
SUBSTITUTE HOUSE BILL 2475

State of Washington 53rd Legislature 1994 Regular Session

By House Committee on Corrections (originally sponsored by Representatives Thibaudeau, Chappell, Johanson, Rayburn and Conway)

Read first time 01/31/94.

1 AN ACT Relating to juvenile dispositions; amending RCW 13.40.020,
2 13.40.160, 13.40.200, and 13.40.0357; prescribing penalties; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 13.40.020 and 1993 c 373 s 1 are each amended to read
6 as follows:

7 For the purposes of this chapter:

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

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

12 (b) Manslaughter in the first degree; or

13 (c) Assault in the second degree, extortion in the first degree,
14 child molestation in the first or second degree, kidnapping in the
15 second degree, robbery in the second degree, residential burglary, or
16 burglary in the second degree, where such offenses include the
17 infliction of bodily harm upon another or where during the commission
18 of or immediate withdrawal from such an offense the perpetrator is
19 armed with a deadly 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. Community service
4 may be performed through public or private organizations or through
5 work crews;

6 (3) "Community supervision" means an order of disposition by the
7 court of an adjudicated youth not committed to the department. A
8 community supervision order for a single offense may be for a period of
9 up to two years for a sex offense as defined by RCW 9.94A.030 and up to
10 one year for other offenses. Community supervision is an
11 individualized program comprised of one or more of the following:

12 (a) Community-based sanctions;

13 (b) Community-based rehabilitation;

14 (c) Monitoring and reporting requirements;

15 (4) Community-based sanctions may include one or more of the
16 following:

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

18 (b) Community service not to exceed one hundred fifty hours of
19 service;

20 (5) "Community-based rehabilitation" means one or more of the
21 following: Attendance of information classes; counseling, outpatient
22 substance abuse treatment programs, outpatient mental health programs,
23 anger management classes, or other services; or attendance at school or
24 other educational programs appropriate for the juvenile as determined
25 by the school district. Placement in community-based rehabilitation
26 programs is subject to available funds;

27 (6) "Monitoring and reporting requirements" means one or more of
28 the following: Curfews; requirements to remain at home, school, work,
29 or court-ordered treatment programs during specified hours;
30 restrictions from leaving or entering specified geographical areas;
31 requirements to report to the probation officer as directed and to
32 remain under the probation officer's supervision; and other conditions
33 or limitations as the court may require which may not include
34 confinement;

35 (7) "Confinement" means physical custody by the department of
36 social and health services in a facility operated by or pursuant to a
37 contract with the state, or physical custody in a detention facility
38 operated by or pursuant to a contract with any county. The county may
39 operate or contract with vendors to operate county detention

1 facilities. The department may operate or contract to operate
2 detention facilities for juveniles committed to the department.
3 Pretrial confinement or confinement of less than thirty-one days
4 imposed as part of a disposition or modification order may be served
5 consecutively or intermittently, in the discretion of the court and may
6 be served in a detention group home, detention foster home, or with
7 electronic monitoring. Detention group homes and detention foster
8 homes used for confinement shall not also be used for the placement of
9 dependent children. Confinement in detention group homes and detention
10 foster homes and electronic monitoring are subject to available funds;

11 (8) "Court", when used without further qualification, means the
12 juvenile court judge(s) or commissioner(s);

13 (9) "Criminal history" includes all criminal complaints against the
14 respondent for which, prior to the commission of a current offense:

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

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

23 (10) "Department" means the department of social and health
24 services;

25 (11) "Detention facility" means a county facility for the physical
26 confinement of a juvenile alleged to have committed an offense or an
27 adjudicated offender subject to a disposition or modification order;

28 (12) "Diversion unit" means any probation counselor who enters into
29 a diversion agreement with an alleged youthful offender, or any other
30 person or entity except a law enforcement official or entity, with whom
31 the juvenile court administrator has contracted to arrange and
32 supervise such agreements pursuant to RCW 13.40.080, or any person or
33 entity specially funded by the legislature to arrange and supervise
34 diversion agreements in accordance with the requirements of this
35 chapter;

36 (13) "Institution" means a juvenile facility established pursuant
37 to chapters 72.05 and 72.16 through 72.20 RCW;

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

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

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

11 (17) "Middle offender" means a person who has committed an offense
12 and who is neither a minor or first offender nor a serious offender;

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

16 (a) Four misdemeanors;

17 (b) Two misdemeanors and one gross misdemeanor;

18 (c) One misdemeanor and two gross misdemeanors;

19 (d) Three gross misdemeanors;

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

22 (f) One class B felony except: Any felony which constitutes an
23 attempt to commit a class A felony; manslaughter in the first degree;
24 assault in the second degree; extortion in the first degree; indecent
25 liberties; kidnapping in the second degree; robbery in the second
26 degree; burglary in the second degree; residential burglary; vehicular
27 homicide; or arson in the second degree.

