

Concurrent – Consecutive Confinement Sentences (RCW 9.94A.589):

Whenever someone is sentenced for two or more current offenses*, they are to be served concurrently (at the same time) with a few exceptions. The exceptions that exist require consecutive sentences (one sentence begins after the other is completed).

The exceptions are for offenses not ruled same criminal conduct:

- Two or more serious violent offenses. The offense with the highest seriousness level is scored using prior convictions and other current convictions that are offenses not classified as serious violent. The serious violent offense(s) that is not the highest seriousness level receives a score of 0, and all the serious violent offenses are ran consecutively.

Example: A person is sentenced to two counts of Assault 1° (SV) and one count of Assault 2° (V) and has a Theft 1° (NV) as a prior offense. Assuming a low range sentence for each count, the person would receive a sentence of 213 months of confinement (Cts 1 and 2 are consecutive to each other and Ct. 3 runs concurrently).

Ct. 1 Assault 1 (SL 12) , Sc=3, Range 120 – 160 months. Sentence = 120

Ct. 2 Assault 1 (SL 12) , Sc=0, Range 93 - 123 months. Sentence = 93

Ct. 3 Assault 2 (SL 4) , Sc=5, Range 22 - 29 months. Sentence = 22

- If a person has a current offense of either Unlawful Possession of a Firearm 1° or 2° **and** for felony Theft of a Firearm or Possession of a Stolen Firearm, or both, theses offenses do not score against one another but are ran consecutively.
- The court may run counts consecutively in other situations through an aggravated exceptional sentence. Such sentences must be for a reason listed in RCW 9.94A.589 and submitted to a jury and proved beyond a reasonable doubt. The court may impose an aggravated exceptional sentence *without* a finding of fact by a jury if the defendant and state both stipulate that justice is best served by an exceptional sentence and the court agrees that the stipulation is in the interest of justice and consistent with the Sentencing Reform Act under RCW 9.94A.535(2).

Summary of FY19 Sentences with Current Offenses (single sentencing) that had Consecutive Counts**:

Type of Consecutive Sentence:

1. Unlawful Possession of a Firearm 1 or 2 **and** Possession of a Stolen Firearm:
29 Sentences in FY19 (8 were Prison DOSA and 1 was Res DOSA)
2. Serious Violent Offenses (excludes sentences of life):
33 Sentences in FY19
3. Exceptional Sentences:
2 Sentences in FY19

* Per RCW 9.94A.525, offenses sentenced on the same day as the offense being score are considered "other current offenses".

** Excludes sentences of Life without the Possibility of Parole.