



*SENTENCING BUSINESS  
RULES  
PRISON SENTENCES*



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WASHINGTON STATE DEPARTMENT OF CORRECTIONS

# SENTENCING BUSINESS RULES FOR PRISON SENTENCES

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## OFFENSE/GENERAL INFORMATION:

Sentences require a certified copy of a Judgment and Sentence and Warrant of Commitment (RCW 72.02.230) to prison for a valid commitment. County jail sentences (CCJ) can be served in DOC if the offender has a J&S and Warrant of Commitment to DOC per RCW 9.94A.190(3).

<b>GENERAL INFORMATION</b>		
<b>INFORMATION TYPE</b>	<b>RCW</b>	<b>NOTES</b>
Felony Class (Not in Title 9A)	<u>RCW 9.94A.035</u>  <u>RCW 9.92.010</u>  <u>SESSION LAW</u> 1996, HB 2389, Chapter 44, Section I & II	
Non-Violent Offense	<u>RCW 9.94A.030(33)</u>	
Violent Offense	<u>RCW 9.94A.030(54)</u>	
Serious Violent Offense	<u>RCW 9.94A.030(45)</u>	
Sex Offense	<u>RCW 9.94A.030(46)</u>	
Drug Offense	<u>RCW 9.94A.030(22)</u>	
Felony Harassment Offense	<u>RCW 9A.46.060</u>  <u>SESSION LAW</u> 1985, ESSB 3012, Chapter 288, Section 6	
Crimes Against Persons	<u>RCW 9.94A.411</u>  <u>SESSION LAW</u> 1983, ESHB 297, Chapter 115, Section 15	
Crimes Against Property/Other Crimes	<u>RCW 9.94A.411</u>  <u>SESSION LAW</u> 1983, ESHB 297, Chapter 115, Section 15	
Extraordinary Medical Placement Eligible (EMP)	<u>RCW 9.94A.728</u>  <u>SESSION LAW</u> 1999, HB 1299, Chapter 324, Sections 1&6	Offenders on death row or sentenced to Life without possibility of release or parole are NOT eligible for EMP.
Two Strike Offense (Effective 07/01/1996)	<u>RCW 9.94A.030(37)</u>	Two separate convictions of specified sex offenses. They are sentenced to Life Without

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	<p><u>SESSION LAW</u> 1996, SHB 2320, CHAPTER 289,</p>	the Possibility of Release. List of qualifying offenses is listed in RCW 9.94A.030(37)
Three Strike Offense (Most Serious Offense) (Effective 12/02/1993)	<p><u>RCW 9.94A.030(32)</u></p> <p><u>RCW 9.94A.555</u></p> <p><u>SESSION LAW</u> 1993, Initiative 593, Chapter 1, Section 1 &amp; 2</p>	Persistent Offender –Initiative 593. A “persistent offender” is an offender who is convicted of a most serious offense and has at least two prior convictions for serious offenses resulting in separate incarcerations. They are sentenced to Life Without the Possibility of Release. List of qualifying offenses is listed in RCW 9.94A.030(32).
Gross Misdemeanor Sentences	<p>STATE V. BESIO 80 Wn. App. 426, 907 P.2d 1220 (1995)</p>	<b>NOTE:</b> Per <i>Besio</i> Decision gross misdemeanor sentences cannot be served in DOC even with a Warrant of Commitment to prison.
DNA Eligible (Effective 07/1/1990)	<p><u>RCW 43.43.753</u></p> <p>STATE V. KELLEY 77 Wn. App. 66, 889 P.2d 940 (1995)</p> <p><u>SESSION LAW</u> 1990, SSB 6729, Chapter 230, Sections 1 &amp; 2</p>	<p>DNA was required on Class A felonies originally.</p> <p><b>NOTE:</b> The <i>Kelley</i> Decision clarified that drug offenses that were classified as Class A were not eligible for DNA draws. RCW amended: DNA is required for all felony offenses with a conviction date of 07/01/2002.</p>
<b>STATUTORY MAXIMUM</b>		
Statutory Maximum	<p><u>RCW 9A.20.020</u> (For offenses committed prior to 07/01/1984)</p> <p><u>SESSION LAW</u></p> <p><u>RCW 9A.20.021</u> (For offenses committed on or after 07/01/1984)</p> <p><u>SESSION LAW</u></p>	
Statutory Maximum for Drug Offenses-Subsequent Offenses	<p><u>RCW 69.50.408</u></p> <p><u>SESSION LAW</u> 1971 1<sup>st</sup> Ex. Session, E2SSB 146, Chapter 308, Section 69.50.408</p>	20 years. Statutory maximum doubles for second and subsequent drug offenses with the exception of possessions.

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Statutory Maximum for Drug Offenses-Protected Zone	<u>RCW 69.50.435(i)</u> <u>SESSION LAW</u> 2003, SB 5758, Chapter 53, Section 340	20 years. If local government specifically designates a thousand foot perimeter, may be punished by doubling the imprisonment other than under 69.50.406. NOTE: This does not raise the felony class to a Class A felony. It remains a Class B but allows the stat max to be raised to 20 years and if there is a firearm enhancement it can be raised to 5 years. <u>AG opinion dated 12/07/2015.</u>
Statutory Maximum on Class B or Class C offenses with consecutive enhancements	<u>State v. Thomas</u> 49061-3-1	<b>NOTE:</b> Per the <i>Thomas</i> Decision, if an offender has multiple counts with enhancements as long as the total for each count does not exceed the statutory maximum sentence this is a legal sentence. The example in the Thomas case was two counts of Robbery 2 <sup>nd</sup> (Class B, 10 year stat max) and each count had a base sentence of 84 months and an enhancement of 36 months. Court ran the enhancements consecutively with each other and consecutive with the base sentences (84 months concurrent). The total overall sentence then was 13 years (84 months + 36 months + 36 months). The Court held that this did not exceed the statutory maximum to 10 years because each count within itself was only sentenced to 10 years.
<b>COMMUNITY CUSTODY BOARD (CCB)</b>		
CCB Eligible	<u>RCW 9.94A.712</u> recodified as 9.94A.507 effective 08/01/2009.  <u>Session Law</u> 2001, 3ESSB 6151, Chapter 12, Section 303	09/01/2001 Date of offense or after to qualify.
CCB Eligible Exception	<u>RCW 9.94A.712(2)</u>  <u>Session Law</u> 2001, 3ESSB 6151, Chapter 12, Section 303	An offender convicted of Rape of a Child 1st or 2nd or Child Molestation 1st who was seventeen years of age or younger at the time of the offense shall not be sentenced under this Section.

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CCB Eligible	<u>RCW 9.94A.712</u>  <u>Session Law</u> 2006, SSB 6406, Chapter 124, Section 3	Added Assault of a Child 2 <sup>nd</sup> with Sexual Motivation to list of eligible offenses effective 07/01/2006.
CCB Eligible	<u>RCW 9.94A.712</u>  <u>Session Law</u> 2006, HB 3277, Chapter 122, Section 5	Added 25 year or greater minimum term to identified sex offenses with a finding of Predatory.
CCB Eligible	<u>RCW 9.94A.712</u> recodified as <u>RCW 9.94A.507</u> effective 08/01/2009	
CCB Eligible-Sexual Motivation Finding	<u>RCW 9.94A.533(8)</u>  <u>Session Law</u> 2006, SSSB 6460, Chapter 123, Section 1	The Sexual Motivation Finding with certain identified offenses makes them CCB eligible offenses. These findings became enhancements effective 07/01/2006 which meant there was flat time added to the minimum base sentence for the enhancements.
<b>MANDATORY MINIMUM TERMS</b>		
Mandatory Minimum (Under ISRB from 06/12/1935 to 06/30/1984)  Board of Prison Terms and Paroles (Parole Board) was created in 1935	<u>RCW 9.95.040</u>  <u>Session Law</u> 1935, HB 285, Chapter 114, Section 2  NOTE: RCW's were not established until 1950	Mandatory minimum terms for offenses committed prior to 07/01/1984 are eligible for earned release time (33.33%) with the exception of Rape 1 <sup>st</sup> (Flat time)  <ul style="list-style-type: none"> <li>• Murder 20 years</li> <li>• Rape 1<sup>st</sup> 3 years (Flat time)</li> <li>• Habitual Criminal 15 years</li> <li>• Embezzling 5 years</li> <li>• Armed with a Deadly Weapon 5 Years / 7 ½ years if subsequent finding</li> </ul> Does not include attempt, solicitation or conspiracy.