28 For purposes of this definition, current violations shall be
29 counted as misdemeanors;

30 (19) "Offense" means an act designated a violation or a crime if
31 committed by an adult under the law of this state, under any ordinance
32 of any city or county of this state, under any federal law, or under
33 the law of another state if the act occurred in that state;

34 (20) "Respondent" means a juvenile who is alleged or proven to have
35 committed an offense;

36 (21) "Restitution" means financial reimbursement by the offender to
37 the victim, and shall be limited to easily ascertainable damages for
38 injury to or loss of property, actual expenses incurred for medical
39 treatment for physical injury to persons, lost wages resulting from

1 physical injury, and costs of the victim's counseling reasonably
2 related to the offense if the offense is a sex offense. Restitution
3 shall not include reimbursement for damages for mental anguish, pain
4 and suffering, or other intangible losses. Nothing in this chapter
5 shall limit or replace civil remedies or defenses available to the
6 victim or offender;

7 (22) "Secretary" means the secretary of the department of social
8 and health services;

9 (23) "Services" mean services which provide alternatives to
10 incarceration for those juveniles who have pleaded or been adjudicated
11 guilty of an offense or have signed a diversion agreement pursuant to
12 this chapter;

13 (24) "Sex offense" means an offense defined as a sex offense in RCW
14 9.94A.030;

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

18 (26) "Foster care" means temporary physical care in a foster family
19 home or group care facility as defined in RCW 74.15.020 and licensed by
20 the department, or other legally authorized care;

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

24 **Sec. 2.** RCW 13.40.160 and 1992 c 45 s 6 are each amended to read
25 as follows:

26 (1) When the respondent is found to be a serious offender, the
27 court shall commit the offender to the department for the standard
28 range of disposition for the offense, as indicated in option A of
29 schedule D-3, RCW 13.40.0357 except as provided in subsection (5) of
30 this section.

31 If the court concludes, and enters reasons for its conclusion, that
32 disposition within the standard range would effectuate a manifest
33 injustice the court shall impose a disposition outside the standard
34 range, as indicated in option B of schedule D-3, RCW 13.40.0357. The
35 court's finding of manifest injustice shall be supported by clear and
36 convincing evidence.

37 A disposition outside the standard range shall be determinate and
38 shall be comprised of confinement or community supervision, or a

1 combination thereof. When a judge finds a manifest injustice and
2 imposes a sentence of confinement exceeding thirty days, the court
3 shall sentence the juvenile to a maximum term, and the provisions of
4 RCW 13.40.030(2), as now or hereafter amended, shall be used to
5 determine the range. A disposition outside the standard range is
6 appealable under RCW 13.40.230, as now or hereafter amended, by the
7 state or the respondent. A disposition within the standard range is
8 not appealable under RCW 13.40.230 as now or hereafter amended.

9 (2) Where the respondent is found to be a minor or first offender,
10 the court shall order that the respondent serve a term of community
11 supervision as indicated in option A or option B of schedule D-1, RCW
12 13.40.0357 except as provided in subsection (5) of this section. If
13 the court determines that a disposition of community supervision would
14 effectuate a manifest injustice the court may impose another
15 disposition under option C of schedule D-1, RCW 13.40.0357. Except as
16 provided in subsection (5) of this section, a disposition other than a
17 community supervision may be imposed only after the court enters
18 reasons upon which it bases its conclusions that imposition of
19 community supervision would effectuate a manifest injustice. When a
20 judge finds a manifest injustice and imposes a sentence of confinement
21 exceeding thirty days, the court shall sentence the juvenile to a
22 maximum term, and the provisions of RCW 13.40.030(2), as now or
23 hereafter amended, shall be used to determine the range. The court's
24 finding of manifest injustice shall be supported by clear and
25 convincing evidence.

26 Except for disposition of community supervision or a disposition
27 imposed pursuant to subsection (5) of this section, a disposition may
28 be appealed as provided in RCW 13.40.230, as now or hereafter amended,
29 by the state or the respondent. A disposition of community supervision
30 or a disposition imposed pursuant to subsection (5) of this section may
31 not be appealed under RCW 13.40.230 as now or hereafter amended.

32 (3) Where a respondent is found to have committed an offense for
33 which the respondent declined to enter into a diversion agreement, the
34 court shall impose a term of community supervision limited to the
35 conditions allowed in a diversion agreement as provided in RCW
36 13.40.080(2) as now or hereafter amended.

