
HOUSE BILL 1690

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Riley, Ludwig and Scott.

Read first time February 6, 1991. Referred to Committee on Judiciary.

1 AN ACT Relating to disposition and sentencing of juvenile
2 offenders; amending RCW 13.40.020, 13.40.0354, and 13.40.0357; creating
3 a new section; prescribing penalties; providing an effective date; and
4 declaring an emergency.

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

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

8 For the purposes of this chapter:

9 (1) "Serious offender" means a person fifteen years of age or older
10 who has committed an offense which if committed by an adult 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 second degree, kidnapping in the second
15 degree, robbery in the second degree, residential burglary, or burglary

1 in the second degree, where such offenses include the infliction of
2 bodily harm upon another or where during the commission of or immediate
3 withdrawal from such an offense the perpetrator is armed with a deadly
4 weapon or firearm as defined in RCW 9A.04.110;

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

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

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

14 (b) Community service not to exceed one hundred fifty hours of
15 service;

16 (c) Attendance of information classes;

17 (d) Counseling; or

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

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

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

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

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

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

11 (7) "Department" means the department of social and health
12 services;

13 (8) "Diversion unit" means any probation counselor who enters into
14 a diversion agreement with an alleged youthful offender or any other
15 person or entity with whom the juvenile court administrator has
16 contracted to arrange and supervise such agreements pursuant to RCW
17 13.04.040, as now or hereafter amended, or any person or entity
18 specially funded by the legislature to arrange and supervise diversion
19 agreements in accordance with the requirements of this chapter;

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

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

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

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

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

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

9 (a) Four misdemeanors;

10 (b) Two misdemeanors and one gross misdemeanor;

11 (c) One misdemeanor and two gross misdemeanors;

12 (d) Three gross misdemeanors;

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

15 (f) One class B felony except: Any felony which constitutes an
16 attempt to commit a class A felony; manslaughter in the first degree;
17 assault in the second degree; extortion in the first degree; indecent
18 liberties; kidnapping in the second degree; robbery in the second
19 degree; burglary in the second degree; residential burglary; vehicular
20 homicide; possession of incendiary device; promoting prostitution in
21 the first degree; violation of uniform controlled substances act--
22 narcotic sale; or arson in the second degree.

23 For purposes of this definition, current violations shall be
24 counted as misdemeanors;

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

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

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

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

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

17 (20) "Sex offense" means an offense defined as a sex offense in RCW
18 9.94A.030;

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

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

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

28 **Sec. 2.** RCW 13.40.0354 and 1989 c 407 s 6 are each amended to read
29 as follows:

1 The total current offense points for use in the standards range
2 matrix of schedules D-1, D-2, and D-3 are computed as follows:

3 (1) The disposition offense category is determined by the offense
4 of conviction. Offenses are divided into ~~((ten))~~ thirteen levels of
5 seriousness, ranging from low (seriousness level ~~((E))~~ M1) to high
6 (seriousness level ~~((A+))~~ A1), see schedule A, RCW 13.40.0357.

7 (2) The prior offense increase factor is summarized in schedule B,
8 RCW 13.40.0357. The increase factor is determined for each prior
9 offense by using the time span and the offense category in the prior
10 offense increase factor grid. Time span is computed from the date of
11 the prior offense to the date of the current offense. The total
12 increase factor is determined by totalling the increase factors for
13 each prior offense and adding a constant factor of 1.0.

14 (3) The current offense points are summarized in schedule C, RCW
15 13.40.0357. The current offense points are determined for each current
16 offense by locating the juvenile's age on the horizontal axis and using
17 the offense category on the vertical axis. The juvenile's age is
18 determined as of the time of the current offense and is rounded down to
19 the nearest whole number.

20 (4) The total current offense points are determined for each
21 current offense by multiplying the total increase factor by the current
22 offense points. The total current offense points are rounded down to
23 the nearest whole number.

24 **Sec. 3.** RCW 13.40.0357 and 1989 c 407 s 7 are each amended to read
25 as follows:

26 SCHEDULE A
27 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

1 C+ Promoting Suicide Attempt
2 (9A.36.060) D+
3 D+ Coercion (9A.36.070) E
4 C+ Custodial Assault (9A.36.100) D+

5 **Burglary and Trespass**

6 B+ Burglary 1 (9A.52.020) C+
7 B Burglary 2 (9A.52.030) C
8 D Burglary Tools (Possession of)
9 (9A.52.060) E
10 D Criminal Trespass 1 (9A.52.070) E
11 E Criminal Trespass 2 (9A.52.080) E
12 D Vehicle Prowling (9A.52.100) E

