
SENATE BILL 6415

State of Washington

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By Senators Fain, Angel, Tom, Dammeier, Hill, Becker, Eide, Hobbs, King, Brown, Bailey, Litzow, Schoesler, Braun, and Rolfes

Read first time 01/24/14. Referred to Committee on Law & Justice.

1 AN ACT Relating to consecutive sentences for driving under the
2 influence or physical control of a vehicle under the influence of
3 intoxicating liquor, marijuana, or any drug; and amending RCW
4 9.94A.589, 46.20.740, and 46.20.750.

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

6 **Sec. 1.** RCW 9.94A.589 and 2002 c 175 s 7 are each amended to read
7 as follows:

8 (1)(a) Except as provided in (b) (~~(c)~~) , (c), or (d) of this
9 subsection, whenever a person is to be sentenced for two or more
10 current offenses, the sentence range for each current offense shall be
11 determined by using all other current and prior convictions as if they
12 were prior convictions for the purpose of the offender score:
13 PROVIDED, That if the court enters a finding that some or all of the
14 current offenses encompass the same criminal conduct then those current
15 offenses shall be counted as one crime. Sentences imposed under this
16 subsection shall be served concurrently. Consecutive sentences may
17 only be imposed under the exceptional sentence provisions of RCW
18 9.94A.535. "Same criminal conduct," as used in this subsection, means
19 two or more crimes that require the same criminal intent, are committed

1 at the same time and place, and involve the same victim. This
2 definition applies in cases involving vehicular assault or vehicular
3 homicide even if the victims occupied the same vehicle.

4 (b) Whenever a person is convicted of two or more serious violent
5 offenses arising from separate and distinct criminal conduct, the
6 standard sentence range for the offense with the highest seriousness
7 level under RCW 9.94A.515 shall be determined using the offender's
8 prior convictions and other current convictions that are not serious
9 violent offenses in the offender score and the standard sentence range
10 for other serious violent offenses shall be determined by using an
11 offender score of zero. The standard sentence range for any offenses
12 that are not serious violent offenses shall be determined according to
13 (a) of this subsection. All sentences imposed under ~~((b) of)~~ this
14 subsection (1)(b) shall be served consecutively to each other and
15 concurrently with sentences imposed under (a) of this subsection.

16 (c) If an offender is convicted under RCW 9.41.040 for unlawful
17 possession of a firearm in the first or second degree and for the
18 felony crimes of theft of a firearm or possession of a stolen firearm,
19 or both, the standard sentence range for each of these current offenses
20 shall be determined by using all other current and prior convictions,
21 except other current convictions for the felony crimes listed in this
22 subsection (1)(c), as if they were prior convictions. The offender
23 shall serve consecutive sentences for each conviction of the felony
24 crimes listed in this subsection (1)(c), and for each firearm
25 unlawfully possessed.

26 (d) All sentences imposed under RCW 46.61.502(6), 46.61.504(6), or
27 46.61.5055(4) shall be served consecutively with any sentences imposed
28 under RCW 46.20.740 and 46.20.750.

29 (2)(a) Except as provided in (b) of this subsection, whenever a
30 person while under sentence for conviction of a felony commits another
31 felony and is sentenced to another term of confinement, the latter term
32 shall not begin until expiration of all prior terms.

33 (b) Whenever a second or later felony conviction results in
34 community supervision with conditions not currently in effect, under
35 the prior sentence or sentences of community supervision the court may
36 require that the conditions of community supervision contained in the
37 second or later sentence begin during the immediate term of community

1 supervision and continue throughout the duration of the consecutive
2 term of community supervision.

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

11 (4) Whenever any person granted probation under RCW 9.95.210 or
12 9.92.060, or both, has the probationary sentence revoked and a prison
13 sentence imposed, that sentence shall run consecutively to any sentence
14 imposed pursuant to this chapter, unless the court pronouncing the
15 subsequent sentence expressly orders that they be served concurrently.

16 (5) In the case of consecutive sentences, all periods of total
17 confinement shall be served before any partial confinement, community
18 restitution, community supervision, or any other requirement or
19 conditions of any of the sentences. Except for exceptional sentences
20 as authorized under RCW 9.94A.535, if two or more sentences that run
21 consecutively include periods of community supervision, the aggregate
22 of the community supervision period shall not exceed twenty-four
23 months.

24 **Sec. 2.** RCW 46.20.740 and 2010 c 269 s 8 are each amended to read
25 as follows:

26 (1) The department shall attach or imprint a notation on the
27 driving record of any person restricted under RCW 46.20.720,
28 46.61.5055, or 10.05.140 stating that the person may operate only a
29 motor vehicle equipped with a functioning ignition interlock device.
30 The department shall determine the person's eligibility for licensing
31 based upon written verification by a company doing business in the
32 state that it has installed the required device on a vehicle owned or
33 operated by the person seeking reinstatement. If, based upon
34 notification from the interlock provider or otherwise, the department
35 determines that an ignition interlock required under this section is no
36 longer installed or functioning as required, the department shall
37 suspend the person's license or privilege to drive. Whenever the

1 license or driving privilege of any person is suspended or revoked as
2 a result of noncompliance with an ignition interlock requirement, the
3 suspension shall remain in effect until the person provides notice
4 issued by a company doing business in the state that a vehicle owned or
5 operated by the person is equipped with a functioning ignition
6 interlock device.

7 (2) It is a gross misdemeanor for a person with such a notation on
8 his or her driving record to operate a motor vehicle that is not so
9 equipped.

10 (3) Any sentence imposed for a violation of subsection (2) of this
11 section shall be served consecutively with any sentence imposed under
12 RCW 46.20.750, 46.61.502, 46.61.504, or 46.61.5055.

13 **Sec. 3.** RCW 46.20.750 and 2005 c 200 s 2 are each amended to read
14 as follows:

15 (1) A person who is restricted to the use of a vehicle equipped
16 with an ignition interlock device and who tampers with the device or
17 directs, authorizes, or requests another to tamper with the device, in
18 order to circumvent the device by modifying, detaching, disconnecting,
19 or otherwise disabling it, is guilty of a gross misdemeanor.

20 (2) A person who knowingly assists another person who is restricted
21 to the use of a vehicle equipped with an ignition interlock device to
22 circumvent the device or to start and operate that vehicle in violation
23 of a court order is guilty of a gross misdemeanor. The provisions of
24 this subsection do not apply if the starting of a motor vehicle, or the
25 request to start a motor vehicle, equipped with an ignition interlock
26 device is done for the purpose of safety or mechanical repair of the
27 device or the vehicle and the person subject to the court order does
28 not operate the vehicle.

29 (3) Any sentence imposed for a violation of subsection (1) of this
30 section shall be served consecutively with any sentence imposed under
31 RCW 46.20.740, 46.61.502, 46.61.504, or 46.61.5055.

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