37 (4) If a respondent is found to be a middle offender:

38 (a) The court shall impose a determinate disposition within the
39 standard range(s) for such offense, as indicated in option A of

1 schedule D-2, RCW 13.40.0357 except as provided in subsection (5) of
2 this section: PROVIDED, That if the standard range includes a term of
3 confinement exceeding thirty days, commitment shall be to the
4 department for the standard range of confinement; or

5 (b) The court shall impose a determinate disposition of community
6 supervision and/or up to thirty days confinement, as indicated in
7 option B of schedule D-2, RCW 13.40.0357 in which case, if confinement
8 has been imposed, the court shall state either aggravating or
9 mitigating factors as set forth in RCW 13.40.150 as now or hereafter
10 amended.

11 (c) Only if the court concludes, and enters reasons for its
12 conclusions, that disposition as provided in subsection (4)(a) or (b)
13 of this section would effectuate a manifest injustice, the court shall
14 sentence the juvenile to a maximum term, and the provisions of RCW
15 13.40.030(2), as now or hereafter amended, shall be used to determine
16 the range. The court's finding of manifest injustice shall be
17 supported by clear and convincing evidence.

18 (d) A disposition pursuant to subsection (4)(c) of this section is
19 appealable under RCW 13.40.230, as now or hereafter amended, by the
20 state or the respondent. A disposition pursuant to subsection (4) (a)
21 or (b) of this section is not appealable under RCW 13.40.230 as now or
22 hereafter amended.

23 (5) When a serious, middle, or minor first offender is found to
24 have committed a sex offense, other than a sex offense that is also a
25 serious violent offense as defined by RCW 9.94A.030, and has no history
26 of a prior sex offense, the court, on its own motion or the motion of
27 the state or the respondent, may order an examination to determine
28 whether the respondent is amenable to treatment.

29 The report of the examination shall include at a minimum the
30 following: The respondent's version of the facts and the official
31 version of the facts, the respondent's offense history, an assessment
32 of problems in addition to alleged deviant behaviors, the respondent's
33 social, educational, and employment situation, and other evaluation
34 measures used. The report shall set forth the sources of the
35 evaluator's information.

36 The examiner shall assess and report regarding the respondent's
37 amenability to treatment and relative risk to the community. A
38 proposed treatment plan shall be provided and shall include, at a
39 minimum:

1 (a)(i) Frequency and type of contact between the offender and
2 therapist;

3 (ii) Specific issues to be addressed in the treatment and
4 description of planned treatment modalities;

5 (iii) Monitoring plans, including any requirements regarding living
6 conditions, lifestyle requirements, and monitoring by family members,
7 legal guardians, or others;

8 (iv) Anticipated length of treatment; and

9 (v) Recommended crime-related prohibitions.

10 The court on its own motion may order, or on a motion by the state
11 shall order, a second examination regarding the offender's amenability
12 to treatment. The evaluator shall be selected by the party making the
13 motion. The defendant shall pay the cost of any second examination
14 ordered unless the court finds the defendant to be indigent in which
15 case the state shall pay the cost.

16 After receipt of reports of the examination, the court shall then
17 consider whether the offender and the community will benefit from use
18 of this special sex offender disposition alternative and consider the
19 victim's opinion whether the offender should receive a treatment
20 disposition under this section. If the court determines that this
21 special sex offender disposition alternative is appropriate, then the
22 court shall impose a determinate disposition within the standard range
23 for the offense, and the court may suspend the execution of the
24 disposition and place the offender on community supervision for up to
25 two years. As a condition of the suspended disposition, the court may
26 impose the conditions of community supervision and other conditions,
27 including up to thirty days of confinement and requirements that the
28 offender do any one or more of the following:

29 (b)(i) Devote time to a specific education, employment, or
30 occupation;

31 (ii) Undergo available outpatient sex offender treatment for up to
32 two years, or inpatient sex offender treatment not to exceed the
33 standard range of confinement for that offense. A community mental
34 health center may not be used for such treatment unless it has an
35 appropriate program designed for sex offender treatment. The
36 respondent shall not change sex offender treatment providers or
37 treatment conditions without first notifying the prosecutor, the
38 probation counselor, and the court, and shall not change providers

1 without court approval after a hearing if the prosecutor or probation
2 counselor object to the change;

3 (iii) Remain within prescribed geographical boundaries and notify
4 the court or the probation counselor prior to any change in the
5 offender's address, educational program, or employment;

6 (iv) Report to the prosecutor and the probation counselor prior to
7 any change in a sex offender treatment provider. This change shall
8 have prior approval by the court;

9 (v) Report as directed to the court and a probation counselor;

10 (vi) Pay all court-ordered legal financial obligations, perform
11 community service, or any combination thereof; or

12 (vii) Make restitution to the victim for the cost of any counseling
13 reasonably related to the offense.

