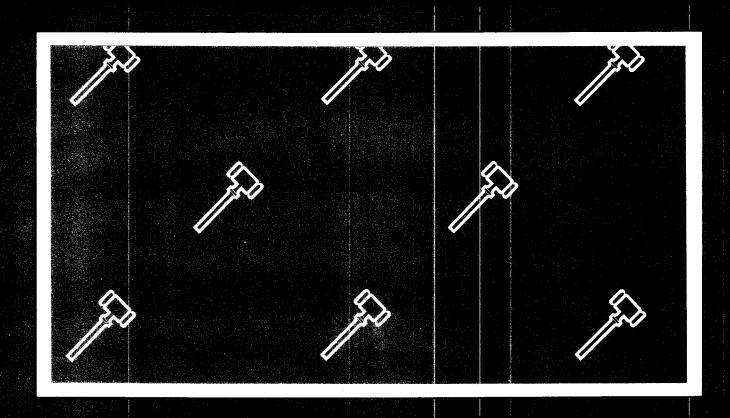
### SENTENCING GUIDELINES





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#### **INTRODUCTION**

On July 1, 1984, the State of Washington will implement the Sentencing Reform Act of 1981. Offenders who commit crimes on or after this date will be sentenced according to a uniform set of sentencing guidelines. If substantial and compelling circumstances exist, judges can depart from the guidelines and impose an exceptional sentence; sentences outside the range can be appealed by the prosecutor or the defense. The sentences imposed by the court will represent "real time" and thus will be determinate sentences. Extensive periods of probation and parole will be eliminated.

The goal of the sentencing guidelines system is to ensure that sanctions following a felony conviction are proportionate to the seriousness of the offense and the offender's criminal history. Sentences thus are commensurate with the punishment imposed on others convicted of similar offenses with similar criminal histories. The guidelines apply equally to offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or the defendant's previous record.

The Sentencing Guidelines Commission was created by the legislature as an independent body to develop recommended guidelines and standards. Its recommendations must be enacted into law by the legislature. The Commission consists of 15 voting members appointed by the Governor. These members include four Superior Court judges, two defense attorneys, two prosecutors, three citizens, the directors of three state agencies, and the chief of a local law enforcement agency. Four legislators, two representatives and two senators, are appointed by the leadership of the House and the Senate and serve as non-voting members.

The Commission has ongoing responsibilities to the legislature. These responsibilities include recommending changes to the guidelines every two years and analyzing necessary changes to the Criminal Code.

#### **USE OF THIS MANUAL**

This manual details the sentencing guidelines adopted by the 1983 and 1984 Legislatures. It is intended for use in applying the guidelines to individual cases.

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The narrative explains each element of the scoring procedures. To make application of these procedures easier, Offense Reference Sheets are included for the most common felonies. Those sheets explain how to score individual felonies and indicate the sentencing options available to the court. Scoring Forms are also included for calculation of the standard sentence range.

This manual is prepared in a notebook format to allow for updating. Each page has a citation on the lower left corner, indicating the month and year it was produced. Revised sheets will be distributed to those who request inclusion on a mailing list. (See Section V, page V-50). The Commission staff actively solicit comments and suggestions on ways to improve this manual.

Court rules require that copies of Judgment and Sentence Forms for all felony offenses be sent by the court clerk to the Commission office. Any case involving an exceptional sentence must include information on the court's written findings of fact and conclusions of law for departure from the guidelines. The Commission will use this information to monitor statewide application of the guidelines and to provide information to the legislature.

If you have questions or problems in applying the guidelines, please contact the Commission office during regular business hours (8 a.m. to 5 p.m., Monday through Friday). The Commission staff will calculate presumptive sentence ranges if sufficient information on the offense(s) of conviction and criminal history are provided. The staff will be producing a computer program suitable for micro computers to assist with sentence calculations. For more information on this program's cost and availability, contact the Commission staff.

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#### SECTION I. SENTENCING GUIDELINES

This chapter explains the rules for applying the sentencing guidelines to individual felony cases. The instructions cover the following:

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

The sentencing guidelines are relevant only for felonies committed on or after July 1, 1984 and do not apply to crimes committed prior to this date.

#### STEP 1 - DETERMINING THE OFFENSE SERIOUSNESS LEVEL

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

The Seriousness Level is measured on the vertical axis of the Sentencing Guidelines Grid. (See Table 1, page I-2.) RCW 9.94A.320 lists the crimes included within each Seriousness Level (See Table 2, page I-3.) Felony offenses are divided into fourteen levels of seriousness, ranging from low (Level I) to high (Level XIV). Offenses in the same level are considered equivalent in seriousness.

Felonies rarely charged or recently created by the legislature are not included in the Seriousness Level Table and do not have a standard sentence range; thus no

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TABLE 1 SENTENCING GRID

OFFENDER SCORE

LEVEL										
	0		2	3	3	\$	9	7	00	9 or more
ΧIX	Life Sentence	ife Sentence without Parole/Death Penalty	/Death Penalty							
	23v 4 m	24v 4m	25y 4m	26y 4m	27y 4m	28y 4m	30y 4m	32y 10m	36y	40 <b>x</b>
ΞX	240 - 320	250 - 333	261 - 347	271 - 361	281 - 374	291 - 388	312 - 416	338 - 450	370 - 493	411 - 548
	15	134	-	15v	16v	174	194	21y	25y	29y
ΙX	173 - 164	134 - 178	144 - 192	154 - 205	165 - 219	175 - 233	195 - 260	216 - 288	257 - 342	298 - 397
	100	m6 v9	7v 6m	8v 3m	۶,	9v 9m	12y 6m	13y 6m	15y 6m	17y 6m
×	62 - 82	69 - 92	77 - 102	85 - 113	93 - 123	100 - 133	129 - 171	139 - 185	159 - 212	180 - 240
	λς	5v 6m	,49	ev 6m	77	7y 6m	9y 6m	10y 6m	12y 6m	14y 6m
×	51 - 68	57 - 75	62 - 82	67 - 89	22 - %	77 - 102	98 - 130	108 - 144	129 - 171	149 - 198
	34	3v 6m	1	4v 6m	λ,	Sy 6m	7y 6m	8y 6m	10y 6m	12y 6m
×	31 - 41	36 - 48	* - 12	46 - 61	51 - 68	57 - 75	77 - 102	87 - 116	108 - 144	129 - 171
	2v	2v 6m	34	3v 6m	λħ	4y 6m	6y 6m	7y 6m	8y 6m	10y 6m
NIII	21 - 27	26 - 34	31 - 41		\$ . I#	46 - 61	62 - 29	77 - 102	87 - 116	108 - 144
	18m	2v	2v 6m	34	3v 6m	ķή	5y 6m	6y 6m	7y 6m	8y 6m
II/	15 - 20	21 - 27	26 - 34	31 - 41	3% - 48	大 - 17	57 - 75	62 - 89	77 - 102	87 - 116
	13m	18m	2v	2v 6m	34	3y 6m	ty 6m	5y 6m	6y 6m	7y 6m
<b>-</b>	12+ - 14	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	19 - 94	57 - 75	62 - 89	77 - 102
;	9m	13m	15m	18m	2y 2m	3y 2m	ψy	5y	63	7,4
>	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 23	33 - 43	41 - 54	51 - 68	62 - 82	72 - %
	<b>6</b> m	9m	13m	15m	18m	2y 2m	3y 2m	4y 2m	Sy 2m	6y Zm
<u>~</u>	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 23	33 - 43	43 - 57	53 - 70	63 - 84
;	2m	Sm.	8m	IIm	14m	20m	2y 2m	3y 2m	4y 2m	<u>`</u>
Ħ	1 - 3	۰, د	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68
:	06 - 0	CL+)	<b>9</b>	8m	13m	16m	20m	2y 2m	3y 2m	4y 2m
=	Days	2 - 6	3 - 9	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 23	33 - 43	43 - 57
•	09 - 0	0 - 0	3m	E#	ως	8m	13m	I6m	20m	Zy Zm
-	Days	Davs	2 - 5	2 - 6	3 -	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 23
	-7	7								

NOTE: Bold type presents presumptive sentence ranges in months. Midpoints are included as a reference point (y = years, m = months). 12+ equals one year and one day. For a few crimes, the presumptive sentences in the high offender score columns exceed the statutory maximums. In these cases, the statutory maximum applies.

Additional time added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon:

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<sup>24</sup> months (Rape 1, Robbery 1, Kidnapping 1)
18 months (Burglary 1)
12 months (Assault 2, Escape 1, Kidnapping 2, Burglary 2 of a building other than a dwelling, Delivery or Possession of a controlled substance with intent to deliver)

#### TABLE 2

#### CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1
XIII	Murder 1 (v)
XII	Murder 2 (v)
ΧI	Assault 1 (v)
X	Kidnapping I (v) Rape I (v)
	Over 18 and deliver narcotic from Schedule I or II to someone under 18 and 3 years junior (v) Damaging building, etc., by explosion with threat to human being (v)
IX	Robbery 1 (v)  Manslaughter 1 (v)  Statutory Rape 1 (v)  Over 18 and deliver narcotic from Schedule  III, IV, or V or a non-narcotic from Schedule  I-V to someone under 18 and 3 years junior (v - second offense)  Explosive devices prohibited (v)  Endangering life and property by explosives  with threat to human being (v)  Employing, using or permitting minor to engage in  sexually explicit conduct for commercial use
VIII	Arson 1 (v) Rape 2 (v) Promoting Prostitution 1 Selling Heroin for Profit
VII	Burglary 1 (v) Vehicular Homicide (v) Introducing Contraband 1 Statutory Rape 2 Indecent Liberties with forcible compulsion (v) Sending, bringing into the state, possessing, publishing, printing, etc., obscene matter involving minor engaged in sexually explicit conduct
VI	Bribery Manslaughter 2 (v) Intimidating a Juror/Witness Selling for profit Schedule I controlled or counterfeit substance (except heroin) Indecent Liberties without forcible compulsion Incest 1 Manufacture, deliver, or possess with intent to deliver narcotic from Schedule I and II (v) (subsequent drug conviction) Damaging building, etc., by explosive with no threat to human being Endangering life and property by explosives with no threat to human being

(v = violent offense as defined by RCW 9.94A.030(18)

Kidnapping 2 (v) Extortion 1 (v) Incest 2 Rape 3 Perjury 1 Rendering Criminal Assistance 1 Robbery 2 (v) I۷ Assault 2 (v) Escape 1 Arson 2 (v) Bribing a Witness/Bribe Received by Witness Malicious Harassment Wilful Failure to Return from Furlough Hit and Run - Injury Accident Vehicular Assault Manufacture, deliver, or possess with intent to deliver narcotic from Schedule III, IV, or V or non-narcotic from Schedule I-V (except marijuana) Statutory Rape 3 Ш Extortion 2 Unlawful Imprisonment Assault 3 Promoting Prostitution 2 Introducing Contraband 2 Communicating with a Minor for Immoral Purposes Escape 2 Perjury 2 Intimidating a Public Servant Tampering with a Witness Manufacture, deliver, or possess with intent to deliver marijuana Unlawful Possession of a Short Firearm or Pistol Malicious Mischief 1 II Possession of Stolen Property 1 Theft 1 Welfare Fraud Burglary 2 Theft of Livestock Possession of controlled substance that is a narcotic from Schedule I or II Create, deliver, or possess a counterfeit controlled substance -Schedule I or II Narcotic (subsequent drug conviction) I Theft 2 Possession of Stolen Property 2 Forgery Taking Motor Vehicle Without Permission Vehicle Prowl 1 Attempting to Elude Pursuing Police Vehicle Malicious Mischief 2 Reckless Burning 1 Unlawful Issuance of Checks or Drafts False Verification for Welfare Forged Prescription Possession of a controlled substance that is a narcotic from

Schedule III, IV, or V or a nonnarcotic from Schedule I-V

sentence calculations are necessary. Page I-22 discusses the sentencing options for unranked crimes.

#### STEP 2 - DETERMINING THE OFFENDER SCORE

The Offender Score is measured on the horizontal axis of the Sentencing Guidelines Grid. An offender can receive anywhere from 0 to 9+ points on that axis. In general terms, the number of points an offender receives depends on three factors:

1) the number of prior felony criminal offenses; 2) the relationship between any prior offense(s) and the current offense of conviction; and 3) the presence of multiple prior or current convictions.

The following discussion covers calculation of the Offender Score. Included in this discussion are how to collect criminal history, how to score history, and how to score multiple prior convictions.

#### **Criminal History Collection**

RCW 9.94A.030(8) defines criminal history to include the defendant's prior adult convictions in this state, federal court, and elsewhere, as well as adjudications in juvenile court if certain tests are met.

Adult Criminal History: A 1984 law (Chapter 17, Laws of 1984) established the Washington State Patrol Identification and Criminal History Section as the primary source of information on state felony conviction histories. After filing charges, prosecutors will contact this section for an offender's Washington criminal history. For out-of-state or federal criminal history information, practitioners will need to contact the Federal Bureau of Investigation for referral to the appropriate sources.

When gathering an offender's criminal history, focus on <u>felony</u> convictions. With one exception, misdemeanors are not calculated into the Offender Score. This exception is for current convictions of Vehicular Homicide where serious traffic offenses are included in the Offender Score.

Collect information, if it is available, on whether an offender has participated in a program of deferred prosecution for a felony offense. This information is likely

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only to be available through county records. Persons who have participated in such a program do not meet the definition of a First-time Offender (RCW 9.94A.030(12)).

Check whether any sentences for past multiple convictions were served consecutively or concurrently. Offenses which were served concurrently count as one prior offense in the Offender Score. Use the conviction which yields the highest Offender Score for the calculations. In most instances, this crime will have the highest Seriousness Level.

RCW 9.94A.030(8)(a) stipulates that where it is known, criminal history for a defendant shall include the length and terms of any probation as well as whether the defendant has been incarcerated and the length of incarceration. It is expected that this information will be collected as part of the Presentence Investigation Report.

Juvenile Criminal History: Some, but not all, juvenile history is to be included as part of the Offender Score. To be included, the priors must meet the criteria established in RCW 9.94A.030(8)(b):

- A) The juvenile offense must have been a felony;
- B) The conduct must have resulted in an adjudication of guilt in juvenile court (i.e., diversions do not count);
- C) The defendant must have been 15 years of age or older when the juvenile offense was committed; and
- D) The defendant must have been less than 23 when the current offense of conviction was committed.

A 1984 law (Chapter 43, Laws of 1984), provides that after a charge has been filed, juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to the prosecution and defense counsel, subject to the rules of discovery.

It is necessary to determine the date of adjudication for juvenile offenses. All offenses adjudicated on the same date count as one offense. Use the offense which yields the highest Offender Score as criminal history in these cases. As is the case with adult history, in most instances this offense will be the one with the highest Seriousness Level.

"Wash Out" of Certain Prior Felonies: In certain instances, prior felony convictions are not calculated into the Offender Score because they meet the following "wash out" rules found in RCW 9.94A.360(12):

A) Prior Class B felony convictions are not included if: 1) the offender has spent ten years in the community and 2) has not been convicted of any felonies since the most recent of either the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), or the day the sentence was entered.

Example: An offender convicted of Second Degree Assault had a prior adult conviction of First Degree Theft for which he received probation 12 years ago. He has not been convicted of any felonies since then. Since the theft conviction would have "washed out" after ten years of felony-free behavior, the offense would not be counted in the Offender Score. Therefore, this offender would receive an Offender Score of zero (but would not be considered a First-time Offender).

Example: An offender was convicted of Second Degree Assault. His criminal history was limited to a First Degree Theft conviction for which he was sentenced 12 years ago, but for which he completed serving a prison term only eight years ago. Because he has not been at risk for a full ten years, this offender would have an Offender Score of 1 and his presumptive sentence would be 6 to 12 months.

B) Prior Class C felony convictions and serious traffic convictions\* are not included if the offender has spent five years in the community and has not been convicted of any felonies since the most recent of either the last date of release from confinement pursuant to a felony conviction

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<sup>\*</sup>RCW 9.94A.330 defines serious traffic offenses as: Driving While Intoxicated, Actual Physical Control, Reckless Driving, and Hit and Run.

(including full-time residential treatment), or the day the sentence was entered.

Example: An offender convicted of Second Degree Assault had a prior adult conviction of Forgery. She spent six months in jail on that conviction and was released six years ago. Since that date, she has not been convicted of any felonies, but was convicted of a misdemeanor two years ago. Since the forgery conviction would have "washed out" after five years of felony-free behavior, the offense would not be calculated in the Offender Score. Therefore, this offender would have an Offender Score of zero but would not be considered a First-time Offender.

The Sentencing Reform Act allows the record of conviction to be "vacated" under certain conditions. RCW 9.94A.230 provides that prior records of convictions which have been vacated "shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction." The eligibility rules for vacation of conviction record are similar to the "wash out" rules. (See page I-36 for a full description of these rules.) Since the "wash out" rules are automatic and do not require court action, an offense will "wash out" before formal record vacation occurs. (The main distinction between vacation of record of conviction and "wash out" is that after vacation, an offender can indicate on employment forms that he or she was not convicted of that crime.)

Out-of-State or Foreign Convictions: For a prior out-of-state or foreign conviction, compare the elements of the offense in that jurisdiction to Washington State laws to determine how to score the offense (RCW 9.9A.360(12)). Judicial decisions on the comparability of out-of-state and foreign convictions will occur at the sentencing hearing.

#### Scoring Criminal History

Once the relevant prior convictions have been identified, the criminal history portion of the Offender Score can be calculated. The rules for scoring of prior convictions are contained in RCW 9.94A.360 (Section II, page II-31) and displayed in RCW 9.94A.330 (Section II, page II-28). Another presentation of this information is found in the Offender Score Matrix, Table 3, page I-9.

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## OFFENDER SCORE MATRIX TABLE 3

		ļ	1	1	1	ļ	1		
	Other Von-Violent	27	25	72	0	0	2	1,2	7,7
	Serious Traffic	í i	0	0	2,	0	0	C	0
	γelony ⊃iffa1T	1/2	1/2	%	7,	0	1/2	7,	1/2
* *	អិប <mark>ា</mark> ន្តៀនក្មេ	7,	_	1/2	0	0	-	72	1/2
viction	Escape	7,	1/2	1/2	0	72	7,	1/2	1/2
ile Co	Vehicular Homicide	2	2	2	7,	0	72	%	7,
Prior Juvenile Convictions**	Other Violent	2	2	2	0	0	7,	7,	1/2
Prio	Burglary i	2	2	2	0	0	2	у,	7,
	Serious Violent	3	2	2	0	0	ζ,	7,	1/2
		ļ							
	Drug	-	-	-	0	0	_		2
	Other Non-Violent	_	-	-	0	0	_		
	Serious Traffic	0	0	0	_	0	0	0	0
*2	Felony Traffic	-	-	-	_	0	-	-	
victions	Burglary 2	_	2	_	0	0	2		
Ö	Escape		_		0			_	
Prior Adult Convicti	Vehicular Homicide	3	2	2	-	0	-	-	-
Prio	Other Violent	2	2	2	1	0		-	-
	Burglary 1	0	2	2	0	0	7	-	-
	Serious Violent	m	2	2	0	0	П	_	-
		Serious Violent	Burglary 1	Other Violent	Vehicular Homicide	Escape	Burglary 2	Other Non-Violent	Drug

Serious Violent: Murder 1, Murder 2, Assault 1, Kidnapping 1, Rape 1. **Definitions:** 

Other Violent: Any Class A felony (except Serious Violent), any Class A anticipatory offense, Manslaughter 1 and 2, Indecent Liberties (with forcible compulsion), Rape 2, Kidnapping 2, Arson 2, Assault 2, Extortion 1, Robbery 2.

Escape: Escape I, Escape 2, Wilful Failure to Return From Work Release or Furlough. Serious Traffic: DWI, Reckless Priving, Hit and Run, Actual Physical Control.

Felony Traffic: Felony Hit-and-Run, Vehicular Assault, Attempting to Elude Pursuing Police Vehicle. Drug: Includes all felony violations of RCW 69.50 except possession of a controlled substance.

\*Prior B level felonies are not counted if 10 years (crime free) have elapsed in the community before the current offense was committed. Prior C level felonies and serious traffic offenses are not counted after 5 years (crime free). \*\*Include juvenile felony convictions if the offender was 15 or older at the time the offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

In the case of multiple prior offenses, all adult offenses served concurrently count as one offense, and all juvenile adjudications entered on the same date count as one offense for the purposes of computing the Offender Score. Note:

To make application of these rules easier, the Offense Reference Sheets and Scoring Forms indicate the correct number of points for each prior conviction depending on the current offense. To correctly use these forms, an understanding of the criminal history collection rules is necessary. For example, the forms do not repeat the "wash out" rules or the statutory requirements for juvenile history.

#### **Scoring Multiple Current Convictions**

Multiple convictions can also influence the Offender Score. Keep in mind that for multiple current offenses, separate sentence calculations are necessary for <u>each</u> offense because the law requires that each receive a separate sentence (RCW 9.94A.400).

#### Multiple Offense Scoring Steps:

- A) If the current offenses do <u>not</u> include three or more serious violent offenses\* arising from separate and distinct criminal conduct, apply RCW 9.94A.400(1)(a):
  - Score each offense.
  - For each offense, score the prior adult and juvenile convictions. Also, score the other current offenses in the section entitled "Other Current Offenses." (Remember: separate crimes encompassing the same criminal conduct are counted as one crime in determining history.)
- B) If the current offenses include three or more serious violent offenses arising from separate and distinct criminal conduct, apply RCW 9.94A.400(1)(b):
  - Score each offense.

<sup>\*</sup>Serious Violent Offenses: First Degree Murder, Second Degree Murder, First Degree Assault, First Degree Kidnapping, First Degree Rape (RCW 9.94A.330).

- Identify the serious violent offense with the <u>highest</u> Seriousness Level. Calculate the sentence for that crime using the offender's prior adult and juvenile convictions. Do <u>not</u> score the other current offenses as part of the Offender Score.
- Score all remaining serious violent current offenses, but for those offenses, calculate the offender's criminal history as zero.
- For any current offenses which are not serious violent offenses, score according to the rules in A.

Example: An offender was convicted of two counts of First Degree Rape and one count of First Degree Assault. These offenses, all serious violent, arose from separate and distinct criminal conduct. His criminal history consisted of one conviction for Third Degree Assault. The scoring for this offender follows the rules in RCW 9.94A.400(1)(b). First, the crime with the highest Seriousness Level must be identified and scored. Since First Degree Assault is more serious (Level XI) than First Degree Rape (Level X), the First Degree Assault is scored, counting the prior Third Degree Assault as adult criminal history. This calculation would result in a sentence range of 69 to 92 months.

Second, the two First Degree Rape convictions are scored using a criminal history of zero. These calculations result in two sentence ranges of 51 to 68 months.

If this offender had an additional current conviction for Second Degree Burglary, that burglary would also be scored, following the rules in RCW 9.94A.400(1)(a). The Second Degree Burglary Scoring Form would be used, and the other current offenses (two First Degree Rapes and one First Degree Assault) would be scored in the "other current offenses" section of the Offender Score. These calculations would result in an Offender Score of 3, with a sentence range of 4 to 12 months.

<u>Example</u>: An offender was convicted of one count of First Degree Theft and one count of Forgery. Both offenses arose from separate and distinct criminal conduct. Her criminal history consisted of one conviction for Second Degree Burglary. In

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this case, the rules in RCW 9.94A.400(1)(a) apply and the theft and forgery must be separately scored. The prior burglary and the current forgery are included in the Offender Score for the theft, resulting in an Offender Score of 2 and a sentence range of 3 to 9 months. The prior burglary and the current theft are included in the Offender Score for the forgery, resulting in an Offender Score of 2 and a sentence range of 2 to 5 months.

Example: An offender was convicted of one count of Second Degree Theft and one count of Second Degree Possession of Stolen Property. Both counts encompassed the same criminal conduct and the offender had no criminal history. In this case, the other current offense is not counted in the Offender Score because RCW 9.94A.400(1)(a) stipulates that "separate crimes encompassing the same criminal conduct shall be counted as one crime in determining history." Therefore, the theft and possession would both be scored with Offender Scores of zero, with the sentence range for each being 0 to 60 days.

For additional assistance in determining whether an offense arose from the same or separate criminal conduct, see the commentary on the law (Section II, p. II-40).

#### STEP 3 - DETERMINING THE STANDARD SENTENCE RANGE

#### Sentencing Grid

Once the Offense Seriousness Level and Offender Score have been calculated, the preliminary standard sentence range can be established.

Determine the standard sentence range by referring to the Sentencing Grid (RCW 9.94A.310, Table 1, page I-2). For each current offense, the intersection of the column defined by the Offender Score and the row defined by the Offense Seriousness Level determines the standard sentence range. Alternatively, the same range is produced for individual offenses on the Offense Reference Sheets (Section III). The court can sentence anywhere within that range.

#### Deadly Weapon Increase

For specified crimes, if the court makes a finding of fact or the jury returns a special verdict that the accused or an accomplice was armed with a deadly weapon

at the time of the commission of the crime, the standard sentence range shall be increased.

Deadly weapon is defined in RCW 9.94A.125 as: "an implement or instrument which has the capacity to inflict death and from the manner in which it is used, is likely to produce or may easily and readily produce death. The following instruments are included in the term deadly weapon: Blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than three inches, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas."

The crimes eligible for a deadly weapon increase and the specific additions to the standard sentence range are as follows:

Crime	Deadly Weapon Increase
First Degree Kidnapping	24 months
First Degree Rape	24 months
First Degree Robbery	24 months
First Degree Burglary	18 months
Second Degree Assault	12 months
First Degree Escape	12 months
Second Degree Kidnapping	12 months
Second Degree Burglary (if not a Dwelling)	12 months
Delivery of or Possession of a Controlled Substance with Intent to Deliver	12 months

The deadly weapon increase does not apply to anticipatory offenses (attempt, conspiracy, and solicitation to commit a crime). Additional time for a deadly weapon increase is added to the entire presumptive sentence range after it has been calculated based on the particular Seriousness Level and Offender Score (RCW 9.94A.370).

<u>Example</u>: An offender convicted of First Degree Rape with no criminal history would have a standard sentence range of 51 to 68 months. With a special finding for a deadly weapon, 24 months are added to the range so that it becomes 75 to 92 months.

#### Attempt, Conspiracy, and Solicitation

For persons convicted of an anticipatory offense of criminal attempt, solicitation, or conspiracy under Chapter 9A.28 RCW, the standard sentence range is determined by using the Offender Score and Offense Seriousness Level to determine the standard sentence range, then multiplying that range by 75 percent (RCW 9.94A.410).

Example: To determine the sentence range for an offender convicted of Attempted First Degree Burglary with an Offender Score of 4, first find that the standard range for First Degree Burglary with that Offender Score is 36 to 48 months. Multiply that range by 75 percent in order to arrive at a standard range of 27 to 36 months for Attempted First Degree Burglary.

#### STEP 4 - DETERMINING THE SENTENCING OPTIONS

The sentencing options available to the court vary depending on the offender's criminal history and the crime(s) of conviction.

The court must impose a determinate sentence in every case. A determinate sentence is defined as "a sentence which states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution" (RCW 9.94A.030(10)). The only exception to this law is for sentences imposed under the Special Sexual Offender Sentencing Option (RCW 9.94A.120(7)(a)), which allows suspended sentences.

This section describes the available sentencing options. These options are also presented in the Summary of Sentencing Options, (Table 4, page I-15). The Offense Reference Sheets also indicate the range of options available to the court for individual felonies.

#### Standard Sentence Range

The Sentencing Grid determines the standard sentence range for the most commonly charged felonies. RCW 9.94A.420 states that if the presumptive sentence duration given in the Sentencing Grid exceeds the statutory maximum

# SUMMARY OF SENTENCING OPTIONS

CONDITIONS	• Sentencing grid represents total confinement time. For certain offenders, total confinement can be converted to partial confinement or community service (see Alternative Conversion option).	• For certain crimes, a deadly weapon special verdict/finding increases the standard sentence range. (RCW 9.94A.125, RCW 9.94A.310, RCW 9.94A.370).	• For all confinement sentences of one year or less, the court may impose up to one year of community supervision. (Section 22, Chapter 209, Laws of 1984)	• Sentence may include not more than one year of confinement, community service work, restitution, a term of community supervision not to exceed one year, and/or a fine.	<ul> <li>Any other sentence constitutes an exceptional sentence.</li> </ul>	<ul> <li>Sentence cannot exceed statutory maximum; (RCW 9A.20.021)</li> <li>Four mandatory minimums exist: <ul> <li>Aggravated Murder; death penalty or life without parole. (RCW 10.95.030)</li> <li>First Degree Murder; not less than 20 years total confinement (RCW 9.94A.120(4))</li> </ul> </li> </ul>
PROCEDURE	Court imposes a determinate sentence within the standard sentence range, taking into account the crime(s) of conviction and the offender's criminal history.			Court imposes a determinate sentence.		Court considers the purpose of the Sentencing Reform Act and finds that there are substantial and compelling reasons justifying an exceptional sentence. Court must set forth its reasons in written findings and conclusions of law.
ELIGIBILTY	Offender convicted of crime listed in the Seriousness Level Table (RCW 9.94A.320).			Offender convicted of crime not listed in the Seriousness Level Table (RCW 9.94A.320).		Any offender.
SENTENCE OPTION	Sentence within the standard sentence range.		I-15	Sentence for unranked crimes. RCW 9.94A.120(6)		Exceptional sentence.  RCW 9.94A.120(2) (3), and (13)

CONDITIONS	
PROCEDURE	
ELIGIBILTY	
SENTENCE OPTION	

Court imposes a determinate sentence.

c) First Degree Assault where offender used force or means likely to result in death or intended to kill the victim; not less than five years total confinement.

(RCW 9.94A.120(4))

d) First Degree Rape; not less than three years total confinement.(RCW 9.94A.120(4))

First-time Offender Waiver. RCW 9.94A.120(5)

Offender convicted of a non-violent felony who has not previously been convicted of a felony and has not participated in a program of deferred prosecution of a felony. No one convicted of a sex offense (Chapter 9A.44 RCW or RCW 9A.64.020) is eligible.

Court waives imposition of sentence within the sentence range and imposes a determinate sentence under this provision.

Sentences imposed under the First-time Offender Waiver cannot be appealed by the prosecutor or defendant.

- Up to 90 days of confinement in a county facility;
- A requirement that the offender refrain from committing new offenses; and
- Up to two years of community supervision, including crime-related prohibitions and requirements that the offender:
- a) Devote time to a specific employment or occupation;
- b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
- c) Pursue a prescribed secular course of study or vocational training;
- d) Remain within prescribed geographical boundaries and notify the court or the

Community Corrections Officer of any change in the offender's address or employment;

- e) Report as directed to the court and a Community Corrections Officer; or
- f) Pay a fine, make restitution and/or accomplish some community service work.

Alternative Conversion.

RCW 9.94A.380

Offender sentenced to term of one year or less.

Violent offenders are only eligible for conversion to partial confinement.

Court orders a substitute for some portion or all of a total confinement sentence.

• One day of partial confinement can substitute for one day of total confinement. (Partial confinement defined as eight hours of supervision, usually work release).

• For nonviolent offenders, eight hours of community service can substitute for one day of total confinement. This conversion is limited to 240 hours or 30 days; any remaining portion of the sentence must be served in total or partial confinement.

Sex Offender Sentencing Options. RCW 9.94A.120(7)(a) • Special Sex Offender Sentencing Alternative

Offender convicted of sex
offenses (Chapter 9A.44 RCW) hes
or Incest (RCW 9A.64.020) except First Degree Rape or off
Second Degree Rape, with no tre
prior felony sexual offenses. rep

Sentence must be for less than six years of confinement.

Prior to the sentencing hearing, the court may order an examination to determine offender's amenability to treatment. After receiving reports, court determines whether offender and society may benefit from use of this alternative.

- Order up to six months of confinement, not to exceed sentence range of confinement;
- Order crime-related prohibitions;
  - Place the offender on supervision for up to two years;
- Sentence conditions may include

If court elects this option, court imposes sentence within the sentence range. Court may then suspend execution of the sentence.

For violations, court may revoke the suspension and order execution of the sentence.

If the suspended sentence is revoked, all confinement time served during community supervision is credited to the offender.

the following requirements:

- a) Devote time to a specific employment or occupation;
- b) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- c) Remain within prescribed geographical boundaries and notify the court or the Community Corrections Officer of any change in the offender's address or employment;
- d) Report as directed to the court and a Community Corrections Officer;
- e) Pay a fine, make restitution, accomplish some community service work, or any combination thereof; or
- Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

- Sex Offender Treatment at Western or Eastern State Hospital
- Offenders convicted of felony sex offenses with sentences of confinement greater than one
- Prior to the sentencing hearing, the court may order offender committed for up to
- Offender must satisfactorily meet treatment program requirements. If offender

	completes program before the sentence expires, court may convert the remaining confinement term to community supervision.	<ul> <li>This supervision can include crimerelated prohibitions and requirements that the offender:</li> <li>a) Devote time to a specific employment or occupation;</li> </ul>	b) Remain within prescribed geographical boundaries and notify the court or Community Corrections Officer of any change in offender's address or employment;	<ul><li>c) Report as directed to court and a Community Corrections Officer;</li></ul>	<ul> <li>d) Undergo available outpatient treatment.</li> </ul>	If offender violates any sentence conditions, court may order offender to serve balance of term of supervision in confinement.	• Fines can be ordered by the court within the following ranges:	\$0-50,000 \$0-50,000 Class B felonies \$0-20,000 Class C felonies \$0-10,000
	30 days to Eastern or Western State Hospital for evaluation.	After receiving reports, court may order a confinement sentence to be served in sexual offender treatment program at one of these hospitals.	sentence.				Court must specify a reasonable manner and time in which the fine or restitution shall be paid.	All monetary payments shall be ordered paid by no later than ten years after the date of conviction.
ELIGIBILTY	year and less the six years.						Any offender.	
SENTE! COPTION	RCW 9.94A.120(7)(b)	584					Restitution, fines, court costs, and other monetary obligations. RCW 9.94A.140	Section 21, Chapter 209, Laws of 1984 RCW 9.94A.120(9)

- of expiration of terms of community Ten years of supervision allowed to collect restitution, regardless supervision and the crime's statutory maximum.
- Court may also require an offender to make payments for:
- a) crime victims' compensation assessment;
- b) court costs;
- c) defense attorney costs;
- probationer assessments; Ŧ
- county or interlocal drug fund; and **e**
- f) other payments as provided by law.

Modification and Penalty for Noncompliance. Sentence

RCW 9.94A.200

Offender who violates any sentence condition or requirement.

cause why punishment should not Court requires offender to show be imposed.

arrest warrant for offender's Court can issue summons or appearance.

• If court finds that violation has occurred, it may: a) Order offender confined for not more than 60 days for each violation; and

SENTE 3 OPTION	ELIGIBILTY	PR¢ JURE	CONDITIONS
			<ul><li>b) Order term of partial confinement converted to total confinement.</li></ul>
			<ul> <li>Any time served in confinement awaiting hearing shall be credited against any confinement order.</li> </ul>
			• If court finds that the violation was not wilful, it may modify its previous order regarding fine payment or other monetary payments and community service obligations.
Discharge upon Completion of Sentence. RCW 9.94A.220	Offender who completes sentence requirements.	Department of Corrections notifies court that offender has completed requirements. requirements. Court gives offender a Certificate of Discharge.	• Certificate of Discharge restores all civil rights; it is not based upon a finding of rehabilitation. Offender's prior record can still be used as part of criminal history for later offenses.
Vacation of offender's record of conviction. RCW 9.94A.230	Offender who has been discharged may apply to the court for vacation of the record of conviction.  An offender is not eligible if:	Court clears record of conviction by:  a) permitting the offender to withdraw the guilty plea and enter a plea of not guilty; or	• Once a record is vacated, it cannot be included in an offender's criminal history in subsequent convictions. Offender is released from all penalties and disabilities
	<ul><li>a) There are any criminal charges pending in any court;</li><li>b) The conviction was for a violent offense;</li></ul>	<ul><li>b) setting aside the verdict of guilty; and</li><li>c) dismissing the information or indictment.</li></ul>	<ul> <li>For all purposes, including employ- ment applications, offender may state that he or she has never been convicted of that crime.</li> </ul>
	c) The offense was a Class B felony and less than 10 years have passed; or d) The offense was a Class C		<ul> <li>Vacation of record does not affect or prevent use of offender's prior conviction in later criminal prosecution.</li> </ul>

d) The offense was a Class C felony and less than 5 years have passed.

sentence for the offense, the statutory maximum sentence shall be the presumptive sentence.

Example: The statutory maximum sentence for Second Degree Manslaughter is five years (60 months). The Sentencing Grid indicates that the sentence range for an offender convicted of that offense with an Offender Score of 7 is 57 to 75 months; the ranges for Offender Scores of 8 and 9 are obviously higher. Nevertheless, the presumptive sentence for this crime would not exceed 60 months.

The ranges in the Sentencing Grid are expressed in terms of total confinement. A term of confinement <u>over</u> one year is to be served in a state facility or institution. A term of <u>one year or less</u> is to be served in a county facility, unless, when combined with other terms, the total time to be served exceeds one year. Sentences of "12+" on the Sentencing Grid mean one year plus one day in a state facility or institution. For some offenders, the court can convert total confinement sentences to partial confinement or community service (see the discussion of Alternative Conversions, page I-27).

#### Unranked Crimes

For an offender convicted of a crime without an established Seriousness Level, no standard sentence range applies. In these cases, the court is to impose a determinate sentence which may include not more than one year of confinement, community service work, restitution, a term of community supervision not to exceed one year, and/or a fine. Sentences involving greater than one year of confinement are exceptional sentences and must be justified in writing (RCW 9.94A.120(6)).

#### First-time Offender Waiver

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

Have not been convicted of a violent offense; and

- Have not been convicted of a violation of Chapter 9A.44 RCW or RCW 9A.64.020 (Sex Offenses and Incest); and
- Have not <u>previously</u> been convicted of a felony in this state, federal court, another state or foreign country; and
- Have never participated in a program of deferred prosecution for a felony offense (RCW 9.94A.030(12) and 9.94A.120(5)).

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

- 1. Imposing up to 90 days of confinement in a facility operated or utilized under contract by the county;
- 2. Requiring that the offender refrain from committing new offenses;
- 3. Requiring up to two years of community supervision which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:
  - Devote time to a specific employment or occupation;
  - Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
  - Pursue a prescribed, secular course of study or vocational training;
  - Remain within prescribed geographical boundaries and notify the court or a Community Corrections Officer of any change in the offender's address or employment;
  - Report as directed to the court and a Community Corrections Officer; or

 Pay a fine, make restitution, and/or accomplish some community service work.

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

#### Sexual Offender Sentencing Options

The 1984 Legislature established two special sentencing options for sexual offenders which allow treatment in the community as well as in a hospital setting. They are the Special Sexual Offender Sentencing Alternative and the option allowing Sexual Offender Hospital Treatment.

Special Sexual Offender Sentencing Alternative: The Special Sexual Offender Sentencing Alternative (SSOSA) provides for a suspended sentence which can include a jail sentence of up to six months and required outpatient or inpatient treatment (RCW 9.94A.120(7)(a)). To be eligible, offenders must:

- Have been convicted of a sexual offense (Chapter 9A.44 RCW) or Incest (RCW 9A.64.020), not including First or Second Degree Rape; and
- Have had no prior convictions for sexual offenses (Chapter 9A.44 RCW) or Incest (RCW 9A.64.020) or any other felony sexual offenses in this or any other state.

If those criteria are met, the court, on its own motion or on the motion of the state or the defendant, may order an examination to determine if the defendant is amenable to treatment. It is suggested that the examination be conducted by an expert in the area of sex offender treatment.

Once the examination report is received, the court determines whether the defendant and the community will benefit from use of this special sentencing alternative. If that determination is made, the court then imposes a sentence within the standard sentence range. If the sentence is for less than six years of confinement, the court may suspend execution of the sentence and place the offender on community supervision for up to two years. This is the only sentencing option where suspended sentences are possible.

As a condition of the SSOSA sentence, the court may order the defendant to spend up to six months in confinement (not to exceed the standard range of confinement for that offense). The court may also include crime-related prohibitions and requirements that the offender must:

- Devote time to a specific employment or occupation;
- Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- Remain within prescribed geographical boundaries and notify the court or the Community Corrections Officer of any change in the offender's address or employment;
- Report as directed to the court and a Community Corrections Officer;
- Pay a fine, make restitution, accomplish some community service work, or any combination thereof; or
- Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions, the court may revoke the suspension and order execution of the sentence. The 60-day penalty for sentence violation is also an option to the court (see page I-35). All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

Sexual Offender Hospital Treatment: The second option allows treatment at Western or Eastern State Hospital's Sexual Offender Treatment Program. To be eligible, an offender must have been convicted of a felony sexual offense and have received a determinate sentence for a confinement term greater than one year but less than six years.

If these criteria are met, the court, on its own motion, or on the motion of the offender or the state, may order the offender committed for up to 30 days to the custody of the Secretary of the Department of Social and Health Services (DSHS) at Eastern or Western State Hospital. The hospital would then evaluate the offender's amenability to treatment at these facilities and report back to the court. If the evaluation cannot begin within 30 days of the court order, the offender is to be transferred to the state for confinement until the evaluation can occur.

After reviewing the evaluation reports, the court may order that the term of confinement be served at the Sexual Offender Treatment Program at Western or Eastern State Hospital as determined by the Secretary of DSHS. The offender is to be transferred to the state pending placement in the treatment program.

If an offender does not comply with the treatment program conditions, the Secretary of DSHS can refer the matter to the sentencing court. The court would then decide if the offender is to be transferred to the Department of Corrections for the balance of his or her term of confinement.

If an offender successfully completes the treatment program prior to the expiration of the term of confinement, the court may convert the balance of the term to community supervision. Crime-related prohibitions may be placed on the offender along with requirements to perform any one or more of the following:

- 1. Devote time to a specific employment or occupation;
- 2. Remain within prescribed geographical boundaries and notify the court or the Community Corrections Officer of any change in the offender's address or employment;
- 3. Report as directed to the court and a Community Corrections Officer;
- 4. Undergo available outpatient treatment.

If an offender violates any of the community supervision terms, the court may order that the balance of the community supervision term be served in confinement in the custody of the Department of Corrections. The 60-day penalty for sentence violation is also an option to the court (see page I-35).

#### **Alternative Conversions**

The Sentencing Grid ranges are expressed in terms of total confinement (RCW 9.94A.370). For certain offenders, the court can convert terms of total confinement to partial confinement or community service. This provision allows courts to take advantage of available alternatives to confinement in cases where it is deemed appropriate.

Conversions are possible for offenders with determinate sentences of one year or less. For nonviolent offenders in this category, the statute directs the court to "consider and give priority to available alternatives to total confinement and shall state its reasons if they are not used."

For eligible offenders (violent and nonviolent), one day of total confinement can be converted to one day of partial confinement. Nonviolent offenders are also eligible for conversion of one day of total confinement to eight hours of community service. This community service conversion, however, is limited to 30 days or 240 hours. If a community service conversion is ordered and the determinate sentence is greater than 30 days, the balance of the term is to be ordered served in total or partial confinement.

Example: The court could convert a nine-month sentence to three months of total confinement, five months of partial confinement, and 30 days of community service.

As indicated in the commentary on the law, it is anticipated that courts can sentence an offender to a specific period of total confinement "or partial confinement, if eligible." See Section II, page II-36 for further discussion of this issue.

For all sentences of one year or less, including those with alternative conversions, the court may impose up to one year of community supervision to ensure that the terms of the sentence are met. The community supervision begins at the date of

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release from confinement, unless otherwise ordered by the court. For nonconfinement sentences, the period of community supervision begins on the date that the sentence was entered (Section 22, Chapter 209, Laws of 1984).

#### **Exceptional Sentences**

The standard sentence range is presumed to be appropriate for the <u>typical</u> felony case. However, the law provides that in exceptional cases, the court has the discretion to depart from the standard sentence range and impose an exceptional sentence. RCW 9.94A.120(2) states that the court "may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence."

An exceptional sentence must be a determinate sentence and cannot exceed the statutory maximum for the crime. In the case of the four crimes with statutory mandatory minimum sentences (Aggravated First Degree Murder, First Degree Murder, First Degree Assault and First Degree Rape), a departure sentence cannot go below these minimum terms of confinement (RCW 9.94A.120(4)).

If the court imposes a sentence outside a standard range, it must set forth the reasons for its decision in written findings of fact and conclusions of law (RCW 9.94A.120(3)). These procedures must also be followed if the court departs from the consecutive/concurrent policy in RCW 9.94A.400(1) and (2). Any departures can be appealed to the Court of Appeals by the defendant or the prosecutor.

The statute provides a list of illustrative factors the court may consider in deciding whether to impose an exceptional sentence. These mitigating and aggravating circumstances for exceptional sentences are provided as examples to the court and are not intended to be exclusive reasons for departures.

#### Mitigating Circumstances for Exceptional Sentences:

1. To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

- 2. Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.
- 3. The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.
- 4. The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.
- 5. The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).
- 6. The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.
- 7. The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

#### Aggravating Circumstances for Exceptional Sentences:

- 1. The defendant's conduct during the commission of the offense manifested deliberate cruelty to the victim.
- 2. The defendant knew or should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.
- 3. The offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:
  - a. The offense involved multiple victims or multiple incidents per victim;

- b. The offense involved attempted or actual monetary loss substantially greater than typical for the offense;
- c. The offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;
- d. The defendant used his or her position of trust, confidence or fiduciary responsibility to facilitate the commission of the offense.
- 4. The offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify an offense as a major VUCSA:
  - a. The offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or
  - b. The offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or
  - c. The offense involved the manufacture of controlled substances for use by other parties; or
  - d. The offender possessed a firearm during the commission of the offense; or
  - e. The circumstances of the offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or
  - f. The offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

- g. The offender used his or her position or status to facilitate the commission of the offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional); or
- h. \*The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.400.

#### Restitution

Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property (RCW 9.94A.140). Restitution can also be ordered to pay for an injury, loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that he or she pay restitution for an offense(s) not prosecuted pursuant to a plea agreement.

Restitution is based on three factors:

- Easily ascertainable damages for injury to or loss of property,
- Actual expenses incurred in treatment for injury to persons; and
- Lost wages resulting from injury.

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

\*Note: The aggravating factor listed as 4(h) was intended as an independent factor, not an example of an exceptional drug case. The citation for the purpose of the chapter should be RCW 9.94A.010. (See Section II, page II-39.)

Restitution is to be determined at the sentencing hearing or within 60 days. As part of the sentence, the court must set the terms and conditions under which the defendant shall make restitution. It is recommended that the court be specific about the payment schedule for restitution, so that these sentence conditions can be appropriately monitored by the Community Corrections Officer.

The offender's compliance with the restitution requirement can be supervised for a maximum of ten years. The restitution portion of the sentence may be modified as to amount, terms, and conditions during this period regardless of the community supervision term and the statutory maximum of the crime.

### Cases Involving Fraud or Deceptive Practice

If an offender or organization is found guilty of an offense involving fraud or other deceptive practice, the court may require that notice be given to the class of persons or sector of the public affected by the conviction or financially interested in the subject matter of the offense. The notice can be accomplished by mail, by advertising through designated media, or by other appropriate means (RCW 9.94A.140(3)).

#### **Fines**

On all sentences for felony offenses, the court may impose fines according to the following ranges (Section 23, Chapter 209, Laws of 1984):

Class A felonies \$0 - 50,000

Class B felonies \$0 - 20,000

Class C felonies \$0 - 10,000

#### Other Monetary Obligations

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

Assessments for sentences involving community supervision (RCW 9.94A.270):

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- Court costs, including reimbursement for extradition costs (RCW 9.94A.120(9)(a));
- Defense attorney's fees (RCW 9.94A.120(9)(b));
- Contributions to a county or interlocal drug fund RCW 9.94A.120(9)(c));
- Crime victims' compensation assessment (RCW 7.68.035); and
- Recoupment to the victim for the cost of counseling as a result of the offender's crime, in cases where the Special Sexual Offender Sentencing Alternative is exercised (RCW 9.94A.120(7)(a)(vi)).

All such monetary obligations, except probationer assessments and crime victims' assessment, shall be ordered and paid by no later than ten years after the date of the judgment of conviction (RCW 9.94A.120(9)).

#### Consecutive/Concurrent Sentences

RCW 9.94A.400 identifies several rules regarding consecutive/concurrent sentences. Generally, sentences for multiple offenses set at one sentencing hearing are served concurrently unless there are three or more separate serious violent offenses. In those cases, the sentences are served consecutively. In some cases, the decision to run the sentences consecutively or concurrently is discretionary, but in others a departure from the policy requires an exceptional sentence. The specific rules are as follows:

Sentencing Persons Convicted of Multiple Offenses: Except for convictions of three or more separate serious violent offenses, all sentences for multiple offenses are served concurrently (RCW 9.94A.400(1)(a)). In the case of three or more serious violent offenses arising from separate and distinct criminal conduct, the sentences for these serious violent offenses are served consecutively to each other and concurrently with any other sentences imposed for current offenses (RCW 9.94A.400(1)(b)).

A departure from this rule requires an exceptional sentence (RCW 9.94A.120(13)).

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Felony Committed While Offender is Under Sentence for Another Felony: Whenever the current offense was committed while the offender was under sentence for a previous felony and the offender is sentenced to another term of imprisonment, the latter term shall not begin until expiration of all prior terms (RCW 9.94A.400(2)).

A departure from this rule requires an exceptional sentence (RCW 9.94A.120(13)).

<u>Example</u>: An offender serving time in prison for First Degree Robbery is convicted of Introducing Contraband. The sentence for the new offense would not begin until expiration of the robbery term.

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

<u>Example</u>: An offender was convicted of a Second Degree Robbery in both Thurston and Pierce Counties. Those offenses would be separately tried and sentenced because of jurisdictional boundaries. When the second sentence for robbery is imposed, it would run consecutively to the first sentence, unless the court pronouncing the second sentence expressly ordered that the terms be served concurrently.

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

<u>Serving Total Confinement with Consecutive Sentences</u>: In the case of consecutive sentences, all periods of total confinement shall be served before any periods of

partial confinement, community service, community supervision, or any other requirement or condition of a sentence (RCW 9.94A.400(5)). This rule applies to offenders who have not completed their sentence requirements from a previous conviction and are sentenced to total confinement on a new offense.

#### STEP 5 - PENALTY AND MODIFICATION HEARING

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

If the court finds that a violation of sentence conditions or requirements has occurred, it may order the offender confined for a period not to exceed 60 days for each violation and may convert a partial confinement term to total confinement. Any time served in confinement awaiting the hearing shall be credited against any confinement order. If the court finds that the violation was not wilful, the court may modify its previous order regarding payment of fines or other monetary payments and community service obligations. In all cases, escape charges can also be filed if they are appropriate.

### STEP 6 - DISCHARGE AND VACATION OF CONVICTION RECORD

#### Discharge

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

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

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#### Vacation of Conviction Record

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

- There are any criminal charges against the offender pending in any court in this state, another state, or federal court;
- The offense was a violent offense (as defined in RCW 9.94A.030(18));
- The offender has been convicted of a new crime in this state, another state, or federal court since the date of the offender's discharge;
- The offense was a Class B felony and less than ten years have passed since the date the applicant was discharged; and
- The offense was a Class C felony and less than five years have passed since the date the applicant was discharged.

If the offender meets these tests, the court can clear the record of conviction by:

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

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

classification as a felony requires proof of a prior conviction (e.g., Communicating with a Minor for Immoral Purposes).

The sentencing guidelines allow automatic "wash out" of prior convictions which meet the requirements of vacation of conviction. This policy allows offenders who do not formally apply to the court to have eligible offenses excluded from their criminal history in subsequent convictions. (See page I-7 for further discussion of this policy.)

#### SECTION II. SENTENCING REFORM ACT AND COMMENTARY

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Note: The law in this section is an <u>unofficial</u> codification of Chapter 9.94A from the 1983 Revised Code of Washington, incorporating changes resulting from SHB 1247 and ESB 4798, passed by the 1984 Legislature. The Code Revisor will be issuing the official codified version of the law in late 1984.

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- **9.94A.010** Purpose. The purpose of this chapter is to make the criminal justice system accountable to the public by developing a system for the sentencing of felony offenders which structures, but does not eliminate, discretionary decisions affecting sentences, and to add a new chapter to Title 9 RCW designed to:
- (1) Ensure that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history;
  - (2) Promote respect for the law by providing punishment which is just;
- (3) Be commensurate with the punishment imposed on others committing similar offenses;
  - (4) Protect the public;
  - (5) Offer the offender an opportunity to improve him or herself; and
  - (6) Make frugal use of the state's resources. (1981 c 137 § 1.)

Report on Sentencing Reform Act of 1981: "The legislative budget committee shall prepare a report to be filed at the beginning of the 1987 session of the legislature. The report shall include a complete assessment of the impact of the Sentencing Reform Act of 1981. Such report shall include the effectiveness of the guidelines and impact on prison and jail populations and community correction programs." (1983 c 163 § 6.)

- 9.94A.020 Short title. This chapter may be known and cited as the sentencing reform act of 1981. (1981 c 137 § 2.)
- 9.94A.030 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.
  - (1) "Commission" means the sentencing guidelines commission.
- (2) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.
- (3) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.
- (4) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).
- (5) "Confinement" means total or partial confinement as defined in this section.
- (6) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW.

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- (7) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.
- (8)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.
- (b) "Criminal history" includes a defendant's convictions or pleas of guilty in juvenile court if: (i) the guilty plea or conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); and (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) the defendant had not reached his or her twenty-third birthday at the time the offense for which he or she is being sentenced was committed.

### (9) "Department" means the department of corrections.

- (10) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.
- (11) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.
- (12) "First-time offender" means any person convicted of a felony not classified as a violent offense under this chapter, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participted in a program of deferred prosecution for a felony offense.
- (13) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.
- (14) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community.
- (15) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.
- (16) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

- (17) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.
  - (18) "Violent offense" means:
- (a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, and vehicular homicide:
- (b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in subsection (18)(a) of this section; and
- (c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under subsection (18)(a) or (b) of this section. (1983 c 164 § 9; 1983 c 163 § 1; 1982 c 192 § 1; 1981 c 137 § 3.)

Effective date-1983 c 163: See note following RCW 9.94A.120.

- 9.94A.040 Sentencing guidelines commission—Established—Powers and duties. (1) A sentencing guidelines commission is established as an agency of state government.
  - (2) The commission shall, following a public hearing or hearings:
- (a) Devise a series of recommended standard sentence ranges for all felony offenses and a system for determining which range of punishment applies to each offender based on the extent and nature of the offender's criminal history, if any;
- (b) Devise recommended prosecuting standards in respect to charging of offenses and plea agreements; and
- (c) Devise recommended standards to govern whether sentences are to be served consecutively or concurrently.
- (3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.
- (4) In devising the standard sentence ranges of total and partial confinement under this section, the commission is subject to the following limitations:
- (a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

- (b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and
- (c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.020.
- (5) In carrying out its duties under subsection (2) of this section, the commission shall give consideration to the existing guidelines adopted by the association of superior court judges and the Washington association of prosecuting attorneys and the experience gained through use of those guidelines. The commission shall emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.
- (6) This commission shall conduct a study to determine the capacity of correctional facilities and programs which are or will be available. While the commission need not consider such capacity in arriving at its recommendations, the commission shall project whether the implementation of its recommendations would result in exceeding such capacity. If the commission finds that this result would probably occur, then the commission shall prepare an additional list of standard sentences which shall be consistent with such capacity.
- (7) By January 10, 1983, the commission shall recommend its standard sentence ranges and standards to the legislature by providing the recommendations to the chief clerk of the house of representatives and secretary of the senate. If the commission has prepared an additional list of standard sentence ranges, as provided under subsection (6) of this section, then the commission shall include such list along with its recommendations.
- (8) Every two years, the commission may recommend to the legislature revisions or modifications to the standard sentence ranges and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity.
- (9) The commission shall study the existing criminal code and from time to time make recommendations to the legislature for modification.
- (10) The commission shall exercise its duties under this section in conformity with chapter 34.04 RCW, as now existing or hereafter amended. (1982 c 192 § 2; 1981 c 137 § 4.)

Analysis of effects of sentencing guidelines: "The commission shall conduct an analysis of the anticipated effects of the guidelines adopted in chapter... (SB 3414). Laws of 1983, on a representative sample of counties. This analysis shall include, but not be limited to, an estimate of the impact on jail population and availability of alternatives in the community. The analysis required by this section shall be filed at the beginning of the 1984 legislative session. (1983 c 163 § 5.)

Reviser's note: SB 3414 did not pass in the 1983 legislative session. Sentencing guidelines, the subject matter of SB 3414, were enacted by the legislature in chapter 115, Laws of 1983 (ESHB 297).

### Effective date—1983 c 163: See note following RCW 9.94A.120.

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

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

9.94A.060 Sentencing guidelines commission—Membership—Appointments—Terms of office—Expenses. (1) The commission consists of fifteen voting members, one of whom the governor shall designate as chairperson. With the exception of ex officio voting members, the voting members of the commission shall be appointed by the governor, subject to confirmation by the senate.

- (2) The voting membership consists of the following:
- (a) The head of the state agency having general responsibility for adult correction programs, as an ex officio member;
  - (b) The director of financial management, as an ex officio member;
- (c) Until July 1, 1988, the chairman of the board of prison terms and paroles, as an ex officio member, and thereafter the chairman of the clemency and pardons board, as an ex officio member;
  - (d) Two prosecuting attorneys;
  - (e) Two attorneys with particular expertise in defense work;
  - (f) Four persons who are superior court judges;
- (g) One person who is the chief law enforcement officer of a county or city;
- (h) Three members of the public who are not and have never been prosecutors, attorneys, judges or law enforcement officers.