13 **Drugs**

14 E Possession/Consumption of Alcohol
15 (66.44.270) E
16 C Illegally Obtaining Legend Drug
17 (69.41.020) D
18 C+ Sale, Delivery, Possession of Legend
19 Drug with Intent to Sell
20 (69.41.030) D+
21 E Possession of Legend Drug
22 (69.41.030) E
23 B+ Violation of Uniform Controlled
24 Substances Act — Narcotic Sale
25 (69.50.401(a)(1)(i)) B+
26 C Violation of Uniform Controlled
27 Substances Act — Nonnarcotic Sale
28 (69.50.401(a)(1)(ii)) C

1 ~~E~~ ~~Possession of Marihuana <40 grams~~
2 ~~(69.50.401(e))~~ ~~E~~
3 ~~C~~ ~~Fraudulently Obtaining Controlled~~
4 ~~Substance (69.50.403)~~ ~~C~~
5 ~~C+~~ ~~Sale of Controlled Substance~~
6 ~~for Profit (69.50.410)~~ ~~C+~~
7 ~~E~~ ~~Glue Sniffing (9.47A.050)~~ ~~E~~
8 ~~B~~ ~~Violation of Uniform Controlled~~
9 ~~Substances Act — Narcotic~~
10 ~~Counterfeit Substances~~
11 ~~(69.50.401(b)(1)(i))~~ ~~B~~
12 ~~C~~ ~~Violation of Uniform Controlled~~
13 ~~Substances Act — Nonnarcotic~~
14 ~~Counterfeit Substances~~
15 ~~(69.50.401(b)(1) (ii), (iii), (iv))~~ ~~C~~
16 ~~C~~ ~~Violation of Uniform Controlled~~
17 ~~Substances Act — Possession of a~~
18 ~~Controlled Substance~~
19 ~~(69.50.401(d))~~ ~~C~~
20 ~~C~~ ~~Violation of Uniform Controlled~~
21 ~~Substances Act — Possession of a~~
22 ~~Controlled Substance~~
23 ~~(69.50.401(c))~~ ~~C~~

24 **~~Firearms and Weapons~~**

25 ~~C+~~ ~~Committing Crime when Armed~~
26 ~~(9.41.025)~~ ~~D+~~
27 ~~E~~ ~~Carrying Loaded Pistol Without~~
28 ~~Permit (9.41.050)~~ ~~E~~
29 ~~E~~ ~~Use of Firearms by Minor (<14)~~

1		(9.41.240)	E
2	D+	Possession of Dangerous Weapon	
3		(9.41.250)	E
4	D	Intimidating Another Person by use	
5		of Weapon (9.41.270)	E
6		Homicide	
7	A+	Murder 1 (9A.32.030)	A
8	A+	Murder 2 (9A.32.050)	B+
9	B+	Manslaughter 1 (9A.32.060)	C+
10	C+	Manslaughter 2 (9A.32.070)	D+
11	B+	Vehicle Homicide (46.61.520)	C+
12		Kidnapping	
13	A	Kidnap 1 (9A.40.020)	B+
14	B+	Kidnap 2 (9A.40.030)	C+
15	C+	Unlawful Imprisonment	
16		(9A.40.040)	D+
17	D	Custodial Interference	
18		(9A.40.050)	E
19		Obstructing Governmental Operation	
20	E	Obstructing a Public Servant	
21		(9A.76.020)	E
22	E	Resisting Arrest (9A.76.040)	E
23	B	Introducing Contraband 1	
24		(9A.76.140)	C
25	C	Introducing Contraband 2	
26		(9A.76.150)	D
27	E	Introducing Contraband 3	

1 (9A.76.160) _____ E
2 B+ _____ Intimidating a Public Servant
3 (9A.76.180) _____ C+
4 B+ _____ Intimidating a Witness
5 (9A.72.110) _____ C+
6 E _____ Criminal Contempt
7 (9.23.010) _____ E

8 **Public Disturbance**

9 C+ _____ Riot with Weapon (9A.84.010) _____ D+
10 D+ _____ Riot Without Weapon
11 (9A.84.010) _____ E
12 E _____ Failure to Disperse (9A.84.020) _____ E
13 E _____ Disorderly Conduct (9A.84.030) _____ E