14 The sex offender treatment provider shall submit quarterly reports
15 on the respondent's progress in treatment to the court and the parties.
16 The reports shall reference the treatment plan and include at a minimum
17 the following: Dates of attendance, respondent's compliance with
18 requirements, treatment activities, the respondent's relative progress
19 in treatment, and any other material specified by the court at the time
20 of the disposition.

21 At the time of the disposition, the court may set treatment review
22 hearings as the court considers appropriate.

23 Except as provided in this subsection (5), after July 1, 1991,
24 examinations and treatment ordered pursuant to this subsection shall
25 only be conducted by sex offender treatment providers certified by the
26 department of health pursuant to chapter 18.155 RCW. A sex offender
27 therapist who examines or treats a juvenile sex offender pursuant to
28 this subsection does not have to be certified by the department of
29 health pursuant to chapter 18.155 RCW if the court finds that: (A) The
30 offender has already moved to another state or plans to move to another
31 state for reasons other than circumventing the certification
32 requirements; (B) no certified providers are available for treatment
33 within a reasonable geographical distance of the offender's home; and
34 (C) the evaluation and treatment plan comply with this subsection (5)
35 and the rules adopted by the department of health.

36 If the offender violates any condition of the disposition or the
37 court finds that the respondent is failing to make satisfactory
38 progress in treatment, the court may revoke the suspension and order
39 execution of the (~~sentence~~) disposition or if the court concludes,

1 and enters reasons for its conclusion, that the disposition would
2 effectuate a manifest injustice, the court shall impose a manifest
3 injustice disposition under the appropriate schedule of RCW 13.40.0357.
4 In addition, the court may impose a penalty of up to thirty days'
5 confinement for violating conditions of the disposition. The penalty
6 imposed for violating conditions of the disposition shall run
7 consecutively with the period of confinement imposed under the
8 disposition. The court shall give credit for any confinement time
9 previously served if that confinement was for the offense for which the
10 suspension is being revoked.

11 For purposes of this section, "victim" means any person who has
12 sustained emotional, psychological, physical, or financial injury to
13 person or property as a direct result of the crime charged. "Victim"
14 may also include a known parent or guardian of a victim who is a minor
15 child unless the parent or guardian is the perpetrator of the offense.

16 (6) Whenever a juvenile offender is entitled to credit for time
17 spent in detention prior to a dispositional order, the dispositional
18 order shall specifically state the number of days of credit for time
19 served.

20 (7) Except as provided for in subsection (5) of this section and
21 RCW 13.40.0357 concerning option B for middle offenders, the court
22 shall not suspend or defer the imposition or the execution of the
23 disposition.

24 (8) In no case shall the term of confinement imposed by the court
25 at disposition exceed that to which an adult could be subjected for the
26 same offense.

27 **Sec. 3.** RCW 13.40.200 and 1986 c 288 s 5 are each amended to read
28 as follows:

29 (1) When a respondent fails to comply with an order of restitution,
30 community supervision, penalty assessments, or confinement of less than
31 thirty days, the court upon motion of the prosecutor or its own motion,
32 may modify the order after a hearing on the violation.

33 (2) The hearing shall afford the respondent the same due process of
34 law as would be afforded an adult probationer. The court may issue a
35 summons or a warrant to compel the respondent's appearance. The state
36 shall have the burden of proving by a preponderance of the evidence the
37 fact of the violation. The respondent shall have the burden of showing
38 that the violation was not a wilful refusal to comply with the terms of

1 the order. If a respondent has failed to pay a fine, penalty
2 assessments, or restitution or to perform community service hours, as
3 required by the court, it shall be the respondent's burden to show that
4 he or she did not have the means and could not reasonably have acquired
5 the means to pay the fine, penalty assessments, or restitution or
6 perform community service.

7 (3)(a) If the court finds that a respondent has wilfully violated
8 the terms of an order pursuant to subsections (1) and (2) of this
9 section, it may impose a penalty of up to thirty days' confinement or
10 other conditions of community supervision the court considers
11 appropriate. Penalties for multiple violations occurring prior to the
12 hearing shall not be aggregated to exceed thirty days' confinement.
13 Regardless of the number of times a respondent is brought to court for
14 violations of the terms of a single disposition order, the combined
15 total number of days spent by the respondent in detention shall never
16 exceed the maximum term to which an adult could be sentenced for the
17 underlying offense.

18 (b) If the violation of the terms of the order under (a) of this
19 subsection is failure to pay fines, penalty assessments, complete
20 community service, or make restitution, the term of confinement imposed
21 under (a) of this subsection shall be assessed at a rate of one day of
22 confinement for each twenty-five dollars or eight hours owed.

