

2 **ESHB 2906** - S COMM AMD
3 By Committee on Ways & Means

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5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 4.24.190 and 1992 c 205 s 116 are each amended to
8 read as follows:

9 The parent or parents of any minor child under the age of eighteen
10 years who is living with the parent or parents and who shall willfully
11 or maliciously destroy property, real or personal or mixed, or who
12 shall willfully and maliciously inflict personal injury on another
13 person, shall be liable to the owner of such property or to the person
14 injured in a civil action at law for damages in an amount not to exceed
15 ((five)) ten thousand dollars. This section shall in no way limit the
16 amount of recovery against the parent or parents for their own common
17 law negligence.

18 **Sec. 2.** RCW 9.41.010 and 1992 c 205 s 117 and 1992 c 145 s 5 are
19 each reenacted and amended to read as follows:

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout this chapter.

22 (1) "Short firearm" or "pistol" ((as used in this chapter)) means
23 any firearm with a barrel less than ((twelve)) eighteen inches in
24 length or with an overall length of less than twenty-six inches.

25 (2) "Crime of violence" ((as used in this chapter)) means:

26 (a) Any of the following felonies, as now existing or hereafter
27 amended: Any felony defined under any law as a class A felony or an
28 attempt to commit a class A felony, criminal solicitation of or
29 criminal conspiracy to commit a class A felony, manslaughter in the
30 first degree, manslaughter in the second degree, indecent liberties if
31 committed by forcible compulsion, rape in the second degree, kidnapping
32 in the second degree, arson in the second degree, assault in the second
33 degree, assault of a child in the second degree, extortion in the first
34 degree, burglary in the second degree, and robbery in the second
35 degree;

1 (b) Any conviction or adjudication for a felony offense in effect
2 at any time prior to July 1, 1976, which is comparable to a felony
3 classified as a crime of violence in subsection (2)(a) of this section;
4 and

5 (c) Any federal or out-of-state conviction or adjudication for an
6 offense comparable to a felony classified as a crime of violence under
7 subsection (2) (a) or (b) of this section.

8 (3) "Firearm" (~~((as used in this chapter))~~) means a weapon or device
9 from which a projectile may be fired by an explosive such as gunpowder.

10 (4) "Commercial seller" (~~((as used in this chapter))~~) means a person
11 who has a federal firearms license.

12 **Sec. 3.** RCW 9.41.080 and 1935 c 172 s 8 are each amended to read
13 as follows:

14 No person (~~((shall))~~) may deliver a pistol to any person under the
15 age of twenty-one or to one who he or she has reasonable cause to
16 believe has been convicted of a crime of violence, or is a drug addict,
17 an habitual drunkard, or of unsound mind. Delivery of a pistol to a
18 person under the age of eighteen is punishable as a class C felony
19 according to chapter 9A.20 RCW.

20 **Sec. 4.** RCW 9.41.240 and 1971 c 34 s 1 are each amended to read as
21 follows:

22 No minor under the age of fourteen years (~~((shall))~~) may handle or
23 have in his or her possession or under his or her control any firearm
24 of any kind for any purpose and no minor under the age of eighteen may
25 handle or knowingly have in his or her possession or under his or her
26 control any pistol of any kind for any purpose, except while
27 accompanied by or under the immediate charge of his or her parent or
28 guardian or other adult approved for the purpose of this section by the
29 parent or guardian, or while under the supervision of a certified
30 safety instructor at an established gun range or firearm training
31 class(~~(, any firearm of any kind for hunting or target practice or for~~
32 other purposes)). Every person violating any (~~((of the foregoing))~~)
33 provisions of this section regarding firearms other than pistols, or
34 aiding or knowingly permitting any such minor to violate the same,
35 (~~((shall be))~~) is guilty of a misdemeanor. Every person violating any
36 provisions of this section regarding pistols, or aiding or knowingly

1 permitting any such minor to violate the same, is guilty of a class C
2 felony punishable according to chapter 9A.20 RCW.

3 Nothing in this section shall interfere with the right to use a
4 firearm in self-defense as set forth in chapter 9A.16 RCW.

5 **Sec. 5.** RCW 9.94A.030 and 1994 c 1 s 3 (Initiative Measure No.
6 593), 1993 c 338 s 2, 1993 c 251 s 4, and 1993 c 164 s 1 are each
7 reenacted and amended to read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Collect," or any derivative thereof, "collect and remit," or
11 "collect and deliver," when used with reference to the department of
12 corrections, means that the department is responsible for monitoring
13 and enforcing the offender's sentence with regard to the legal
14 financial obligation, receiving payment thereof from the offender, and,
15 consistent with current law, delivering daily the entire payment to the
16 superior court clerk without depositing it in a departmental account.

17 (2) "Commission" means the sentencing guidelines commission.

