



WASHINGTON STATE SENTENCING GUIDELINES COMMISSION

ADULT SENTENCING MANUAL

APRIL, 2010 ERRATA

Dear Criminal Justice Practitioners,

This errata sheet make corrections to the 2008 Adult Sentencing Manual. The Sentencing Guidelines Commission strives to make corrections as they are known.

On p. I-39, strike the second paragraph from the bottom of the page and replace it with the following:

If the Court then determines that a SSOSA is appropriate, the Court must:

- Impose a standard-range sentence or, if the defendant is otherwise eligible for “determinate-plus” sentencing under RCW 9.94A.712,³⁰ a “minimum term of sentence within the standard range.” RCW 9.94A.670(4). The Court must then suspend that sentence and impose a sentence that is up to 12 months or the maximum term within the standard range (whichever is less) or greater than 12 months and up to the maximum term within the standard range if an aggravating circumstance (See RCW 9.94A.535(3)) is present. The term of confinement shall not exceed the statutory maximum sentence for the offense. An offender who is serving this sentence may serve all or part of it in partial confinement and is not eligible for earned release during this confinement.

On p. III-53, remove the asterisk next to “Statutory maximum sentence is 120 months (10 years) (RCW 9A.20.021(1))” located at the bottom of the page.

On p. IV-51, remove the asterisk following the Crime of “Assault of a Child 2 with Sexual Motivation”

On p. IV-52 strike the entire NOTE listed on this page and replace it with the following:

NOTE: The following are also defined in RCW 9.94A.030 as sex offenses:

- any criminal attempt, criminal solicitation or criminal conspiracy to commit a sex offense;
- any felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135;
- any federal or out-of-state conviction for an offense under the laws of this state would be a felony classified as a sex offense under RCW 9.94A.030(a).

*Indicates that the offense, when committed with sexual motivation, converts the felony class from a Class B offense to a Class A offense.

ERRATA SHEET 2008*

TAKING MOTOR VEHICLE WITHOUT PERMISSION, SECOND DEGREE

(RCW 9A.56.075(2)) – CLASS C- NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.525(20))

ADULT HISTORY:

Enter number of felony convictions for Theft of a Motor Vehicle; Theft 1 and 2 (of a Motor Vehicle); Possession of Stolen Property 1 and 2 (of Motor Vehicle); Possession of a Stolen Vehicle and Taking a Motor Vehicle w/o Permission 1 and 2..... _____ x 3 = _____
 Enter number of Vehicle Prowling 2 _____ x 1 = _____
 Enter number of felony convictions..... _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony convictions for Theft of a Motor Vehicle; Theft 1 and 2 (of a Motor Vehicle); Possession of Stolen Property 1 and 2 (of Motor Vehicle); Possession of a Stolen Vehicle and Taking a Motor Vehicle w/o Permission 1 and 2..... _____ x 3 = _____
***Enter number of serious violent and violent felony dispositions _____ x 1 = _____**
 Enter number of Vehicle Prowling 2 _____ 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 convictions for Theft of a Motor Vehicle; Theft 1 and 2 (of a Motor Vehicle); Possession of Stolen Property 1 and 2 (of Motor Vehicle); Possession of a Stolen Vehicle and Taking a Motor Vehicle w/o Permission 1 and 2..... _____ x 3 = _____
 Enter number of Vehicle Prowling 2 _____ x 1 = _____
 Enter number of other felony convictions _____ x 1 = _____

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

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

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II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL I)	0 - 60 days	0 - 90 days	2 - 5 months	2 - 6 months	3 - 8 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-8 or III-9 to calculate the enhanced sentence.
- C. For a finding that this offense was committed with sexual motivation (RCW 9.94A.533(8)) on or after 7/01/2006, see page III-10, Sexual Motivation Enhancement – Form C.
- D. If the current offense was a gang-related felony and the court found the offender involved a minor in the commission of the offense by threat or by compensation (RCW 9.94A.833), the standard sentencing range for the current offense is multiplied by 125%. See RCW 9.94A.533(10).
 - *Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (c))*

III. SENTENCING OPTIONS

- I. First-Time Offender Wavier; for eligibility and sentencing rules see RCW 9.94A.650
- II. Alternative to Total Confinement; for eligibility and sentencing rules see RCW 9.94A.680.
- III. Home Detention Alternative; for eligibility and sentencing rules see RCW 9.94A.734
- IV. Community Restitution Hours; for eligibility and sentencing rules see RCW 9.94A.680
- V. Drug Offender Sentencing Alternative; for eligibility and sentencing rules see RCW 9.94A.660.