23 (4) If a respondent has been ordered to pay a fine or monetary
24 penalty and due to a change of circumstance cannot reasonably comply
25 with the order, the court, upon motion of the respondent, may order
26 that the unpaid fine or monetary penalty be converted to community
27 service. The number of hours of community service in lieu of a
28 monetary penalty or fine shall be converted at the rate of the
29 prevailing state minimum wage per hour. The monetary penalties or
30 fines collected shall be deposited in the county general fund. A
31 failure to comply with an order under this subsection shall be deemed
32 a failure to comply with an order of community supervision and may be
33 proceeded against as provided in this section.

34 **Sec. 4.** RCW 13.40.0357 and 1989 c 407 s 7 are each amended to read
35 as follows:

36 SCHEDULE A
37 DESCRIPTION AND OFFENSE CATEGORY

| 1 | | | JUVENILE |
|----|-------------|----------------------------------|-----------------------|
| 2 | JUVENILE | | DISPOSITION |
| 3 | DISPOSITION | | CATEGORY FOR ATTEMPT, |
| 4 | OFFENSE | | BAILJUMP, CONSPIRACY, |
| 5 | CATEGORY | DESCRIPTION (RCW CITATION) | OR SOLICITATION |
| 6 | | | |
| 7 | | Arson and Malicious Mischief | |
| 8 | A | Arson 1 (9A.48.020) | B+ |
| 9 | B | Arson 2 (9A.48.030) | C |
| 10 | C | Reckless Burning 1 (9A.48.040) | D |
| 11 | D | Reckless Burning 2 (9A.48.050) | E |
| 12 | B | Malicious Mischief 1 (9A.48.070) | C |
| 13 | C | Malicious Mischief 2 (9A.48.080) | D |
| 14 | D | Malicious Mischief 3 (<\$50 is | |
| 15 | | E class) (9A.48.090) | E |
| 16 | E | Tampering with Fire Alarm | |
| 17 | | Apparatus (9.40.100) | E |
| 18 | A | Possession of Incendiary Device | |
| 19 | | (9.40.120) | B+ |
| 20 | | Assault and Other Crimes | |
| 21 | | 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 | |
| 27 | | (9A.36.050) | E |
| 28 | C+ | Promoting Suicide Attempt | |
| 29 | | (9A.36.060) | D+ |
| 30 | D+ | Coercion (9A.36.070) | E |
| 31 | C+ | Custodial Assault (9A.36.100) | D+ |
| 32 | | Burglary and Trespass | |
| 33 | B+ | Burglary 1 (9A.52.020) | C+ |
| 34 | B | Burglary 2 (9A.52.030) | C |
| 35 | D | Burglary Tools (Possession of) | |
| 36 | | (9A.52.060) | E |

| | | | |
|----|----|---|----|
| 1 | D | Criminal Trespass 1 (9A.52.070) | E |
| 2 | E | Criminal Trespass 2 (9A.52.080) | E |
| 3 | D | Vehicle Prowling (9A.52.100) | E |
| 4 | | Drugs | |
| 5 | E | Possession/Consumption of Alcohol | |
| 6 | | (66.44.270) | E |
| 7 | C | Illegally Obtaining Legend Drug | |
| 8 | | (69.41.020) | D |
| 9 | C+ | Sale, Delivery, Possession of Legend | |
| 10 | | Drug with Intent to Sell | |
| 11 | | (69.41.030) | D+ |
| 12 | E | Possession of Legend Drug | |
| 13 | | (69.41.030) | E |
| 14 | B+ | Violation of Uniform Controlled | |
| 15 | | Substances Act - Narcotic Sale | |
| 16 | | (69.50.401(a)(1)(i)) | B+ |
| 17 | C | Violation of Uniform Controlled | |
| 18 | | Substances Act - Nonnarcotic Sale | |
| 19 | | (69.50.401(a)(1)(ii)) | C |
| 20 | E | Possession of Marihuana <40 grams | |
| 21 | | (69.50.401(e)) | E |
| 22 | C | Fraudulently Obtaining Controlled | |
| 23 | | Substance (69.50.403) | C |
| 24 | C+ | Sale of Controlled Substance | |
| 25 | | for Profit (69.50.410) | C+ |
| 26 | E | ((Glue Sniffing (9.47A.050)) | E |
| 27 | | <u>Unlawful Inhalation (9.47A.020)</u> | |
| 28 | B | Violation of Uniform Controlled | |
| 29 | | Substances Act - Narcotic | |
| 30 | | Counterfeit Substances | |
| 31 | | (69.50.401(b)(1)(i)) | B |
| 32 | C | Violation of Uniform Controlled | |
| 33 | | Substances Act - Nonnarcotic | |
| 34 | | Counterfeit Substances | |
| 35 | | (69.50.401(b)(1) (ii), (iii), (iv)) | C |
| 36 | C | Violation of Uniform Controlled | |
| 37 | | Substances Act - Possession of a | |