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<p>Mandatory Minimum (07/01/1984 to 06/30/1990)</p>	<p><u>RCW 9.94A.120(4)</u>  RCW created under the SRA  <u>Session Law</u> 1981, SSHB 440, Chapter 137, Section 12</p>	<p>Mandatory minimum sentences under the SRA committed after 06/30/1984 are eligible for earned release time with the exception of Rape 1st:</p> <ul style="list-style-type: none"> <li>• Murder 1<sup>st</sup>- 20 years</li> <li>• Assault 1<sup>st</sup> with Intent to Kill – 5 years</li> <li>• Rape 1<sup>st</sup> – 3 years (Flat Time)</li> </ul> <p>Does not include attempt, solicitation or conspiracy.</p>
<p>Mandatory Minimum (Effective 07/01/1990 to 12/02/1993)</p>	<p><u>RCW 9.94A.120(4)</u>  <u>Session Law</u> 1990, SSSB 6259, Chapter 3, Section 705</p>	<p>Rape 1<sup>st</sup> mandatory minimum raised to 5 years.</p> <ul style="list-style-type: none"> <li>• Murder 1<sup>st</sup>- 20 years</li> <li>• Assault 1<sup>st</sup> with Intent to Kill – 5 years</li> <li>• Rape 1<sup>st</sup> – 5 years</li> </ul> <p>Does not include attempt, solicitation or conspiracy.</p>
<p>Mandatory Minimum (Effective 12/02/1993 to 07/01/1997)</p> <p>Then</p> <p>Effective 07/01/1997 to 07/01/2000</p>	<p>Initiative 593 <u>RCW 9.94A.120(4)</u>  <u>Session Law</u> 1993, SHB 1578, Chapter 31, Section 3</p>	<p>All mandatory minimum sentences to be served as flat time.</p> <ul style="list-style-type: none"> <li>• Murder 1<sup>st</sup>- 20 years</li> <li>• Assault 1<sup>st</sup> with Intent to Kill-5 years</li> <li>• Assault of a Child 1<sup>st</sup> with Intent to Kill-5 years</li> <li>• Rape 1<sup>st</sup>-5 years</li> </ul> <p>Does not include attempt, solicitation or conspiracy.</p> <p><b>NOTE:</b> Per the <u>Cloud Decision 95 Wn. App. 606, 976 P.2d 649 (1999)</u> this RCW reversed so mandatory minimum sentences were reverted back to receiving good time and law was reinstated on 07/01/1997.</p>
<p>Mandatory Minimum (Effective 07/01/1997 to 07/01/2000)</p>	<p><u>9.94A.120(4)</u> recodified to 9.94A.590 effective 07/01/2000.  <u>Session Law</u> 2000, SB 6223, Chapter 28, Section 7</p>	<p>All mandatory minimum sentences to be served as flat time.</p> <ul style="list-style-type: none"> <li>• Murder 1<sup>st</sup>- 20 years</li> <li>• Assault 1<sup>st</sup> with Intent to Kill-5 years</li> <li>• Assault of a Child 1<sup>st</sup> with Intent to Kill-5 years</li> <li>• Rape 1<sup>st</sup>-5 years</li> </ul> <p>Does not include attempt, solicitation or conspiracy.</p>



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<p>Mandatory Minimum (Effective 07/01/2000 to 07/01/2001)</p>	<p>Recodified from 9.94A.590 to <u>9.94A.540(1)(a-d)</u> Effective 07/01/2001.</p>	<p>All mandatory minimum sentences to be served as flat time.</p> <ul style="list-style-type: none"> <li>• Murder 1<sup>st</sup>- 20 years</li> <li>• Assault 1<sup>st</sup> with Intent to Kill-5 years</li> <li>• Assault of a Child 1<sup>st</sup> with Intent to Kill-5 years</li> <li>• Rape 1<sup>st</sup>-5 years</li> </ul> <p>Does not include attempt, solicitation or conspiracy.</p>
<p>Mandatory Minimum (Effective 07/01/2001 to 09/01/2001)</p> <p>Added Sexually Violent Predatory Escape (6151) to Mandatory Minimum Terms (Effective 09/01/2001)</p>	<p>RCW 9.94A.540</p> <p><u>Session Law 2001 3rd Session</u></p> <p>2000, 3ESSB 6151, Chapter 12, Section 315</p>	<p>Added Sexually Violent Predatory Escape (6151)</p> <p>All mandatory minimum sentences to be served as flat time.</p> <ul style="list-style-type: none"> <li>• Murder 1<sup>st</sup>- 20 years</li> <li>• Assault 1<sup>st</sup> with Intent to Kill-5 years</li> <li>• Assault of a Child 1<sup>st</sup> with Intent to Kill-5 years</li> <li>• Rape 1<sup>st</sup>-5 years</li> <li>• Sexually Violent Predator Escape-5 years</li> </ul> <p>Does not include attempt, solicitation or conspiracy.</p>
<p>Mandatory Minimum (Effective 09/01/2001 to 06/01/2014)</p>	<p><u>RCW 9.94A.540(1)(a-d)</u></p> <p><b>IN RE TRAN</b> 154 Wn.2d 323, 111 P.3d 1168 (2005)</p>	<p>To be served as flat time.</p> <ul style="list-style-type: none"> <li>• Murder 1<sup>st</sup>- 20 years</li> <li>• Assault 1<sup>st</sup> with Intent to Kill-5 years</li> <li>• Assault of a Child 1<sup>st</sup> with Intent to Kill-5 years</li> <li>• Rape 1<sup>st</sup>-5 years</li> <li>• Sexually Violent Predator Escape-5 years</li> </ul> <p>Does not include attempt, solicitation or conspiracy.</p> <p>Does not apply to juveniles sentenced as adults for crimes committed on or after July 24, 2005.</p> <p><b>NOTE: Tran/Roberts</b> Decision dated 05/19/2005 clarified that the mandatory minimum term on Assault 1<sup>st</sup> and Assault of a Child 1<sup>st</sup> could only be applied if there is a special finding of With Intent to Kill</p>

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		or the J&S states the assault mandatory minimum statute.
Mandatory Minimum (Effective 06/01/2014 to Present)	<p><u>RCW 9.94A.540(1)(e)</u></p> <p><u>SESSION LAW 2014, SB 5064, Chapter 130, Section 2</u></p>	<p>ADDED:</p> <p>Aggravated Murder 1<sup>st</sup> – Juveniles who committed their offense prior to the age of 16 sentenced as adults serve a mandatory minimum sentence of 25 years.</p> <p>Aggravated Murder 1<sup>st</sup>- Juveniles who were 16 or 17 at the time of their offense will serve a mandatory minimum of not less than 25 years. The entire minimum term ordered by the Court will be served as a mandatory minimum with no good time.</p>
<b>DEADLY WEAPON/FIREARM</b>		
Firearm Eligible	<p><u>RCW 9.94A.533(3)(F)</u></p> <p><u>SESSION LAW 1995, Initiative 159, Chapter 129, Section 2</u></p>	<p>All offenses with the exception of the following are eligible for a deadly weapon/firearm enhancement:</p> <ul style="list-style-type: none"> <li>• Possession Of A Machine Gun</li> <li>• Possessing A Stolen Firearm</li> <li>• Drive-By Shooting</li> <li>• Theft Of A Firearm</li> <li>• Unlawful Possession Of A Firearm In The First And Second Degree</li> <li>• Use Of A Machine Gun in a Felony</li> </ul>
Deadly Weapon Term of Confinement (ISRB) Effective 1935 (Session Law Chapter 114 Section 2) through 07/01/1984.	<p><u>RCW 9.95.040</u></p> <p><u>Session Law 1935, HB 285, Chapter 114, Section 2</u></p> <p>NOTE: RCW's were not established until 1950</p>	<p>Definition included both deadly weapon and firearm.</p> <p>Offenses with a deadly weapon received a 5 year minimum term. Subsequent deadly weapon minimum terms were 7.5 years.</p> <p>Minimum terms were eligible for 33.33% earned release time.</p> <p>Did not apply to anyone under 21 at the time of their offense. (Removed this bullet - Session Law, 1961, Chapter 138, Section 2)</p>
Deadly Weapon Term of Confinement (07/01/1984 to 07/01/1986)	<p><u>RCW 9.95.040</u></p> <p><u>RCW 9.94A.125</u></p> <p><u>SESSION LAW 1983, EHB 1187, Chapter 163, Section 3</u></p>	<p>Definition included both deadly weapon and firearm.</p> <p>The following offenses had additional terms added to the presumptive sentence.</p>
		<p>Eligible for 33.33% earned release time.</p> <p><u>24 months</u></p>

