW 9A.48.040)
4 Taking Motor Vehicle without Permission 2
5 (RCW 9A.56.075)
6 Theft 2 (RCW 9A.56.040)
7 Theft of Rental, Leased, Lease-purchased,
8 or Loan Property (valued at seven
9 hundred fifty dollars or more but less
10 than five thousand dollars) (RCW
11 9A.56.096(5)(b))
12 Unlawful Issuance of Checks or Drafts
13 (RCW 9A.56.060)
14 Unlawful Possession of Fictitious
15 Identification (RCW 9A.56.320(4))
16 Unlawful Possession of Instruments of
17 Financial Fraud (RCW 9A.56.320(5))
18 Unlawful Possession of Payment
19 Instruments (RCW 9A.56.320(2))
20 Unlawful Possession of a Personal
21 Identification Device (RCW
22 9A.56.320(3))
23 Unlawful Production of Payment
24 Instruments (RCW 9A.56.320(1))
25 Unlawful Trafficking in Food Stamps
26 (RCW 9.91.142)
27 Unlawful Use of Food Stamps (RCW
28 9.91.144)

29 **Sec. 9.** RCW 9.94A.585 and 2002 c 290 s 19 are each amended to
30 read as follows:

31 (1) A sentence within the standard sentence range, under RCW
32 9.94A.510 ~~((or))~~, 9.94A.517, or section 7 of this act, for an offense
33 shall not be appealed. For purposes of this section, a sentence
34 imposed on a first-time offender under RCW 9.94A.650 shall also be
35 deemed to be within the standard sentence range for the offense and
36 shall not be appealed.

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

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

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

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

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

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

33 **Sec. 10.** RCW 9.94A.701 and 2010 c 267 s 11 and 2010 c 224 s 5
34 are each reenacted and amended to read as follows:

35 (1) If an offender is sentenced to the custody of the department
36 for one of the following crimes, the court shall, in addition to the
37 other terms of the sentence, sentence the offender to community
38 custody for three years:

39 (a) A sex offense not sentenced under RCW 9.94A.507; or

1 (b) A serious violent offense.

2 (2) A court shall, in addition to the other terms of the
3 sentence, sentence an offender to community custody for eighteen
4 months when the court sentences the person to the custody of the
5 department for a violent offense that is not considered a serious
6 violent offense.

7 (3) A court shall, in addition to the other terms of the
8 sentence, sentence an offender to community custody for one year when
9 the court sentences the person to the custody of the department for:

10 (a) Any crime against persons under RCW 9.94A.411(2);

11 (b) An offense involving the unlawful possession of a firearm
12 under RCW 9.41.040, where the offender is a criminal street gang
13 member or associate;

14 (c) A felony offense under chapter 69.50 or 69.52 RCW, committed
15 on or after July 1, 2000; (~~or~~)

16 (d) A felony violation of RCW 9A.44.132(1) (failure to register)
17 that is the offender's first violation for a felony failure to
18 register; or

19 (e) Any property offense, as defined in RCW 9.94A.030, if the
20 offender has an offender score of four points or more, unless the
21 offender is a habitual property offender as defined in section 18 of
22 this act.

23 (4) If an offender is sentenced under the drug offender
24 sentencing alternative, the court shall impose community custody as
25 provided in RCW 9.94A.660.

26 (5) If an offender is sentenced under the special sex offender
27 sentencing alternative, the court shall impose community custody as
28 provided in RCW 9.94A.670.

29 (6) If an offender is sentenced to a work ethic camp, the court
30 shall impose community custody as provided in RCW 9.94A.690.

31 (7) If an offender is sentenced under the parenting sentencing
32 alternative, the court shall impose a term of community custody as
33 provided in RCW 9.94A.655.

34 (8) If a sex offender is sentenced as a nonpersistent offender
35 pursuant to RCW 9.94A.507, the court shall impose community custody
36 as provided in that section.

37 (9) The term of community custody specified by this section shall
38 be reduced by the court whenever an offender's standard range term of
39 confinement in combination with the term of community custody exceeds
40 the statutory maximum for the crime as provided in RCW 9A.20.021.

1 (10) The department is not liable for tortious actions of a
2 supervised offender unless reckless disregard of a known and
3 immediate risk by the department is proven. In any case, the
4 department is liable for only its degree of fault as determined by a
5 fact finder.