In making the appointments, the governor shall seek the recommendations of Washington prosecutors in respect to the prosecuting attorney members, of the Washington state bar association in respect to the attorney members, of the association of superior court judges in respect to the members who are judges, and of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer.

(3) All voting members of the commission, except ex officio voting members, shall serve terms of three years and until their successors are appointed and confirmed. However, the governor shall stagger the terms by appointing four

of the initial members for terms of one year, four for terms of two years, and four for terms of three years.

- (4) The speaker of the house of representatives and the president of the senate may each appoint two non-voting members to the commission, one from each of the two largest caucuses in each house. The members so appointed shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.
- (5) The members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Legislative members shall be reimbursed by their respective houses as provided under RCW 44.04.120, as now existing or hereafter amended. (1981 c 137 § 6.)
- 9.94A.070 Standard sentence ranges—Enactment by legislature—Revisions or modifications—Submission to legislature. (1) At its regular session convening in 1983, the legislature shall enact laws approving or modifying either the standards recommended by the commission, or the additional list of standard sentence ranges consistent with prison capacity in the event an additional list has been submitted pursuant to RCW 9.94A.040(6). The standards so adopted shall take effect on July 1, 1984.
- (2) Revisions or modifications of standard sentence ranges or other standards, together with any additional list of standard sentence ranges, shall be submitted to the legislature every two years and shall become effective as provided under subsection (1) of this section on July first of the year in which they were submitted. (1981 c 137 § 7.)
- 9.94A.080 Plea agreements—Discussions—Contents of agreements. The prosecutor and the attorney for the defendant, or the defendant when acting pro se, may engage in discussions with a view toward reaching an agreement that, upon the entering of a plea to a charged offense or to a lesser or related offense, the prosecutor will do any of the following:
  - (1) Move for dismissal of other charges or counts;
- (2) Recommend a particular sentence within the sentence range applicable to the offense or offenses to which the offender pled guilty;
  - (3) Recommend a particular sentence outside of the sentence range;
  - (4) Agree to file a particular charge or count;
  - (5) Agree not to file other charges or counts; or
- (6) Make any other promise to the defendant, except that in no instance may the prosecutor agree not to allege prior convictions.

The court shall not participate in any discussions under this section. (1981  $\approx$  137 \$ 8.)

Effective date-1981 c 137: See RCW 9.94A.905.

# 9.94A.090 Plea agreements--Statement to court as to nature and reasons for agreement--Court approval or disapproval-- Sentencing judge not bound.

- (1) If a plea agreement has been reached by the prosecutor and the defendant pursuant to RCW 9.94A.080, they shall at the time of the defendant's plea state to the court, on the record, the nature of the agreement and the reasons for the agreement. The court, at the time of the plea, shall determine if the agreement is consistent with the interests of justice and with the prosecuting standards. If the court determines it is not consistent with the interests of justice and with the prosecuting standards, the court shall, on the record, inform the defendant and the prosecutor that they are not bound by the agreement and that the defendant may withdraw the defendant's plea of guilty, if one has been made, and enter a plea of not guilty.
- (2) The sentencing judge is not bound by any recommendations contained in an allowed plea agreement and the defendant shall be so informed at the time of plea. (1981 c 137 § 9.)

#### Effective date-1981 c 137: See RCW 9.94A.905.

9.94A.100 Plea agreements—Criminal history. The prosecuting attorney and the defendant shall each provide the court with their understanding of what the defendant's criminal history is prior to a plea of guilty pursuant to a plea agreement. All disputed issues as to criminal history shall be decided at the sentencing hearing. (1981 c 137 § 10.)

#### Effective date--1981 c 137: See RCW 9.94A.905.

9.94A.110 Sentencing hearing--Time period for holding--Presentence reports and criminal history--Arguments--Record. Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing. The court shall consider the presentence reports, if any, criminal history, and allow arguments from the prosecutor, defense counsel, the offender, the victim or a representative of victim, and an investigative law enforcement officer as to the sentence to be imposed. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this Copies of all presentence reports information shall be part of the record. presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. (1981 c 137 § 11.)

### Effective date-1981 c 137: See RCW 9.94A.905.

- **9.94A.120** Sentences. When a person is convicted of a felony, the court shall impose punishment as provided in this section.
- (1) Except as authorized in subsections (2) and (5) of this section, the court shall impose a sentence within the sentence range for the offense.

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- (2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.
- (3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.
- (4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.
- (5) In sentencing a first-time offender, other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020, the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:
  - (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
  - (c) Pursue a prescribed, secular course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
  - (e) Report as directed to the court and a community corrections officer; or
- (f) Pay a fine, make restitution, and/or accomplish some community service work.
- (6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, restitution, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, con-

sidering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7)(a) When an offender is convicted of any violation of chapter 9A.44 RCW or RCW 9A.64.020 except RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions of chapter 9A.44 RCW, RCW 9A.64.020, or any other felony sexual offenses in this or any other state, the sentencing court on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
  - (iv) Report as directed to the court and a community corrections officer;
- (v) Pay a fine, make restitution, accomplish some community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the

department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services. The offender shall be transferred to the state pending placement in the treatment program.

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court for determination as to whether the offender shall be transferred to the department of corrections to serve the balance of his term of confinement.

If the offender successfully completes the treatment program before the expiration of his term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

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

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

- (8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.
- (9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

- (10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in RCW 9A.20.020.
- (11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.
- (12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.
- (13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6). (1983 c 163 § 2; 1982 c 192 § 4; 1981 c 137 § 12.)

Effective date—1983 c 163: "Sections 1 through 5 of this act shall take effect on July 1, 1984." (1983 c 163 § 7.)

Effective date-1981 c 137: See RCW 9.94A.905.

#### Comment

RCW 9.94A.120(3) indicates that sentences outside the standard range are to be determinate sentences. The definition of determinate sentence is "a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution" (RCW 9.94A.030(10)). When the court sets a sentence outside the range, such sentence should be expressed in terms of the categories allowed under the law.

9.94A.125 Deadly weapon special verdict—Definition. (Effective July 1, 1984.) In a criminal case wherein there has been a special allegation and evidence establishing that the accused or an accomplice was armed with a deadly weapon at the time of the commission of the crime, the court shall make a finding of fact of whether or not the accused or an accomplice was armed with a deadly weapon at the time of the commission of the crime, or if a jury trial is had, the jury shall, if it find(s) the defendant guilty, also find a special verdict as to whether or not the defendant or an accomplice was armed with a deadly weapon at the time of the commission of the crime.

For purposes of this section, a deadly weapon is an implement or instrument which has the capacity to inflict death and from the manner in which it is used, is likely to produce or may easily and readily produce death. The following instruments are included in the term deadly weapon: Blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than three inches, any razor with an

unguarded blade, any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas. (1983 c 163 § 3.)

Effective date—1983 c 163: See note following RCW 9.94A.120.

#### Comment

The Commission did not provide sentence enhancement for all crimes involving a deadly weapon. For some crimes where the use of the deadly weapon warranted additional punishment, the Commission recommended that an offender have additional time added to the presumptive sentence. These nine crimes are: First Degree Kidnapping, First Degree Rape, First Degree Robbery, First Degree Burglary, Second Degree Assault, First Degree Escape, Second Degree Kidnapping, Second Degree Burglary (non-dwelling only), and the Delivery of or Possession With Intent to Deliver A Controlled Substance (RCW 9.94A.310). The amount of increased time varies according to the seriousness of the offense.

The definition and procedural requirements for the deadly weapon allegation and finding are carried over from existing law. No distinction is made between a firearm and other types of deadly weapons. The mandatory prison term for a firearm finding, under RCW 9.41.025, and for a deadly weapon finding, under RCW 9.95.040, was abolished by the Sentencing Reform Act as to crimes committed after June 30, 1984.

The sentencing court should first calculate the presumptive sentence range for the current offense using the appropriate Offense Seriousness Level and Offender Score. Then the deadly weapon enhancement is added to the entire range. The court may impose any sentence within this enhanced range.

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

#### Effective date--1981 c 137: See RCW 9.94A.905.

9.94A.140 Restitution. (1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days and may set the terms and conditions under which the defendant shall make restitution. Restitution ordered by the court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

- (2) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.
- (3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.
- (4) This section does not limit civil remedies or defenses available to the victim or defendant. (1982 c 192 § 5; 1981 c 137 § 14.)

#### Comment

The legislature has expressed a strong desire that victims receive restitution from offenders. Courts are urged to set restitution amounts "at the sentencing hearing or within sixty days." This time limit (as with others relating to the setting of hearings) is advisory to the courts and was not intended to create any right for a defendant to a speedy restitution hearing.

- 9.94A.150 Leaving correctional facility or release prior to expiration of sentence prohibited—Exceptions. No person serving a sentence imposed pursuant to this chapter shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:
- (1) The terms of the sentence may be reduced by earned early release time in accordance with procedures developed and promulgated by the department. The earned early release time shall be for good behavior and good performance, as determined by the department. In no case shall the aggregate earned early release time exceed one-third of the sentence;
- (2) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;
- (3) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;
- (4) If the sentence of confinement is in excess of twelve months but not in excess of three years, no more than the final three months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing him or herself in the community. If the sentence of confinement is in excess of three years, no more than the final six months of the sentence may be served in such partial confinement;

- (5) The governor may pardon any offender;
- (6) The department of corrections may release an offender from confinement any time within ten days before a release date calculated under this section (v); and
- (7) An offender may leave a correctional facility prior to completion of his sentence if the sentence has been reduced as provided in RCW 9.94A.160. (1982 c 192 § 6; 1981 c 137 § 15.)

### Effective date-1981 c 137: See RCW 9.94A.905.

- 9.94A.160 Emergency due to inmate population exceeding correctional facility capacity. (Effective July 1, 1984.) If the governor finds that an emergency exists in that the population of a state residential correctional facility exceeds its reasonable, maximum capacity, then the governor may do any one or more of the following:
- (1) Call the sentencing guidelines commission into an emergency meeting for the purpose of evaluating the standard ranges and other standards. The commission may adopt any revision or amendment to the standard ranges or other standards that it believes appropriate to deal with the emergency situation. The revision or amendment shall be adopted in conformity with chapter 34.04 RCW and shall take effect on the date prescribed by the commission. The legislature shall approve or modify the commission's revision or amendment at the next legislative session after the revision or amendment takes effect. Failure of the legislature to act shall be deemed as approval of the revision or amendment;
- (2) If the emergency occurs prior to July 1, 1988, call the board of prison terms and paroles into an emergency meeting for the purpose of evaluating its guidelines and procedures for release of prisoners. The board may take any action authorized by law to modify the terms of prisoners under its jurisdiction;
- (3) Call the clemency and pardons board into an emergency meeting for the purpose of recommending whether the governor's commutation or pardon power should be exercised to meet the present emergency. (1983 c 163 § 4; 1981 c 137 § 16.)

Effective date—1983 c 163: See note following RCW 9.94A.120. Effective date—1981 c 137: See RCW 9.94A.905.

#### New Section SHB 1247 created new section re: Emergency jail capacity.

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

(1) Call the sentencing guidelines commission into an emergency meeting for the purpose of evaluating the standard ranges and other standards. The commission may adopt any revision or amendment to the standard ranges or other standards that it believes appropriate to deal with the emergency situation. The revision or amendment shall be adopted in conformity with chapter 34.04 RCW and shall take effect on the date prescribed by the commission. The legislature shall

approve or modify the commission's revision or amendment at the next legislative session after the revision or amendment takes effect. Failure of the legislature to act shall be deemed as approval of the revision or amendment. The commission shall also analyze how alternatives to total confinement are being provided and used and may recommend other emergency measures that may relieve the overcrowding.

- (2) Call the clemency and pardons board into an emergency meeting for the purpose of recommending whether the governor's commutation or pardon power should be exercised to meet the present emergency.
- 9.94A.170 Term of confinement tolled by unapproved absence. A term of confinement ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented him or herself from supervision without the prior approval of the entity in whose custody the offender has been placed. (1981 c 137 § 17.)

### Effective date--1981 c 137: See RCW 9.94A.905.

9.94A.180 Term of partial confinement. An offender sentenced to a term of partial confinement shall be confined in the facility for at least eight hours per day. The offender shall be required as a condition of partial confinement to report to the facility at designated times. An offender may be required to comply with crime-related prohibitions during the period of partial confinement. (1981 c 137 § 18.)

### Effective date-1981 c 137: See RCW 9.94A.905.

9.94A.190 Terms of more than one year or less than one year—Where served. A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state. A sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county. (1981 c 137 § 19.)

### Effective date-1981 c 137: See RCW 9.94A.905.

#### Comment

2SSB 3815, passed by the 1984 Legislature, reinforces this section of the statute with the following language:

"Persons sentenced to felony terms or a combination of terms of more than three hundred sixty-five days of incarceration shall be committed to state institutions under the authority of the department of corrections. Persons serving sentences of three hundred sixty-five consecutive days or less may be sentenced to a jail as defined in RCW 70.48.010. All persons convicted of felonies or misdemeanors and sentenced to jail shall be the financial responsibility of the city or county."

## New Section SHB 1247 created new section re: Arrest, search and seizure powers.

(1) If an offender violates any condition or requirement of a sentence, a community corrections officer may arrest or cause the arrest of the offender without a warrant, pending a determination by the court. If there is reasonable cause

to believe that an offender has violated a condition or requirement of the sentence, an offender may be required to submit to a search and seizure of the offender's person, residence, automobile or other personal property. A community corrections officer may also arrest an offender for any crime committed in his or her presence. The facts and circumstances of the conduct of the offender shall be reported by the community corrections officer, with recommendations, to the court.

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

#### Comment

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

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

9.94A.200 Noncompliance with condition or requirement of sentence—Procedure—Burden of Proof—Penalty.

- (1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.
- (2) If an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:
- (a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;
- (b) If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may convert a term of partial confinement to total confinement. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court; and
- (c) If the court finds that the violation was not wilful, the court may modify its previous order regarding payment of fines or other monetary payments and regarding community service obligations.
- (3) Nothing in this section prohibits the filing of escape charges if appropriate. (1981 c 137 § 20.)

### Effective date-1981 c 137: See RCW 9.94A.905.

- 9.94A.210 Sentence within standard range for offense not appealable--Sentence outside sentence range subject to review--Procedure--Grounds for reversal--Written opinions.
- (1) A sentence within the standard range for the offense shall not be appealed. For purposes of this section, a sentence imposed on a first offender under RCW 9.94A.120(5) shall also be deemed to be within the standard range for the offense and shall not be appealed.
- (2) A sentence outside the sentence range for the offense is subject to appeal by the defendant or the state. The appeal shall be to the court of appeals in accordance with rules adopted by the supreme court.
- (3) Pending review of the sentence, the sentencing court or the court of appeals may order the defendant confined or placed on conditional release, including bond.
- (4) To reverse a sentence which is outside the sentence range, the reviewing court must find: (a) Either that the reasons supplied by the sentencing judge are not supported by the record which was before the judge or that those reasons do not justify a sentence outside the standard range for that offense; or (b) that the sentence imposed was clearly excessive or clearly too lenient.
- (5) A review under this section shall be made solely upon the record that was before the sentencing court. Written briefs shall not be required and the review and decision shall be made in an expedited manner according to rules adopted by the supreme court.
- (6) The court of appeals shall issue a written opinion in support of its decision whenever the judgment of the sentencing court is reversed and may issue written opinions in any other case where the court believes that a written opinion would provide guidance to developing a common law of sentencing within the state. (1982 c 192 § 7; 1981 c 137 § 21.)

#### Effective date-1981 c 137: See RCW 94A.905.

9.94A.220 Discharge upon completion of sentence—Certificate of discharge—Counseling after discharge. When an offender has completed the requirements of the sentence, the secretary of the department or his designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge. The discharge shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody. (1981 c 137 § 22.)

#### Effective date-1981 c 137: See RCW 9.94.905.

- 9.94A.230 Vacation of offender's record of conviction. (1) Every offender who has been discharged under RCW 9.94A.220 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may clear the record of conviction by: (a) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or (b) if the offender has been convicted after a plea of not guilty, by the court setting aside the verdict of guilty; and (c) by the court dismissing the information or indictment against the offender.
- (2) An offender may not have the record of conviction cleared if: (a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offender has been convicted of a new crime in this state, another state, or federal court since the date of the offender's discharge under RCW 9.94A.220; (d) the offense is a class B felony and less than ten years have passed since the date the applicant was discharged under RCW 9.94A.220; and (e) the offense was a class C felony and less than five years have passed since the date the applicant was discharged under RCW 9.94A.220.
- (3) Once the court vacates a record of conviction under subsection (1) of this section, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime.

Effective date-1981 c 137: See RCW 9.94A.905.

#### Comment

While all offenders may obtain a discharge under RCW 9.94A.220, only those convicted of a nonviolent offense who have remained crime-free for a specific period may earn a vacation of their conviction. This vacation of the conviction is analogous to the dismissal obtained under RCW 9.95.240 (deferred sentence) in that while it cannot be used for impeachment purposes under ER 609(c), the product of the limited number of offenses whose classification as a felony requires proof of a prior conviction, (e.g., Communicating With A Minor For Immoral Purposes, RCW 9A.44.110).

- 9.94A.250 Clemency and pardons board—Established—Membership—Terms of office—Chairman—Bylaws—Travel expenses—Staff. (1) The clemency and pardons board is established as a board within the office of the governor. The board consists of five members appointed by the governor, subject to confirmation by the senate.
- (2) Members of the board shall serve terms of four years and until their successors are appointed and confirmed. However, the governor shall stagger the

terms by appointing one of the initial members for a term of one year, one for a term of two years, one for a term of three years, and two for terms of four years.

- (3) The board shall elect a chairman from among its members and shall adopt bylaws governing the operation of the board.
- (4) Members of the board shall receive no compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.
- (5) The attorney general shall provide a staff as needed for the operation of the board. (1981 c 137 § 25.)

Effective date-1981 c 137: See RCW 9.94A.905.

9.94A.260 Clemency and pardons board—Petitions for review and commutation of sentences and pardons—Recommendations. The clemency and pardons board shall receive petitions from individuals, organizations, and the department for review and commutation of sentences and pardoning of offenders in extraordinary cases, and shall make recommendations thereon to the governor. (1981 c 137 § 26.)

Effective date-1981 c 137: See RCW 9.94A.905.

#### 9.94A.270 Probationer assessments.

- (1) Whenever a punishment imposed under this chapter requires community supervision services to be provided, the sentencing court shall require that the offender pay to the department of corrections the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the probation and which shall be considered as payment or part payment of the cost of providing probation supervision to the probationer. The court may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:
- (a) The offender has diligently attempted but has been unable to obtain employment that provides the offender sufficient income to make such payments.
- (b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.
- (c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the court.
  - (d) The offender's age prevents him from obtaining employment.
- (e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.
  - (f) Other extenuating circumstances as determined by the court.
- (2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments that shall vary in accordance with the intensity or cost of

the supervision. The department may not prescribe any assessment that is less than ten dollars nor more than fifty dollars.

- (3) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the state general fund.
- (4) This section shall not apply to probation services provided under an interstate compact pursuant to chapter 9.95 RCW or to probation services provided for persons placed on probation prior to June 10, 1982. (1982 c 207 § 2.)
- 9.94A.300 Effective date of RCW 9.94A.310 through 9.94A.450. The following portions of the report to the legislature dated January 10, 1983, by the sentencing guidelines commission of the state of Washington and as set forth in RCW 9.94A.310 through 9.94A.450 are approved as modified by the legislature to take effect on July 1, 1984:
- (1) The sentencing guidelines contained in tables 1, 2, and 3 and in part V; and
- (2) The prosecuting standards for charging and plea dispositions contained in part VI. (1983 c 115 § 1.)

SERIOUSNESS LEVEL

TABLE 1 SENTENCING GRID

OFFENDER SCORE

	0	-	2	3	4	\$	9	7	∞	9 or more
ΧIX	Life Sentence	ife Sentence without Parole/Death Penalty	Death Penalty							
	23y 4 m	24y 4m	25y 4m	26y 4m	27y 4m	28y 4m	30y 4m	32y 10m	36y	
YIII	240 - 320	250 - 333	261 - 347	271 - 361	281 - 374	291 - 388	312 - 416	338 - 450	370 - 493	411 - 548
;	12y	13y	14y	15y	16y	17y	19y	2ly	25y	29y
II Y	123 - 164	134 - 178	144 - 192	154 - 205	165 - 219	175 - 233	195 - 260	216 - 288	257 - 342	298 - 397
5	6y	6y 9m	7y 6m	8y 3m	99	9y 9m	12y 6m	13y 6m	15y 6m	17y 6m
₹	62 - 82	69 - 92	77 - 102	85 - 113	93 - 123	100 - 133	129 - 171	139 - 185	159 - 212	180 - 240
>	53	5y 6m	69	6y 6m	7y	7y 6m	9y 6m	10y 6m	12y 6m	14y 6m
<	51 - 68	57 - 75	62 - 82	62 - 29	72 - %	77 - 102	98 - 130	108 - 144	129 - 171	149 - 198
2	33	3y 6m	ή	4y 6m	λ	Sy 6m	7y 6m	8y 6m	10y 6m	12y 6m
<u> </u>	31 - 41	36 - 48	* - 7	19 - 94	51 - 68	57 - 75	77 - 102	87 - 116	108 - 144	129 - 171
*****	24	2y 6m	34	3y 6m	Λħ	4y 6m	6y 6m	7y 6m	8y 6m	10y 6m
V 111	21 - 27	26 - 34	31 - 41	36 - 48	大 14	46 - 61	62 - 89	77 - 102	87 - 116	108 - 144
1174	18m	2y	2y 6m	3y	3y 6m	ψ	Sy 6m	6y 6m	7y 6m	8y 6m
: •	15 - 20	21 - 27	Z6 - 32	31 - 41	34 - 98	式 - IF	57 - 75	62 - 89	77 - 102	87 - 116
177	13m	18m	2y	2y 6m	34	3у 6т	4y 6m	5y 6m	6y 6m	7y 6m
7	12+ - 14	15 - 20	21 - 27	26 - 34	31 - 41	3¢ - 48	46 - 61	57 - 75	68 - 29	77 - 102
,	ш6	13m	15m	18m	2y 2m	3y 2m	44	5y	6y	73
>	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 23	33 - 43	\$ · I	51 - 68	62 - 82	72 - %
7.1	em	m6	13m	15m	18m	2y 2m	3y 2m	4y 2m	Sy 2m	6y 2m
<u>.</u>	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 23	33 - 43	43 - 57	53 - 70	63 - 84
Ε	2m	ωÇ	8m	ΞI	I4m	20m	2y 2m	3y 2m	4y 2m	χ
=	1 - 3	3	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 23	33 - 43	43 - 57	51 - 68
=	06 - 0	#±	m9	8m	13m	16m	20m	2y 2m	3y 2m	4y 2m
<b>=</b>	Days	2 - 6	3 - 9	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 23	33 - 43	43 - 57
-	09 - 0	06 - 0	3m	æ,	ς	8m	13m	16m	20m	2y 2m
-	Days	Days	2 - 5	2 - 6	3 -	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29

NOTE: Bold type presents presumptive sentence ranges in months. Midpoints are included as a reference point (y = years, m = months). 12+ equals one year and one day. For a few crimes, the presumptive sentences in the high offender score columns exceed the statutory maximums. In these cases, the statutory maximum applies.

Additional time added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon:

24 months (Rape 1, Robbery 1, Kidnapping 1)
18 months (Burglary 1)
12 months (Assault 2, Escape 1, Kidnapping 2, Burglary 2 of a building other than a dwelling, Delivery or Possession of a controlled substance with intent to deliver)

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#### Table 2

#### CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV Aggravated Murder 1 (RCW 10.95.020)
XIII Murder 1 (RCW 9A.32.030)
XII Murder 2 (RCW 9A.32.050)
XI Assault 1 (RCW 9A.36.010)
X Kidnapping 1 (RCW 9A.40.020)
Rape 1 (RCW 9A.44.040)
Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406)

IX Robbery 1 (RCW 9A.56.200)

Manslaughter 1 (RCW 9A.32.060)
Statutory Rape 1 (RCW 9A.44.070)

Employing, using, or permitting minor to engage in sexually explicit conduct for commercial use (RCW 9.68A.020)

Explosive devices prohibited (RCW 70.74.180)

Endangering life and property by explosives with threat to human being (RCW 70.74.270)

Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

VIII Arson 1 (RCW 9A.48.020)
Rape 2 (RCW 9A.44.050)
Promoting Prostitution 1 (RCW 9A.88.070)
Selling heroin for profit (RCW 69.50.410)

VII Burglary 1 (RCW 9A.52.020)
Vehicular Homicide (RCW 46.61.520)
Introducing Contraband 1 (RCW 9A.76.140)
Statutory Rape 2 (RCW 9A.44.080)
Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
Sending, bringing into the state, possessing, publishing, printing, etc., obscene matter involving minor engaged in sexually explicit conduct (RCW 9.68A.030)

#### 9.94A.320

VI Bribery (RCW 9A.68.010) Manslaughter 2 (RCW 9A.32.070) Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))

Endangering life and property by explosives with no threat to human being (RCW 70.74.270)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))

Incest 1 (RCW 9A.64.020(1))

Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)

Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(a)(1)(i))

V Rape 3 (RCW 9A.44.060)

Kidnapping 2 (RCW 9A.40.030)

Extortion 1 (RCW 9A.56.120)

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

Perjury 1 (RCW 9A.72.020)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

IV Robbery 2 (RCW 9A.56.210)

Assault 2 (RCW 9A.36.020)

Escape 1 (RCW 9A.76.110)

Arson 2 (RCW 9A.48.030)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Malicious Harassment (RCW 9A.36.080)

Wilful Failure to Return from Furlough (RCW 72.66.060)

Hit and Run -- Injury Accident (RCW 46.52.020(4))

Vehicular Assault (RCW 46.61.522)

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(a)(1)(ii) through (iv))

III Statutory Rape 3 (RCW 9A.44.090)

Extortion 2 (RCW 9A.56.130)

Unlawful Imprisonment (RCW 9A.40.040)

Assault 3 (RCW 9A.36.030)

Unlawful possession of firearm or pistol by felon (RCW 9.41.040)

Promoting Prostitution 2 (RCW 9A.88.080)

Introducing Contraband 2 (RCW 9A.76.150)

Communicating with a Minor for Immoral Purposes (RCW 9A.44.110)

Escape 2 (RCW 9A.76.120)

Perjury 2 (RCW 9A.72.030)

Intimidating a Public Servant (RCW 9A.76.180)

Tampering with a Witness (RCW 9A.72.120)

Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))

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- II Malicious Mischief 1 (RCW 9A.48.070)
  Possession of Stolen Property 1 (RCW 9A.56.150)
  Theft 1 (RCW 9A.56.030)
  Theft of Livestock (RCW 9A.56.080)
  Welfare Fraud (RCW 74.08.331)
  Burglary 2 (RCW 9A.52.030)
  Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
  Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- I Theft 2 (RCW 9A.56.040)
  Possession of Stolen Property 2 (RCW 9A.56.160)
  Forgery (RCW 9A.60.020)
  Auto Theft (Taking and Riding) (RCW 9A.56.070)
  Vehicle Prowl 1 (RCW 9A.52.095)
  Eluding a Police Vehicle (RCW 46.61.024)
  Malicious Mischief 2 (RCW 9A.48.080)
  Reckless Burning 1 (RCW 9A.48.040)
  Unlawful Issuance of Bank Checks (RCW 9A.56.060)
  False Verification for Welfare (RCW 74.08.055)
  Forged prescription (RCW 69.41.020)
  Possess controlled substance that is a narcotic from Schedule III, IV, or V or non-narcotic from Schedule I-V (RCW 69.50.401(d))

TABLE 3
OFFENDER SCORE MATRIX

### **Prior Adult Convictions**

Current Offenses	Serious Violent	Burglary 1	Other Violent	Vehicular Homi- cide	Escape
Serious Violent	3	2	2	2	1
Burglary 1	2	2	2	. 2	- 1
Other Violent Vehicular	2	2	2	2	1
Homicide	0	0	0	2	0
Escape	0	0	0	0	1
Burglary 2	Ĭ	2	1 .	ĺ	î
Other	-	_	•	•	•
Non-Violent	1	1	ţ	1	1
Drug	Î	î	î	Î	î.
J		_ ,	-	_	-
	Burglary	Felony	Serious	Other	Drug
	2	Traffic	Traffic	Non-	J
	. 2	Hairic	Hairic	Violent	
Serious Violent	1	1	0		1
	1 2	1 1	0		1
Burglary I	1	1 1 1	0 0 0		1 1 1
Burglary I Other Violent	1	1 1 1 1	0		1 1 1
Burglary 1 Other Violent Vehicular	1	1 1 1 1	0		1 1 1
Burglary 1 Other Violent Vehicular Homicide	1 2 1	1 1 1 1	0 0 0	Violent  1 1 1 0	1 1 1
Burglary 1 Other Violent Vehicular Homicide Escape	1 2 1	1 1 1 1 0	0		1 1 1 0 0
Burglary 1 Other Violent Vehicular Homicide Escape Burglary 2	1 2 1 0	1 1 1 1 0	0 0 0	Violent  1 1 1 0	T.
Burglary 1 Other Violent Vehicular Homicide Escape	1 2 1 0	1 1 1 1 0 1	0 0 0	Violent  1 1 1 0	T.

## Prior Juvenile Convictions

Current Offenses	Serious Violent	Burglary I	Other Violent	Vehicular Homi- cide	Escape
Serious Violent	3	2	2	2	1/2
Burglary 1	2	2	2	2	1/2
Other Violent	2	2	2	2	1/2
Vehicular					•
Homicide	0	0	0	2	0
Escape	0	0	0	0	1/2
Burglary 2	1/2	2	1/2	1/2	1/2
Other Non-			·	·	•
Violent	1/2	1/2	1/2	1/2	1/2
Drug	1/2	1/2	1/2	1/2	1/2

TABLE 3 (cont'd)
OFFENDER SCORE MATRIX

	Burglary 2	Felony Traffic	Serious Traffic	Other Non- Violent	Drug
Serious Violent	1/2	1/2	0	1/2	1/2
Burglary 1	ĺ	1/2	0	1/2	1/2
Other Violent	1/2	1/2	0	1/2	1/2
Vehicular					·
Homicide	0	1/2	1/2	0 .	0
Escape	0	Ó	Ô	0	0
Burglary 2	1	1/2	0	1/2	1/2
Other		•			•
Non-Violent	1/2	1/2	0	1/2	1/2
Drug	1/2	1/2	0	1/2	i

Definitions: Serious Violent: Murder 1, Murder 2, Assault 1, Kidnapping 1, Rape 1

Escape 1, Escape 2, Wilful Failure to Return from Work Release or Furlough

Serious Traffic: Driving while Intoxicated, Actual Physical Control, Reckless Driving, Hit-and-Run

Felony Traffic: Felony Hit-and-Run, Vehicular Assault,
Attempting to Elude a Police Officer

Drug: All felony violations of chapter 69.50 RCW except possession of a controlled substance

# V. RECOMMENDED SENTENCING GUIDELINES

9.94A.340 Equal application. (Effective July 1, 1984.) The sentencing guidelines and prosecuting standards apply equally to offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or the previous record of the defendant. (1983 c 115 § 5.)

Effective date-1983 c 115: See RCW 9.94A.300.

9.94A.350 Offense seriousness level. (Effective July 1, 1984.) The offense seriousness level is determined by the offense of conviction. Felony offenses are divided into fourteen levels of seriousness, ranging from low (seriousness level I) to high (seriousness level XIV - see RCW 9.94A.320 (Table 2)). (1983 c 115 § 6.)

Effective date-1983 c 115: See RCW 9.94A.300.

# Comment

<u>Crime Label</u>: Offense seriousness is established by the crime of conviction. The <u>crime of conviction</u> is therefore far more significant in determining a sentence than under the former indeterminate system.

Crime Ranking: One of the most significant and time-consuming decisions made by the Commission was its ranking of crimes by seriousness. The three mandatory minimum sentences established by the Sentencing Reform Act (First Degree Murder, First Degree Assault, First Degree Rape) served as benchmarks for the Commission's work. The Commission was also assisted by the general felony classifications established by the legislature (Classes A, B, and C). The Commission decided that, given the law's emphasis on violent crimes, the seriousness levels needed to reflect this priority. Certain Class C felonies were eventually ranked higher than some Class B felonies because they constituted a crime against a person.

Offense Date: The date of the offense is important because it establishes whether the guidelines apply to a particular offender's case. If the date of offense is on or before June 30, 1984, the sentencing guidelines should not be used to sentence the offender. The date of the offense also influences whether an offender's juvenile record will be used to calculate criminal history.

Ranked Felonies: The most common felonies have been included in the Seriousness Level Table. The Commission decided not to rank certain felonies which seldom occur. The Commission will continue to recommend adjustments in Seriousness Levels as new felonies are created by the legislature. If, in the future, a significant number of persons are convicted of offenses not included in the Seriousness Level Table, the Commission will recommend appropriate seriousness levels to the legislature for those crimes.

Chapter Title: This section is entitled "Recommended Sentencing Guidelines." The term 'recommended' is not appropriate because the guidelines are to be applied to all felonies committed on or after July 1, 1984, unless an expectional sentence is imposed. The Commission will seek modification of this language in future legislative sessions.

9.94A.360 Offender score. The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are summarized in Table 3, RCW 9.94A.330.

The offender score is computed in the following way:

- (1) Include juvenile felony convictions if the offender was 15 or older at the time the offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.
- (2) If the present conviction is for Murder 1 or 2, Assault 1, Kidnapping 1, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.
- (3) If the present conviction is for Burglary 1, count priors as in subsection (5) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.
- (4) If the present conviction is for Vehicular Homicide, only count the following crimes as part of the offender score: Vehicular Homicide, Vehicular Assault, Felony Hit and Run (RCW 46.52.020(4)), Hit and Run (RCW 46.52.020(5)), Driving while Intoxicated (RCW 46.61.502), Actual Physical Control (RCW 46.61.504), Reckless Driving (RCW 46.61.500), Attempting to Elude a Police Officer (RCW 46.61.500). Count two points for each adult or juvenile Vehicular Homicide conviction, one point for each other adult felony traffic or serious traffic conviction, and 1/2 point for each other juvenile felony traffic or serious traffic conviction.
- (5) If the present conviction is for a violent offense and not covered in subsections (2), (3), or (4) or (8) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.
- (6) If the present conviction is for escape (Escape 1, RCW 9A.76.110; Escape 2, RCW 9A.76.120; Wilful Failure to Return from Furlough, RCW 72.66.060; and Wilful Failure to Return from Work Release, RCW 72.65.070), count only prior escape convictions in the offender score. Count adult escape convictions as one point and juvenile prior escape convictions as 1/2 point.
- (7) If the present conviction is for Burglary 2, count priors as in subsection (9) of this section; however count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 conviction, and one point for each juvenile prior Burglary 2 conviction.
- (8) If the present conviction is for a violation of chapter 69.50 RCW, except for possession of a controlled substance (RCW 69.50.401(d)), count two points for each adult prior felony drug conviction (chapter 69.50 RCW, except RCW 69.50.401(d)), and one point for each juvenile drug conviction. All other adult and juvenile felonies are scored as in subsection (5) of this section if the current drug conviction is violent, or as in subsection (9) of this section if the current drug conviction is nonviolent.

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- (9) If the present conviction is for a nonviolent offense and not covered by subsection (6), (7), or (8) of this section, count one point for each prior adult felony conviction and one point for each prior juvenile violent felony conviction and 1/2 point for each prior juvenile nonviolent felony.
- (10) For all offender scores, the fractional totals shall be rounded down to the nearest whole number.
- (11) In the case of multiple prior convictions for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. The conviction for the offense that yields the highest offender score is used.
- (12) Class A prior felony convictions are always included in the offender score. Class B prior felony convictions are not included if the offender has spent ten years in the community and has not been convicted of any felonies since the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), if any, or entry of judgment and sentence. Class C prior felony convictions and serious traffic convictions as defined in RCW 9.94A.330 are not included if the offender has spent five years in the community and has not been convicted of any felonies since the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), if any, or entry of judgment and sentence. This subsection applies to both adult and juvenile prior convictions.

The designation of out-of-state convictions shall be covered by the offense definitions and sentences provided by Washington law.

The offender score is the sum of points accrued under subsections (1) through (12) of this section. (1983 c 115 \$ 7.)

Effective date-1983 c 115: See RCW 9.94 A.300.

#### Comment

<u>Misdemeanors</u>: The Commission decided not to score misdemeanors for two reasons: 1) the emphasis of the legislation was on felonies, and 2) the reliability of court records varies greatly throughout the state. An exception to this policy was made in the crime of Vehicular Homicide. The Commission decided that for this crime, previous serious driving misdemeanors are relevant in establishing the offender's history of similar behavior.

The Commission anticipates that in some instances an offender's history of misdemeanors may be used by the court in selecting a sentence within the standard sentence range or in departing from the range to administer an exceptional sentence.

Role of Criminal History: The Commission's mandate from the legislature was to consider both the seriousness of the crime and the nature and extent of criminal history. The Commission decided to <a href="mailto:emphasize">emphasize</a> the current offense in establishing standard sentence ranges, but also to give weight to a person's past convictions, including the pattern of those convictions. Given the legislation's emphasis on sanctions for violent crimes, the Commission decided that repeat violent offenders

needed to be identified and dealt with severely. As a result, the grid places an accelerated emphasis on criminal history for the repeat violent offender.

<u>Prior Offenses</u>: The Commission decided that the weighting of prior offenses should vary depending on the present offense. The variables the Commission chose to include are the following:

Serious Violent: The legislature adopted the Commission's definition of First and Second Degree Murder, First Degree Assault, First Degree Rape, and First Degree Kidnapping as "serious violent" crimes, deserving the highest acceleration on the criminal history axis for repeat offenders. As prior offenses relative to similar current offenses, these crimes receive three points.

Violent: If the current offense is a violent (or serious violent) offense, prior violent crimes receive two points, again resulting in an accelerated sentence enhancement.

Burglary: The Commission decided that a special rule was necessary for repetitive burglars. During the Commission's public hearings, extensive testimony was heard on the consequences of this crime to victims. People across the state testified that burglary often was not a property crime but rather a crime against the person because of the victim's feeling that personal security was violated. The Commission chose to double-weight prior adult and juvenile burglaries if the offender is being sentenced on a burglary.

Drug: A similar double-weighting rule was adopted for prior drug crimes involving delivery of or possession with intent to deliver a controlled substance, if the offender is being sentenced on a similar current offense.

Juvenile Criminal History: Since the legislation required that certain prior juvenile felony adjudications be included as part of criminal history, the Commission needed to establish the relative weight of these felonies in comparison to adult prior felonies. The Commission decided that prior violent felony convictions, whether committed by an adult or a juvenile, should receive the same number of points if the instant offense was violent. The Commission believed that a distinction was necessary between nonviolent adult felonies and nonviolent juvenile felonies because juvenile nonviolent felonies often represent less serious conduct. In addition, under the definition of juvenile criminal history in RCW 9.94.030(8)(b), the legislation specified that prior juvenile convictions are not considered after the offender reaches age 23; the Commission therefore wanted to avoid a significant disparity between the potential Offender Score for someone at age 22 and someone at age 23. Thus, the decision was to count juvenile nonviolent felony adjudications at one-half point (rounding down to the nearest whole number).

 $\overline{\text{Escape}}$ : For the crime of escape (First and Second Degree Escape, Wilful Failure to Return from Furlough, Wilful Failure to Return from Work Release), the Commission decided that the only relevant factors in a person's criminal history are other escape convictions.

"Wash Out" of Priors: The Commission decided that adult Class A felonies should always be considered as part of the Offender Score. Juvenile Class A felonies count only if they meet the age requirements in RCW 9.94A.030(8)(b). If the offender has been crime-free in the community for several years, the Commission

decided that prior Class B and C convictions should eventually "wash out" and be eliminated from the Offender Score. The decision was to render Class B felonies obsolete (relative to the Offender Score) after ten years of felony-free behavior and to do the same with Class C felonies after five years of felony-free behavior. (The Commission's research indicates that this policy will only apply to a very small number of defendants.) The calculation for the "wash out" of priors begins upon the defendant's date of release of confinement, if any, or entry of judgment and sentence.

Multiple Prior Convictions: A policy was needed to score prior convictions where there are multiple charges or counts. Under current sentencing practices, most cases involving multiple charges or counts receive a concurrent sentence—that is, the sentence for one crime is served simultaneously with any other sentence. Consecutive sentences, where the total time for all sentences combined must be served, are rarely ordered by the court and are usually reserved for exceptional cases.

The rules for scoring of prior multiple convictions take these sentencing practices into account. For adults, if the sentences are served consecutively, the Offender Score is the sum of the scores for each conviction. If, however, the sentences are served concurrently, the conviction that yields the highest Offender Score is used—usually the most serious offense. In the case of juveniles, all juvenile adjudications entered on a single date count as one offense. Again, the adjudication for the offense that yields the highest Offender Score is used.

Out-of-State Convictions: In calculating the Offender Score, out-of-state convictions must be compared to Washington law. Any federal or out-of-state conviction for an offense that, under the laws of this state would be a felony classified as a violent offense, must be calculated into the Offender Score as a violent offense.

Errors: This section of the law contains two errors. First, RCW 9.94A.360(9) indicates that if the instant conviction is for a nonviolent offense, prior juvenile violent felony convictions receive one point. This is an error, contradicted by the Offender Score Matrix in RCW 9.94A.330, which indicates that the point level should be one-half. The Offender Score Matrix is accurate and prior juvenile violent felonies in those circumstances should receive one-half point.

A second error is contained in RCW 9.94A.360(4). The reference to Attempting to Elude a Police Officer is an incorrect title and the wrong statute is cited. The correct title is Attempting to Elude Pursuing Police Vehicle and the correct citation is RCW 46.61.024. The title for this crime in RCW 9.94A.330 (the definitions section for felony traffic offenses) is similarly incorrect.

The Commission will seek statutory revisions to correct these errors in the 1985 Legislative session.

9.94A.370 Presumptive sentence. The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The additional time for deadly weapon findings shall be added to the entire presumptive sentence range. The court may impose any sentence within the range that it deems appropriate. All presumptive sentence ranges are expressed in terms of total confinement.

In determining any sentence, the trial court may use no more information than is admitted by the plea agreement, and admitted to or acknowledged at the time of sentencing. Acknowledgment includes not objecting to information stated in the presentence reports. Where the defendant disputes material facts, the court must either not consider the fact or grant an evidentiary hearing on the point. The real facts shall be deemed proven at the evidentiary hearing by a preponderance of the evidence. Real facts that establish elements of higher crime, a more serious crime, or additional crimes cannot be used to go outside the presumptive sentence range except upon stipulation. (1983 c 115 § 8.)

#### Comment

The Commission believed that defendants should be sentenced on the basis of facts which are acknowledged, proven, or pleaded to. Concerns were raised about facts which were not proven as an element of the conviction or the plea being used as a basis for sentence decisions, including decisions to depart from the sentence range. As a result, the "real facts policy" was adopted. The policy does not specifically address facts which are proven in a trial, but it is obvious that facts proven in a trial should be used by a court in determining a sentence.

If the defendant disputes information in the Presentence Investigation, it is anticipated that an evidentiary hearing will be held to resolve the issue.

## Effective date-1983 c 115: See RCW 9.94A.300.

9.94A.380 Alternative conversions. For sentences of nonviolent offenders for one year or less, the court shall consider and give priority to available alternatives to total confinement and shall state its reasons if they are not used.

These alternatives include the following sentence conditions that the court may order as substitutes for total confinement: (1) One day of partial confinement or eight hours of community service may be substituted for one day of total confinement; (2) the community service conversion is limited to two hundred forty hours or thirty days. The conversion of total confinement to partial confinement may be applied to all sentences of one year or less, including those for violent offenses. (1983 c 115 § 9.)

Effective date-1983 c 115: See RCW 9.94A.300.

# Comment

One of the legislative directions to the Commission was to "emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender" (RCW 9.94A.040(5)). In fulfilling this directive, the Commission believed it was necessary to develop a flexible policy, but one that also ensures some standardization in its application. The Commission decided that by having the court set the sentence in terms of total confinement (i.e., jail time), proportionality among like offenders would be maintained. The court then has the discretion to apply alternative conversions as a substitute for total confinement for offenders with sentences less than a year. One day of partial confinement (typically work release) or eight hours of community service may replace one day of total confinement. The community service hours, however, are limited to 240 hours (30 days) and thus may only be a partial equivalent for any sentence over 30

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days. (Community service conversions are only available in the case of nonviolent offenders.)

A converted sentence may include an equivalent combination of jail time, work release, and community service hours. As an  $\overline{\text{example}}$ , a sentence of total confinement for nine months may be converted to five months of jail, three months of partial confinement and one month of community service.

Because total and partial confinement are equivalent on a day-for-day basis, the court may sentence an offender to a specific period of "total confinement or partial confinement, if eligible." The partial confinement facility then determines initial and continued eligibility. The court retains the authority to sentence directly to partial confinement, both at the original sentencing hearing and following a decision of lack of eligibility or a refusal to determine eligibility by the partial confinement facility.

# New Section SHB 1247 created a new section re: Community supervision.

On all sentences of confinement for one year or less the court may impose up to one year of community supervision. For confinement sentences, unless otherwise ordered by the court, the period of community supervision begins at the date of release from confinement. For nonconfinement sentences, the period of community supervision begins at the date of entry of the judgment and sentence.

# New Section SHB 1247 created a new section re: Fines.

On all sentences under this chapter the court may impose fines according to the following ranges:

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

#### Comment

The Commission believed the full range of statutorily authorized fines under RCW 9A.20.020 should be available in all sentences.

9.94A.390 Departures from the guidelines. If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence:

# Mitigating Circumstances

(1) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

- (2) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.
- (3) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.
- (4) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.
- (5) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law was significantly impaired (voluntary use of drugs or alcohol is excluded).
- (6) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.
- (7) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

# Aggravating Circumstances

- (1) The defendant's conduct during the commission of the offense manifested deliberate cruelty to the victim.
- (2) The defendant knew or should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.
- (3) The offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:
  - (a) The offense involved multiple victims of multiple incidents per victim;
- (b) The offense involved attempted or actual monetary loss substantially greater than typical for the offense;
- (c) The offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;
- (d) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the offense.
- (4) The offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify an offense as a major VUCSA:
- (a) The offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or

- (b) The offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or
- (c) The offense involved the manufacture of controlled substances for use by other parties; or
- (d) The offender possessed a firearm during the commission of the offense; or
- (e) The circumstances of the offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or
- (f) The offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or
- (g) The offender used his or her position or status to facilitate the commission of the offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).
- (h) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in 9.94A.400.

The above considerations are illustrative only and are not intended to be exclusive reasons for exceptional sentences. (1983 c 115 § 10.)

#### Effective date—1983 c 115: See RCW 9.94A.300.

#### Comment

Departures from the Standard Sentence Range: Standard sentence ranges represent the appropriate sanction for the "typical" case. The judge will consider individual factors when setting the determinate sentence within the standard sentence range. Some cases, however, are exceptional and require departure from the standard sentence range.

Although it was recognized that not all exceptional fact patterns can be anticipated, the Commission determined that a carefully considered <u>non-exclusive</u> list of appropriate justifications for departures from the standard range would be helpful to both the trial and appellate courts. This list is intended as a frame of reference for the court to use in identifying the exceptional case. The list includes examples of mitigating and aggravating factors. As the state gains more experience with this new sentencing system, additional factors may be added to this list.

One illustrative mitigating factor concerns operation of the multiple offense policy. The Commission was particularly concerned about multiple offenses committed in separate jurisdictions where separate sentencing hearings would occur, thus resulting in a higher presumptive sentence than if the crimes were committed in a single jurisdiction and there was only one hearing. In that instance, if the multiple offense policy results in such comparatively high presumptive sentences, the judge might want to consider departing from the standard sentence

range in order to impose a less severe sentence, depending, of course, on the particular set of case facts.

There was also concern that the multiple offense policy might sometimes result in a presumptive sentence that is clearly too lenient in light of the purposes of this chapter. An illustrative aggravating factor was inadvertently codified by the Code Revisor as part of the aggravating factors for drug offenses, rather than as a separate factor. (It is listed as "4(h)" rather than "5".) Both the Commission and the legislature intended for this example of an aggravating factor to apply to any crime, not just for violations of the Uniform Controlled Substances Act. In addition, the citation to the purpose section of the chapter is incorrect. (It should be RCW 9.94A.010 instead of RCW 9.94A.400.) As these are all illustrative factors only, the intent of the Legislature should control over such scrivener's error.

The Commission will seek legislative correction of these errors in the 1985 session.

#### 9.94A.400 Consecutive/concurrent sentences.

- (1) (a) Except as provided in (b) of this subsection, whenever a person is convicted of two or more offenses, the sentence range for each offense shall be determined by using all other current and prior convictions as criminal history. All sentences so determined shall be served concurrently. Separate crimes encompassing the same criminal conduct shall be counted as one crime in determining history.
- (b) Whenever a person is convicted of three or more serious violent offenses, as defined in RCW 9.94A.330, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's prior convictions as criminal history and the sentence range for other serious violent offenses shall be determined using a criminal history score of zero. The sentence range for any remaining offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.
- (2) Whenever a person while under sentence of felony commits another felony and is sentenced to another term of imprisonment, the latter term shall not begin until expiration of all prior terms.
- (3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run consecutively with felony sentences previously imposed by any court in this or another state or by a federal court, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.
- (4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, this sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.
- (5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service,

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community supervision, or any other requirement of conditions of any of the sentences. (1983 c 115 § 11.)

Effective date-1983 c 115: See RCW 9.94A.300.

#### Comment

Providing appropriate sanctions when a defendant is being sentenced for more than one crime was a complicated issue for the Sentencing Guidelines Commission. The language adopted for the consecutive/concurrent policy reflects that complexity.

Subsection (1) covers current convictions on multiple counts. The general rule in (1) (a) is that all current offenses serve as criminal history in determining the sentence range for each count, and all sentences are served concurrently. The only exception is where a person is convicted of three or more serious violent offenses (as defined in RCW 9.94A.330) arising from separate and distinct criminal conduct. As (1) (b) indicates, in those cases, the sentence range for only the most serious crime is determined using the offender's criminal history. On other serious violent counts, the range is found using zero criminal history, and on any additional counts, the sentence range is determined according to (1) (a). All sentences for serious violent offenses are served consecutively and all others are served concurrently.

Subsection (1) includes the phrase "same criminal conduct." A Washington appellate court, in another context, interpreted this phase to mean: "A criminal event which is intimately related or connected to another criminal event." This language comes from State v. Adcock, 36 Wn. App. 699 (1984) interpreting the juvenile code's phrase "the same course of conduct." Also see State v. Erickson. 22 Wn App. 38, (1978).

Subsections (2) and (3) cover situations, where at the time the defendant is sentenced on a present conviction, he or she has not yet completed a sentence for another felony conviction. The difference between Subsections (2) and (3) is the phrase "under sentence of a felony." Under (2), if at the time the present crime is committed, the defendant has not completed confinement for another sentence, the confinement for the present sentence does not begin until expiration of his or her prior sentence. Subsection (3) covers only the occasion where the latter crime was committed at a point before the offender had been sentenced for a previous crime.

Subsection (3) will often be relevant where the defendant has committed a series of crimes across court jurisdictions (crimes in more than one county, more than one state, or crimes for which he or she has been sentenced under both state and federal jurisdictions) and where the defendant will be sentenced by more than one judge. The purpose of this subsection is to allow the judge some flexibility within the guidelines in order to minimize the incidental factors of geographical boundaries and jurisdictions.

Subsection (4) covers the situation in which a court is imposing a prison sentence for a crime committed prior to July 1, 1984, where the defendant previously had received a deferred or suspended sentence and now is having that probation revoked. It runs consecutively to any sentence imposed under the new presumptive scheme.

Subsection (5) points out that the defendant must serve all terms of total confinement on consecutive sentences before other conditions are performed.

As stated earlier, the multiple offense policy was among the most complex issues confronted by the Commission and the legislature. The legislature acknowledged in RCW 9.94A.390 (aggravating and mitigating factors) that the operation of the multiple offense policy might, in individual cases, result in a "clearly excessive" or "clearly too lenient" presumptive sentence.

9.94A.410 Convictions for attempts, solicitations, or conspiracies. For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the crime, and multiplying the range by 75 percent. (1983 c 115 § 12.)

Effective date-1983 c 115: See RCW 9.94A.300.

9.94A.420 Presumptive ranges that exceed the statutory maximum. (Effective July 1, 1984.) If the presumptive sentence duration given in the sentencing grid exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence. (1983 c 115 § 13.)

Effective date-1983 c 115: See RCW 9.94A.300.

- VI. RECOMMENDED PROSECUTING STANDARDS FOR CHARGING AND PLEA DISPOSITIONS
- 9.94A.430 Introduction. (Effective July 1, 1984.) These standards are intended solely for the guidance of prosecutors in the state of Washington. They are not intended to, do not and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the state. (1983 c 115 § 14.)

Effective date-1983 C 115: See RCW 9.94A.300.

#### Comment

Chapter Title: The section title references 'recommended' prosecuting standards. As in the case with the title for Section V, the term 'recommended' is not appropriate insofar as the Commission's 'recommendations' have now been adopted as law. The Commission will seek a change in the title in future legislative sessions.

9.94A.440. Evidentiary sufficiency. (Effective July 1, 1984.) (1) Decision not to prosecute.

STANDARD: A Prosecuting Attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

#### **GUIDELINES/COMMENTARY:**

# Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

- (a) Contrary to Legislative Intent It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.
- (b) Antiquated Statute It may be proper to decline to charge where the statute in question is antiquated in that:
  - (i) It has not been enforced for many years; and
  - (ii) Most members of society act as if it were no longer in existence; and
  - (iii) It serves no deterrent or protective purpose in today's society; and
  - (iv) The statute has not been recently reconsidered by the legislature.

The reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

- (c) De Minimus Violation It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.
- (d) Confinement on Other Charges It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and
- (i) Conviction of the new offense would not merit any additional direct or collateral punishment;
- (ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and
- (iii) Conviction of the new offense would not serve any significant deterrent purpose.
- (e) Pending Conviction on Another Charge It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

- (i) Conviction of the new offense would not merit any additional direct or collateral punishment;
  - (ii) Conviction in the pending prosecution is imminent;
- (iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and
- (iv) Conviction of the new offense would not serve any significant deterrent purpose.
- (f) High Disproportionate Cost of Prosecution It may be proper to decline to charge where the cost of locating or transportating, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.
- (g) Improper Motives of Complainant It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.
- (h) Immunity It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.
- (i) Victim Request It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:
  - (i) Assault cases where the victim has suffered little or no injury;
- (ii) Crimes against property, not involving violence, where no major loss was suffered;
  - (iii) Where doing so would not jeopardize the safety of society.

Care should be taken to ensure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

#### Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

#### Comment

<u>Decision Not to Prosecute</u>: This standard and the examples previously listed were taken in large measure from the 1980 Washington Association of Prosecuting Attorneys' Standards for Charging and Plea Bargaining.

#### (2) Decision to Prosecute.

#### STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder.

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See Table 13 for the crimes within these categories.

#### TABLE 13

# CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

#### CRIMES AGAINST PERSONS

Aggravated Murder

1st Degree Murder

2nd Degree Murder

1st Degree Kidnapping

1st Degree Assault

1st Degree Rape

1st Degree Robbery

1st Degree Statutory Rape

1st Degree Arson

2nd Degree Kidnapping

2nd Degree Assault

2nd Degree Rape

2nd Degree Robbery

1st Degree Burglary

1st Degree Manslaughter

2nd Degree Manslaughter

1st Degree Extortion

Indecent Liberties

2nd Degree Statutory Rape

Incest

Vehicular Homicide

3rd Degree Rape

3rd Degree Statutory Rape

2nd Degree Extortion

1st Degree Promoting Prostitution

Intimidating a Juror
Communication with a Minor for Immoral Purposes
Intimidating a Witness
Intimidating a Public Servant
Bomb Threat (if against person)
3rd Degree Assault
Unlawful Imprisonment
Promoting a Suicide Attempt
Riot (if against person)

# CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson 1st Degree Escape 2nd Degree Burglary 1st Degree Theft 1st Degree Perjury 1st Degree Introducing Contraband 1st Degree Possession of Stolen Property Bribery Bribing a Witness Bribe received by a Witness Bomb Threat (if against property) 1st Degree Malicious Mischief 2nd Degree Theft 2nd Degree Escape 2nd Degree Introducing Contraband 2nd Degree Possession of Stolen Property 2nd Degree Malicious Mischief 1st Degree Reckless Burning Taking a Motor Vehicle without Authorization Forgery Welfare Fraud 2nd Degree Perjury 2nd Degree Promoting Prostitution Tampering with a Witness Trading in Public Office Trading in Special Influence Receiving/Granting Unlawful Compensation Bigamy Eluding a Police Vehicle Wilful Failure to Return from Furlough Riot (if against property) Thefts of Livestock

# ALL OTHER UNCLASSIFIED FELONIES

#### Comment

<u>prosecute</u>: The law stipulates two standards for the decision to <u>prosecute</u>: one for crimes against persons and the other for crimes against property. The standard for person crimes is intended to require a lower threshold than the standard for property crimes. The different standards reflect a need to set priorities for allocating prosecutional resources. Crimes against persons are

given more emphasis. The term "justify court action" was chosen for person crimes because it implies a decision, which, after objective review of the case, can be defended in court.