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	<p><u>SESSION LAW</u> 1983, ESHB 297, Chapter 115, Section 2</p>	<p>Rape 1<sup>st</sup> Robbery 1<sup>st</sup> Kidnap 1<sup>st</sup>;  18 months Burglary 1<sup>st</sup>  12 months Assault 2<sup>nd</sup>, Escape 1<sup>st</sup>, Kidnap 2<sup>nd</sup> Burglary 2<sup>nd</sup> of a building other than a dwelling.  Deadly weapon enhancement increases apply to anticipatory offenses.</p>
Deadly Weapon Term of Confinement (07/01/1986 to 07/01/1988)	<p><u>Session Law</u> 1986, SHB 1399, Chapter 257, Section 22</p>	<p>Added: 12 months Delivery of a Controlled Substance with Intent to Deliver or any drug offense.</p>
Deadly Weapon Term of Confinement (07/01/1988 to 06/11/1992)	<p><u>Session Law</u> 1988, SB 6608, Chapter 218, Section 1</p>	<p>Added: 12 months Theft of Livestock 1<sup>st</sup> and 2<sup>nd</sup></p>
Deadly Weapon Term of Confinement (06/11/1992 to 06/12/1994)	<p><u>Session Law</u> 1992, ESSB 6104, Chapter 145, Section 9</p>	<p>Added: 12 months Assault of a Child 2<sup>nd</sup></p>
Deadly Weapon Term of Confinement (06/13/1994 to 07/22/1995)	<p><u>Session Law</u> 1994, ESSHB 2319, Chapter 7, 1<sup>st</sup> Special Session, Section 512(3)</p>	<p>Added: 12 months for Violent Offenses other than Rape 1, Robbery 1, Kidnapping 1 and Burglary 1</p>
(Hard Time for Armed Crime) Effective 07/23/1995 to Present	<p><u>RCW 9.94A.602</u>  <u>RCW 9.94A.533(3)</u> <u>RCW 9.94A.533 (4)</u>  <u>Session Law</u> 1995, Initiative 591, Chapter 129, Sections 1 and 2</p>	<p>Deadly Weapon and Firearm Enhancements were separated.</p>

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<p>Firearm Enhancements (Effective 07/23/1995 to Present)</p>	<p>RCW 9.94A.602 recodified to RCW <u>9.94A.825</u> effective 08/01/2009.</p> <p><b>MATTER OF CHARLES</b> <i>135 Wn.2d 239, 955 P.2d 798 (1998)</i></p> <p><b>STATE V. LEWIS</b> <i>86 Wn. App.716, 20838-5-II (06/13/97)</i></p> <p>RCW <u>9.94A.533(3)</u></p> <p><u>Session Law</u> 1995, Initiative 591, Chapter 129, Sections 1 and 2</p>	<p>The following additional times are added to the presumptive sentence for felony crimes committed after the effective date of this Section or if an accomplice was armed with a firearm.</p> <p>Five years – Class A Three years-Class B 18 months- Class C</p> <p>All firearm enhancements double if previously sentenced to firearm or deadly weapon enhancements. NOTE: Previous deadly weapon finding must also have been committed after 07/23/1995 to be doubled.</p> <p>All firearm enhancements are served as flat time and run consecutively with all other sentencing provisions. See the <u>Mandatory-Enhancement process</u> for additional information.</p> <p><b>NOTE:</b> Per the <i>Charles</i> and <i>Lewis</i> decisions the only exception to this rule is multiple enhancements prior to 06/11/1998. If there were multiple firearm enhancements they were to run concurrently but consecutively to any other sentencing provisions.</p> <p>Firearm enhancement increases apply to anticipatory offenses.</p> <p>If the presumptive standard range exceeds the statutory maximum for the offense, the statutory maximum sentence becomes the presumptive sentence.</p> <p>When the Court uses the doubling provision of RCW 69.50.435(1)(j) the firearm enhancement should be 60 months. NOTE: The doubling statute will raise the stat max to 20 years but it will stay a Class B felony. <u>AG opinion.</u></p>
<p>Deadly Weapon Enhancements (Effective 07/23/1995 to Present)</p>	<p>RCW <u>9.94A.825</u></p> <p>RCW <u>9.94A.533 (4)</u></p> <p><u>Session Law</u> 1995, Initiative 591, Chapter 129, Sections 1 and 2</p>	<p>Deadly Weapon: 18 months-Class A 12 months-Class B 6 months-Class C</p> <p>All deadly weapon enhancements double if previously sentenced to firearm or deadly weapon enhancements. NOTE: Previous deadly weapon finding must also have been committed after 07/23/1995 to be doubled.</p>

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		All deadly weapon enhancements are served as flat time and run consecutively with all other sentencing provisions. See the <u>Mandatory-Enhancement process</u> for additional information.
Felony Firearm Registration	Effective: 07/28/2013  <u>Session Law</u> 2013, SHB 1612, Chapter 189, Sections 1-7	Creates a WSP data base to maintain a felony firearm database, and creates registration requirements. It is up to the Court to determine if the offender must register. At this point there is no expectation for DOC to register these offenders the way sex offenders are registered but we capture the Felony Firearm Registration as a field in sentence structure for tracking in case the requirements change in the future. Failure to Register as a Firearm offender is a gross misdemeanor.
<b>OTHER SENTENCE ENHANCEMENTS</b>		
Sexual Motivation Finding (Effective 06/07/1990 to 06/30/2006)	<u>9.94A.127</u> recodified to <u>9.94A.835</u> Effective 07/01/2001  <u>Session Law</u> 1990, SSSB 6259, Chapter 3, Section 601	A felony with a special finding of Sexual Motivation makes the underlying offense a sex offense. The finding is not applied to sex offenses.
Sexual Motivation Finding (Effective 07/01/2006 to Present)	<u>9.94A.835</u>  <u>9.94A.533(8)(a)</u>  <u>Session Law</u> 2006, SSSB 6460, Chapter 123, Section 1	The following additional times are added to the presumptive sentence when there is a special finding of Sexual Motivation.  24 months-Class A 18 months-Class B 12 months-Class C  All enhancements <b>double</b> if previously sentenced to firearm or deadly weapon enhancements.  All enhancements are served as flat time and run consecutively with all other sentencing provisions.  See the Mandatory-Enhancement process for additional information.
VUCSA in a Correctional Facility (Effective Date of Offense of 07/23/1989)	<u>RCW 9.94A.533(5)</u>  <u>Session Law</u> 1989, SB 5040, Chapter 124, Section 1(4)	Enhancement is added to the standard range. Should not be consecutive with all other sentencing provisions. This type of enhancement is eligible for earned time.  69.50.401(2)(a) or (b)      18 months