14 **Sex Crimes**

15 A _____ Rape 1 (9A.44.040) _____ B+
16 A _____ Rape 2 (9A.44.050) _____ B+
17 C+ _____ Rape 3 (9A.44.060) _____ D+
18 A _____ Rape of a Child 1 (9A.44.073) _____ B+
19 B _____ Rape of a Child 2 (9A.44.076) _____ C+
20 B _____ Incest 1 (9A.64.020(1)) _____ C
21 C _____ Incest 2 (9A.64.020(2)) _____ D
22 D+ _____ Public Indecency
23 (Victim <14) (9A.88.010) _____ E
24 E _____ Public Indecency (Victim 14
25 or over) (9A.88.010) _____ E
26 B+ _____ Promoting Prostitution 1
27 (9A.88.070) _____ C+
28 C+ _____ Promoting Prostitution 2

1	(9A.88.080)	D+
2	E O & A (Prostitution) (9A.88.030)	E
3	B+ Indecent Liberties (9A.44.100)	C+
4	B+ Child Molestation 1 (9A.44.083)	C+
5	C+ Child Molestation 2 (9A.44.086)	C
6	Theft, Robbery, Extortion, and Forgery	
7	B Theft 1 (9A.56.030)	C
8	C Theft 2 (9A.56.040)	D
9	D Theft 3 (9A.56.050)	E
10	B Theft of Livestock (9A.56.080)	C
11	C Forgery (9A.56.020)	D
12	A Robbery 1 (9A.56.200)	B+
13	B+ Robbery 2 (9A.56.210)	C+
14	B+ Extortion 1 (9A.56.120)	C+
15	C+ Extortion 2 (9A.56.130)	D+
16	B Possession of Stolen Property 1	
17	(9A.56.150)	C
18	C Possession of Stolen Property 2	
19	(9A.56.160)	D
20	D Possession of Stolen Property 3	
21	(9A.56.170)	E
22	C Taking Motor Vehicle Without	
23	Owner's Permission (9A.56.070)	D
24	Motor Vehicle Related Crimes	
25	E Driving Without a License	
26	(46.20.021)	E
27	C Hit and Run Injury	
28	(46.52.020(4))	D

1	D	Hit and Run Attended	
2		(46.52.020(5))	E
3	E	Hit and Run Unattended	
4		(46.52.010)	E
5	C	Vehicle Assault (46.61.522)	D
6	C	Attempting to Elude Pursuing	
7		Police Vehicle (46.61.024)	D
8	E	Reckless Driving (46.61.500)	E
9	D	Driving While Under the Influence	
10		(46.61.515)	E
11	B+	Negligent Homicide by Motor	
12		Vehicle (46.61.520)	C+
13	D	Vehicle Prowling (9A.52.100)	E
14	C	Taking Motor Vehicle Without	
15		Owner's Permission (9A.56.070)	D
16		Other	
17	B	Bomb Threat (9.61.160)	C
18	C	Escape 1\ (9A.76.110)	C
19	C	Escape 2\ (9A.76.120)	C
20	D	Escape 3 (9A.76.130)	E
21	C	Failure to Appear in Court	
22		(10.19.130)	D
23	E	Tampering with Fire Alarm	
24		Apparatus (9.40.100)	E
25	E	Obscene, Harassing, Etc.,	
26		Phone Calls (9.61.230)	E
27	A	Other Offense Equivalent to an	
28		Adult Class A Felony	B+

1 Robbery 1 (9A.56.200)
2 Other Offense Equivalent to an Adult Class A Felony
3 **Level A4 (Attempt, Bailjump, Conspiracy,**
4 **or Solicitation: B2)**
5 Rape 2 (9A.44.050)
6 Rape of a Child 1 (9A.44.073)
7 Uniform Controlled Substances Act
8 --Narcotic Sale on or Near School Grounds
9 (69.50.401(a)(1)(i))(69.50.435)
10 **Level B1 (Attempt, Bailjump, Conspiracy,**
11 **or Solicitation: C1)**
12 Burglary 1 (9A.52.020)
13 Child Molestation 1 (9A.44.083)
14 Indecent Liberties (9A.44.100)
15 Intimidating a Witness (9A.72.110)
16 Kidnap 2 (9A.40.030)
17 Manslaughter 1 (9A.32.060)
18 Promoting Prostitution 1 (9A.88.070)
19 Uniform Controlled Substances Act
20 --Narcotic Sale (69.50.401(a)(1)(i))
21 Vehicular Homicide (46.61.520)
22 **Level B2 (Attempt, Bailjump, Conspiracy,**
23 **or Solicitation: C1)**
24 Assault 2 (9A.36.021)

- 1 Extortion 1 (9A.56.120)
- 2 Possession of Incendiary Device (9.40.120)
- 3 Robbery 2 (9A.56.210)

