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**SUBSTITUTE HOUSE BILL 2003**

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**State of Washington                      53rd Legislature                      1993 Regular Session**

**By** House Committee on Human Services (originally sponsored by Representative Morris)

Read first time 03/03/93.

1            AN ACT Relating to juvenile offenders; amending RCW 13.40.020,  
2 13.40.0357, and 13.40.040; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 13.40.020 and 1990 1st ex.s. c 12 s 1 are each amended  
5 to read as follows:

6            For the purposes of this chapter:

7            (1) "Serious offender" means a person fifteen years of age or older  
8 who has committed an offense which if committed by an adult would be:

9            (a) A class A felony, or an attempt to commit a class A felony;

10           (b) Manslaughter in the first degree; or

11           (c) Assault in the second degree, extortion in the first degree,  
12 child molestation in the second degree, kidnapping in the second  
13 degree, robbery in the second degree, residential burglary, or burglary  
14 in the second degree, where such offenses include the infliction of  
15 bodily harm upon another or where during the commission of or immediate  
16 withdrawal from such an offense the perpetrator is armed with a deadly  
17 weapon or firearm as defined in RCW 9A.04.110;

1 (2) "Community service" means compulsory service, without  
2 compensation, performed for the benefit of the community by the  
3 offender as punishment for committing an offense;

4 (3) "Community supervision" means an order of disposition by the  
5 court of an adjudicated youth. A community supervision order for a  
6 single offense may be for a period of up to two years for a sex offense  
7 as defined by RCW 9.94A.030 and up to one year for other offenses and  
8 include one or more of the following:

9 (a) A fine, not to exceed one hundred dollars;

10 (b) Community service not to exceed one hundred fifty hours of  
11 service;

12 (c) Attendance of information classes;

13 (d) Counseling; or

14 (e) Such other services to the extent funds are available for such  
15 services, conditions, or limitations as the court may require which may  
16 not include confinement;

17 (4) "Confinement" means physical custody by the department of  
18 social and health services in a facility operated by or pursuant to a  
19 contract with the state, or physical custody in a facility operated by  
20 or pursuant to a contract with any county. Confinement of less than  
21 thirty-one days imposed as part of a disposition or modification order  
22 may be served consecutively or intermittently, in the discretion of the  
23 court;

24 (5) "Court", when used without further qualification, means the  
25 juvenile court judge(s) or commissioner(s);

26 (6) "Criminal history" includes all criminal complaints against the  
27 respondent for which, prior to the commission of a current offense:

28 (a) The allegations were found correct by a court. If a respondent  
29 is convicted of two or more charges arising out of the same course of  
30 conduct, only the highest charge from among these shall count as an  
31 offense for the purposes of this chapter; or

32 (b) The criminal complaint was diverted by a prosecutor pursuant to  
33 the provisions of this chapter on agreement of the respondent and after  
34 an advisement to the respondent that the criminal complaint would be  
35 considered as part of the respondent's criminal history;

36 (7) "Department" means the department of social and health  
37 services;

38 (8) "Diversion unit" means any probation counselor who enters into  
39 a diversion agreement with an alleged youthful offender or any other

1 person or entity with whom the juvenile court administrator has  
2 contracted to arrange and supervise such agreements pursuant to RCW  
3 13.04.040, as now or hereafter amended, or any person or entity  
4 specially funded by the legislature to arrange and supervise diversion  
5 agreements in accordance with the requirements of this chapter;

6 (9) "Institution" means a juvenile facility established pursuant to  
7 chapters 72.05 and 72.16 through 72.20 RCW;

8 (10) "Juvenile," "youth," and "child" mean any individual who is  
9 under the chronological age of eighteen years and who has not been  
10 previously transferred to adult court;

11 (11) "Juvenile offender" means any juvenile who has been found by  
12 the juvenile court to have committed an offense, including a person  
13 eighteen years of age or older over whom jurisdiction has been extended  
14 under RCW 13.40.300;

15 (12) "Manifest injustice" means a disposition that would either  
16 impose an excessive penalty on the juvenile or would impose a serious,  
17 and clear danger to society in light of the purposes of this chapter;

18 (13) "Middle offender" means a person who has committed an offense  
19 and who is neither a minor or first offender nor a serious offender;