18 (3) "Community corrections officer" means an employee of the
19 department who is responsible for carrying out specific duties in
20 supervision of sentenced offenders and monitoring of sentence
21 conditions.

22 (4) "Community custody" means that portion of an inmate's sentence
23 of confinement in lieu of earned early release time served in the
24 community subject to controls placed on the inmate's movement and
25 activities by the department of corrections.

26 (5) "Community placement" means that period during which the
27 offender is subject to the conditions of community custody and/or
28 postrelease supervision, which begins either upon completion of the
29 term of confinement (postrelease supervision) or at such time as the
30 offender is transferred to community custody in lieu of earned early
31 release. Community placement may consist of entirely community
32 custody, entirely postrelease supervision, or a combination of the two.

33 (6) "Community service" means compulsory service, without
34 compensation, performed for the benefit of the community by the
35 offender.

36 (7) "Community supervision" means a period of time during which a
37 convicted offender is subject to crime-related prohibitions and other
38 sentence conditions imposed by a court pursuant to this chapter or RCW

1 46.61.524. For first-time offenders, the supervision may include
2 crime-related prohibitions and other conditions imposed pursuant to RCW
3 9.94A.120(5). For purposes of the interstate compact for out-of-state
4 supervision of parolees and probationers, RCW 9.95.270, community
5 supervision is the functional equivalent of probation and should be
6 considered the same as probation by other states.

7 (8) "Confinement" means total or partial confinement as defined in
8 this section.

9 (9) "Conviction" means an adjudication of guilt pursuant to Titles
10 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
11 acceptance of a plea of guilty.

12 (10) "Court-ordered legal financial obligation" means a sum of
13 money that is ordered by a superior court of the state of Washington
14 for legal financial obligations which may include restitution to the
15 victim, statutorily imposed crime victims' compensation fees as
16 assessed pursuant to RCW 7.68.035, court costs, county or interlocal
17 drug funds, court-appointed attorneys' fees, and costs of defense,
18 fines, and any other financial obligation that is assessed to the
19 offender as a result of a felony conviction. Upon conviction for
20 vehicular assault while under the influence of intoxicating liquor or
21 any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the
22 influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a),
23 legal financial obligations may also include payment to a public agency
24 of the expense of an emergency response to the incident resulting in
25 the conviction, subject to the provisions in RCW 38.52.430.

26 (11) "Crime-related prohibition" means an order of a court
27 prohibiting conduct that directly relates to the circumstances of the
28 crime for which the offender has been convicted, and shall not be
29 construed to mean orders directing an offender affirmatively to
30 participate in rehabilitative programs or to otherwise perform
31 affirmative conduct.

32 (12)(a) "Criminal history" means the list of a defendant's prior
33 convictions, whether in this state, in federal court, or elsewhere.
34 The history shall include, where known, for each conviction (i) whether
35 the defendant has been placed on probation and the length and terms
36 thereof; and (ii) whether the defendant has been incarcerated and the
37 length of incarceration.

38 (b) "Criminal history" shall always include juvenile convictions
39 for sex offenses and shall also include a defendant's other prior

1 convictions in juvenile court if: (i) The conviction was for an
2 offense which is a felony or a serious traffic offense and is criminal
3 history as defined in RCW 13.40.020(~~(+6)(a)~~) (9); (ii) the defendant
4 was fifteen years of age or older at the time the offense was
5 committed; and (iii) with respect to prior juvenile class B and C
6 felonies (~~(or serious traffic offenses, the defendant was less than~~
7 ~~twenty-three years of age at the time the offense for which he or she~~
8 ~~is being sentenced was committed)~~) the offense would be included under
9 RCW 9.94A.360(2).

10 (13) "Department" means the department of corrections.

11 (14) "Determinate sentence" means a sentence that states with
12 exactitude the number of actual years, months, or days of total
13 confinement, of partial confinement, of community supervision, the
14 number of actual hours or days of community service work, or dollars or
15 terms of a legal financial obligation. The fact that an offender
16 through "earned early release" can reduce the actual period of
17 confinement shall not affect the classification of the sentence as a
18 determinate sentence.

19 (15) "Disposable earnings" means that part of the earnings of an
20 individual remaining after the deduction from those earnings of any
21 amount required by law to be withheld. For the purposes of this
22 definition, "earnings" means compensation paid or payable for personal
23 services, whether denominated as wages, salary, commission, bonuses, or
24 otherwise, and, notwithstanding any other provision of law making the
25 payments exempt from garnishment, attachment, or other process to
26 satisfy a court-ordered legal financial obligation, specifically
27 includes periodic payments pursuant to pension or retirement programs,
28 or insurance policies of any type, but does not include payments made
29 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
30 or Title 74 RCW.