- 4 **Level B3 (Attempt, Bailjump, Conspiracy,**
- 5 **or Solicitation: C2)**

- 6 Bomb Threat (9.61.160)
- 7 Incest 1 (9A.64.020(1))
- 8 Intimidating a Public Servant (9A.76.180)
- 9 Manslaughter 2 (9A.32.070)
- 10 Rape of a Child 2 (9A.44.076)
- 11 Residential Burglary (9A.52.025)

- 12 **Level B4 (Attempt, Bailjump, Conspiracy,**
- 13 **or Solicitation: C2)**

- 14 Arson 2 (9A.48.030)
- 15 Burglary 2 (9A.52.030)
- 16 Introducing Contraband 1 (9A.76.140)
- 17 Malicious Mischief 1 (9A.48.070)
- 18 Possession of Stolen Property 1 (9A.56.150)
- 19 Theft 1 (9A.56.030)
- 20 Theft of Livestock 1 (9A.56.080)
- 21 Uniform Controlled Substances Act
- 22 --Narcotic Counterfeit (69.50.401(b)(1)(i))
- 23 Other Offense Equivalent to an Adult Class B Felony

- 24 **Level C1 (Attempt, Bailjump, Conspiracy,**
- 25 **or Solicitation: GM1)**

1 Assault 3 (9A.36.031)
2 Child Molestation 2 (9A.44.086)
3 Custodial Assault (9A.36.100)
4 Extortion 2 (9A.56.130)
5 Promoting Prostitution 2 (9A.88.080)
6 Promoting Suicide Attempt (9A.36.060)
7 Rape 3 (9A.44.060)
8 Riot with Weapon (9A.84.010)
9 Sale, Delivery, Possession of Legend Drug
10 --Intent to Sell (69.41.030)
11 Sale of Controlled Substance for Profit (69.50.410)
12 Unlawful Imprisonment (9A.40.040)
13 Uniform Controlled Substances Act
14 --Nonnarcotic Sale on or near School Grounds
15 (69.50.401(a)(1)(ii))(69.50.435)

16 **Level C2 (Attempt, Bailjump, Conspiracy,**
17 **or Solicitation: GM2)**

18 Attempting to Elude Pursuing Police Vehicle
19 (46.61.024)
20 Escape 1 (9A.76.110)
21 Escape 2 (9A.76.120)
22 Failure to Appear in Court (10.19.130)
23 Forgery (9A.60.020)
24 Fraudulently Obtaining Controlled Substance
25 (69.50.403)
26 Hit and Run-Injury (46.52.020(4))
27 Illegally Obtaining Legend Drugs (69.41.020)

1 Incest 2 (9A.64.020(2))
2 Introducing Contraband 2 (9A.76.150)
3 Malicious Mischief 2 (9A.48.080)
4 Possession of Stolen Property 2 (9A.56.160)
5 Reckless Burning 1 (9A.48.040)
6 Taking Motor Vehicle Without Owner's Permission
7 (9A.56.070)
8 Theft 2 (9A.56.040)
9 Uniform Controlled Substances Act--Nonnarcotic
10 Counterfeit (69.50.401(b)(1) (ii), (iii), (iv)
11 Uniform Controlled Substances Act--Nonnarcotic Sale
12 (69.50.401(a)(1)(ii))
13 Uniform Controlled Substances Act--Possession of a
14 Controlled Substance (69.50.401(d))
15 Uniform Controlled Substances Act--Possession/Sale
16 of Substitute (69.50.401(c))
17 Vehicular Assault (46.61.522)
18 Other Offense Equivalent to an Adult Class C Felony

19 **Level GM1 (Attempt, Bailjump, Conspiracy,**
20 **or Solicitation: M1)**

21 Assault 4 (9A.36.041)
22 Coercion (9A.36.070)
23 Indecent Exposure (Victim Under 14) (9A.88.010)
24 Possession of Dangerous Weapon (9.41.250)
25 Reckless Endangerment 2 (9A.36.050)
26 Riot Without Weapon (9A.84.010)

27 **Level GM2 (Attempt, Bailjump, Conspiracy,**

1 or Solicitation: M1)

2 Burglary Tools (Possession of) (9A.52.060)

3 Criminal Trespass 1 (9A.52.070)

4 Driving While Under Influence (46.61.515)

5 Escape 3 (9A.76.130)

6 Hit and Run-Attended (46.52.020(5))

7 Intimidating Another Person by use of a Weapon

8 (9.41.270)