Although the Washington Sentencing Guidelines Commission does all that it can to assure the accuracy of its publications, the scoring sheets are intended to provide assistance in most cases but do not cover all permutations of the scoring rules. If you find any errors or omissions, we encourage you to report them to the Sentencing Guidelines Commission.

ERRATA SHEET 2008*

TAKING MOTOR VEHICLE WITHOUT PERMISSION, FIRST DEGREE

(RCW 9A.56.070(1)) -CLASS B - NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.525(20))

ADULT HISTORY:

Enter number of felony convictions for Theft of a Motor Vehicle; Theft 1 and 2 (of a Motor Vehicle); Possession of Stolen Property 1 and 2 (of Motor Vehicle); Possession of a Stolen Vehicle and Taking a Motor Vehicle w/o Permission 1 and 2..... _____ x 3 = _____

Enter number of Vehicle Prowling 2 _____ x 1 = _____

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

JUVENILE HISTORY:

Enter number of felony convictions for Theft of a Motor Vehicle; Theft 1 and 2 (of a Motor Vehicle); Possession of Stolen Property 1 and 2 (of Motor Vehicle); Possession of a Stolen Vehicle and Taking a Motor Vehicle w/o Permission 1 and 2..... _____ x 3 = _____

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

Enter number of Vehicle Prowling 2 _____ 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 convictions for Theft of a Motor Vehicle; Theft 1 and 2 (of a Motor Vehicle); Possession of Stolen Property 1 and 2 (of Motor Vehicle); Possession of a Stolen Vehicle and Taking a Motor Vehicle w/o Permission 1 and 2..... _____ x 3 = _____

Enter number of Vehicle Prowling 2 _____ x 1 = _____

Enter number of other felony convictions _____ x 1 = _____

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

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

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II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL V)	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 - 68 months	62 - 82 months	72 - 96 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-8 or III-9 to calculate the enhanced sentence.
- C. For a finding that this offense was committed with sexual motivation (RCW 9.94A.533(8)) on or after 7/01/2006, see page III-10, Sexual Motivation Enhancement – Form C.
- D. If the current offense was a gang-related felony and the court found the offender involved a minor in the commission of the offense by threat or by compensation (RCW 9.94A.833), the standard sentencing range for the current offense is multiplied by 125%. See RCW 9.94A.533(10).
 - Statutory maximum sentence is 120 months (10 years) (RCW 9A.20.021(1))

III. SENTENCING OPTIONS

- I. First-Time Offender Wavier; for eligibility and sentencing rules see RCW 9.94A.650
- II. Alternative to Total Confinement; for eligibility and rules see RCW 9.94A.680.
- III. Home Detention Alternative; for eligibility and conditions see RCW 9.94A.734(2)
- IV. Community Restitution Hours; for eligibility and sentencing rules see RCW 9.94A.680(2).
- V. Work Ethic Camp; for eligibility and sentencing rules see RCW 9.94A.690.
- VI. Drug Offender Sentencing Alternative; for eligibility and sentencing rules see RCW 9.94A.660.

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ERRATA SHEET 2008*

POSSESSION OF A STOLEN VEHICLE

(RCW 9A.56.068) CLASS B - NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.525(20))

ADULT HISTORY:

Enter number of felony convictions for Theft of a Motor Vehicle; Theft 1 and 2 (of a Motor Vehicle); Possession of Stolen Property 1 and 2 (of Motor Vehicle); Possession of a Stolen Vehicle and Taking a Motor Vehicle w/o Permission 1 and 2..... _____ x 3 = _____
 Enter number of Vehicle Prowling 2 _____ x 1 = _____
 Enter number of felony convictions..... _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony convictions for Theft of a Motor Vehicle; Theft 1 and 2 (of a Motor Vehicle); Possession of Stolen Property 1 and 2 (of Motor Vehicle); Possession of a Stolen Vehicle and Taking a Motor Vehicle w/o Permission 1 and 2..... _____ x 3 = _____
***Enter number of serious violent and violent felony dispositions** _____ **x 1 =** _____
 Enter number of Vehicle Prowling 2 _____ x 1 = _____
 Enter number of nonviolent felony dispositions _____ x 1/2 = _____