| | | | |
|----|-----------------|--|-----------------|
| 1 | | Controlled Substance | |
| 2 | | (69.50.401(d)) | C |
| 3 | C | Violation of Uniform Controlled | |
| 4 | | Substances Act - Possession of a | |
| 5 | | Controlled Substance | |
| 6 | | (69.50.401(c)) | C |
| 7 | | Firearms and Weapons | |
| 8 | ((C+ | Committing Crime when Armed | |
| 9 | | (9.41.025) | D+)) |
| 10 | E | Carrying Loaded Pistol Without | |
| 11 | | Permit (9.41.050) | E |
| 12 | E | Use of Firearms by Minor (<14) | |
| 13 | | (9.41.240) | E |
| 14 | D+ | Possession of Dangerous Weapon | |
| 15 | | (9.41.250) | E |
| 16 | D | Intimidating Another Person by use | |
| 17 | | of Weapon (9.41.270) | E |
| 18 | | Homicide | |
| 19 | A+ | Murder 1 (9A.32.030) | A |
| 20 | A+ | Murder 2 (9A.32.050) | B+ |
| 21 | B+ | Manslaughter 1 (9A.32.060) | C+ |
| 22 | C+ | Manslaughter 2 (9A.32.070) | D+ |
| 23 | B+ | Vehicular Homicide (46.61.520) | C+ |
| 24 | | Kidnapping | |
| 25 | A | Kidnap 1 (9A.40.020) | B+ |
| 26 | B+ | Kidnap 2 (9A.40.030) | C+ |
| 27 | C+ | Unlawful Imprisonment | |
| 28 | | (9A.40.040) | D+ |
| 29 | ((D | Custodial Interference | |
| 30 | | (9A.40.050) | E)) |
| 31 | | Obstructing Governmental Operation | |
| 32 | E | Obstructing a Public Servant | |
| 33 | | (9A.76.020) | E |
| 34 | E | Resisting Arrest (9A.76.040) | E |

| | | | |
|----|----------------|--|----------------|
| 1 | B | Introducing Contraband 1 | |
| 2 | | (9A.76.140) | C |
| 3 | C | Introducing Contraband 2 | |
| 4 | | (9A.76.150) | D |
| 5 | E | Introducing Contraband 3 | |
| 6 | | (9A.76.160) | E |
| 7 | B+ | Intimidating a Public Servant | |
| 8 | | (9A.76.180) | C+ |
| 9 | B+ | Intimidating a Witness | |
| 10 | | (9A.72.110) | C+ |
| 11 | ((E | Criminal Contempt | |
| 12 | | (9.23.010) | E)) |
| 13 | | Public Disturbance | |
| 14 | C+ | Riot with Weapon (9A.84.010) | D+ |
| 15 | D+ | Riot Without Weapon | |
| 16 | | (9A.84.010) | E |
| 17 | E | Failure to Disperse (9A.84.020) | E |
| 18 | E | Disorderly Conduct (9A.84.030) | E |
| 19 | | Sex Crimes | |
| 20 | A | Rape 1 (9A.44.040) | B+ |
| 21 | A- | Rape 2 (9A.44.050) | B+ |
| 22 | C+ | Rape 3 (9A.44.060) | D+ |
| 23 | A- | Rape of a Child 1 (9A.44.073) | B+ |
| 24 | B | Rape of a Child 2 (9A.44.076) | C+ |
| 25 | B | Incest 1 (9A.64.020(1)) | C |
| 26 | C | Incest 2 (9A.64.020(2)) | D |
| 27 | D+ | ((Public Indecency)) <u>Indecent Exposure</u> | |
| 28 | | (Victim <14) (9A.88.010) | E |
| 29 | E | ((Public Indecency)) <u>Indecent Exposure</u> | |
| 30 | | (Victim 14 or over) (9A.88.010) | E |
| 31 | B+ | Promoting Prostitution 1 | |
| 32 | | (9A.88.070) | C+ |
| 33 | C+ | Promoting Prostitution 2 | |
| 34 | | (9A.88.080) | D+ |
| 35 | E | O & A (Prostitution) (9A.88.030) | E |
| 36 | B+ | Indecent Liberties (9A.44.100) | C+ |
| 37 | B+ | Child Molestation 1 (9A.44.083) | C+ |