9 Malicious Mischief 3 (greater than \$50) (9A.48.090)

10 Obscene, Harassing, etc., Phone Calls (9.61.230)

11 Possession of Stolen Property 3 (9A.56.170)

12 Reckless Burning 2 (9A.48.050)

13 Reckless Driving (46.61.500)

14 Theft 3 (9A.56.050)

15 Vehicle Prowling 2 (9A.52.100)

16 Other Offense Equivalent to an Adult Gross

17 Misdemeanor

18 Level M1 (Attempt, Bailjump, Conspiracy,

19 or Solicitation: M1)

20 Carrying Loaded Pistol Without Permit (9.41.050)

21 Criminal Trespass 2 (9A.52.080)

22 Disorderly Conduct (9A.84.030)

23 Driving Without a License (46.20.021)

24 Failure to Disperse (9A.84.020)

25 Hit and Run-Unattended (46.52.010)

26 Indecent Exposure (Victim 14 or over) (9A.88.010)

27 Introducing Contraband 3 (9A.76.160)

- 1 Malicious Mischief 3 (less than \$50) (9A.48.090)
- 2 Obstructing a Public Servant (9A.76.020)
- 3 Possession/Consumption of Alcohol (66.44.270(2))
- 4 Possession of Legend Drug (69.41.030)
- 5 Possession of Marihuana <40 Grams (69.50.401(e))
- 6 Prostitution (9A.88.030)
- 7 Resisting Arrest (9A.76.040)
- 8 Tampering with Fire Alarm Apparatus (9.40.100)
- 9 Unlawful Inhalation (9.47A.020)
- 10 Use of Firearms by Minor (Under 14) (9.41.240)
- 11 Other Offense Equivalent to an Adult Misdemeanor

12 **Level V**

- 13 Order of Restitution, Community Supervision, or
- 14 Confinement (13.40.200)

15 Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C2 offenses
16 and the standard range is established as follows:

17 1st escape or attempted escape during 12-month period - 4 weeks
18 confinement

19 2nd escape or attempted escape during 12-month period - 8 weeks
20 confinement

21 3rd and subsequent escape or attempted escape during 12-month
22 period - 12 weeks confinement

23 If the court finds that a respondent has violated terms of an order,
24 it may impose a penalty of up to 30 days of confinement.

1

Alphabetized List of Offenses

<u>Offense (RCW Citation)</u>	<u>Offense</u>
	<u>Category</u>
<u>Arson 1 (9A.48.020)</u>	<u>A3</u>
<u>Arson 2 (9A.48.030)</u>	<u>B4</u>
<u>Assault 1 (9A.36.011)</u>	<u>A3</u>
<u>Assault 2 (9A.36.021)</u>	<u>B2</u>
<u>Assault 3 (9A.36.031)</u>	<u>C1</u>
<u>Assault 4 (9A.36.041)</u>	<u>GM1</u>
<u>Attempting to Elude Pursuing Police Vehicle (46.61.024)</u>	<u>C2</u>
<u>Bomb Threat (9.61.160)</u>	<u>B3</u>
<u>Burglary Tools (Possession of) (9A.52.060)</u>	<u>GM2</u>
<u>Burglary 1 (9A.52.020)</u>	<u>B1</u>
<u>Burglary 2 (9A.52.030)</u>	<u>B4</u>
<u>Carrying Loaded Pistol Without Permit (9.41.050)</u>	<u>M1</u>
<u>Child Molestation 1 (9A.44.083)</u>	<u>B1</u>
<u>Child Molestation 2 (9A.44.086)</u>	<u>C1</u>
<u>Coercion (9A.36.070)</u>	<u>GM1</u>
<u>Criminal Trespass 1 (9A.52.070)</u>	<u>GM2</u>
<u>Criminal Trespass 2 (9A.52.080)</u>	<u>M1</u>
<u>Custodial Assault (9A.36.100)</u>	<u>C1</u>
<u>Disorderly Conduct (9A.84.030)</u>	<u>M1</u>
<u>Driving While Under Influence (46.61.515)</u>	<u>GM2</u>
<u>Driving Without a License (46.20.021)</u>	<u>M1</u>
<u>Escape 1 (9A.76.110)</u>	<u>C2</u>
<u>Escape 2 (9A.76.120)</u>	<u>C2</u>
<u>Escape 3 (9A.76.130)</u>	<u>GM2</u>
<u>Extortion 1 (9A.56.120)</u>	<u>B2</u>
<u>Extortion 2 (9A.56.130)</u>	<u>C1</u>