31 (16) "Drug offense" means:

32 (a) Any felony violation of chapter 69.50 RCW except possession of
33 a controlled substance (RCW 69.50.401(d)) or forged prescription for a
34 controlled substance (RCW 69.50.403);

35 (b) Any offense defined as a felony under federal law that relates
36 to the possession, manufacture, distribution, or transportation of a
37 controlled substance; or

1 (c) Any out-of-state conviction for an offense that under the laws
2 of this state would be a felony classified as a drug offense under (a)
3 of this subsection.

4 (17) "Escape" means:

5 (a) Escape in the first degree (RCW 9A.76.110), escape in the
6 second degree (RCW 9A.76.120), willful failure to return from furlough
7 (RCW 72.66.060), willful failure to return from work release (RCW
8 72.65.070), or willful failure to be available for supervision by the
9 department while in community custody (RCW 72.09.310); or

10 (b) Any federal or out-of-state conviction for an offense that
11 under the laws of this state would be a felony classified as an escape
12 under (a) of this subsection.

13 (18) "Felony traffic offense" means:

14 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
15 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
16 and-run injury-accident (RCW 46.52.020(4)); or

17 (b) Any federal or out-of-state conviction for an offense that
18 under the laws of this state would be a felony classified as a felony
19 traffic offense under (a) of this subsection.

20 (19) "Fines" means the requirement that the offender pay a specific
21 sum of money over a specific period of time to the court.

22 (20)(a) "First-time offender" means any person who is convicted of
23 a felony (i) not classified as a violent offense or a sex offense under
24 this chapter, or (ii) that is not the manufacture, delivery, or
25 possession with intent to manufacture or deliver a controlled substance
26 classified in schedule I or II that is a narcotic drug or the selling
27 for profit of any controlled substance or counterfeit substance
28 classified in schedule I, RCW 69.50.204, except leaves and flowering
29 tops of marihuana, and except as provided in (b) of this subsection,
30 who previously has never been convicted of a felony in this state,
31 federal court, or another state, and who has never participated in a
32 program of deferred prosecution for a felony offense.

33 (b) For purposes of (a) of this subsection, a juvenile adjudication
34 for an offense committed before the age of fifteen years is not a
35 previous felony conviction except for adjudications of sex offenses.

36 (21) "Most serious offense" means any of the following felonies or
37 a felony attempt to commit any of the following felonies, as now
38 existing or hereafter amended:

1 (a) Any felony defined under any law as a class A felony or
2 criminal solicitation of or criminal conspiracy to commit a class A
3 felony;

4 (b) Assault in the second degree;

5 (c) Assault of a child in the second degree;

6 (d) Child molestation in the second degree;

7 (e) Controlled substance homicide;

8 (f) Extortion in the first degree;

9 (g) Incest when committed against a child under age fourteen;

10 (h) Indecent liberties;

11 (i) Kidnapping in the second degree;

12 (j) Leading organized crime;

13 (k) Manslaughter in the first degree;

14 (l) Manslaughter in the second degree;

15 (m) Promoting prostitution in the first degree;

16 (n) Rape in the third degree;

17 (o) Robbery in the second degree;

18 (p) Sexual exploitation;

19 (q) Vehicular assault;

20 (r) Vehicular homicide, when proximately caused by the driving of
21 any vehicle by any person while under the influence of intoxicating
22 liquor or any drug as defined by RCW 46.61.502, or by the operation of
23 any vehicle in a reckless manner;

24 (s) Any other class B felony offense with a finding of sexual
25 motivation, as "sexual motivation" is defined under this section;

26 (t) Any other felony with a deadly weapon verdict under RCW
27 9.94A.125;

28 (u) Any felony offense in effect at any time prior to December 2,
29 1993, that is comparable to a most serious offense under this
30 subsection, or any federal or out-of-state conviction for an offense
31 that under the laws of this state would be a felony classified as a
32 most serious offense under this subsection.

33 (22) "Nonviolent offense" means an offense which is not a violent
34 offense.

35 (23) "Offender" means a person who has committed a felony
36 established by state law and is eighteen years of age or older or is
37 less than eighteen years of age but whose case has been transferred by
38 the appropriate juvenile court to a criminal court pursuant to RCW
39 13.40.110 or has been tried in a criminal court pursuant to RCW

1 13.04.030(5)(d). Throughout this chapter, the terms "offender" and
2 "defendant" are used interchangeably.

3 (24) "Partial confinement" means confinement for no more than one
4 year in a facility or institution operated or utilized under contract
5 by the state or any other unit of government, or, if home detention or
6 work crew has been ordered by the court, in an approved residence, for
7 a substantial portion of each day with the balance of the day spent in
8 the community. Partial confinement includes work release, home
9 detention, work crew, and a combination of work crew and home detention
10 as defined in this section.