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

| | | | |
|----|----------------|--------------------------------------|----------------|
| 1 | C | Taking Motor Vehicle Without | |
| 2 | | Owner's Permission (9A.56.070) | D |
| 3 | | Other | |
| 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 | |
| 9 | | (10.19.130) | D |
| 10 | ((E | Tampering with Fire Alarm | |
| 11 | | Apparatus (9.40.100) | E)) |
| 12 | E | Obscene, Harassing, Etc., | |
| 13 | | Phone Calls (9.61.230) | E |
| 14 | A | Other Offense Equivalent to an | |
| 15 | | Adult Class A Felony | B+ |
| 16 | B | Other Offense Equivalent to an | |
| 17 | | Adult Class B Felony | C |
| 18 | C | Other Offense Equivalent to an | |
| 19 | | Adult Class C Felony | D |
| 20 | D | Other Offense Equivalent to an | |
| 21 | | Adult Gross Misdemeanor | E |
| 22 | E | Other Offense Equivalent to an | |
| 23 | | Adult Misdemeanor | E |
| 24 | V | Violation of Order of Restitution, | |
| 25 | | Community Supervision, or | |
| 26 | | Confinement (13.40.200) | V |

27 Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
28 and the standard range is established as follows:

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

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

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

1 if the court finds that a respondent has violated terms of an order,
2 it may impose a penalty of up to 30 days of confinement.

3 SCHEDULE B
4 PRIOR OFFENSE INCREASE FACTOR

5 For use with all CURRENT OFFENSES occurring on or after July 1,
6 1989.

7 TIME SPAN

| 8 OFFENSE | 0-12 | 13-24 | 25 Months |
|------------|--------|--------|-----------|
| 9 CATEGORY | Months | Months | or More |
| 10 | | | |
| 11 A+ | .9 | .9 | .9 |
| 12 A | .9 | .8 | .6 |
| 13 A- | .9 | .8 | .5 |
| 14 B+ | .9 | .7 | .4 |
| 15 B | .9 | .6 | .3 |
| 16 C+ | .6 | .3 | .2 |
| 17 C | .5 | .2 | .2 |
| 18 D+ | .3 | .2 | .1 |
| 19 D | .2 | .1 | .1 |
| 20 E | .1 | .1 | .1 |

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

25 SCHEDULE C
26 CURRENT OFFENSE POINTS

27 For use with all CURRENT OFFENSES occurring on or after July 1,
28 1989.

1

AGE

| 2 OFFENSE | 12 & | | | | | | |
|------------|----------|-------|---------|-------|-----|-----|--|
| 3 CATEGORY | Under | 13 | 14 | 15 | 16 | 17 | |
| 4 | | | | | | | |
| 5 A+ | STANDARD | RANGE | 180-224 | WEEKS | | | |
| 6 A | 250 | 300 | 350 | 375 | 375 | 375 | |
| 7 A- | 150 | 150 | 150 | 200 | 200 | 200 | |
| 8 B+ | 110 | 110 | 120 | 130 | 140 | 150 | |
| 9 B | 45 | 45 | 50 | 50 | 57 | 57 | |
| 10 C+ | 44 | 44 | 49 | 49 | 55 | 55 | |
| 11 C | 40 | 40 | 45 | 45 | 50 | 50 | |
| 12 D+ | 16 | 18 | 20 | 22 | 24 | 26 | |
| 13 D | 14 | 16 | 18 | 20 | 22 | 24 | |
| 14 E | 4 | 4 | 4 | 6 | 8 | 10 | |

15 JUVENILE SENTENCING STANDARDS
 16 SCHEDULE D-1

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

20 MINOR/FIRST OFFENDER

21 OPTION A
 22 STANDARD RANGE

| 23 | | Community | |
|-----------|-------------|--------------|---------------|
| 24 | Community | Service | |
| 25 Points | Supervision | Hours | Fine |
| 26 1-9 | 0-3 months | and/or 0-8 | and/or 0-\$10 |
| 27 10-19 | 0-3 months | and/or 0-8 | and/or 0-\$10 |
| 28 20-29 | 0-3 months | and/or 0-16 | and/or 0-\$10 |
| 29 30-39 | 0-3 months | and/or 8-24 | and/or 0-\$25 |
| 30 40-49 | 3-6 months | and/or 16-32 | and/or 0-\$25 |
| 31 50-59 | 3-6 months | and/or 24-40 | and/or 0-\$25 |

| | | | | |
|---|--------|-------------|--------------|-----------------|
| 1 | 60-69 | 6-9 months | and/or 32-48 | and/or 0-\$50 |
| 2 | 70-79 | 6-9 months | and/or 40-55 | and/or 0-\$50 |
| 3 | 80-89 | 9-12 months | and/or 48-64 | and/or 10-\$100 |
| 4 | 90-109 | 9-12 months | and/or 56-72 | and/or 10-\$100 |

5 OR

6 OPTION B
7 STATUTORY OPTION

- 8 0-12 Months Community Supervision
- 9 0-150 Hours Community Service
- 10 0-100 Fine

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

13 OR

14 OPTION C
15 MANIFEST INJUSTICE

16 When a term of community supervision would effectuate a manifest
17 injustice, another disposition may be imposed. When a judge imposes a
18 sentence of confinement exceeding 30 days, the court shall sentence the
19 juvenile to a maximum term and the provisions of RCW (~~13.40.030(5), as~~
20 ~~now or hereafter amended,~~) 13.40.030(2) shall be used to determine the
21 range.