6 **Sec. 11.** RCW 9.94A.702 and 2010 c 267 s 12 are each amended to
7 read as follows:

8 (1) If an offender is sentenced to a term of confinement for one
9 year or less for one of the following offenses, the court may impose
10 up to one year of community custody:

11 (a) A sex offense;

12 (b) A violent offense;

13 (c) A crime against a person under RCW 9.94A.411;

14 (d) A felony violation of chapter 69.50 or 69.52 RCW, or an
15 attempt, conspiracy, or solicitation to commit such a crime; or

16 (e) A felony violation of RCW 9A.44.132(1) (failure to register).

17 (2) If an offender is sentenced to a term of confinement for one
18 year or less for a property offense, as defined in RCW 9.94A.030, and
19 the offender has an offender score of four points or more, the court
20 shall impose one year of community custody. An offender found to be a
21 habitual property offender under section 18 of this act is not
22 eligible for community custody.

23 (3) If an offender is sentenced to a first-time offender waiver,
24 the court may impose community custody as provided in RCW 9.94A.650.

25 **Sec. 12.** RCW 9.94A.171 and 2011 1st sp.s. c 40 s 1 are each
26 amended to read as follows:

27 (1) A term of confinement ordered in a sentence pursuant to this
28 chapter shall be tolled by any period of time during which the
29 offender has absented himself or herself from confinement without the
30 prior approval of the entity in whose custody the offender has been
31 placed. A term of partial confinement shall be tolled during any
32 period of time spent in total confinement pursuant to a new
33 conviction.

34 (2) Any term of community custody shall be tolled by any period
35 of time during which the offender has absented himself or herself
36 from supervision without prior approval of the entity under whose
37 supervision the offender has been placed.

1 (3)(a) For offenders other than sex offenders serving a sentence
2 for a sex offense as defined in RCW 9.94A.030, any period of
3 community custody shall be tolled during any period of time the
4 offender is in confinement for any reason unless the offender is
5 detained pursuant to RCW 9.94A.740 or 9.94A.631 for the period of
6 time prior to the hearing or for confinement pursuant to sanctions
7 imposed for violation of sentence conditions, in which case, the
8 period of community custody shall not toll. However, sanctions that
9 result in the imposition of the remaining sentence or the original
10 sentence will continue to toll the period of community custody. In
11 addition, inpatient treatment ordered by the court in lieu of jail
12 time shall not toll the period of community custody.

13 (b) For sex offenders serving a sentence for a sex offense as
14 defined in RCW 9.94A.030, any period of community custody shall be
15 tolled during any period of time the sex offender is in confinement
16 for any reason.

17 (c) For offenders serving a sentence for a property offense, as
18 defined in RCW 9.94A.030, any period of community custody shall be
19 tolled during any period of time the offender is in confinement for
20 any reason.

21 (4) For terms of confinement or community custody, the date for
22 the tolling of the sentence shall be established by the entity
23 responsible for the confinement or supervision.

24 (5) For the purposes of this section, "tolling" means the period
25 of time in which community custody or confinement time is paused and
26 for which the offender does not receive credit towards the term
27 ordered.

28 **Sec. 13.** RCW 9.94A.860 and 2011 1st sp.s. c 40 s 36 are each
29 amended to read as follows:

30 (1)(a) The sentencing guidelines commission is hereby created(~~(~~
31 ~~located within the office of financial management)~~). The commission
32 shall be colocated with the caseload forecast council. Except as
33 provided in RCW 9.94A.875, the commission shall serve to advise the
34 governor and the legislature as necessary on issues relating to adult
35 and juvenile sentencing.

36 (b) Subject to funds appropriated specifically for this purpose,
37 the commission shall, in conjunction with the caseload forecast
38 council, monitor and report to the governor and the legislature on
39 the effectiveness of this act in reducing property crimes in

1 Washington state and prepare racial and ethnic impact analyses as
2 specified in section 17 of this act.

3 (c) The commission may meet, as necessary, to accomplish these
4 purposes ((within funds appropriated)).

5 (d) The commission may request assistance from other state
6 agencies including, but not limited to, the caseload forecast
7 council, the department, the department of social and health
8 services, and other agencies.

9 (2) The commission consists of ~~((twenty))~~ eighteen voting
10 members, one of whom the governor shall designate as chairperson.
11 With the exception of ex officio voting members, the voting members
12 of the commission shall be appointed by the governor, or his or her
13 designee, subject to confirmation by the senate.