# Selection of Charges/Degree of Charge

- (1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:
  - (a) Will significantly enhance the strength of the state's case or trial; or
  - (b) Will result in restitution to all victims.
- (2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:
  - (a) Charging a higher degree;
  - (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

# **GUIDELINES/COMMENTARY:**

# Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
  - (2) The completion of necessary laboratory tests; and
- (3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

# Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (1) Probable cause exists to believe the suspect is guilty; and
- (2) The suspect presents a danger to the community or is likely to flee if not apprehended; or
- (3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (1) Polygraph testing;
- (2) Hypnosis;
- (3) Electronic surveillance;
- (4) Use of informants.

Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached. (1983 c 115 § 15.)

#### Effective date-1983 c 115: See RCW 9.94A.300.

#### Comment

Selection of Charges/Degree of Charges: This standard covers the issue of how many charges to file and the degree of the charges. The standard directs prosecutors to file charges which "adequately describe the nature of the defendant's conduct," adding that other offenses should be charged for one of two reasons. The term "adequately describe" was chosen over the phrase "accurately describe." Prosecutors are also directed not to overcharge in order to obtain a guilty plea. Although it is difficult to precisely define overcharging, this standard is intended to serve as a strong principle for prosecutors' actions.

<u>Investigation Techniques</u>: The Commission agreed that prosecutors should make an <u>affirmative effort to discover</u> what investigatory techniques were used by the police. The use of certain techniques may influence the relative strength of the case and the filing standard due to potential constitutional challenges.

9.94A.450 Plea dispositions. (Effective July 1, 1984.) STANDARD: (1) Except as provided in subsection (2) of this section, a defendant will normally be expected to plead guilty to the charge or charges which adequately describe the nature of his or her criminal conduct or go to trial.

- (2) In certain circumstances, a plea agreement with a defendant in exchange for a plea of guilty to a charge or charges that may not fully describe the nature of his or her criminal conduct may be necessary and in the public interest. Such situations may include the following:
- (a) Evidentiary problems which make conviction on the original charges doubtful;
- (b) The defendant's willingness to cooperate in the investigation or prosecution of others whose criminal conduct is more serious or represents a greater public threat;
- (c) A request by the victim when it is not the result of pressure from the defendant;
- (d) The discovery of facts which mitigate the seriousness of the defendant's conduct;
  - (e) The correction of errors in the initial charging decision;
  - (f) The defendant's history with respect to criminal activity;
  - (g) The nature and seriousness of the offense or offenses charged;
  - (h) The probable effect on witnesses. (1983 c 115 § 16.)

    Effective date—1983 c 115: See RCW 9.94A.300.

# 9.94A.460 Sentence recommendations.

#### STANDARD:

The prosecutor may reach an agreement regarding sentence recommendations.

The prosecutor shall not agree to withhold relevant information from the court concerning the plea agreement. (1983 c 115 § 17.)

#### Comment

Because the court will have the responsibility of approving plea agreements, the Commission was very concerned that information not be withheld from the court as the result of a plea agreement. This standard prohibits the prosecutor from withholding relevant information from the court as part of any agreement.

NEW SECTION. Sec. 32. Section 27, chapter 137, Laws of 1981 and RCW 9.94A.900 are each repealed.

NEW SECTION. Sec. 33. Sections 1 through 26 of this act shall take effect on July 1, 1984, and sections 27 through 32 of this act shall take effect June 30, 1984.

9.94A.905 Effective date of RCW 9.94A.080 through 9.94A.130, 9.94A.150 through 9.94A.230, 9.94A.250, 9.94A.260—Sentences apply to felonies committed after

June 30, 1984. RCW 9.94A.080 through 9.94A.130, 9.94A.150 through 9.94A.230, and 9.94A.250 and 9.94A.260 shall take effect on July 1, 1984. The sentences required under this chapter shall be prescribed in each sentence which occurs for a felony committed after June 30, 1984. (1981 c 137 § 28.)

9.94A.910 Severability—1981 c 137. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. (1981 c 137 § 41.)

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#### SECTION III. OFFENSE REFERENCE SHEETS

This section includes individual Offense Reference Sheets for all felonies with a standard sentence range. An index follows.

The Offense Reference Sheets indicate the applicable offender scoring rules and available sentencing options. The standard sentence range is displayed. These sheets are intended to be used as a desk reference. The bottom line of the Offense Reference Sheet indicates which Scoring Form is suitable for each offense.

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# AGGRAVATED MURDER, FIRST DEGREE (RCW 10.95.020)

OFFFINDER	

ADULT H	STORY:
---------	--------

Not Scored.

#### JUVENILE HISTORY:

Not Scored.

#### OTHER CURRENT OFFENSES:

Not Scored.

#### II. STANDARD SENTENCE RANGE

A. OFFENDER SCORE:

NONE

STANDARD RANGE:

Death Penalty or Life sentence without Parole.

(Seriousness Level XIV)

B. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

# ARSON, F1RST DEGREE (RCW 9A.48.020) VIOLENT

# I. OFFENDER SCORING (RCW 9.94A.360 (5))

AD	ULT HISTORY: (All					ense;					
	tho	se served consec	utively are (	counted sepai	rately)						
	Enter number of	Serious Violent	and Violent	felony convi	ictions			<u> </u>	x 2 =		
	Enter number of	Nonviolent felo	ny conviction	ns				· · · · · <u> </u>	x 1 =		
JU	VENILE HISTORY: (	All adjudication	s entered on	the same dat	te count as (	ONE offense)					
	Enter number of	Serious Violent	and Violent	felony adjuc	dications .				x 2 =	=	
	Enter number of	Nonviolent felo	ny adjudicati	ions	· · · · · ·				x 1/2 =	-	
or	HER CURRENT OFFENS	ES: (Other curr	ent offenses	which do not	t encompass t	the same crim	inal conduct	count in of	fender score)	<b>)</b>	
	Enter number of	other Serious V	iolent and Vi	iolent felony	y convictions	5			x 2		
	Enter number of	other Nonviolen	t felony conv	victions	• • • • • • • • • • • • • • • • • • •		• • • • • • • • • • • • • • • • • • •	· · · · <u> </u>			
	tal the last colum (round down to the			SCORE			• • • • • • • • • • • • • • • • • • •				
							_				
				II.	. STANDARD S	SENTENCE RANG	E				
A.	OFFENDER SCORE:	0	1	2	3	4	5	67 - 89	7 77 - 102	8	9 or mor
	STANDARD RANGE: (Seriousness Leve	21 - 27 1 VIII) months	26 - 34 months	31 · 41 months	36 - 48 months	41 54 months	46 · 61 months	months	months	87 - 116 months	108 - 14 months
В.	The range for at	tempt, solicitat	ion, and cons	spiracy is 75	5% of the sta	ındard senten	ce range for	the complet	ed crime (RCM	7 9.94A.410)	
c.	Financial obliga 9.94A.120 (9), 9		ed: fines, r	restitution,	court costs,	attorney's	fees, assessi	ments (SHB 1	247 Section 2	3, RCW 9.94	A.140,
	i										
				III. SENTENC	CING OPTIONS	FOR FIRST DE	GREE ARSON				
A.	Exceptional sent	ence (RCW 9.94A.	120 (2))								
	÷.		<del></del>								
			THIS OFFENS	SE REFERENCE	SHEET IS FOR	USE WITH TH	E VIOLENT SCO	OKING FORM			
SGO	C 6-84				11	I-6					

# ARSON, SECOND DEGREE (RCW 9A.48.030) VIOLENT

# I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served conthose served consecutively as			se;					
Enter number of Serious Violent and Viole	ent felony convic	tions				x 2 =		
Enter number of Nonviolent felony convic	tions				• • • —	x 1 =		
JUVENILE HISTORY: (All adjudications entered	on the same date	count as ON	E offense)					
Enter number of Serious Violent and Viol	ent felony adjudi	cations				x 2 =		
Enter number of Nonviolent felony adjudi	cations					x 1/2 =		
OTHER CURRENT OFFENSES: (Other current offen	ses which do not	encompass th	e same crimi	nal conduct	count in off	ender score)		
Enter number of other Serious Violent an	d Violent felony	convictions				<u> </u>		
Enter number of other Nonviolent felony	convictions					x 1 =	·	
							<del></del>	
Total the last column to get the TOTAL OFFEND  (round down to the nearest whole number)	ER SCORE		, , , , , ,					
	<b>x</b> 29							
		amentary at	namenace nalice	:				
	11.	STANDARD SE	INTENCE RANGE			_	•	0
A. OFFENDER SCORE: 0 1 STANDARD RANGE: 3 - 9 6 -	2 12 12+ - 14	$\frac{3}{13 \cdot 17}$	15 - 20	5 22 - 29	6 33 - 43	43 - 57	8 53 - 70	9 or mor 63 - 84
(Seriousness Level IV) months mont	hs months	months	months	months	months	months	months	months
B. The range for attempt, solicitation, and	conspiracy is 75%	of the star	ndard sentenc	ce range for	the complete	ed crime (RC)	i 9.94A.410)	1
C. Financial obligations may be added: fine 9.94A.120 (9), 9.94A.270 (1))	s, restitution, c	ourt costs,	attorney's f	ees, assessm	ments (SHB 12	247 Section 2	3, RCW 9.94	A. 140,
	III. SENTENCI	NG OPTIONS F	FOR SECOND DE	EGREE ARSON				
A. If sentence is one year or less: part or	all of the sente	nce may be o	converted to	partial conf	inement (RC)	9.94A.380)		
B. If sentence is one year or less: communi	ty supervision ma	y be ordered	l for up to o	one year (SHI	3 <b>1247, Sect</b> i	ion 22)		
C. Exceptional sentence (RCW 9.94A.120 (2))								
THIS OF	FENSE REFERENCE S	HEET IS FOR	USE WITH THE	VIOLENT SCO	ORING FORM			

#### ASSAULT, FIRST DEGREE (RCW 9A.36.010) SERIOUS VIOLENT

# 1. OFFENDER SCORING (RCW 9.94A.360 (2))

AD	ULT HISTORY:	•	ult offenses s served consecu		•		nse;					
	Enter numb	er of Se	rious Violent	felony convi	ctions					х 3	=	
	Enter numb	er of Vi	olent felony c	onvictions <b></b>						x 2	=	
	Enter numb	er of No	nviolent felon	y conviction	s					x 1	= 1,	
JU	VENILE HISTOR	<u>Y:</u> (All	adjudications	entered on	the same date	count as O	NE offense)					
	Enter numb	er of Se	rious Violent	felony adjud	ications			· · · · ·	<u></u>	х 3	=	
	Enter numb	er of Vi	olent felony a	djudications						x 2	= ·	
	Enter numb	er of No	nviolent felon	y adjudicatio	ons				· · · · <u> </u>	x 1/2	I	
OTI			(Other curre			•						
			her Serious Vi		•					<del></del>		
	Enter numb	er of ot	her Violent fe	lony convicti	ions	• • •,• •			· · · · <u> </u>	x 2	=	
	Enter numb	er of ot	her Nonviolent	felony convi	ictions				· · · · <u></u>	x 1 =		•
			o get the TOTAL		CORE							
(	rou <b>nd down</b> t	o the ne	arest whole num	mber)	í							
					77	CTANDADD CI	ENTENCE BANC	•				
					11.	STANDARD ST	ENTENCE RANG					
A.	OFFENDER SCO		0	1	2	3	4	5	6	7	8	9 or more
	STANDARD RAN (Seriousness		62 - 82 I) months	69 - 92 months	77 - 102 months	85 - 113 months	93 · 123 months	100 - 133 months	129 - 171 months	139 - 185 months	159 - 212 months	180 - 240 months
В.	The range f	or attem	ot, solicitatio	on, and consp	oiracy is 75%	of the star	dard senten	ce range for	the complete	ed crime (RC	9.94A.410)	
С.	Financial o 9.94A.120 (		ns may be added A.270 (1))	l: fines, re	estitution, c	ourt costs,	attorney's 1	fees, assessi	ments (SHB 1	247 Section 2	23, RCW 9.94	A.140,
				II	I. SENTENCIN	G OPTIONS FO	R FIRST DEGI	REE ASSAULT				
	. 4 1											
Ą.	Exceptional	sentence	e (RCW 9.94A.12	0 (2))								
						· .		. "				
			THIS	OFFENSE REF	erence sheet	IS FOR USE	WITH THE SEP	IOUS VIOLENT	SCORING FOR	RM_		

## ASSAULT, SECOND DEGREE (RCW 9A.36.020) VIOLENT

# I. OFFENDER SCORING (RCW 9.94A.360 (5))

those ser	offenses served c ved consecutively	oncurrently count are counted separa		nse;					
Enter number of Serio	ous Violent and Vio	lent felony convi	ctions				x 2 =		
Enter number of Nonvi	olent felony convi	ctions					x 1 =	· ·	
JUVENILE HISTORY: (All ad	ljudications entere	d on the same date	e count as O	NE offense)					
Enter number of Serio	ous Violent and Vio	lent felony adjud	ications .				x 2 =		
Enter number of Nonvi	olent felony adjud	ications				· · · ·	x 1/2 =		
OTHER CURRENT OFFENSES:	Other current offe	nses which do not	encompass t	he same crim	inal conduct	count in off	fender score)		
Enter number of other	r Serious Violent a	nd Violent felony	convictions			· • • · ·	<u> </u>		,
Enter number of other	Nonviolent felony	convictions					A i =		·
								(	
Total the last column to g		DER SCORE				. <b></b>			
(Tours down to the near	out miore number,								
		II.	STANDARD S	ENTENCE RANG	E				
	0 1	2	3	4	5	6	7	8	9 or more
A OFFENDER SCORE:	<u>·</u>	_			າາ າດ	22 42	42 . 57	53 . 70	63 - 84
A. GFFENDER SCORE: STANDARD RANGE: (Seriousness Level IV)	3 - 9 6 -	12 12+ - 14 ths months	13 - 17 months	15 - 20 months	22 - 29 months	33 · 43 months	43 - 57 months	53 - 70 months	63 - 84 months
STANDARD RANGE:	3 - 9 6 - months mon	12 12+ - 14 ths months	13 - 17 months	15 - 20 months	months	months	months	months	months
STANDARD RANGE: (Seriousness Level IV)	3 - 9 6 - months mon , solicitation, and	12 12+ - 14 ths months  conspiracy is 759 tence range with a	13 - 17 months % of the sta	15 - 20 months ndard senten	months ce range for	months the complete	months ed crime (RCW	months 9.94A.410)	months
STANDARD RANGE: (Seriousness Level IV)  B. The range for attempt,  C. Add 12 months to the 6	3 - 9 6 - months mon , solicitation, and entire standard sen 3.94A.310, 9.94A.12	12 12+ 14 ths months  conspiracy is 75 tence range with 8 5)	13 - 17 months % of the sta a special ve	15 - 20 months ndard sentend rdict/findin	months ce range for g that the o	months the complete	months ed crime (RCW n accomplice	months 9.94A.410) was armed w	months
STANDARD RANGE: (Seriousness Level IV)  B. The range for attempt,  C. Add 12 months to the ea deadly weapon (RCW S  D. Financial obligations	3 - 9 6 - months mon , solicitation, and entire standard sen 3.94A.310, 9.94A.12	12 12+ 14 ths months  conspiracy is 75 tence range with 8 5)	13 - 17 months % of the sta a special ve court costs,	15 - 20 months ndard sentend rdict/finding attorney's	months ce range for g that the of	months the complete	months ed crime (RCW n accomplice	months 9.94A.410) was armed w	months
STANDARD RANGE: (Seriousness Level IV)  B. The range for attempt,  C. Add 12 months to the ea deadly weapon (RCW S  D. Financial obligations	3 - 9 6 - months months, solicitation, and entire standard sendential sendent	12 12+ - 14 ths months  conspiracy is 759 tence range with 8 5) es, restitution, 6	13 - 17 months % of the sta a special ve court costs,	15 - 20 months  Indard sentendrict/finding  attorney's attorney's	months ce range for g that the of fees, assessi	months the complete fender or an	months ed crime (RCW n accomplice 247 Section 2	months 9.94A.410) was armed w	months
STANDARD RANGE: (Seriousness Level IV)  B. The range for attempt,  C. Add 12 months to the ea deadly weapon (RCW S  D. Financial obligations 9.94A.120 (9), 9.94A.2	3 - 9 6 - months months months, solicitation, and entire standard sendentire sendentire standard sendentir	12 12+ - 14 ths months  conspiracy is 759 tence range with 850 es, restitution, 6  III. SENTENCIA r all of the sente	13 - 17 months % of the sta a special ve court costs, NG OPTIONS F ence may be	15 - 20 months  ndard sentendrict/finding attorney's :	months ce range for g that the or fees, assessi GREE ASSAULT partial conf	months the complete fender or an ments (SHB 12	months ed crime (RCW n accomplice 247 Section 2	months 9.94A.410) was armed w	months
STANDARD RANGE: (Seriousness Level IV)  B. The range for attempt, C. Add 12 months to the eadeadly weapon (RCW S)  D. Financial obligations 9.94A.120 (9), 9.94A.2	3 - 9 6 - months months months, solicitation, and entire standard sendentire standard sendentire standard sendentire standard sendentire standard sendential sendenti	12 12+ 14 ths months  conspiracy is 75 tence range with a 5) es, restitution, o  III. SENTENCI r all of the sent ity supervision ma	13 - 17 months % of the sta a special ve court costs, NG OPTIONS F ence may be	15 - 20 months  ndard sentendrict/finding attorney's :	months ce range for g that the or fees, assessi GREE ASSAULT partial conf	months the complete fender or an ments (SHB 12	months ed crime (RCW n accomplice 247 Section 2	months 9.94A.410) was armed w	months

#### ASSAULT, THIRD DEGREE (RCW 9A.36.030) NONVIOLENT

# I. OFFENDER SCORING (RCW 9.94A.360 (9))

A	ADULT HISTORY: (All adult offenses served concurrently count as ONE those served consecutively are counted separately)	
	Enter number of felony convictions	
1	UVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)	
	Enter number of felony adjudications	
0	THER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)	
	Enter number of other felony convictions	·
T	otal the last column to get the TOTAL OFFENDER SCORE	
	II. STANDARD SENTENCE RANGE	
A	. OFFENDER SCORE: 0 1 2 3 4 5 6 7	8 9 or more
	STANDARD RANGE: 1 · 3 3 · 8 4 · 12 9 · 12 12+ · 16 17 · 22 22 · 29 33 · 43 43	- 57 51 - 68 nths months
В	. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94	A.410)
C.	. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))	
D.	Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RC 9.94A.120 (9), 9.94A.270 (1))	W 9.94A.140,
	III. SENTENCING OPTIONS FOR THIRD DEGREE ASSAULT	
		0.044.100.4833
	If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW !	
В.	If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confine of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A)	inement. One day .380)
c.	If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)	
D.	Exceptional sentence (RCW 9.94A.120 (2))	
	THIS OFFENCE DEFEDENCE SHEET IS FOR HEE WITH THE MANUFALENT SCORING FORM	

# ATTEMPTING TO ELUDE PURSUING POLICE VEHICLE (RCW 46.61.024) NONVIOLENT

# I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT H		t offenses se rved consecut				se;					
En	ter number of felo	ny conviction	s . ,					· · · · <u> </u>	x 1	= <u> </u>	
JUVENIL	E HISTORY: (All a	djudications	entered on t	he same date	e count as ON	E offense)					
En	ter number of felo	ny adjudicati	ons						x 1/2	- 1	
OTHER C	URRENT OFFENSES:	(Other curren	t offenses w	hich do not	encompass th	e same crimi	nal conduct	count in of	fender score	) .	
En	ter number of othe	r felony conv	ictions						. 1	- -	
	he last column to			ORE	· • • • • • •						
				II.	STANDARD SE	ntence range					
A. OFFE	NDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
	DARD RANGE: iousness Level I)	0 - 60 days	0 - 90 days	2 - 5 months	2 - 6 months	3 - 8 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	22 - 29 months
B. The	range for attempt	, solicitatio	n, and consp	iracy is 759	of the stan	dard sentenc	e range for	the complet	ed crime (RC	W 9.94A.410)	)
	ancial obligations 4A.120 (9), 9.94A.		: fines, re	stitution, c	court costs,	attorney's f	ees, assess	ments (SHB 1	247 Section	23, RCW 9.94	4A.140,
		<b>1</b>	II. SENTENCI	NG OPTIONS F	FOR ATTEMPTIN	G TO ELUDE P	URSUING POL	ICE VEHICLE			
A. If	First-time offende	er" eligible:	0-90 days c	onfinement a	and up to two	years of con	mmunity sup	ervision with	n conditions	(RCW 9.94A.	.120 (5))
	sentence is one yes ail can be convert										nt. One day
C. If	entence is one yea	ar or less:	community su	pervision ma	y be ordered	for up to or	ne year (SH	B 1247, Secti	ion 22)		
D. Exce	ptional sentence (	(RCW 9.94A.120	(2))								
		TET	IS OFFENSE RI	FERENCE SHE	ET IS FOR USI	WITH THE NO	ONVIOLENT SO	CORING FORM			
		-									

### BRIBE RECEIVED BY WITNESS (RCW 9A.72.100) NONVIOLENT

# I. OFFENDER SCORING (RCW 9.94A.360 (9))

Enter number of felony adjudications entered on the same date count as ONE offense)  Enter number of felony adjudications	AL		erved concurrently count stively are counted separ		se;					
Enter number of felony adjudications		Enter number of felony convictio	ons				· · · · <u></u>	x l =		
Enter number of other felony convictions	JU	SUVENILE HISTORY: (All adjudications	entered on the same dat	e count as ON	E offense)					
Enter number of other felony convictions	,	Enter number of felony adjudicat	ions				· · · · ·	x 1/2 =	:	
Total the last column to get the TOTAL OFFENDER SCORE  (round down to the nearest whole number)  II. STANDARD SENTENCE RANGE  A. OFFENDER SCORE:  0 1 2 3 4 5 6 7 8 9 or more STANDARD RANGE: 3 9 6 12 12+ 14 13 - 17 15 - 20 22 - 29 33 - 43 43 - 57 53 - 70 63 - 84 (Seriousness Level IV) months  B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)  C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR BRIBE RECEIVED BY WITNESS  A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))  B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)  C. If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)  D. Exceptional sentence (RCW 9.94A.120 (2))	01	Other current offenses: (Other curre	ent offenses which do not	encompass th	e same crimi	nal conduct	count in off	ender score)		
II. STANDARD SENTENCE RANGE  A. OFFENDER SCORE:  O  1  2  3  4  5  6  7  8  9 or more STANDARD RANGE: 3 · 9  6 · 12  12+ · 14  13 · 17  15 · 20  22 · 29  33 · 43 · 43 · 57  53 · 70  63 · 84  (Seriousness Level IV) months  B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)  C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR BRIBE RECEIVED BY WITNESS  A. If "First time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))  B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)  C. If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)  D. Exceptional sentence (RCW 9.94A.120 (2))		Enter number of other felony con	victions				· · · · <u> </u>	x 1 =		
A. OFFENDER SCORE:  0 1 2 3 4 5 6 7 8 9 or more STANDARD RANGE: 3 9 6 12 12+ 14 13 - 17 15 - 20 22 - 29 33 - 43 43 - 57 53 - 70 63 - 84 (Seriousness Level IV) months  B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)  C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR BRIBE RECEIVED BY MITNESS  A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))  B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)  C. If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)  D. Exceptional sentence (RCW 9.94A.120 (2))	To	Fotal the last column to get the TOTA (round down to the nearest whole nu	L OFFENDER SCORE					. <b></b>		
A. OFFENDER SCORE:  0 1 2 3 4 5 6 7 8 9 or more STANDARD RANGE: 3 9 6 12 12+ 14 13 - 17 15 - 20 22 - 29 33 - 43 43 - 57 53 - 70 63 - 84 (Seriousness Level IV) months  B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)  C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR BRIBE RECEIVED BY MITNESS  A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))  B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)  C. If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)  D. Exceptional sentence (RCW 9.94A.120 (2))										
STANDARD RANGE: 3 · 9 6 · 12 12+ · 14 13 · 17 15 · 20 22 · 29 33 · 43 43 · 57 53 · 70 63 · 84 (Seriousness Level IV) months  B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)  C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR BRIBE RECEIVED BY WITNESS  A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))  B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)  C. If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)  D. Exceptional sentence (RCW 9.94A.120 (2))			II.	STANDARD SE	ntence range					
(Seriousness Level IV) months	A.						6	7	8	
C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR BRIBE RECEIVED BY WITNESS  A. If "First time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))  B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)  C. If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)  D. Exceptional sentence (RCW 9.94A.120 (2))		***************************************		-						
9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR BRIBE RECEIVED BY WITNESS  A. If "First time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))  B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)  C. If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)  D. Exceptional sentence (RCW 9.94A.120 (2))	В.	3. The range for attempt, solicitati	on, and conspiracy is 75	% of the stan	dard sentenc	e range for	the complete	ed crime (RCW	9.94A.410)	
<ul> <li>A. If "First time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))</li> <li>B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)</li> <li>C. If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)</li> <li>D. Exceptional sentence (RCW 9.94A.120 (2))</li> </ul>	С.		d: fines, restitution,	court costs,	attorney's f	ees, assessi	ments (SHB 12	247 Section 2	3, RCW 9.94	A.140,
<ul> <li>A. If "First time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))</li> <li>B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)</li> <li>C. If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)</li> <li>D. Exceptional sentence (RCW 9.94A.120 (2))</li> </ul>										
<ul> <li>B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)</li> <li>C. If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)</li> <li>D. Exceptional sentence (RCW 9.94A.120 (2))</li> </ul>			III. SENTENCING	OPTIONS FOR	BRIBE RECEIV	ED BY WITNE	SS			
of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)  C. If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)  D. Exceptional sentence (RCW 9.94A.120 (2))	À.	A. If "First time offender" eligible	e: 0-90 days confinement	and up to two	years of co	mmunity supe	ervision with	conditions	(RCW 9.94A.)	120 (5))
D. Exceptional sentence (RCW 9.94A.120 (2))	В	<ol> <li>If sentence is one year or less: of jail can be converted to one d</li> </ol>	the statute directs the lay of partial confinemen	court to con it or eight ho	sider and gi urs of commu	ve priority nity service	to alternati (up to 240	ves to total hours) (RCW	confinemen 9.94A.380)	t. One day
	c.	C. If sentence is one year or less:	community supervision m	ay be ordered	for up to o	ne year (SHI	3 1247, Secti	on 22)		
THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM	D.	D. Exceptional sentence (RCW 9.94A.1	20 (2))							
THE OFFERENCE SHEET TO TON OUR TERM FOR TOWN		<u> </u>	HIS OFFENSE REFERENCE SH	EET IS FOR US	E WITH THE N	ONVIOLENT SO	CORING FORM			

# BRIBING A WITNESS (RCW 9A.72.090) NONVIOLENT

# I. OFFENDER SCORING (RCW 9.94A.360 (9))

AI		offenses ser ved consecuti		•		se;					
	Enter number of felon	y convictions				• • • • •		· · · · <u></u>	x 1 =		
J(	VENILE HISTORY: (All ad	judications 6	entered on	the same date	count as ON	E offense)					
	Enter number of felon	y adjudicatio	ons		. <b></b>				x 1/2 =		
<u>o</u>	HER CURRENT OFFENSES: (	Other current	offenses t	which do not	encompass th	e same crimi	nal conduct	count in off	ender score)	i <b>)</b>	
	Enter number of other	felony convi	ctions .					· · · · <u> </u>	x 1 =	·	
To	tal the last column to go (round down to the neare			CORE							
	II. STANDARD SENTENCE RANGE										
Α.	OFFENDER SCORE:	0 -	1	2	3	4	5	6	7	8 .	9 or more
	STANDARD RANGE: (Seriousness Level IV)	3 · 9 months	6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 · 84 months
В.	The range for attempt,	solicitation	, and cons	piracy is 75%	of the stan	dard sentenc	e range for	the complete	ed crime (RCV	i 9.94A.410)	
C.	Financial obligations of 9.94A.120 (9), 9.94A.2		fines, re	estitution, c	court costs,	attorney's f	ees, assessi	ments (SHB 12	247 Section 2	3, RCW 9.94	A.140,
				III. SENTENC	ING OPTIONS	FOR BRIBING	A WITNESS				
A.	If "First-time offender	r" eligible:	0-90 days (	confinement a	nd up to two	years of co	mmunity supe	ervision with	conditions	(RCW 9.94A.	120 (5))
В.	If sentence is one year of jail can be converte										t. One day
C.	If sentence is one year	r or less: c	ommunity su	pervision ma	y be ordered	for up to o	ne year (SHE	1247, Secti	on 22)		
D.	Exceptional sentence (F	RCW 9.94A.120	(2))								
		THI	S OFFENSE F	REFERENCE SHE	ET IS FOR USI	WITH THE N	ONVIOLENT SC	ORING FORM			

# BURGLARY, FIRST DEGREE (RCW 9A.52.020) BURGLARY 1

# I. OFFENDER SCORING (RCW 9.94A.360 (3))

!	DULT HISTORY:	(All adul those se	t offenses s erved consecu	served concu tively are	rrently coun	nt as <u>ONE</u> offe eratel <u>y)</u>	ense;					
	Enter numbe	er of Seri	ous Violent	and Violent	felony conv	victions				x 2	=	
	Enter numbe	er of Burg	lary 2 convi	ctions						x 2	=	
	Enter numbe	r of Nonv	ioient felon	y conviction	ns, excludin	g Burglary 2			· · · · ·	<u> </u>	=	
j	UVENILE HISTORY	<u>':</u> (All a	djudications	entered on	the same da	te count as (	NE offense).					
	Enter numbe	r of Serie	ous Violent	and Violent	felony adju	dications .				x 2	=	
	Enter numbe	r of Burg	lary 2 adjud	ications .						<b>x</b> 1	=	
						ing Burglary						
Ø	THER CURRENT OF											
	Enter numbe	r of other	r Serious Vic	olent and Vi	olent felony	y convictions				x 2	=	
						cluding Burgla						
To	tal the last co	olumn to g	et the TOTAL	OFFENDER S								
	(round down to	the neare	est whole num	iber)								
					II.	STANDARD SE	INTENCE RANGI	E		•		
A.	OFFENDER SCORE	: ::	0	1	2	3	4	5	6	7	8	9 or mor
	STANDARD RANGE (Seriousness L		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 - 11 months
В.	The range for	attempt,	solicitation	n, and consp	piracy is 75	% of the stan	dard sentenc	e range for	the complet	ed crime (RC)	9.94A.410)	
С.	Add 18 months a deadly weap	to the er on (RCW 9.	ntire standa .94A.310, 9.9	rd sentence 94A.125)	range with a	a special ver	dict/finding	that the o	ffender or a	n accomplice	was armed w	ith
D.	Financial obl 9.94A.120 (9)	igations m , 9.94A.27	may be added: 70 (1))	: fines, re	estitution, o	court costs,	attorney's f	ees, assessi	ments (SHB 1	247 Section 2	3, RCW 9.94/	A. 140,
				II	I. SENTENCIN	IG OPTIONS FO	R FIRST DEGR	EE BURGLARY	· ·			
Α.	Exceptional se	entence (R	CW 9.94A.120	(2))								
			<b>1793 T</b>	6 VERENCE D	CEDENAL COM	TM TA FAR	LITHER CON CO					
			1_101	OFFENSE K	CLEMENCE SHE	ET IS FOR USE	MILH THE BO	JKGLAKY I SC	UKING FORM			

# COMMUNICATING WITH A MINOR FOR IMMORAL PURPOSES

(RCW 9A.44.110) NONVIOLENT

# I. OFFENDER SCORING (RCW 9.94A.360 (9))

AD				rently count ounted separa		nse;					
	Enter number of felon	y conviction	ıs					· · · · · <u> </u>	x 1	=	
<u>JU</u>	WENILE HISTORY: (All ad	iudications	entered on 1	the same date	e count as O	NE offense)					
	Enter number of felon	y adjudicati	ons					· · · · .	x 1/2	=	
OT	HER CURRENT OFFENSES: (0	Other curren	t offenses v	which do not	encompass t	he same crimi	nal conduct	count in of	fender score	)	
	Enter number of other	felony conv	ictions						X :	<u></u>	
To	tal the last column to go (round down to the neares	et the TOTAL st whole num	OFFENDER SO	CORE							
				II.	STANDARD SI	ENTENCE RANGE	:				
A.	OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
	STANDARD RANGE: (Seriousness Level III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ · 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 68 months
В.	The range for attempt,	solicitatio	n, and consp	oiracy is 75%	of the star	ndard sentenc	e range for	the complete	ed crime (RC)	i 9.94A.410)	J
c.	Statutory maximum sente	ence is 60 m	onths (5 yea	ırs) (RCW 9A.	20.021 (1)(	c))					
D.	Financial obligations m 9.94A.120 (9), 9.94A.27		: fines, re	estitution, c	court costs,	attorney's f	ees, assessi	ments (SHB 12	247 Section 2	3, RCW 9.94	A.140,
		III	. SENTENCING	OPTIONS FOR	COMMUNICAT	ING WITH A MI	NOR FOR IMMO	RAL PURPOSES	<b>}</b>		
A.	If no prior sex offense	conviction	and sentenc	e is less th	an six years	s: special s	exual offend	ler sentencir	ng alternativ	e (RCW 9.94	A.120 (7)(a)
В.	If sentence is greater	than one ye	ar and less	than six yea	rs: sexual	offender tre	atment progr	am (RCW 9.94	IA.120 (7)(b)	)	
C.	If sentence is one year of jail can be converte										t. One day
D.	If sentence is one year	or less:	community su	pervision ma	y be ordered	l for up to o	ne year (SHE	1247, Secti	on 22)		
E.	Exceptional sentence (R	CW 9.94A.12	0 (2))								
			*								
		TH	IS OFFENSE R	EFERENCE SHE	ET IS FOR US	E WITH THE NO	ONVIOLENT SC	ORING FORM			

### CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED SUBSTANCE - SCHEDULE I OR II NARCOTIC

(RCW 69.50.401 (b)(1)(i))
FIRST DRUG CONVICTION
NONVIOLENT DRUG

#### I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)
Enter number of felony Drug convictions (not simple possession of a controlled substance) x 2 =
Enter number of other felony convictions
JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)
Enter number of felony Drug adjudications (not simple possession of a controlled substance) x 1 =
Enter number of other felony adjudications
OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)
Enter number of other felony Drug convictions (not simple possession of a controlled substance) $x = 2$
Enter number of other felony convictions
Total the last column to get the TOTAL OFFENDER SCORE
II. STANDARD SENTENCE RANGE
A. OFFENDER SCORE: 0 1 2 3 4 5 6 7 8 9 or more STANDARD RANGE: 0 90 2 - 6 3 - 9 4 - 12 12+ - 14 14 - 18 17 - 22 22 - 29 33 - 43 43 - 57
Straward (used).
(Seriousness Level II) days months months months months months months months months months
(Seriousness Level II) days months  B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)  C. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with
(Seriousness Level II) days months  B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)  C. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon and the crime is Delivery or Possession With Intent to Deliver (RCW 9.94A.310, 9.94A.125)  D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140,
(Seriousness Level II) days months  B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)  C. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon and the crime is Delivery or Possession With Intent to Deliver (RCW 9.94A.310, 9.94A.125)  D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED SUBSTANCE -
(Seriousness Level II) days months but months months months months months months months months.  B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410).  C. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon and the crime is Delivery or Possession With Intent to Deliver (RCW 9.94A.310, 9.94A.125).  D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED SUBSTANCE - SCHEDULE I OR II NARCOTIC (FIRST DRUG CONVICTION)
(Seriousness Level II) days months  B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)  C. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon and the crime is Delivery or Possession With Intent to Deliver (RCW 9.94A.310, 9.94A.125)  D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED SUBSTANCE - SCHEDULE I OR II NARCOTIC (FIRST DRUG CONVICTION)  A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))  B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day
(Seriousness Level II) days months  B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)  C. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon and the crime is Delivery or Possession With Intent to Deliver (RCW 9.94A.310, 9.94A.125)  D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED SUBSTANCE - SCHEDULE I OR II NARCOTIC (FIRST DRUG CONVICTION)  A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))  B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)

### CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED SUBSTANCE - SCHEDULE I OR II NARCOTIC

(RCW 69.50.401 (b)(1)(i))
SUBSEQUENT DRUG CONVICTION
VIOLENT DRUG

#### I. OFFENDER SCORING (RCW 9.94A.360 (8))

those served consecutively are counted separately)	
Enter number of Serious Violent and Violent felony convictions	
Enter number of felony Drug convictions (not simple possession of a controlled substance) x 2 =	-
Enter number of other felony convictions	
JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)	
Enter number of Serious Violent and Violent felony adjudications	
Enter number of felony Nonviolent Drug adjudications (not simple possession of a controlled substance)	
Enter number of other felony adjudications	<del></del>
OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)	
Enter number of other Serious Violent and Violent felony convictions x 2 =	_
Enter number of other felony Drug convictions (not simple possession of a controlled substance) x 2 =	_
Enter number of other felony convictions	
Total the last column to get the TOTAL OFFENDER SCORE	
II. STANDARD SENTENCE RANGE	
A. OFFENDER SCORE: 0 1 2 3 4 5 6 7 8 STANDARD RANGE: 0 - 90 2 - 6 3 - 9 4 - 12 12+ - 14 14 - 18 17 - 22 22 - 29 33 - 4	9 or mo
STANDARD RANGE: 0 - 90 2 - 6 3 - 9 4 - 12 12+ - 14 14 - 18 17 - 22 22 - 29 33 - 4 (Seriousness Level II) days months months months months months months months months	
B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.4)	110)
C. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was arms a deadly weapon and the crime is Delivery or Possession With Intent to Deliver (RCW 9.94A.310, 9.94A.125)	d with
D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 99.94A.120 (9), 9.94A.270 (1))	.94A.14O,
III. SENTENCING OPTIONS FOR CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED SUBSTANCE - SCHEDULE I OR II NARCOTIC (SUBSEQUENT DRUG CONVICTION)	
A. If sentence is one year or less: part or all of the sentence may be converted to partial confinement (RCW 9.94A.380)	
B. If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)	
C. Exceptional sentence (RCW 9.94A.120 (2))	

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT DRUG SCORING FORM

#### CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED SUBSTANCE -SCHEDULE III-V NARCOTIC OR SCHEDULE I-V NONNARCOTIC (RCW 69.50.401 (b)(1)(ii-iv))

NONVIOLENT DRUG

#### I. OFFENDER SCORING (RCW 9.94A.360 (8))

	lt offenses served con erved consecutively ar	•		se;					
Enter number of felo	ony Drug convictions (	not simple poss	ession of a c	ontrolled su	ıbstance) .	<u></u>	x 2	=	
Enter number of other	er felony convictions					· · · · <u> </u>	x 1	=	
JUVENILE HISTORY: (All a	adjudications entered	on the same date	e count as <u>ON</u>	E offense)					
Enter number of felo	ony Drug adjudications	(not simple pos	ssession of a	controlled	substance)	· · · · <u></u>	x 1 :	=	
	er felony adjudication								
OTHER CURRENT OFFENSES:	(Other current offens	es which do not	encompass th	e same crimi	nal conduct	count in of	fender score	)	
Enter number of other	er felony Drug convict	ions (not simple	e possession	of a control	led substan	ce)	x 2 :	=	
Enter number of other	er felony convictions					· · · ·	x 1 :	=	
Total the last column to (round down to the near	get the TOTAL OFFENDE est whole number)	R SCORE				· • • • • •	· · · · · ·		
		II.	STANDARD SE	NTENCE RANGE	;				
A. OFFENDER SCORE: STANDARD RANGE:	0 1	3 - 9	3 4 - 12	4 12+ - 14	5 14 - 18	6 17 - 22	7 22 - 29	8 33 - 43	9 or more
(Seriousness Level II)		• •	months	months	months	months	months	months	43 - 57 months
B. The range for attempt	, solicitation, and co	onspiracy is 75%	of the stand	dard sentenc	e range for	the complete	ed crime (RCV	# 9.94A.410)	
C. Add 12 months to the a deadly weapon and t	entire standard senter he crime is Delivery o						n accomplice	was armed w	ith
D. Financial obligations 9.94A.120 (9), 9.94A.		restitution, c	ourt costs, a	attorney's f	ees, assessm	ents (SHB 12	247 Section 2	13, RCW 9.94	A.140,
	III. SENTENCING OPTI	ONS FOR CREATE, SCHEDULE III-V					JBSTANCE		
A. If "First-time offend	er" eligible: 0-90 da	ys confinement	and up to two	years of c	ommunity sup	ervision wit	th conditions	(RCW 9.94A	.120 (5))
B. If sentence is one ye of jail can be conver	ar or less: the statu ted to one day of part								t. One day
C. If sentence is one ye	ar or less: community	supervision ma	y be ordered	for up to o	ne year (SHB	1247, Secti	on 22)		
D. Exceptional sentence	(RCW 9.94A.120 (2))								
	THIS OFFENSE	REFERENCE SHEET	IS FOR USE W	ITH THE NOW	/IOLENT DRUG	SCORING FOR	<u>M</u>		

# DAMAGING BUILDING, ETC., BY EXPLOSION WITH THREAT TO HUMAN BEING (RCW 70.74.280 (1)) VIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (5))

<u>A</u> D	ULT HISTORY: (All adult offenses served concurrently count as ONE those served consecutively are counted separately)	
	Enter number of Serious Violent and Violent felony convictions	
	Enter number of Nonviolent felony convictions	
<u>JU</u>	VENILE HISTORY: (All adjudications entered on the same date count as ONE offense)	
	Enter number of Serious Violent and Violent felony adjudications	
	Enter number of Nonviolent felony adjudications	
<u>ot</u>	HER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)	
	Enter number of other Serious Violent and Violent felony convictions x 2 =	
	Enter number of other Nonviolent felony convictions	
	tal the last column to get the TOTAL OFFENDER SCORE	
	II. STANDARD SENTENCE RANGE	
A.	OFFENDER SCORE:         0         1         2.         3         4         5         6         7         8           STANDARD RANGE:         51 - 68         57 - 75         62 - 82         67 - 89         72 - 96         77 - 102         98 - 130         108 - 144         129 - 171           (Seriousness Level X)         months         months         months         months         months         months         months         months	9 or more 149 - 199 months
В.	The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)	
c.	Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A 9.94A.120 (9), 9.94A.270 (1))	.140,
	III. SENTENCING OPTIONS FOR DAMAGING BUILDING, ETC., BY EXPLOSION WITH THREAT TO HUMAN BEING	
A.	Exceptional sentence (RCW 9.94A.120 (2))	
	THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM	

# DAMAGING BUILDING, ETC., BY EXPLOSION WITH NO THREAT TO HUMAN BEING (RCW 70.74.280 (2)) NONVIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (9))

	ADULT HISTORY:		t offenses served consecu				nse;				÷	,
	Enter numb	per of felo	ny conviction	ns	· · · · · ·				· · · · <u> </u>	<b>x</b> 1	=	
•	UVENILE HISTOR	<u>IY:</u> (All ad	djudications	entered on	the same dat	te count as <u>O</u>	NE offense)					
	Enter numb	er of felo	ny adjudicati	ions					· · · · · <u> </u>	x 1/2	=	
9	OTHER CURRENT O	PFENSES:	(Other currer	nt offenses	which do not	encompass th	ne same crim	inal conduct	count in of	fender score	e)	
	Enter numb	er of other	felony conv	victions .					· · · · · <u>·</u>	x 1	=	
<u>T</u>	otal the last	column to g	get the TOTAL est whole num	OFFENDER SO	CORE							
				·		•					11	
					TT	STANDARD SE	NTENCE DANCE	,				
					11.	SIMUMAD SE	MIENCE KANDE	•				
A	. OFFENDER SCOR		0 12+ - 14	15 - 20	2 21 - 27	3 26 - 34	31 · 41	5 36 - 48	6 46 - 61	7 57 - 75	8 67 - 89	9 or mor 77 - 10
	(Seriousness		months	months	months	months	months	months	months	months	months	months
В	. The range fo	or attempt,	solicitatio	n, and consp	iracy is 75	% of the stan	dard sentenc	e range for	the complete	ed crime (RC	W 9.94A.410)	
						.20.021 (1)(c						
									, (OTT) 16			
υ	Financial ob 9.94A.120 (9	)), 9.94A.2	may be added 70 (1))	: Tines, re	stitution, (	court costs,	attorney's r	ees, assessm	ents (SHB 12	47 Section 2	23, KCW 9.94	A.140,
		I	II. SENTENCII	NG OPTIONS F	OR DAMAGING	BUILDING, ET	C., BY EXPLO	ON HTIW NOIS	THREAT TO E	UMAN BEING		
A	If "First-ti	me offende	r" eligible:	0-90 days c	onfinement a	and up to two	years of co	mmunity supe	rvision with	conditions	(RCW 9.94A.	120 (5))
В.												
	-	,										
			TH	S OFFENSE RI	EFERENCE SHE	ET IS FOR US	WITH THE NO	ONVIOLENT SO	ORING FORM			

## EMPLOYING, USING, OR PERMITTING MINOR TO ENGAGE IN SEXUALLY EXPLICIT CONDUCT FOR COMMERCIAL USE (RCW 9.68A.020)

(RCW 9.68A.020 NONVIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)	
Enter number of felony convictions	
JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)	
Enter number of felony adjudications	
OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)	
Enter number of other felony convictions	
Total the last column to get the TOTAL OFFENDER SCORE	
II. STANDARD SENTENCE RANGE	
A. OFFENDER SCORE: 0 1 2 3 4 5 6 7 8 9 or	mor
STANDARD RANGE:         31 - 41         36 - 48         41 - 54         46 - 61         51 - 68         57 - 75         77 - 102         87 - 116         108 - 144         129           (Seriousness Level IX)         months         months         months         months         months         months         months         months         months         months	- 17 nths
B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)	
C. Statutory maximum sentence is 120 months (10 years) (RCW 9A.20.021 (1)(b))	
D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))	
III. SENTENCING OPTIONS FOR EMPLOYING, USING, OR PERMITTING MINOR TO ENGAGE IN SEXUALLY EXPLICIT CONDUCT FOR COMMERCIAL USE	
A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5)	))
B. Exceptional sentence (RCW 9.94A.120 (2))	
THIS OFFENSE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM	

# ENDANGERING LIFE AND PROPERTY BY EXPLOSIVES WITH THREAT TO HUMAN BEING (RCW 70.74.270 (1)) VIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (5))

Ā	DULT HISTORY: (All ad	ult offenses served consec		•		ense;					
			Ÿ	•	••						
	Enter number of Se	rious Violent	and Violent	felony convi	ictions			· · · · <u> </u>	x 2		
	Enter number of No	nviolent felo	ny conviction	ıs					x 1	=	
ī	UVENILE HISTORY: (A11	adjudication	s entered on	the same dat	e count as (	NE offense)					
	Enter number of Se	rious Violent	and Violent	felony adjud	lications .				x 2	=	
	Enter number of No	nviolent felo	ny adjudicati	ons				· · · · · <u> </u>	x 1/2	=	
Ø	THER CURRENT OFFENSES:	(Other curr	ent offenses	which do not	encompass t	he same crim	inal conduct	count in of	fender score	)	
	Enter number of ot	her Serious V	iolent and Vi	olent felony	convictions		• • • • •		x 2	=	
	Enter number of ot	her Nonviolen	t felony conv	ictions				· · · ·	x 1	<b>=</b>	
T	otal the last column t (round down to the ne	o get the TOTA	AL OFFENDER So umber)	CORE							
				II.	STANDARD S	ENTENCE RANG	E				
A.	OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
	STANDARD RANGE: (Seriousness Level II	31 - 41 () months	36 - 48 months	41 - 54 months	46 ·61 months	51 - 68 months	57 - 75 months	77 - 102 months	87 · 116 months	108 - 144 months	129 - 17 months
В.	. The range for attemp	ot, solicitati	on, and consp	piracy is 75	of the sta	ndard senten	ce range for	the complete	ed crime (RC	9.94A.410)	
C.	Financial obligation 9.94A.120 (9), 9.94A	s may be adde 270 (1))	d: fines, re	estitution, (	court costs,	attorney's	fees, assessi	ents (SHB 12	247 Section 2	23, RCW 9.94/	A. 140,
	1	II. SENTENCIN	G OPTIONS POR	R ENDANGERIN	G LIFE AND P	ROPERTY BY E	(PLOSIVES WIT	H THREAT TO	HUMAN BEING		
A.	Exceptional sentence	(RCW 9.94A.1	20 (2))								
		ı			HEET IS FOR						

# ENDANGERING LIFE AND PROPERTY BY EXPLOSIVES WITH NO THREAT TO HUMAN BEING (RCW 70.74.270 (2)) NONVIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (9))

A	ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)
	Enter number of felony convictions
<u>J(</u>	UVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)
	Enter number of felony adjudications
<u>o</u>	THER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)
	Enter number of other felony convictions
To	otal the last column to get the TOTAL OFFENDER SCORE
	II. STANDARD SENTENCE RANGE
A.	. OFFENDER SCORE: 0 1 2 3 4 5 6 7 8 9 or m STANDARD RANGE: 12+ · 14 15 - 20 21 · 27 26 · 34 31 · 41 36 · 48 46 · 61 57 · 75 67 · 89 77 · (Seriousness Level VI) months months months months months months months months months
В.	. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
C.	. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
D.	Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))
	III. SENTENCING OPTIONS FOR ENDANGERING LIFE AND PROPERTY BY EXPLOSIVES WITH NO THREAT TO HUMAN BEING
A.	. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
В.	Exceptional sentence (RCW 9.94A.120 (2))
	THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM
	•

#### ESCAPE, FIRST DEGREE (RCW 9A.76.110) ESCAPE

#### I. OFFENDER SCORING (RCW 9.94A.360 (6))

<u>AI</u>	<u> </u>				rently count ounted separ	as ONE offer ately)	ise;					
	Enter number of Wilful Failure									x 1	=	
л	UVENILE HISTORY:	All adju	dications	entered on	the same dat	e count as <u>Or</u>	Œ offense)					
	Enter number of Wilful Failure	Escape l to Return	l, Escape : n from Wor	2, Wilful F k Release a	ailure to Re djudications	turn from Fur	lough, and		· · · · · <u></u>	x 1/2	*	,
<u>o</u>	THER CURRENT OFFENS	ES: (Otl	her curren	t offenses	which do not	encompass th	e same crimi	nal conduct	count in of	fender score	)	
	Enter number of Wilful Failure								· · · · <u> </u>	x 1	- ·····	
	otal the last column (round down to the				CORE							
					II.	STANDARD SE	INTENCE RANGE	:				
A.	OFFENDER SCORE:		0	1	2	3	4	5	6	7	8	9 or more
	STANDARD RANGE: (Seriousness Leve		3 - 9 months	6 - 12	12+ - 14	13 · 17	15 - 20	22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 · 84 months
	(per roughess read	1 14)	MOULUS	months	months	months	months	MOTICIES	months	Months	months	monting
В.	. The range for at	tempt, so	olicitation	n, and cons	piracy is 75	% of the star	dard sentenc	e range for	the complet	ed crime (RC	W 9.94A.410)	
С.	Add 12 months to a deadly weapon				range with	a special ver	dict/finding	that the o	ffender or a	n accomplice	was armed w	rith
D.	Financial obliga 9.94A.120 (9), 9			fines, re	estitution, (	court costs,	attorney's f	ees, assess	ments (SHB 1	247 Section	23, RCW 9.94	A.140,
				1	III. SENTENC	ING OPTIONS F	OR FIRST DEG	REE ESCAPE				
				•				-				
A.	If sentence is o of jail can be c											t. One day
В.	If sentence is o	ne year o	or less: c	community su	pervision is	s available f	or up to one	year (SHB	1247, Section	n 22)		
c.	Exceptional sent	ence (RCW	9.94A.120	(2))							•	
						SHEET IS FOR			7110 725			

#### ESCAPE, SECOND DEGREE (RCW 9A.76.120) ESCAPE

#### I. OFFENDER SCORING (RCW 9.94A.360 (6))

ADI				rently count ounted separ		ense;					
	Enter number of Escap Wilful Failure to Ret	-				•			x 1	•••	
JU	VENILE HISTORY: (All ad	judications	entered on	the same dat	e count as O	NE offense)					
	Enter number of Escap Wilful Failure to Retu	e 1, Escape urn from Wor	2, Wilful F k Release a	ailure to Re djudications	turn from Fu	rlough, and		· · · · <u> </u>	x 1/2	=	
OTT	HER CURRENT OFFENSES: (	Other curren	t offenses	which do not	encompass t	he same crimi	inal conduct	count in of	fender score	)	
	Enter number of other Wilful Failure to Retu								x 1	=	
	tal the last column to ge round down to the neares			CORE							
			,							'I	
				II.	STANDARD SI	ENTENCE RANGE					
	OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
	STANDARD RANGE: (Seriousness Level III)	1 - 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	17 · 22 months	22 - 29 months	33 · 43 months	43 - 57 months	51 - 68 months
В.	The range for attempt,	solicitatio	n, and consp	oiracy is 759	of the star	ndard sentenc	e range for	the complete	ed crime (RC)	( 9.94A.410)	
c.	Statutory maximum sente	ence is 60 m	onths (5 yea	rs) (RCW 9A.	20.021 (1)(	c))					
D.	Financial obligations m 9.94A.120 (9), 9.94A.27	may be added 70 (1))	: fines, re	stitution, c	court costs,	attorney's f	ees, assessi	ments (SHB 12	247 Section 2	3, RCW 9.94	A.140,
			II	I. SENTENCIN	G OPTIONS FO	OR SECOND DEG	REE ESCAPE				
A.	If "First-time offender	eligible:	0-90 days	confinement	and up to tw	o years of c	ommunity sup	ervision wit	h conditions	(RCW 9.94A	.120 (5))
В.	If sentence is one year of jail can be converted	or less: t d to one day	the statute of partial	directs the confinement	court to con or eight ho	sider and giv	ve priority nity service	to alternati (up to 240	ves to total hours) (RCW	confinement 9.94A.380)	t. One day
c.	If sentence is one year	or less: c	community su	pervision ma	y be ordered	for up to o	ne year (SHE	1247, Secti	on 22)		
D.	Exceptional sentence (RO	CW 9.94A.120	(2))								
		<del>"</del>	HIS OFFENSE	BEREBENCE CI	HEFT IS ROD	USE WITH THE	ECCAPE COUD	TAK: PODM			
ccc	C 04	1	VIIIIUE	ALE LINES WED. DI			MOUS SOUR	1140 1 000			
Mil.	6-84				III-	ソフ					

### EXPLOSIVE DEVICES PROHIBITED (RCW 70.74.180)

VIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (5))

AD					rently count ounted separ	as ONE offe ately)	nse;					
	Enter number o	f Serious	s Violent ar	nd Violent 1	felony convi	ctions			· · · · <u> </u>	x 2	=	
	Enter number o	f Nonvio	lent felony	convictions	s					x 1 :	<b></b>	
л	VENILE HISTORY:	(All adj	udications e	entered on 1	the same dat	e count as O	NE offense)					
	Enter number o	f Seriou	s Violent ar	nd Violent i	felony adjud	ications .				x 2 :	=	
	Enter number o	f Nonvio	lent felony	adjudicatio	ons			• • • • •		x 1/2		
01	HER CURRENT OFFEN	SES: (O	ther current	t offenses v	which do not	encompass t	he same crim	inal conduct	count in off	ender score	)	
	Enter number o	f other	Serious Viol	lent and Vio	olent felony	convictions			· · · · <u> </u>	x 2 :	<del>-</del>	
	Enter number o	f other !	Nonviolent f	felony conv	ictions	1 1:1 1 1 1			· · · ·	x 1 :	·	
									ì			
To	tal the last colu (round down to th				CORE							
	(10ana aona co ca		. Hadro Haar								''	
					II.	STANDARD S	ENTENCE RANG	E				
A.	OFFENDER SCORE:		0	1	2	3	4	5	6	7	8	9 or more
	STANDARD RANGE: (Seriousness Lev	el IX)	31 - 41 months	36 - 48 months	41 · 54 months	46 · 61 months	51 - 68 months	57 - 75 months	77 - 102 months	87 - 116 months	108 - 144 months	129 - 171 months
В.	The range for a	ttempt, s	solicitation	n, and consp	piracy is 759	% of the sta	ndard senten	ce range for	the complete	d crime (RC	9.94A.410)	
c.	Financial oblig 9.94A.120 (9),			fines, re	estitution, (	court costs,	attorney's i	fees, assessi	nents (SHB 12	47 Section 2	23, RCW 9.94	A.140,
				III. S	SENTENCING O	PTIONS FOR E	KPŁOSIVE DEVI	ICES PROHIBIT	red .			
A	Exceptional sen	tence (RC	CW 9.94A 120	) ( <b>2</b> ))								
	-mooperoman Son			· (=//								
			1	HIS OFFENSE	REFERENCE S	SHEET IS FOR	USE WITH THE	VIOLENT SC	ORING FORM			