20 (14) "Minor or first offender" means a person sixteen years of age  
21 or younger whose current offense(s) and criminal history fall entirely  
22 within one of the following categories:

23 (a) Four misdemeanors;

24 (b) Two misdemeanors and one gross misdemeanor;

25 (c) One misdemeanor and two gross misdemeanors;

26 (d) Three gross misdemeanors;

27 (e) One class C felony except manslaughter in the second degree and  
28 one misdemeanor or gross misdemeanor;

29 (f) One class B felony except (~~Any felony which constitutes an~~  
30 ~~attempt to commit a class A felony; manslaughter in the first degree;~~  
31 ~~assault in the second degree; extortion in the first degree; indecent~~  
32 ~~liberties; kidnapping in the second degree; robbery in the second~~  
33 ~~degree; burglary in the second degree; residential burglary; vehicular~~  
34 ~~homicide; or arson in the second degree.~~) offenses with a B+ juvenile  
35 disposition offense category in RCW 13.40.0357 and burglary in the  
36 second degree.

37 For purposes of this definition, current violations shall be  
38 counted as misdemeanors;

1 (15) "Offense" means an act designated a violation or a crime if  
2 committed by an adult under the law of this state, under any ordinance  
3 of any city or county of this state, under any federal law, or under  
4 the law of another state if the act occurred in that state;

5 (16) "Respondent" means a juvenile who is alleged or proven to have  
6 committed an offense;

7 (17) "Restitution" means financial reimbursement by the offender to  
8 the victim, and shall be limited to easily ascertainable damages for  
9 injury to or loss of property, actual expenses incurred for medical  
10 treatment for physical injury to persons, lost wages resulting from  
11 physical injury, and costs of the victim's counseling reasonably  
12 related to the offense if the offense is a sex offense. Restitution  
13 shall not include reimbursement for damages for mental anguish, pain  
14 and suffering, or other intangible losses. Nothing in this chapter  
15 shall limit or replace civil remedies or defenses available to the  
16 victim or offender;

17 (18) "Secretary" means the secretary of the department of social  
18 and health services;

19 (19) "Services" mean services which provide alternatives to  
20 incarceration for those juveniles who have pleaded or been adjudicated  
21 guilty of an offense or have signed a diversion agreement pursuant to  
22 this chapter;

23 (20) "Sex offense" means an offense defined as a sex offense in RCW  
24 9.94A.030;

25 (21) "Sexual motivation" means that one of the purposes for which  
26 the respondent committed the offense was for the purpose of his or her  
27 sexual gratification;

28 (22) "Foster care" means temporary physical care in a foster family  
29 home or group care facility as defined in RCW 74.15.020 and licensed by  
30 the department, or other legally authorized care;

31 (23) "Violation" means an act or omission, which if committed by an  
32 adult, must be proven beyond a reasonable doubt, and is punishable by  
33 sanctions which do not include incarceration.

34 **Sec. 2.** RCW 13.40.0357 and 1989 c 407 s 7 are each amended to read  
35 as follows:

SCHEDULE A

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION  
CATEGORY FOR ATTEMPT,  
BAILJUMP,  
CONSPIRACY, OR  
SOLICITATION

1  
2  
3  
4 JUVENILE  
5 DISPOSITION  
6 OFFENSE  
7 CATEGORY DESCRIPTION (RCW CITATION)

Arson and Malicious Mischief

10	A	Arson 1 (9A.48.020)	B+
11	B	Arson 2 (9A.48.030)	C
12	C	Reckless Burning 1 (9A.48.040)	D
13	D	Reckless Burning 2 (9A.48.050)	E
14	B	Malicious Mischief 1 (9A.48.070)	C
15	C	Malicious Mischief 2 (9A.48.080)	D
16	D	Malicious Mischief 3 (<\$50 is E class)	
17		(9A.48.090)	E
18	E	Tampering with Fire Alarm Apparatus (9.40.100)	E
19	A	Possession of Incendiary Device (9.40.120)	B+

Assault and Other Crimes Involving Physical Harm

22	A	Assault 1 (9A.36.011)	B+
23	B+	Assault 2 (9A.36.021)	C+
24	C+	Assault 3 (9A.36.031)	D+
25	D+	Assault 4 (9A.36.041)	E
26	D+	Reckless Endangerment (9A.36.050)	E
27	C+	Promoting Suicide Attempt (9A.36.060)	D+
28	D+	Coercion (9A.36.070)	E
29	C+	Custodial Assault (9A.36.100)	D+