14 (3) The voting membership consists of the following:

15 (a) The ~~((head of the state agency having general responsibility~~
16 ~~for adult correction programs))~~ secretary of the department, as an ex
17 officio member;

18 (b) The director of financial management or designee, as an ex
19 officio member;

20 (c) ~~((The chair of the indeterminate sentence review board, as an~~
21 ~~ex officio member;~~

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

25 ~~((e))~~ (d) Two prosecuting attorneys;

26 ~~((f))~~ (e) Two attorneys with particular expertise in defense
27 work;

28 ~~((g) Four))~~ (f) Two persons who are superior court judges;

29 ~~((h))~~ (g) One person who is the chief law enforcement officer
30 of a county ~~((or))~~ and one person who is the chief law enforcement
31 officer of a city;

32 ~~((i))~~ (h) Four members of the public who are not prosecutors,
33 defense attorneys, judges, or law enforcement officers, one of whom
34 is a victim of crime or a crime victims' advocate;

35 ~~((j))~~ (i) One person who is an elected official of a county
36 government, other than a prosecuting attorney or sheriff;

37 ~~((k))~~ (j) One person who is an elected official of a city
38 government;

39 ~~((l))~~ (k) One person who is an administrator of juvenile court
40 services.

1 In making the appointments, the governor shall endeavor to assure
2 that the commission membership includes adequate representation and
3 expertise relating to both the adult criminal justice system and the
4 juvenile justice system. In making the appointments, the governor
5 shall seek the recommendations of Washington prosecutors in respect
6 to the prosecuting attorney members, of the Washington state bar
7 association in respect to the defense attorney members, of the
8 association of superior court judges in respect to the members who
9 are judges, of the Washington association of sheriffs and police
10 chiefs in respect to the members who (~~is a~~) are law enforcement
11 officers, of the Washington state association of counties in respect
12 to the member who is a county official, of the association of
13 Washington cities in respect to the member who is a city official, of
14 the office of crime victims advocacy and other organizations of crime
15 victims in respect to the member who is a victim of crime or a crime
16 victims' advocate, and of the Washington association of juvenile
17 court administrators in respect to the member who is an administrator
18 of juvenile court services.

19 (4)(a) All voting members of the commission, except ex officio
20 voting members, shall serve terms of three years and until their
21 successors are appointed and confirmed.

22 (b) The governor shall stagger the terms of the members appointed
23 under subsection (3)(j), (k), and (l) of this section by appointing
24 one of them for a term of one year, one for a term of two years, and
25 one for a term of three years.

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

32 (6) The executive director of the caseload forecast council or
33 his or her designee shall be an ex officio, nonvoting member of the
34 commission.

35 (7) The members of the commission may be reimbursed for travel
36 expenses as provided in RCW 43.03.050 and 43.03.060. Legislative
37 members may be reimbursed by their respective houses as provided
38 under RCW 44.04.120. Except for the reimbursement of travel expenses,
39 members shall not be compensated.

1 NEW SECTION. **Sec. 14.** (1) Subject to appropriation, the
2 department of commerce shall establish a law enforcement grant
3 program. To be eligible for a grant, local law enforcement agencies
4 shall submit proposals to the department of commerce that focus on
5 increasing the capacity of the law enforcement agency to address
6 property crime within their jurisdiction through one of the following
7 strategies:

8 (a) Focusing on intervention and enforcement through the use of
9 increased staffing resources, including with overtime funds, to
10 target property crime with evidence driven approaches;

11 (b) Increasing technological capacity to support intervention and
12 enforcement with the purchase of technology for crime prevention and
13 criminal justice problem solving. Technology shall include, but not
14 be limited to, crime mapping software, global positioning systems
15 technology, and smart phone tools;

16 (c) Enhancing analytical capacity through the development or
17 expansion of analytical capabilities that focus on crime mapping,
18 analysis of crime trends, and developing data driven strategies that
19 focus on property crime reduction through the employment of civilian
20 crime analysts;

21 (d) Engaging with community partners in order to develop projects
22 that focus on preventing property crime in the community. Community
23 partners may include, but are not limited to, public and private
24 service providers, the courts, and probation services;

25 (e) Increasing direct services to property crime victims through
26 local law enforcement efforts.

27 (2) Preference shall be given to grant applicants that can
28 demonstrate a commitment to regional, multijurisdictional strategies
29 and that can clearly outline a comprehensive plan for municipalities
30 to work with law enforcement, community-based organizations, and
31 government agencies to address property crime.