#### EXTORTION, FIRST DEGREE (RCW 9A.56.120) VIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (5))

· · · · · · · · · · · · · · · · · · ·	served concurrently count utively are counted separ		nse;					
Enter number of Serious Violent	and Violent felony convi	ctions				x 2	<u> </u>	
Enter number of Nonviolent felo	ny convictions				· · · ·	x 1 :	=	
JUVENILE HISTORY: (All adjudications	s entered on the same dat	e count as Of	Œ offense)					
Enter number of Serious Violent	and Violent felony adjud	lications			· · · · <u></u>	x 2 :	<u> </u>	
Enter number of Nonviolent felo	ny adjudications				· · · · · · · · · · · · · · · · · · ·	x 1/2		
OTHER CURRENT OFFENSES: (Other curre	ent offenses which do not	encompass th	ne same crimi	inal conduct	count in of	fender score	)	
Enter number of other Serious V	iolent and Violent felony	convictions			· · · · <u> </u>	x 2 =	<u> </u>	
Enter number of other Nonviolen	t felony convictions					x 1 :	=	
Total the last column to get the TOTA (round down to the nearest whole no		• • • • • • • • •		· • • • • • •		: • • • • • •		
	II.	STANDARD SI	ENTENCE RANGE	I				
A. OFFENDER SCORE: 0	1 <b>2</b>	3	4	5 :	6	7	8	9 or mor
STANDARD RANGE: 6 · 12 (Seriousness Level V) months	12+ · 14	15 · 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 - 68 months	62 - 82 months	72 - 96 months
B. The range for attempt, solicitati	ion, and conspiracy is 75	% of the star	ndard sentenc	e range for	the complete	ed crime (RC	₹ 9.94A.410)	
C. Financial obligations may be added 9.94A.120 (9), 9.94A.270 (1))	ed: fines, restitution,	court costs,	attorney's f	ees, assessm	ments (SHB 12	247 Section 2	23, RCW 9.94	A.140,
	III. SENTENCIN	G OPTIONS FOR	FIRST DEGRE	E EXTORTION				
A. If sentence is one year or less:	part or all of the sent	ence may be o	converted to	partial conf	inement (RCV	i 9.94A.380)		
B. If sentence is one year or less:	community supervision m	ay be ordered	l for up to o	ne year (SHE	1247, Secti	on 22)		
C. Exceptional sentence (RCW 9.94A.)	120 (2))							
	THIS OFFENSE REFERENCE	SHEET IS FOR	USE WITH THE	VIOLENT SCO	RING FORM			

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#### EXTORTION, SECOND DEGREE (RCW 9A.56.130) NONVIOLENT

#### 1. OFFENDER SCORING (RCW 9.94A.360 (9))

ADU	LT HISTORY:			rved concurro ively are co			se;					
	Enter numb	ber of felony	conviction	s						x 1 =	:	
JUV	ENILE HISTOR	RY: (All adj	udications	entered on t	he same date	count as ON	E offense)					
	Enter numi	ber of felony	adjudicati	ons					· • • <u></u>	x 1/2 =		
OTH	ER CURRENT (	OFFENSES: (0	ther curren	t offenses w	hich do not	encompass th	ne same crimi	nal conduct	count in off	ender score)	)	
	Enter num	ber of other	felony conv	ictions					· · · · <u> </u>	x 1 =	=	
Tot	al the last round down	column to ge to the neares	et the TOTAL st whole num	OFFENDER SC ber)	ORE			• • • •	. <b></b> .			
					II.	STANDARD SI	ENTENCE RANGE					
				,	1	2	A	5	6	7	8	9 or more
A.	OFFENDER SC	ORE:	0	7	2	3	7					#1 OO
	STANDARD RA	NGE:	1 · 3	3 · 8	4 - 12	9 - 12	12+ · 16	17 - 22	22 - 29	33 - 43 months	43 - 57 months	51 · 68
	STANDARD RA			3 - 8 months			12+ - 16 months			33 - 43 months	43 - 57 months	51 · 68 months
	STANDARD RA (Seriousnes	NGE: s Level III)	1 · 3 months	months	4 · 12 months	9 - 12 months		17 - 22 months	22 - 29 months	months	months	months
	STANDARD RAI (Seriousnes The range	NGE: s Level III)	1 · 3 months	months	4 - 12 months Diracy is 759	9 - 12 months 6 of the star	months	17 - 22 months	22 - 29 months	months	months	months
В. С.	STANDARD RA (Seriousnes) The range Statutory Financial	NGE: s Level III) for attempt, maximum sente	1 · 3 months solicitation ence is 60 m	months on, and consp	4 · 12 months piracy is 759 ars) (RCW 9A	9 - 12 months 6 of the star 20.021 (1)(6	months	17 - 22 months e range for	22 - 29 months the complete	months	months	months
В. С.	STANDARD RA (Seriousnes) The range Statutory Financial	NGE: s Level III) for attempt, maximum sente	1 · 3 months solicitation ence is 60 m	months on, and consp nonths (5 yea d: fines, re	4 - 12 months Diracy is 759 ars) (RCW 9A.	9 - 12 months 6 of the star 20.021 (1)(court costs,	months  mdard sentenc	17 - 22 months e range for ees, assess	22 - 29 months the complete ments (SHB 12	months	months	months
B. C. D.	STANDARD RA (Seriousnes The range Statutory Financial 9.94A.120	NGE: s Level III) for attempt, maximum sente obligations E (9), 9.94A.27	1 · 3 months solicitation ence is 60 may be added	months on, and consp nonths (5 yea d: fines, re	4 - 12 months Diracy is 759 ars) (RCW 9A. estitution, o	9 - 12 months 6 of the star 20.021 (1)(court costs,	months  ndard sentenc  c))  attorney's f	17 - 22 months e range for ees, assessi	22 - 29 months the complete ments (SHB 1)	months ed crime (RC	months W 9.94A.410) 23, RCW 9.94	months
B. C. D. A.	STANDARD RA (Seriousnes) The range Statutory Financial 9.94A.120  If "First-	NGE: s Level III) for attempt, maximum sente obligations (9), 9.94A.27	1 · 3 months  solicitation ence is 60 m may be added 70 (1))  r" eligible:	months on, and consponents (5 years) i: fines, re III : 0-90 days of	4 - 12 months  piracy is 759  ars) (RCW 9A.  estitution, of  . SENTENCING  confinement and directs the	9 - 12 months 6 of the star 20.021 (1)(6 court costs, 6 OPTIONS FOR	months  ndard sentence  c))  attorney's f	17 - 22 months e range for ees, assess EE EXTORTIO	22 - 29 months  the complete ments (SHB 12)  N  ervision with	months ed crime (RC) 247 Section th conditions lives to tota	months W 9.94A.410) 23, RCW 9.94  (RCW 9.94A.	months AA.140,
B. C. D. A. B.	STANDARD RA (Seriousnes The range Statutory Financial 9.94A.120 If "First- If sentenc of jail ca	NGE: s Level III) for attempt, maximum sente obligations n (9), 9.94A.27  time offender e is one year n be converte	1 · 3 months  solicitation ence is 60 m may be added 70 (1))  r' eligible r or less: ed to one da	months on, and consponents (5 years) d: fines, re III c: 0-90 days of the statute ay of partial	4 - 12 months  piracy is 759  prs) (RCW 9A.  estitution, of  C. SENTENCING  confinement and directs the confinement	9 - 12 months  6 of the star  20.021 (1)(6)  court costs,  G OPTIONS FOR  and up to two court to cost t or eight he	months  Indard sentence  (c))  attorney's f  R SECOND DEGR  o years of consider and gi	17 - 22 months e range for ees, assess EE EXTORTIO	22 - 29 months the complete ments (SHB 12) N ervision with to alternat e (up to 240)	months ed crime (RC) 247 Section h conditions ives to tota hours) (RCW	months W 9.94A.410) 23, RCW 9.94  (RCW 9.94A.	months AA.140,
B. C. D. A. B.	STANDARD RA (Seriousnes) The range Statutory Financial 9.94A.120  If "First- If sentenc of jail ca If sentenc	NGE: s Level III) for attempt, maximum sente obligations n (9), 9.94A.27  time offender e is one year n be converte	1 · 3 months  solicitation ence is 60 m may be added 70 (1))  r" eligible r or less: ed to one da r or less:	months on, and consponenths (5 years) i: fines, refines,	4 - 12 months  piracy is 759  prs) (RCW 9A.  estitution, of  C. SENTENCING  confinement and directs the confinement	9 - 12 months  6 of the star  20.021 (1)(6)  court costs,  G OPTIONS FOR  and up to two court to cost t or eight he	months  ndard sentence  c))  attorney's f  R SECOND DEGR  o years of communications of communications of communications and given sentences of communications and given se	17 - 22 months e range for ees, assess EE EXTORTIO	22 - 29 months the complete ments (SHB 12) N ervision with to alternat e (up to 240)	months ed crime (RC) 247 Section h conditions ives to tota hours) (RCW	months W 9.94A.410) 23, RCW 9.94  (RCW 9.94A.	months AA.140,
B. C. D. A. B.	STANDARD RA (Seriousnes) The range Statutory Financial 9.94A.120  If "First- If sentenc of jail ca If sentenc	NGE: s Level III) for attempt, maximum sente obligations attempt, time offender time offender time is one year n be converte te is one year	months solicitation ence is 60 m may be added for (1))  r" eligible r or less: ed to one da r or less: RCW 9.94A.12	months on, and consponents (5 years) i: fines, refines, r	4 - 12 months  piracy is 759  prs) (RCW 9A.  estitution, of  confinement a directs the confinement upervision ma	9 - 12 months  6 of the star  20.021 (1)(court costs,  GOPTIONS FOR  and up to two court to cont or eight he ay be ordered	months  ndard sentence  c))  attorney's f  R SECOND DEGR  o years of communications of communications of communications and given sentences of communications and given se	17 - 22 months e range for ees, assess EE EXTORTION momunity sup ve priority nity servic ne year (SH	22 - 29 months  the complete ments (SHB 1:  N ervision with to alternat e (up to 240 B 1247, Sect	months  ed crime (RC)  247 Section  h conditions  ives to tota  hours) (RCW)	months W 9.94A.410) 23, RCW 9.94  (RCW 9.94A.	months AA.140,

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#### FALSE VERIFICATION FOR WELFARE (RCW 74.08.055) NONVIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADU		dult offenses ser served consecut:				se;					
	Enter number of f	elony conviction	s						x 1 =		
JU	VENILE HISTORY: (A1	1 adjudications	entered on t	he same date	count as ONE	offense)					
	Enter number of f	elony adjudicati	ons					•••	x 1/2 =	:	
OT	HER CURRENT OFFENSES	: (Other curren	t offenses w	hich do not	encompass the	e same crimin	nal conduct	count in off	fender score)		
	Enter number of o	other felony conv	ictions						<u> </u>		
<u>To</u>	tal the last column (round down to the n	to get the TOTAL	OFFENDER SC ber)	<u>ORE</u>	· • • • • •		• • • • •	. <b></b> .			
						AMPRIATE DALKE			·		
				II.	STANDARD SE	NIENCE RANGE					
A.	OFFENDER SCORE:	0	1	2	3	4		6	7	8	9 or more
A.	OFFENDER SCORE: STANDARD RANGE: (Seriousness Level	0 - 60	1 0 - 90 days			4 3 - 8 months	5 4 - 12 months	6 12+ - 14 months	7 14 - 18 months	8 17 - 22 months	9 or more 22 - 29 months
A. B.	STANDARD RANGE: (Seriousness Level	0 - 60 I) days	days	2 2 - 5 months	3 2 · 6 months	4 3 - 8 months	5 4 - 12 months	months	months	17 - 22 months	22 - 29 months
В.	STANDARD RANGE: (Seriousness Level	O - 60 I) days empt, solicitation	days	2 2 - 5 months piracy is 75%	3 2 · 6 months 6 of the stand	4 3 - 8 months dard sentence	5 4 - 12 months e range for	months the complete	months ed crime (RC	17 - 22 months § 9.94A.410	22 - 29 months
В.	STANDARD RANGE: (Seriousness Level The range for atte Financial obligati	O - 60 I) days empt, solicitation	days on, and consp	2 2 · 5 months wiracy is 75%	3 2 · 6 months 6 of the stand	4 3 - 8 months dard sentence attorney's f	5 4 - 12 months e range for ees, assess	months the complete	months ed crime (RC	17 - 22 months § 9.94A.410	22 - 29 months
В. С.	STANDARD RANGE: (Seriousness Level The range for attention of the range for	O - 60 I) days  empt, solicitation ions may be added 94A.270 (1))	days on, and consp d: fines, re III. SE	2 2 - 5 months  piracy is 75% estitution, continuous OPT  confinement a	3 2 - 6 months 4 of the stance court costs, and up to two	3 - 8 months  dard sentence attorney's form  SE VERIFICAT  years of co	5 4 - 12 months e range for ees, assessi	months the completements (SHB 1) FARE	months ed crime (RC) 247 Section 2	17 - 22 months ¥ 9.94A.410; 23, RCW 9.94	22 - 29 months AA.140,
В. С.	STANDARD RANGE: (Seriousness Level The range for atte Financial obligati 9.94A.120 (9), 9.8	O - 60 I) days  empt, solicitation ions may be added 94A.270 (1))  fender eligible:	days on, and consp it: fines, re III. SE 0-90 days of	2 2 - 5 months  piracy is 75% estitution, continuous oppositions oppositions oppositions oppositions and the state of the	3 2 · 6 months 6 of the stand court costs, FIONS FOR FAL and up to two court to con	4 3 - 8 months  dard sentence attorney's form  SE VERIFICAT  years of consider and gi	5 4 - 12 months e range for ees, assessi ION FOR WEL	months the completements (SHB 1) FARE ervision wit to alternat	months ed crime (RC) 247 Section : h conditions ives to tota	17 - 22 months § 9.94A.410) 23, RCW 9.94 (RCW 9.94A	22 - 29 months AA.140,
B. C. A. B.	STANDARD RANGE: (Seriousness Level The range for attention of the range for	O - 60 I) days  empt, solicitation  ions may be added  94A.270 (1))  fender" eligible:  e year or less:  nverted to one da	days on, and consp i: fines, re III. SE 0-90 days of the statute ny of partial	2 2 - 5 months  piracy is 75% estitution, continuous opposituation oppos	3 2 · 6 months 6 of the stand court costs, 710NS FOR FAL and up to two court to cont or eight ho	4 3 - 8 months  dard sentence attorney's formula services of communication	5 4 - 12 months e range for ees, assess ION FOR WEL	months the complete ments (SHB 1  FARE ervision wit to alternat e (up to 240	months ed crime (RC) 247 Section 2 h conditions ives to tota hours) (RCW	17 - 22 months § 9.94A.410) 23, RCW 9.94 (RCW 9.94A	22 - 29 months AA.140,
B. C. A. B.	STANDARD RANGE: (Seriousness Level The range for atternancial obligation of the seriousness seriousnes	O - 60 I) days  empt, solicitation  ions may be added  94A.270 (1))  fender" eligible:  e year or less:  nverted to one date  e year or less:	days on, and consp it: fines, re III. SE 0-90 days of the statute by of partial community su	2 2 - 5 months  piracy is 75% estitution, continuous opposituation oppos	3 2 · 6 months 6 of the stand court costs, 710NS FOR FAL and up to two court to cont or eight ho	4 3 - 8 months  dard sentence attorney's formula services of communication	5 4 - 12 months e range for ees, assess ION FOR WEL	months the complete ments (SHB 1  FARE ervision wit to alternat e (up to 240	months ed crime (RC) 247 Section 2 h conditions ives to tota hours) (RCW	17 - 22 months § 9.94A.410) 23, RCW 9.94 (RCW 9.94A	22 - 29 months AA.140,
B. C. A. B.	STANDARD RANGE: (Seriousness Level The range for atternancial obligation of the seriousness seriousnes	O - 60 I) days  empt, solicitation  ions may be added  94A.270 (1))  fender eligible:  e year or less:  nverted to one day  e year or less:  nce (RCW 9.94A.12	days on, and consp it: fines, re III. SE 0-90 days of the statute ty of partial community su (20 (2))	2 2 - 5 months  piracy is 75% estitution, continuous of the confinement and irects the confinement appervision may	3 2 · 6 months 6 of the stand court costs, 710NS FOR FAL and up to two court to cont or eight ho	4 3 - 8 months  dard sentence attorney's f  SE VERIFICAT  years of co sider and gi urs of commu	5 4 - 12 months e range for ees, assess  HON FOR WELL mmunity sup ve priority nity servic ne year (SH	months the completements (SHB 1  FARE ervision wit to alternat e (up to 240 B 1247, Sect	months ed crime (RC) 247 Section 2 h conditions ives to tota hours) (RCW)	17 - 22 months § 9.94A.410) 23, RCW 9.94 (RCW 9.94A	22 - 29 months AA.140,

#### FORGED PRESCRIPTION (RCW 69.41.020) NONVIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (9))

AD			rved concurr ively are co		as <u>ONE</u> offer atel <del>y)</del>	ise;					
	Enter number of felony	conviction	s					· · · · · <u></u>	x 1 =	<u></u>	
JU	VENILE HISTORY: (All adj	udications	entered on t	he same date	e count as ON	Œ offense)					
	Enter number of felony	adjudicati	ons						x 1/2 =	:	
		·								<del></del>	
ΛŒ	HER CURRENT OFFENSES: (0	thar curren	t offenese u	hich do not	ancompace th	a coma crimi	inal conduct	count in of	fander ecore	<b>\</b>	
<u>VI</u>	HER CURRENT OFFENSES. (U	cuer curren	C ONTENDED M	uica do not	cucompass ti	IC Same Clim.	inai conduct	. count in or	render score,		
	Enter number of other	felony conv	ictions			• • • • •		·	x l =	·	
To	tal the last column to ge	t the TOTAL	OFFENDER SC	ORE							
	(round down to the neares			·							
				II	STANDARD SE	NTEMPE DANCE					
						MICHOE MINU			-	•	
Α.	OFFENDER SCORE: STANDARD RANGE:	0 - 60	0 - 90	$\frac{2}{2\cdot 5}$	2 - 6	3 - 8	5 4 - 12	6 12+ - 14	7 14 · 18	8 17 - 22	9 or more 22 - 29
	(Seriousness Level I)	days	days	months	months	months	months	months	months	months	months
В.	The range for attempt,	solicitatio	n, and consp	iracy is 759	of the stan	dard sentend	ce range for	the complet	ed crime (RCM	9.94A.410)	
С.	Financial obligations ma 9.94A.120 (9), 9.94A.27	•	: fines, re	stitution, c	court costs,	attorney's f	fees, assess	ments (SHB 1	247 Section 2	3, RCW 9.94	A.140,
			I	II. SENTENCI	ING OPTIONS F	OR FORGED PI	RESCRIPTION				
Ä.	If "First-time offender	" eligible:	0-90 days	confinement	and up to tw	o years of o	community su	pervision wi	th conditions	(RCW 9.94A	.120 (5))
В.	If sentence is one year of jail can be converted										t. One day
C.	If sentence is one year	or less:	community su	pervision ma	y be ordered	for up to o	one year (SH	B 1247, Sect	ion 22)		
D.	Exceptional sentence (RC	CW 9.94A.120	(2))								
					*						
		TH	is offense r	EFERENCE SHE	ET IS FOR US	E WITH THE N	IONVIOLENT S	CORING FORM			

III-32

FORGERY (RCW 9A.60.020) NONVIOLENT

#### 1. OFFENDER SCORING (RCW 9.94A.360 (9))

A	OULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)
	Enter number of felony convictions
<u>J</u>	UVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)
	Enter number of felony adjudications
<u>o</u>	THER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)
	Enter number of other felony convictions
To	otal the last column to get the TOTAL OFFENDER SCORE
	II. STANDARD SENTENCE RANGE
À.	OFFENDER SCORE: 0 1 2 3 4 5 6 7 8 9 or more
	$ \begin{array}{llllllllllllllllllllllllllllllllllll$
В.	The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
С.	Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))
	III. SENTENCING OPTIONS FOR FORGERY
Α.	If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
В.	If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
c.	If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)
D.	Exceptional sentence (RCW 9.94A.120 (2))
	THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

III-33

#### HIT AND RUN - INJURY ACCIDENT (RCW 46.52.020 (4)) NONVIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADU	T HISTORY: (All adult those serv		rved concurre ively are cou			ise;					
	Enter number of felony	y convictions	3					· · · · <u> </u>	x 1	=	
JUV	NILE HISTORY: (All adj	judications (	entered on th	e same date	e count as <u>O</u>	E offense)					
	Enter number of felony	adjudicatio	ons		• • • • • •			· · · ·	x 1/2	=	
orrun	R CURRENT OFFENSES: (C	lehar aurran	offenges wh	ich de net	anaomnosa th	o como orimi	inal conduct	count in of	fondor ecoro	· · · · · · · · · · · · · · · · · · ·	
UIM	A CORRENT OFFENDES. (C	Juner Current	. Ullenses wii	ich uo not	encompass in	e same crimi	inal conduct	count in or	renuer score	,	
	Enter number of other	felony conv	ictions					<u></u>	x 1	=	
T-4.	1 Abo 1004 ooluuu 40 oo	. At - MOMAY	ATTENDED GOO	nn						<del></del>	
	1 the last column to ge ound down to the neares			<u>KE</u>							
				II.	STANDARD SE	NTENCE RANGE	£				
A. (	FFENDER SCORE:	0	1	2	3	4		. 6	7	. 8	9 or more
3	TANDARD RANGE: Seriousness Level IV)	3 · 9 months		12+ · 14 months	13 - 17 months	15 - 20 months	22 - 29 months		43 - 57 months	53 - 70 months	63 - 84 months
В.	The range for attempt,	solicitation	, and conspi	racy is 75%	of the stan	dard sentenc	ce range for	the complet	ed crime (RC	W 9.94A.410)	1
c.	Statutory maximum sente	ence is 60 mo	nths (5 year	s) (RCW 9A.	20.021 (1)(c	))					
	Financial obligations m 9.94A.120 (9), 9.94A.27		fines, res	titution, c	court costs,	attorney's f	ees, assessi	ments (SHB 1	247 Section	23, RCW 9.94	A.140,
			III. SE	VTENCING OF	TIONS FOR HI	T AND RUN -	INJURY ACCII	ENT			
A.	If "First-time offender	" eligible:	0-90 days coi	nfinement a	nd up to two	years of co	mmunity supe	ervision with	conditions	(RCW 9.94A.	120 (5))
	If sentence is one year of jail can be converte										t. One day
c.	If sentence is one year	or less: c	ommunity supe	ervision ma	y be ordered	for up to o	ne year (SHE	1247, Secti	ion 22)		
D.	Exceptional sentence (R	CW 9.94A.120	(2))								
	* .										
		THI	S OFFENSE REI	ERENCE SHE	ET IS FOR US	E WITH THE N	ONVIOLENT SC	ORING FORM	-		

#### INCEST, FIRST DEGREE (RCW 9A.64.020 (1)) NONVIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (9))

Ā	DULT HISTORY:		t offenses se rved consecut			t as <u>ONE</u> offe rately)	nse;					
	Enter numb	er of felor	ny conviction	s				• • • • • •		x 1	=	
<u>л</u>	VENILE HISTORY	Y: (All ac	ijudications	entered on	the same da	te count as O	NE offense)					
	Enter numbe	er of felor	ny adjudicatio	ons						x 1/2	=	
<u>o</u> 1	HER CURRENT OF	FFENSES: (	Other curren	offenses	which do not	t encompass t	he same crim	inal conduct	count in of	fender score	)	
	Enter numbe	er of other	felony conv	ctions .		• • • • •			· · · · <u> </u>	x 1	<del></del>	
To	tal the last of (round down to	column to g	et the TOTAL est whole numb	OFFENDER S	CORE	· • • • • • ·						
					II.	STANDARD SE	INTENCE RANGE	E				
A.	OFFENDER SCOR		0	1	2	3	4	5	6	7	8	9 or more
	STANDARD RANG (Seriousness		12+ - 14 months	15 - 20 months	21 - 27 months	26 · 34 months	31 - 41 months	36 - 48 months	46 - 61 months	57 - 75 months	67 - 89 months	77 - 102 months
В.	The range fo	r attempt,	solicitation	, and consp	oiracy is 75	% of the stan	dard sentenc	e range for	the complete	ed crime (RC)	9.94A.410)	
C.	Financial ob 9.94A.120 (9	ligations a ), 9.94A.2	may be added: 70 (1))	fines, re	estitution,	court costs,	attorney's f	ees, assessi	ments (SHB 12	47 Section 2	3, RCW 9.94	A.140,
				, I	II. SENTENC	ING OPTIONS F	OR FIRST DEG	REE INCEST				
A.	If no prior s	sex offense	conviction a	and sentenc	e is less t	han six years	: special s	exual offend	er sentencin	g alternativ	e (RCW 9.94	A.120 (7)(a))
B.	If sentence i	is less tha	ın six years:	sexual of	fender tream	tment program	(RCW 9.94A.	120 (7)(b))				
C.	Exceptional s	sentence (R	RCW 9.94A.120	(2))								
			THIS	OFFENSE R	EFERENCE SHI	ET IS FOR USI	WITH THE M	ONVIOLENT SO	ORTHG FORM			
			1				IIII IW					

#### INCEST, SECOND DEGREE (RCW 9A.64.020 (2)) NONVIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (9))

	························· '	t offenses s rv <mark>ed conse</mark> cu	tively are c	•							
	1										
	Enter number of felor	ny convictio	ons					· · · · <u> </u>	<b>x</b> 1 =	·	
JU	ENILE HISTORY: (All ac	djudications	entered on 1	the same date	e count as <u>ON</u>	E offense)					
	Enter number of felor	ny adjudicat	ions					<u> </u>	x 1/2 =		
									•		
OTI	IER CURRENT OFFENSES: (	Other curre	nt offenses v	which do not	encompass th	e same crimi	nal conduct	count in of	fender score)	)	
	Enter number of other	r felony con	victions						x 1 =	=	
		• .									
Tot	al the last column to g	et the TMTA	I OFFFNDER SC	YNDF							
	round down to the neare			<u> </u>							
				II.	STANDARD SEI	NTENCE RANGE	· }				
			1					_	_	_	
A.	OFFENDER SCORE: STANDARD RANGE:	0 6 - 12	1 12+ - 14	2 13 - 17	3 15 - 20	$\frac{4}{22 - 29}$	5 33 - 43	6 41 - 54	7 51 - 68	8 62 · 82	9 or more 72 - 96
	(Seriousness Level V)	months	months	months	months	months	months	months	months	months	months
_									tt (DO		
В.	The range for attempt,	, solicitati	on, and const	oracy 18 75%	of the stand	dard sentend	e range for	the complete	ed crime (KC)	1 9.94A.410)	
c.	Statutory maximum sent	tence is 60	months (5 yea	rs) (RCW 9A.	.20.021 (1)(c	))					
D.	Financial obligations 9.94A.120 (9), 9.94A.2	•	d: fines, re	stitution, o	court costs,	attorney's f	ees, assessi	ments (SHB 12	247 Section 2	23, RCW 9.94	A.140,
D.	_	•	d: fines, re	stitution, c	court costs,	attorney's f	ees, assessi	ments (SHB 12	247 Section 2	23, RCW 9.94	A.140,
D.	_	•			court costs, a			ments (SHB 12	247 Section 2	23, RCW 9.94	A.140,
	_	270 (1))	11	I. SENTENCIN	NG OPTIONS FO	R SECOND DEG	REE INCEST				
Α.	9.94A.120 (9), 9.94A.2	e conviction	II n and sentenc	I. SENTENCIA e is less th	NG OPTIONS FOR	R SECOND DEG	REE INCEST	der sentencir	ng alternativ	re (RCW 9.94	
A. B.	9.94A.120 (9), 9.94A.2  If no prior sex offens	ee conviction than one year or less:	II n and sentence ear and less the statute	I. SENTENCIA e is less th than six yea directs the	NG OPTIONS FOR man six years ars: sexual ( court to cons	R SECOND DEG : special s offender tre sider and gi	REE INCEST exual offend atment progra ve priority	der sentencir ram (RCW 9.94 to alternati	ng alternativ IA.120 (7)(b) .ves to total	re (RCW 9.94 ) confinemen	A.120 (7)(a
А. В. С.	9.94A.120 (9), 9.94A.2  If no prior sex offens  If sentence is greater  If sentence is one yea	se conviction than one year or less: ed to one de	II n and sentence ear and less the statute ay of partial	I. SENTENCIA e is less th than six yea directs the confinement	nan six years nars: sexual c court to cons or eight hou	R SECOND DEG : special s offender tre sider and gi urs of commu	REE INCEST exual offend atment progra ve priority nity service	der sentencin ram (RCW 9.94 to alternati e (up to 240	ng alternativ IA.120 (7)(b) .ves to total hours) (RCW	re (RCW 9.94 ) confinemen	A.120 (7)(a
A. B. C.	9.94A.120 (9), 9.94A.2  If no prior sex offens  If sentence is greater  If sentence is one yea of jail can be convert	e conviction than one year or less: ed to one de	II n and sentence ear and less the statute ay of partial community su	I. SENTENCIA e is less th than six yea directs the confinement	nan six years nars: sexual c court to cons or eight hou	R SECOND DEG : special s offender tre sider and gi urs of commu	REE INCEST exual offend atment progra ve priority nity service	der sentencin ram (RCW 9.94 to alternati e (up to 240	ng alternativ IA.120 (7)(b) .ves to total hours) (RCW	re (RCW 9.94 ) confinemen	A.120 (7)(a
A. B. C.	9.94A.120 (9), 9.94A.2  If no prior sex offens  If sentence is greater  If sentence is one yea  of jail can be convert  If sentence is one yea	e conviction than one year or less: ed to one de	II n and sentence ear and less the statute ay of partial community su	I. SENTENCIA e is less th than six yea directs the confinement	nan six years nars: sexual c court to cons or eight hou	R SECOND DEG : special s offender tre sider and gi urs of commu	REE INCEST exual offend atment progra ve priority nity service	der sentencin ram (RCW 9.94 to alternati e (up to 240	ng alternativ IA.120 (7)(b) .ves to total hours) (RCW	re (RCW 9.94 ) confinemen	A.120 (7)(a
A. B. C.	9.94A.120 (9), 9.94A.2  If no prior sex offens  If sentence is greater  If sentence is one yea  of jail can be convert  If sentence is one yea	than one year or less: ed to one description of the control of the	n and sentence ear and less the statute ay of partial community su 20 (2))	I. SENTENCIAN  e is less the  than six year  directs the  confinement  pervision ma	nan six years nars: sexual c court to cons or eight hou	R SECOND DEG : special s offender tre sider and gi urs of commu for up to o	REE INCEST exual offend atment progra ve priority nity service ne year (SHI	der sentencing ram (RCW 9.94 to alternati e (up to 240 B 1247, Secti	ng alternativ IA.120 (7)(b) .ves to total hours) (RCW	re (RCW 9.94 ) confinemen	A.120 (7)(a

## INDECENT LIBERTIES (WITH FORCIBLE COMPULSION) (RCW 9A.44.100 (1)(a)) VIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)	
Enter number of Serious Violent and Violent felony convictions	
Enter number of Nonviolent felony convictions	
JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)	
Enter number of Serious Violent and Violent felony adjudications	
Enter number of Nonviolent felony adjudications	
OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)	
Enter number of other Serious Violent and Violent felony convictions	
Enter number of other Nonviolent felony convictions	
Total the last column to get the TOTAL OFFENDER SCORE	
(Tound down to the nearest whole number)	J
II. STANDARD SENTENCE RANGE	
	0
A. OFFENDER SCORE: 0 1 2 3 4 5 6 7 8  STANDARD RANGE: 15 - 20 21 - 27 26 - 34 31 - 41 36 - 48 41 - 54 57 - 75 67 - 89 77 - 10  (Seriousness Level VII) months months months months months months months months months	9 or more 2 87 - 116 months
B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.41	))
C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9. 9.94A.120 (9), 9.94A.270 (1))	)4A.140,
III. SENTENCING OPTIONS FOR INDECENT LIBERTIES (WITH FORCIBLE COMPULSION)	
A. If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.	944 120 (7)(a))
	74A.12U (1)(a))
B. If sentence is less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b))	
C Franchismal contains (BCW 0.044.120 /2))	
C. Exceptional sentence (RCW 9.94A.120 (2))	

III-37

### INDECENT LIBERTIES (WITHOUT FORCIBLE COMPULSION) (RCW 9A.44.100 (1)(b,c)) NONVIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (9))

	lt offenses se erved consecut		•		1se;		•		•	
Enter number of fel	ony conviction	s					· · · · <u> </u>	x 1	=	
JUVENILE HISTORY: (All	adjudications	entered on t	the same dat	e count as Of	Œ offense)					
Enter number of fel	ony adjudicati	ons		• • • • • •				x 1/2	=	
				and the same						
OTHER CURRENT OFFENSES:	(Other curren	t offenses v	which do not	encompass th	ne same crim	inal conduct	count in of	fender score	)	
								- 1	_	
Enter number of oth	er relony conv	ictions			• • • • • •		· · · · · <u> </u>	x ı		
Cotal the last column to	cot the TOTAL	APPENDED CO	-VDE							
otal the last column to (round down to the nea	rest whole num	ber)	JURE						<u> </u>	
						á				
			II.	STANDARD SE	ENTENCE RANGI	E				
ACCEMBED COORE	٥	,	9	3		5	6	7	8	9 or more
A. OFFENDER SCORE: STANDARD RANGE: (Seriousness Level VI	12+ · 14 ) months	15 - 20 months	2 21 · 27 months	26 - 34 months	31 - 41 months	36 - 48 months	46 - 61 months	57 - 75 months	67 - 89 months	77 - 102 months
. The range for attemp	t, solicitatio	n, and consp	oiracy is 75	% of the star	dard sentend	ce range for	the complet	ed crime (RC	W 9.94A.410)	
E. Financial obligations 9.94A.120 (9), 9.94A		: fines, re	estitution,	court costs,	attorney's i	ees, assess	ments (SHB 1	247 Section	23, RCW 9.94	A.140,
	III.	SENTENCING	OPTIONS FOR	INDECENT LIE	BERTIES (WITH	OUT FORCIBL	E COMPULSION	)		
. If no prior sex offer	nse conviction	and sentenc	e is less t	han six years	: special s	sexual offen	der sentenci	ng alternati	ve (RCW 9.94	A.120 (7)(a)
3. If sentence is less t	than six years	sexual of	fender trea	tment program	(RCW 9.94A.	120 (7)(b))				
. Exceptional sentence	(RCW 9.94A.120	(2))								
	TH	S OFFENSE R	EFERENCE SH	EET IS FOR US	E WITH THE N	IONVIOLENT S	CORING FORM			
SGC 6-84				TTT_						

III-38

#### INTIMIDATING A JUROR (RCW 9A.72.130) NONVIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (9))

	offenses served concurved consecutively are	•		se;					
Enter number of felon	ny convictions					· · · · <u> </u>	x 1	=	
JUVENILE HISTORY: (All ad	ljudications entered or	the same dat	e count as <u>ON</u>	E offense)					
Enter number of felon	y adjudications					· · · ·	x 1/2	=	
OTHER CURRENT OFFENSES: (	Other current offenses	which do not	encompass th	e same crimi	nal conduct	count in of	fender score	)	
Enter number of other	felony convictions .					· · · <u> </u>	x 1	=	
Total the last column to g (round down to the neare		SCORE				• • • • • •			
		II.	STANDARD SEI	VTENCE RANGE	;				
A. OFFENDER SCORE:	0 1	2	3	4	5	6	7	8	9 or mor
STANDARD RANGE: (Seriousness Level VI)	12+ - 14	21 - 27 months	26 - 34 months	31 - 41 months	36 - 48 months	46 · 61 months	57 - 75 months	67 - 89 months	77 · 10 months
B. The range for attempt,	solicitation, and con	spiracy is 75%	of the stand	iard sentenc	e range for	the complete	ed crime (RC)	9.94A.410)	
C. Financial obligations a 9.94A.120 (9), 9.94A.2	may be added: fines, 70 (1))	restitution, o	court costs, a	nttorney's f	ees, assessi	ments (SHB 1	247 Section 2	23, RCW 9.94	A.140,
		III. SENTENCIN	VG OPTIONS FOR	R INTIMIDATI	NG A JUROR				
A. If "First-time offender						rvision with	ı conditione	(PCW G QAA	120 (51)
			ap to the	, Sur 10 1 CO	andire y supe	A VIDION HILL	. Conditions	(ATU: UVA)	120 (0))
B. Exceptional sentence (	RCW 9.94A.120 (2))								
	THIS OFFENSE	REFERENCE SHE	TT TO EAD HEE	WITH THE M	ONVIOLENT CO	UDING BUDIN	1		
	THIS OFFENSE	MITEREINE SIL	EI IS FUR USE	MIN NEW	MATOREM 20	OVTIAO LAYA	ļ		

#### INTIMIDATING A PUBLIC SERVANT (RCW 9A.76.180) NONVIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)	
Enter number of felony convictions	
JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)	
Enter number of felony adjudications	
OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)	
Enter number of other felony convictions	
Total the last column to get the TOTAL OFFENDER SCORE	
II. STANDARD SENTENCE RANGE	
A. OFFENDER SCORE: 0 1 2 3 4 5 6 7 8  STANDARD RANGE: 1 - 3 3 - 8 4 - 12 9 - 12 12+ - 16 17 - 22 22 - 29 33 - 43 43 - 57  (Seriousness Level III) months months months months months months months months months	9 or more 51 - 68 months
B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)	
C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94, 9.94A.120 (9), 9.94A.270 (1))	A.140,
	A.140,
9.94A.120 (9), 9.94A.270 (1))	
9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR INTIMIDATING A PUBLIC SERVANT	120 (5))
9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR INTIMIDATING A PUBLIC SERVANT  A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.  B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement	120 (5))
9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR INTIMIDATING A PUBLIC SERVANT  A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCM 9.94A.  B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCM 9.94A.380)	120 (5))

#### INTIMIDATING A WITNESS (RCW 9A.72.110) NONVIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADL		ult offenses ser served consecut				se;					
	Enter number of fe	lony conviction	s					• • •	x 1 =	:	
<u>Ju</u>	/ENILE HISTORY: (All	adjudications	entered on 1	the same date	e count as ONI	offense)					
	Enter number of fe	lony adjudicati	ons				• • • • • • • • • • • • • • • • • • •		x 1/2 =	· ·	
011	HER CURRENT OFFENSES:	(Other curren	t offenses v	which do not	encompass the	e same crimi	nal conduct	count in off	ender score)		
	Enter number of ot	her felony conv	ictions .						x l =	: -	
To	tal the last column to	o get the TOTAL arest whole num	OFFENDER Sober)	CORE							
				II.	STANDARD SE	ntence range					
					_			c	7	8	0 or more
. A.	OFFENDER SCORE: STANDARD RANGE: (Seriousness Level V	0 12+ - 14 /I) months	15 - 20 months	21 · 27 months	3 26 - 34 months	31 - 41 months	5 36 - 48 months	6 46 - 61 months	57 - 75 months	67 - 89 months	9 or more 77 - 102 months
В.	The range for attem	mpt, solicitatio	n, and cons	piracy is 75%	% of the stan	dard sentenc	e range for	the complete	ed crime (RCM	9.94A.410)	
С.	Financial obligation 9.94A.120 (9), 9.94		: fines, r	estitution, (	court costs,	attorney's f	ees, assessm	ents (SHB 1	247 Section 2	3, RCW 9.94	A.140,
			II	I. SENTENCIN	G OPTIONS FOR	INTIMIDATIN	G A WITNESS				
A.	If "First-time offe	ender" eligible:	0-90 days	confinement	and up to two	years of co	mmunity supe	rvision wit	h conditions	(RCW 9.94A.	120 (5))
В.	Exceptional sentence	ce (RCW 9.94A.12	0 (2))				A Selection				
		TH	IS OFFENSE	REFERENCE SH	EET IS FOR US	E WITH THE N	ONVIOLENT SO	ORING FORM			

## INTRODUCING CONTRABAND, FIRST DEGREE (RCW 9A.76.140) NONVIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult those ser	offenses served concu ved consecutively are	•		nse;					
Enter number of felon	y convictions			· · · · · · ·		· · · · <u> </u>	x 1	=	
JUVENILE HISTORY: (All ad	judications entered on	the same date	e count as O	NE offense)					
Enter number of felon	y adjudications						x 1/2	=	
OTHER CURRENT OFFENSES: (	Other current offenses	which do not	encompass ti	ne same crimi	nal conduct	count in of	fender score	)	
Enter number of other	felony convictions .		• • • • • •			· · · · · <u> </u>	x 1	=	
Total the last column to go (round down to the neares	et the TOTAL OFFENDER st whole number)	SCORE	• • • • • • • • • • • • • • • • • • •						
·									
		II.	STANDARD SE	ENTENCE RANGE					
A. OFFENDER SCORE: STANDARD RANGE:	0 1 15 - 20 21 - 27	<u>2</u> 26 - 34	3 31 - 41	4 36 · 48	5 41 · 54	6 57 · 75	7 67 - 89	8	9 or mor
(Seriousness Level VII)		months	months	months	months	months	months	77 - 102 months	87 - 11 months
B. The range for attempt,	solicitation, and cons	spiracy is 75%	of the stan	dard sentenc	e range for	the complete	ed crime (RC)	₹ 9.94A.410)	
C. Financial obligations m 9.94A.120 (9), 9.94A.27	nay be added: fines, 1 70 (1))	restitution, c	court costs,	attorney's f	ees, assessm	ents (SHB 12	247 Section 2	23, RCW 9.94/	A.140,
	III. SE	TENCING OPTIO	NS FOR FIRST	DEGREE INTR	ODUCING CONT	RABAND			
A. If "First-time offender	" eligible: 0-90 days	confinement a	nd up to two	years of co	mmunity supe	rvision with	conditions	(RCW 9.94A.)	20 (5))
B. Exceptional sentence (R	CW 9.94A.120 (2))								
	THIS OFFENSE	REFERENCE SHE	ET IS FOR US	E WITH THE N	ONVIOLENT SO	ORING FORM			

### INTRODUCING CONTRABAND, SECOND DEGREE (RCW 9A.76.150) NONVIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADU	LT HISTORY: (All adult those ser		rved concurr ively are co			nse;					
	Enter number of felon	y conviction	s					· · · · <u> </u>	x 1	=	
JUV	ENILE HISTORY: (All ad	judications	entered on t	he same date	e count as <u>O</u>	NE offense)					
	Enter number of felon	y adjudicati	ons	· · · · · ·					x 1/2	=	
OTH	ER CURRENT OFFENSES: (	Other curren	t offenses w	hich do not	encompass t	he same crimi	nal conduct	count in of	fender score	)	
	Enter number of other	felony conv	ictions					· · · · <u> </u>	x 1	=	
	al the last column to g round down to the neare			ORE							
				II.	STANDARD S	ENTENCE RANGE	:				
A.	OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
	STANDARD RANGE: (Seriousness Level III)	1 · 3 months	3 · 8 months	4 - 12 months	9 · 12 months	12+ - 16 months	17 · 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 68 months
	(Seriousness Level III)	months	wonths	months	months	BOILCHS	montins	шонтно	months	mon cho	montins
₿.	The range for attempt,	solicitatio	n, and consp	iracy is 759	of the sta	ndard sentenc	e range for	the complete	ed crime (RC	W 9.94A.410)	
C.	Statutory maximum sent	ence is 60 m	onths (5 yea	rs) (RCW 9A.	20.021 (1)(	c))					
D.	Financial obligations 9.94A.120 (9), 9.94A.2		: fines, re	stitution, d	court costs,	attorney's f	ees, assess	ments (SHB 1	247 Section	23, RCW 9.94	A.140,
			III. SENTE	NCING OPTION	IS FOR SECON	D DEGREE INTR	ODUCING CON	TRABAND			
A.	If "First-time offende	r" eligible:	0-90 days co	onfinement a	ind up to tw	o years of co	mmunity sup	ervision with	h conditions	(RCW 9.94A.	120 (5))
В.	If sentence is one yea of jail can be convert										t. One day
C.	If sentence is one year	r or less:	community sup	pervision ma	y be ordere	d for up to o	ne year (SHI	B 1247, Sect	ion 22)		
D.											
	Exceptional sentence (	RCW 9.94A.12	0 (2))								

#### KIDNAPPING, FIRST DEGREE (RCW 9A.40.020) SERIOUS VIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (2))

ADULT	HISTORY:		offenses served consecut				ise;					
	Enter numb	er of Serio	us Violent f	elony convic	ctions					x 3 =	: . <del></del>	
	Enter numb	er of Viole	nt felony co	nvictions						x 2 =		
	Enter numb	er of Nonvi	olent felony	convictions	·				<u> </u>	<u> </u>		•
JUVEN	ILE HISTOR	Y: (All ad	judications	entered on 1	the same date	e count as OM	E offense)					
	Enter numb	 er of Serio	ous Violent f	elony adjudi	ications .					x 3 =	·	
	Enter numb	er of Viole	ent felony ad	judications						x 2 =	·	
			olent felony									
			Other curren									
			· Serious Vio									
			· Violent fel									
			Nonviolent									
Total	the last	column to g	get the TOTAL est whole num	OFFENDER SO								
					II.	STANDARD SI	ENTENCE RANGE	I.				
	FENDER SCO		0	1	2	3	4	5	6	7	8	9 or mo
	TANDARD RAN Seriousness		51 - 68 months	57 - 75 months	62 - 82 months	67 · 89 months	72 · 96 months	77 - 102 months	98 - 130 months	108 - 144 months	129 - 171 months	149 - 1 month
B. 7	The range f	or attempt,	solicitatio	n, and cons	piracy is 75	% of the star	ndard sentenc	ce range for	the complet	ed crime (RC	W 9.94A.410)	
			entire standa 9.94A.310, 9.		range with	a special ve	rdict/finding	that the of	fender or a	n accomplice	was armed w	ith
		obligations 9), 9.94A.2	may be added 270 (1))	: fines, re	estitution,	court costs,	attorney's f	ees, assessm	ents (SHB 1	247 Section 2	23, RCW 9.94	A.140,
				II	I. SENTENCIN	G OPTIONS FO	R FIRST DEGRE	EE KIDNAPPING				
	_											
A. E	Exceptional	sentence (	(RCW 9.94A.12	0 (2))								
			THIS	OFFENSE RE	FERENCE SHEE	T IS FOR USE	WITH THE SER	RIOUS VIOLENT	SCORING FO	RM		

III-44

#### KIDNAPPING, SECOND DEGREE (RCW 9A.40.030) VIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY:	(All adult offenses those served consec				ıse;		×			
Enter num	ber of Serious Violent	and Violent fe	lony convict	tions				x 2 =		
Enter num	ber of Nonviolent felo	ony convictions						x 1 =		
JUVENILE HISTO	RY: (All adjudication	as entered on th	e same date	count as O	NE offense)					
Enter num	ber of Serious Violent	and Violent fe	lony adjudio	cations .				x 2 =		•
Enter num	ber of Monviolent felo	ony adjudication	s				· · · · <u></u>	x 1/2 =		
OTHER CURRENT	OFFENSES: (Other curr	ent offenses wh	ich do not e	encompass t	he same crimi	nal conduct	count in off	ender score)		
Enter num	ber of other Serious V	/iolent and Viol	ent felony (	convictions			· · · .	x 2		
Enter num	ber of other Nonviolen	nt felony convic	tions				• • •	x 1 =	·	
Total the last (round down	column to get the TOI to the nearest whole r	TAL OFFENDER SCO number)	<u>RE</u>				· · • • • • •			
			II.	STANDARD S	entence range	3				
A. OFFENDER SC STANDARD RA (Seriousnes	NGE: 6 - 12	1 12+ - 14 months	2 13 - 17 months	3 15 - 20 months	4 22 - 29 months	5 33 - 43 months	6 41 - 54 months	7 51 - 68 months	8 62 - 82 months	9 or more 72 - 96 months
B. The range	for attempt, solicitat	tion, and conspi	racy is 75%	of the sta	ndard sentend	ce range for	the complete	ed crime (RCW	9.94A.410)	)
	oths to the entire star eapon (RCW 9.94A.310,		ange with a	special ve	rdict/finding	that the of	fender or an	n accomplice	was armed w	vith
	obligations may be add (9), 9.94A.270 (1))	ded: fines, res	titution, co	ourt costs,	attorney's i	fees, assessi	ments (SHB 12	247 Section 2	3, RCW 9.94	A. 140,
		III.	SENTENCING (	OPTIONS FOR	SECOND DEGRE	E KIDNAPPIN				
A. If sentenc	e is one year or less:	part or all o	f the senter	nce may be	converted to	partial conf	inement (RC)	9.94A.380)		
B. If sentence	e is one year or less:	community sup	ervision may	y be ordere	d for up to o	one year (SHI	3 1247, Secti	ion 22)		
C. Exceptiona	l sentence (RCW 9.94A.	120 (2))								
		THIS OFFENSE	reference si	HEET IS FOR	USE WITH THE	VIOLENT SC	RING FORM			

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#### MALICIOUS HARASSMENT (RCW 9A.36.080) NONVIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT	HISTORY: (All ac those	ult of served	fenses serv consecutiv	ed concurrentely are cou	ntly count a nted separat	s ONE offense ely)	<b>9</b> ;					
	Enter number of f	elony (	convictions						• • •	x 1 =	<del></del>	
JUVEN	NILE HISTORY: (A1	l adju	dications en	ntered on th	e same date	count as ONE	offense)					
	Enter number of f	elony	adjudicatio	ns						<u> </u>		
OTHE	R CURRENT OFFENSES	<u>s:</u> (Ot	her current	offenses wh	ich do not	encompass the	e same crimin	al conduct (	ount in off	ender score)		
	Enter number of (	other f	elony convi	ctions .						x 1 =		
Tota (r	il the last column cound down to the	to ge	t the TOTAL t whole numb	OFFENDER SCI	<u>DRE</u>							
					77	STANDARD SE	NTENCE BANGE					
					11.	21WANT 20	MIENCE MEGE	_	c	7	8	9 or more
3	OFFENDER SCORE: STANDARD RANGE: (Seriousness Level	IV)	0 3 - 9 months	1 6 - 12 months	2 12+ - 14 months	3 13 - 17 months	15 - 20 months	5 22 - 29 months	6 33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months
В.	The range for att		solicitatio	n, and consp	oiracy is 75	% of the star	ndard sentenc	e range for	the complete	ed crime (RC	W 9.94A.410)	)
c.	Statutory maximum	sente	ence is 60 m	onths (5 yea	rs) (RCW 9A	.20.021 (1)(0	:))					
D.	Financial obliga 9.94A.120 (9), 9	tions n	may be added 70 (1))	: fines, re	estitution,	court costs,	attorney's f	ees, assessi	ments (SHB 1	247 Section	23, RCW 9.9	4A.140,
						ING OPTIONS FO						
A.	If *First-time o	ffende	r" eligible:	0-90 days	confinement	and up to tw	o years of co	ommunity sup	ervision wit	h conditions	(RCW 9.94A	.120 (5))
	If sentence is o of jail can be c	onvert	ed to one da	ly or partia	I COULTHEME	it or ergue n	0013 01 00		•		nl confineme (9.94A.380)	nt. One day
c.	If sentence is o	ne yea	r or less:	community s	upervision t	may be ordere	d for up to	one year (SH	B 1247, Sect	ion 22)		
D.	Exceptional sent	ence (	RCW 9.94A.1	20 (2))								
			T	HIS OFFENSE	REFERENCE S	HEET IS FOR U	ISE WITH THE	NONVIOLENT S	CORING FORM	]		

#### MALICIOUS MISCHIEF, FIRST DEGREE (RCW 9A.48.070) NONVIOLENT

#### 1. OFFENDER SCORING (RCW 9.94A.360 (9))

ADI	ALT HISTORY:		offenses ser ved consecuti				nse;					
	Enter num	per of felon	y convictions						· · · · · <u> </u>	x l =	= 	
וע	VENILE HISTO	RY: (All ad	judications e	entered on t	he same date	e count as <u>O</u>	NE offense)					
	Enter num	ber of felon	y adjudicatio	ons					· · · · · <u> </u>	x 1/2	·	
011	HER CURRENT	OFFENSES: (	Other current	offenses w	hich do not	encompass t	he same crimi	nal conduct	count in of	fender score	)	
	Enter num	ber of other	felony convi	ctions		• • • • • •			· · · · <u></u>	x 1	<del></del>	
			et the TOTAL st whole numb		ORE			• • • • •	••••			
				•								
					II.	STANDARD S	ENTENCE RANGE	3				
A.	OFFENDER SC		0	1	2	3	4 12+ - 14	5 14 - 18	6 17 - 22	7 22 - 29	8 33 - 43	9 or more 43 · 57
	STANDARD RA (Seriousnes		0 - 90 days	2 · 6 months	3 - 9 months	4 · 12 months	months	months	months	months	months	months
В.	The range	for attempt,	solicitation	n, and consp	iracy is 75	% of the sta	ndard sentenc	e range for	the complet	ed crime (RC	W 9.94A.410)	
c.		obligations (9), 9.94A.2	may be added: 70 (1))	: fines, re	stitution,	court costs,	attorney's f	ees, assess	ments (SHB 1	247 Section	23, RCW 9.94	A.140,
				III. SE	INTENCING OP	TIONS FOR FI	RST DEGREE MA	ALICIOUS MIS	CHIEF			
A.	If "First.	time offende	r" eligible:	0-90 days c	onfinement	and up to tw	o years of co	ommunity sup	ervision wit	h conditions	(RCW 9.94A.	120 (5))
В.	If sentenc of jail ca	e is one yea n be convert	r or less: ted to one day	the statute y of partial	directs the confinemen	court to co t or eight h	nsider and gi ours of commu	ive priority unity servic	to alternat e (up to 240	ives to tota hours) (RCW	1 confinemen 9.94A.380)	t. One day
C.	If sentenc	e is one yea	r or less: o	community su	pervision m	ay be ordere	d for up to o	one year (SH	B 1247, Sect	ion 22)		
D.	Exceptiona	l sentence (	RCW 9.94A.120	(2))								
				IS OFFENSE R								

#### MALICIOUS MISCHIEF, SECOND DEGREE (RCW 9A.48.080) NONVIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (9))

<u>AD</u>		t offenses se rved consecut			as <u>ONE</u> offer ately)	nse;					
	Enter number of felor	ny conviction	ıs	• • • • • •		· · · · · · ·		· · · · · <u> </u>	x 1	<b>=</b>	•
JU	VENILE HISTORY: (All ac	ljudications	entered on t	the same date	e count as ON	Œ offense)					
	Enter number of felor	ny adjudicati	ons	• • • • •				· · · ·	x 1/2	=	
or	HER CURRENT OFFENSES: (	Other curren	t offenses v	which do not	encompass th	e same crimi	nal conduct	count in of	fender score	)	
	Enter number of other	felony conv	ictions						x 1 :	<b>-</b>	
To	tal the last column to g (round down to the neare	et the TOTAL st whole num	OFFENDER SO ber)	CORE	· • • • • • •		• • • • •	• • • • •	• • • • • • • • • • • • • • • • • • •		
				II.	STANDARD SE	ntence range					
A.	OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
	STANDARD RANGE: (Seriousness 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
В.	The range for attempt,	solicitatio	n, and consp	iracy is 75%	of the stan	dard sentence	e range for	the complete	ed crime (RCV	i 9.94A.410)	
c.	Financial obligations 9.94A.120 (9), 9.94A.2	may be added 70 (1))	: fines, re	stitution, c	court costs,	attorney's fe	ees, assess	ments (SHB 12	247 Section 2	3, RCW 9.94	A.140,
			III. SEN	TENCING OPTI	ONS FOR SECO	ND DEGREE MAI	LICIOUS MIS	CHIEF			
A.	If "First-time offende	r" eligible:	0-90 days c	onfinement a	nd up to two	years of con	mmunity supe	ervision with	conditions	(RCW 9.94A.	120 (5))
В.	If sentence is one year of jail can be converted	r or less: 1 ed to one day	the statute of partial	directs the confinement	court to cons or eight hou	sider and giv urs of commun	e priority nity service	to alternati e (up to 240	ves to total hours) (RCW	confinemen 9.94A.380)	t. One day
c.	If sentence is one year	r or less: c	community su	pervision mag	y be ordered	for up to on	ne year (SHI	3 1247, Secti	on 22)		
D.											
٠.	Exceptional sentence (I	RCW 9.94A.120	(2))								
٠.	Exceptional sentence (I	<b>.</b>		EFERENCE SHE	ET IS FOR USE	E WITH THE NO	NVIOLENT SC	CORING FORM			

III-48

#### MANSLAUGHTER, FIRST DEGREE (RCW 9A.32.060) VIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY: (All adult those ser	offenses served concur ved consecutively are c	·	offense;					
Enter number of Serio	us Violent and Violent	felony convictions				x 2 =	·	
Enter number of Nonvi	olent felony conviction	s		• • • • • •	• • • • • • • • • • • • • • • • • • • •	x 1 =		
JUVENILE HISTORY: (All ad	judications entered on	the same date count	as ONE offense)					
Enter number of Serio	us Violent and Violent	felony adjudications	·			x 2 =	:	
Enter number of Nonvi	olent felony adjudicati	ons				x 1/2 =	: ·	
OTHER CURRENT OFFENSES: (	Other current offenses	which do not encompa	ss the same crim	inal conduct	count in off	ender score)	) ·	
Enter number of other	Serious Violent and Vi	olent felony convict	ions		· · · · <u> </u>	x 2 =	:	
Enter number of other	Nonviolent felony conv	ictions			· · · · <u> </u>	x 1 =	:	
Tatal the last selumn to a	on the moral organism of	CORE					11	
Total the last column to get (round down to the neare		CURE						
ē.								
		II. STANDA	RD SENTENCE RANGI	E				
A. OFFENDER SCORE: STANDARD RANGE:	0 1 31 - 41 36 - 48	2 3 41 · 54 46 · 6	4 61 51 - 68	5 57 - 75	6 77 - 102	7 87 - 116	8 * 108 - 144	9 or more
(Seriousness Level IX)	months months	months month		months	months	months	months	months
B. The range for attempt,	solicitation, and cons	piracy is 75% of the	standard sentend	ce range for	the complete	d crime (RCW	9.94A.410)	
C. Statutory maximum sent	ence is 120 months (10	years) (RCW 9A.20.02	l (1)(b))					
D. Financial obligations 9.94A.120 (9), 9.94A.2		estitution, court co	sts, attorney's i	fees, assessm	ents (SHB 124	47 Section 2	3, RCW 9.944	1.140,
	Ш	. SENTENCING OPTIONS	FOR FIRST DEGREE	E MANSLAUGHTE	R			
A. Exceptional sentence (	RCW 9.94A.120 (2))							
* .	THIS OFFENS	REFERENCE SHEET IS	FOR USE WITH THE	E VIOLENT SCO	RING FORM			