Burglary and Trespass

31	B+	Burglary 1 (9A.52.020)	C+
32	B	Burglary 2 (9A.52.030)	C
33	D	Burglary Tools (Possession of) (9A.52.060)	E
34	D	Criminal Trespass 1 (9A.52.070)	E
35	E	Criminal Trespass 2 (9A.52.080)	E
36	D	Vehicle Prowling (9A.52.100)	E

1		<u>Drugs</u>	
2	E	Possession/Consumption of Alcohol (66.44.270)	E
3	C	Illegally Obtaining Legend Drug (69.41.020)	D
4	C+	Sale, Delivery, Possession of Legend Drug with	
5		Intent to Sell (69.41.030)	D+
6	E	Possession of Legend Drug (69.41.030)	E
7	B+	Violation of Uniform Controlled Substances Act	
8		- Narcotic Sale (69.50.401(a)(1)(i))	B+
9	C	Violation of Uniform Controlled Substances Act	
10		- Nonnarcotic Sale (69.50.401(a)(1)(ii))	C
11	E	Possession of Marihuana <40 grams	
12		(69.50.401(e))	E
13	C	Fraudulently Obtaining Controlled Substance	
14		(69.50.403)	C
15	C+	Sale of Controlled Substance for Profit	
16		(69.50.410)	C+
17	E	(( <del>Glue Sniffing (9.47A.050)</del> ) <u>Unlawful</u>	
18		<u>Inhalation (9.47A.020)</u>	E
19	B	Violation of Uniform Controlled Substances Act	
20		- Narcotic Counterfeit Substances	
21		(69.50.401(b)(1)(i))	B
22	C	Violation of Uniform Controlled Substances Act -	
23		Nonnarcotic Counterfeit Substances	
24		(69.50.401(b)(1) (ii), (iii), (iv))	C
25	C	Violation of Uniform Controlled Substances Act	
26		- Possession of a Controlled Substance	
27		(69.50.401(d))	C
28	C	Violation of Uniform Controlled Substances Act	
29		- Possession of a Controlled Substance	
30		(69.50.401(c))	C
31		<u>Firearms and Weapons</u>	
32		<del>((C+ Committing Crime when Armed (9.41.025) ----- D+))</del>	
33	E	Carrying Loaded Pistol Without Permit	
34		(9.41.050)	E
35	E	Use of Firearms by Minor (<14) (9.41.240)	E
36	D+	Possession of Dangerous Weapon (9.41.250)	E
37	D	Intimidating Another Person by use of Weapon	
38		(9.41.270)	E

1		<u>Homicide</u>	
2	A+	Murder 1 (9A.32.030)	A
3	A+	Murder 2 (9A.32.050)	B+
4	B+	Manslaughter 1 (9A.32.060)	C+
5	C+	Manslaughter 2 (9A.32.070)	D+
6	B+	Vehicular Homicide (46.61.520)	C+
7		<u>Kidnapping</u>	
8	A	Kidnap 1 (9A.40.020)	B+
9	B+	Kidnap 2 (9A.40.030)	C+
10	C+	Unlawful Imprisonment (9A.40.040)	D+
11		<del>((D Custodial Interference (9A.40.050) E))</del>	
12		<u>Obstructing Governmental Operation</u>	
13	E	Obstructing a Public Servant (9A.76.020)	E
14	E	Resisting Arrest (9A.76.040)	E
15	B	Introducing Contraband 1 (9A.76.140)	C
16	C	Introducing Contraband 2 (9A.76.150)	D
17	E	Introducing Contraband 3 (9A.76.160)	E
18	B+	Intimidating a Public Servant (9A.76.180)	C+
19	B+	Intimidating a Witness (9A.72.110)	C+
20	E	Criminal Contempt (9.23.010)	E
21		<u>Public Disturbance</u>	
22	C+	Riot with Weapon (9A.84.010)	D+
23	D+	Riot Without Weapon (9A.84.010)	E
24	E	Failure to Disperse (9A.84.020)	E
25	E	Disorderly Conduct (9A.84.030)	E
26		<u>Sex Crimes</u>	
27	A	Rape 1 (9A.44.040)	B+
28	A-	Rape 2 (9A.44.050)	B+
29	C+	Rape 3 (9A.44.060)	D+
30	A-	Rape of a Child 1 (9A.44.073)	B+
31	B	Rape of a Child 2 (9A.44.076)	C+
32	B	Incest 1 (9A.64.020(1))	C
33	C	Incest 2 (9A.64.020(2))	D
34	D+	<del>((Public Indecency))</del> <u>Indecent Exposure</u> (Victim	
35		<14) (9A.88.010)	E
36	E	<del>((Public Indecency))</del> <u>Indecent Exposure</u> (Victim	
37		14 or over) (9A.88.010)	E