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		<p>69.50.410                      18 months          69.50.401 (2)(c), (d) or (e)    15 months          69.50.4013                      12 months</p>
<p>VUCSA-Protected Zone          (Effective Date of Offense of          07/23/1989 to 06/06/2006)</p>	<p><u>RCW 9.94A.533(6)</u>  <u>RCW 69.50.435</u></p> <p><u>Session Law</u>          1989, 2SHB 1793,          Chapter 271,          Sections 101(4) and          112</p> <p><u>Session Law</u>          1996, SSB 5140,          Chapter 14,          Sections 1 and 2</p>	<p>A protected zone enhancement raised the standard range by 24 months and doubled the statutory maximum sentence. The enhancement was served as part of the base sentence. This type of enhancement is eligible for earned time.</p> <p>06/07/1996 Added Civic Centers to protected zones.</p>
<p>VUCSA-Protected Zone          (Effective Date of Offense          06/07/2006)</p>	<p><u>State v. Jacobs</u>          154 Wn. 2d 596,          115 P.3d 281 (2005)</p> <p>Protected zones run consecutively with other sentencing provisions but concurrently to each other.</p> <p>In <u>Re Gutierrez</u>  <u>26875-6</u></p> <p>Protected Zone enhancements are halved when there is a DOSA sentence.</p> <p><u>RCW 9.94A.533(4)</u>  <u>RCW 69.50.435</u></p> <p><u>Session Law</u>          2006, E2SSB 6239,          Chapter 339,          Sections 301(6)</p>	<p>The protected zone enhancement raises the standard range by 24 months and is also to be served consecutively to any other sentencing provision and doubles the statutory maximum sentence. This type of enhancement is eligible for earned time. Protected Zone Enhancements should be served consecutively with other Protected Zone enhancement if there are multiple counts with a protected zone finding within a cause. If offender is sentenced to DOSA, enter as a special finding only and include the enhancement time in the base sentence. If not a DOSA sentence, enter as a base and enhancement type and length. Example: Sentenced to a DOSA sentence. Half of the midpoint range is 8 months plus half of the enhancement is 12 months for a total sentence of 20 months. This would be entered as 20 months base with a finding of Protected Zone and 20 months of community custody. If non-DOSA this would be entered as a base of 8 months and an enhancement of 12 months consecutive for a total of 20 months sentence and 20 months of community custody.</p> <p><b>NOTE:</b> Per the <i>Jacobs</i> decision, protected zone enhancements run consecutively with any other sentencing provisions but concurrently with each other.</p>

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<p>Presence of a Minor when Manufacturing Methamphetamine (Effective Date of Offense 06/08/2000 to 06/06/2006)</p>	<p><u>RCW 9.94A.533(6)</u>  RCW 9.94A.128 recodified effective 07/01/2001 to RCW 9.94A.605  <u>Session Law</u> 2000, SSB 6260, Chapter 132, Sections 1 and 2</p>	<p>Presence of a Minor when Manufacturing Methamphetamine enhancement raises the standard range by 24 months. This type of enhancement is eligible for earned time.  Sentence structure would be entered the same as Protected Zone.</p>
<p>Presence of a Minor when Manufacturing Methamphetamine (Effective Date of Offense 06/07/2006)</p>	<p><u>RCW 9.94A.533(6)</u>  RCW 9.94A.605  RCW 9.94A.605 recodified to RCW <u>9.94A.827</u> effective 08/01/2009  <u>Session Law</u> 2006, E2SSB 6239, Chapter 339, Sections 301(6)</p>	<p>Presence of a Minor when Manufacturing Methamphetamine enhancement raises the standard range by 24 months, is also to be served consecutively to any other sentencing provision and doubles the statutory maximum sentence.  This type of enhancement is eligible for earned time.  Sentence structure would be entered the same as Protected Zone.</p>
<p>Prior DUI on Vehicular Homicide (Effective Date of Offense 01/01/1999 to 08/31/2011)</p>	<p><u>RCW 9.94A.533 (7)</u> <u>RCW 46.61.520</u> <u>RCW 46.61.5055</u>  <u>Session Law</u> 1998, ESSB 6166, Chapter 211, Section 2</p>	<p>A two year enhancement is added to the base sentence for each prior DUI. This type of enhancement is eligible for earned time.</p>
<p>Prior DUI on Vehicular Homicide (Effective Date of Offense 09/01/2011)</p>	<p><u>RCW 9.94A.533 (7)</u> <u>RCW 46.61.520</u> <u>RCW 46.61.5055</u>  <u>Session Law</u> 2011, E2SHB 1789, Chapter 293, Section 9</p>	<p>An additional two years shall be added to the standard range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in 46.61.5055. <u>All enhancements under this subsection shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.</u> This will apply to any offense committed on or after 09/01/2011. The DUI enhancements do not run as flat time but are consecutive to all other sentencing provisions, except other DUI enhancements.</p>

## SENTENCING BUSINESS RULES FOR PRISON SENTENCES

<p>Sexual Conduct in Return for a Fee (Effective Date of Offense 07/22/2007)</p>	<p><u>RCW 9.94A.533(9)</u>  <u>Session Law</u> 2007, SSB 5718, Chapter 368, Section 1-10</p>	<p>One year enhancement is added to the standard sentencing range for Rape of a Child 1<sup>st</sup>, Rape of a Child 2<sup>nd</sup>, Rape of a Child 3<sup>rd</sup>, Child Molestation 1<sup>st</sup>, Child Molestation 2<sup>nd</sup>, Child Molestation 3<sup>rd</sup>, if the offender engaged, agreed or offered to engage the victim in the sexual conduct in return for a fee. This enhancement type is eligible for earned release time. Raises the standard range of the underlying sentence by 12 months.</p>
<p>Criminal Street Gang Related Felony Offense (Effective Date of Offense 06/12/2008)</p>	<p><u>RCW 9.94A.533(10)</u>  <u>Session Law</u> 2008, E2SHB, Chapter 276, Sections 301 and 302</p>	<p>(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.</p> <p>(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.</p> <p>This Special Finding Type makes the underlying offense of Unlawful Possession of a Firearm eligible for 12 months of community custody.</p>
<p>Endangerment of Persons During Felony Elude (Effective Date of Offense 06/12/2008)</p>	<p><u>RCW 9.94A.533(11)</u> RCW 9.94A.834  <u>Session Law</u> 2008, ESHB 1030, Chapter 219, Sections 1,2,3(10)</p>	<p>Raises the standard range by 12 months on the underlying cause (RCW 46.61.024). Eligible for earned release time.</p>



## SENTENCING BUSINESS RULES FOR PRISON SENTENCES

<p>Assault of Law Enforcement Officer with a Firearm (Effective Date of Offense 07/26/2009)</p>	<p><u>RCW 9.94A.533(12)</u>  <u>Session Law</u> 2009, SB 5413, Chapter 141, Sections 1 and 2</p>	<p>An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831. This should be entered as a special finding type and the 12 months should be added to the base sentence. This enhancement type is eligible for earned release time.</p>
<p>DUI with Child in Vehicle (Effective Date of Offense 06/12/2012)</p>	<p><u>RCW 9.94A.533(13)</u>  <u>Session Law</u> 2012, ESHB 2302, Chapter 42, Sections 3(13)</p>	<p>An additional 12 months shall be added to the standard range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.621.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug laws defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement and shall run consecutively to all other sentencing provisions. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced. This enhancement is eligible for earned time.</p>
<p>Robbery of a Pharmacy (Effective Date of Offense 07/28/13)</p>	<p><u>RCW 9.94A.533(14)</u>  <u>Session Law</u> 2013, SB 5149, Chapter 270, Sections 1 and 2</p>	<p>An additional twelve months shall be added to the standard sentence range for an offense that a Robbery 1<sup>st</sup> or Robbery 2<sup>nd</sup> and has a special allegation pled and proven that the defendant committed a robbery of a pharmacy as defined in RCW 18.64.011(21). This enhancement is eligible for earned time. It raises the standard range so may be included in the base sentence. It is not consecutive to all other sentencing provisions. If the court orders it separately from the base sentence it can be entered as an enhancement but would only be consecutive with the Robbery counts.</p>