32 (3) The department of commerce shall utilize an advisory
33 committee to evaluate grant applications and monitor the
34 effectiveness of grant projects in terms of property crime reduction.
35 The advisory committee shall include one representative of each of
36 the following entities:

37 (a) Governor's office;

38 (b) Washington state association of counties;

39 (c) Washington association of prosecuting attorneys;

40 (d) Administrative office of the courts;

- 1 (e) Washington association of sheriffs and police chiefs;
- 2 (f) Crime victims' compensation program;
- 3 (g) Department of corrections;
- 4 (h) Washington state patrol; and
- 5 (i) Criminal justice training commission.

6 (4) The department of commerce must report to the sentencing
7 guidelines commission on the advisory committee's evaluation of the
8 effectiveness of grant projects in terms of property crime reduction.

9 NEW SECTION. **Sec. 15.** Subject to appropriation, the department
10 of commerce shall establish a pretrial grant program. To be eligible
11 for a grant, counties shall submit proposals to the department of
12 commerce that provide for a local pretrial program that meets the
13 following criteria. The pretrial program must:

14 (1) Establish a procedure for screening those persons detained
15 following arrest, and information from the screening must be provided
16 to the judge who is setting the bond and conditions of release. The
17 information must provide the judge with the ability to make an
18 appropriate initial bond decision that is based upon facts relating
19 to the person's risk of failure to appear for court and risk of
20 danger to the community;

21 (2) Implement an empirically developed pretrial risk assessment
22 tool and a structured decision-making design based upon the person's
23 charge and risk assessment score;

24 (3) Establish a community advisory board with membership
25 including a representative of the judiciary, a representative of
26 local law enforcement, a representative of a prosecuting attorney, a
27 representative of a public defender or other defense counsel, and a
28 representative of a sheriff;

29 (4) Provide mental health, chemical dependency, and cognitive
30 behavioral treatment and services to each person, as needed, in order
31 to address and reduce criminal behavior;

32 (5) Use community supervision as a condition of release in order
33 to decrease unnecessary pretrial detention;

34 (6) Agree to provide an annual report to the department of
35 commerce that includes:

36 (a) The total number of pretrial assessments performed by the
37 program and submitted to the court;

38 (b) The total number of closed cases in which the person was
39 released from custody and supervised by the program;

1 (c) The total number of closed cases in which the person was
2 released from custody, was supervised by the program, and, while
3 under supervision, appeared for all scheduled court appearances on
4 the case;

5 (d) The total number of closed cases in which the person was
6 released from custody, was supervised by the program, and was not
7 charged with a new criminal offense while under supervision;

8 (e) The total number of closed cases in which the person was
9 released from custody, was supervised by the program, and the
10 person's bond was not revoked by the court;

11 (f) The total number of persons released from custody to the
12 supervision of the program and also on a commercial surety bond, a
13 cash private surety or property bond, or a personal recognizance
14 bond; and

15 (g) Any additional information required by the department of
16 commerce;

17 The department of commerce shall identify at least one county to
18 receive a grant that will test the impact of providing defendants
19 with earlier access to pretrial defense counsel on pretrial outcomes
20 and county budgets.

21 The department of commerce must report to the sentencing
22 guidelines commission on the effectiveness of the grant programs.

23 NEW SECTION. **Sec. 16.** (1) Grants awarded under sections 14 and
24 15 of this act shall be considered one-time grants and may be renewed
25 for effective programs. The department of commerce shall consult with
26 counties and local law enforcement agencies when determining grant
27 eligibility requirements and criteria. The department of commerce
28 shall publish guidelines and an application for the competitive
29 portion of the grant programs no later than January 1, 2017.

30 (2) The department of commerce shall monitor and enforce grant
31 compliance, including enforcement by withdrawing grant funds or
32 requiring reimbursement of grant funds.

33 (3) The department of commerce may adopt rules and procedures as
34 necessary to carry out sections 14 and 15 of this act.

35 (4) A grantee may not supplant current local funds for pretrial
36 services or law enforcement with funds provided by the department of
37 commerce under sections 14 and 15 of this act.

1 NEW SECTION. **Sec. 17.** A new section is added to chapter 43.88
2 RCW to read as follows:

3 (1) If one member from each of the major two caucuses in the
4 house of representatives or the senate request in writing a racial
5 and ethnic impact statement under this section regarding legislation
6 that has been introduced in that chamber, the Washington sentencing
7 guidelines commission shall prepare a racial and ethnic impact
8 analysis that describes the effects of proposed legislation on the
9 racial and ethnic composition of:

10 (a) The criminal offender population; or

11 (b) Recipients of human services.