1	<u>Failure to Appear in Court (10.19.130)</u>	C2
2	<u>Failure to Disperse (9A.84.020)</u>	M1
3	<u>Forgery (9A.60.020)</u>	C2
4	<u>Fraudulently Obtaining Controlled Substance (69.50.403)</u>	C2
5	<u>Hit and Run-Attended (46.52.020(5))</u>	GM2
6	<u>Hit and Run-Injury (46.52.020(4))</u>	C2
7	<u>Hit and Run-Unattended (46.52.010)</u>	M1
8	<u>Illegally Obtaining Legend Drugs (69.41.020)</u>	C2
9	<u>Incest 1 (9A.64.020(1))</u>	B3
10	<u>Incest 2 (9A.64.020(2))</u>	C2
11	<u>Indecent Exposure (Victim 14 or over) (9A.88.010)</u>	M1
12	<u>Indecent Exposure (Victim Under 14) (9A.88.010)</u>	GM1
13	<u>Indecent Liberties (9A.44.100)</u>	B1
14	<u>Intimidating Another Person by use of a Weapon (9.41.270)</u>	GM2
15	<u>Intimidating a Public Servant (9A.76.180)</u>	B3
16	<u>Intimidating a Witness (9A.72.110)</u>	B1
17	<u>Introducing Contraband 1 (9A.76.140)</u>	B4
18	<u>Introducing Contraband 2 (9A.76.150)</u>	C2
19	<u>Introducing Contraband 3 (9A.76.160)</u>	M1
20	<u>Kidnap 1 (9A.40.020)</u>	A3
21	<u>Kidnap 2 (9A.40.030)</u>	B1
22	<u>Malicious Mischief 1 (9A.48.070)</u>	B4
23	<u>Malicious Mischief 2 (9A.48.080)</u>	C2
24	<u>Malicious Mischief 3 (greater than \$50) (9A.48.090)</u>	GM2
25	<u>Malicious Mischief 3 (less than \$50) (9A.48.090)</u>	M1
26	<u>Manslaughter 1 (9A.32.060)</u>	B1
27	<u>Manslaughter 2 (9A.32.070)</u>	B3
28	<u>Murder 1 (9A.32.030)</u>	A1
29	<u>Murder 2 (9A.32.050)</u>	A2
30	<u>Obscene, Harassing, etc., Phone Calls (9.61.230)</u>	GM2

1	<u>Obstructing a Public Servant (9A.76.020)</u>	M1
2	<u>Other Offense Equivalent to an Adult Gross Misdemeanor</u>	GM2
3	<u>Other Offense Equivalent to an Adult Class A Felony</u>	A3
4	<u>Other Offense Equivalent to an Adult Class C Felony</u>	C2
5	<u>Other Offense Equivalent to an Adult Class B Felony</u>	B4
6	<u>Other Offense Equivalent to an Adult Misdemeanor</u>	M1
7	<u>Possession/Consumption of Alcohol (66.44.270(2))</u>	M1
8	<u>Possession of Dangerous Weapon (9.41.250)</u>	GM1
9	<u>Possession of Incendiary Device (9.40.120)</u>	B2
10	<u>Possession of Legend Drug (69.41.030)</u>	M1
11	<u>Possession of Marihuana <40 Grams (69.50.401(e))</u>	M1
12	<u>Possession of Stolen Property 1 (9A.56.150)</u>	B4
13	<u>Possession of Stolen Property 2 (9A.56.160)</u>	C2
14	<u>Possession of Stolen Property 3 (9A.56.170)</u>	GM2
15	<u>Promoting Prostitution 1 (9A.88.070)</u>	B1
16	<u>Promoting Prostitution 2 (9A.88.080)</u>	C1
17	<u>Promoting Suicide Attempt (9A.36.060)</u>	C1
18	<u>Prostitution (9A.88.030)</u>	M1
19	<u>Rape 1 (9A.44.040)</u>	A3
20	<u>Rape 2 (9A.44.050)</u>	A4
21	<u>Rape 3 (9A.44.060)</u>	C1
22	<u>Rape of a Child 1 (9A.44.073)</u>	A4
23	<u>Rape of a Child 2 (9A.44.076)</u>	B3
24	<u>Reckless Burning 1 (9A.48.040)</u>	C2
25	<u>Reckless Burning 2 (9A.48.050)</u>	GM2
26	<u>Reckless Driving (46.61.500)</u>	GM2
27	<u>Reckless Endangerment 2 (9A.36.050)</u>	GM1
28	<u>Residential Burglary (9A.52.025)</u>	B3
29	<u>Resisting Arrest (9A.76.040)</u>	M1
30	<u>Riot with Weapon (9A.84.010)</u>	C1