#### MANSLAUGHTER, SECOND DEGREE (RCW 9A.32.070) VIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADMIT THOMASU. (All alian section of the section of
ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)
Enter number of Serious Violent and Violent felony convictions
Enter number of Nonviolent felony convictions
JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)
Enter number of Serious Violent and Violent felony adjudications
Enter number of Nonviolent felony adjudications
OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)
Enter number of other Serious Violent and Violent felony convictions
Enter number of other Nonviolent felony convictions
Total the last column to get the TOTAL OPPENDED SCORE
Total the last column to get the TOTAL OFFENDER SCORE
II. STANDARD SENTENCE RANGE
A. OFFENDER SCORE: 0 1 2 3 4 5 6 7 8 9 or mor
STANDARD RANGE:       12+ · 14       15 · 20       21 · 27       26 · 34       31 · 41       36 · 48       46 · 61       57 · 75       67 · 89       77 · 10         (Seriousness Level VI)       months       months       months       months       months       months       months       months
B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
C. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))
III. SENTENCING OPTIONS FOR SECOND DEGREE MANSLAUGHTER
A. Exceptional sentence (RCW 9.94A.120 (2))

## MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER A NARCOTIC FROM SCHEDULE I OR II (RCW 69.50.401 (a)(1)(i))

FIRST DRUG CONVICTION
NONVIOLENT DRUG

#### I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADUL 1	HISTORY: (All adult of those served	fenses served con consecutively ar	•		nse;					
	Enter number of felony D	Orug convictions (	not simple poss	session of a c	controlled su	ubstance) .	· · · · <u> </u>	x 2 =		
	Enter number of other fe	elony convictions					· · · · <u> </u>	x l =		
JUVEN	ILE HISTORY: (All adjud	lications entered	on the same dat	e count as Of	Œ offense)					
	Enter number of felony D	rug adjudications	(not simple po	ssession of a	controlled	substance)		x l =	·	
	Enter number of other fe	lony adjudication	ıs				· · · · <u> </u>	x 1/2 =		
OTHER	CURRENT OFFENSES: (Oth	er current offens	es which do not	encompass th	ne same crimi	inal conduct	count in of	fender score)	)	
	Enter number of other fe	lony Drug convict	ions (not simpl	e possession	of a control	led substan	ce)	x 2 =	·	
	Enter number of other fe	lony convictions					· · · ·	x l =	:	
	the last column to get und down to the nearest		R SCORE				· • • • • • •			
			II.	STANDARD SE	INTENCE RANGE	1				
	FENDER SCORE:	0 1 + - 14 15 - 2	2 0 21 - 27	3	4	5 36 - 48	6 46 - 61	7 57 - 75	8	9 or mor
		months month		26 - 34 months	31 - 41 months	months	months	months	67 · 89 months	77 - 102 months
B. T	ne range for attempt, so	licitation, and c	onspiracy is 75	% of the stan	dard sentenc	e range for	the complete	ed crime (RCW	9.94A.410)	
	dd 12 months to the entit deadly weapon and the co							accomplice	was armed w	ith
	nancial obligations may 94A.120 (9), 9.94A.270		, restitution, o	court costs,	attorney's f	ees, assessi	ents (SHB 12	247 Section 2	3, RCW 9.94	A.140,
		III. SENTENCING	OPTIONS FOR MAI NARCOTIC FROM SO					.IVER		
<b>A.</b> I	"First-time offender" e	eligible: 0.90 d	ays confinement	and up to tw	o years of c	community sup	ervision wit	h conditions	(RCW 9.94A	.120 (5))
B. E	ceptional sentence (RCW	9.94A.120 (2))								
		THIS OFFENSE	REFERENCE SHEET	T TS FOR USE	VITH THE NON	VIOLENT DRUG	SCORING FOR	·		

#### MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER A NARCOTIC FROM SCHEDULE I OR II (RCW 69.50.401 (a)(1)(i)) SUBSEQUENT DRUG CONVICTION

VIOLENT DRUG

#### I. OFFENDER SCORING (RCW 9.94A.360 (8))

<u>AD</u>	ULT HISTORY:	•	lt offenses s erved consecu		•		nse;					
	Enter numi	ber of Ser	ious Violent	and Violent	felony convi	ctions				x 2	=	
	Enter numl	ber of fel	ony Drug conv	ictions (not	simple poss	ession of a	controlled s	ubstance) .	<u> </u>	x 2	3	
	Enter numi	per of oth	er felony con	victions .			• • • • •		· · · · <u> </u>	x 1 :	=	
JU	VENILE HISTO	RY: (All	adjudications	entered on	the same dat	e count as O	NE offense)					
	Enter numl	ber of Ser	ious Violent	and Violent	felony adjud	ications .				x 2	<u> </u>	
			ony Nonviolen stance)						<u> </u>	x 1	: =	
	Enter num	ber of oth	er felony adj	udications					· ; · · · <u>-</u> -	x 1/2	±	
OT	HER CURRENT (	OFFENSES:	(Other curre	nt offenses	which do not	encompass t	he same crim	inal conduct	count in of	fender score	)	
	Enter num	ber of oth	er Serious Vi	olent and Vi	olent felony	convictions				x 2 :		
	Enter num	ber of oth	er felony Dru	g conviction	s (not simpl	e possession	of a contro	lled substan	ce)	x 2	= <u></u>	
	Enter numi	ber of oth	er felony con	victions .			• • • • •		<u> </u>	x 1	=	
			get the TOTA rest whole nu		CORE							
					II.	STANDARD S	ENTENCE RANG	E				
A.	OFFENDER SCO		0	1	2	3	4	5	6	7	8	9 or more
	STANDARD RAM (Seriousness		12+ - 14 ) months	15 · 20 months	21 - 27 months	26 · 34 months	31 - 41 months	36 · 48 months	46 - 61 months	57 - 75 months	67 - 89 months	77 - 102 months
В.	The range i	for attemp	t, solicitati	on, and cons	piracy is 75	% of the sta	ndard senten	ce range for	the complete	ed crime (RC	W 9.94A.410)	
c.			entire stand the crime is							n accomplice	was armed w	ith .
D.	Financial ( 9.94A.120 (		s may be adde .270 (1))	d: fines, r	estitution,	court costs,	attorney's	fees, assessi	ments (SHB 1	247 Section :	23, RCW 9.94	A.140,
			III. SENTENC				, OR PCSSESS SEQUENT DRUG		TO DELIVER A	A MARCOTIC		
A.	Exceptional	sentence	(RCW 9.94A.1	20 (2))								

SGC 6-84

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT DRUG SCORING FORM

## MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER A NARCOTIC FROM SCHEDULE III-V OR NONNARCOTIC FROM SCHEDULE I-V (EXCEPT MARIJUANA)

(RCW 69.50.401 (a)(1)(ii-iv))
NONVIOLENT DRUG

#### I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (All adult offenses served concurrently count as ONE those served consecutively are counted separately)	
Enter number of felony Drug convictions (not simple possession of a controlled substance) x 2 =	
Enter number of other felony convictions	
JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)	
Enter number of felony Drug adjudications (not simple possession of a controlled substance) x 1 =	
Enter number of other felony adjudications	
OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)	
Enter number of other felony Drug convictions (not simple possession of a controlled substance) x 2 =	
Enter number of other felony convictions	
Total the last column to get the TOTAL OFFENDER SCORE	
(round down to the nearest whole number)	
II. STANDARD SENTENCE RANGE	
A. OFFENDER SCURE.	or more 63 - 84
STANDARD RANGE: 3 · 9 6 · 12 12+ · 14 13 · 17 15 · 20 22 · 29 33 · 43 43 · 57 53 · 70 (Seriousness Level IV) months months months months months months months months	months
B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)	
C. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon and the crime is Delivery or Possession With Intent to Deliver (RCW 9.94A.310, 9.94A.125)	
D. Statutory maximum sentence for first drug conviction is 60 months (5 years) (RCW 69.50.401 (a)(1)(ii-iv))	
E. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.120 (9), 9.94A.270 (1))	40,
III. SENTENCING OPTIONS FOR MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER A NARCOTIC FROM SCHEDULE III-V OR NONNARCOTIC FROM SCHEDULE I-V (EXCEPT MARIJUANA)	
A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.15	0 (5))
B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)	One day
C. If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)	
D. Exceptional sentence (RCW 9.94A.120 (2))	

### MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER MARIJUANA (RCW 69.50.401 (a)(1)(ii)) NONVIOLENT DRUG

# I. OFFENDER SCORING (RCW 9.94A.360 (8))

	JLT HISTORY: (All adult those ser	offenses served co ved consecutively a	ncurrently count re counted separa	as ONE offens itely)	se;					
	Enter number of felon	y Drug convictions	(not simple posse	ession of a c	ontrolled sub	ostance)		x 2 =		
	Enter number of other	felony convictions						x 1 =		
JU	VENILE HISTORY: (All ad	judications entered	on the same date	e count as ON	E offense)					
	Enter number of felon	y Drug adjudication	ıs (not simple pos	ssession of a	controlled	substance) .	<u></u>	x 1 =		
	Enter number of other	felony adjudication	ons				· · · ·	x 1/2 =		
on	HER CURRENT OFFENSES: (	Other current offer	ases which do not	encompass th	e same crimi	nal conduct	count in off	ender score)		
	Enter number of other	felony Drug convic	ctions (not simple	e possession	of a control	led substanc	e)	x 2 =	:	
	Enter number of other	felony convictions	·					x l =	:	
	tal the last column to g		DER SCORE							
	(round down to the neare	st whole number)							ll	
			II.	STANDARD SE	INTENCE RANGE					
A.	OFFENDER SCORE:	0 1		3	4	5 17 - 22	<u>6</u> 22 - 29	<del>7</del> 33 - 43	8 43 - 57	9 or more 51 - 68
	STANDARD RANGE: (Seriousness Level III)	1 - 3 3 -	•	9 - 12	12+ - 16	months	months	months	months	months
	(Sel lousiless Level III)	months mon	ths months	months	months	Montas	months	монтив	months	montano
	The range for attempt,  Add 12 months to the ea deadly weapon and the	solicitation, and	conspiracy is 759	% of the stan a special ver	ndard sentenc	e range for that the of	the complete	ed crime (RCV	9.94A.410)	
C.	The range for attempt, Add 12 months to the $\epsilon$	solicitation, and entire standard sen- ne crime is Deliver	conspiracy is 75% tence range with a y or Possession W	% of the stam a special ver ith Intent to	ndard sentenc dict/finding Deliver (RC	e range for that the of W 9.94A.310,	the complete ffender or an , 9.94A.125)	ed crime (RCV	9.94A.410)	
C.	The range for attempt,  Add 12 months to the ea deadly weapon and th	solicitation, and entire standard sen- ne crime is Delivery ence for first dru may be added: fin	conspiracy is 75% tence range with a y or Possession W g conviction is 60	% of the stan a special ver ith Intent to 0 months (5 y	ndard sentenc rdict/finding Deliver (RC years) (RCW 6	e range for that the of W 9.94A.310, 9.50.401 (a)	the complete ffender or an , 9.94A.125)	ed crime (RCM	9.94A.410) was armed w	rith
C.	The range for attempt,  Add 12 months to the e a deadly weapon and th  Statutory maximum sent  Financial obligations	solicitation, and entire standard sen- ne crime is Delivery ence for first dru may be added: fin	conspiracy is 75, tence range with a y or Possession W g conviction is 60 es, restitution,	% of the stan a special ver ith Intent to 0 months (5 y court costs,	ndard sentence rdict/finding Deliver (RC years) (RCW 6 attorney's f	e range for that the of W 9.94A.310, 9.50.401 (a) ees, assess	the complete ffender or an , 9.94A.125) )(1)(ii)) ments (SHB 12	ed crime (RCM) n accomplice 247 Section 2	9.94A.410) was armed w	rith
D.	The range for attempt,  Add 12 months to the e a deadly weapon and th  Statutory maximum sent  Financial obligations	solicitation, and entire standard sen- ne crime is Deliver; ence for first drug may be added: fine (70 (1))	conspiracy is 75, tence range with a y or Possession W g conviction is 60 es, restitution, at the conviction of the conv	% of the standard special verith Intent to 0 months (5 year) court costs,	ndard sentence rdict/finding Deliver (RC years) (RCW 6 attorney's f	e range for that the of W 9.94A.310, 9.50.401 (a) ees, assessm	the complete ffender or an , 9.94A.125) (1)(ii)) ments (SHB 12	ed crime (RCM) n accomplice 247 Section 2	9.94A.410) was armed w	with
D. E.	The range for attempt, Add 12 months to the ea deadly weapon and the Statutory maximum sent Financial obligations 9.94A.120 (9), 9.94A.2	solicitation, and entire standard senter crime is Delivery sence for first drug may be added: fine 170 (1))  III. SENTENCING OP er eligible: 0-90 ar or less: the st	conspiracy is 75, tence range with a y or Possession W g conviction is 60 es, restitution, a TIONS FOR MANUFAC days confinement atute directs the	% of the standard special verifith Intent to 0 months (5 y court costs, TURE, DELIVER and up to two court to cort	ndard sentence dict/finding Deliver (RC years) (RCW 6 attorney's far, OR POSSESS wo years of consider and gi	e range for that the of W 9.94A.310, 9.50.401 (a) ees, assessm WITH INTENT	the complete ffender or ar f 9.94A.125) (1)(ii)) ments (SHB 12 TO DELIVER pervision with	ed crime (RCM) accomplice 247 Section 2 MARIJUANA th conditions ives to total	9.94A.410) was armed w 23, RCW 9.94 5 (RCW 9.94	A.140,
D. E. A.	The range for attempt, Add 12 months to the ea deadly weapon and the Statutory maximum sent Financial obligations 9.94A.120 (9), 9.94A.2  If "First-time offended If sentence is one year	solicitation, and entire standard sente crime is Delivery sence for first drug may be added: fine 170 (1))  III. SENTENCING OP er eligible: 0-90 ar or less: the stated to one day of p	conspiracy is 75% tence range with a yor Possession W g conviction is 60% es, restitution, extraction of the confinement at the directs the artial confinement.	% of the standard special verith Intent to months (5 ) court costs,  TURE, DELIVER and up to two court to cort to cort to cort to reight here.	ndard sentence dict/finding Deliver (RC Vears) (RCW 6 attorney's far, OR POSSESS Wo years of common delivers deliver	e range for that the of W 9.94A.310, 9.50.401 (a) ees, assessm WITH INTENT community sup we priority unity service	the complete ffender or an 9.94A.125) 0(1)(ii)) ments (SHB 12 r TO DELIVER pervision with to alternative (up to 240	ed crime (RCM) n accomplice 247 Section 2 MARIJUANA th conditions ives to tota: hours) (RCM)	9.94A.410) was armed w 23, RCW 9.94 5 (RCW 9.94	A.140,
C. D. E. A. B.	The range for attempt, Add 12 months to the ea deadly weapon and the Statutory maximum sense Financial obligations 9.94A.120 (9), 9.94A.2  If "First-time offended If sentence is one year of jail can be converted	solicitation, and entire standard senter crime is Deliver, sence for first drug may be added: fine (270 (1))  III. SENTENCING OP er eligible: 0-90 ar or less: the standard or less: communication or less: co	conspiracy is 75% tence range with a yor Possession W g conviction is 60% es, restitution, extraction of the confinement at the directs the artial confinement.	% of the standard special verith Intent to months (5 ) court costs,  TURE, DELIVER and up to two court to cort to cort to cort to reight here.	ndard sentence dict/finding Deliver (RC Vears) (RCW 6 attorney's far, OR POSSESS Wo years of common delivers deliver	e range for that the of W 9.94A.310, 9.50.401 (a) ees, assessm WITH INTENT community sup we priority unity service	the complete ffender or an 9.94A.125) 0(1)(ii)) ments (SHB 12 r TO DELIVER pervision with to alternative (up to 240	ed crime (RCM) n accomplice 247 Section 2 MARIJUANA th conditions ives to tota: hours) (RCM)	9.94A.410) was armed w 23, RCW 9.94 5 (RCW 9.94	A.140,
C. D. E. A. B.	The range for attempt, Add 12 months to the ea deadly weapon and the Statutory maximum sent Financial obligations 9.94A.120 (9), 9.94A.2  If "First-time offended If sentence is one year of jail can be convert If sentence is one year	solicitation, and entire standard senter standard senter crime is Delivery sence for first drug may be added: fine 170 (1))  III. SENTENCING OP er eligible: 0-90 ar or less: the standard one day of par or less: communate (RCW 9.94A.120 (2))	conspiracy is 75% tence range with a yor Possession W g conviction is 60% es, restitution, extraction of the confinement at the directs the artial confinement.	% of the standard special verith Intent to 0 months (5 ) court costs,  TURE, DELIVER and up to two court to cort to cort to reight he ay be ordered	ndard sentence dict/finding Deliver (RCW 6 attorney's far, OR POSSESS WO years of communications of co	e range for that the of W 9.94A.310, 9.50.401 (a) ees, assessm WITH INTENT community sup ve priority unity service one year (SHI	the complete ffender or an , 9.94A.125) (1)(ii)) ments (SHB 12 T TO DELIVER pervision with to alternation (up to 240 B 1247, Section	ed crime (RCM) accomplice 247 Section 2 MARIJUANA th conditions ives to total hours) (RCM)	9.94A.410) was armed w 23, RCW 9.94 5 (RCW 9.94	A.140,

### MURDER, FIRST DEGREE (RCW 9A.32.030) SERIOUS VIOLENT

## I. OFFENDER SCORING (RCW 9.94A.360 (2))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)	
Enter number of Serious Violent felony convictions	
Enter number of Violent felony convictions	
Enter number of Nonviolent felony convictions	
JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)	
Enter number of Serious Violent felony adjudications	
Enter number of Violent felony adjudications	
Enter number of Nonviolent felony adjudications	
OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)	
Enter number of other Serious Violent felony convictions	
Enter number of other Violent felony convictions	
Enter number of other Nonviolent felony convictions	
Total the last column to get the TOTAL OFFENDER SCORE (round down to the nearest whole number)	
II. STANDARD SENTENCING RANGE	
A. OFFENDER SCORE: 0 1 2 3 4 5 6 7 8 9 or r STANDARD RANGE: 240 - 320 250 - 333 261 - 347 271 - 361 281 - 374 291 - 388 312 - 416 338 - 450 370 - 493 411 - (Seriousness Level XIII) months	54
B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)  C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140,	
9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR FIRST DEGREE MURDER	
A. Exceptional sentence (RCW 9.94A.120 (2))	
THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE SERIOUS VIOLENT SCORING FORM	

### MURDER, SECOND DEGREE (RCW 9A.32.050) SERIOUS VIOLENT

# I. OFFENDER SCORING (RCW 9.94A.360 (2))

ADUL'	T HISTORY:	(All adult those serv	offenses served consecutiv	ved concurrent	ntly count a nted separat	s <u>ONE</u> offens ely)	se;					
	Enter num	ber of Seriou	us Violent fe	lony convict	ions					x 3 =		
			nt felony con									
	Enter num	ber of Nonvi	olent felony	convictions	<i>.</i>					<u>x</u> 1 =		
JUVE	ENILE HISTO	RY: (All ad	judications e	ntered on th	ne same date	count as ON	E offense)					
	Enter num	ber of Serio	us Violent fe	lony adjudic	cations					x 3 =		
	Enter num	ber of Viole	nt felony adj	udications						x 2 =	<del></del>	
			olent felony									
OTH			Other current									
			Serious Viol									
			· Violent felo									
			r Nonviolent :									
Tot	al the las	t column to p	get the TOTAL est whole num	OFFENDER SO								
					II.	STANDARD S	ENTENCE RANG	E				
A	OFFENDER S	CORE:	0	1	2	3	4	5	6	7	8 257 · 342	9 or mor
n.	STANDARD R		123 · 164	134 - 178 months	144 - 192 months	154 - 205 months	165 - 219 months	175 - 233 months	195 - 260 months	216 · 288 months	months	months
В.	The range	e for attempt	, solicitatio									
C.	Financial 9.94A.120	obligations (9), 9.94A.	may be added 270 (1))	l: fines, re	estitution,	court costs,	, attorney's	fees, assess	ments (SHB 1	247 Section	23, RCW 9.94	A.140,
				I	II. SENTENCI	NG OPTIONS I	FOR SECOND DE	GREE MURDER				
A.	Exception	nal sentence	(RCW 9.94A.1	20 (2))								
			- विकास	C OFFENCE DE	FERENCE SHE	T IS FOR US	E WITH THE SI	ERIOUS VIOLE	T SCORING F	ORM		

# OVER 18 AND DELIVER A NARCOTIC FROM SCHEDULE I OR II TO SOMEONE UNDER 18 AND 3 YEARS JUNIOR (RCW 69.50.406) VIOLENT DRUG

### I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (All adult offenses those served consecutive)			fense;					
Enter number of Serious Violen	and Violent felon	y convictions .				x 2 =	·	
Enter number of felony Drug co	nvictions (not simp	le possession of	a controlled su	ıbstance)	· · · · <u> </u>	x 2 =		10 m
Enter number of other felony c	onvictions				· · · ·	x 1 =	:	
JUVENILE HISTORY: (All adjudication	ns entered on the s	ame date count as	ONE offense)	· · · · · · · · · · · · · · · · · · ·				
Enter number of Serious Violen					· · · · ·	x 2 =	·	
Enter number of felony Nonviol of a controlled substance )	ent Drug adjudicati	ons (not simple p	ossession		· · ·	x 1 =	·	
Enter number of other felony a	djudications				···	x 1/2 =	<u> </u>	
OTHER CURRENT OFFENSES: (Other cur	rent offenses which	do not encompass	the same crim	inal conduct	count in of	fender score)	)	
Enter number of other Serious	Violent and Violent	t felony conviction	ons		<u> </u>	x 2 =		
Enter number of other felony D	rug convictions (no	ot simple possessi	ion of a contro	lled substanc	:e)	x 2 =		
Enter number of other felony o	onvictions					x 1 =	<u> </u>	
Total the last column to get the TO (round down to the nearest whole								
		TT CTANDAD	) SENTENCE RANG	F				
	•		4	5	6	7	8	9 or more
A. OFFENDER SCORE: 0  STANDARD RANGE: 51 - 68  (Seriousness Level X) months		2 3 2 - 82 67 - 89 months months	9 72 - 96	77 - 102 months	98 - 130 months	108 - 144 months	129 - 171 months	149 - 190 months
B. The range for attempt, solicita	tion, and conspira	cy is 75% of the	standard senten	ce range for	the complet	ed crime (RC	W 9.94A.410)	
C. Add 12 months to the entire sta a deadly weapon (RCW 9.94A.310	indard sentence ran 9.94A.125)	ge with a special	verdict/findin	g that the o	ffender or a	n accomplice	was armed w	ith
D. Financial obligations may be ac 9.94A.120 (9), 9.94A.270 (1))	ded: fines, resti	tution, court cos	ts, attorney's	fees, assessi	ments (SHB 1	247 Section	23, RCW 9.94	A.140,
		ING OPTIONS FOR O						•
A. Exceptional sentence (RCW 9.94/	1.120 (2))							

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT DRUG SCORING FORM

# OVER 18 AND DELIVER A NARCOTIC FROM SCHEDULE III-V OR NONNARCOTIC FROM SCHEDULE I-V TO SOMEONE UNDER 18 AND 3 YEARS JUNIOR (RCW 69.50.406) NONVIOLENT DRUG

## I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)
Enter number of felony Drug convictions (not simple possession of a controlled substance) x 2 =
Enter number of other felony convictions
JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)
Enter number of felony Drug adjudications (not simple possession of a controlled substance) x 1 =
Enter number of other felony adjudications
OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)
Enter number of other felony Drug convictions (not simple possession of a controlled substance) x 2 =
Enter number of other felony convictions
Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)
II. STANDARD SENTENCE RANGE
A. OFFENDER SCORE: 0 1 2 3 4 5 6 7 8 9 or mo
STANDARD RANGE:         31 - 41         36 - 48         41 - 54         46 - 61         51 - 68         57 - 75         77 - 102         87 - 116         108 - 144         129 - 1           (Seriousness Level IX)         months         months         months         months         months         months         months         months
B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
C. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
D. Statutory maximum sentence is 120 months (10 years) (RCW 69.50.406)
E. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))
III. SENTENCING OPTIONS FOR OVER 18 AND DELIVER A NARCOTIC FROM SCHEDULE III-V OR NONNARCOTIC FROM SCHEDULE I-V TO SOMEONE UNDER 18 AND 3 YEARS JUNIOR
A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
B. Exceptional sentence (RCW 9.94A.120 (2))
THE OFFENCE PETERDENCE CHEET IS FOR USE WITH THE NONVIOLENT DRUG SCORING FORM

### PERJURY, FIRST DEGREE (RCW 9A.72.020) NONVIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADUI	LT HISTORY: (All adult offenses se those served consecut	rved concurrently count ively are counted separa	as ONE offense tely)	e;					
	Enter number of felony conviction	s			• • • • • • ·		<u> </u>	<del></del>	
JUV	/ENILE HISTORY: (All adjudications	entered on the same date	count as ONE	offense)					
	Enter number of felony adjudicati	ons					x 1/2 =		
OTH	HER CURRENT OFFENSES: (Other current	t offenses which do not	encompass the	same crimin	al conduct	count in offe	ender score)		
	Enter number of other felony conv	ictions				•••	<u> x l =</u>		
Tot (	tal the last column to get the TOTAL (round down to the nearest whole num	OFFENDER SCORE							
		II.	STANDARD SEN	TENCE RANGE					
A.	OFFENDER SCORE: 0	1 2	3	4	5	6	7	8	9 or more
	STANDARD RANGE: 6 - 12 (Seriousness Level V) months	12+ - 14	15 - 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 - 68 months	62 · 82 months	72 - 96 months
В.	The range for attempt, solicitation	on, and conspiracy is 75	% of the stand	ard sentence	e range for	the complete	d crime (RCV	9.94A.410)	
c.	Financial obligations may be added 9.94A.120 (9), 9.94A.270 (1))	i: fines, restitution,	court costs, a	ittorney's fo	ees, assessm	ents (SHB 12	47 Section 2	23, RCW 9.94	A.140,
		III. SENTENCI	NG OPTIONS FO	R FIRST DEGR	EE PERJURY				
A.	If "First-time offender" eligible	: 0-90 days confinement	and up to two	years of co	mmunity supe	ervision with	conditions	(RCW 9.94A.	120 (5))
В.	If sentence is one year or less: of jail can be converted to one d	the statute directs the ay of partial confinemen	court to cons t or eight hou	sider and gi urs of co <b>mm</b> u	ve priority nity service	to alternati (up to 240	ves to total hours) (RCW	onfinemen 9.94A.380)	t. One day
c.	If sentence is one year or less:	community supervision m	ay be ordered	for up to o	ne year (SHI	3 1247, Secti	on 22)		
D.	Exceptional sentence (RCW 9.94A.1	20 (2))				:			
	। <del>'                                    </del>	HIS OFFENSE REFERENCE SH	FFT IS FOR IICI	E WITH THE N	ONVIOLENT SO	ORING FORM		0 0	
	l_1	HID OLITABLE RELEXIANCE DE	10 1 ON OD						

### PERJURY, SECOND DEGREE (RCW 9A.72.030) NONVIOLENT

# I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADUL	T HISTORY:	(All adult those serv	offenses ser ved consecuti	ved concurren vely are coun	tly count a ted separat	as <u>ONE</u> offens tely)	se;					
	Enter num	mber of felon	convictions	· · • • • • •						<u> </u>		
JUVI	ENILE HISTO	ORY: (All ad	judications 6	entered on the	e same date	count as ON	e offense)					
	Enter num	mber of felon	y adjudicatio	ons						x 1/2 =		
OTH	er current	OFFENSES: (	Other curren	t offenses wh	ich do not	encompass th	e same crimin	nal conduct	count in off	ender score)		
	Enter nur	mber of other	felony conv	ictions						x 1 =		
Tot (	al the las	t column to g to the neare	et the TOTAL st whole num	OFFENDER SCO	<u>RE</u>							
					и.	STANDARD SE	intence range					
	OFFENDER S STANDARD R (Seriousne		0 1 - 3 months	1 3 · 8 months	2 4 - 12 months	3 9 - 12 months	4 12+ - 16 months	5 17 - 22 months	6 22 · 29 months	7 33 - 43 months	8 43 - 57 months	9 or more 51 - 68 months
В.	The range	for attempt,	solicitatio	n, and conspi	racy is 75%	of the star	ndard sentenc	e range for	the complete	ed crime (RC)	9.94A.410)	) :
c.	Statutory	maximum sent	tence is 60 m	onths (5 year	s) (RCW 9A	.20.021 (1)(	:))					
D.	Financial 9.94A.120	obligations (9), 9.94A.	may be added 270 (1))	l: fines, res	stitution, (	court costs,	attorney's f	ees, assessi	ments (SHB 1	247 Section 3	23, RCW 9.94	1A.140,
				III	. SENTENCI	NG OPTIONS FO	OR SECOND DEG	REE PERJURY				
				: 0-90 days co								
В.	If senter	nce is one ye can be conver	ar or less: ted to one da	the statute of	directs the confinemen	court to co t or eight h	nsider and gi ours of commu	ve priority unity servic	to alternat e (up to 240	ives to tota hours) (RCW	1 confineme 9.94A.380)	nt. One day
c.	If senter	nce is one ye	ar or less:	community su	pervision m	ay be ordere	d for up to o	one year (SH	B 1247, Sect	ion 22)		
D.	Exception	nal sentence	(RCW 9.94A.1	20 (2))								
			I <del></del>		nnny an an	DOM TO DOD "	OF MITH SUF	MANUTAL CAPE C	CUBING BUDA	1		
			T	HIS OFFENSE R	erekence Sh	eel 19 lok o	DE MITH TUE I	MALIOPETAL 3	CONTING LONG	,i		

III-60

### POSSESSION OF A CONTROLLED SUBSTANCE THAT IS A NARCOTIC FROM SCHEDULE I OR II (RCW 69.50.401 (d)) NONVIOLENT

# I. OFFENDER SCORING (RCW 9.94A.360 (9))

AD	ULT HISTORY:	(All adult those serv	offenses ser ved consecuti	ved concurr vely are co	ently count a unted separa	as ONE offen tely)	se;					
	Enter num	per of felony	convictions	3						x 1 =		
JU	VENILE HISTO	RY: (All ad	judications e	entered on t	he same date	count as ON	E offense)	<b>.</b>				
	Enter num	ber of felon	y adjudicatio	ons						x 1/2 =		
<u>ot</u>	HER CURRENT	OFFENSES: (	Other curren	t offenses w	hich do not	encompass th	e same crimi	nal conduct	count in off	ender score)	<b>)</b>	
	Enter num	ber of other	felony conv	ictions						x 1 =	-	
To	tal the last (round down	column to g to the neare	et the TOTAL st whole num	OFFENDER SO ber)	CORE					· • • • •		
					II.	STANDARD SE	ENTENCE RANGE		·			
								-	C ·	7	0	9 or more
٨	OFFENDER SC	ORF:	0	1	2	3	4	5	6		8	2 OI MOTE
A.	OFFENDER SC STANDARD RA		0 - 90	2 - 6	3 - 9	3 4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29	33 - 43	43 - 57
A.	STANDARD RA		· · · · · · · · · · · · · · · · · · ·	1 2 - 6 months			12+ - 14 months					
В	STANDARD RA (Seriousnes The range	NGE: s Level II) for attempt,	0 - 90 days solicitatio	months n, and cons	3 - 9 months piracy is 75%	4 - 12 months	months  ndard sentence	14 - 18 months e range for	17 - 22 months the complete	22 - 29 months ed crime (RC	33 - 43 months W 9.94A.410)	43 - 57 months
В	STANDARD RA (Seriousnes The range Financial	NGE: s Level II) for attempt,	0 - 90 days solicitatio may be added	months n, and cons	3 - 9 months piracy is 75%	4 - 12 months	months	14 - 18 months e range for	17 - 22 months the complete	22 - 29 months ed crime (RC	33 - 43 months W 9.94A.410)	43 - 57 months
В	STANDARD RA (Seriousnes The range Financial	NGE: s Level II) for attempt, obligations (9), 9.94A.2	0 - 90 days solicitatio may be added (70 (1))	months  n, and consp : fines, re	3 - 9 months piracy is 75% estitution, c	4 - 12 months 6 of the star court costs,	months  ndard sentence	14 - 18 months he range for lees, assessi	17 - 22 months the complete ments (SHB 12	22 - 29 months ed crime (RC 247 Section	33 - 43 months W 9.94A.410) 23, RCW 9.94	43 - 57 months
B.	STANDARD RA (Seriousnes) The range Financial 9.94A.120	NGE: s Level II) for attempt, obligations (9), 9.94A.2	0 - 90 days solicitatio may be added 70 (1))	months  n, and consi : fines, re TIONS FOR Pe	3 - 9 months piracy is 75% estitution, o	4 - 12 months  5 of the star court costs,	months  ndard sentence  attorney's f	14 - 18 months he range for lees, assessi	17 - 22 months the complete ments (SHB 12	22 - 29 months ed crime (RC 247 Section HEDULE I OR	33 - 43 months W 9.94A.410) 23, RCW 9.94	43 - 57 months
B. C.	STANDARD RA (Seriousnes) The range Financial 9.94A.120	NGE: s Level II) for attempt, obligations (9), 9.94A.2 III. S time offende	0 - 90 days solicitatio may be added 70 (1)) SENTENCING OP	months  n, and consp : fines, re  TIONS FOR Pe  0-90 days the statute	3 - 9 months  piracy is 75% estitution, co  OSSESSION OF  confinement directs the	4 - 12 months  5 of the star court costs,  CONTROLLED 9  and up to to court to court to court	months  ndard sentence attorney's f	14 - 18 months e range for ees, assess T IS A NARO	17 - 22 months  the complete ments (SHB 12  DTIC FROM SCI pervision wi to alternat	22 - 29 months  ed crime (RC  247 Section  HEDULE I OR  th condition  ives to tota	33 - 43 months W 9.94A.410) 23, RCW 9.94 II s (RCW 9.94/	43 - 57 months  14A.140,
B. C.	STANDARD RA (Seriousnes) The range Financial 9.94A.120  If "First- If sentence of jail ca	NGE: s Level II) for attempt, obligations (9), 9.94A.2  III. S time offende te is one yearn be convert	0 - 90 days  solicitatio may be added (70 (1))  SENTENCING OP  er" eligible: ar or less: ed to one da	months  n, and consi : fines, re  TIONS FOR Pe  0-90 days the statute y of partia	3 - 9 months  piracy is 75% estitution, co  OSSESSION OF  confinement directs the 1 confinement	4 - 12 months  of the star court costs,  CONTROLLED S  and up to to court to cout or eight he	months  Indard sentence  attorney's f  SUBSTANCE THA  We years of consider and gi	14 - 18 months The range for rees, assessing the second through the se	17 - 22 months the complete ments (SHB 12  OTIC FROM SCI pervision wi to alternate (up to 240	22 - 29 months  ed crime (RC  247 Section  HEDULE I OR  th condition  ives to tota hours) (RCW	33 - 43 months W 9.94A.410) 23, RCW 9.94 II s (RCW 9.94/	43 - 57 months  14A.140,
B. C.	STANDARD RA (Seriousnes) The range Financial 9.94A.120  If "First If sentence of jail ca	NGE: s Level II) for attempt, obligations (9), 9.94A.2  III. S time offende te is one yea in be convert te is one yea	0 - 90 days  solicitatio may be added (70 (1))  SENTENCING OP  er" eligible: ar or less: ed to one da	months  n, and consi : fines, re  TIONS FOR Pe  0-90 days the statute y of partia community s	3 - 9 months  piracy is 75% estitution, co  OSSESSION OF  confinement directs the 1 confinement	4 - 12 months  of the star court costs,  CONTROLLED S  and up to to court to cout or eight he	months  Indard sentence  attorney's f  SUBSTANCE THA  wo years of communications of communications and given so f communications of communications and given so f communications of communications and given so f commun	14 - 18 months The range for rees, assessing the second through the se	17 - 22 months the complete ments (SHB 12  OTIC FROM SCI pervision wi to alternate (up to 240	22 - 29 months  ed crime (RC  247 Section  HEDULE I OR  th condition  ives to tota hours) (RCW	33 - 43 months W 9.94A.410) 23, RCW 9.94 II s (RCW 9.94/	43 - 57 months  14A.140,

# POSSESSION OF A CONTROLLED SUBSTANCE THAT IS A NARCOTIC FROM SCHEDULE III, IV, OR V OR A NONNARCOTIC FROM SCHEDULE I-V

(RCW 69.50.401 (d)) NONVIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADUL	T HISTORY: (All adult those serv	offenses ser ved consecuti	ved concurre vely are con	ently count a unted separa	as <u>ONE</u> offens tely)	se;					
	Enter number of felon	y convictions							x 1 =		
JUVI	ENILE HISTORY: (All ad	judications (	entered on t	he same date	count as ON	E offense)					
	Enter number of felon	y adjudicatio	ons					· · · · <u> </u>	x 1/2 =	:	
OTH	ER CURRENT OFFENSES: (	Other curren	t offenses w	hich do not	encompass th	e same crimi	nal conduct	count in off	ender score)	)	
	Enter number of other	felony conv	ictions					· · · · <u> </u>	x 1 =	-	
Tot:	al the last column to g round down to the neare	et the TOTAL est whole num	OFFENDER SC	ORE					••••		
				II.	STANDARD SE	INTENCE RANGE	ì				
Α.	OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
	STANDARD RANGE:	0 - 60	0 - 90	2 - 5	2 - 6	3 - 8 months	4 - 12 months	12+ · 14 months	14 - 18 months	17 - 22 months	22 - 29 months
	(Seriousness Level I)	days	days	months	months						
В.	The range for attempt,	, solicitatio	n, and const	oiracy is 75%	of the star	ndard sentend	ce range for	the complete	ed crime (RC	W 9.94A.410	)
<b>C</b> .	Financial obligations 9.94A.120 (9), 9.94A.2	may be added 270 (1))	: fines, re	estitution, (	court costs,	attorney's 1	fees, assess	ments (SHB 1	247 Section	23, RCW 9.9	4A.140,
		III. SE	INTENCING OPT	TIONS FOR PO	SSESSION OF A	A CONTROLLED NONNARCOTIC	SUBSTANCE T	HAT IS A NAR	COTIC		
A.	If "First-time offende	er" eligible:	0-90 days	confinement	and up to to	wo years of (	community su	pervision wi	th condition	s (RCW 9.94	A.120 (5))
В.	If sentence is one year of jail can be conver	ar or less: ted to one da	the statute y of partia	directs the confinemen	court to con	nsider and g ours of comm	ive priority unity servic	to alternat e (up to 240	ives to tota hours) (RCW	l confineme 9.94A.380)	nt. One day
c.	If sentence is one year	ar or less:	community s	upervision m	ay be ordere	d for up to	one year (SH	ß 1247, Sect	ion 22)		
D.	Exceptional sentence	(RCW 9.94A.1	20 (2))								
									•1		
		T	HIS OFFENSE	reference sh	EET IS FOR U	SE WITH THE	NONVIOLENT S	CORING FORM	J		

# POSSESSION OF STOLEN PROPERTY, FIRST DEGREE (RCW 9A.56.150) NONVIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADU	LT HISTORY:	(All adult those serv	offenses ser ed consecuti	ved concurre vely are cou	ntly count a inted separat	s ONE offensely)	se;					
	Enter num	ber of felony	convictions						· · · · <u> </u>	x l =		
JU	MENILE HISTO	RY: (All adj	judications e	ntered on th	ne same date	count as ON	E offense)					
	Enter nur	mber of felony	y adjudicatio	ons					· · · · <u> </u>	x 1/2 =		
on	HER CURRENT	OFFENSES: (C	Other current	; offenses wi	hich do not (	enco <b>mpass</b> th	e same crimin	nal conduct	count in off	ender score)		
	Enter nu	mber of other	felony convi	ictions						x 1 =		
To	tal the las (round down	t column to g to the neare	et the TOTAL st whole num	OFFENDER SC Der)	ORE				, , , , , ,	•••		
					II.	STANDARD SE	INTENCE RANGE					
A.	OFFENDER S	CORE:	0	1	2	3	4	5	6	7 22 - 29	8 33 - 43	9 or more 43 · 57
	STANDARD R (Seriousne	ANGE: ss Level II)	0 - 90 days	2 · 6 months	3 - 9 months	4 - 12 months	12+ - 14 months	14 - 18 months	17 - 22 months	months	months	months
В.	The range	for attempt,	solicitatio	n, and consp	iracy is 75%	of the star	ndard sentenc	e range for	the complete	ed crime (RCV	( 9.94A.410)	)
C.	Financial 9.94A.120	obligations (9), 9.94A.2	may be added 270 (1))	: fines, re	estitution, c	court costs,	attorney's f	ees, assessi	ments (SHB 12	247 Section 2	23, RCW 9.94	IA.140,
			I	II. SENTENCI	ING OPTIONS F	OR FIRST DE	GREE POSSESSI	ON OF STOLE	PROPERTY			
A	. If "First	-time offende	er" eligible:	0-90 days	confinement a	and up to tw	o years of co	mmunity sup	ervision with	n conditions	(RCW 9.94A	.120 (5))
В	. If senter of jail (	ice is one yea an be convert	ar or less: ted to one da	the statute y of partial	directs the confinement	court to co t or eight h	nsider and gi ours of commu	ve priority mity servic	to alternat e (up to 240	ives to tota hours) (RCW	l confineme 9.94A.380)	nt. One day
С	. If senter	nce is one yea	ar or less:	community su	upervision ma	ay be ordere	d fer up to e	one year (SH	B 1247, Sect	ion 22)		
D	. Exception	nal sentence	(RCW 9.94A.12	20 (2))								
			<b>1</b>			NOW TO DAY "	ON WINE MEN A	MARITAL PART O	CODING EODI	1		
			Iπ	HIS OFFENSE	reference sh	eet is for u	SE WITH THE N	MUNITURE 2	CONTIAN LOW	I		

# POSSESSION OF STOLEN PROPERTY, SECOND DEGREE (RCW 9A.56.160) NONVIOLENT

# I. OFFENDER SCORING (RCW 9.94A.360 (9))

AD	LT HISTORY: (All adult of those served	fenses serv consecutiv	ved concurre vely are cou	ently count a unted separat	as <u>ONE</u> offens tely)	e;					
	Enter number of felony c	onvictions						, · · · <u> </u>	<u>x</u> l =		
JU	VENILE HISTORY: (All adjud	lications e	ntered on th	he same date	count as ONE	offense)					
	Enter number of felony a	ndjudicatio	ns						x 1/2 =	:	
<u>o</u> 1	HER CURRENT OFFENSES: (Oth	ner current	offenses w	hich do not	encompass the	e same crimin	al conduct	count in off	ender score)		
	Enter number of other fe	elony convi	ctions					· · · · · <u> </u>	x 1 =		
<u>T</u>	otal the last column to get (round down to the nearest	the TOTAL whole numb	OFFENDER SC per)	ORE			• • • • •	• *• • • • • • • • • • • • • • • • • •	· • • • •		
				77	CTANDADD CE	ntence range					
				II.	21 VIANVED 201	MIDICE KANDE		_	_		0
A	. OFFENDER SCORE:	0	1	2	3	3 - 8	$\frac{5}{4-12}$	6 12+ - 14	7 14 · 18	<u>8</u> 17 - 22	9 or more 22 - 29
	STANDARD RANGE: (Seriousness Level I)	0 - 60 days	0 - 90 days	2 - 5 months	2 - 6 months	months	months	months	months	months	months
В	. The range for attempt, s	olicitatio	n, and consp	piracy is 75	of the stan	dard sentenc	e range for	the complete	ed crime (RC)	9.94A.410)	)
C	. Financial obligations ma 9.94A.120 (9), 9.94A.270	y be added (1))	: fines, re	estitution,	court costs,	attorney's f	ees, assess	ments (SHB 1	247 Section 2	23, RCW 9.94	4A.140,
		I	II. SENTENC	ING OPTIONS	FOR SECOND DE	GREE POSSESS	ION OF STOL	EN PROPERTY		. t	
ı	. If "First-time offender"	eligible:	0-90 days	confinement	and up to two	years of co	mmunity sup	pervision wit	h conditions	(RCW 9.94A	.120 (5))
. 1	. If sentence is one year of jail can be converted	or less: d to one da	the statute y of partia	directs the l confinemen	court to cor t or eight ho	nsider and gi ours of commu	ve priority unity service	to alternat ce (up to 240	ives to tota hours) (RCW	l confineme 9.94A.380)	nt. One day
(	. If sentence is one year	or less:	community s	upervision m	ay be ordered	for up to o	one year (SI	HB 1247, Sect	ion 22)		
I	). Exceptional sentence (RC	CW 9.94A.12	20 (2))								
		T	IIS OFFENSE	REFERENCE SE	EET IS FOR U	SE WITH THE I	ONVIOLENT	SCORING FORM	[]		

### PROMOTING PROSTITUTION, FIRST DEGREE (RCW 9A.88.070) NONVIOLENT

# I. OFFENDER SCORING (RCN 9.94A.360 (9))

ADU	LT HISTORY:	(All adult of those serve	offenses served consecutiv	ved concurre vely are cou	ntly count a nted separat	as <u>ONE</u> offens tely)	<b>e</b> ;					
	Enter num	mber of felony	convictions							x l =		
<u> </u>	MENILE HISTO	ORY: (All adj	udications e	ntered on th	e same date	count as ONE	offense)					
	Enter nur	mber of felony	adjudication	ns						x 1/2 =		-
on	HER CURRENT	OFFENSES: (0	ther current	offenses wh	nich do not	encompass the	e same crimit	nal conduct	count in off	fender score)		
	Enter nu	mber of other	felony convi	ctions					· · · · <u> </u>	x 1 =	·	
<u>To</u>	tal the las (round down	t column to ge to the neares	et the TOTAL st whole numb	OFFENDER SC er)	<u>ORE</u>				• • • • • • • • • • • • • • • • • • •			
					II.	STANDARD SE	ntence range					
A.	OFFENDER S		0 21 - 27 ) months	1 26 - 34 months	2 31 - 41 months	3 36 - 48 months	4 41 - 54 months	5 46 - 61 months	67 - 89 months	7 77 - 102 months	8 87 - 116 months	9 or more 108 - 144 months
В.	•	e for attempt,		n, and consp	iracy is 75%	% of the stan	dard sentenc	e range for	the complet	ed crime (RCM	9.94A.410)	
C.	Statutory	maximum sent	ence is 120 m	nonths (10 y	ears) (RCW S	9A.20.021 (1)	(b))					
D.	Financial 9.94A.120	obligations (9), 9.94A.2	may be added 70 (1))	: fines, re	stitution, (	court costs,	attorney's f	ees, assess	ments (SHB 1	247 Section 2	23, RCW 9.94	A.140,
				III. SENT	TENCING OPTION	ONS FOR FIRST	DEGREE PROM	OTING PROST	TITUTION			
A	. If "Firs	t-time offende	r" eligible:	0-90 days o	confinement	and up to two	years of co	ommunity sup	ervision wit	th conditions	(RCW 9.94A.	120 (5))
В		nal sentence (										
			TH	is offense i	REFERENCE SH	EET IS FOR US	E WITH THE N	NONVIOLENT S	CORING FORM	]		

### PROMOTING PROSTITION, SECOND DEGREE (RCW 9A.88.080) NONVIOLENT

# 1. OFFENDER SCORING (RCW 9.94A.360 (9))

	T HISTORY: (All those	adult offens se served con	ses serve nsecutive	d concurrent ly are coun	tly count a ted separat	s ONE offense ely)	<b>);</b>					
	Enter number of	felony convi	ictions							x 1 =		
JUVE	NILE HISTORY: (	All adjudicat	tions ent	ered on the	same date	count as ONE	offense)					
	Enter number of	felony adjud	dications	S						<u> </u>		
OTHE	R CURRENT OFFENS	<del></del>				encompass the						
	Enter number of											
Tota	al the last column round down to the	nn to get the e nearest who	e TOTAL O	FFENDER SCO	<u>RE</u>							
					II.	STANDARD SE	ntence range					
A.	OFFENDER SCORE:	(	0	1	2	3	4	5 17 - 22	$\frac{6}{22 \cdot 29}$	$\frac{7}{33 \cdot 43}$	8 43 - 57	9 or more 51 - 68
	STANDARD RANGE: (Seriousness Lev	el III) mor	- 3 nths	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	months	months	months	months	months
D	The rence for a		citation	, and conspi	iracy is 759	% of the stan	dard sentenc	e range for	the complete	ed crime (no	1 0.0	
В.	the range for a	ttempt, soli	CILATION									
С.	Statutory maxim	num sentence	is 60 mo	nths (5 year		.20.021 (1)(c	))					
	Statutory maxim	num sentence :	is 60 mon	nths (5 year		.20.021 (1)(c	))	ees, assess	ments (SHB 1	247 Section	23, RCW 9.94	A.140,
C. D.	Statutory maxim Financial oblig 9.94A.120 (9),	num sentence : gations may b 9.94A.270 (1	is 60 mode added:	fines, res	stitution, NCING OPTIO	.20.021 (1)(c court costs,	attorney's f	OTING PROST	ITUTION			
C. D.	Statutory maxim	num sentence : gations may b 9.94A.270 (1	is 60 mode added:	fines, res	stitution, NCING OPTIO	.20.021 (1)(c court costs,	attorney's f	OTING PROST	ITUTION			
C. D.	Statutory maxim Financial oblig 9.94A.120 (9),	gations may b 9.94A.270 (1 offender" el	is 60 monore added:	fines, res  III. SENTE	stitution, NCING OPTIO	.20.021 (1)(c court costs, NS FOR SECONI and up to two	attorney's f  DEGREE PROM  years of co	OTING PROST	ITUTION ervision wit	h conditions	s (RCW 9.94A	.120 (5))
C. D. A. B.	Statutory maxim Financial oblig 9.94A.120 (9),	gations may be 9.94A.270 (1 offender" el one year or converted to	is 60 mode added:	fines, rest  III. SENTE  0.90 days contact the statute of partial	ncing OPTIO onfinement directs the	.20.021 (1)(court costs,  NS FOR SECONI  and up to two e court to court or eight he	attorney's f  DEGREE PROM  years of commissider and given so commission of commission commissions.	mmunity sup we priority anity service	ervision wit to alternate (up to 240	h conditions lives to tota hours) (RCM	s (RCW 9.94A	.120 (5))
C. D. A. B.	Statutory maxim Financial oblig 9.94A.120 (9), If "First-time If sentence is of jail can be	gations may be 9.94A.270 (1 offender el one year or converted to one year or	is 60 monor de added:  ligible:  less: to one day  less: co	fines, results. SENTER O-90 days community su	ncing OPTIO onfinement directs the	.20.021 (1)(court costs,  NS FOR SECONI  and up to two e court to court or eight he	attorney's f  DEGREE PROM  years of commissider and given so commission of commission commissions.	mmunity sup we priority anity service	ervision wit to alternate (up to 240	h conditions lives to tota hours) (RCM	s (RCW 9.94A	.120 (5))

## I. OFFENDER SCORING (RCW 9.94A.360 (2))

ADULT HISTORY: (All adult offenses served concurrently count as ONE those served consecutively are counted separately)
Enter number of Serious Violent felony convictions
Enter number of Violent felony convictions
Enter number of Nonviolent felony convictions
JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)
Enter number of Serious Violent felony adjudications
Enter number of Violent felony adjudications
Enter number of Nonviolent felony adjudications
OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)
Enter number of other Serious Violent felony convictions
Enter number of other Violent felony convictions
Enter number of other Nonviolent felony convictions
Total the last column to get the TOTAL OFFENDER SCORE
II. STANDARD SENTENCE RANGE
A. OFFENDER SCORE: 0 1 2 3 4 5 6 7 8 9 or more
STANDARD RANGE: 51 - 68 57 - 75 62 - 82 67 - 89 72 - 96 77 - 102 98 - 130 108 - 144 129 - 171 149 - 198 (Seriousness Level X) months
B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
C. Add 24 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))
III. SENTENCING OPTIONS FOR FIRST DEGREE RAPE
A. If sentence is less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b))
B. Exceptional sentence (RCW 9.94A.120 (2))
THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE SERIOUS VIOLENT SCORING FORM

### RAPE, SECOND DEGREE (RCW 9A.44.050) VIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY:			ed concurrentely are cour			se;					
Enter num	ber of Serious	Violent and	l Violent fe	lony convic	tions				x 2 =		
Enter num	ber of Nonviol	ent felony (	convictions						x 1 =		
JUVENILE HISTO	RY: (All adju	dications e	ntered on the	e same date	count as O	E offense)					
Enter num	ber of Serious	Violent and	d Violent fe	lony adjudi	cations				<u> </u>		
Enter nus	ber of Nonviol	ent felony a	adjudication	s		• • • • • •		•••	x 1/2 =		
OTHER CURRENT	OFFENSES: (Ot	her current	offenses wh	ich do not	encompass th	e same crimi	nal conduct	count in off	ender score)		
Enter num	aber of other S	erious Viol	ent and Viol	ent felony	convictions			· · ·	x 2 =		
Enter nur	aber of other N	onviolent f	elony convic	tions					<u> </u>		
				II.	STANDARD SI	entence rangi	ı				
A. OFFENDER SO	CORE:	0	1	2	3	4	5	6	7	8	9 or mor
STANDARD R	ANGE: ss Level VIII)	21 - 27 months	26 · 34 months	31 - 41 months	36 · 48 months	41 - 54 months	46 - 61 months	67 - 89 months	77 - 102 months	87 - 116 months	108 - 14 months
B. The range	for attempt, s	olicitation	, and conspi	racy is 75%	% of the sta	ndard sentend	ce range for	the complete	ed crime (RCW	9.94A.410)	
C. Statutory	maximum senten	ce is 120 m	onths (10 ye	ears) (RCW	9A.20.021 (1	)(b))					
	obligations ma (9), 9.94A.270		fines, res	stitution, (	court costs,	attorney's	fees, assessi	ments (SHB 1	247 Section 2	3, RCW 9.94	A.140,
			II	II. SENTENC	ING OPTIONS	FOR SECOND DI	egree rape				
A. If senten	ce is less than	six years:	sexual off	ender trea	tment progra	n (RCW 9.94A	.120 (7)(b))				
B. Exception	al sentence (RC	W 9.94A.120	(2))								
		1	HIS OFFENSE	DEFEDENCE (	COPPT TO DAD	HER WITH THE	NAME OF STREET	ORTING FORM			
		1_1	DTO ALLEVOF	REFERENCE	OUEE! 19 PUR	ADE ATIR ID	1 1 TOLIZATI DO	VILLITO A VALUE			

### RAPE, THIRD DEGREE (RCW 9A.44.060) NONVIOLENT

# I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)	
Enter number of felony convictions	
JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)	
Enter number of felony adjudications	
OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)	
Enter number of other felony convictions	
Total the last column to get the TOTAL OFFENDER SCORE	
II. STANDARD SENTENCE RANGE	
A. OFFENDER SCORE: 0 1 2 3 4 5 6 7 8 9 or a	_
STANDARD RANGE: 6 - 12 12+ - 14 13 - 17 15 - 20 22 - 29 33 - 43 41 - 54 51 - 68 62 - 82 72 - (Seriousness Level V) months	
B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)	
C. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))	
D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))	
III. SENTENCING OPTIONS FOR THIRD DEGREE RAPE	
A. If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7	/)(a))
B. If sentence is greater than one year and less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b))	
C. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)	day
D. If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)	
E. Exceptional sentence (RCW 9.94A.120 (2))	
THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM	