12 (2) A racial and ethnic impact statement must be impartial,
13 simple, and understandable, and must include, for racial and ethnic
14 groups for which data are available, the following:

15 (a) An estimate of how the proposed legislation would change the
16 racial and ethnic composition of the criminal offender population or
17 recipients of human services;

18 (b) A statement of the methodologies and assumptions used in
19 preparing the estimate; and

20 (c) If the racial and ethnic impact statement addresses the
21 effect of proposed legislation on the criminal offender population,
22 an estimate of the racial and ethnic composition of the crime victims
23 who may be affected by the proposed legislation.

24 (3) As used in this section:

25 (a) "Criminal offender population" means all persons who are
26 convicted of a crime or adjudicated for an act that, if committed by
27 an adult, would constitute a crime.

28 (b) "Recipients of human services" means all persons who are
29 found to be within the jurisdiction of the juvenile court or who
30 receive child welfare services.

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

33 (1) The prosecuting attorney may file a special allegation when
34 sufficient evidence exists to show that the accused is a habitual
35 property offender.

36 (2) In a criminal case in which there has been a special
37 allegation and the accused has been convicted of the underlying
38 crime, the court shall make a finding of fact prior to sentencing
39 whether the person is a habitual property offender based on the

1 person's criminal history. If the court finds by a preponderance of
2 the evidence that the person is a habitual property offender, the
3 person shall be sentenced in accordance with section 7 of this act.

4 (3) For purposes of this section, a person is a habitual property
5 offender if:

6 (a) The present conviction for which the person is being
7 sentenced is a property offense as defined in RCW 9.94A.030;

8 (b) The person has an offender score of six points or higher;

9 (c) At least two of the points in the person's offender score
10 result from any combination of property offenses as defined in RCW
11 9.94A.030; and

12 (d) The person has been sentenced twice to supervision or
13 community custody as required by RCW 9.94A.701 and 9.94A.702.

14 (4) A person found to be a habitual property offender is no
15 longer eligible for supervision or community custody as required by
16 this act.

17 **Sec. 19.** RCW 9.94A.533 and 2015 c 134 s 2 are each amended to
18 read as follows:

19 (1) The provisions of this section apply to the standard sentence
20 ranges determined by RCW 9.94A.510 or 9.94A.517.

21 (2) For persons convicted of the anticipatory offenses of
22 criminal attempt, solicitation, or conspiracy under chapter 9A.28
23 RCW, the standard sentence range is determined by locating the
24 sentencing grid sentence range defined by the appropriate offender
25 score and the seriousness level of the completed crime, and
26 multiplying the range by seventy-five percent.

27 (3) The following additional times shall be added to the standard
28 sentence range for felony crimes committed after July 23, 1995, if
29 the offender or an accomplice was armed with a firearm as defined in
30 RCW 9.41.010 and the offender is being sentenced for one of the
31 crimes listed in this subsection as eligible for any firearm
32 enhancements based on the classification of the completed felony
33 crime. If the offender is being sentenced for more than one offense,
34 the firearm enhancement or enhancements must be added to the total
35 period of confinement for all offenses, regardless of which
36 underlying offense is subject to a firearm enhancement. If the
37 offender or an accomplice was armed with a firearm as defined in RCW
38 9.41.010 and the offender is being sentenced for an anticipatory
39 offense under chapter 9A.28 RCW to commit one of the crimes listed in

1 this subsection as eligible for any firearm enhancements, the
2 following additional times shall be added to the standard sentence
3 range determined under subsection (2) of this section based on the
4 felony crime of conviction as classified under RCW 9A.28.020:

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

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

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

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

21 (e) Notwithstanding any other provision of law, all firearm
22 enhancements under this section are mandatory, shall be served in
23 total confinement, and shall run consecutively to all other
24 sentencing provisions, including other firearm or deadly weapon
25 enhancements, for all offenses sentenced under this chapter. However,
26 whether or not a mandatory minimum term has expired, an offender
27 serving a sentence under this subsection may be:

28 (i) Granted an extraordinary medical placement when authorized
29 under RCW 9.94A.728(~~(+3)~~) (1)(c); or

30 (ii) Released under the provisions of RCW 9.94A.730;

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

36 (g) If the standard sentence range under this section exceeds the
37 statutory maximum sentence for the offense, the statutory maximum
38 sentence shall be the presumptive sentence unless the offender is a
39 persistent offender. If the addition of a firearm enhancement
40 increases the sentence so that it would exceed the statutory maximum

1 for the offense, the portion of the sentence representing the
2 enhancement may not be reduced.