# SENTENCING BUSINESS RULES FOR PRISON SENTENCES

<b>ANTICIPATORIES AND MODIFIERS</b>		
Anticipatories – Attempt and Solicitation (Effective 07/01/1976)	Original RCW's:  <u>RCW 9A.28.020</u> <u>RCW 9A.28.030</u>  <u>Session Law</u> 1975 1 <sup>st</sup> Ex. S., ESSB 2092, Chapter 260	Effective 07/01/1976 Anticipatories of Attempt and Solicitation drop the felony class on all offenses with the exception of Class A Murder 1 <sup>st</sup> .
Anticipatory- Conspiracy (Effective 07/01/1976)	Original RCW:  <u>RCW 9A.28.040</u>  <u>Session Law</u> 1975 1 <sup>st</sup> Ex.S., ESSB 2092, Chapter 260  RCW 9.94A.4 10 Recodified to RCW <u>9.94A.595</u>	Conspiracy drops the felony class for all offenses with the exception of Murder 1 <sup>st</sup> .
Anticipatories – Attempt and Solicitation (Effective 07/26/1981)	<u>Session Law</u> 1981, SB 3295, Chapter 203, Section 3	Arson 1 <sup>st</sup> was added to offenses that do not drop a felony class with an anticipatory of attempt or solicitation.
Anticipatories- All(Effective 07/24/1983)	<u>Session Law</u> 1983, ESHB297, Chapter 115, Section 12	The felony class and the presumptive sentence is 75 percent of the sentencing grid for attempts, solicitations and conspiracies.
Anticipatories – Attempt and Solicitation (Effective 06/09/1994)	<u>Session Law</u> 1994, SSB 6007, Chapter 271, Section 101	Murder 2 <sup>nd</sup> was added to offenses that do not drop a felony class with an anticipatory of attempt or solicitation.
Anticipatory- Solicitation of a Class A felony qualifies as a Class B felony between 07/01/1990 and 07/24/1999.	IN RE MAHRLE 88 Wn. App. 410, 945 P.2d 1142 (1997)	<b>NOTE:</b> <i>Mahrle</i> Court Decision-Anticipatory on solicitation/attempted Murder 2 <sup>nd</sup> causes dropped the felony class to a Class B.  Offenders were eligible for 33.33% earned release time during this time period.  Still considered a serious violent offense.
Anticipatory- Solicitation (Effective 05/06/1999)	IN RE HOPKINS 137 Wn.2d 897, 976 P.2d 616 (1999)	<b>NOTE:</b> <i>Hopkins</i> Court Decision-Drug convictions under 69.50 and 69.52 with an anticipatory of Solicitation are not considered drug offenses.
		These offenses are not eligible for community custody.

## SENTENCING BUSINESS RULES FOR PRISON SENTENCES

<p>Anticipatories – Attempt and Solicitation (Effective 09/01/2001)</p>	<p><u>Session Law</u> 2001, 3ESSB 6151, Chapter 12, Section 354</p>	<p>Added the following offenses to remain Class A with an attempt or solicitation:</p> <ul style="list-style-type: none"> <li>• Child Molestation 1<sup>st</sup></li> <li>• Indecent Liberties with Forcible Compulsion</li> <li>• Rape 1<sup>st</sup>,</li> <li>• Rape 2<sup>nd</sup>,</li> <li>• Rape of a Child 1<sup>st</sup></li> <li>• Rape of a Child 2<sup>nd</sup></li> </ul>
<p>Anticipatories – Attempt and Solicitation</p>		<p>NOTE: Attempt and Solicitation of Serious Violent Offenses that do not remain Class A are still eligible for 10% or 15% ERT because although the Felony Class drops to a Class B, they are still Serious Violent Offenses. Example: Attempted Assault 1st</p>
<p>Modifiers (Effective 09/08/1975)</p>	<p><u>RCW 9A.08.020</u></p>	<p>Complicity and Accomplice.</p> <p>A person is guilty of a crime if it is committed by the conduct of another person for which he or she is legally accountable. Modifiers do not change the felony class or any sentencing provisions.</p>

CONCURRENT OR CONSECUTIVE SENTENCES		
	<p><i>In re Chapman</i> 105 Wn.2d 211, 713 P.2d 106 (1986)</p>	<p>NOTE: <i>Chapman</i> Decision confirmed that the last judge imposing sentence controls the concurrent or consecutive sentence.</p>
<p>Consecutive Sentences (Causes or counts)</p>	<p><u>RCW 9.94A.589(1)(b)</u></p>	<p>Serious violent offenses arising from separate and distinct criminal conduct should run consecutively to each other.</p>
<p>Consecutive Sentences (Causes or counts)</p>	<p><u>RCW 9.94A.589(1)(c)</u></p>	<p>Offenders convicted under RCW 9.41.040 for Unlawful Possession of a Firearm 1<sup>st</sup> or 2<sup>nd</sup> and for Theft of a Firearm or Possession of a Stolen Firearm or both should be served consecutively to each other.</p>
<p>Consecutive Sentences</p>	<p><u>RCW 9.94A.589(2)(a)</u></p>	<p>Whenever a person while under sentence for conviction of a felony commits another felony and is sentenced to another term of the confinement, the latter terms shall not begin until expiration of all terms.</p> <p>NOTE: This includes escapes that happen when an offender is in prison or new offenses an offender commits (Assaults, Persistent Prison Misbehavior, etc.) while in DOC custody. Also includes new sentences committed while serving a DOC sanction, or on a sentencing alternative unless specifically</p>

## SENTENCING BUSINESS RULES FOR PRISON SENTENCES

	<b><u>66262-7 DRESS</u></b>	ordered concurrently by the Court or if the J&S has the Dress language. <b>NOTE:</b> Per the Dress Decision if the Judgment and Sentence has the boilerplate language that the cause will run concurrently to any other cause regardless if the RCW mandates consecutive, DOC must follow the J&S.
Consecutive Sentences	<b>STATE V. LEWIS</b> 86 Wn. App.716, 20838-5-II (06/13/97)  <b>MATTER OF CHARLES</b> 135 Wn.2d 239, 955 P.2d 798 (1998)	Deadly weapon and firearm enhancements with a date of offense between 7-23-95 and 06-10-98 are concurrent to each other but consecutive to the base sentence.
Consecutive Sentences	<b><u>SESSION LAW</u></b> ESB 5695, Chapter 235, Section 1, Subsections 3 and 4	Deadly weapon and firearm enhancements with a date of offense after 06-10-98 should run consecutively to each other and consecutively with the base sentence.
Consecutive Sentences	<b><u>RCW 13.40.285</u></b>	Juvenile and adult sentences should be served consecutively.
Concurrent Sentences	<b><u>RCW 9.94A.589(3)</u></b>	Whenever a person is sentenced for a felony that was committed while the person was not under sentence for conviction of a felony, the sentences shall run concurrently unless the court expressly orders them to be served consecutively.