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

Enter number of felony convictions for Theft of a Motor Vehicle; Theft 1 and 2 (of a Motor Vehicle); Possession of Stolen Property 1 and 2 (of Motor Vehicle); Possession of a Stolen Vehicle and Taking a Motor Vehicle w/o Permission 1 and 2..... _____ x 3 = _____
 Enter number of Vehicle Prowling 2 _____ x 1 = _____
 Enter number of other felony convictions _____ x 1 = _____

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

Total the last column to get the Offender Score (Round down to the nearest whole number)	
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II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL II)	0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-8 or III-9 to calculate the enhanced sentence.
- C. For a finding that this offense was committed with sexual motivation (RCW 9.94A.533(8)) on or after 7/01/2006, see page III-10, Sexual Motivation Enhancement – Form C.
- D. If the current offense was a gang-related felony and the court found the offender involved a minor in the commission of the offense by threat or by compensation (RCW 9.94A.833), the standard sentencing range for the current offense is multiplied by 125%. See RCW 9.94A.533(10).

- *Statutory maximum sentence is 120 months (10 years) (RCW 9A.20.021(1))*

III. SENTENCING OPTIONS

- I. First-Time Offender Wavier; for eligibility and sentencing rules see RCW 9.94A.650
- II. Alternative to Total Confinement; for eligibility and rules see RCW 9.94A.680.
- III. Work Ethic Camp; for eligibility and sentencing rules see RCW 9.94A.690.
- IV. Drug Offender Sentencing Alternative; for eligibility and sentencing rules see RCW 9.94A.660.

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ERRATA SHEET 2008*

THEFT OF A MOTOR VEHICLE
(RCW [9A.56.065](#)) -CLASS B - NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.525(7))

ADULT HISTORY:

Enter number of felony convictions for Theft of a Motor Vehicle; Theft 1 and 2 (of a Motor Vehicle); Possession of Stolen Property 1 and 2 (of Motor Vehicle); Possession of a Stolen Vehicle and Taking a Motor Vehicle w/o Permission 1 and 2..... _____ x 3 = _____
 Enter number of Vehicle Prowling 2 _____ x 1 = _____
 Enter number of felony convictions..... _____ x 1 = _____

JUVENILE HISTORY:

Enter number of felony convictions for Theft of a Motor Vehicle; Theft 1 and 2 (of a Motor Vehicle); Possession of Stolen Property 1 and 2 (of Motor Vehicle); Possession of a Stolen Vehicle and Taking a Motor Vehicle w/o Permission 1 and 2..... _____ x 3 = _____
***Enter number of serious violent and violent felony dispositions** _____ **x 1 = _____**
 Enter number of Vehicle Prowling 2 _____ 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 convictions for Theft of a Motor Vehicle; Theft 1 and 2 (of a Motor Vehicle); Possession of Stolen Property 1 and 2 (of Motor Vehicle); Possession of a Stolen Vehicle and Taking a Motor Vehicle w/o Permission 1 and 2..... _____ x 3 = _____
 Enter number of Vehicle Prowling 2 _____ x 1 = _____
 Enter number of other felony convictions _____ x 1 = _____

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

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

II. SENTENCE RANGE

A. OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE (LEVEL II)	0 - 90 days	2 - 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months

- B. If the court orders a deadly weapon enhancement, use the applicable enhancement sheets on pages III-8 or III-9 to calculate the enhanced sentence.
- C. For a finding that this offense was committed with sexual motivation (RCW 9.94A.533(8)) on or after 7/01/2006, see page III-10, Sexual Motivation Enhancement – Form C.
- D. If the current offense was a gang-related felony and the court found the offender involved a minor in the commission of the offense by threat or by compensation (RCW 9.94A.833), the standard sentencing range for the current offense is multiplied by 125%. See RCW 9.94A.533(10).
 - *Statutory maximum sentence is 120 months (10 years) (RCW 9A.20.021(1))*

III. SENTENCING OPTIONS

- I. First-Time Offender Wavier; for eligibility and sentencing rules see RCW 9.94A.650
- II. Alternative to Total Confinement; for eligibility and sentencing rules see RCW 9.94A.680.
- III. Community Restitution Hours; for eligibility and sentencing rules see RCW 9.94A.680(2).
- IV. Work Ethic Camp; for eligibility and sentencing rules see RCW 9.94A.690.
- V. Drug Offender Sentencing Alternative; for eligibility and sentencing rules see RCW 9.94A.660.

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