3 (4) The following additional times shall be added to the standard
4 sentence range for felony crimes committed after July 23, 1995, if
5 the offender or an accomplice was armed with a deadly weapon other
6 than a firearm as defined in RCW 9.41.010 and the offender is being
7 sentenced for one of the crimes listed in this subsection as eligible
8 for any deadly weapon enhancements based on the classification of the
9 completed felony crime. If the offender is being sentenced for more
10 than one offense, the deadly weapon enhancement or enhancements must
11 be added to the total period of confinement for all offenses,
12 regardless of which underlying offense is subject to a deadly weapon
13 enhancement. If the offender or an accomplice was armed with a deadly
14 weapon other than a firearm as defined in RCW 9.41.010 and the
15 offender is being sentenced for an anticipatory offense under chapter
16 9A.28 RCW to commit one of the crimes listed in this subsection as
17 eligible for any deadly weapon enhancements, the following additional
18 times shall be added to the standard sentence range determined under
19 subsection (2) of this section based on the felony crime of
20 conviction as classified under RCW 9A.28.020:

21 (a) Two years for any felony defined under any law as a class A
22 felony or with a statutory maximum sentence of at least twenty years,
23 or both, and not covered under (f) of this subsection;

24 (b) One year for any felony defined under any law as a class B
25 felony or with a statutory maximum sentence of ten years, or both,
26 and not covered under (f) of this subsection;

27 (c) Six months for any felony defined under any law as a class C
28 felony or with a statutory maximum sentence of five years, or both,
29 and not covered under (f) of this subsection;

30 (d) If the offender is being sentenced under (a), (b), and/or (c)
31 of this subsection for any deadly weapon enhancements and the
32 offender has previously been sentenced for any deadly weapon
33 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
34 subsection or subsection (3)(a), (b), and/or (c) of this section, or
35 both, all deadly weapon enhancements under this subsection shall be
36 twice the amount of the enhancement listed;

37 (e) Notwithstanding any other provision of law, all deadly weapon
38 enhancements under this section are mandatory, shall be served in
39 total confinement, and shall run consecutively to all other
40 sentencing provisions, including other firearm or deadly weapon

1 enhancements, for all offenses sentenced under this chapter. However,
2 whether or not a mandatory minimum term has expired, an offender
3 serving a sentence under this subsection may be:

4 (i) Granted an extraordinary medical placement when authorized
5 under RCW 9.94A.728(~~(+3)~~) (1)(c); or

6 (ii) Released under the provisions of RCW 9.94A.730;

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

12 (g) If the standard sentence range under this section exceeds the
13 statutory maximum sentence for the offense, the statutory maximum
14 sentence shall be the presumptive sentence unless the offender is a
15 persistent offender. If the addition of a deadly weapon enhancement
16 increases the sentence so that it would exceed the statutory maximum
17 for the offense, the portion of the sentence representing the
18 enhancement may not be reduced.

19 (5) The following additional times shall be added to the standard
20 sentence range if the offender or an accomplice committed the offense
21 while in a county jail or state correctional facility and the
22 offender is being sentenced for one of the crimes listed in this
23 subsection. If the offender or an accomplice committed one of the
24 crimes listed in this subsection while in a county jail or state
25 correctional facility, and the offender is being sentenced for an
26 anticipatory offense under chapter 9A.28 RCW to commit one of the
27 crimes listed in this subsection, the following additional times
28 shall be added to the standard sentence range determined under
29 subsection (2) of this section:

30 (a) Eighteen months for offenses committed under RCW 69.50.401(2)
31 (a) or (b) or 69.50.410;

32 (b) Fifteen months for offenses committed under RCW 69.50.401(2)
33 (c), (d), or (e);

34 (c) Twelve months for offenses committed under RCW 69.50.4013.

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

38 (6) An additional twenty-four months shall be added to the
39 standard sentence range for any ranked offense involving a violation
40 of chapter 69.50 RCW if the offense was also a violation of RCW

1 69.50.435 or 9.94A.827. All enhancements under this subsection shall
2 run consecutively to all other sentencing provisions, for all
3 offenses sentenced under this chapter.

4 (7) An additional two years shall be added to the standard
5 sentence range for vehicular homicide committed while under the
6 influence of intoxicating liquor or any drug as defined by RCW
7 46.61.502 for each prior offense as defined in RCW 46.61.5055. All
8 enhancements under this subsection shall be mandatory, shall be
9 served in total confinement, and shall run consecutively to all other
10 sentencing provisions.