1	<u>Riot Without Weapon (9A.84.010)</u>	<u>GM1</u>
2	<u>Robbery 1 (9A.56.200)</u>	<u>A3</u>
3	<u>Robbery 2 (9A.56.210)</u>	<u>B2</u>
4	<u>Sale, Delivery, Possession of Legend Drug--Intent to</u>	
5	<u>Sell (69.41.030)</u>	<u>C1</u>
6	<u>Sale of Controlled Substance for Profit (69.50.410)</u>	<u>C1</u>
7	<u>Taking Motor Vehicle Without Owner's Permission (9A.56.070)</u>	<u>C2</u>
8	<u>Tampering with Fire Alarm Apparatus (9.40.100)</u>	<u>M1</u>
9	<u>Theft 1 (9A.56.030)</u>	<u>B4</u>
10	<u>Theft 2 (9A.56.040)</u>	<u>C2</u>
11	<u>Theft 3 (9A.56.050)</u>	<u>GM2</u>
12	<u>Theft of Livestock 1 (9A.56.080)</u>	<u>B4</u>
13	<u>Uniform Controlled Substances Act--Narcotic</u>	
14	<u>Counterfeit (69.50.401(b)(1)(i))</u>	<u>B4</u>
15	<u>Uniform Controlled Substances Act--Narcotic</u>	
16	<u>Sale (69.50.401(a)(1)(i))</u>	<u>B1</u>
17	<u>Uniform Controlled Substances Act--Narcotic</u>	
18	<u>Sale on or near School Grounds</u>	
19	<u>(69.50.401(a)(1)(i))(69.50.435)</u>	<u>A4</u>
20	<u>Uniform Controlled Substances Act--Nonnarcotic</u>	
21	<u>Counterfeit (69.50.401(b)(1) (ii), (iii), (iv))</u>	<u>C2</u>
22	<u>Uniform Controlled Substances Act--Nonnarcotic</u>	
23	<u>Sale (69.50.401(a)(1)(ii))</u>	<u>C2</u>
24	<u>Uniform Controlled Substances Act--Nonnarcotic</u>	
25	<u>Sale on or near School Grounds</u>	
26	<u>(69.50.401(a)(1)(ii))(69.50.435)</u>	<u>C1</u>
27	<u>Uniform Controlled Substances Act--Possession</u>	
28	<u>of a Controlled Substance (69.50.401(d))</u>	<u>C2</u>
29	<u>Uniform Controlled Substances Act--Possession/</u>	
30	<u>Sale of Substitute (69.50.401(c))</u>	<u>C2</u>

1	<u>Unlawful Imprisonment (9A.40.040)</u>	<u>C1</u>
2	<u>Unlawful Inhalation (9.47A.020)</u>	<u>M1</u>
3	<u>Use of Firearms by Minor (Under 14) (9.41.240)</u>	<u>M1</u>
4	<u>Vehicle Prowling 2 (9A.52.100)</u>	<u>GM2</u>
5	<u>Vehicular Assault (46.61.522)</u>	<u>C2</u>
6	<u>Vehicular Homicide (46.61.520)</u>	<u>B1</u>

7 **SCHEDULE B**

8 **PRIOR OFFENSE INCREASE FACTOR**

9 For use with all CURRENT OFFENSES occurring on or after July 1,
 10 ((1989)) 1991.

11 **TIME SPAN**

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

1	<u>Offense</u>	<u>1-12</u>	<u>13 Months</u>
2	<u>Category</u>	<u>Months</u>	<u>or More</u>
3	-----		
4	<u>A1</u>	<u>.9</u>	<u>.9</u>
5	<u>A2</u>	<u>.9</u>	<u>.9</u>
6	<u>A3</u>	<u>.9</u>	<u>.6</u>
7	<u>A4</u>	<u>.9</u>	<u>.5</u>
8	<u>B1</u>	<u>.9</u>	<u>.4</u>
9	<u>B2</u>	<u>.9</u>	<u>.4</u>
10	<u>B3</u>	<u>.9</u>	<u>.3</u>
11	<u>B4</u>	<u>.9</u>	<u>.3</u>
12	<u>C1</u>	<u>.6</u>	<u>.2</u>
13	<u>C2</u>	<u>.5</u>	<u>.2</u>
14	<u>GM1</u>	<u>.3</u>	<u>.1</u>
15	<u>GM2</u>	<u>.2</u>	<u>.1</u>
16	<u>M1</u>	<u>.1</u>	<u>.1</u>