1	B+	Promoting Prostitution 1 (9A.88.070)	C+
2	C+	Promoting Prostitution 2 (9A.88.080)	D+
3	E	O & A (Prostitution) (9A.88.030)	E
4	B+	Indecent Liberties (9A.44.100)	C+
5	B+	Child Molestation 1 (9A.44.083)	C+
6	C+	Child Molestation 2 (9A.44.086)	C
7	<u>C</u>	<u>Failure to Register for Class A Sex Offense</u>	
8		<u>(9A.44.130(7))</u>	<u>D</u>
9	<u>D</u>	<u>Failure to Register for less than a Class A Sex</u>	
10		<u>Offense (9A.44.130(7))</u>	<u>E</u>
11		<u>Theft, Robbery, Extortion, and Forgery</u>	
12	B	Theft 1 (9A.56.030)	C
13	C	Theft 2 (9A.56.040)	D
14	D	Theft 3 (9A.56.050)	E
15	B	Theft of Livestock (9A.56.080)	C
16	C	Forgery ( <del>(9A.56.020)</del> ) (9A.60.020)	D
17	A	Robbery 1 (9A.56.200)	B+
18	B+	Robbery 2 (9A.56.210)	C+
19	B+	Extortion 1 (9A.56.120)	C+
20	C+	Extortion 2 (9A.56.130)	D+
21	B	Possession of Stolen Property 1 (9A.56.150)	C
22	C	Possession of Stolen Property 2 (9A.56.160)	D
23	D	Possession of Stolen Property 3 (9A.56.170)	E
24	C	Taking Motor Vehicle Without Owner's	
25		Permission (9A.56.070)	D
26		<u>Motor Vehicle Related Crimes</u>	
27	E	Driving Without a License (46.20.021)	E
28	C	Hit and Run - Injury (46.52.020(4))	D
29	D	Hit and Run-Attended (46.52.020(5))	E
30	E	Hit and Run-Unattended (46.52.010)	E
31	C	Vehicular Assault (46.61.522)	D
32	C	Attempting to Elude Pursuing Police Vehicle	
33		(46.61.024)	D
34	E	Reckless Driving (46.61.500)	E
35	D	Driving While Under the Influence (46.61.515)	E
36	B+	Negligent Homicide by Motor Vehicle	
37		(46.61.520)	C+
38	D	Vehicle Prowling (9A.52.100)	E

1	C	Taking Motor Vehicle Without Owner's Permission	
2		(9A.56.070)	D
3		<u>Other</u>	
4	B	Bomb Threat (9.61.160)	C
5	C	Escape 1 (9A.76.110)	C
6	C	Escape 2 (9A.76.120)	C
7	D	Escape 3 (9A.76.130)	E
8	C	Failure to Appear in Court (10.19.130)	D
9	E	Tampering with Fire Alarm Apparatus (9.40.100)	E
10	E	Obscene, Harassing, Etc., Phone Calls	
11		(9.61.230)	E
12	D	<u>Stalking--No Prior Stalking (9A.46.110)</u>	D
13	C	<u>Stalking--Prior Stalking (9A.46.110(5))</u>	E
14	A	Other Offense Equivalent to an Adult Class A	
15		Felony	B+
16	B	Other Offense Equivalent to an Adult Class B	
17		Felony	C
18	C	Other Offense Equivalent to an Adult Class C	
19		Felony	D
20	D	Other Offense Equivalent to an Adult Gross	
21		Misdemeanor	E
22	E	Other Offense Equivalent to an Adult	
23		Misdemeanor	E
24	V	Violation of Order of Restitution, Community	
25		Supervision, or Confinement (13.40.200)	V

26           <sup>1</sup> Escape 1 and 2 and Attempted Escape 1 and 2 are classed as  
27           C offenses and the standard range is established as follows:

28           1st escape or attempted escape during 12-month period - 4 weeks  
29           confinement

30           2nd escape or attempted escape during 12-month period - 8 weeks  
31           confinement

32           3rd and subsequent escape or attempted escape during 12-month  
33           period - 12 weeks confinement

34           <sup>2</sup> If the court finds that a respondent has violated terms of an  
35           order, it may impose a penalty of up to 30 days of confinement.

