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SENATE BILL 5365

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State of Washington

52nd Legislature

1991 Regular Session

By Senators Nelson and Rasmussen.

Read first time January 29, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to disposition and sentencing of juvenile  
2 offenders; amending RCW 13.40.020, 13.40.027, 13.40.0354, and  
3 13.40.0357; creating a new section; prescribing penalties; providing an  
4 effective date; and 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 13.40.027 and 1989 c 407 s 2 are each amended to read  
29 as follows:

1 (1) It is the responsibility of the commission to: (a) (i)  
2 Evaluate the effectiveness of existing disposition standards and  
3 related statutes in implementing policies set forth in RCW 13.40.010  
4 generally and (ii) specifically review the guidelines relating to the  
5 confinement of minor and first offenders as well as the use of  
6 diversion; (b) solicit the comments and suggestions of the juvenile  
7 justice community concerning disposition standards; and (c) make  
8 recommendations to the legislature regarding revisions or modifications  
9 of the disposition standards in accordance with RCW 13.40.030 and  
10 submit proposed legislation.

11 (2) It is the responsibility of the department to: (a) Provide the  
12 commission with available data concerning the implementation of the  
13 disposition standards and related statutes and their effect on the  
14 performance of the department's responsibilities relating to juvenile  
15 offenders; (b) at the request of the commission, provide technical and  
16 administrative assistance to the commission in the performance of its  
17 responsibilities; and (c) provide the commission and legislature with  
18 recommendations for modification of the disposition standards.

19 **Sec. 3.** RCW 13.40.0354 and 1989 c 407 s 6 are each amended to read  
20 as follows:

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

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

27 (2) The prior offense increase factor is summarized in schedule B,  
28 RCW 13.40.0357. The increase factor is determined for each prior  
29 offense by using the time span and the offense category in the prior

1 offense increase factor grid. Time span is computed from the date of  
2 the prior offense to the date of the current offense. The total  
3 increase factor is determined by totalling the increase factors for  
4 each prior offense and adding a constant factor of 1.0.

5 (3) The current offense points are summarized in schedule C, RCW  
6 13.40.0357. The current offense points are determined for each current  
7 offense by locating the juvenile's age on the horizontal axis and using  
8 the offense category on the vertical axis. The juvenile's age is  
9 determined as of the time of the current offense and is rounded down to  
10 the nearest whole number.

11 (4) The total current offense points are determined for each  
12 current offense by multiplying the total increase factor by the current  
13 offense points. The total current offense points are rounded down to  
14 the nearest whole number.

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

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

1 B ~~Other Offense Equivalent to an~~  
2 ~~Adult Class B Felony~~ C  
3 C ~~Other Offense Equivalent to an~~  
4 ~~Adult Class C Felony~~ D  
5 D ~~Other Offense Equivalent to an~~  
6 ~~Adult Gross Misdemeanor~~ E  
7 E ~~Other Offense Equivalent to an~~  
8 ~~Adult Misdemeanor~~ E  
9 V ~~Violation of Order of Restitution,~~  
10 ~~Community Supervision, or~~  
11 ~~Confinement (13.40.200)~~ V)

12 Level A1 (Attempt, Bailjump, Conspiracy,  
13 or Solicitation: A3)

14 Murder 1 (9A.32.030)

15 Level A2 (Attempt, Bailjump, Conspiracy,  
16 or Solicitation: B1)

17 Murder 2 (9A.32.050)

18 Level A3 (Attempt, Bailjump, Conspiracy,  
19 or Solicitation: B1)

20 Arson 1 (9A.48.020)

21 Assault 1 (9A.36.011)

22 Kidnap 1 (9A.40.020)

23 Rape 1 (9A.44.040)

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

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 250 300 350 375 375 375

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 Offense

16 Category 13 and Under 14 and 15 16 and 17

17 -----

18 A1 STANDARD RANGE 180-224 WEEKS

19 A2 STANDARD RANGE 180-224 WEEKS

20 A3 250 350 375

21 A4 150 185 200

22 B1 120 130 140

23 B2 110 120 130

24 B3 50 55 57

25 B4 45 50 57

26 C1 44 49 55

27 C2 40 45 50

28 GM1 16 20 24

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		<b>Community</b>	<b>Community</b>	
12		<b>Supervision</b>	<b>Service</b>	
13	<b>Points</b>	<b>Supervision</b>	<b>Hours</b>	<b>Fine</b>
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	<b>Points</b>	<b>Institution Time</b>
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