11 (8)(a) The following additional times shall be added to the
12 standard sentence range for felony crimes committed on or after July
13 1, 2006, if the offense was committed with sexual motivation, as that
14 term is defined in RCW 9.94A.030. If the offender is being sentenced
15 for more than one offense, the sexual motivation enhancement must be
16 added to the total period of total confinement for all offenses,
17 regardless of which underlying offense is subject to a sexual
18 motivation enhancement. If the offender committed the offense with
19 sexual motivation and the offender is being sentenced for an
20 anticipatory offense under chapter 9A.28 RCW, the following
21 additional times shall be added to the standard sentence range
22 determined under subsection (2) of this section based on the felony
23 crime of conviction as classified under RCW 9A.28.020:

24 (i) Two years for any felony defined under the law as a class A
25 felony or with a statutory maximum sentence of at least twenty years,
26 or both;

27 (ii) Eighteen months for any felony defined under any law as a
28 class B felony or with a statutory maximum sentence of ten years, or
29 both;

30 (iii) One year for any felony defined under any law as a class C
31 felony or with a statutory maximum sentence of five years, or both;

32 (iv) If the offender is being sentenced for any sexual motivation
33 enhancements under (a)(i), (ii), and/or (iii) of this subsection and
34 the offender has previously been sentenced for any sexual motivation
35 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or
36 (iii) of this subsection, all sexual motivation enhancements under
37 this subsection shall be twice the amount of the enhancement listed;

38 (b) Notwithstanding any other provision of law, all sexual
39 motivation enhancements under this subsection are mandatory, shall be
40 served in total confinement, and shall run consecutively to all other

1 sentencing provisions, including other sexual motivation
2 enhancements, for all offenses sentenced under this chapter. However,
3 whether or not a mandatory minimum term has expired, an offender
4 serving a sentence under this subsection may be:

5 (i) Granted an extraordinary medical placement when authorized
6 under RCW 9.94A.728(~~(+3)~~) (1)(c); or

7 (ii) Released under the provisions of RCW 9.94A.730;

8 (c) The sexual motivation enhancements in this subsection apply
9 to all felony crimes;

10 (d) If the standard sentence range under this subsection exceeds
11 the statutory maximum sentence for the offense, the statutory maximum
12 sentence shall be the presumptive sentence unless the offender is a
13 persistent offender. If the addition of a sexual motivation
14 enhancement increases the sentence so that it would exceed the
15 statutory maximum for the offense, the portion of the sentence
16 representing the enhancement may not be reduced;

17 (e) The portion of the total confinement sentence which the
18 offender must serve under this subsection shall be calculated before
19 any earned early release time is credited to the offender;

20 (f) Nothing in this subsection prevents a sentencing court from
21 imposing a sentence outside the standard sentence range pursuant to
22 RCW 9.94A.535.

23 (9) An additional one-year enhancement shall be added to the
24 standard sentence range for the felony crimes of RCW 9A.44.073,
25 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on
26 or after July 22, 2007, if the offender engaged, agreed, or offered
27 to engage the victim in the sexual conduct in return for a fee. If
28 the offender is being sentenced for more than one offense, the
29 one-year enhancement must be added to the total period of total
30 confinement for all offenses, regardless of which underlying offense
31 is subject to the enhancement. If the offender is being sentenced for
32 an anticipatory offense for the felony crimes of RCW 9A.44.073,
33 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the
34 offender attempted, solicited another, or conspired to engage, agree,
35 or offer to engage the victim in the sexual conduct in return for a
36 fee, an additional one-year enhancement shall be added to the
37 standard sentence range determined under subsection (2) of this
38 section. For purposes of this subsection, "sexual conduct" means
39 sexual intercourse or sexual contact, both as defined in chapter
40 9A.44 RCW.

1 (10)(a) For a person age eighteen or older convicted of any
2 criminal street gang-related felony offense for which the person
3 compensated, threatened, or solicited a minor in order to involve the
4 minor in the commission of the felony offense, the standard sentence
5 range is determined by locating the sentencing grid sentence range
6 defined by the appropriate offender score and the seriousness level
7 of the completed crime, and multiplying the range by one hundred
8 twenty-five percent. If the standard sentence range under this
9 subsection exceeds the statutory maximum sentence for the offense,
10 the statutory maximum sentence is the presumptive sentence unless the
11 offender is a persistent offender.

12 (b) This subsection does not apply to any criminal street gang-
13 related felony offense for which involving a minor in the commission
14 of the felony offense is an element of the offense.

15 (c) The increased penalty specified in (a) of this subsection is
16 unavailable in the event that the prosecution gives notice that it
17 will seek an exceptional sentence based on an aggravating factor
18 under RCW 9.94A.535.