# SENTENCING BUSINESS RULES FOR PRISON SENTENCES

EARNED RELEASE TIME (RCW 9A.02A.028 AND RCW 9A.02A.029)		
EARNED RELEASE TIME	EARNED RELEASE TIME PERCENTAGE	INCLUSIVE DATES
Earned Release Percentage	33 1/3%	Date Of Offense Prior To 07/01/1990
Earned Release Percentage	<p>15% applies to Serious Violent or Class A Sex Offenses.</p> <p>33 1/3% to all remaining offenses with the exception of Aggravated Murder 1<sup>st</sup> which does not have earned time.</p> <p><u>Session Law</u> 1990, SSB 6259, Chapter 3, Section 202</p>	<p>Date Of Offense 07/01/1990 To 06/30/2003 with the exception of any mandatory/enhancement flat time.</p> <p>NOTE: Attempt and Solicitation of Serious Violent Offenses that do not remain Class A are still eligible for 10% or 15% ERT because although the Felony Class drops to a Class B, they are still Serious Violent Offenses. Example: Attempted Assault 1<sup>st</sup>, Class B, 10% ERT.</p> <p>Conspiracy of a Class A Sex Offense drops the felony Class to a B. These offenders are eligible for 33 1/3% ERT because the RCW is specific to Class A Sex Offenses. Example: Conspiracy to Rape 1<sup>st</sup>, Class B, 33 1/3% ERT.</p>
Earned Release Percentage	<p>10% applies to Serious Violent or Class A Sex Offenses.</p> <p>33 1/3% to all remaining offenses with the exception of Aggravated Murder 1<sup>st</sup> which does not have earned time.</p> <p><u>Session Law</u> 2003, ESSB 5990, Chapter 379, Section 1</p>	Date Of Offense from 07/01/2003 to present with the exception of any mandatory/enhancement flat time.
5990 Eligible	<p>The current offense must be eligible but there is also other criteria that needs to be met before the offender can be eligible for 50% earned release time. See attached eligibility requirements For 50% <u>5990 Eligibility Criteria</u> <u>Session Law</u> 2003, ESSB 5990, Chapter 379, Section 1</p>	Effective 07/01/2003. Was retroactive to all active offenders. Sunset Date: Date Of Conviction of 07/01/2010.

# SENTENCING BUSINESS RULES FOR PRISON SENTENCES

**SERIOUSNESS LEVEL (RCW 9.94A.520).** Seriousness levels were created effective 07/24/1983 under RCW 9.94A.350 and this RCW was recodified 7/22/2001 to RCW 9.94A.520. Prior to 07/24/1983 there were no seriousness levels. When the "Inclusive Dates" Section says all dates it means from the starting point of 07/24/1983.

**LIST OF OFFENSES WITHIN EACH SERIOUSNESS LEVEL (RCW 9.94A.515):**

SERIOUSNESS LEVEL	SERIOUSNESS LEVEL (RCW 9.94A.520) INCLUSIVE DATES

**SENTENCING ALTERNATIVE ELIGIBILITY:**

Although the current offenses may be eligible for the following sentence alternatives there are other eligibility requirements that must be met. Refer to the RCW's provided for additional eligibility requirements.

DOSA's: Refer to the DOSA law changes document in the reference Section of SharePoint as the rules changed several times.

Early Deportation: The original deportation rules from 7/25/1993 were different from the newer version that was implemented effective 04/29/2011. See Early Deportation document in SharePoint.

Work Ethic: Work Ethic Camp was originally effective on 07/01/1993 under RCW 9.94A.137. There were rules changes and the name changed to the Work Ethic Program. See Work Ethic Program document in SharePoint.

SENTENCING ALTERNATIVES		
ALTERNATIVE	EFFECTIVE DATE	RCW
DOSA-Prison (DOSA 1)	04/19/1995 THRU 07/24/1999	<u>9.94A.660</u> AND <u>9.94A.662</u>  <u>SESSION LAW</u> 1995, SHB 1549, Chapter 108, Section 3(6)(a)
DOSA-Prison (DOSA 2a)	07/25/1999 THRU 06/07/2000	<u>SESSION LAW</u> 1999, E2SHB 1006, Chapter 197, Section 4
DOSA-Prison (DOSA 2b)	06/08/2000 THRU 09/30/2005	<u>SESSION LAW</u> 2000, SB 6223, Chapter 28, Section 19  <u>SESSION LAW</u> 2000, EHB 2340, Chapter 43, Section 1
DOSA-Prison (DOSA 3)	10/01/2005 THRU 06/06/2006	<u>SESSION LAW</u> 2005, E2SHB 2015, Chapter 460, Section 1

## SENTENCING BUSINESS RULES FOR PRISON SENTENCES

DOSA-Prison (DOSA 4)	06/07/2006 TO 07/31/2009	<p><u>SESSION LAW</u> 2006, E2SSB 6239, Chapter 339, Section 302</p> <p><u>SESSION LAW</u> 2006, HB 3317, Chapter 73, Section 10</p>
DOSA-Prison (DOSA 4)	<p>08/01/2009</p> <p>RCW <u>9.94A.662</u> created</p>	<p><u>SESSION LAW</u> 2009, SHB 1791, Chapter 389, Section 4</p> <p>NOTE: DOSA 4 changed the DOSA sentence to a confinement term of one-half the midpoint of the standard range or 12 months whichever is greater and community custody the other half of the midpoint of the standard range. Example: Midpoint of the standard range is 18 months, confinement time will be 12 months and community custody will be 9 months. If offender gets revoked in prison or outside of prison they would have a total minimum term of 21 months (original 12 months confinement plus 9 months community custody). The community custody length (revoked portion of the sentence is not reduced because confinement is more than one-half the midpoint of the standard range. See RCW 9.94A.662(1)(a)(b)</p>
DOSA Residential	<p>Date of Sentence 10/01/2005 TO 07/31/2009</p>	<p><u>9.94A.660</u></p> <p><u>SESSION LAW</u> 2005, E2SHB 2015, Chapter 460, Section 1</p>
DOSA-Residential	<p>08/01/2009</p> <p>RCW <u>9.94A.664</u> created</p>	<p><u>SESSION LAW</u> 2009, SHB 1791, Chapter 389, Section 5</p>
Early Deportation	<p>07/25/1993 Recodified As 9.94A.685 Effective 07/01/2001</p>	<p><u>9.94A.280</u> <u>SESSION LAW</u> 1993, SHB 1727, Chapter 419, Section 1</p>
Early Deportation	<p>04/29/2011</p>	<p><u>9.94A.685</u> <u>SESSION LAW</u> 2011, ESHB 1547, Chapter 206, Sections 1,2,3,4</p>

## SENTENCING BUSINESS RULES FOR PRISON SENTENCES

FOSA/CPA	06/10/2010	<u>9.94A.655</u> <u>SESSION LAW</u> 2010, SSB 6639, Chapter 224, Section 2
SSOSA served in prison	07/01/2005	<u>SESSION LAW</u> 2004. HB2400, Chapter 176, Section 4 Allows original SSOSA jail time to be served in prison if over one year.
Work Ethic Camp (WEC)	07/01/1993	<u>9.94A.137</u> <u>SESSION LAW</u> 1993, ESHB 1922, Chapter 338, Section 1
Work Ethic Program (WEP) New Title for Work Ethic Camp	RCW Recodified Effective 07/01/2001	<u>9.94A.690</u> <u>SESSION LAW</u> 2000, SB 6223, Chapter 28, Section 21

<b>NOTIFICATIONS-RCW'S</b>		
<b>TYPE</b>	<b>LENGTH</b>	<b>RCW</b>
Law Enforcement	Days	<u>72.09.712</u> (Previously 9.94A.612, Recodified 08/01/2009)
Victim/Witness	Days	<u>72.09.712</u> (Previously 9.94A.612, Recodified 08/01/2009)
Sex-Kidnap Registration		<u>9A.44.130</u> <u>9A.44.128</u> Definition of Kidnapping Offense for Registration

<b>NOTIFICATION SESSION LAWS</b>		
NOTE: Although the statutes call for 30 day and 10 day notifications it is DOJ Policy to require 45 day and 15 day notices be sent to the Victim Services Office to ensure they can complete the notices to the victim/witnesses in a timely manner.		
<b>TYPE</b>	<b>EFFECTIVE DATE</b>	<b>NOTES</b>
Victim Witness and Law Enforcement	07/28/1985	<u>SESSION LAW</u> 1985, SHB 848, Chapter 346, Section 1 Original law. 10 day notification for violent offenses.
Victim Witness and Law Enforcement	07/23/1989	<u>SESSION LAW</u> 1989, HB 1024, Chapter 30, Section 1 Added Sex Offenses 10 day notification