1 SCHEDULE B

2 PRIOR OFFENSE INCREASE FACTOR

3 For use with all CURRENT OFFENSES occurring on or after July 1,  
4 1989.

5 TIME SPAN

6 OFFENSE 0-12 13-24 25 Months  
7 CATEGORY Months Months or More

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9	A+	.9	.9	.9
10	A	.9	.8	.6
11	A-	.9	.8	.5
12	B+	.9	.7	.4
13	B	.9	.6	.3
14	C+	.6	.3	.2
15	C	.5	.2	.2
16	D+	.3	.2	.1
17	D	.2	.1	.1
18	E	.1	.1	.1

19 Prior history - Any offense in which a diversion agreement or counsel  
20 and release form was signed, or any offense which has been adjudicated  
21 by court to be correct prior to the commission of the current  
22 offense(s).

23 SCHEDULE C

24 CURRENT OFFENSE POINTS

25 For use with all CURRENT OFFENSES occurring on or after July 1,  
26 1989.

27 AGE

28 OFFENSE 12 &  
29 CATEGORY Under 13 14 15 16 17

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31	A+	STANDARD	RANGE	180-224	WEEKS
32	A	250	300 350	375	375
33	A-	150	150 150	200	200
34	B+	110	110 120	130	140 150

1	B	45	45	50	50	57	57
2	C+	44	44	49	49	55	55
3	C	40	40	45	45	50	50
4	D+	16	18	20	22	24	26
5	D	14	16	18	20	22	24
6	E	4	4	4	6	8	10

7 JUVENILE SENTENCING STANDARDS  
8 SCHEDULE D-1

9 This schedule may only be used for minor/first offenders. After the  
10 determination is made that a youth is a minor/first offender, the court  
11 has the discretion to select sentencing option A, B, or C.

12 MINOR/FIRST OFFENDER

13 OPTION A

14 STANDARD RANGE

15	16	17	18	19	20	21	22	23	24	25	26	27
	Community	Community	Service									
	<u>Supervision</u>	<u>Hours</u>	<u>Fine</u>									
18	1-9	0-3 months	and/or 0-8				and/or 0-\$10					
19	10-19	0-3 months	and/or 0-8				and/or 0-\$10					
20	20-29	0-3 months	and/or 0-16				and/or 0-\$10					
21	30-39	0-3 months	and/or 8-24				and/or 0-\$25					
22	40-49	3-6 months	and/or 16-32				and/or 0-\$25					
23	50-59	3-6 months	and/or 24-40				and/or 0-\$25					
24	60-69	6-9 months	and/or 32-48				and/or 0-\$50					
25	70-79	6-9 months	and/or 40-56				and/or 0-\$50					
26	80-89	9-12 months	and/or 48-64				and/or 0-\$100					
27	90-109	9-12 months	and/or 56-72				and/or 0-\$100					

28 OR

29 OPTION B

30 STATUTORY OPTION

31 0-12 Months Community Supervision  
32 0-150 Hours Community Service  
33 0-100 Fine

1 A term of community supervision with a maximum of 150 hours, \$100.00  
2 fine, and 12 months supervision.

3 OR

4 OPTION C

5 MANIFEST INJUSTICE

6 When a term of community supervision would effectuate a manifest  
7 injustice, another disposition may be imposed. When a judge imposes a  
8 sentence of confinement exceeding 30 days, the court shall sentence the  
9 juvenile to a maximum term and the provisions of RCW  
10 13.40.030(~~(+5)~~)(2), as now or hereafter amended, shall be used to  
11 determine the range.

12 JUVENILE SENTENCING STANDARDS

13 SCHEDULE D-2

14 This schedule may only be used for middle offenders. After the  
15 determination is made that a youth is a middle offender, the court has  
16 the discretion to select sentencing option A, B, or C.