### RECKLESS BURNING, FIRST DEGREE (RCW 9A.48.040) NONVIOLENT

# I. OFFENDER SCORING (RCW 9.94A.360 (9))

AD		offenses se ved consecut			as <u>ONE</u> offens tely)	se;					
	Enter number of felon	y conviction	s		. <b></b>			· · · · <u> </u>	x 1 =		
<u>JU</u>	VENILE HISTORY: (All ad	judications	entered on t	he same date	e count as ON	offense)					
	Enter number of felon	y adjudicati	ons					· · · ·	x 1/2 =		
<u>or</u>	HER CURRENT OFFENSES: (	Other curren	t offenses w	hich do not	encompass the	e same crimi	nal conduct	count in of	fender score)		
	Enter number of other	felony conv	ictions						x 1 =	<u> </u>	
	tal the last column to g (round down to the neare			ORE		• • • • • •					
				II.	STANDARD SE	NTENCE RANGE					
A.	OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
A.	STANDARD RANGE:	0 - 60	0 - 90	2 2 - 5 months	3 2 - 6 months	4 3 - 8 months	5 4 - 12 months	6 12+ - 14 months	7 14 - 18 months	8 17 - 22 months	9 or more 22 - 29 months
		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
В.	STANDARD RANGE: (Seriousness Level I)	0 - 60 days solicitatio may be added	0 - 90 days on, and consp	2 - 5 months diracy is 75%	2 - 6 months 6 of the stand	3 - 8 months dard sentence	4 - 12 months e range for	12+ - 14 months the complete	14 - 18 months ed crime (RC)	17 - 22 months V 9.94A.410)	22 - 29 months
В.	STANDARD RANGE: (Seriousness Level I) The range for attempt, Financial obligations	0 - 60 days solicitatio may be added	0 - 90 days on, and consp	2 - 5 months diracy is 759 estitution, c	2 - 6 months 6 of the stand	3 - 8 months dard sentence attorney's fo	4 - 12 months e range for ees, assess	12+ - 14 months the completements (SHB 1	14 - 18 months ed crime (RC)	17 - 22 months V 9.94A.410)	22 - 29 months
В.	STANDARD RANGE: (Seriousness Level I) The range for attempt, Financial obligations	0 - 60 days solicitatio may be added 70 (1))	0 - 90 days on, and consp : fines, re	2 - 5 months diracy is 759 estitution, of	2 - 6 months  ( of the standard court costs, a	3 - 8 months dard sentence attorney's for	4 - 12 months e range for ees, assess	12+ - 14 months the completements (SHB 1	14 - 18 months ed crime (RC) 247 Section 2	17 - 22 months W 9.94A.410) 23, RCW 9.94	22 - 29 months
В.	STANDARD RANGE: (Seriousness Level I)  The range for attempt, Financial obligations 9.94A.120 (9), 9.94A.2	0 - 60 days solicitatio may be added 70 (1)) er" eligible:	0 - 90 days on, and consp : fines, re III. S 0-90 days c the statute	2 - 5 months  piracy is 759 estitution, of  ENTENCING OF  confinement a  directs the	2 - 6 months  6 of the stand court costs, a  PTIONS FOR FII  and up to two  court to con-	3 - 8 months  dard sentence attorney's for  RST DEGREE R  years of consider and gi	4 - 12 months e range for ees, assess ECKLESS BUR mmunity sup	12+ - 14 months the completements (SHB 1	14 - 18 months  ed crime (RC)  247 Section 2  th conditions  ives to total	17 - 22 months W 9.94A.410) 23, RCW 9.94 (RCW 9.94A.	22 - 29 months AA.140,
В.	STANDARD RANGE: (Seriousness Level I)  The range for attempt, Financial obligations 9.94A.120 (9), 9.94A.2  If "First-time offende  If sentence is one year of jail can be convert	0 - 60 days solicitatio may be added (70 (1)) er" eligible: ar or less: ed to one da	0 - 90 days  on, and conspond  : fines, re  III. S  0-90 days c  the statute y of partial	2 - 5 months  diracy is 759 estitution, of  ENTENCING OF  confinement a  directs the confinement	2 - 6 months  6 of the stand court costs, s  PTIONS FOR FI	3 - 8 months  dard sentence attorney's for  RST DEGREE R  years of consider and given of communications	4 - 12 months e range for ees, assess ECKLESS BUR mmunity sur	12+ - 14 months  the completements (SHB 1  ENING  Dervision with the complete to alternative (up to 240)	14 - 18 months  ed crime (RC)  247 Section 2  h conditions  ives to total hours) (RCW)	17 - 22 months W 9.94A.410) 23, RCW 9.94 (RCW 9.94A.	22 - 29 months AA.140,
B. C. A. B.	STANDARD RANGE: (Seriousness Level I)  The range for attempt, Financial obligations 9.94A.120 (9), 9.94A.2  If "First-time offende  If sentence is one year of jail can be convert  If sentence is one year	0 - 60 days  solicitatio may be added (70 (1))  er" eligible: er or less: ed to one da er or less:	0 - 90 days  n, and consp  : fines, re  III. S  0-90 days c  the statute y of partial  community su	2 - 5 months  diracy is 759 estitution, of  ENTENCING OF  confinement a  directs the confinement	2 - 6 months  6 of the stand court costs, s  PTIONS FOR FI	3 - 8 months  dard sentence attorney's for  RST DEGREE R  years of consider and given of communications	4 - 12 months e range for ees, assess ECKLESS BUR mmunity sur	12+ - 14 months  the completements (SHB 1  ENING  Dervision with the complete to alternative (up to 240)	14 - 18 months  ed crime (RC)  247 Section 2  h conditions  ives to total hours) (RCW)	17 - 22 months W 9.94A.410) 23, RCW 9.94 (RCW 9.94A.	22 - 29 months AA.140,
B. C. A. B.	STANDARD RANGE: (Seriousness Level I)  The range for attempt, Financial obligations 9.94A.120 (9), 9.94A.2  If "First-time offende If sentence is one year of jail can be convert If sentence is one year	0 - 60 days solicitatio may be added 70 (1)) er" eligible: er or less: ed to one da er or less: RCW 9.94A.12	0 - 90 days  n, and consp  : fines, re  III. S  0-90 days c  the statute y of partial  community su  (0 (2))	2 - 5 months  price of the second of the sec	2 - 6 months  6 of the stand court costs, s  PTIONS FOR FI	3 - 8 months  dard sentence attorney's for service and given and given and given and given and given and given are of community.	4 - 12 months e range for ees, assess ECKLESS BUR mmunity sup ve priority nity service ne year (SE	12+ - 14 months  the completements (SHB 1.24)  ENING  Dervision with the control of the completements (SHB 1.24)  The completements (SHB 1.24)	14 - 18 months  ed crime (RC)  247 Section 2  h conditions  ives to total hours) (RCW)	17 - 22 months W 9.94A.410) 23, RCW 9.94 (RCW 9.94A.	22 - 29 months AA.140,

### RENDERING CRIMINAL ASSISTANCE, FIRST DEGREE (RCW 9A.76.070) NONVIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (9))

AD	ALT HISTORY: (All acthose	dult offenses s served consecu	erved concurre tively are co	ently count unted separa	as <u>ONE</u> offens tely)	se;				e e	
	Enter number of f	elony convictio	ns						x 1 =		
<u>יטר</u>	PRILE HISTORY: (Al	l adjudications	entered on t	he same date	count as ON	E offense)					
	Enter number of f	elony adjudicat	ions		· · · · · ·				x 1/2 =	·	
<u>ott</u>	HER CURRENT CYFENSES	: (Other curre	ent offenses w	hich do not	encompass th	e same crimi	nal conduct	count in of	fender score)		
,	Enter number of o	ther felony cor	nvictions				,	• • • —	<u> </u>		
To	tal the last column (round down to the n	to get the TOTA	AL OFFENDER SC umber)	ORE							
				II.	STANDARD SE	NTENCE RANGE					
					_		e e	6	. 7	. 8	9 or more
A.	OFFENDER SCORE:	0	1	2	3	4	5				
A.	STANDARD RANGE:	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	41 - 54	51 - 68 months	62 - 82 months	72 - 96 months
A.	STANDARD RANGE: (Seriousness Level	6 - 12 V) 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
А.	STANDARD RANGE: (Seriousness Level	6 - 12 V) 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
	STANDARD RANGE: (Seriousness Level	6 · 12 V) months empt, solicitat	12+ - 14 months ion, and consp	13 · 17 months Diracy is 75	15 - 20 months % of the stan	22 - 29 months adard sentence	33 - 43 months	41 - 54 months	51 - 68 months	62 - 82 months	72 - 96 months
В.	STANDARD RANGE: (Seriousness Level The range for atte	6 · 12 V) months empt, solicitat sentence is 60 tons may be add	12+ 14 months ion, and consp months (5 year	13 · 17 months Diracy is 75 Mars) (RCW 9A	15 - 20 months % of the stan .20.021 (1)(c	22 - 29 months dard sentence	33 - 43 months e range for	41 - 54 months the complet	51 - 68 months ed crime (RC	62 - 82 months W 9.94A.410	72 - 96 months
В.	STANDARD RANGE: (Seriousness Level The range for atte Statutory maximum Financial obligati	6 · 12 V) months empt, solicitat sentence is 60 tons may be add	12+ 14 months ion, and consp months (5 year	13 · 17 months Diracy is 75 ars) (RCW 9A estitution,	15 - 20 months  % of the stan .20.021 (1)(c)	22 - 29 months dard sentences)) attorney's f	33 - 43 months e range for ees, assessi	41 - 54 months the complet ments (SHB 1	51 - 68 months ed crime (RC	62 - 82 months W 9.94A.410	72 - 96 months
B. C. D.	STANDARD RANGE: (Seriousness Level The range for atte Statutory maximum Financial obligati	6 · 12 V) months empt, solicitat sentence is 60 dons may be add 04A.270 (1))	12+ 14 months  ion, and consp months (5 yea ed: fines, re	13 · 17 months  Diracy is 75  DIRS) (RCW 9A  DESTRUCTIONS	15 - 20 months  % of the stan .20.021 (1)(c) court costs,	22 - 29 months  dard sentence  ()) attorney's f	33 - 43 months e range for ees, assessi	41 54 months the complet ments (SHB 1	51 - 68 months ed crime (RC) 247 Section	62 - 82 months W 9.94A.410 23, RCW 9.9	72 - 96 months
B. C. D.	STANDARD RANGE: (Seriousness Level The range for attention of the statutory maximum Financial obligati 9.94A.120 (9), 9.5	6 · 12 V) months  mpt, solicitat  sentence is 60  ions may be add  4A.270 (1))  Cender eligible	12+ 14 months  ion, and consp months (5 yea ed: fines, re  III. SENTENCI e: 0-90 days (	13 · 17 months  piracy is 75  ars) (RCW 9A estitution,  and OPTIONS  confinement directs the	15 - 20 months  % of the stan .20.021 (1)(c) court costs,  FOR FIRST DEC	22 - 29 months  Idard sentence  (3)) attorney's f  GREE RENDERING  O years of consider and gi	33 - 43 months e range for ees, assessi	41 - 54 months the complet ments (SHB 1 ASSISTANCE ervision wit to alternat	51 - 68 months  ed crime (RC)  247 Section  th conditions	62 - 82 months W 9.94A.410 23, RCW 9.94 (RCW 9.94A	72 - 96 months  14.140,
B. C. D.	STANDARD RANGE: (Seriousness Level The range for attention of the seriousness Level  The range for attention of the seriousness Level  Statutory maximum  Financial obligation of the seriousness of the se	6 · 12 V) months  mpt, solicitat  sentence is 60  ions may be add  24A.270 (1))  Fender* eligible  e year or less: everted to one	12+ 14 months  ion, and consp months (5 yea ed: fines, re  III. SENTENCE  e: 0-90 days ( the statute day of partial	13 · 17 months  piracy is 75  press (RCW 9A)  estitution,  ING OPTIONS  confinement  directs the	15 - 20 months % of the stan .20.021 (1)(c) court costs,  FOR FIRST DEC and up to two court to cort t or eight ho	22 - 29 months  Idard sentence  (i))  attorney's f  REE RENDERIN  (i) years of committee of comm	33 - 43 months e range for ees, assessi G CRIMINAL a	41 - 54 months the complet ments (SHB 1 ASSISTANCE ervision wit to alternate (up to 240	51 - 68 months ed crime (RC) 247 Section th conditions tives to tota hours) (RC)	62 - 82 months W 9.94A.410 23, RCW 9.94 (RCW 9.94A	72 - 96 months  14.140,
B. C. D.	STANDARD RANGE: (Seriousness Level The range for attention of the sentence is one of jail can be continued.)	6 · 12 V) months  mpt, solicitat  sentence is 60  dons may be add  AA.270 (1))  Fender* eligible  e year or less: everted to one  e year or less:	12+ 14 months  ion, and consp months (5 yea ed: fines, re  III. SENTENCE e: 0-90 days of the statute day of partial community su	13 · 17 months  piracy is 75  press (RCW 9A)  estitution,  ING OPTIONS  confinement  directs the	15 - 20 months % of the stan .20.021 (1)(c) court costs,  FOR FIRST DEC and up to two court to cort t or eight ho	22 - 29 months  Idard sentence  (i))  attorney's f  REE RENDERIN  (i) years of committee of comm	33 - 43 months e range for ees, assessi G CRIMINAL a	41 - 54 months the complet ments (SHB 1 ASSISTANCE ervision wit to alternate (up to 240	51 - 68 months ed crime (RC) 247 Section th conditions tives to tota hours) (RC)	62 - 82 months W 9.94A.410 23, RCW 9.94 (RCW 9.94A	72 - 96 months  14.140,

### ROBBERY, FIRST DEGREE (RCW 9A.56.200) VIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (5))

					1							
ADU	LT HISTORY: (All	adult se serv	offenses served consecutive	ed concurre ely are cou	ently count a unted separa	as ONE offen tely)	se;					
	Enter number of	Seriou	s Violent and	l Violent fe	elony convic	tions				x 2 =	:	
	Enter number of	Nonvio	lent felony (	convictions					• • • • • • • • • • • • • • • • • • • •	x l =		
JUV	ENILE HISTORY:	All adj	udications e	ntered on th	he same date	count as ON	E offense)					
	Enter number of	Seriou	s Violent and	d Violent f	elony <mark>adjud</mark> i	cations			· · · · <u> </u>	x 2 =		
	Enter number of	f Nonvio	olent felony a	adjudication	ns				· · · · <u> </u>	x 1/2 =		
OTE	ER CURRENT OFFEN	SES: (C	Other current	offenses w	hich do not	encompass th	e same crimi	nal conduct	count in off	ender score)	)	
	Enter number of	f other	Serious Viol	ent and Vio	lent felony	convictions			· · · · · <u> </u>	x 2 =		
	Enter number of	f other	Nonviolent f	elony convi	ctions				· · · · <u> </u>	x l :	:	
Tot	tal the last colu (round down to the	mn to ge e neares	et the TOTAL st whole numb	OFFENDER SO er)	ORE							
					II.	STANDARD SI	ENTENCE RANGE	È				
A.	OFFENDER SCORE:		0	1	2	3	4	5	6	7	8	9 or mor
	STANDARD RANGE: (Seriousness Lev	el IX)	31 - 41 months	36 - 48 months	41 · 54 months	46 - 61 months	51 - 68 months	57 - 75 months	77 - 102 months	87 - 116 months	108 - 144 months	months
В.	The range for a	ttempt,	solicitation	, and consp	oiracy is 759	of the star	ndard sentend	ce range for	the complete	ed crime (RC	W 9.94A.410)	
c.		o the e	ntire standar	d sentence								
D.	Financial oblig 9.94A.120 (9),	ations (	may be added: 70 (1))	fines, re	estitution, (	court costs,	attorney's i	fees, assess	ments (SHB 12	247 Section	23, RCW 9.94	A.140,
				11	II. SENTENCI	NG OPTIONS F	OR FIRST DEG	REE ROBBERY		,		
A.	Exceptional sen	itence (	RCW 9.94A.120	) (2))								
			1			OTHER TA DAS	HOP WINE OF	C VIALENT CO	NOTING ENDIN			
			1	HIS OFFENSI	E REPERENCE	oneel 15 fur	USE WITH TH	C ATOPENT 20	OWTIM LOW			

### ROBBERY, SECOND DEGREE (RCW 9A.56.210) VIOLENT

# I. OFFENDER SCORING (RCW 9.94A.360 (5))

<u>ADUL'</u>	HISTORY:	(All adult of those serve	offenses serve ed consecutive	ed concurre ely are cou	ntly count a	as <u>ONE</u> offens tely)	se;					
	Enter numb	er of Serious	s Violent and	Violent fe	lony convic	tions			· · ·	x 2 =		
	Enter numl	per of Nonvio	lent felony c	onvictions					· · · · <u> </u>	x l =		
JUVE	NILE HISTO	RY: (All adj	udications en	tered on th	ne same date	count as ON	E offense)					
	Enter num	ber of Seriou	s Violent and	Violent fe	elony <b>adj</b> udi	cations .			• • • —	x 2 =	: 	
	Enter num	ber of Nonvio	lent felony a	djudication	ns		• • • • •			x 1/2 =		
ОТНЕ	R CURRENT	OFFENSES: (0	ther current	offenses wi	hich do not	encompass th	e same crimi	nal conduct	count in off	ender score)		
	Enter num	ber of other	Serious Viole	ent and Vio	lent felony	convictions				x 2 =	: 	
	Enter num	ber of other	Nonviolent fe	lony convi	ctions	· · · · · · ·			• • • —	x 1 =		
(,	ound down		t whole numbe		II.	STANDARD SI	entence range					
	OFFENDER SC	ነበደና •	0	1	2	3	4	5	6	7	8	9 or more
	STANDARD RA (Seriousnes	NGE: ss Level IV)	3 - 9 months	6 · 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 · 43 months	43 - 57 months	53 - 70 months	63 - 84 months
В.	The range	for attempt,	solicitation	, and consp	iracy is 75	% of the star	ndard sentenc	e range for	the complet	ed crime (RC	W 9.94A.410)	)
C.	Financial 9.94A.120	obligations (9), 9.94A.2	may be added: 70 (1))	fines, re	estitution,	court costs,	attorney's f	ees, assessi	ments (SHB 1	247 Section	23, RCW 9.94	IA.140,
				11	II. SENTENCI	NG OPTIONS P	OR SECOND DEC	GREE ROBBERY				
A.	If senten	ce is one yea	r or less: p	art or all	of the sent	ence may be	converted to	partial con	finement (RC	W 9.94A.380)		
В.	If senten	ce is one yea	r or less: c	ommunity su	pervision m	ay be ordere	d for up to (	one year (SH	B 1247, Sect	ion 22)	•	
c.	Exception	al sentence (	RCW 9.94A.120	(2))								
			1		NACOTA TALA	ompor to pon	HOP WITH THE	C VIA ENT CO	OPTING DODA			
			T	HIS OFFENSI	E KEFEKENCE	outer 12 lok	USE WITH TH	E ATOPEMI 20	OVTIM LOVII			

# SELLING FOR PROFIT SCHEDULE I CONTROLLED OR COUNTERFEIT SUBSTANCE (EXCEPT HEROIN) (RCW 69.50.410 (2)) NONVIOLENT DRUG

# I. OFFENDER SCORING (RCW 9.94A.360 (8))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)	•
Enter number of felony Drug convictions (not simple possession of a controlled substance) x 2 =	
Enter number of other felony convictions	
JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)	
Enter number of felony Drug adjudications (not simple possession of a controlled substance) x 1 =	
Enter number of other felony adjudications	
OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)	
Enter number of other felony Drug convictions (not simple possession of a controlled substance) x 2 =	
Enter number of other felony convictions	
Total the last column to get the TOTAL OFFENDER SCORE	
II. STANDARD SENTENCE RANGE	
5 6 7 8 5	or more
A. OFFENDER SCORE: 0 1 2 3 4 5 0 57 - 75 67 - 89  STANDARD RANGE: 12+ 14 15 - 20 21 - 27 26 - 34 31 - 41 36 - 48 46 - 61 57 - 75 67 - 89  (Seriousness Level VI) months months months months months months months months	77 - 102 months
B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)	
C. Statutory maximum sentence for first conviction for this crime is 60 months (5 years) (RCW 69.50.410 (2))	
D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A. 9.94A.120 (9), 9.94A.270 (1))	140,
III. SENTENCING OPTIONS FOR SELLING FOR PROFIT SCHEDULE I CONTROLLED OR COUNTERFEIT SUBSTANCE (EXCEPT HEROIN)	
A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.1	20 (5))
B. Exceptional sentence (RCW 9.94A.120 (2))	
THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT DRUG SCORING FORM	

### SELLING HEROIN FOR PROFIT (RCW 69.50.410 (3)) NONVIOLENT DRUG

### I. OFFENDER SCORING (RCW 9.94A.360 (8))

<u>AD</u>	ULT HISTORY:		t offenses ser				se;					
	Enter numb	er of felo	ny Drug convi	ctions (not	simple poss	ession of a c	ontrolled su	bstance) .	<u> </u>	x 2 =		
	Enter numb	er of othe	r felony conv	ictions .						x l =		
JU	VENILE HISTOR	Y: (All ac	ljudications (	entered on	the same dat	e count as <u>ON</u>	E offense)					
	Enter numb	er of felo	ny Drug adjud	ications (n	ot simple po	ssession of a	controlled	substance)	· · · · <u> </u>	x 1 =	<u>.</u>	
	Enter numb	er of othe	r felony adju	dications					· · · · <u> </u>	x 1/2 =	-	
<u>or</u>	HER CURRENT O	FPENSES:	(Other curren	t offenses	which do not	encompass th	e same crimi	nal conduct	count in off	'ender score)		
	Enter numb	er of other	r felony Drug	conviction	s (not simpl	e possession	of a control	led substan	ce)	x 2 =		
	Enter numb	er of othe	r felony conv	ictions .						<u> </u>		
<del>-</del>	tal the last (round down to	o the near	est whole num	ber)	<u> </u>							
					II.	STANDARD SE	ntence range					
A.	OFFENDER SCOR	GE:	0 21 - 27 I) months	1 26 - 34 months	2 31 - 41 months	3 36 - 48 months	4 41 - 54 months	5 46 - 61 months	6 67 - 89 months	7 77 - 102 months	87 - 116 months	9 or more 108 - 14 months
В.	The range f	or attempt	, solicitatio	n, and cons	piracy is 75	% of the stan	dard sentenc	e range for	the complete	ed crime (RCW	9.94A.410)	
c.	Statutory m	aximum sen	tence is 120	nonths (10	years) (RCW	9.92.010)						
D.	Financial of 9.94A.120 (			: fines, r	estitution,	court costs,	attorney's f	ees, assess	ments (SHB 12	247 Section 2	3, RCW 9.94	A.140,
				III	. SENTENCING	OPTIONS FOR	SELLING HERO	IN FOR PROF	IT .			
A.	If "First-t	ime offende	er" eligible:	0-90 days	confinement	and up to tw	o years of c	ommunity su	pervision wit	h conditions	(RCW 9.94A	.120 (5))
В.	Exceptional	sentence	(RCW 9.94A.120	(2))								
			THIS	OFFENSE RE	FERENCE SHEE	T IS FOR USE	WITH THE NON	VIOLENT DRU	G SCORING POR	<b>W</b>		

# SENDING, BRINGING INTO THE STATE, POSSESSING, PUBLISHING, PRINTING, ETC., OBSCENE MATTER INVOLVING MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT (RCW 9.68A.030) NONVIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)	
Enter number of felony convictions	
JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)	
Enter number of felony adjudications	
OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)	
Enter number of other felony convictions	
Total the last column to get the TOTAL OFFENDER SCORE	
(Tould down to the hearest maste master)	
II. STANDARD SENTENCE RANGE	
A. OFFENDER SCORE: 0 1 2 3 4 5 6 7 8 9 or  STANDARD RANGE: 15 · 20 21 · 27 26 · 34 31 · 41 36 · 48 41 · 54 57 · 75 67 · 89 77 · 102 87	
(Seriousness Level VII) months	1143
C. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))	
D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))	
III. SENTENCING OPTIONS FOR SENDING, BRINGING INTO THE STATE, POSSESSING, PUBLISHING, PRINTING, ETC., OBSCENE MATTER INVOLVING MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT	
A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5	))
B. Exceptional sentence (RCW 9.94A.120 (2))	
THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM	

### STATUTORY RAPE, FIRST DEGREE (RCW 9A.44.070) VIOLENT

## I. OFFENDER SCORING (RCW 9.94A.360 (5))

Enter number of Nonviolent felony convictions
Enter number of Serious Violent and Violent felony adjudications
Enter number of Serious Violent and Violent felony adjudications
Enter number of Nonviolent felony adjudications
Enter number of other Serious Violent and Violent felony convictions
Enter number of other Serious Violent and Violent felony convictions
Enter number of other Nonviolent felony convictions
Total the last column to get the TOTAL OFFENDER SCORE (round down to the nearest whole number)  II. STANDARD SENTENCE RANGE  A. OFFENDER SCORE: 0 1 2 3 4 5 6 7 8 9 or more STANDARD RANGE: 31 41 36 48 41 54 46 61 51 68 57 75 77 102 87 116 108 144 129 171
(round down to the nearest whole number)  II. STANDARD SENTENCE RANGE  A. OFFENDER SCORE:  0 1 2 3 4 5 6 7 8 9 or more  STANDARD RANGE: 31 41 36 48 41 54 46 61 51 68 57 75 77 102 87 116 108 144 129 171
STANDARD RANGE: 31 · 41 36 · 48 41 · 54 46 · 61 51 · 68 57 · 75 77 · 102 87 · 116 108 · 144 129 · 171
SIAMUARD RANGE: 51 11 50 10 11 51 10 01 01 01 01 01 01 01 01 01 01 01 01
\
B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))
III. SENTENCING OPTIONS FOR FIRST DEGREE STATUTORY RAPE
A. If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))
(PCW 0 044 190 /7\/h\)
B. If sentence is less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b))
B. If sentence is less than six years: sexual offender treatment program (NCW 9.54A.120 (7)(0))  C. Exceptional sentence (RCW 9.94A.120 (2))

### STATUTORY RAPE, SECOND DEGREE (RCW 9A.44.080) NONVIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADUL!	T HISTORY:	(All adult those serv	offenses ser ed consecuti	ved concurr	ently count unted separa	as <u>ONE</u> offens tel <del>y)</del>	se;	v.				
	Enter num	ber of felony	convictions	3						x 1 =		
JUVE	NILE HISTO	RY: (All adj	udications	entered on t	he same date	count as ON	e offense)					
	Enter num	ber of felony	adjudicati	ons					•••	x 1/2 =		
OTHE	R CURRENT	OFFENSES: (C	ther curren	t offenses w	hich do not	encompass the	e same crimin	al conduct	count in off	ender score)		
	Enter nu	aber of other	felony conv	ictions						x 1 =		
Tota	al the last	t column to go to the neares	et the TOTAL	OFFENDER SO	<u>XORE</u>							
(*	Ouna down			,								
					II.	STANDARD SE	INTENCE RANGE					
	ATTOMETED O	CORF.	٥	1	2	3	4	5	6	7	8	9 or more
	OFFENDER S STANDARD R		0 15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	57 - 75	67 - 89	77 - 102	87 - 116
		ss Level VII)	months	months	months	months	months	months	months	months	months	months
В.	The range	for attempt,	solicitatio	on, and cons	piracy is 75	% of the star	ndard sentenc	e range for	the complete	ed crime (RCV	9.94A.410)	
c.	Financial 9.94A.120	obligations (9), 9.94A.2	may be added 70 (1))	i: fines, r	estitution,	court costs,	attorney's f	ees, assessi	ments (SHB 12	247 Section 2	3, RCW 9.94	A.140,
	٠			III.	SENTENCING (	OPTIONS FOR SI	ECOND DEGREE	STATUTORY R	APE			
A.	If no pri	or sex offens	se conviction	n and senten	ce is less t	han six year	s: special s	exual offen	der sentenci	ng alternati	re (RCW 9.94	A.120 (7)(a))
В.	If senter	ce is less th	an six year	: sexual of	fender treat	ment program	(RCW 9.94A.1	20 (7)(b))				
C.	Exception	al sentence (	RCW 9.94A.1	20 (2))								
			<u> </u>	HIS OFFENSE	REFERENCE SI	EET IS FOR U	SE WITH THE N	IONVIOLENT S	CORING FORM	ļ		

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### STATUTORY RAPE, THIRD DEGREE (RCW 9A.44.090) NONVIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADI	(All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)
	Enter number of felony convictions
יונ	VENILE HISTORY: (All adjudications entered on the same date count as ONE offense)
	Enter number of felony adjudications
OT	HER CURRENT CIFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)
	Enter number of other felony convictions
To	tal the last column to get the TOTAL OFFENDER SCORE
	II. STANDARD SENTENCE RANGE
A.	OFFENDER SCORE: 0 1 2 3 4 5 6 7 8 9 or more
	STANDARD RANGE: 1 · 3 3 · 8 4 · 12 9 · 12 12+ · 16 17 · 22 22 · 29 33 · 43 43 · 57 51 · 68 (Seriousness Level III) months months months months months months months months months
В.	The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
C.	Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
n	
ν.	Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))
ν.	
	9.94A.120 (9), 9.94A.270 (1))
A.	9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR THIRD DEGREE STATUTORY RAPE
A. B.	9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR THIRD DEGREE STATUTORY RAPE  If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))
A. B.	9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR THIRD DEGREE STATUTORY RAPE  If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))  If sentence is greater than one year and less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b))  If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day
A.B.	9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR THIRD DEGREE STATUTORY RAPE  If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))  If sentence is greater than one year and less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b))  If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)

# TAKING MOTOR VEHICLE WITHOUT PERMISSION (RCW 9A.56.070) NONVIOLENT

I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)
Enter number of felony convictions
JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)
Enter number of felony adjudications
OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)
Enter number of other felony convictions
Total the last column to get the TOTAL OFFENDER SCORE
II. STANDARD SENTENCE RANGE
A. OFFENDER SCORE: 0 1 2 3 4 5 6 7 8 9 or mor STANDARD RANGE: 0 - 60 0 - 90 2 - 5 2 - 6 3 - 8 4 - 12 12+ - 14 14 - 18 17 - 22 22 - 29
(Seriousness Level I) days days months months months months months months months
<ul> <li>B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)</li> <li>C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))</li> </ul>
C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140,
C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))
C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1)) III. SENTENCING OPTIONS FOR TAKING MOTOR VEHICLE WITHOUT PERMISSION
C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR TAKING MOTOR VEHICLE WITHOUT PERMISSION  A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))  B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One details the statute directs the court to consider and give priority to alternatives to total confinement.
C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR TAKING MOTOR VEHICLE WITHOUT PERMISSION  A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))  B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One do jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)

### TAMPERING WITH A WITNESS (RCW 9A.72.120) NONVIOLENT

## I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADU	LT HISTORY:	(All adult those serv	offenses ser ved consecuti	ved concurr	ently count a unted separat	as <u>ONE</u> offen: tely)	se;					
	Enter numi	per of felony	convictions	3	, , , , , ,					x 1 =		
JUV	enile histor	RY: (All ad	judications (	entered on t	he same date	count as ON	E offense)					
	Enter num	per of felony	y adjudicatio	ons					· · · ·	x 1/2 =		
<u>011</u>	ER CURRENT (	OFFENSES: (C	Other curren	t offenses w	hich do not	encompass th	e same crimin	nal conduct	count in off	ender score)		
	Enter num	per of other	felony conv	ictions			••••			x 1 =	***	
Tot	tal the last	column to go to the neare	et the TOTAL st whole num	OFFENDER SO	ORE							
					II.	STANDARD SE	INTENCE RANGE					
A.	OFFENDER SC	ORE:	0	1	2	3	4	5	6	7	8	9 or more
	STANDARD RA (Seriousnes	NGE: s Level III)	1 · 3 months	3 - 8 months	4 - 12 months	9 - 12 months	12+ - 16 months	nonths	22 - 29 months	33 - 43 months	43 · 57 months	51 - 68 months
В.	The range	for attempt,	solicitatio	n, and consp	piracy is 75%	of the stan	ndard sentenc	e range for	the complete	ed crime (RCV	9.94A.410)	
C.	Statutory	maximum sent	ence is 60 m	onths (5 yea	ars) (RCW 9A.	20.021 (1)(0	:))					
D.		obligations (9), 9.94A.2		: fines, re	estitution, c	court costs,	attorney's f	ees, assessm	ments (SHB 12	247 Section 2	3, RCW 9.94	A.140,
				III	. SENTENCING	OPTIONS FOR	TAMPERING WI	TH A WITNESS	;			
A.	If "First-	time offende	r" eligible:	0-90 days	confinement a	and up to two	years of co	mmunity supe	ervision with	h conditions	(RCW 9.94A.	120 (5))
В.	If sentend of jail ca	e is one yea n be convert	r or less: ed to one da	the statute y of partia	directs the l confinement	court to cor or eight ho	nsider and gi ours of commu	ve priority unity service	to alternat (up to 240	ives to tota hours) (RCW	confinemer 9.94A.380)	nt. One day
c.	If sentend	e is one yea	r or less:	community s	upervision ma	y be ordered	i for up to o	one year (SHI	3 1247, Sect	ion 22)		
D.	Exceptiona	l sentence (	RCW 9.94A.12	20 (2))								
			<u> </u>	IIS OFFENSE	REFERENCE SHE	ET IS FOR US	SE WITH THE M	ONVIOLENT S	CORING FORM	1		

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### THEFT, FIRST DEGREE (RCW 9A.56.030) NONVIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (9))

<u>AD</u>	·	offenses ser ved consecuti		•		ise;					
	Enter number of felony	convictions					• • • • •	· · · · · <u> </u>	x l :	-	
Л	VENILE HISTORY: (All adj	judications e	entered on t	the same date	count as Of	<u>NE</u> offense)					
	Enter number of felony	adjudicatio	ons		. • • • • • · · · · · · · · · · · · · ·			· · · · <u> </u>	x 1/2 =		
01	THER CURRENT OFFENSES: (0	other current	offenses w	which do not	encompass tl	ne same crimi	nal conduct	count in of	fender score		
	Enter number of other	felony convi	ctions	· • • • • • •				· · · ·	x 1 =		
To	otal the last column to ge (round down to the neares			CORE					• • • • •		
				II.	STANDARD SI	ENTENCE RANGE					
A.	OFFENDER SCORE:	0	1 .	2	3	4	5	6	7	8	9 or more
	STANDARD RANGE: (Seriousness 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
В											
В.	The range for attempt,	solicitation	, and consp	oiracy is 75%	of the star	ndard sentenc	e range for	the complete	ed crime (RC)	₩ 9.94A.410)	
в.		may be added:									
	. Financial obligations m	may be added:									
	. Financial obligations m	may be added:	fines, re	estitution, c	court costs,		ees, assess				
c.	. Financial obligations m	may be added: 70 (1))	fines, re	estitution, c	ourt costs,	attorney's f	ees, assessi REE THEFT	ments (SHB 1	247 Section 2	23, RCW 9.94	A.140,
C.	Financial obligations m 9.94A.120 (9), 9.94A.27	may be added: 70 (1))  " eligible: or less: t	fines, re I 0-90 days c he statute	estitution, constitution, confinement and directs the	NG OPTIONS I	attorney's f FOR FIRST DEG O years of co	ees, assess REE THEFT momunity sup	ments (SHB 1 ervision with to alternat	247 Section 2 h conditions ives to total	23, RCW 9.94  (RCW 9.94A.	A.140, 120 (5))
A. B.	Financial obligations m 9.94A.120 (9), 9.94A.27 If "First-time offender If sentence is one year	nay be added: 70 (1))  " eligible: or less: t d to one day	fines, re I 0-90 days c the statute of partial	estitution, confinement and directs the confinement	NG OPTIONS I	attorney's f FOR FIRST DEG O years of consider and gi	ees, assess REE THEFT mmunity sup- ve priority nity service	ments (SHB 1 ervision with to alternat e (up to 240	247 Section 2 h conditions ives to total hours) (RCW	23, RCW 9.94  (RCW 9.94A.	A.140, 120 (5))
A. B.	Financial obligations m 9.94A.120 (9), 9.94A.27 If "First-time offender If sentence is one year of jail can be converte	ay be added: 70 (1))  " eligible: or less: ted to one day or less: c	fines, re  I 0-90 days c he statute of partial	estitution, confinement and directs the confinement	NG OPTIONS I	attorney's f FOR FIRST DEG O years of consider and gi	ees, assess REE THEFT mmunity sup- ve priority nity service	ments (SHB 1 ervision with to alternat e (up to 240	247 Section 2 h conditions ives to total hours) (RCW	23, RCW 9.94  (RCW 9.94A.	A.140, 120 (5))
A. B.	Financial obligations m 9.94A.120 (9), 9.94A.27  If "First-time offender  If sentence is one year of jail can be converte  If sentence is one year	ay be added: 70 (1))  " eligible: or less: ted to one day or less: c	fines, re  I 0-90 days c the statute of partial community su (2)	estitution, confinement a directs the confinement appervision ma	NG OPTIONS I	attorney's f FOR FIRST DEG O years of consider and gi	ees, assess REE THEFT mmunity sup- ve priority nity service ne year (SHI	ments (SHB 1 ervision with to alternat e (up to 240 B 1247, Sect	247 Section 2 h conditions ives to total hours) (RCW	23, RCW 9.94  (RCW 9.94A.	A.140, 120 (5))

### THEFT, SECOND DEGREE (RCW 9A.56.040) NONVIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADI		offenses ser ved consecuti			as <u>ONE</u> offens tely)	e;					
	Enter number of felon	y convictions	3					· · · · · <u> </u>	x 1 =		
זע	ENILE HISTORY: (All ad	judications (	entered on t	he same date	count as ON	offense)					
	Enter number of felon	y adjudicatio	ons						x 1/2 =		
on	HER CURRENT OFFENSES:	Other curren	t offenses w	hich do not	encompass the	e same crimin	nal conduct	count in off	ender score)		
	Enter number of other	felony conv	ictions						x 1 =		
	tal the last column to g (round down to the neare			ORE							
				II.	STANDARD SE	ntence range					
A.	OFFENDER SCORE:	0	1	2	3	3 - 8	5 4 - 12	6 12+ - 14	7	8 17 - 22	9 or more 22 - 29
	STANDARD RANGE: (Seriousness Level I)	0 - 60 days	0 - 90 days	2 - 5 months	2 · 6 months	months	months	months	months	months	months
В.	The range for attempt,	solicitatio	n, and consp	iracy is 75%	of the stan	dard sentenc	e range for	the complete	ed crime (RC)	9.94A.410)	
c.	Financial obligations 9.94A.120 (9), 9.94A.2	may be added 270 (1))	: fines, re	stitution, c	ourt costs,	attorney's f	ees, assess	ments (SHB 1	247 Section 2	23, RCW 9.94	A.140,
			I	II. SENTENCI	NG OPTIONS F	OR SECOND DE	GREE THEFT	,			
A.	If "First-time offende	er" eligible:	0-90 days o	confinement a	and up to two	years of co	mmunity sup	pervision wit	n conditions	(RCW 9.94A.	120 (5))
В.	If sentence is one yes of jail can be convert	ar or less: ted to one da	the statute y of partial	directs the confinement	court to con or eight ho	sider and gi urs of commu	ve priority nity servic	to alternat ce (up to 240	ives to tota hours) (RCW	l confinemen 9.94A.380)	t. One day
c.	If sentence is one year	ar or less:	community su	pervision ma	y be ordered	for up to o	ne year (SI	IB 1247, Sect	ion 22)		
D.	Exceptional sentence (	(RCW 9.94A.12	20 (2))								
		<del>'    </del>	IC OPPENCE E	EEEDENCE COL	TET TO THE HE	E WITH THE N	ONVIOLENT S	SCORING FORM	l		
		1 12	TO ALLEMOE !		TO LOW (1)	- 4214 1777 1			ı		

III-83

### THEFT OF LIVESTOCK (RCW 9A.56.080) NONVIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (9))

į	ADUI		t offenses se rved consecut				se;		- 180 k			
		Enter number of felo	ny conviction	s		,				x 1 =	-	
:	JUV	ENILE HISTORY: (All a	djudications	entered on t	he same date	e count as ON	E offense)					
		Enter number of felo	ny adjudicati	ons					· · · · <u> </u>	x 1/2 =		
	ОТН	ER CURRENT OFFENSES:	(Other currer	nt offenses w	hich do not	encompass th	ne same crimi	nal conduct	count in off	fender score)	۱.	
		Enter number of othe	r felony conv	victions						x 1 =		
	Tot (	al the last column to round down to the near	get the TOTAL est whole num	OFFENDER SC nber)	ORE	· · · · · ·						
					II.	STANDARD SI	ENTENCE RANGE	,   				
	<b>A</b> .	OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
		STANDARD RANGE: (Seriousness 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
	В.	The range for attempt	t, solicitati	on, and const	oiracy is 75	% of the star	ndard sentenc	e range for	the complet	ed crime (RC	9.94A.410	)
	c.	Financial obligations 9.94A.120 (9), 9.94A		d: fines, re	estitution,	court costs,	attorney's f	ees, assess	ments (SHB 1	247 Section	23, RCW 9.94	4A.140,
					III. SENTENC	CING OPTIONS	FOR THEFT OF	LIVESTOCK				
	A.	If "First-time offen	der" eligible	: 0-90 days (	confinement	and up to tw	o years of co	ommunity sup	ervision wit	h conditions	(RCW 9.94A	.120 (5))
	В.	If sentence is one ye of jail can be conve	ear or less: rted to one d	the statute ay of partia	directs the	e court to con nt or eight h	nsider and gi ours of commo	ve priority unity servic	to alternat e (up to 240	ives to tota hours) (RCW	l confineme 9.94A.380)	nt. One day
	c.	If sentence is one y	ear or less:	community s	upervision n	may be ordere	d for up to o	one year (SH	B 1247, Sect	ion 22)		
	D.	Exceptional sentence	(RCW 9.94A.1	20 (2))						-		

### UNLAWFUL IMPRISONMENT (RCW 9A.40.040) NONVIOLENT

## I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurred those served consecutively are c	ently count as unted separate	s <u>ONE</u> offen ely)	se;					
Enter number of felony convictions						x 1 =	<del></del>	
JUVENILE HISTORY: (All adjudications entered on t	he same date	count as O	Æ offense)					
Enter number of felony adjudications						x 1/2 =		
OTHER CURRENT OFFENSES: (Other current offenses w	hich do not e	ncompass tl	he same crimi	nal conduct	count in off	ender score)		
Enter number of other felony convictions		• • • • •			· · · · ·	x 1 =		
Total the last column to get the TOTAL OFFENDER SC	ORE							
(round down to the nearest whole number)							!I	
	II.	STANDARD S	ENTENCE RANGE					
A. OFFENDER SCORE: 0 1	2	3	4	5	6	7	8	9 or more
STANDARD RANGE: 1 - 3 3 - 8 (Seriousness Level III) months months	4 - 12 months	9 · 12 months	12+ - 16 months	nonths	22 - 29 months	33 - 43 months	43 · 57 months	51 - 68 months
B. The range for attempt, solicitation, and const	oiracy is 75%	of the sta	ndard sentenc	e range for	the complete	ed crime (RCM	9.94A.410)	<b>!</b>
C. Statutory maximum sentence is 60 months (5 year	ers) (RCW 9A.2	20.021 (1)(	c))					
D. Financial obfigations may be added: fines, re 9.94A.120 (9), 9.94A.270 (1))	estitution, co	ourt costs,	attorney's f	ees, assess	ments (SHB 1	247 Section 2	23, RCW 9.94	IA.140,
	II. SENTENCIN	C ODSTANC E	YND IRMIAWATII 1	TANDOT CANAMENT	•			
A. If "First-time offender" eligible: 0.90 days	confinement a	and up to t	wo years of (	community su	pervision wi	th conditions	s (RCW 9.94/	A.120 (5))
B. If sentence is one year or less: the statute of jail can be converted to one day of partia	directs the directs the directs	court to co or eight h	onsider and gi	ive priority unity servio	to alternat ce (up to 240	ives to total hours) (RCW	9.94A.380)	nt. One day
C. If sentence is one year or less: community s	upervision may	y be ordere	ed for up to	one year (Si	IB 1247, Sect	ion 22)		
D. Exceptional sentence (RCM 9.94A.120 (2))								
THIS OFFENSE	DEPOSITE CITE	ET TO DOD I	ICE WITH THE	NOMVTOLENT S	SCORTING FORM	l		

# UNLAWFUL ISSUANCE OF CHECKS OR DRAFTS (RCW 9A.56.060) NONVIOLENT

## I. OFFENDER SCORING (RCW 9.94A.360 (9))

<u>A</u>	ULT HISTORY:			erved concurr tively are co		as <u>ONE</u> offer ately)	se;					
	Enter numl	per of felo	ny convictio	ns						x 1	<b>=</b>	
10	VENILE HISTO	<u>RY:</u> (All ad	djudications	entered on t	he same dat	e count as ON	E offense)					
	Enter numi	per of felo	ny adjudicat	ions				•••••	· · · · <u> </u>	x 1/2	=	
<u>ot</u>	HER CURRENT (	OFFENSES:	(Other curre	nt offenses w	hich do not	encompass th	e same crimi	inal conduct	count in of	fender score	)	
	Enter numi	er of other	r felony con	victions				· · · · · ·	· · · · <u> </u>	x 1	<b>-</b>	
To	tal the last (round down t	column to g	get the TOTA est whole nu	L OFFENDER SC mber)	ORE					• • • • • • • • • • • • • • • • • • •		
					п.	STANDARD SE	NTENCE RANGE	E				
A.	OFFENDER SCO	RE:	0	1	2	3	4	5	6	7	8	9 or more
	STANDARD RAN (Seriousness		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
В.	The range f	or attempt,	solicitatio	on, and consp	iracy is 75%	% of the stan	dard sentend	e range for	the complete	ed crime (RC	W 9.94A.410)	
c.	Financial o 9.94A.120 (			i: fines, re	stitution, (	court costs,	attorney's f	ees, assess	ments (SHB 1	247 Section	23, RCW 9.94	A.140,
				III. SENTE	NCING OPTION	NS FOR UNLAWF	UL ISSUANCE	OF CHECKS O	R DRAFTS			
A.	If "First-t	ime offende	r" eligible:	0-90 days c	onfinement a	and up to two	years of co	mmunity sup	ervision with	h conditions	(RCW 9.94A.	120 (5))
В.						court to cons	_					t. One day
c.	If sentence	is one yea	r or less:	community sup	pervision ma	y be ordered	for up to o	ne year (SH	B 1247, Secti	ion 22)	-	
D.	Exceptional	sentence (	RCW 9.94A.12	0 (2))								
			TH	IS OFFENSE RI	FERENCE SHE	ET IS FOR USI	WITH THE N	ONVIOLENT S	CORING FORM			

# UNLAWFUL POSSESSION OF A SHORT FIREARM OR PISTOL (RCW 9.41.040) NONVIOLENT

# I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult those ser	offenses served concurr ved consecutively are co	rently count as ONE offer ounted separately)	nse;					ï,
Enter number of felon	y convictions					x 1 =		
JUVENILE HISTORY: (All ad	judications entered on 1	the same date count as (	NE offense)					
Enter number of felon	y adjudications	· · · · · · · · · · · · ·			• • •	x 1/2 =	:	e.
OTHER CURRENT OFFENSES: (	Other current offenses v	which do not encompass 1	he same crimi	nal conduct	count in off	ender score)	)	
Enter number of other	felony convictions .				h + +	x_1 =		
Total the last column to g	get the TOTAL OFFENDER So est whole number)	CORE			• • • • • • • • • • • • • • • • • • •			
		II. STANDARD	SENTENCE RANGE					
		2 3	4	5	6	7	8	9 or more
A. OFFENDER SCORE:	0 1					0.0 4.0	40 65	P1 AA
A. OFFENDER SCORE: STANDARD RANGE: (Seriousness Level III)	1 - 3 3 - 8	4 - 12 9 - 12 months months	12+ - 16 months	17 - 22 months	22 - 29 months	33 - 43 months	43 - 57 months	51 - 68 months
STANDARD RANGE:	1 · 3 3 · 8 months months	4 - 12 9 - 12 months months	12+ - 16 months	17 · 22 months	months	months	months	months
STANDARD RANGE: (Seriousness Level III) B. The range for attempt,	1 · 3 3 · 8 months months	4 - 12 9 - 12 months months piracy is 75% of the sta	12+ · 16 months andard sentenc	17 · 22 months	months	months	months	months
STANDARD RANGE: (Seriousness Level III) B. The range for attempt,	1 - 3 3 - 8 months months, solicitation, and constence is 60 months (5 ye may be added: fines, r	4 - 12 9 - 12 months months piracy is 75% of the stars) (RCW 9A.20.021 (1)	12+ · 16 months andard sentenc	17 · 22 months e range for	months the complete	months ed crime (RC)	months	months
STANDARD RANGE: (Seriousness Level III)  B. The range for attempt,  C. Statutory maximum sent  D. Financial obligations	1 - 3 3 - 8 months months, solicitation, and constence is 60 months (5 ye may be added: fines, re270 (1))	4 - 12 9 - 12 months months piracy is 75% of the stars) (RCW 9A.20.021 (1)	12+ · 16 months  andard sentenc (c)) , attorney's f	17 - 22 months e range for ees, assessi	months the complete	months ed crime (RC) 247 Section 2	months	months
STANDARD RANGE: (Seriousness Level III)  B. The range for attempt,  C. Statutory maximum sent  D. Financial obligations 9.94A.120 (9), 9.94A.2	1 - 3 3 - 8 months months , solicitation, and constance is 60 months (5 ye) may be added: fines, re 270 (1))  III. SENTENCING	4 - 12 9 - 12 months months  piracy is 75% of the strars) (RCW 9A.20.021 (1) estitution, court costs  OPTIONS FOR UNLAWFUL Polymers the court to c	12+ · 16 months  andard sentence (c)) , attorney's f  OSSESSION OF A	17 - 22 months e range for ees, assessi	months the complete ments (SHB 12 ARM OR PISTOR to alternat	months ed crime (RC) 247 Section 2	months  V 9.94A.410)  23, RCW 9.94	months
STANDARD RANGE: (Seriousness Level III)  B. The range for attempt,  C. Statutory maximum sent  D. Financial obligations 9.94A.120 (9), 9.94A.2	1 - 3 3 - 8 ) months months , solicitation, and constence is 60 months (5 years) may be added: fines, record (1))  III. SENTENCING ar or less: the statute ted to one day of partia	4 - 12 9 - 12 months months  piracy is 75% of the strars) (RCW 9A.20.021 (1) estitution, court costs  OPTIONS FOR UNLAWFUL Polymers the court to cliconfinement or eight	12+ · 16 months  andard sentence (c)) , attorney's f  OSSESSION OF A onsider and gi nours of commu	17 - 22 months e range for ees, assessi s SHORT FIRE	months the complete ments (SHB 12 ARM OR PISTOR to alternat e (up to 240	months ed crime (RC) 247 Section 2 ives to total hours) (RCW	months  V 9.94A.410)  23, RCW 9.94	months
STANDARD RANGE: (Seriousness Level III)  B. The range for attempt,  C. Statutory maximum sent  D. Financial obligations 9.94A.120 (9), 9.94A.2  A. If sentence is one year of jail can be convert	1 - 3 3 - 8 months months  , solicitation, and constance is 60 months (5 ye) may be added: fines, row 270 (1))  III. SENTENCING  ar or less: the statute ted to one day of partia  ar or less: community s	4 - 12 9 - 12 months months  piracy is 75% of the strars) (RCW 9A.20.021 (1) estitution, court costs  OPTIONS FOR UNLAWFUL Polymers the court to cliconfinement or eight	12+ · 16 months  andard sentence (c)) , attorney's f  OSSESSION OF A onsider and gi nours of commu	17 - 22 months e range for ees, assessi s SHORT FIRE	months the complete ments (SHB 12 ARM OR PISTOR to alternat e (up to 240	months ed crime (RC) 247 Section 2 ives to total hours) (RCW	months  V 9.94A.410)  23, RCW 9.94	months
STANDARD RANGE: (Seriousness Level III)  B. The range for attempt,  C. Statutory maximum sent  D. Financial obligations 9.94A.120 (9), 9.94A.2  A. If sentence is one year of jail can be convert  B. If sentence is one year	1 - 3 3 - 8 months months  , solicitation, and constence is 60 months (5 ye) may be added: fines, roward (1))  III. SENTENCING  ar or less: the statute ted to one day of partial ar or less: community services (RCW 9.94A.120 (2))	4 - 12 9 - 12 months months  piracy is 75% of the strars) (RCW 9A.20.021 (1) estitution, court costs  OPTIONS FOR UNLAWFUL Polymers the court to cliconfinement or eight	12+ · 16 months  andard sentence (c)) , attorney's f  DESESSION OF A  consider and gi anours of commu- ed for up to o	17 - 22 months e range for ees, assessi A SHORT FIRE ve priority unity service one year (SHI	months the complete ments (SHB 12  ARM OR PISTOR to alternate (up to 240 B 1247, Sect	months ed crime (RC) 247 Section 2 ives to total hours) (RCW	months  V 9.94A.410)  23, RCW 9.94	months

ULLENDER	

ADJECT	HI CTONDU	
ALKILL	HISTORY	

Not Scored.

#### JUVENILE HISTORY:

Not Scored.

#### OTHER CURRENT OFFENSES:

Not Scored.