## SENTENCING BUSINESS RULES FOR PRISON SENTENCES

Victim Witness and Law Enforcement	07/23/1990	<u>SESSION LAW</u> 1990, 2SSB 6259 Chapter 3, Section 121
Victim Witness and Law Enforcement	07/28/1991	<u>SESSION LAW</u> 1991, SSB 5128, Chapter 147, Section 1 Added Serious Drug Offenses 10 day notification
Victim Witness and Law Enforcement	06/11/1992	<u>SESSION LAW</u> 1992, ESHB 2702, Chapter 186, Section 7 Added Felony Harassment and Stalking offenses
Victim Witness and Law Enforcement	06/09/1994	<u>SESSION LAW</u> 1994, SHB 2540, Chapter 129, Section 3 Changed requirement for Violent and Sex Offenses to 30 days
Victim Witness and Law Enforcement	06/06/1996	<u>SESSION LAW</u> 1996, SHB 2545, Chapter 215, Section 4 Added notifications could be sent per request
Victim Witness and Law Enforcement	06/06/1996	<u>SESSION LAW</u> 1996, SHB 2339, Chapter 205, Section 4 Added to the definition of a Serious Drug Offense
Victim Witness and Law Enforcement	07/01/2004	<u>SESSION LAW</u> 2003, SB 5758, Chapter 53, Section 61 Added to the definition of a Serious Drug Offense.
Victim Witness and Law Enforcement	08/01/2009	<u>SESSION LAW</u> 2009, E2SSB 5688, Chapter 521, Section 166 Added DV offenses

# SENTENCING BUSINESS RULES FOR PRISON SENTENCES

<u>SEX/KIDNAPPING REGISTRATION SESSION LAWS</u>		
<u>TYPE</u>	<u>EFFECTIVE DATE</u>	<u>NOTES</u>
Sex Offender Registration	02/28/90	<p><u>9A.44.130</u></p> <p><u>SESSION LAW</u> 2000, 2SSB 6259, Chapter 3, Section 402 Sex offender registration within 30 days of release required for offenders committing a sex offense on or after 02/28/90 or offenders in DOC at the time of the registration requirement.</p> <p>DOC had to notify the offender of the requirement to register.</p>
Sex Offender Registration	07/28/1991	<p><u>SESSION LAW</u> 1991, SHB 1997, Chapter 274, Section 2 Clarified it included juvenile and adult convictions, offenders releasing from DOC custody had to register within 24 hours of release. Those on supervision had to register within 10 days.</p> <p>DOC had to notify the offender of the requirement to register.</p>
Sex Offender Registration	07/23/1995	<p><u>SESSION LAW</u> 1995, SSB 5326, Chapter 248, Section 1 Requirements expanded to include those sex offenders found not guilty by insanity, Acquittal, Federal Jurisdiction, Foreign Countries or Military statutes.</p> <p>DOC had to notify the offender of the requirement to register.</p>

## SENTENCING BUSINESS RULES FOR PRISON SENTENCES

Sex Offender Registration	07/23/1995	<p><b><u>SESSION LAW</u></b>  1995, HB 1088, Chapter 268, Section 3  Clarified the definition of sex offense for misdemeanor and gross misdemeanor sex offense- not eligible for registration. However, attempts, conspiracies, and solicitations on Class C sex offenses that are gross misdemeanors qualify as sex offenses and registration.</p> <p>DOC had to notify the offender of the requirement to register.</p>
Kidnapping Registration	07/27/1997	<p><b><u>SESSION LAW</u></b>  1997, SSB 5621, Chapter 113, Section 3  Added Kidnapping Offenses to the list of registerable offenses.</p> <p>DOC had to notify the offender of the requirement to register.</p>
Sex-Kidnapping Registration	06/11/1998	<p><b><u>SESSION LAW</u></b>  1998, HB 1172, Chapter 220, Section 1  Required DOC to register offenders within 30 days prior to release and to supply fingerprint cards at the time of registration.</p>
Sex-Kidnapping Registration	05/19/1999	<p><b><u>SESSION LAW</u></b>  1999, Sp. S. ESHB 1004, Chapter 6, Section 2  Requires homeless offenders to register.</p>
Sex-Kidnapping Registration	07/01/2001	<p><b><u>SESSION LAW</u></b>  2001, SSB 5014, Chapter 95, Section 2(9)  Added Sexual Misconduct of a Minor 2<sup>nd</sup>, and attempts, solicitation and conspiracy to commit a Kidnapping Offense (Kidnap 1, Kidnap 2, Unlawful Imprisonment where the victim is a Minor and the offender is not the minor's parent).</p>
Sex-Kidnapping Registration	07/22/2011	<p><b><u>SESSION LAW</u></b>  2011, SB 5045, Chapter 337, Section 3  Clarified federal, military and foreign country sex offenses.</p>

## SENTENCING BUSINESS RULES FOR PRISON SENTENCES

Sex-Kidnapping Registration	06/12/2014	<u>SESSION LAWS</u> 2014, SHB 1791, Chapter 188, Section 2 Added Trafficking 1st under <u>RCW 9A.40.100(1)(a)(i)(A) (III) or (IV) or (a)(i)(B) added to definition of a sex offense so it is now eligible for SOR</u>
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<b>SUPERVISION</b>				
TYPE	LENGTH	RCW	NOTES	INCLUSIVE DATES
Parole	3 years or as set by the ISRB	<u>9.95.115</u>  <u>SESSION LAW</u> SB 62, Chapter 238, Section 1		Date Of Offense Prior To 07/01/1984
SRA-No Supervision				07/01/1984 To 06/30/1988
Community Placement	12 Months	Previously 9.94A.700. (Recodified effective 08/01/2009 to <u>9.94B.050</u> )  <u>SESSION LAW</u> ESHB 1424 Chapter 153, Section 2	Sex offenses, Serious Violent Offenses, Assault 2 <sup>nd</sup> , Assault of a Child 2 <sup>nd</sup> , Any crime against a person with a deadly weapon finding or any felony under 69.50 or 69.52 RCW.	07/01/1988 To 06/30/1990
Community Placement	12 Months/24 Months	<u>9.94B.050</u>  <u>SESSION LAW</u> S2SB 6259 Chapter 3, Section 705(8)(a),(b)  <u>SESSION LAW</u> ESHB 2227, Chapter 199, Section 2	12 months:  Assault 2 <sup>nd</sup> , Any crime against a person with a deadly weapon finding or any felony under 69.50 or 69.52 RCW.  24 months:  Serious Violent Vehicular Homicide, Vehicular Assault  Sex offenses (sex offenses only until 06/05/1996)	07/1/1990 to 06/30/2000

## SENTENCING BUSINESS RULES FOR PRISON SENTENCES

Community Custody	36 Months	<u>SESSION LAW</u> SSB 6274, Chapter 275, Section 2	36 Months: Changed sex offenses from 24 months of community placement to 36 months of community custody.	06/06/1996 to 06/30/2000
Community Placement	12 Months	<u>RCW 9.94B.050</u>  <u>SESSION LAW</u> E2SSB 5421, Chapter 196, Section 5	Added Crimes Against Persons	07/25/1999 to 06/30/2000
<b>NOTE: <u>RCW 9.94A.701</u> IDENTIFIES WHICH OFFENSES THE COURT MUST ORDER SUPERVISION ON AND <u>RCW 9.94A.501</u> IDENTIFIES WHICH OFFENDERS WILL BE SUPERVISED BY DOC</b>				
Community Custody Prison (CCP)	36-48 Months	RCW 9.94A.701  <u>SESSION LAW</u> SSB 6336, Chapter 226, Section 2 and 2000 Sentencing Guidelines Manual	Serious Violent and Sex Offenses	07/01/2000
Community Custody Prison (CCP)	24-48 Months*	RCW 9.94A.701  <u>SESSION LAW</u> SSB 6336, Chapter 226, Section 2 and 2000 Sentencing Guidelines Manual	Violent Offenses	07/01/2000
Community Custody Prison (CCP)	9-18 Months*	RCW 9.94A.701  <u>SESSION LAW</u> SSB 6336, Chapter 226, Section 2 and 2000 Sentencing Guidelines Manual	Crimes Against Persons	07/01/2000
Community Custody Prison (CCP)	9-12 Months*	RCW 9.94A.701  <u>SESSION LAW</u> SSB 6336, Chapter 226, Section 2 and 2000 Sentencing Guidelines Manual	Drug Offenses	07/01/2000