17 MIDDLE OFFENDER

18 OPTION A

19 STANDARD RANGE

20 Community

21	Community	Service		Confinement
22	Supervision	Hours	Fine	Days Weeks
23	<hr/>			
24	1-9	0-3 months	and/or 0-8	and/or 0-\$10 and/or 0
25	10-19	0-3 months	and/or 0-8	and/or 0-\$10 and/or 0
26	20-29	0-3 months	and/or 0-16	and/or 0-\$10 and/or 0
27	30-39	0-3 months	and/or 8-24	and/or 0-\$25 and/or 2-4
28	40-49	3-6 months	and/or 16-32	and/or 0-\$25 and/or 2-4
29	50-59	3-6 months	and/or 24-40	and/or 0-\$25 and/or 5-10
30	60-69	6-9 months	and/or 32-48	and/or 0-\$50 and/or 5-10
31	70-79	6-9 months	and/or 40-56	and/or 0-\$50 and/or 10-20
32	80-89	9-12 months	and/or 48-64	and/or 0-\$100 and/or 10-20
33	90-109	9-12 months	and/or 56-72	and/or 0-\$100 and/or 15-30
34	110-129			8-12

1	130-149	13-16
2	150-199	21-28
3	200-249	30-40
4	250-299	52-65
5	300-374	80-100
6	375+	103-129

7 Middle offenders with more than 110 points do not have to be committed.  
8 They may be assigned community supervision under option B.  
9 All A+ offenses 180-224 weeks

10 OR

11 OPTION B

12 STATUTORY OPTION

13 0-12 Months Community Supervision

14 0-150 Hours Community Service

15 0-100 Fine

16 The court may impose a determinate disposition of community supervision  
17 and/or up to 30 days confinement; in which case, if confinement has  
18 been imposed, the court shall state either aggravating or mitigating  
19 factors as set forth in RCW 13.40.150, as now or hereafter amended.

20 OR

21 OPTION C

22 MANIFEST INJUSTICE

23 If the court determines that a disposition under A or B would  
24 effectuate a manifest injustice, the court shall sentence the juvenile  
25 to a maximum term and the provisions of RCW 13.40.030(~~((+5))~~)(2), as now  
26 or hereafter amended, shall be used to determine range.

27 JUVENILE SENTENCING STANDARDS

28 SCHEDULE D-3

29 This schedule may only be used for serious offenders. After the  
30 determination is made that a youth is a serious offender, the court has  
31 the discretion to select sentencing option A or B.



1 (d) Without a court order, where the secretary or the secretary's  
2 designee has suspended the parole ((of a juvenile offender)) or  
3 terminated the juvenile offender's involvement in the structured  
4 transition program.

5 (2) A juvenile may not be held in detention unless there is  
6 probable cause to believe that:

7 (a) The juvenile has committed an offense or has violated the  
8 terms of a disposition order; and

9 (i) The juvenile will likely fail to appear for further  
10 proceedings; or

11 (ii) Detention is required to protect the juvenile from himself or  
12 herself; or

13 (iii) The juvenile is a threat to community safety; or

14 (iv) The juvenile will intimidate witnesses or otherwise  
15 unlawfully interfere with the administration of justice; or

16 (v) The juvenile has committed a crime while another case was  
17 pending; or

18 (b) The juvenile is a fugitive from justice; or

19 (c) The juvenile's parole has been suspended or modified; or

20 (d) The juvenile is a material witness.

21 (3) Upon a finding that members of the community have threatened  
22 the health of a juvenile taken into custody, at the juvenile's request  
23 the court may order continued detention pending further order of the  
24 court.

25 (4) A juvenile detained under this section may be released upon  
26 posting bond set by the court. A court authorizing such a release  
27 shall issue an order containing a statement of conditions imposed upon  
28 the juvenile and shall set the date of his or her next court  
29 appearance. The court shall advise the juvenile of any conditions  
30 specified in the order and may at any time amend such an order in order  
31 to impose additional or different conditions of release upon the  
32 juvenile or to return the juvenile to custody for failing to conform to  
33 the conditions imposed. Failure to appear on the date scheduled by the  
34 court pursuant to this section shall constitute the crime of bail  
35 jumping.

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