### II. STANDARD SENTENCE RANGE

A. OFFENDER SCORE:

NONE

STANDARD RANGE:

Not more than 12 months. (RCW 9.94A.120 (6))

(Seriousness Level - Unranked)

B. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

## III. SENTENCING OPTIONS FOR UNRANKED OFFENSES

- A. Sentence can include community service work and a term of community supervision not to exceed one year (RCW 9.94A.120 (6))
- B. Exceptional sentence (RCW 9.94A.120 (2) and (6))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE UNRANKED SCORING FORM

### VEHICLE PROWL, FIRST DEGREE (RCW 9A.52.095) NONVIOLENT

## I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult those ser	offenses served concurre wed consecutively are con	ently count as ONE ounted separately)	ffense;					
Enter number of felon	y convictions				· · · · <u></u>	x 1 =	·	
JUVENILE HISTORY: (All ad	judications entered on the	he same date count a	s ONE offense)					
Enter number of felon	y adjudications				• • • • • • • • • • • • • • • • • • • •	x 1/2 =	:	
OTHER CURRENT OFFENSES:	Other current offenses w	hich do not encompas	s the same crimi	nal conduct	count in off	ender score)		
Enter number of other	felony convictions				· · · · · <u> </u>	x 1 =		
Total the last column to g	get the TOTAL OFFENDER SC est whole number)	ORE	· • • • • • • • • • • • • • • • • • • •					
		II. STANDA	RD SENTENCE RANGE	Ē				
					•	-	o	9 or more
A. OFFENDER SCORE:	0. 1	2 3	4	5	6	/	8	
A. OFFENDER SCORE: STANDARD RANGE: (Seriousness Level I)	0 1 0 - 60 0 - 90 days days	2 3 2 - 5 2 - 1 months mont		5 4 - 12 months	12+ · 14 months	14 - 18 months	17 - 22 months	22 - 29 months
STANDARD RANGE:	0 - 60 0 - 90 days days	2 · 5 2 · months mont	ns months	4 · 12 months	months	months	17 - 22 months	22 - 29 months
STANDARD RANGE: (Seriousness Level I)	0 - 60 0 - 90 days days , solicitation, and consp may be added: fines, re	2 · 5 2 · months mont biracy is 75% of the	ns months standard sentend	4 · 12 months ce range for	months the complete	months	17 - 22 months W 9.94A.410)	22 - 29 months
STANDARD RANGE: (Seriousness Level I)  B. The range for attempt.  C. Financial obligations	0 - 60 0 - 90 days days , solicitation, and consp may be added: fines, re 270 (1))	2 · 5 2 · months mont biracy is 75% of the	ns months standard sentencests, attorney's i	4 · 12 months ce range for fees, assess	months the complete	months	17 - 22 months W 9.94A.410)	22 - 29 months
STANDARD RANGE: (Seriousness Level I)  B. The range for attempt C. Financial obligations 9.94A.120 (9), 9.94A.2	0 - 60 0 - 90 days days , solicitation, and consp may be added: fines, re 270 (1))  III.  er" eligible: 0-90 days c	2 - 5 2 - months mont  piracy is 75% of the estitution, court co  SENTENCING OPTIONS  confinement and up t	standard sentenders, attorney's for FIRST DEGREE	4 · 12 months ce range for fees, assess VEHICLE PRO	months the complete ments (SHB 1)	months ed crime (RC) 247 Section 2	17 - 22 months W 9.94A.410) 23, RCW 9.94	22 - 29 months A.140,
STANDARD RANGE: (Seriousness Level I)  B. The range for attempt. C. Financial obligations 9.94A.120 (9), 9.94A.2  A. If "First-time offenders"	0 - 60 0 - 90 days days , solicitation, and consp may be added: fines, re 270 (1))  III.  er" eligible: 0-90 days c	2 - 5 2 - months mont  piracy is 75% of the estitution, court co  SENTENCING OPTIONS  confinement and up t  directs the court t	standard sentenders, attorney's in the standard sentenders, attorney's interest in the standard sentenders, attorney's interest in the sta	4 · 12 months  ce range for  fees, assess  VEHICLE PRO  ommunity sur  ive priority	months the complete ments (SHB 1) WL pervision with	months  ed crime (RC)  247 Section 2  th conditions  ives to tota	17 - 22 months W 9.94A.410) 23, RCW 9.94  (RCW 9.94A.	22 - 29 months A.140,
STANDARD RANGE: (Seriousness Level I)  B. The range for attempt. C. Financial obligations 9.94A.120 (9), 9.94A.2  A. If "First-time offenders"	0 - 60 0 - 90 days days , solicitation, and consp may be added: fines, re 270 (1))  III.  er" eligible: 0-90 days conspany of the statute ted to one day of partial	2 - 5 2 - months mont viracy is 75% of the estitution, court conservations options confinement and up to directs the court to confinement or eight	standard sentences sts, attorney's from FIRST DEGREE to two years of consider and goth hours of comments	4 · 12 months  ce range for  fees, assess  VEHICLE PRO  community sur  ive priority unity service	months the complete ments (SHB 1) WL pervision with to alternat the (up to 240)	months ed crime (RC) 247 Section 2 th conditions ives to total hours) (RCW)	17 - 22 months W 9.94A.410) 23, RCW 9.94  (RCW 9.94A.	22 - 29 months A.140,
STANDARD RANGE: (Seriousness Level I)  B. The range for attempt. C. Financial obligations 9.94A.120 (9), 9.94A.2  A. If "First-time offende B. If sentence is one year of jail can be converted	0 - 60 0 - 90 days days , solicitation, and consp may be added: fines, re 270 (1))  III.  er" eligible: 0-90 days community such ar or less: the statute ted to one day of partial	2 - 5 2 - months mont viracy is 75% of the estitution, court conservations options confinement and up to directs the court to confinement or eight	standard sentences sts, attorney's from FIRST DEGREE to two years of consider and goth hours of comments	4 · 12 months  ce range for  fees, assess  VEHICLE PRO  community sur  ive priority unity service	months the complete ments (SHB 1) WL pervision with to alternat the (up to 240)	months ed crime (RC) 247 Section 2 th conditions ives to total hours) (RCW)	17 - 22 months W 9.94A.410) 23, RCW 9.94  (RCW 9.94A.	22 - 29 months A.140,
STANDARD RANGE: (Seriousness Level I)  B. The range for attempt. C. Financial obligations 9.94A.120 (9), 9.94A.2  A. If "First-time offende B. If sentence is one year of jail can be convert C. If sentence is one year	0 - 60 0 - 90 days days , solicitation, and consp may be added: fines, re 270 (1))  III.  er" eligible: 0-90 days community su (RCW 9.94A.120 (2))	2 - 5 2 - months mont viracy is 75% of the estitution, court conservations options confinement and up to directs the court to confinement or eight	standard sentenders, attorney's in standard sentend	4 · 12 months  ce range for  fees, assess  VEHICLE PRO  community sur  ive priority unity service  one year (Si	months the complete ments (SHB 1) WL  pervision with to alternat the (up to 240 BB 1247, Sect	months ed crime (RC) 247 Section 2 th conditions ives to total hours) (RCW)	17 - 22 months W 9.94A.410) 23, RCW 9.94  (RCW 9.94A.	22 - 29 months A.140,

#### VEHICULAR ASSAULT (RCW 46.61.522) NONVIOLENT

## I. OFFENDER SCORING (RCW 9.94A.360 (9))

those served consecutively are counted separately)
Enter number of felony convictions
JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)
Enter number of felony adjudications
OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)
Enter number of other felony convictions
Total the last column to get the TOTAL OFFENDER SCORE
TY OFFICE DAME
II. STANDARD SENTENCE RANGE
A. OFFENDER SCORE: 0 1 2 3 4 5 6 7 8 9 or m  STANDARD RANGE: 3 - 9 6 - 12 12+ 14 13 - 17 15 - 20 22 - 29 33 - 43 43 - 57 53 - 70 63 - (Seriousness Level IV) months
B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
C. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140,
D. Financial obligations may be added: Tines, restitution, court costs, accountry 5 rees, assessments (smaller of the second of
9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR VEHICULAR ASSAULT
9.94A.120 (9), 9.94A.270 (1))
9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR VEHICULAR ASSAULT
9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR VEHICULAR ASSAULT  A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))  B. If contained is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One
9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR VEHICULAR ASSAULT  A. If "First-time offender" eligible: 0.90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))  B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
9.94A.120 (9), 9.94A.270 (1))  III. SENTENCING OPTIONS FOR VEHICULAR ASSAULT  A. If "First-time offender" eligible: 0.90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))  B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)  C. If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)

#### VEHICULAR HOMICIDE (RCW 46.61.520) VEHICULAR HOMICIDE

#### 1. OFFENDER SCORING (RCW 9.94A.360 (4))

ADUL	T HISTORY:	(All adult those serv	offenses se ed consecut	rved concurre ively are co	ently count unted separa	as <u>ONE</u> offen tel <del>y)</del>	se;					
	Enter numl	ber of Vehicu	lar Homicid	e convictions	s				• • • .	x 2 =		É
	Driving w	ber of Felony hile Intoxica	ted. Actual	Physical Con	ntrol, Reckl	ess Driving,	and Misdeme	anor		<u> </u>		
III./E		RY: (All adj									*.	
JUVE								•••••		x 2 =		
	Enter num	ber of <u>Felony</u>	Hit and Ru	n, Vehicular Physical Co	Assault, At ntrol. Reckl	tempting to	Elude a Poli and	ce Vehicle,				
	Misdemean	or Hit and Ru	ın adjudicat	ions					• • •	x 1/2 =		
OTH	R CURRENT	OFFENSES: (C	ther curren	it offenses w	hich do not	encompass th	ne same crimi	nal conduct	count in off	fender score)		
	Enter num	ber of other	Vehicular H	omicide conv	ictions					x 2 =		
	Vehicle, Misdemean		Intoxicate in conviction	ed, Actual Phons	ysical Conti	rol, Reckless	Driving, or			x 1 =		
Tota	al the last round down	to the neares	et the TOTAL	OFFENDER SC ober)	ORE				· • • • • •			
					II.	STANDARD SI	ENTENCE RANGE	G ,				
	OFFENDER SC	'ADE ·	0	. 1	2	3	4	5	6	7	8	9 or more
3	STANDARD RA		15 - 20	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
В.	The range	for attempt,	solicitati	on, and consp	oiracy is 75	% of the star	ndard sentend	ce range for	the complet	ed crime (RCW	9.94A.410)	
c.	Financial 9.94A.120	obligations (9), 9.94A.2	may be added 70 (1))	d: fines, re	estitution,	court costs,	attorney's i	fees, assessi	ments (SHB 1	247 Section 2	3, RCW 9.94	A.140,
				, 1	III. SENTENC	ING OPTIONS	FOR VEHICULAI	R HOMICIDE				
A.	Exceptiona	al sentence (	RCW 9.94A.1	20 (2))								
			THIS	OFFENSE REFEI	RENCE SHEET	IS FOR USE W	ITH THE VEHIC	CULAR HOMICI	DE SCORING F	ORM		

## I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADU	ALT HISTORY: (All adult o those serve	ffenses serv d consecutiv	ved concurrent vely are coun	ntly count a nted separa	as ONE offend tely)	se;					
	Enter number of felony	convictions						• • •	x 1 =		
<u>JU</u>	VENILE HISTORY: (All adju	udications e	ntered on th	e same date	count as ON	E offense)					
	Enter number of felony	adjudicatio	ons	,				· · ·	x 1/2 =		
<u>or</u>	HER CURRENT OFFENSES: (O	ther current	offenses wh	nich do not	encompass th	e same crimil	nal conduct	count in off	ender score)		
	Enter number of other	felony convi	ctions						<u> </u>		
To	tal the last column to ge (round down to the neares	t the TOTAL t whole numl	OFFENDER SCO	DRE							
			•								
				II.	STANDARD S	ENTENCE RANGE					
	OFFENDER SCORE:	. 0	1	2	3	4	5	6	7	8	9 or more
n.	STANDARD RANGE:	0 - 90	2 - 6	3 - 9	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29 months	33 - 43 months	43 - 57 months
	(Seriousness Level II)	days	months	months	months	months	months	months	montus	montus	inon end
В	•										
С	Financial obligations 6 9.94A.120 (9), 9.94A.2	may be added 70 (1))	: fines, re	stitution,	court costs,	attorney's f	ees, assess	ments (SHB 1	247 Section	23, KUN 9.94	M. 140,
				777 ATM	ምህረተነው ለመተለ	INS FOR WELFAI	OF TOTALITY				
	. If "First-time offende										
В				dinanta the	court to co	nsider and g	ive priority	to alternat	ives to tota	1 CONTINEME	iii. Vile uay
	. If sentence is one yea of jail can be convert	r or less: ed to one da	the statute ny of partial	confinement	it or eight h	ours of comm	unity servio	e (up to 240	) hours) (RCW	9.94A.380)	
C	of jail can be convert  If sentence is one yea	ed to one da	y of partial	confinemen	it or eight n	iours of comm	unity service	e (up to 210	nours) (Non	(9.94A.380)	
_	of jail can be convert	ed to one da r or less:	community su	confinemen	it or eight n	iours of comm	unity service	e (up to 210	nours) (Non	(9.94A.380)	

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### WILFUL FAILURE TO RETURN FROM FURLOUGH (RCN 72.66.060) ESCAPE

# I. OFFENDER SCORING (RCW 9.94A.360 (6))

ADULT HISTORY: (All adult o those serve	ffenses serve d consecutiv	ed concurren ely are coun	itly count as	ely)	·•					
Enter number of Escape Wilful Failure to Retur	l, Escape 2, n from Work	Wilful Fail Release conv	lure to Retu victions .	rn from Furlo	ough, and		· · ·	x 1 = .		
JUVENILE HISTORY: (All adju	udications en	itered on the	e same date	count as ONE	offense)					
Enter number of Escape Wilful Failure to Retu	rn from Work	Kelease adj	ugications		• • • • • •			x 1/2 =	·	
OTHER CURRENT OFFENSES: (0	ther current	offenses wh	ich do not e	encompass the	same crimin	al conduct (	count in offe	ender score)		
Enter number of other Wilful Failure to Retu	rn from Work	Kelease cor	Wictions				· · ·	x 1 =		
Total the last column to get (round down to the neares	t the TOTAL	OFFENDER SCO	ORE							
(round down to the neares	C MEOIC HOME		8							
			II.		ENTENCE RANGE	5	6	7	8	9 or more
A. OFFENDER SCORE:	0	1	2 12+ - 14	3 13 - 17	15 - 20	22 - 29	33 - 43	43 - 57	53 - 70	63 - 84
STANDARD RANGE: (Seriousness Level IV)	3 · 9 months	6 - 12 months	months	months	months	months	months	months	months	months
B. The range for attempt C. Financial obligations 9.94A.120 (9), 9.94A.	, solicitatio	on, and cons	piracy is 75	% of the sta	ndard senten	ce range for fees, assess	the complet	ed crime (RC	W 9.94A.410 23, RCW 9.9	) 4A.140,
				NS FOR WILFUL						. 4
A. If sentence is one ye of jail can be conver	rtea to one u	ay or parti	ar continue						al confineme W 9.94A.380)	ent. One day
B. If sentence is one ye	ear or less:	community	supervision	may be order	ed for up to	one year (S	HB 1247, Sec	tion 22)		
C. Exceptional sentence	(RCW 9.94A.)	120 (2))								
						TO DOCUME OF	MOUNT EUDIN	1		
		THIS OFFEN	ise referenci	E SHEET IS FO	R USE WITH T	HE ESCAPE SO	WILL DUIN			

#### IV. SENTENCING FORMS

This section contains two types of forms: Scoring Forms and Judgment and Sentence Forms.

### **SCORING FORMS**

The scoring forms are designed for submission to the court. The forms are categorized according to the ten types of offender scoring rules:

Serious Violent

Nonviolent Drug

Violent

Escape

Vehicular Homicide

Burglary 2

Burglary 1

Nonviolent

Violent Drug

Unranked

The Offense Scoring Categories (Table 5, page IV-2) show the crimes in each of these categories. The top of each Scoring Form also indicates which offenses apply to that form.

### TABLE 5

## **OFFENSE SCORING CATEGORIES**

LEVE	DUSNESS L	OFFENSE TITLE	RCW
	***	* SERIOUS VIOLENT *****	
XIV	Aggravated Murder 1		10.95.020
ΧI	Assault 1		9A.36.010
X	Kidnapping 1		9A.40.020
XIII	Murder 1		9A.32.030
XII	Murder 2		9A.32.050
X	Rape I		9A.44.040
	*	**** VIOLENT ****	2
VIII	Arson 1	VICELIVI	9 / / / 9 / 02/
IV	Arson 1 Arson 2		9A.48.020
			9A.48.030
IV X	Assault 2	by Funlacies	9A.36.020
Χ	Damaging Building, Etc.,		70.74.280(1)
ΙX	with Threat to Human Endangering Life and Pro		70.74.270(1)
17	with Threat to Human		70.74.270(1)
ΙX	Explosive Devices Prohib		70.74.180
V	Extortion 1	ited	9A.56.120
v VII	Indecent Liberties (with I	Foreible Compulsion)	9A.44.100(1)(a)
V 11	Kidnapping 2	of Cible Computation)	9A.40.030
v IX	Manslaughter 1		9A.32.060
۷I	Manslaughter 2		9A.32.070
v I VIII	Rape 2		9A.44.050
IX	Robbery 1		9A.56.200
[V	Robbery 2		9A.56.210
ΙΧ			9A.44.070
	Statutory Rape 1		7A.44.070
	**** V	EHICULAR HOMICIDE ****	···
		(Violent)	
VII 	Vehicular Homicide		46.61.520
	***	** BURGLARY 1 ***** (Violent)	:
VII	Burglary 1		9A.52.020
	***	* VIOLENT DRUG ****	
	Create Deliver or Deser	on a Countantait	(0.50.401/5)/1)/:
I	Create, Deliver, or Posses Controlled Substance (Subsequent Drug Con	- Schedule I or II Narcotic	69.50.401(b)(1)(i
٧I	Manufacture, Deliver, or Deliver a Narcotic fro	Possess with Intent to	69.50.401(a)(1)(i
<	(Subsequent Drug Con- Over 18 and Deliver a Nat	viction)	69.50.406

**** NONVIOLENT DRUG ****	
11011110	
Create, Deliver, or Possess a Counterfeit	69.50.401(b)(1)(i)
Controlled Substance - Schedule I or II Narcotic	
(First Drug Conviction Only)	
Controlled Substance - Schedule III-V	
	69.50.401(b)(1)(ii-iv
Forged Prescription (see NONVIOLENT category)	
Manufacture, Deliver or Possess with Intent to	69.50.401(a)(1)(ii-iv
Deliver a Narcotic from Schedule III-V or a	
Nonnarcotic from Schedule I-V (Except Marijuana)	
Manufacture, Deliver, or Possess with Intent to	69.50.401(a)(1)(i)
(First Drug Conviction Only)	40 50 404/ \/1\/''\
Manufacture, Deliver, or Possess with Intent to	69.50.401(a)(1)(ii)
Deliver Marijuana	(0.50.40)
Over 18 and Deliver a Narcotic from Schedule III-V or	69.50.406
	,
Possess Controlled Substance (see NONVIOLENT category)	69.50.410(2)
	67.70.410(2)
	69.50.410(3)
	07.70.710(7)
**** FSCAPF ****	
(Nonviolent)	
Escape 1	9A.76.110
	9A.76.120
	72.66.060
	72.65.070
**** RIDCI ARV 2 ****	
(Nonviolent)	
Burglary 2	9A.52.030
**** NONVIOLENT ****	
Assault 3	9A.36.030
Attempting to Elude Pursuing Police Vehicle	46.61.024
Bribe Received by Witness	9A.72.100
Bribery	9A.68.010
Bribing a Witness	9A.72.090
	0.4 4.4 1.10
Communicating with a Minor for Immoral Purposes	9A.44.110
Communicating with a Minor for Immoral Purposes Damaging Building, Etc., by Explosion with No Threat to Human Being	70.74.280(2)
Communicating with a Minor for Immoral Purposes Damaging Building, Etc., by Explosion with No Threat to Human Being Employing, Using, or Permitting Minor to Engage in	
Communicating with a Minor for Immoral Purposes Damaging Building, Etc., by Explosion with No Threat to Human Being Employing, Using, or Permitting Minor to Engage in Sexually Explicit Conduct for Commercial Use	70.74.280(2) 9.68A.020
Communicating with a Minor for Immoral Purposes Damaging Building, Etc., by Explosion with No Threat to Human Being Employing, Using, or Permitting Minor to Engage in	70.74.280(2)
-	Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule III-V Narcotic or Schedule I - V Nonnarcotic Forged Prescription (see NONVIOLENT category) Manufacture, Deliver or Possess with Intent to Deliver a Narcotic from Schedule III-V or a Nonnarcotic from Schedule II-V (Except Marijuana) Manufacture, Deliver, or Possess with Intent to Deliver a Narcotic from Schedule I or II (First Drug Conviction Only) Manufacture, Deliver, or Possess with Intent to Deliver Marijuana Over 18 and Deliver a Narcotic from Schedule III-V or a Nonnarcotic from Schedule I-V to Someone Under 18 and 3 Years Junior Possess Controlled Substance (see NONVIOLENT category) Selling for Profit Schedule I Controlled or Counterfeit Substance (Except Heroin) Selling Heroin for Profit  ****** ESCAPE ***** (Nonviolent)  Escape 1 Escape 2 Wilful Failure to Return from Furlough Wilful Failure to Return from Work Release  ****** BURGLARY 2 ***** (Nonviolent)  Burglary 2  ****** NONVIOLENT *****  Assault 3 Attempting to Elude Pursuing Police Vehicle

	***** NONVIOLENT ***** (Continued)	
I	False Verification for Welfare	74.08.055
Ī	Forged Prescription	69.41.020
Ī	Forgery	9A.60.020
ΙV	Hit and Run Injury Accident	46.52.020(4)
VI	Incest 1	9A.64.020(1)
V	Incest 2	9A.64.020(2)
VI	Indecent Liberties (Without Forcible Compulsion)	9A.44.100(1)(b,c)
VI	Intimidating a Juror	9A.72.130
III	Intimidating a Public Servant	9A.76.180
VI	Intimidating a Witness	9A.72.110
VII	Introducing Contraband 1	9A.76.140
III	Introducing Contraband 2	9A.76.150
	Malicious Harassment	9A.36.080
IV	Malicious Mischief 1	9A.48.070
II	Malicious Mischief 2	9A.48.080
I		9A.72.020
٧	Perjury 1	9A.72.030
III	Perjury 2	69.50.401(d)
II	Possession of a Controlled Substance That Is	07.70. <del>7</del> 01(d)
_	a Narcotic from Schedule I or II	69.50.401(d)
I	Possession of a Controlled Substance That Is a Narcotic from Schedule III, IV, or V or a Nonnarcotic from Schedule I-V	07.70.701(d)
II	Possession of Stolen Property 1	9A.56.150
Ī	Possession of Stolen Property 2	9A.56.160
VIII	Promoting Prostitution 1	9A.88.070
III	Promoting Prostitution 2	9A.88.080
V	Rape 3	9A.44.060
İ	Reckless Burning 1	9A.48.040
v	Rendering Criminal Assistance 1	9A.76.070
VΙΙ	Sending, Bringing into the State, Possessing,	9.68A.030
V 11	Publishing, Printing, Etc., Obscene Matter Involving	
	Minor Engaged in Sexually Explicit Conduct	
VII	Statutory Rape 2	9A.44.080
III	Statutory Rape 2 Statutory Rape 3	9A.44.090
	Taking Motor Vehicle Without Permission	9A.56.070
I		9A.72.120
III	Tampering with a Witness	9A.56.030
ΪΙ	Theft 1	9A.56.040
I	Theft 2 Theft of Livestock	9A.56.080
II		9A.40.040
III	Unlawful Imprisonment Unlawful Issuance of Checks or Drafts	9A.56.060
I	Unlawful Possession of a Short Firearm or Pistol	9.41.040
III .		9A.52.095
I TV	Vehicle Prowl 1 Vehicular Assault	46.61.522
IV		74.08.331
II	Welfare Fraud	74.00.771

## **Serious Violent Offenses**

Use this form only for the following offenses: Assault 1, Kidnapping 1, Murder 1, Murder 2, and Rape 1

OFFERNDEDIS NAME	OFFENDER'S DOB	STATE ID#	
OFFENDER'S NAME			
		FBI ID#	
JUDGE	CAUSE #	FDI IU #	
	M - L ONE -#	en those served cores	ecutively are counte
ADULT HISTORY: (All adult offenses served concur separately)			
Enter number of Serious Violent felony convictions			x3=
Enter number of Violent felony convictions			
Enter number of Nonviolent felony convictions		<del></del>	x 1 =
JUVENILE HISTORY: (All adjudications entered on t	he same date count as ONE	offense)	
Enter number of Serious Violent felony adjudication	ns		x 3 =
Enter number of Violent felony adjudications			x 2 =
Enter number of Nonviolent felony adjudications .			x ½ =
OTHER CURRENT OFFENSES: (Those offenses no	t encompassing the same cr	iminal conduct count i	n offender score)
Enter number of other Serious Violent felony convi	ctions		x 3 =
Enter number of other Violent felony convictions			x 2 =
Enter number of other Nonviolent felony convictions	18	· · · · · · · · · · · · · · · · · · ·	x1=
Enter number of other nonviolent felony conviction			
		TOTAL OFFENDA	ER SCORE
Add the scores in each category (round down to the nearest whole number)		TOTAL OFFERDE	
Notice South to the House the House			
		3	
STANDARD SE	ENTENCE RANGE CALCUL	ATION*	
			·
	OFFICE ICATEOR	OFFENDER LO	TO OW HIGH
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	SCORE	STANDARD
		SI	ENTENCE RANGE

<sup>\*</sup>Add 24 months to the standard range if the current offense is Rape 1 or Kidnapping 1 AND there is a special verdict/finding for deadly weapon.

<sup>\*</sup>Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

# SENTENCING GUIDELINES SCORING FORM Violent Offenses

Use this form only for the following offenses: Arson 1, Arson 2. Assault 2, Damaging Building Etc. by Explosion with Threat to Human Being, Endangering Life and Property by Explosives with Threat to Human Being, Explosive Devices Prohibited, Extortion 1, Indecent Liberties (with forcible compulsion), Kidnapping 2, Manslaughter 1, Manslaughter 2, Rape 2, Robbery 1, Robbery 2, Statutory Rape 1

		OFFENDER'S DOB	STATE ID#	
OFFENDER'S NAME		J. 12.112.112.112.112.112.112.112.112.112		
JUDGE		CAUSE #	FBI ID#	
	•			
ADULT HISTORY:	(All adult offenses served concurre separately)	ently count as ONE offens	se; those served consec	utively are counted
Enter numbe	er of Serious Violent and Violent felony co	nvictions		x 2 =
Enter numbe	er of Nonviolent felony convictions			x 1 =
	,			
JUVENILE HISTO	RY: (All adjudications entered on the	e same date count as ONE	offense)	
	er of Serious Violent and Violent felony ac	tiudications		x 2 =
Enter number	er of Nonviolent felony adjudications			
OTHER CURREN	T OFFENSES: (Those offenses not e	encompassing the same cri	iminal conduct count in	offender score)
Enter numbe	er of other Serious Violent and Violent fel	ony convictions		x2=
	er of other Nonviolent felony convictions			
Enter numb	er of other Nonviolent leiony convictions			
Add the scores in	each category		TOTAL OFFENDER	SCURE L
(round down to	the nearest whole number)			
	STANDARD SEN	TENCE RANGE CALCUL	ATION*	•
*				TO
CURREN	NT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER LOV SCORE	V HIGH STANDARD
•				NTENCE RANGE

<sup>\*</sup>Add 24 months to the standard range if the current offense is Robbery 1 AND there is a special verdict/finding for deadly weapon.

<sup>\*</sup>Add 12 months to the standard range if the current offense is Assault 2 or Kidnapping 2 AND there is a special verdict/finding for deadly weapon.

<sup>\*</sup>Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

# SENTENCING GUIDELINES SCORING FORM Vehicular Homicide Offenses

Use this form only for Vehicular Homicide offenses

OFFENDER'S NAME	OFFENDERS DOB	STATE ID #
JÚDGE	CAUSE #	FBI ID #
ADULT HISTORY: (All adult offenses serve separately)	ed concurrently count as ONE offense	; those served consecutively are counte
Enter number of Vehicular Homicide con-	victions	x2=x
While Intoxicated Actual Physical Control	nicular Assault, Attempting to Elude a Police of Reckless Driving, and <b>Misdemeanor</b> Hit ar	na Run
convictions		
JUVENILE HISTORY: (All adjudications ent	tered on the same date count as ONE o	ffense)
Enter number of Vehicular Homicide adju	udications	x2=
While Interiogned Actual Physical Control	nicular Assault, Attempting to Elude a Police ol, Reckless Driving, and <b>Misdemeanor</b> Hit at	nd Hun
OTHER CURRENT OFFENSES: (Those off		
Enter number of other Vehicular Homicion	de convictions	x2=
Driving While Interiorted Actual Physics	un, Vehicular Assault, Attempting to Elude a laid Control, Reckless Driving and <b>Misdemean</b> d	or Hit and Run
convictions		
Add the scores in each category (round down to the nearest whole number	er)	TOTAL OFFENDER SCORE
STAN	IDARD SENTENCE RANGE CALCULA	TION
Vehicular Homicide	VII	TO
CURRENT OFFENSE BEING SCOI	RED SERIOUSNESS LEVEL	OFFENDER LOW HIGH SCORE STANDARD SENTENCE RANGE

# SENTENCING GUIDELINES SCORING FORM Burglary 1 Offenses

Use this form only for Burglary 1 offenses

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID#	
JUDGE	CAUSE #	FBI ID#	
JODGE TO THE TOTAL			
<u> </u>			
,			
ADULT HISTORY: (All adult offenses served concuseparately)	urrently count as ONE offense	e; those served consecu	tively are counted
Enter number of Serious Violent and Violent felony	convictions		_ x 2 =
Enter number of Burglary 2 convictions			x 2 =
Enter number of Nonviolent felony convictions, exc	cluding Burglary 2	· · · · · · · · · · · · · · · · · · ·	_ x1=
HINENII E LIETODV. (All adjudications entered on	the same date count as ONF	offense)	
JUVENILE HISTORY: (All adjudications entered on			
Enter number of Serious Violent and Violent felony			
Enter number of Burglary 2 adjudications			
Enter number of Nonviolent felony adjudications, e	excluding Burglary 2		x ½ =
OTHER CURRENT OFFENSES: (Those offenses no	ot encompassing the same crim	minal conduct count in o	ffender score)
Enter number of other Serious Violent and Violent	felony convictions		x 2 =
Enter number of other Burglary 2 convictions			
Enter number of other Nonviolent felony convictio	ns, excluding Burglary 2		x1=
Add the scores in each category (round down to the nearest whole number)		TOTAL OFFENDER	SCORE L
STANDARD S	ENTENCE RANGE CALCULA	ATION*	
Burglary I CURRENT OFFENSE BEING SCORED	VII SERIOUSNESS	OFFENDER LOW	TO
CORRENT OFFENSE BEING SCORED	LEVEL	SCORE S	TANDARD ENCE RANGE
		SEIVI	LIVOLIMINOL
*Add 18 months to the standard range if there is a special vero	lict/finding for deadly weapon:		

\*Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

# SENTENCING GUIDELINES SCORING FORM Violent Drug Offenses

Use this form only for the following offenses: Create, Deliver, or Possess a Counterfeit Controlled Substance — Schedule I or II Narcotic (subsequent drug conviction only); Manufacture, Deliver, or Possess with Intent to Deliver A Narcotic from Schedule I or II (subsequent drug conviction only); Over 18 and Deliver A Narcotic from Schedule I or II to Someone Under 18 and 3 Years Junior.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #	<b>#</b>
UDGE	CAUSE #	FBI ID#	
DULT HISTORY: (All adult offenses served concurrer separately)	ntly count as ONE offens	e; those served cor	nsecutively are coun
Enter number of Serious Violent and Violent felony con	victions		x2=
Enter number of felony Drug convictions (not simple po	ossession of a controlled sub-	stance)	x 2 =
Enter number of other felony convictions		—	x1=
JUVENILE HISTORY: (All adjudications entered on the			
			x 2 =
Enter number of Serious Violent and Violent felony adj	judications	ubstance)	x1=
Enter number of felony Drug adjudications (not simple Enter number of other felony adjudications	e possession of a controlled s	nubstance) —	¥ 1% =
	أحمل المحاجب المحاجين المحاجب	iminal conduct cour	nt in offender score)
Enter number of other Serious Violent and Violent felo	ony convictions		x 2 =
Enter number of other Serious Violent and Violent felo Enter number of other felony Drug convictions (not single substance)	ony convictionsimple possession of a controll		x 2 =
Enter number of other Serious Violent and Violent felo	ony convictionsimple possession of a controll		x 2 =
Enter number of other Serious Violent and Violent felo Enter number of other felony Drug convictions (not sii	ony convictionsimple possession of a controll		x2= x2= x1=
Enter number of other felony Drug convictions (not sin substance)  Enter number of other felony convictions  Add the scores in each category  (round down to the nearest whole number)	ony convictionsimple possession of a controll	led TOTAL OFFEN	x2= x2= x1=
Enter number of other Serious Violent and Violent felo Enter number of other felony Drug convictions (not sis substance)  Enter number of other felony convictions  Add the scores in each category (round down to the nearest whole number)	ony convictions  imple possession of a controll	led TOTAL OFFEN	x2= x2= x1=

<sup>\*</sup>Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

# SENTENCING GUIDELINES SCORING FORM Nonviolent Drug Offenses

Use this form only for the following offenses: Create, Deliver, or Possess a Counterfeit Controlled Substance — Schedule I or II Narcotic (first drug conviction only): Create, Deliver, or Possess a Counterfeit Controlled Substance — Schedule III-V Narcotic or Schedule I-V Nonnarcotic; Manufacture, Deliver, or Possess with Intent to Deliver a Narcotic from Schedule I or II (first drug conviction only); Manufacture, Deliver, or Possess with Intent to Deliver a Narcotic from Schedule III-V or Nonnarcotic from Schedule I-V (except marijuana); Manufacture, Deliver, or Possess with Intent to Deliver Marijuana; Over 18 and Deliver Narcotics from Schedule III-V or a Nonnarcotic from Schedule III-V or Someone Under 18 and 3 Years Junior; Selling for Profit Schedule I Controlled or Counterfeit Substance (except heroin); Selling Heroin for Profit.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #
•		
JUDGE	CAUSE #	FBI ID #
•		
ADULT HISTORY: (All adult offenses served concurren separately)	ntly count as ONE offense; those	e served consecutively are counted
Enter number of felony Drug convictions (not simple po	ssession of a controlled substance) .	x 2 =
Enter number of other felony convictions		
Enter number of other felony convictions	······································	A1=
JUVENILE HISTORY: (All adjudications entered on the s	same date count as ONF offense\	
TOVERTEE FIGURE (All adjudications entered on the s	outho dute opunt as ONE offerise)	
Enter number of felony Drug adjudications (not simple	possession of a controlled substance)	) x1=
Enter number of other felony adjudications		
Enter number of other leiony adjudications		
OTHER CURRENT OFFENSES: (Those offenses not end	compassing the same criminal co	induct count in offender score)
THER COMMENT OF ENGLES. (THOSE ORGINGES HOLER	compacting the dame similar of	<b>,</b>
Enter number of other felony Drug convictions (not sim	ple possession of a controlled	2
substance)		
Enter number of other felony convictions		x1=
•		-
		AL OFFENDED COOPE
Add the score in each category (round down to the nearest whole number)	тот	AL UFFENDER SCURE
(round down to the hearest whole humber)		
·	THOS DARIOS ON OUR ATIONS	
STANDARD SENTI	ENCE RANGE CALCULATION*	
		TO
CURRENT OFFENSE BEING SCORED	OLI IIOOOI ILOO	NDER LOW HIGH ORE STANDARD
	LEVEL SCO	ORE STANDARD SENTENCE RANGE
		<del> </del>

<sup>\*</sup>Add 12 months to the standard range if the current offense is Delivery or Possession with Intent to Deliver AND there is a **special verdict/finding** for deadly weapon.

<sup>\*</sup>Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

<sup>\*</sup>If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours).

## SENTENCING GUIDELINES SCORING FORM **Escape Offenses**

Use this form only for the following offenses: Escape 1; Escape 2; Wilful Failure to Return from Furlough

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #
JUDGE	CAUSE #	FBI ID#
ADULT HISTORY: (All adult offenses served concur separately)	rently count as ONE offer	nse; those served consecutively are counte
Enter number of Escape 1, Escape 2, Wilful Failure to from Work Release Convictions	Return from Furlough, and W	Iful Failure to Return x 1 =
JUVENILE HISTORY: (All adjudications entered on the	ne same date count as ON	E offense)
Enter number of Escape 1, Escape 2, Wilful Failure to from Work Release Adjudications	Return from Furlough, and W	ilful Failure to Return
OTHER CURRENT OFFENSES: (Those offenses not	encompassing the same c	riminal conduct count in offender score)
Enter number of other Escape 1, Escape 2, Wilful Fai Return from Work Release Convictions	ilure to Return from Furlough,	and Wilful Failure to x 1 =
Add the scores in each category(round down to the nearest whole number)		TOTAL OFFENDER SCORE
STANDARD SE	NTENCE RANGE CALCUI	_ATION*
		ТО
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER LOW HIGH SCORE STANDARD SENTENCE RANGE
*Add 12 months to the standard range if the current offense is F	d AAID II is a secondale	

<sup>\*</sup>Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

# SENTENCING GUIDELINES SCORING FORM Burglary 2 Offenses

Use this form only for Burglary 2 offenses

JUDGE	CAUSE #	FBI ID #	
·			
ADULT HISTORY: (All adult offenses served concurr separately)	ently count as ONE offens	se; those served consecu	itively are counted
Enter number of Burglary 1 convictions			x 2 =
Enter number of Burglary 2 convictions			x 2 =
Enter number of other felony convictions			x1=
JUVENILE HISTORY: (All adjudications entered on the	e same date count as ONE	offense)	
Enter number of Burglary 1 adjudications			x 2 =
Enter number of Burglary 2 adjudications			x1=
Enter number of other felony adjudications			x ½ =
Enter number of other leiony adjudications			
	encompassing the same cri	minal conduct count in o	ffender score)
OTHER CURRENT OFFENSES: (Those offenses not e	encompassing the same cri	minal conduct count in o	ffender score)
OTHER CURRENT OFFENSES: (Those offenses not e	encompassing the same cri	minal conduct count in o	ffender score) x 2 = x 2 =
OTHER CURRENT OFFENSES: (Those offenses not e  Enter number of other Burglary 1 convictions  Enter number of other Burglary 2 convictions	encompassing the same cri	minal conduct count in o	ffender score)  x2 =
Enter number of other Burglary 1 convictions  Enter number of other Burglary 2 convictions  Enter number of other felony convictions  Add the scores in each category	encompassing the same cri	minal conduct count in o	ffender score)  x2 =

<sup>\*</sup>Add 12 months to the standard range if the current offense is Burglary 2 of a nondwelling AND there is a **special verdict/finding** for deadly weapon.

<sup>\*</sup>Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

<sup>\*</sup>If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours).

# SENTENCING GUIDELINES SCORING FORM Nonviolent Offenses

Use this form only for the following offenses: Assault 3, Attempting to Elude Pursuing Police Vehicle; Bribe Received by Witness; Bribery; Bribing a Witness; Communicating with a Minor for Immoral Purposes; Damaging Building, etc., by Explosion with no Threat to Human Being; Employing, Using, or Permitting Minor to Engage in Sexually Explicit Conduct for Commercial Use; Endangering Life and Property by Explosives with no Threat to Human Being; Extortion 2; False Verification for Welfare; Forged Prescription; Forgery; Hit and Run — Injury Accident; Incest 1; Incest 2; Indecent Liberties (without forcible compulsion); Intimidating a Juror; Intimidating a Public Servant; Intimidating a Witness; Introducing Contraband 1; Introducing Contraband 2; Malicious Harassment; Malicious Mischief 1; Malicious Mischief 2; Perjury 1; Perjury 2; Possession of a Controlled Substance That is a Narcotic from Schedule I or II; Possession of a Controlled Substance that is a Narcotic from Schedule III, IV, or V or Nonnarcotic from Schedule I-V; Possession of Stolen Property 1; Possession of Stolen Property 2; Promoting Prostitution 1; Rape 3; Reckless Burning 1; Rendering Criminal Assistance 1; Sending, Bringing Into the State, Possessing, Publishing, Printing, Etc. Obscene Matter Involving Minor Engaged in Sexually Explicit Conduct; Statutory Rape 2; Statutory Rape 3; Taking Motor Vehicle Without Permission; Tampering with a Witness; Theft 1; Theft 2; Theft of Livestock; Unlawful Imprisonment; Unlawful Issuance of Checks or Drafts; Unlawful Possession of a Short Firearm or Pistol; Vehicle Prowl 1; Vehicular Assault; Welfare Fraud.

OFFENDER'S NAME	OFFENDER'S DOB	STATE ID #	
JUDGE	CAUSE #	FBI ID #	
ADULT HISTORY: (All adult offenses served concurre separately)	ently count as ONE offer	ise; those served consecutively are	counted
Enter number of felony convictions		x1=_	
JUVENILE HISTORY: (All adjudications entered on the	e same date count as ONI	E offense)	
Enter number of felony adjudications		x ½ = -	
OTHER CURRENT OFFENSES: (Those offenses not e	encompassing the same c	riminal conduct count in offender so	core)
Enter number of other felony convictions		x1= -	
Add the scores in each category (round down to the nearest whole number)		TOTAL OFFENDER SCORE	-
STANDADD SEN	ITENCE RANGE CALCUI	ATION*	
STAINDARD SEN	· mitom inition ormooi		
		то	
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER LOW I SCORE STANDARD SENTENCE BA	

<sup>\*</sup>Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

<sup>\*</sup>If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours).

# SENTENCING GUIDELINES SCORING FORM Unranked Offenses

Use this form only for unranked offenses (not listed on any other scoring form)

OFFENDER'S NAME	OFFENDER'S DOB	STATE	EID#
JUDGE	CAUSE #	FBI IC	)#
JUDGE	0.1002		
ADULT HISTORY: Not scored			
JUVENILE HISTORY: Not Scored			
OTHER CURRENT OFFENSES: Not Scored			
STANDARD SEN	ITENCE RANGE CALCUL	ATION*	
	Unranked	none	0 TO 12 mos.
CURRENT OFFENSE BEING SCORED	SERIOUSNESS	OFFENDER	LOW HIGH STANDARD
	LEVEL	SCORE	STANDARD SENTENCE RANGE

<sup>\*</sup>Multiply the range by .75 if the current offense is for an attempt, conspiracy, or solicitation.

# JUDGMENT AND SENTENCE FORMS

Note: These forms were not finalized for the first printing of the manual. They will be mailed to all recipients of the manual as soon as they are completed.

IV-16

### **COURT RULES**

The attached court rules were entered by order of the Supreme Court on May 25, 1984 to be effective on July 1, 1984.

- CrR 2.1 THE INDICTMENT AND THE INFORMATION
  - (a) Use of Indictment or Information. (No change)
  - (b) Nature and Contents. (No Change)
  - (c) Surplusage. (No Change)
  - (d) Amendment of Information. (No Change)
  - (e) Bill of Particulars. (No Change)
  - (f) Defendant's Criminal History. Upon the filing of an indictment or information charging a felony, the prosecuting attorney shall request a copy of the defendant's criminal history, as defined in RCW 9.94A.030, from the Washington State Patrol Identification and Criminal History Section.

#### Comment

The purpose of the rule is to ensure that the defendant's criminal history is available when and if the court is required to determine the validity of a plea agreement.

#### CrR 4.2 PLEAS

- (a) Types. (No change)
- (b) Multiple Offenses. (No change)
- (c) <u>Pleading Insanity</u>. (No change)
- (d) Voluntariness. (No Change)
- (e) Agreements. If a plea of guilty is based upon an agreement between the defendant and the prosecuting attorney, such agreement must be made a part of the record at the time the plea is entered. No agreement shall be made which specifies what action the judge shall take on or pursuant to the plea or which attempts to control the exercise of his discretion, and the court shall so advise the defendant. If the defendant intends to plead guilty pursuant to an agreement with the prosecuting attorney, both the defendant and the prosecuting attorney shall, before the plea is entered, file with the court their understanding of the defendant's criminal history, as defined in RCW 9.94A.030. The nature of the agreement and the reasons for the agreement shall be made a part of the record at the time the plea is entered. The validity of the agreement under RCW 9.94A.090 may be determined at the same hearing at which the plea is accepted.
- (f) Withdrawal of Plea. The court shall allow a defendant to withdraw his plea of guilty whenever it appears that the withdrawal is necessary to correct a manifest injustice. If the defendant pleads guilty pursuant to a plea agreement and the court later determines under RCW 9.94A.090 that the agreement is not binding, the court shall inform the defendant that the guilty plea may be withdrawn and a plea of not guilty entered.

(g) <u>Written Statement</u>. A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty.

Super.	ior Court of Washington
For (	) County
The State of Washington ) Plaintiff, )	No
y. )	Statement of
·	Defendant on
Defendant )	Plea of Guilty
1. My true name is	•
2. My age is	•
3. I went through the	grade in school.
representation by a lawyer and the	ed and fully understand that I have the right to hat if I cannot afford to pay for a lawyer, one will. My lawyer's name is
	d and fully understand that I am charged with the
crime of that the elements of the crime	ara
and that the maximum sentence	for the crime is
and that the maximiditi sentence	for the erine w
the maximum sentence(s) for wh	nich is (are) years and \$ fine.
The standard sentence range for	the crime is at least and
Alaman Alaman	based upon my criminal history which I
understand the Prosecuting Attor	rney says to be:

I have been given a copy of the information.

- 6. I have been informed and fully understand that:
- (a) I have the right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed.
- (b) I have the right to remain silent before and during trial, and I need not testify against myself.
- (c) I have the right at trial to hear and question witnesses who testify against me.
- (d) I have the right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me.
- (e) I am presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty.

(f) I have the right to appeal a determination of guilt after a trial.(g) If I plead guilty I give up the rights in statements 6(a)-(f).

7.	I plead	to the crime of	
as charged	in the _	information.	 

- 8. I make this plea freely and voluntarily.
- 9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
- 10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

<ol> <li>I have been informed and fully understandance the following recommendations to the courferms and Paroless</li> </ol>	nd the Prosecuting Attorney will the and to the Beard of Prison

- I have been informed and fully understand that the court does not have to follow the Prosecuting Attorney's recommendation as to sentence. The court is completely free to give me any sentence up to the maximum permitted by law no matter what the Prosecuting Attorney recommends the standard sentencing range is based on the crime charged and my criminal history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. Criminal history also includes convictions or guilty pleas at juvenile court that are felonies and which were committed when I was fifteen years of age or older. Juvenile convictions count only if I was less than twenty-three years of age at the time I committed this present offense. I fully understand that if criminal history in addition to that listed in paragraph 5 is discovered, both the standard sentence range and the Prosecuting Attorney's recommendation may increase. Even so, I fully understand that my plea of guilty to this charge is binding upon me if accepted by the court, and I cannot change my mind if additional criminal history is discovered and the standard sentence range and Prosecuting Attorney's recommendation increases.
- 13. I have been informed and fully understand that if I am sentenced to prison the Judge must sentence me to the maximum term required by the law, which in this case is \_\_\_\_\_\_\_ The minimum term of sentence is set by the Board of Prison Terms and paroles. The Judge and Prosecuting Attorney may recommend a minimum sentence to the Board but the Board does not have to follow their recommendation. I have been further advised that the crime with which I am charged carries a mandatory minimum of \_\_\_\_\_ years. I have been advised that the law requires that a prison term be imposed and does not permit any form of probation for the crime with which I am charged. I have been advised that if I am sentenced to prison, my sentence must be served consecutively to my prior prison sentence for a prior felony. (If not applicable, any or all of the last three sentences shall be stricken and initiated by the defendant and the Judge.) the court does not have to follow anyone's recommendation as to sentence. I have been fully informed and fully understand that the court must impose a sentence within

the standard sentence range unless the court finds substantial and compelling reasons not to do so. If the court goes outside the standard sentence range, either I or the state can appeal that sentence. If the sentence is within the standard sentence range, no one can appeal the sentence.

14. I understand that if I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of

naturalization pursuant to the laws of the	e United States.
15. The court has asked me to st resulted in my being charged with the statement:	ate briefly in my own words what I did that crime in the information. This is my
16. I have read or have had re numbered sections above (1 through 15) Defendant on Plea of Guilty." I have no	ad to me and fully understand all of the and have received a copy of "Statement of further questions to ask of the court.
·	Defendant
Prosecuting Attorney	Defendant's Lawyer
open court. The court finds the definitelligently and voluntarily made, that	by or to the defendant and signed by the er attorney, and the undersigned Judge, in endant's plea of guilty to be knowingly, to the court has informed the defendant of quences of the plea, that there is a factual it is guilty as charged.
Dated this day of	
	Judge
I am fluent in the this entire document for the defendar defendant has acknowledged his or her the subject matter of this document. I laws of the State of Washington that the  Dated this day of	certify under penalty of perjury under the
	Interpreter

(h) <u>Verification by Interpreter</u>. If a defendant is not fluent in the English language, a person the court has determined has fluency in the defendant's language shall certify that the written statement provided for in section (g) has been translated orally or in writing and that the defendant has acknowledged that he or she understands the translation.

#### Comment

Section (e) of the rule accommodates the requirements in RCW 9.94A.080, .090, and .100. The rule also makes it clear that it is unnecessary to hold separate hearings for determining the validity of the agreement and for accepting the guilty plea.

In Section (f) of the rule, a new sentence is added reflecting a similar provision in RCW 9.94A.090. It is desirable to repeat the statutory provision in the rule to avoid any implication that the "manifest injustice" test in the existing rule applies to the withdrawal of a plea entered pursuant to an agreement that is later found to be not binding under the statute.

The rule requires only that the court "inform" the defendant of the right to withdraw a guilty plea. The Commission concluded that the statutory provision requiring a formal "order" was unnecessary and will recommend that the statute be amended to conform to the proposed rule. It is assumed that if the defendant chooses to exercise the option of withdrawing the plea, the withdrawal will be confirmed by the entry of an order.

Regardless of whether the defendant is permitted to withdraw a guilty plea under the existing "manifest injustice" standard or the new statutory provision, the time for trial is extended under CrR 3.3(d)(7) to 90 days after the entry of the order confirming the withdrawal of the plea if the defendant is released, or 60 days if the defendant is to remain in custody pending trial.

Section (g), concerning the defendant's written statement, has been revised throughout to conform to the requirements of the new act.

Section (h) is the same as the corresponding paragraph in the prior rule.

#### RULE 7.1 PROCEDURES BEFORE SENTENCING (NEW RULE)

- (a) Generally. At the time of, or within 3 days after, a plea, finding, or verdict of guilt of a felony, the court may order that a presentence investigation and report be prepared by the Department of Corrections. The court shall also then:
- (1) Set a date, time, and place for sentencing in compliance with the time requirements of RCW 9.94A.110;
- (2) Order the defendant to return at the designated date, time, and place; and
- (3) Set a date at least 10 days before sentencing for delivery of the presentence report, if any, to the court, to the prosecuting attorney, and to the defendant or defense counsel.

- (b) Report. The report of the presentence investigation shall contain the defendant's criminal history, as defined by RCW 9.94A.030, and such information about his characteristics, his financial condition, and the circumstances affecting his behavior as may be relevant in imposing sentence or in the correctional treatment of the defendant, and such other information as may be required by the court.
- (c) <u>Notice of New Evidence</u>. At least 3 days before the sentencing hearing, defense counsel and the prosecuting attorney shall notify opposing counsel and the court of any part of the presentence report that will be controverted by the production of evidence.
- (d) Other Reports. Any interested person, as designated in RCW 9.94A.110, may submit a report separate from that furnished by the Department of Corrections.

#### Comment

The rule is designed to implement RCW 9.94A.110 and related statutes concerning the sentencing procedure. The entire rule is new; it replaces the existing CrR 7.2, Presentence Investigation, portions of which are incorporated into the new rule.

Section (a) is adapted from Minn. Crim. Rule 27.03. The rule states that the court  $\underline{may}$  order a presentence investigation and report, giving the court a measure of discretion to dispense with a report when the appropriate sentence can readily be determined on the basis of the sentencing guidelines score sheet. The rule codifies the existing practice of requiring the writer of the report to send copies to counsel and to the court.

Section (b) is substantially the same as the prior rule, CrR 7.2(b). The reference in the prior rule to the defendant's "prior criminal record" is replaced by a reference to the defendant's "criminal history" in order to parallel the statutory language.

The reference to "helpful" information is replaced by a reference to "relevant" information because much of what is "helpful" under the existing rule will become irrelevant under a system of presumptive sentencing.

Section (c) ensures that both parties will receive reasonable notice of any intent to controvert the presentence report by the production of new evidence. The combined effect of sections (a) (3) and (c) is that each party will have 7 days to examine the report before giving the required notice.

Section (d) makes it clear that persons who are permitted under RCW 9.94A.110 to present "argument" at sentencing may do so in writing.

Unlike the prior rule, CrR 7.2(c), the rule contains no provision concerning the nondisclosure of "harmful" portions of the presentence report. The Commission concluded that the provision was no longer necessary because much of what might be "harmful" under the prior rule will no longer be relevant under presumptive sentencing and will not be included in the report. If a report under the presumptive sentencing system does contain information that the court believes should be kept confidential, the court may fashion an appropriate remedy on a case-by-case basis.

#### RULE 7-1 7.2 SENTENCING

- (a) Generally. Sentence shall be imposed or an order deferring sentence shall be entered without unreasonable delay. The court shall state the precise terms of the sentence and shall assure that the record accurately reflects all time spent in custody in connection with the offense or behavioral incident for which sentence is imposed. Pending such action the court may release or commit the defendant, pursuant to Rule 3.2. Before disposition the court shall afford counsel an opportunity to speak and shall ask the defendant if he wishes to make a statement in his own behalf and to present any information in mitigation of punishment.
- (b) Procedure at Time of Sentencing. The court shall, at the time of sentencing, unless the judgment and sentence are based on a plea of guilty, advise the defendant:
  - (1) of his right to appeal the conviction;
  - (2) of the right to appeal a sentence outside the standard sentence range;
  - (3) that unless a notice of appeal is filed within 30 days after the entry of the judgment or order appealed from, the right to appeal is irrevocably waived;
  - (4) that the court clerk will, if requested by the defendant appearing without counsel, file a notice of appeal in his behalf; and
  - (5) of his right, if unable to pay the costs thereof, to have counsel appointed and portions of the trial record necessary for review of assigned errors transcribed at public expense for an appeal. These proceedings shall be made a part of the record.
- (c) Withdrawal of Plea of Guilty- A motion to withdraw a plea of guilty may be made only before sentence is imposed or imposition of sentence is suspended or deferred; but to correct manifest injustice the court, after sentence, may set aside the judgment of conviction and permit the defendant to withdraw his plea-
- (c) Record. A verbatim record of the sentencing proceedings shall be made.
- (d) <u>Judgment and Sentence</u>. For every felony sentencing, the clerk of the court shall forward a copy of the judgment and sentence to the Sentencing Guidelines Commission. If the sentence imposed departs from the applicable standard sentence range, the court's written findings of fact and conclusions of law shall also be supplied to the Commission.

#### Comment

The prior rule, CrR 7.1, is adopted as CrR 7.2.

In paragraph (a), the added language is suggested by Minn. R. Crim. P. 27.03. The deleted language addressed matters that are now covered in more detail in RCW 9.94A.110.

Section (b) is the same as the corresponding section in the prior rule, except that subparagraphs (1) and (2) are modified to reflect the provisions of RCW 9.94A.210.

Section (c), concerning the withdrawal of a guilty plea, is deleted. In the existing rules, the point is covered in both CrR 4.2 and CrR 7.1. (See Rule 4.2.) The language of the two provisions differs, but they appear to be the same in substance. There is no apparent distinction between the two provisions in the cases that have interpreted them. No loss of substance occurs when the provision in CrR 7.1 is deleted, leaving the point governed by CrR 4.2.

Section (c) is suggested by Minn. Crim. Rule 27.03.

Section (d) is suggested by Minn. Crim. Rule 27.03.

#### CrR 7.3 JUDGMENT

A judgment of conviction shall set forth whether defendant was represented by counsel or validly waived counsel, made a valid waiver of counsel, the plea, the verdict or findings, and the adjudication and sentence. The court may order that its sentence include special conditions or requirements, including a specified schedule for the payment of a fine, restitution, or other costs, or the performance of community service. If the defendant is found not guilty or for any other reason is entitled to be discharged, judgment shall be entered accordingly. The judgment shall be signed by the judge and entered by the clerk.

## Comment

The rule codifies the existing practice allowing the court to impose special conditions on its sentence. The rule makes it clear and that special conditions, including a specified schedule, may likewise be imposed with respect to an order for community service, restitution, or costs. (See RCW 9.94A.200, referring to "terms and conditions" of restitution.)

The rule is, of course, subject to any statutory restrictions on the court's sentencing authority. For example, a statute requires that a sentence of confinement for more than 60 days must be served on consecutive days (RCW 9.94A.120). The rule would not permit the court to order that such a sentence be served on intermittent days.

#### **RULE 18.15**

### ACCELERATED REVIEW OF ADULT SENTENCINGS.

- (a) Generally. A sentence which is beyond the standard range may be reviewed in the manner provided in the rules for other decisions or by accelerated review as provided in this rule.
- (b) Accelerated Review by Motion. After the notice of appeal has been filed, any party may seek accelerated sentence review and must do so by motion. The motion must include (1) the name of the party filing the motion; (2) the offense; (3) the disposition of the trial court; (4) the standard range for the offense; (5) a statement of the disposition urged by the moving party; (6) copies of the findings of fact, conclusions of law and judgment and sentence; (7) an argument for the relief sought with reference to that portion of RCW 9.94A.210(4) relied upon by the moving party.
- (c) Service on Court Reporter or Clerk. A copy of the motion for accelerated review must be served upon the court reporter in attendance at the sentencing, or, in the case of electronic recording, upon the clerk of the superior court.
- (d) Time for Hearing. The hearing will be conducted no later than 28 days following filing of the record required by RCW 9.94A.210(5). The court will notify the parties of the hearing date.
- (e) Motion Procedure Controls. The motion procedure, including a party's response, is governed by Title 17.
- (f) Accelerated Review of Other Issues. The decision of issues other than those relating to the sentence may be accelerated only pursuant to Rules 18.8 and 18.12.

#### **EXAMPLE CASES**

The following example cases are designed to illustrate application of the sentencing guidelines and scoring rules.

Each example case provides a short description of the offense(s), a brief summary of the defendant's background, and a list of the defendant's prior record. Below each example are comments on how the scoring rules are applied to that case.

The facing right-hand page is a completed Offense Reference Sheet for that case.

#### **EXAMPLE CASE # 1**

Defendant's birthdate: September 16, 1952

# CIRCUMSTANCES OF CRIME:

The defendant applied for unemployment compensation on August 1, 1984 and was certified for benefits. He received benefits through December 13, 1984. Each week during this period he completed and signed continued claim cards certifying that he had not worked and had no earnings. Subsequently, it was discovered that he had worked full time for a construction company from August 13 until December 12, 1984. He had received overpayment of benefits totaling \$1,950.

# BACKGROUND OF DEFENDANT:

The defendant is 32 years old and is currently employed as an industrial x-ray technician earning \$18.12 per hour. He is married and is responsible for \$125 per month child support from a previous marriage. He has extensive real estate, medical and contract debts.

#### **CONVICTIONS:**

Pled guilty to the following crime:

Theft, First Degree (RCW 9A.56.030)

PRIOR ADULT RECORD: None

PRIOR JUVENILE RECORD: None

#### Comments on scoring this case:

The offender has no prior convictions, so his Offender Score is "0".

# Example Case #1

THEFT, FIRST DEGREE (RCW 9A.56.030) NONVIOLENT

#### I. OFFENDER SCORING (RCW 9.94A.360 (9))

A										
	CALLY HISTORY: (All adult offense those served cons		•		nse;			-		
	Enter number of felony convic	tions					<u> </u>	<u> </u>	<u> </u>	
<u>л</u>	UVENILE HISTORY: (All adjudicati	ons entered on	the same date	e count as <u>O</u>	√E offense)					
	Enter number of felony adjudi	cations				• • • • •	<u> (</u>	D x 1/2	- 0_	
<u>o</u>	THER CURRENT OFFENSES: (Other cu	rrent offenses	which do not	encompass tl	ne same crimi	nal conduct	count in of	fender score	)	
	Enter number of other felony	convictions .		• • • • • •			<u>c</u>	<u> </u>		
<u>T(</u>	otal the last column to get the To (round down to the nearest whole		CORE				· • • • • • · · · · · · · · · · · · · ·	· · · · · · ·	0	
			II.	STANDARD SI	INTENCE RANGE			-	-	• .
A.	. OFFENDER SCORE: 0		2	3	4	5	6	7	8	9 or mor
	STANDARD RANGE: 0 - 90 (Seriousness Level II) 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
В.	. The range for attempt, solicita	ntion, and cons	piracy is 75%	of the star	idard sentenc	e range for	the complete	ed crime (RC	W 9.94A.410)	
	The range for attempt, solicitate. Financial obligations may be ac 9.94A.120 (9), 9.94A.270 (1))									A.140,
	. Financial obligations may be ad	dded: fines, r		court costs,	attorney's f	ees, assessm				A.140,
c.	. Financial obligations may be ad	dded: fines, r	estitution, o	court costs,	attorney's f	ees, assesso	nents (SHB 12	247 Section :	23, RCW 9.94	
C.	. Financial obligations may be ac 9.94A.120 (9), 9.94A.270 (1))	dded: fines, ro	estitution, of the state of the	OURT COSTS,	attorney's f OR FIRST DEG years of co	ees, assesson REE THEFT monunity supe	ervision with	247 Section	23, RCW 9.94  (RCW 9.94A.	120 (5))
C.	. Financial obligations may be as 9.94A.120 (9), 9.94A.270 (1))  . If "First-time offender" eligible. If sentence is one year or less	ole: 0-90 days on the statute day of partial	estitution, of the second seco	OURT COSTS,  ING OPTIONS F	attorney's f OR FIRST DEG years of co sider and gi urs of commu	ees, assesson REE THEFT monounity supervice ve priority nity service	ervision with to alternati	a conditions ives to total hours) (RCW	23, RCW 9.94  (RCW 9.94A.	120 (5))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

#### **EXAMPLE CASE # 2**

Defendant's birthdate: July 18, 1947

CIRCUMSTANCES OF CRIME:

While receiving public assistance, the defendant obtained employment on September 10, 1984 and failed to notify DSHS. As a result, she received public assistance for seven months for which she was partially ineligible. DSHS

indicated an overpayment of \$1,425.34.

BACKGROUND OF DEFENDANT:

The defendant is 37 years old and lives with her daughter. They receive aid to families with dependent children totaling \$339 per month. She has a history of emotional

problems and valium abuse.

**CONVICTIONS:** 

The defendant pled guilty to the following crime:

Welfare Fraud (RCW 74.08.331)

#### PRIOR ADULT RECORD:

Date

Offense

11-15-80

Unlawful Issuance of Bank Checks (2 counts, concurrent sentences)

#### PRIOR JUVENILE RECORD: None

#### Comments on scoring this case:

• The defendant has two prior adult convictions which count as one offense in the Offender Score because all adult convictions served concurrently are counted as one offense (RCW 9.94A.360(11)).