## SENTENCING BUSINESS RULES FOR PRISON SENTENCES

Community Custody Prison (CCP)	36 months Serious Violent and Sex Offenses; 18 Months Violent Offenses; 12 Months Crimes Against Persons and Drug Offenses.	<u>SESSION LAW</u> ESSB 5288, Chapter 375, Section 5 Community Custody was changed back from ranges to lengths. This was retroactive and DOC changed the community custody on active offenders both prison and field.	DOC had the authority to reduce the length of community custody if ordered in error by the Court thru 12/31/2011.	07/25/2009
Community Custody Jail (CCJ)		RCW 9.94A.702	Felony offenses sentenced to 12 months or less are eligible for up to 12 months of supervision	07/01/2000
Community Custody Board (CCB)		RCW 9.94A.712 recodified to RCW 9.94A.507 08/01/2009	Supervision is the length of the statutory maximum	09/01/2001 to Present.
Community Custody Jail (CCJ) *		RCW 9.94A.702 RCW 9.94A.501	Offenders were required to be RMA or RMB (currently HV and HNV) and certain classes of offenses to be supervised as a CCJ. Can be served in prison if there is a Warrant of Commitment to DOC and offender is already serving a prison sentence.	07/01/2003
Community Custody Prison (CCP)		RCW 9.94A.501  <u>SESSION LAW</u> SSB 6162, Chapter 376, All Sections, Added Serious Violent Offenders to list of offenders to be supervised.	DOC had the authority to reduce the length of community custody if ordered in error by the Court thru 12/31/2011.	08/01/2009
Community Custody Prison (CCP)	12 months	<u>SESSION LAW</u> SSB 5190, Chapter 28, Section 10	Added Supervision for Unlawful Possession of a Firearm by a Criminal Street Gang Member	08/01/2009

## SENTENCING BUSINESS RULES FOR PRISON SENTENCES

Community Custody Prison (CCP)	12 months for the first offense, 36 months for subsequent offenses	9.94A.701  <u>SESSION LAW</u> SSB 6414, Chapter 267, Section 11 Failure to Register community custody	Failure to Register as a Sex Offender	06/10/2010
Community Custody Prison (CCP)	12 months of community custody	9.94A.701  <u>SESSION LAW</u> SSB 6639, Chapter 224, Section 5	FOSA added to Community Custody	06/10/2010
Community Custody-DV Pled and Proven		9.94A.501  <u>SESSION LAW</u>	Offenses committed on or after 08/01/2011 with a special finding of DV Pled and Proven (and the previous finding of DV Pled and Proven – also on or after 08/01/11) will be supervised. This includes underlying offenses that would not be CCP/CCJ eligible on their own. Example: Harassment	08/01/2011
Community Custody		RCW 9.94A.7 01  <u>SESSION LAW</u>	Vehicular Homicide, Vehicular Assault, Felony DUI, DUI Felony Physical Control were added back to the list of felony offenses that would be supervised regardless of the Risk Level.	09/28/2013 Date screened.

*\*NOTE: Offender/offense(s) would need to meet the criteria outlined in RCW 9.94A.501 for continuous supervision. ADD: Refer to Felony Supervision Screening Tool. Currently being updated.9/18/14*

<b>SUPERVISION EXCEPTIONS</b>		
Community Placement	IN RE DAVIS 67 Wn. App. 1, 834 P.2d 92, (1992)	<b>NOTE: Per Davis Decision DOC has no authority to change a J&amp;S. DOC has no authority to apply any statutory requirements (i.e. Community Placement) if not specifically stated on the J&amp;S, except the DOC can require a pre-approved address for offenses committed on or after June 11, 1992.</b>

## SENTENCING BUSINESS RULES FOR PRISON SENTENCES

<p>Community Custody Prison (CCP) ordered/No supervision for Class B anticipatory offenses.</p>	<p><b>PRP LEACH</b> 79432-4 161 Wn. 2d 180</p>	<p><b>NOTE:</b> <i>Leach</i> Decision clarified that there is no supervision for Class B felonies with an anticipatory. Examples: Attempted Assault 2<sup>nd</sup>, Attempted Robbery 1<sup>st</sup>.</p> <p>This was applied retroactively and prospectively.</p>
<p>CCP</p>	<p>RCW 9.94A.701(9)</p>	<p>The term of community custody specified by this Section shall be reduced by the court whenever an offender's standard range term of confinement in combination with the term of community custody exceeds the statutory maximum for the crime as provided in RCW <u>9A.20.021</u>.</p> <p>If offender is sentenced to the statutory maximum the Court is not required to order community custody.</p>
<p>CCP</p>	<p>9.94A.501</p>	<p>Supervision Ordered-Offender doesn't meet the criteria for supervision.</p>
<p>Community Placement</p>	<p><b>IN RE CAPELLO (CAPELLO-STEWART)</b> 106 Wn. App. 576, 24 P.3d 1074 (2001)</p> <p>9.94A.728(2)(c) and (d) <b><u>SESSION LAW</u></b> 2002, SB 6664, Chapter 50, Sections 1&amp;2 Clarified that DOC had the right to require approved release addresses since the beginning of community custody (1988)</p>	<p><b>NOTE:</b> DOC lacks authority to require pre-approved address unless the J&amp;S specifically states this requirement. Applies only to community placement offenders whose date of offense was prior to June 11, 1992.</p>



## SENTENCING BUSINESS RULES FOR PRISON SENTENCES

<p>Community Placement (Community Custody)</p>	<p><i>STATE V. BROADAWAY</i> 133 Wn.2d 118, 942 P.2d 363 (1997)</p> <p>9.94A.650 9.95A.715 9.94A.545</p>	<p><b>NOTE: Length of Community Placement.</b> Courts must expressly state the length of community placement. Cannot use boilerplate language. DOC cannot impose community placement without express language in the order.</p>
<p>Community Placement (Community Custody)</p>	<p><i>IN RE HOPKINS</i> 137 Wn.2d 897, 976 P.2d 616 (1999)</p> <p>9.94A.595 9.94A.660(1)(c) 9.94A.700 69.50.408</p>	<p><b>Solicitation to Deliver Cocaine.</b> Does not qualify for imposition of Community Placement. Is eligible for DOSA and thus community custody under the DOSA law. Not a drug offense for doubling.</p> <p><b>Note:</b> This case was specific to Cocaine, but DOC applied it to drugs sentenced under 69.50 or 69.52.</p> <p>From 2013 Sentencing Guidelines Manual: <b>Anticipatory Offenses (VUCSA Attempts, Conspiracies, and Solicitations)</b></p> <p>The calculation of sentences stemming from anticipatory VUCSA offenses (Chapter 69.50 RCW) presents different challenges than calculating sentences for anticipatory offenses arising under the criminal code. An attempt or conspiracy to commit a VUCSA offense is specifically addressed in RCW 69.50.407, which provides that such offenses are punishable by "...imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense..." The appellate courts have consistently held that for VUCSA offenses, RCW 69.50.407 takes precedence over Chapter 9A.28 RCW. Although current statute and case law should be reviewed for definitive guidance in this area, the following summarizes current sentencing practices.</p>

## SENTENCING BUSINESS RULES FOR PRISON SENTENCES

Community Custody Ordered (CCP) Not Eligible	RCW 9.94A.501	Sentences entered as MON if ordered by the Court and offense is not eligible for supervision.
Community Placement	<i>IN RE DAVIS</i> 67 Wn. App. 1, 834 P.2d 92, (1992)	<b>DOC has no authority to change a J&amp;S.</b> DOC has no authority to apply any statutory requirements (i.e. Community Placement) if not specifically stated on the J&S, except the DOC can require a pre-approved address for offenses committed on or after June 11, 1992.
Community Custody-Sentenced to Statutory Maximum	RCW 9.94A.701(9)	2009 If sentenced to the stat max community custody is not required. If the Court orders community custody and the offender is eligible they are then supervised up to the stat max.