

MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER HEROIN OR COCAINE

WITHOUT SERIOUS VIOLENT OR SEX OFFENSES IN OFFENDER'S HISTORY

(RCW 69.50.401(a) (1)(i))

CLASS B FELONY - DRUG

FIRST DRUG CONVICTION AND NOT IN A PROTECTED ZONE

(If sexual motivation finding/verdict, use form on page 111-27 2002 Manual)

I. OFFENDER SCORING (RCW 9.94 A.525 (12))

In the case of multiple prior convictions for offenses committed before July 1, 1986, please reference RCW 9.94A.525 (5) (ii) for purposes of computing the offender score.

ADULT HISTORY:

Enter number of felony drug convictions (as defined by RCW 9.94A.030)* _____ x 1 = _____

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

JUVENILE HISTORY:

Enter number of felony drug dispositions (as defined by RCW 9.94A.030)* _____ x ½ = _____

Enter number of serious violent and violent felony dispositions..... _____ x 1 = _____

Enter number of nonviolent felony dispositions _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of felony drug convictions (as defined by RCW 9.94A.030)* _____ x 1 = _____

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

STATUS: Was the offender on community placement on the date the current offense was committed? (if yes), _____ x 1 = _____

Total the last column to get the **Offender Score**
(Round down to the nearest whole number)

II. SENTENCE RANGE

| | | | | | | | | | | |
|-------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|--------------------|--------------------|
| A. OFFENDER SCORE: | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
| STANDARD RANGE (LEVEL VII) | 15 - 20 months | 21 - 27 months | 26 - 34 months | 31 - 41 months | 36 - 48 months | 41 - 54 months | 57 - 75 months | 67 - 89 months | 77 - 102 months | 87 - 116 months |

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-13 or III-14 to calculate the enhanced sentence.
- C. Add 18 months to the entire standard sentence range with a finding that the offense was committed in a county jail or state correctional facility (RCW 9.94A.510).
- D. When a court sentences an offender to the custody of the Dept. of Corrections, the court shall also sentence the offender to community custody for the range of 9 to 12 months, or to the period of earned release, whichever is longer (RCW 9.94A.715)***.
- E. For sentence ranges for anticipatory drug offenses, see page III-287.

** Statutory maximum sentence for first conviction under RCW 69.50 is 120 months (ten years) (RCW 69.50.401).

The scoring sheets are intended to provide assistance in most cases but do not cover all permutations of the scoring rules

III. SENTENCING OPTIONS

- If Drug Offender Sentencing Alternative (DOSA) eligible: see DOSA form for alternative sentence on page III-15 (RCW 9.94A.660).
- * The Washington State Court of Appeals ruled that although solicitations to commit violations of 69.50 are not considered drug offenses as defined in 9.94A.030, they do score as a drug offense. See *State v. Howell* 102 Wn. App. 288, 6 P. 3d 1201 (2000).
- ** The Supreme Court clarified that solicitations to commit violations of the Uniform Controlled Substances Act (RCW 69.50) are not "drug offenses" and are not subject to the community custody requirement for drug offenses, under RCW 9.94A.715. See *In re Hopkins*, 137 Wn.2d 897 (1999).