19 (11) An additional twelve months and one day shall be added to
20 the standard sentence range for a conviction of attempting to elude a
21 police vehicle as defined by RCW 46.61.024, if the conviction
22 included a finding by special allegation of endangering one or more
23 persons under RCW 9.94A.834.

24 (12) An additional twelve months shall be added to the standard
25 sentence range for an offense that is also a violation of RCW
26 9.94A.831.

27 (13) An additional twelve months shall be added to the standard
28 sentence range for vehicular homicide committed while under the
29 influence of intoxicating liquor or any drug as defined by RCW
30 46.61.520 or for vehicular assault committed while under the
31 influence of intoxicating liquor or any drug as defined by RCW
32 46.61.522, or for any felony driving under the influence (RCW
33 46.61.502(6)) or felony physical control under the influence (RCW
34 46.61.504(6)) for each child passenger under the age of sixteen who
35 is an occupant in the defendant's vehicle. These enhancements shall
36 be mandatory, shall be served in total confinement, and shall run
37 consecutively to all other sentencing provisions. If the addition of
38 a minor child enhancement increases the sentence so that it would
39 exceed the statutory maximum for the offense, the portion of the
40 sentence representing the enhancement may not be reduced.

1 (14) An additional twelve months shall be added to the standard
2 sentence range for an offense that is also a violation of RCW
3 9.94A.832.

4 (15)(a) The following additional times shall be added to the
5 standard sentence range if the court finds that the offender is a
6 habitual property offender pursuant to section 18 of this act:

7 (i) Three months if, as a result of the current conviction, the
8 offender has an offender score of four;

9 (ii) Six months if, as a result of the current conviction, the
10 offender has an offender score of five;

11 (iii) Twelve months if, as a result of the current conviction,
12 the offender has an offender score of six;

13 (iv) Twenty-four months if, as a result of the current
14 conviction, the offender has an offender score of seven;

15 (v) Thirty-six months if, as a result of the current conviction,
16 the offender has an offender score of eight;

17 (vi) Forty-eight months if, as a result of the current
18 conviction, the offender has an offender score of nine or above.

19 (b) A sentence imposed pursuant to this subsection (15) is not to
20 exceed the statutory maximum for the crime as established in RCW
21 9A.20.021.

22 (c) Notwithstanding any other provision of law, all habitual
23 property offender enhancements imposed under this section are
24 mandatory and shall be served in total confinement. However, whether
25 or not the mandatory minimum term has expired, an offender serving a
26 sentence under this subsection (15) may be granted an extraordinary
27 medical placement when authorized under RCW 9.94A.728(1)(c).

28 NEW SECTION. Sec. 20. A new section is added to chapter 43.131
29 RCW to read as follows:

30 The sentencing guidelines commission's authorities, as
31 established in sections 2 and 13 through 17 of this act, are
32 terminated on June 30, 2026, as provided in section 21 of this act.

33 NEW SECTION. Sec. 21. A new section is added to chapter 43.131
34 RCW to read as follows:

35 The following acts or parts of acts, as now existing or hereafter
36 amended, are each repealed, effective June 30, 2027:

37 (1) Section 1 of this act;

38 (2) Section 2 of this act;

1 (3) Section 3 of this act;
2 (4) Section 4 of this act;
3 (5) Section 5 of this act;
4 (6) Section 6 of this act;
5 (7) Section 7 of this act;
6 (8) Section 8 of this act;
7 (9) Section 9 of this act;
8 (10) Section 10 of this act;
9 (11) Section 11 of this act;
10 (12) Section 12 of this act;
11 (13) Section 13 of this act;
12 (14) Section 14 of this act;
13 (15) Section 15 of this act;
14 (16) Section 16 of this act;
15 (17) Section 17 of this act;
16 (18) Section 18 of this act; and
17 (19) Section 19 of this act.

18 NEW SECTION. **Sec. 22.** Sections 7, 8, 14, and 15 of this act are
19 each added to chapter 9.94A RCW.

20 NEW SECTION. **Sec. 23.** Sections 2 through 12 of this act apply
21 to sentences for crimes committed on or after July 1, 2016.

22 NEW SECTION. **Sec. 24.** If specific funding for the purposes of
23 this act, referencing this act by bill or chapter number, is not
24 provided by June 30, 2016, in the omnibus appropriations act, this
25 act is null and void.

26 NEW SECTION. **Sec. 25.** Sections 2 through 12 of this act take
27 effect July 1, 2016.

--- END ---