WELFARE FRAUD (RCW 74.08.331) NONVIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (9))

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)	
Enter number of felony convictions	x 1 =
JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)	
Enter number of felony adjudications	<u>O</u> x 1/2 = <u>O</u>
OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct co	ount in offender score)
Enter number of other felony convictions	0 x 1 = 0
(round down to the nearest whole number)	<u> </u>
II. STANDARD SENTENCE RANGE	
A. OFFENDER SCORE: 0 1 2 3 4 5  STANDARD RANGE: 0 90 2 - 6 3 - 9 4 - 12 12 + - 14 14 - 18  (Seriousness Level II) days months months months months	6 7 8 9 or more 17 - 22 22 - 29 33 - 43 43 - 57 months months months months
B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for t	the completed crime (RCW 9.94A.410)
C. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessme 9.94A.120 (9), 9.94A.270 (1))	ents (SHB 1247 Section 23, RCW 9.94A.140,
III. SENTENCING OPTIONS FOR WELFARE FRAUD	
A. If "First-time offender" eligible: 0.90 days confinement and up to two years of community supe	ervision with conditions (RCW 9.94A.120 (5))
B. If sentence is one year or less: the statute directs the court to consider and give priority to of jail can be converted to one day of partial confinement or eight hours of community service	to alternatives to total confinement. One day (up to 240 hours) (RCW 9.94A.380)
C. If sentence is one year or less: community supervision can be ordered for up to one year (SHB	1247, Section 22)
D. Exceptional sentence (RCW 9.94A.120 (2)	

SGC 6-84

THIS OFFENSE REFERENCE SHEET FOR USE WITH THE NONVIOLENT SCORING FORM

#### **EXAMPLE CASE #3**

Defendant's birthdate: October 15, 1944

CIRCUMSTANCES

OF CRIME:

The defendant burglarized an office at a used car lot on June 13, 1985. He had been complaining about being "ripped off" on a car deal and had vowed to "get even". The defendant had been drinking heavily the night of the

burglary.

BACKGROUND OF DEFENDANT:

The defendant is 41 years old and has a long history of alcohol abuse. This is the first contact with law enforcement since his last felony sentence.

CONVICTIONS:

Pled guilty to the following crime:

Burglary, Second Degree (RCW 9A.52.030)

#### PRIOR ADULT RECORD:

**Date** 

Offense

1-11-77

Robbery, Second Degree

(2 counts, consecutive sentences)

#### PRIOR JUVENILE RECORD: None

### Comments on scoring this case:

• In 1977, the two counts of Second Degree Robbery received consecutive sentences; thus, they each count as criminal history in the Offender Score.

# Example Case #3

ADULT HISTORY: (All adult offenses served concurrently count as ONE offense;

#### BURGLARY, SECOND DEGREE (RCW 9A.52.030) BURGLARY 2

#### I. OFFENDER SCORING (RCW 9.94A.360 (7))

	those served consecutively are counted separately)	
	Enter number of Burglary 1 convictions	
	Enter number of Burglary 2 convictions	
	Enter number of other felony convictions	
	JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)	
	Enter number of Burglary 1 felony adjudications	
	Enter number of Burglary 2 adjudications	
	Enter number of other felony adjudications	
	OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)	
	Enter number of other Burglary 1 convictions	
	·	
	Enter number of other Burglary 2 convictions	
	Enter number of other felony convictions	
	Total the last column to get the TOTAL OFFENDER SCORE	
	(round down to the nearest whole number)	
	II. STANDARD SENTENCE RANGE	
	A. OFFENDER SCORE: 0 1 2 3 4 5 6 7 8 9 or my  STANDARD RANGE: 0 9 2 6 3 9 4 12 12 12 14 14 18 17 22 22 29 33 43 43 5	
	STANDARD RANGE: $0-90$ $2\cdot 6$ $3\cdot 9$ $4-12$ $12+-14$ $14-18$ $17\cdot 22$ $22\cdot 29$ $33\cdot 43$ $43\cdot 9$ (Seriousness Level II) days months months months months months months months	-
	B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)	<b>-</b>
	C. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon and burglary was of a building other than a dwelling (RCW 9.94A.310, 9.94A.125)	
	D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140,	
	9.94A.120 (9), 9.94A.270 (1))	
	III. SENTENCING OPTIONS FOR SECOND DEGREE BURGLARY	
	A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))	)
	B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One of	day
	of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)	
•	C. If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)	
	D. Expentional centence (DCW 0 QAA 120 (2))	

SGC 6-84

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE BURGLARY 2 SCORING FORM

Defendant's birthdate: June 4, 1962

CIRCUMSTANCES OF CRIME:

On December 13, 1984, the victim was working at a gas station. He turned and saw the defendant standing inside the door of his office. The defendant had his hand in his pocket and he said "I've got a gun in my pocket, give me all your cash." The defendant held a bag while the victim put money in it. As he left, he told the victim, "If you stay cool and don't do anything, I'll be back and you'll get some money for it." The victim was told to get down on the floor. The defendant left. A police patrol unit noticed suspicious actions while the robbery was taking place and the defendant was followed and subsequently arrested.

BACKGROUND OF DEFENDANT:

The defendant is 22 years old, unemployed, and unmarried. He has a history of drug use starting at age 14 and progressing to his present use of heroin. He has not sought treatment for his drug addiction.

**CONVICTIONS:** 

The defendant entered a guilty plea to the following crime:

Robbery, Second Degree (RCW 9A.56.210)

### PRIOR ADULT RECORD:

Date

Offense

8-1-83

Driving While Intoxicated

### PRIOR JUVENILE RECORD:

Date

Offense

1-22-78

Burglary, Second Degree

- Driving While Intoxicated is a misdemeanor and is not counted as criminal history for this crime (RCW 9.94A.360(5)).
- The juvenile adjudication for Second Degree Burglary is counted as criminal history, however, the total Offender Score is "0" due to rounding down to the nearest whole number (RCW 9.94A.360(10)).

### ROBBERY, SECOND DEGREE (RCW 9A.56.210) VIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (5))

	(All adult offenses set those served consecut		•		ıse;					
Enter num	ber of Serious Violent a	nd Violent f	felony convi	ctions			<u>_</u> C	x 2	<u> </u>	
	ber of Nonviolent felony								_	
	RY: (All adjudications						•	•	•	
Enter num	ber of Serious Violent a	nd Violent f	felony adjud	ications			· · · · <u> </u>	) x 2	<u> </u>	
Enter num	ber of Nonviolent felony	adjudicatio	ons				· · · · <u> </u>	x 1/2	= <u>Ya</u>	
OTHER CURRENT	OFFENSES: (Other curren	t offenses v	which do not	encompass th	ne same crim	inal conduct	count in of	fender score	e)	
	ber of other Serious Vio									
Enter nun	ber of other Nonviolent	felony convi	ictions					<u>O</u> x 1	<u> </u>	
-	-		. •						l	
	column to get the TOTAL to the nearest whole num		CORE						0	
(102		,							·	
						_				
			II.	STANDARD SI	ENTENCE RANGI	E				
A. OFFENDER SO	ORE: 0	1	II. 2	STANDARD SI	ENTENCE RANGI 4	5	6	7	8	9 or more
STANDARD RA	NGE: 3 - 9	6 - 12					6 33 - 43 months	7 43 - 57 months	8 53 - 70 months	9 or more 63 - 84 months
STANDARD RA (Seriousnes	NGE: 3 · 9 s Level IV) months	6 - 12 months	2 12+ - 14 months	3 13 - 17 months	4 15 - 20 months	5 22 - 29 months	33 - 43 months	43 - 57 months	53 - 70 months	63 - 84 months
STANDARD RA (Seriousness B. The range	NGE: 3 - 9 s Level IV) months for attempt, solicitatio	6 - 12 months	2 12+ · 14 months	3 13 - 17 months % of the stan	4 15 - 20 months	5 22 - 29 months ce range for	33 - 43 months the complete	43 - 57 months ed crime (RC	53 - 70 months CW 9.94A.410)	63 - 84 months
STANDARD RA (Seriousnes B. The range C. Financial	NGE: 3 · 9 s Level IV) months	6 - 12 months	2 12+ · 14 months	3 13 - 17 months % of the stan	4 15 - 20 months	5 22 - 29 months ce range for	33 - 43 months the complete	43 - 57 months ed crime (RC	53 - 70 months CW 9.94A.410)	63 - 84 months
STANDARD RA (Seriousnes B. The range C. Financial	NGE: 3 · 9 s Level IV) months  for attempt, solicitatio obligations may be added	6 - 12 months on, and consp d: fines, re	2 12+ · 14 months piracy is 75 estitution,	3 13 - 17 months % of the stan	4 15 - 20 months  ndard sentence attorney's	5 22 - 29 months ce range for fees, assess	33 - 43 months the complete	43 - 57 months ed crime (RC	53 - 70 months CW 9.94A.410)	63 - 84 months
STANDARD RA (Seriousness B. The range C. Financial 9.94A.120	s Level IV) months  for attempt, solicitatio obligations may be added (9), 9.94A.270 (1))	6 - 12 months on, and consi	2 12+ - 14 months piracy is 75 estitution, II. SENTENCI	3 13 - 17 months % of the stan court costs,	15 - 20 months  Indard sentence attorney's second DEC	5 22 - 29 months ce range for fees, assess	33 - 43 months the completements (SHB 1	43 - 57 months ed crime (RC 247 Section	53 - 70 months CW 9.94A.410) 23, RCW 9.94	63 - 84 months
STANDARD RA (Seriousness B. The range C. Financial 9.94A.120	NGE: 3 · 9 s Level IV) months  for attempt, solicitatio obligations may be added	6 - 12 months on, and consi	2 12+ - 14 months piracy is 75 estitution, II. SENTENCI	3 13 - 17 months % of the stan court costs,	15 - 20 months  Indard sentence attorney's second DEC	5 22 - 29 months ce range for fees, assess	33 - 43 months the completements (SHB 1	43 - 57 months ed crime (RC 247 Section	53 - 70 months CW 9.94A.410) 23, RCW 9.94	63 - 84 months
STANDARD RA (Seriousness B. The range C. Financial 9.94A.120	s Level IV) months  for attempt, solicitatio obligations may be added (9), 9.94A.270 (1))	6 - 12 months on, and consider fines, ref	2 12+ · 14 months piracy is 75 estitution, II. SENTENCI	3 13 - 17 months % of the star court costs, NG OPTIONS For	4 15 - 20 months  Indard sentence attorney's second DEC	5 22 - 29 months ce range for fees, assessi GREE ROBBERY partial con	33 - 43 months the completements (SHB 1	43 - 57 months ed crime (RC 247 Section	53 - 70 months CW 9.94A.410) 23, RCW 9.94	63 - 84 months

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

Defendant's birthdate: June 18, 1957

CIRCUMSTANCES OF CRIME:

On July 21, 1984 the defendant had been cleaning his .357 magnum revolver and fired the gun, believing that it was unloaded. The victim was shot in the head and died 12 hours

later.

BACKGROUND OF DEFENDANT:

The defendant is a 27-year-old single male. He is currently employed with the J. C. Penney Company as a head custodian and earns \$7.35 per hour. He has been consistently employed since completing high school. As a result of the trauma associated with the incident, the

defendant is receiving counseling.

**CONVICTIONS:** 

The defendant was found guilty by jury of the following

crime:

Second Degree Manslaughter (RCW 9A.32.070)

PRIOR ADULT RECORD: None

### PRIOR JUVENILE RECORD:

**Date** 

Offense

6-11-73

Assault, Second Degree

### Comments on scoring this case:

• The juvenile adjudication for Second Degree Assault is not scored as juvenile history because the defendant had reached his 23rd birthday when the current offense occurred (RCW 9.94A.360(1)).

## Example Case #5

### MANSLAUGHTER, SECOND DEGREE (RCW 9A.32.070) VIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT HISTORY:	All adult offenses served concurrently count as ONE offense;
	those served consecutively are counted separately)
Enter number	of Serious Violent and Violent felony convictions
Enter number	of Nonviolent felony convictions
JUVENILE HISTORY:	(All adjudications entered on the same date count as <u>ONE</u> offense)
Enter number	of Serious Violent and Violent felony adjudications
Enter number	of Nonviolent felony adjudications
OTHER CURRENT OFF	ENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)
Enter number	of other Serious Violent and Violent felony convictions
Enter number	of other Nonviolent felony convictions
Total the last co	the nearest whole number)
	II. STANDARD SENTENCE RANGE

A.	OFFENDER SCORE:	0	1	2	3	4	5	6	7	8	9 or more
	STANDARD RANGE:	12+ - 14	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	46 - 61	57 - 75	67 - 89	77 - 102
	(Seriousness Level VI)	months	months	months	months	months	months	months	months	months	months

- B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
- C. Statutory maximum sentence is 60 months (5 years) (RCW 9A.20.021 (1)(c))
- D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))

#### III. SENTENCING OPTIONS FOR SECOND DEGREE MANSLAUGHTER

A. Exceptional sentence (RCW 9.94A.120 (2))

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

SGC 6-84

Defendant's birthdate: May 23, 1962

### CIRCUMSTANCES OF CRIME:

On August 11, 1984 the defendant and victim played several games of pool for a dollar a game. After the victim lost two games, he decided to leave. When the victim walked away from the pool table, the defendant picked up a pool cue and hit the victim over the back of the head. The victim sustained a head injury which required four days hospitalization, totaling approximately \$1,100 in medical and hospital bills.

### BACKGROUND OF DEFENDANT:

The defendant is 22 years old, unemployed and unmarried. He is enrolled in the GED program and indicates an interest in getting vocational training. He acknowledged problems with alcohol and drugs.

### **CONVICTIONS:**

Found guilty by jury trial of the following crime:

Second Degree Assault while armed with a deadly weapon (RCW 9A.36.020 and 9.41.025)

PRIOR ADULT RECORD: None

PRIOR JUVENILE RECORD: None

### Comments on scoring this case:

• The defendant was found to have been armed with a deadly weapon during the commission of the offense, therefore, 12 months are added to the entire standard sentence range. That increase results in a standard sentence range of 15 to 21 months (RCW 9.94A.310, 9.94A.370).

### ASSAULT, SECOND DEGREE (RCW 9A.36.020) VIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (5))

ADULT	HISTORY:		adult offense se served con					nse;					
	Enter numb	er of	Serious Viole	ent and	d Violent	felony conv	ictions	• • • • •		· · · · <u> </u>	<u>O</u> x 2	= 0	
	Enter numb	er of	Nonviolent fo	elony (	conviction	s	• • • • •			· · · · <u> </u>	<u>O</u> x 1	= 0	
JUVEN	ILE HISTOR	<u>/:</u> (	All adjudicat	ions ei	ntered on	the same da	te count as O	NE offense)					
1	Enter numb	er of	Serious Viole	ent and	d Violent	felony <b>ad</b> ju	dications .			· · · ·	<u>O</u> x 2	= 0	
1	Enter numb	er of	Nonviolent fe	elony a	adjudicati	ons				· · · · -	<u>O</u> x 1/2	=	
OTHER	CURRENT O	FENS	ES: (Other cu	ırrent	offenses	which do no	t encompass t	he same crim	inal conduct	count in of	fender score	·)	
1	Enter numb	er of	other Serious	Viole	ent and Vi	olent felon	y convictions			· · · · <u> </u>	<u>O</u> x 2	= 0	
1	Enter numb	er of	other Nonviol	ent fe	elony conv	ictions					<u>O</u> x 1	<u> </u>	
			n to get the T nearest whole	numbe	er)	<del>-</del>			· • • • • • • · · · · · · · · · · · · ·	• • • • •		0	
					۳ اد	onths							
				15	۱ اد.	II	. STANDARD S	ENTENCE RANGE	<u>:</u>				
	FENDER SCOR		$-\sqrt{\frac{0}{3\cdot 9}}$	$\rightarrow$	1 6 - 12	2 12+ - 14	3 13 - 17	4 15 - 20	5 22 - 29	6 33 - 43	7 43 · 57	<u>8</u> 53 - 70	9 or more 63 - 84
	eriousness			1	months	months	months	months	months	months	months	months	months
B. Th	e range fo	r at	tempt, solicit	ation,	and cons	piracy is 7	5% of the sta	ndard sentenc	e range for	the complet	ed crime (RC	W 9.94A.410)	
			the entire st (RCW 9.94A.310			range with	a special ve	rdict/finding	that the of	fender or a	n accomplice	was armed w	rith
			tions may be a .94A.270 (1))	dded:	fines, re	estitution,	court costs,	attorney's f	ees, assessi	ments (SHB 1	247 Section	23, RCW 9.94	A.140,
					· II	II. SENTENC	ING OPTIONS FO	OR SECOND DEG	REE ASSAULT				
A. If	sentence	is or	ne year or les	s: pa	rt or all	of the sent	tence may be	converted to	partial conf	inement (RC	W 9.94A.380)		
B. If	sentence	is or	ne year or les	s: co	mmunity su	pervision n	nay be ordered	i for up to o	ne year (SHI	3 1247, Sect:	ion 22)		
C. Ex	ceptional	sente	ence (RCW 9.94	A.120	(2))								

SGC 6-84

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

Defendant's birthdate: March 3, 1949

### CIRCUMSTANCES OF CRIME:

On August 17, 1984 forged prescriptions were passed at pharmacies in two different counties. On each occasion a stolen credit card was used to make payment. When the defendant attempted to pass a forged prescription at the second pharmacy, the pharmacist became suspicious and attempted to stall the defendant. He and an accomplice became agitated and fled. The defendant is pending sentencing in another county for the first count.

### BACKGROUND OF DEFENDANT:

The defendant is 35 years old, single, and employed. Although he has never been married, he has been involved in two common law relationships. He has been using drugs since 1969 and was addicted to heroin for ten years. He has been unsuccessfully involved in drug treatment twice, but reports that he now plans to participate in lengthy inpatient drug treatment.

### **CONVICTIONS:**

The defendant entered a guilty plea to the following crime:

Forged Prescription (RCW 69.41.020)

### PRIOR ADULT RECORD:

Date	Offense				
3-23-77	Burglary, Second	Degree			
9-3-84	Unlawfully Obtasentence)	ining a	Controlled	Substance	(pending

### PRIOR JUVENILE RECORD: None

### Comments on scoring this case:

• The offender's adult history consists of convictions for Second Degree Burglary and Unlawfully Obtaining a Controlled Substance. Although sentencing is pending for the latter conviction, it still counts in the Offender Score (RCW 9.94A.030(8)(a)).

# Example Case #7

SGC 6-84

### FORGED PRESCRIPTION (RCW 69.41.020) NONVIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (9))

A	CULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)
	Enter number of felony convictions
Ji	WENILE HISTORY: (All adjudications entered on the same date count as ONE offense)
	Enter number of felony adjudications
<u>o</u>	HER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)
	Enter number of other felony convictions
To	tal the last column to get the TOTAL OFFENDER SCORE
	II. STANDARD SENTENCE RANGE
A.	OFFENDER SCORE:         0         1         2         3         4         5         6         7         8         9 or mor sor mor sor mor mor mor mor mor mor mor mor mor m
В.	The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
С.	Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))
	III. SENTENCING OPTIONS FOR FORGED PRESCRIPTION
A.	If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
В.	If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One day of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
С.	If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)
D.	Exceptional sentence (RCW 9.94A.120 (2))
	THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

Defendant's birthdate: May 10, 1959

CIRCUMSTANCES OF CRIME:

During the period from October, 1984 until June, 1985, the defendant and his girlfriend babysat several children. During this period, while his girlfriend was away, the defendant took indecent liberties with four girls ages five to nine years old. These events occurred several times and the victims stated they were afraid because the defendant threatened to kill their mothers.

BACKGROUND OF DEFENDANT:

The defendant is 26 years old, currently unemployed and living with his girlfriend. He is in the process of getting his GED certificate and he is taking machinist training. He is concerned over his behavior and wants to get into a treatment program.

**CONVICTIONS:** 

The defendant was found guilty by jury of the following crime:

Indecent Liberties with Forcible Compulsion, three counts (RCW 9A.44.100(1)(a))

### PRIOR ADULT RECORD:

**Date** 

Offense

2-81

Forgery

PRIOR JUVENILE RECORD: None

- Assuming the current conviction includes three counts that do <u>not</u> encompass the same criminal conduct, the Offender Score for each count uses the other two current convictions as criminal history (RCW 9.94A.400(1)(a)).
- The court imposes a sentence for each count and these sentences shall be served concurrently (RCW 9.94A.400(1)(a)).

## INDECENT LIBERTIES (WITH FORCIBLE COMPULSION) (RCW 9A.44.100 (1)(a)) VIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (5))

<u>A</u> D	AULT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)
	Enter number of Serious Violent and Violent felony convictions
	Enter number of Nonviolent felony convictions
JU	VENILE HISTORY: (All adjudications entered on the same date count as ONE offense)
	Enter number of Serious Violent and Violent felony adjudications
	Enter number of Nonviolent felony adjudications
OΤ	HER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)
	Enter number of other Serious Violent and Violent felony convictions
	Enter number of other Nonviolent felony convictions
	tal the last column to get the TOTAL OFFENDER SCORE
	II. STANDARD SENTENCE RANGE
A.	OFFENDER SCORE: 0 1 2 3 4 5 6 7 8 9 or more
	STANDARD RANGE:       15 - 20       21 - 27       26 - 34       31 - 41       36 - 48       41 - 54       57 - 75       67 - 89       77 - 102       87 - 116         (Seriousness Level VII)       months       months       months       months       months       months       months       months
В.	The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
c.	Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))
	III. SENTENCING OPTIONS FOR INDECENT LIBERTIES (WITH FORCIBLE COMPULSION)
À.	If no prior sex offense conviction and sentence is less than six years: special sexual offender sentencing alternative (RCW 9.94A.120 (7)(a))
В.	If sentence is less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b))
C.	Exceptional sentence (RCW 9.94A.120 (2))

SGC 6-84

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE VIOLENT SCORING FORM

Defendant's birthdate: January 2, 1941

CIRCUMSTANCES

OF CRIME:

While employed as manager of a restaurant, the defendant did not make bank deposits as required during November, 1984. During a month's time, eight deposits were not made.

A total of \$11,526.32 was diverted.

BACKGROUND OF

DEFENDANT:

The defendant is 43 years old and apparently has been married and divorced three times. He has three children who are currently living with his brother in Texas. He has held numerous jobs over the last several years, but most

have been for a brief time period.

**CONVICTIONS:** 

The defendant entered a guilty plea to the following crime:

Theft, First Degree (RCW 9A.56.030)

#### PRIOR ADULT RECORD:

Date	Offense
4-8-64	Robbery, First Degree
3-4-71	Theft, First Degree

#### PRIOR JUVENILE RECORD: None

- The 1971 conviction for First Degree Theft is not counted in the Offender Score, since more than ten years have elapsed during which the offender has been living in the community without another felony conviction. That offense has "washed out" (RCW 9.94A.360(12)).
- The 1964 conviction was for a Class A felony; therefore, it does not "wash out" and does count in the Offender Score (RCW 9.94A.360(12)).

## Example Case #9

### THEFT, FIRST DEGREE (RCW 9A.56.030) NONVIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (9))

AD	TLT HISTORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)	
	Enter number of felony convictions	
M	/ENILE HISTORY: (All adjudications entered on the same date count as ONE offense)	
	Enter number of felony adjudications	
OTT	IER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)	
	Enter number of other felony convictions	
Tot	al the last column to get the TOTAL OFFENDER SCORE	
	• • • • • • • • • • • • • • • • • • •	
	II. STANDARD SENTENCE RANGE	
	OFFENDER SCORE: 0 1 2 3 4 5 6 7 8 9 or STANDARD RANGE: 0 · 90 (2 · 6) 3 · 9 4 · 12 12 + · 14 14 · 18 17 · 22 22 · 29 33 · 43 43 -	
		iths
B.	The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)	
C.	Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))	
	III. SENTENCING OPTIONS FOR FIRST DEGREE THEFT	
A.	If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5)	)
В.	If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)	day
c.	If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)	
D.	Exceptional sentence (RCW 9.94A.120 (2))	

THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE NONVIOLENT SCORING FORM

Defendant's birthdate: June 10, 1957

CIRCUMSTANCES

OF CRIME:

On July 20, 1984 a mobile home was burglarized and a color TV and stereo were taken. The TV was discovered in the defendant's home and he admitted selling the stereo. On July 30, 1984 the defendant forged a \$50 check, which he

had taken from a friend's checkbook.

BACKGROUND OF DEFENDANT:

The defendant is 27 years old, separated, and the father of three children. He is an excessive drinker.

**CONVICTIONS:** 

The defendant entered a guilty plea to the following crimes:

Burglary, Second Degree (RCW 9A.52.030) Theft, Second Degree (RCW 9A.56.040)

Forgery (RCW 9A.60.020)

### PRIOR ADULT RECORD:

Date

Offense

6-5-80

Burglary, Second Degree

### PRIOR JUVENILE RECORD: None

- Because there are two or more current offenses, the multiple offense policy applies (RCW 9.94A.400).
- Assuming the current counts of Second Degree Burglary and Second Degree Theft encompass the same criminal conduct, they are counted as one offense in the Offender Score (RCW 9.94 A.400(1)(a)).
- The Forgery is counted in the Offender Score as a separate current offense (RCW 9.94A.400(1)(a)).
- The 1980 conviction for Second Degree Burglary is counted as adult history in calculating the Offender Score (RCW 9.94A.360(7)).
- The court must impose separate sentences for the Second Degree Burglary, Second Degree Theft, and Forgery. These sentences will run concurrently (RCW 9.94A.400(1)(a)).
- The example Offense Reference Sheet was completed here for the current offense receiving the longest sentence. In practice, each conviction results in a sentence so each current offense needs to be scored separately.

### Eyample Case # 10

### BURGLARY, SECOND DEGREE (RCW 9A.52.030) BURGLARY 2

### I. OFFENDER SCORING (RCW 9.94A.360 (7))

												•
AD	OULT HISTORY:	•	offenses ser ved consecuti		-	t as ONE offen rately)	se;					
•	Enter numb	er of Burgl	ary 1 convict	ions		,	,		· · · · · · · · · · · · · · · · · · ·	<u> </u>	<u> </u>	
	Enter numb	er of Burgl	ary 2 convict	ions					• • • • • • • • • • • • • • • • • • • •	1 x 2	<u> </u>	
	Enter numb	er of other	felony convi	ctions						<u>O</u> 1 1	= 0	
JU	VENILE HISTOR	Y: (All ad	judications e	entered on t	he same dat	te count as ON	E offense)					
	Enter numb	er of Burgl	ary 1 felony	adjudicatio	ns			• • • • •	<u> (</u>	<u> 7 x 2</u>	<u> </u>	
	Enter numb	er of Burgl	ary 2 adjudic	ations					(	<u> </u>	<u> 0</u>	
	Enter numb	er of other	felony adjud	lications .					<b>_</b>	x 1/2	<u> </u>	
01	HER CURRENT O	FFENSES: (	Other current	offenses w	hich do not	encompass th	e same crimi	nal conduct	count in of	fender score	)	
	Enter numb	er of other	Burglary 1 c	convictions						O r 2	= <u>O</u>	
	Enter numb	er of other	Burglary 2 c	onvictions						<u>O</u> x 2	= 0	
	Enter numb	er of other	felony convi	ctions					<u>-</u>	<u> </u>	_ \	
	tal the last				ORE						3	
	(Todala down c	o the heare	St whole numb	ici j		67.17.17. 6W					11	
					11.	STANDARD SE	VIENCE KANGE	i				
A.	OFFENDER SCO		0 - 90	1 2 - 6	3 - 9	$\frac{3}{4 \cdot 12}$	4 12+ - 14	5 14 - 18	6 17 · 22	7 22 · 29	8 33 - 43	9 or mor
	STANDARD RANK (Seriousness		days	months	months	months	months	months	months	months	months	months
В.	The range fo	or attempt,	solicitation	, and consp	iracy is 75	% of the stan	lard sentenc	e range for	the complete	ed crime (RC	W 9.94A.410)	
C.						a special ver a dwelling (				accomplice	was armed w	ith
D.	Financial of 9.94A.120 (	_	•	fines, re	stitution,	court costs,	attorney's f	ees, assessi	pents (SHB 1	247 Section 2	23, RCW 9.94	A.140,
				III	. SENTENCIN	G OPTIONS FOR	SECOND DEGR	EE BURGLARY				· .
A.	If "First-t	ime offender	r" eligible:	0-90 days	confinement	and up to two	years of c	ommunity sup	ervision wi	th conditions	s (RCW 9.94A	.120 (5))
В.	If sentence of jail can	is one year be converte	r or less: t ed to one day	he statute of partial	directs the confinemen	court to cons t or eight ho	sider and gi	ve priority nity service	to alternat (up to 240	ives to total hours) (RCW	confinemen 9.94A.380)	t. One da
C.	If sentence	is one year	or less: c	ommunity su	pervision m	ay be ordered	for up to o	ne year (SHI	1247, Sect	ion 22)		
D.	Exceptional	sentence (I	RCW 9.94A.120	(2))								
			1 1997	e oppose n	Pronesion em	EET TO BOD HO	WITH THE D	IDCI ADV 2 CO	ODTAC EODM	1		

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Defendant's birthdate: January 15, 1959

CIRCUMSTANCES
OF CRIME:

The offenses took place between August 2, 1984 and January 19, 1985. The four victims were strangers to the defendant. The defendant used physical force and threats to accomplish the rapes and all of the victims were physically injured.

BACKGROUND OF DEFENDANT:

The defendant is 26 years old, divorced, and has a good employment history. He pays \$200 a month child support for his one child. His family is very supportive. He maintains his innocence.

**CONVICTIONS:** 

The defendant was found guilty by jury of the following crimes:

Rape, First Degree, four counts (RCW 9A.44.040).

### PRIOR ADULT RECORD:

Date

Offense

6-15-82

Theft, Second Degree

### PRIOR JUVENILE RECORD: None

- Assuming all four of the current counts of First Degree Rape arose from separate and distinct criminal conduct, the 1982 conviction for Second Degree Theft is counted as adult history in calculating the Offender Score for only one count of First Degree Rape. The remaining current offenses are NOT counted in the Offender Score (RCW 9.94A.400(1)(b)).
- The second, third, and fourth counts are sentenced with an Offender Score of "0" (RCW 9.94A.400(1)(b)).
- The four separate sentences for the current offenses will be served consecutively (RCW 9.94A.400(1)(b)), resulting in a standard sentence range of 210 to 279 months.

RAPE, FIRST DEGREE (RCW 9A.44.040) SERIOUS VIOLENT

### I. OFFENDER SCORING (RCW 9.94A.360 (2))

Ā	THE STORY: (All adult offenses served concurrently count as ONE offense; those served consecutively are counted separately)
	Enter number of Serious Violent felony convictions
	Enter number of Violent felony convictions
	Enter number of Nonviolent felony convictions
11	UVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)
	Enter number of Serious Violent felony adjudications
	Enter number of Violent felony adjudications
	Enter number of Nonviolent felony adjudications
01	THER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)
	Enter number of other Serious Violent felony convictions
	Enter number of other Violent felony convictions
	Enter number of other Nonviolent felony convictions
To	otal the last column to get the TOTAL OFFENDER SCORE
	(round down to the nearest whole number)
	II. STANDARD SENTENCE RANGE
A.	OFFENDER SCORE: 0 1 2 3 4 5 6 7 8 9 or more
	STANDARD RANGE: 51 · 68 57 · 75 62 · 82 67 · 89 72 · 96 77 · 102 98 · 130 108 · 144 129 · 171 149 · 198 (Seriousness Level X) months months months months months months months months
В.	The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
c.	Add 24 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon (RCW 9.94A.310, 9.94A.125)
D.	Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140, 9.94A.120 (9), 9.94A.270 (1))
	III. SENTENCING OPTIONS FOR FIRST DEGREE RAPE
A.	If sentence is less than six years: sexual offender treatment program (RCW 9.94A.120 (7)(b))
В.	Exceptional sentence (RCW 9.94A.120 (2))

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THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE SERIOUS VIOLENT SCORING FORM

Defendant's birthdate: April 28, 1966

CIRCUMSTANCES

OF CRIME:

Two masked men entered the unlocked back door of the supermarket on July 3, 1984. An employee saw them run out the back door and leave in a car. The defendant was on

probation at the time this offense occurred.

BACKGROUND OF

DEFENDANT:

The defendant is 18 years old, single, and unemployed. He is

interested in getting computer programming training.

**CONVICTIONS:** 

The defendant entered a guilty plea to the following crime:

Attempted Burglary, Second Degree (RCW 9A.52.030)

### PRIOR ADULT RECORD:

**Date** 

Offense

3-2-84

Possession of Stolen Property, Second Degree

### PRIOR JUVENILE RECORD:

Date

Offense

6-26-82

Burglary, First Degree

- The 1984 conviction for Second Degree Possession of Stolen Property is counted as adult history in calculating the Offender Score (RCW 9.94A.360(7)).
- The 1982 adjudication for First Degree Burglary is counted as juvenile history in calculating the Offender Score (RCW 9.94A.360(7)).
- Since the offense is Attempted Second Degree Burglary, the sentence range is 75 percent of the range for the completed crime (RCW 9.94A.410). This results in a standard sentence range for this offense of three to nine months.
- Since the defendant was on probation at the time the current offense was committed, the sentence for Attempted Second Degree Burglary will be served consecutively to the sentence for Second Degree Possession of Stolen Property (RCW 9.94A.400(4)).
- If the sentence for Attempted Second Degree Burglary requires any total confinement, that period of total confinement will be served before any other sentence requirement (RCW 9.94A.400(5)).

## Example Case # 12

### BURGLARY, SECOND DEGREE (RCW 9A.52.030) BURGLARY 2

### I. OFFENDER SCORING (RCW 9.94A.360 (7))

ADULT HISTORY: (All adult offenses served concurrently count as ONE those served consecutively are counted separately)
Enter number of Burglary 1 convictions
Enter number of burgiary 1 convictions
Enter number of Burglary 2 convictions
Enter number of other felony convictions
JUVENILE HISTORY: (All adjudications entered on the same date count as ONE offense)
Enter number of Burglary 1 felony adjudications
Enter number of Burglary 2 adjudications
Enter number of other felony adjudications
OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same criminal conduct count in offender score)
Enter number of other Burglary 1 convictions
Enter number of other Burglary I convictions
Enter number of other Burglary 2 convictions
Enter number of other felony convictions
Total the last column to get the TOTAL OFFENDER SCORE
(round down to the nearest whole number)
II. STANDARD SENTENCE RANGE  3-9 months
A DEFENDED SCORE: $0   1   2   3   4   5   6   7   6   5   01   1000$
STANDARD RANGE: 0 - 90 2 - 6 3 - 9 4 - 12 12+ - 14 14 - 18 17 - 22 22 - 29 33 - 43 43 - 57
(Seriousness Level II) days months months months months months
B. The range for attempt, solicitation, and conspiracy is 75% of the standard sentence range for the completed crime (RCW 9.94A.410)
C. Add 12 months to the entire standard sentence range with a special verdict/finding that the offender or an accomplice was armed with a deadly weapon and burglary was of a building other than a dwelling (RCW 9.94A.310, 9.94A.125)
D. Financial obligations may be added: fines, restitution, court costs, attorney's fees, assessments (SHB 1247 Section 23, RCW 9.94A.140,
9.94A.120 (9), 9.94A.270 (1))
III. SENTENCING OPTIONS FOR SECOND DEGREE BURGLARY
A. If "First-time offender" eligible: 0-90 days confinement and up to two years of community supervision with conditions (RCW 9.94A.120 (5))
B. If sentence is one year or less: the statute directs the court to consider and give priority to alternatives to total confinement. One do of jail can be converted to one day of partial confinement or eight hours of community service (up to 240 hours) (RCW 9.94A.380)
C. If sentence is one year or less: community supervision may be ordered for up to one year (SHB 1247, Section 22)
D. Exceptional sentence (RCW 9.94A.120 (2))
THIS OFFENSE REFERENCE SHEET IS FOR USE WITH THE BURGLARY 2 SCORING FORM

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### **FELONY INDEX**

(RCW) Statute	Offense	Seriousness Level
9.02.010	Abortion	Unranked
29.36.110	Absentee Voting Violation	Unranked
9.05.020	Advocating Criminal Anarchy	Unranked
9.05.080	Advocating Sabotage	Unranked
10.95.020	Aggravated Murder 1	XIV
9.45.210	Altering Sample or Certificate of Assay	Unranked
46.12.220	Alteration or Forgery - Motor Vehicle Title	Unranked
9A.48.020	Arson 1	VIII
9A.48.030	Arson 2	IV
9A.36.010	Assault 1	ХI
9A.36.020	Assault 2	IV
9A.36.030	Assault 3	III
9.05.030	Assembly of Anarchists	Unranked
72.23.170	Assist Escape of Mental Patient	Unranked
46.61.024	Attempting to Elude Pursuing Police Vehicle	I
9A.76.170	Bail Jump from Murder 1 Offense	Unranked
9A.76.170	Bail Jump From Class A Offense	Unranked
9A.76.170	Bail Jump From Class B Offense	Unranked
9A.76.170	Bail Jump From Class C Offense	Unranked
30.04.160	Bank or Trust Co. Borrow/Reloan or Rediscount	Unranked
30.12.090	Bank or Trust Co. /False Entry, Statements, Etc.	Unranked
30.12.100	Bank or Trust Co. /Destroy or Secrete Records	Unranked
30.04.140	Bank or Trust Co. Prohibited Pledging Securities	Unranked
30.44.120	Bank or Trust Co. Receiving Deposits When Insolvent	Unranked
9A.64.010	Bigamy	Unranked
9.61.160	Bomb Threat	Unranked
16.49A.360	Bribe Received by Meat Inspector	Unranked
9A.72.100	Bribe Received by Witness	IV
9A.68.010	Bribery	VI
9A.72.090	Bribing a Witness	IV
16.49A.360	Bribing Meat Inspector	Unranked

(RCW) Statute	Offense	Seriousness Level
72.23.300	Bringing Narcotics, Liquor, or Weapons into Institution or Grounds	Unranked
9.47.120	Bunco Steering	Unranked
9A.52.020	Burglary 1	VII
9A.52.030	Burglary 2	II
9.46.180	Causing Person to Violate Gambling Laws	Unranked
65.12.730	Certification of Land Registration Subject to Larceny	Unranked
9A.64.030	Child Selling or Buying	Unranked
30.12.110	Commission, Etc., for Procuring Loan	Unranked
9A.44.110	Communicating with Minor for Immoral Purposes	III
9A.52	Computer Trespass 1	Unranked
32.04.110	Conceal or Destroy Evidence by Savings Bank	Unranked
69.50.401	Create, Deliver, or Possess a Counterfeit	II
(b)(1)(i)	Controlled Substance - Schedule I or II Narcotic (First Drug Conviction)	
69.50.401 (b)(1)(i)	Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule I or II Narcotic (Subsequent Drug Conviction)	II .
69.50.401 (b)(1)(ii-iv)	Create, Deliver or Possess a Counterfeit Controlled Substance - Schedule III-V Narcotic or Schedule I-V Nonnarcotic	II
9A.28.020	Criminal Attempt - Murder 1	75% of sentence
9A.28.020	Criminal Attempt - Class A Felony	of principal
9A.28.020	Criminal Attempt - Class B Felony	crime.
9A.28.040	Criminal Conspiracy - Murder 1	75% of sentence
9A.28.040	Criminal Conspiracy - Class A Felony	of principal
9A.28.040	Criminal Conspiracy - Class B Felony	crime.
9A.56.095	Criminal Possession of Leased or Rented Machinery, Etc.	Unranked
9A.28.030	Criminal Solicitation - Murder 1	75% of sentence
9A.28.030	Criminal Solicitation - Class A Felony	of principal
9A.28.030	Criminal Solicitation - Class B Felony	crime.
70.74.280(1	) Damaging Building, Etc., by Explosion with Threat to Human Being	<b>X</b>
70.74.280(2	) Damaging Building, Etc., by Explosion with No Threat to Human Being	VI

(RCW) Statute	Offense	Seriousness Level
43.06.230	Destroy, Damage Property or Cause Person Injury after Emergency Proclaimed	Unranked
9.05.100	Displaying Emblems of Seditious or Anarchistic Group	Unranked
29.18.080	Duplication of Names - Conspiracy	Unranked
29.18.070	Duplication of, Use of Nonexistent or Untrue Names	Unranked
29.85.220	Election Officer Conniving with Unqualified Voter	Unranked
29.85.160	Election Officer Violation at Poll	Unranked
29.85.170	Election Officer General Violation	Unranked
29.85.200	Election Registration Under False name	Unranked
43.08.140	Embezzlement by State Treasurer	Unranked
9.68 A.020	Employing, Using, or Permitting Minor to Engage in Sexually Explicit Conduct for Commercial Use	IX
70.74.270(1)	Endangering Life and Property by Explosives with Threat to Human Being	IX
70.74.270(2)	Endanger Life and Property by Explosives with No Threat to Human Being	VI
9.68.060	Erotic Material (3rd Offense)	Unranked
9A.76.110	Escape 1	IV
9A.76.120	Escape 2	III
70.74.180	Explosive Devices Prohibited	IX
9A.56.120	Extortion 1	V
9A.56.130	Extortion 2	III
39.44.101	Facsimile Signatures on Bonds and Coupons	Unranked
10.19.130	Failure to Appear after Release on Recognizance	Unranked
42,24.100	False Claim from Municipal Corporation (Charged Perjury 2)	Unranked
9.24.050	False Report of Corporation	Unranked
46.12.210	False Statement or Illegal Transfer of Motor Vehicle Ownership	Unranked
29.85.180	False Swearing at Primary (Charged Perjury)	Unranked
65.12.740	False Swearing - Registration of Land Title (Charged Perjury)	Unranked
32.04.100	Falsify Savings Books, Etc.	Unranked
33.36.040	Falsify Savings & Loan Association Books	Unranked
74.08.055	False Verification for Welfare	I
69.41.020	Forged Prescription	I

(RCW) Statute	Offense	Seriousness <u>Level</u>
9A.60.020	Forgery	<b>I</b>
65.12.760	Forgery of Registrar's Signature or Seal	Unranked
76.36.120	Forgery of Forest Product Mark	Unranked
29.85.140	Forgery on Nomination Papers (Charged Forgery)	Unranked
82.20.050	Forgery or Counterfeiting of Tax Stamp	Unranked
82.24.100	Forgery or Counterfeit Cigarette Tax Stamp	Unranked
29.85.100	Fraud in Certification of Nomination or Ballot	Unranked
9.45.160	Fraud in Liquor Warehouse Receipts	Unranked
9.45.124	Fraud in Measurement of Goods	Unranked
19.48.110	Fraud in Obtaining Accommodations	Unranked
9.45.240	Fraud in Obtaining Telephone or Telegraph Services	Unranked
67.24.010	Fraud in Sporting Contest	Unranked
9.91.090	Fraudulent Destruction of Insured Property	Unranked
65.12.750	Fraudulent Procurement or False Entry on Registration	Unranked
9.24.020	Fraudulent Issue of Stock, Etc.	Unranked
9.46.160	Gambling without License	Unranked
77.21.010	Game Violation - Second Conviction	Unranked
9A.76.200	Harming a Police Dog	Unranked
46.52.020(4)	Hit and RunInjury Accident	IV
9.94.030	Holding Hostages or Interfering with Officer's Duty	Unranked
48.30.190	Illegal Dealing in Premiums	Unranked
9.46.230	Illegal Gambling Device	Unranked
69.41.040	Illegal Issuance of Legend Drug Prescription	Unranked
9.16.020	Imitating Lawful Brands	Unranked
9A.64.020(1)	Incest 1	VI
9A.64.020(2)	Incest 2	V
9A.44.100 (1)(a)	Indecent Liberties (with Forcible Compulsion)	VII
9A.44.100 (1)(b,c)	Indecent Liberties (without Forcible Compulsion)	VI
9.45.126	Inducing Fraud in Measurement of Goods	Unranked
31.04.220	Industrial Loan Company Violation	Unranked
29.79.440	Initiative & Referendum - Violation	Unranked
40.16.010	Injury to a Public Record	Unranked

(RCW) Statute C	Offense .	Seriousness Level
40.16.020	Injury to and Misappropriation of Public Record	Unranked
9.24.030	Insolvent Bank Receiving Deposit	Unranked
9.05.070	Interference with Owner's Control	Unranked
29.85.060	Intimidate, Influence or Bribe an Elector	Unranked
9A.72.130	Intimidating a Juror	VI
9A.76.180	Intimidating a Public Servant	III
9A.72.110	Intimidating a Witness	VI
9A.76.140	Introducing Contraband 1	VII
9A.76.150	Introducing Contraband 2	III
9A.40.020	Kidnapping 1	X
9A.40.030	Kidnapping 2	V
30.12.120	Loan to Officer or Employee from Trust Fund	Unranked
9.41.190	Machine Gun Possession Prohibited	Unranked
9.47.090	Maintaining Bucket Shop	Unranked
9.45.220	Making False Sample or Assay of Ore	Unranked
31.12.340	Making False Entry or Statement in Credit Union Books	Unranked
9A.36.080	Malicious Harassment	IV
9A.48.070	Malicious Mischief 1	II
9A.48.080	Malicious Mischief 2	I
9.62.010	Malicious Prosecution	Unranked
9A.32.060	Manslaughter 1	IX
9A.32.070	Manslaughter 2	VI
69.50.401 (a)(1)(i)	Manufacture, Deliver, or Possess with Intent to Deliver Narcotic from Schedule I and II (First Drug Conviction)	VI
69.50.401 (a)(1)(i)	Manufacture, Deliver, or Possess with Intent to Deliver Narcotic from Schedule I or II (Subsequent Drug Conviction)	VI
69.50.401 (a)(1) (ii-iv)	Manufacture, Deliver, or Possess with Intent to Deliver Narcotics from Schedule III, IV, V or Nonnarcotics from Schedule I-V (Except Marijuana)	IV
69.50.401 (a)(1)(ii)	Manufacture, Deliver, or Possess with Intent to Deliver Marijuana	III
9.81.030	Member Subversive Organization	Unranked
42.20.070	Misappropriating and Falsifying Accounts by Public Officer	Unranked
42.20.090	Misappropriating and Falsifying Accounts by Treasurer	Unranked

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(RCW) Statute	Offense	Seriousness Level
9.82.030	Misprision of Treason	Unranked
9.45.070	Mock Auction	Unranked
9A.32.030	Murder 1	XIII
9A.32.050	Murder 2	XII
68.08.150	Mutiliating or Disinterring Human Remains	Unranked
26.20.030	Nonsupport of Child Under 16	Unranked
69.50.403	Obtain a Controlled Substance by Fraud or Forged Prescription	Unranked
19.48.110	Obtaining Accommodations by Fraud	Unranked
9A.60.030	Obtaining Signature by Deception or Duress	Unranked
40.16.030	Offering False Instrument for Filing or Record	Unranked
68.08.140	Opening Graves, Stealing Body or Receiving Same	Unranked
69.50.406	Over 18 and Deliver Narcotic from Schedule I or II to Someone Under 18 and 3 Years Junior	X
69.50.406	Over 18 and Deliver Narcotic from Schedule III, IV, or V or a Nonnarcotic from Schedule I-V to Someone Under 18 and 3 Years Junior	IX
9.46.230	Owning, Buying, Etc., Gambling Devices or Records	Unranked
9A.72.020	Perjury 1	V.
9A.72.030	Perjury 2	III
69.40.030	Placing Poison or Other Harmful Object or Substance in Food, Drinks, Medicine or Water	Unranked
69.40.020	Poison in Milk or Food Product	Unranked
9.94.041	Possession of Controlled Substance by Prisoners	Unranked
9.94.045	Possession of Controlled Substance in Prison by Nonprisoner	Unranked
69.50.401(d	Possession of Controlled Substance That is a Narcotic from Schedule I or II	II
69.50.401(d)	Possession of Controlled Substance That is a Narcotic from Schedule III, IV, V or Nonnarcotic from Schedule I-V	I
9.05.110	Fossession of Emblems Unlawful	Unranked
9.40.120	Possession of Incendiary Device	Unranked
9A.56.150	Possession of Stolen Property 1	II
9A. <i>5</i> 6.160	Possession of Stolen Property 2	I
9.94.040	Possession of Weapons by Prisoners	Unranked
9.94.043	Possession of Weapons in Prison by Nonprisoner	Unranked

(RCW) Statute	Offense	Seriousness <u>Level</u>
33.36.030	Preference in Case of Insolvency - Savings Bank	Unranked
30.44.110	Preference Prohibited - Bank or Trust Co.	Unranked
9.02.020	Pregnant Woman Attempting Abortion	Unranked
9.94.020	Prison Riot	Unranked
9.46.220	Professional Gambling	Unranked
9.68.140	Promoting Pornography	Unranked
9A.88.070	Promoting Prostitution 1	VIII
9A.88.080	Promoting Prostitution 2	III
9A.36.060	Promoting a Suicide Attempt	Unranked
9A.44.040	Rape 1	x
9A.44.050	Rape 2	VIII
9A.44.060	Rape 3	V
29.82.170	Recall-Violation by Signer	Unranked
9A.68.030	Receiving or Granting Unlawful Compensation	Unranked
9A.48.040	Reckless Burning 1	I
68.08.145	Removing Human Remains	Unranked
9.16.010	Removing Lawful Brands	Unranked
9A.76.070	Rendering Criminal Assistance 1	V
9A.68.020	Requesting Unlawful Compensation	Unranked
9A.84.010	Riot	Unranked
9A.56.200	Robbery I	IX
9A.56.210	Robbery 2	IV .
9.05.060	Sabotage	Unranked
69.41.030	Sale, Delivery or Possession With Intent to Deliver Legend Drug Without Prescription	Unranked
21.20.400	Securities Act Violation	Unranked
9.68 A.030	Sending, Bringing into State, Possessing, Publishing, Printing, Etc., Obscene Matter Involving Minor Engaged in Sexually Explicit Conduct	VII
69.50.410(2	Selling for Profit Schedule I Controlled or Counterfeit Substance (except Heroin)	VI
69.50.410(3	) Selling Heroin for Profit	VIII
9.41.180	Setting Spring Gun	Unranked
9A.44.070	Statutory Rape 1	IX
9A.44.080	Statutory Rape 2	VII
9A.44.090	Statutory Rape 3	III

(RCW) Statute	Offense	Seriousness <u>Level</u>
9.45.020	Substitution of Child	Unranked
9.81.110	Subversive Misstatements for Employment (Charged Perjury)	Unranked
9.81.020	Subversive Acts	Unranked
33.36.060	Suppress, Secrete or Destroy Evidence or Records	Unranked
9A.56.070	Taking Motor Vehicle Without Permission	I
9A.72.120	Tampering with a Witness	III
9A.56.080	Theft of Livestock	II
9A.56.030	Theft 1	II
9A.56.040	Theft 2	<b>I</b>
9A.36.090	Threats Against Governor or Family	Unranked
9A.68.040	Trading in Public Office	Unranked
9A.68.050	Trading in Special Influence	Unranked
32.24.080	Transfer Mutual Savings Bank Assets When Insolvent	Unranked
9.82.010	Treason	Unranked
39.62.040	Unauthorized Use Public Official Facsimile Signature or Seal	Unranked
21.20.030	Unlawful Acts of Investment Adviser	Unranked
21.20.020	Unlawful Acts of Person Advising Another	Unranked
9A.56.060	Unlawful Issuance of Checks or Drafts	1
9A.40.040	Unlawful Imprisonment	III
21.20.010	Unlawful Offer, Sale or Purchase of Securities	Unranked
9.41.040	Unlawful Possession of a Short Firearm or Pistol	III
66.44.120	Unlawful Use of Liquor Board Seal (3rd Offense)	Unranked
29.85.240	Unqualified Person Voting	Unranked
69.50.403	Utter False or Forged Prescription	Unranked
9A.52.095	Vehicle Prowl 1	I
46.61.522	Vehicular Assault	IV
46.61.520	Vehicular Homicide	VII
69.41.020	Violation of Legend Drug Act - False Information	Unranked
29.85.260	Voting Machine - Tampering or Extra Keys	Unranked
74.08.331	Welfare Fraud	II
48.30.220	Wilful Destruction, Injury, Secretion, Etc., of Insured Property	Unranked

(RCW) Statute	Offense	Seriousness <u>Level</u>
72.66.060	Wilful Failure to Return from Furlough	IV
72.65.070	Wilful Failure to Return from Work Release	Unranked
9.47.100	Written Statement Furnished of Sale	Unranked

### **GLOSSARY OF TERMS\***

### Alternative Conversion:

Sentencing option allowing alternatives to total confinement for an offender whose sentence is one year or less. Includes the following:

- Partial confinement (one day of partial confinement may be substituted for one day of total confinement).
- Community service up to 240 hours or 30 days (eight hours of community service may be substituted for one day of total confinement). For a violent offender, conversion to community service is not possible.

### Community Corrections Officer:

Employee of the Department of Corrections responsible for supervising offenders with sentences involving community supervision, restitution, or fines. Formerly called Probation and Parole Officer.

### Community Service:

Sentence involving compulsory service, without compensation, performed for the benefit of the community by the offender.

### Community Supervision:

Period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to RCW 9.94A by a court. For a first time offender, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).

Crime Related Prohibition: Order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted. Shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

### Criminal History:

List of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of The history includes convictions or incarceration. pleas of guilty in juvenile court if: (i) the guilty plea or conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a);

<sup>\*</sup>Compiled from the definition section of Chapter 9.94A RCW as well as the statute's text.

and (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) the defendant had not reached his or her twenty-third birthday at the time the offense for which he or she is being sentenced was committed.

Deadly Weapon:

Implement or instrument which has the capacity to inflict death and from the manner in which it is used, is likely to produce death or may easily and readily produce death.

Determinate Sentence:

Sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, number of actual hours or days of community service work, or dollars or terms of a fine or restitution.

Discharge:

Certificate from the sentencing court which indicates that an offender has completed the requirements of a sentence. The discharge has the effect of restoring all civil rights lost by operation of law upon conviction; it is not based on a finding of rehabilitation.

**Exceptional Sentence:** 

Court-imposed determinate sentence, outside the sentence range, justified by substantial and compelling reasons as illustrated in the list of mitigating and aggravating circumstances in RCW 9.94A.390.

First-Time Offender:

Person convicted of a felony not classified as a violent offense, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

Forcible Compulsion:

Physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped.

Nonviolent Offender:

Offender convicted of a felony offense not defined as a violent offense in RCW 9.94A.030(18).

Offender score:

The Offender Score is the sum of points accrued under subsections (1) through (12) of RCW 9.94A.360. The Offender Score is measured on the horizontal axis of the sentencing grid.

Partial Confinement:

Confinement for no more than one year in a facility or institution operated or utilized under contract by the State or any other unit of government, for at least eight hours a day with the balance of the day spent in the community.

### Penalty and Modification Hearing:

Court hearing regarding an offender's alleged violation of a sentence condition or requirement. If a violation is found, the court can set penalties and convert partial confinement term to total confinement. If a violation is found not to be wilful, the court can modify required monetary payments and/or community service obligations.

### Probationer Assessment:

Court-imposed monthly assessment paid to the Department of Corrections for the duration of community supervision. Considered as payment or partial payment of the cost of providing community supervision to the offender.

### Prosecuting Standards:

Standards for charging and plea dispositions intended solely for the guidance of prosecutors in the state of Washington.

### Restitution:

Requirement that an offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs.

### Sentence Range:

Sentencing court's discretionary range in imposing a nonappealable sentence. Also called presumptive sentence range and standard sentence range.

### Sentencing Grid:

Instrument used to determine the sentence range based on the Offender Score and the Seriousness Level. Illustrated in RCW 9.94A.310.

### Seriousness Level:

A measurement on the sentencing grid which is determined by the offense of conviction. Felony offenses are divided into fourteen levels of seriousness, ranging from low (Seriousness Level I) to high (Seriousness Level XIV). Felonies included within each Seriousness Level are found in RCW 9.94A.320.

## Sex Offender Sentencing Options:

Sentencing options available to the court in sentencing some sex offenders. Includes:

### (a) Special Sexual Offender Sentencing Alternative.

This option allows a suspended sentence with a requirement for outpatient treatment for up to two years or inpatient treatment not to exceed the standard range of confinement for that offense. Other requirements may also be imposed by the sentencing court pursuant to RCW 9.94A.120(7)(a).

### (b) Hospital Treatment Program.

This option allows the sentencing court to order that the term of confinement imposed be served in the sexual offender treatment program at Western State Hospital or Eastern State Hospital pursuant to RCW 9.94A.120(7)(b).

### Total Confinement:

Confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day.

### Unranked Crime:

Felony offense for which a Seriousness Level has not been established under RCW 9.94A.320.

### Vacation of Record:

Clearing of an offender's record of conviction by the court. Eligibility requirements are set forth in RCW 9.94A.230(2). Once the court vacates a record of conviction, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction.

### Violent Offense:

Felony defined under any law as a Class A felony or an attempt to commit a Class A felony, criminal solicitation of or criminal conspiracy to commit a Class A felony, Manslaughter in the First Degree, Manslaughter in the Second Degree, Indecent Liberties if committed by forcible compulsion, Rape in the Second Degree, Kidnapping in the Second Degree, Arson in the Second Degree, Assault in the Second Degree, Extortion in the First Degree, Robbery in the Second Degree, and Vehicular Homicide. Any felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense above. Any federal or out-of-state offense that under the laws of this state would be a felony classified as a violent offense above.

### Voluntary Post Release Services:

Services which may be provided by the Department of Corrections to the offender upon release from custody, at the offender's request, for a period up to one year.

### REQUEST FOR UPDATED MANUAL INFORMATION

Please send me updated information on a regular basis regarding changes to the Sentencing Guidelines Implementation Manual.

Name:	(please print)		
Address:			
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Send to:

Sentencing Guidelines Commission

3400 Capitol Boulevard

Mail Stop QE-13

Olympia, WA 98504

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