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

21 **SCHEDULE C**

22 **CURRENT OFFENSE POINTS**

23 For use with all CURRENT OFFENSES occurring on or after July 1,
24 ((1989)) 1991.

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
7	A	150	150	150	200	200
8	B+	110	110	120	130	140
9	B	45	45	50	50	57
10	C+	44	44	49	49	55
11	C	40	40	45	45	50
12	D+	16	18	20	22	24
13	D	14	16	18	20	22
14	E	4	4	4	6	8

15 Offense

16 Category 13 and Under 14 and 15 16 and 17

17 -----

18	<u>A1</u>	<u>STANDARD RANGE 180-224 WEEKS</u>		
19	<u>A2</u>	<u>STANDARD RANGE 180-224 WEEKS</u>		
20	<u>A3</u>	<u>250</u>	<u>350</u>	<u>375</u>
21	<u>A4</u>	<u>150</u>	<u>185</u>	<u>200</u>
22	<u>B1</u>	<u>120</u>	<u>130</u>	<u>140</u>
23	<u>B2</u>	<u>110</u>	<u>120</u>	<u>130</u>
24	<u>B3</u>	<u>50</u>	<u>55</u>	<u>57</u>
25	<u>B4</u>	<u>45</u>	<u>50</u>	<u>57</u>
26	<u>C1</u>	<u>44</u>	<u>49</u>	<u>55</u>
27	<u>C2</u>	<u>40</u>	<u>45</u>	<u>50</u>
28	<u>GM1</u>	<u>16</u>	<u>20</u>	<u>24</u>

1	<u>GM2</u>	<u>14</u>	<u>18</u>	<u>22</u>
2	<u>M1</u>	<u>4</u>	<u>6</u>	<u>10</u>

3 **JUVENILE SENTENCING STANDARDS**

4 **SCHEDULE D-1**

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

8 **MINOR/FIRST OFFENDER**

9 **OPTION A**

10 **STANDARD RANGE**

11		Community	Community	
12		Supervision	Service	
13	Points		Hours	Fine
14	1-9	0-3 months	and/or 0-8	and/or 0-\$10
15	10-19	0-3 months	and/or 0-8	and/or 0-\$10
16	20-29	0-3 months	and/or 0-16	and/or 0-\$10
17	30-39	0-3 months	and/or 8-24	and/or 0-\$25
18	40-49	3-6 months	and/or 16-32	and/or 0-\$25
19	50-59	3-6 months	and/or 24-40	and/or 0-\$25
20	60-69	6-9 months	and/or 32-48	and/or 0-\$50
21	70-79	6-9 months	and/or 40-((55)) <u>56</u>	and/or 0-\$50
22	80-89	9-12 months	and/or 48-64	and/or 10-\$100
23	90-109	9-12 months	and/or 56-72	and/or 10-\$100

1

OR

2

OPTION B

3

STATUTORY OPTION

4 0-12 Months Community Supervision

5 0-150 Hours Community Service

6 0-100 Fine

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

9

OR

10

OPTION C

11

MANIFEST INJUSTICE

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

JUVENILE SENTENCING STANDARDS

SCHEDULE D-2

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

MIDDLE OFFENDER

OPTION A

STANDARD RANGE

Community

Points	Community Supervision	Service Hours	Fine	Confinement Days ((Weeks))
1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30

Confinement Weeks

110-129	8-12
130-149	13-16
150-199	21-28

1	200-249	30-40
2	250-299	52-65
3	300-374	80-100
4	375+	103-129

5 Middle offenders with more than 110 points do not have to be committed.
6 They may be assigned community supervision under option B.
7 All ((A+)) A1 and A2 offenses 180-224 weeks

8 OR

9

10 **OPTION B**

11 **STATUTORY OPTION**

12 0-12 Months Community Supervision

13 0-150 Hours Community Service

14 0-100 Fine

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

19 OR

20

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

1 to a maximum term and the provisions of RCW (~~(13.40.030(5), as now or~~
2 ~~hereafter amended,~~) 13.40.030(2) shall be used to determine range.

3 **JUVENILE SENTENCING STANDARDS**

4 **SCHEDULE D-3**

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

8 **SERIOUS OFFENDER**

9 **OPTION A**

10 **STANDARD RANGE**

11	Points	Institution Time
12	0-129	8-12 weeks
13	130-149	13-16 weeks
14	150-199	21-28 weeks
15	200-249	30-40 weeks
16	250-299	52-65 weeks
17	300-374	80-100 weeks
18	375+	103-129 weeks
19	All ((A+)) <u>A1 and A2</u>	
20	Offenses	180-224 weeks

21 OR