22 JUVENILE SENTENCING STANDARDS
23 SCHEDULE D-2

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

1 MIDDLE OFFENDER

2 OPTION A

3 STANDARD RANGE

4 Community

5 Community

5 Service

5 Confinement

6 Points

6 Supervision

6 Hours

6 Fine

6 Days Weeks

7

| | | | | |
|------------|-------------|--------------|----------------|--------------|
| 8 1-9 | 0-3 months | and/or 0-8 | and/or 0-\$10 | and/or 0 |
| 9 10-19 | 0-3 months | and/or 0-8 | and/or 0-\$10 | and/or 0 |
| 10 20-29 | 0-3 months | and/or 0-16 | and/or 0-\$10 | and/or 0 |
| 11 30-39 | 0-3 months | and/or 8-24 | and/or 0-\$25 | and/or 2-4 |
| 12 40-49 | 3-6 months | and/or 16-32 | and/or 0-\$25 | and/or 2-4 |
| 13 50-59 | 3-6 months | and/or 24-40 | and/or 0-\$25 | and/or 5-10 |
| 14 60-69 | 6-9 months | and/or 32-48 | and/or 0-\$50 | and/or 5-10 |
| 15 70-79 | 6-9 months | and/or 40-56 | and/or 0-\$50 | and/or 10-20 |
| 16 80-89 | 9-12 months | and/or 48-64 | and/or 0-\$100 | and/or 10-20 |
| 17 90-109 | 9-12 months | and/or 56-72 | and/or 0-\$100 | and/or 15-30 |
| 18 110-129 | | | | 8-12 |
| 19 130-149 | | | | 13-16 |
| 20 150-199 | | | | 21-28 |
| 21 200-249 | | | | 30-40 |
| 22 250-299 | | | | 52-65 |
| 23 300-374 | | | | 80-100 |
| 24 375+ | | | | 103-129 |

25 Middle offenders with more than 110 points do not have to be committed.

26 They may be assigned community supervision under option B.

27 All A+ offenses 180-224 weeks

28 OR

30 OPTION B

31 STATUTORY OPTION

32 0-12 Months Community Supervision

33 0-150 Hours Community Service

34 0-100 Fine

1 If the middle offender has less than 110 points, the court may impose
2 a determinate disposition of community supervision and/or up to 30 days
3 confinement; in which case, if confinement has been imposed, the court
4 shall state either aggravating or mitigating factors as set forth in
5 RCW 13.40.150(~~, as now or hereafter amended~~)). If the middle offender
6 has more than 110 points, the court may impose a disposition under
7 option A and may suspend the disposition on the condition that the
8 offender serve up to thirty days of confinement and follow all
9 conditions of community supervision. If the offender fails to comply
10 with the terms of community supervision the court may impose sanctions
11 pursuant to RCW 13.40.200 or may revoke the suspended disposition and
12 order execution of the sentence. If the court imposes confinement
13 under this option B, the court shall state either aggravating or
14 mitigating factors set forth in RCW 13.40.150.

15 OR

16
17 OPTION C

18 MANIFEST INJUSTICE

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

23 JUVENILE SENTENCING STANDARDS

24 SCHEDULE D-3

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

1 SERIOUS OFFENDER

2 OPTION A

3 STANDARD RANGE

| 4 | Points | Institution Time |
|----|----------|------------------|
| 5 | 0-129 | 8-12 weeks |
| 6 | 130-149 | 13-16 weeks |
| 7 | 150-199 | 21-28 weeks |
| 8 | 200-249 | 30-40 weeks |
| 9 | 250-299 | 52-65 weeks |
| 10 | 300-374 | 80-100 weeks |
| 11 | 375+ | 103-129 weeks |
| 12 | All A+ | |
| 13 | Offenses | 180-224 weeks |

14 OR

15
16 OPTION B

17 MANIFEST INJUSTICE

18 A disposition outside the standard range shall be determined and shall
19 be comprised of confinement or community supervision or a combination
20 thereof. When a judge finds a manifest injustice and imposes a
21 sentence of confinement exceeding 30 days, the court shall sentence the
22 juvenile to a maximum term, and the provisions of RCW (~~(13.40.030(5),~~
23 ~~as now or hereafter amended,~~) 13.40.030(2) shall be used to determine
24 the range.

25 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
26 preservation of the public peace, health, or safety, or support of the
27 state government and its existing public institutions, and shall take
28 effect immediately.

--- END ---