11 (25) "Persistent offender" is an offender who:

12 (a) Has been convicted in this state of any felony considered a
13 most serious offense; and

14 (b) Has, before the commission of the offense under (a) of this
15 subsection, been convicted as an offender on at least two separate
16 occasions, whether in this state or elsewhere, of felonies that under
17 the laws of this state would be considered most serious offenses and
18 would be included in the offender score under RCW 9.94A.360; provided
19 that of the two or more previous convictions, at least one conviction
20 must have occurred before the commission of any of the other most
21 serious offenses for which the offender was previously convicted.

22 (26) "Postrelease supervision" is that portion of an offender's
23 community placement that is not community custody.

24 (27) "Restitution" means the requirement that the offender pay a
25 specific sum of money over a specific period of time to the court as
26 payment of damages. The sum may include both public and private costs.
27 The imposition of a restitution order does not preclude civil redress.

28 (28) "Serious traffic offense" means:

29 (a) Driving while under the influence of intoxicating liquor or any
30 drug (RCW 46.61.502), actual physical control while under the influence
31 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
32 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
33 or

34 (b) Any federal, out-of-state, county, or municipal conviction for
35 an offense that under the laws of this state would be classified as a
36 serious traffic offense under (a) of this subsection.

37 (29) "Serious violent offense" is a subcategory of violent offense
38 and means:

1 (a) Murder in the first degree, homicide by abuse, murder in the
2 second degree, assault in the first degree, kidnapping in the first
3 degree, or rape in the first degree, assault of a child in the first
4 degree, or an attempt, criminal solicitation, or criminal conspiracy to
5 commit one of these felonies; or

6 (b) Any federal or out-of-state conviction for an offense that
7 under the laws of this state would be a felony classified as a serious
8 violent offense under (a) of this subsection.

9 (30) "Sentence range" means the sentencing court's discretionary
10 range in imposing a nonappealable sentence.

11 (31) "Sex offense" means:

12 (a) A felony that is a violation of chapter 9A.44 RCW or RCW
13 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal
14 attempt, criminal solicitation, or criminal conspiracy to commit such
15 crimes;

16 (b) A felony with a finding of sexual motivation under RCW
17 9.94A.127; or

18 (c) Any federal or out-of-state conviction for an offense that
19 under the laws of this state would be a felony classified as a sex
20 offense under (a) of this subsection.

21 (32) "Sexual motivation" means that one of the purposes for which
22 the defendant committed the crime was for the purpose of his or her
23 sexual gratification.

24 (33) "Total confinement" means confinement inside the physical
25 boundaries of a facility or institution operated or utilized under
26 contract by the state or any other unit of government for twenty-four
27 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

28 (34) "Transition training" means written and verbal instructions
29 and assistance provided by the department to the offender during the
30 two weeks prior to the offender's successful completion of the work
31 ethic camp program. The transition training shall include instructions
32 in the offender's requirements and obligations during the offender's
33 period of community custody.

34 (35) "Victim" means any person who has sustained emotional,
35 psychological, physical, or financial injury to person or property as
36 a direct result of the crime charged.

37 (36) "Violent offense" means:

38 (a) Any of the following felonies, as now existing or hereafter
39 amended: Any felony defined under any law as a class A felony or an

1 attempt to commit a class A felony, criminal solicitation of or
2 criminal conspiracy to commit a class A felony, manslaughter in the
3 first degree, manslaughter in the second degree, indecent liberties if
4 committed by forcible compulsion, kidnapping in the second degree,
5 arson in the second degree, assault in the second degree, assault of a
6 child in the second degree, extortion in the first degree, robbery in
7 the second degree, vehicular assault, and vehicular homicide, when
8 proximately caused by the driving of any vehicle by any person while
9 under the influence of intoxicating liquor or any drug as defined by
10 RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

11 (b) Any conviction for a felony offense in effect at any time prior
12 to July 1, 1976, that is comparable to a felony classified as a violent
13 offense in (a) of this subsection; and

14 (c) Any federal or out-of-state conviction for an offense that
15 under the laws of this state would be a felony classified as a violent
16 offense under (a) or (b) of this subsection.

17 (37) "Work crew" means a program of partial confinement consisting
18 of civic improvement tasks for the benefit of the community of not less
19 than thirty-five hours per week that complies with RCW 9.94A.135. The
20 civic improvement tasks shall have minimal negative impact on existing
21 private industries or the labor force in the county where the service
22 or labor is performed. The civic improvement tasks shall not affect
23 employment opportunities for people with developmental disabilities
24 contracted through sheltered workshops as defined in RCW 82.04.385.
25 Only those offenders sentenced to a facility operated or utilized under
26 contract by a county or the state are eligible to participate on a work
27 crew. Offenders sentenced for a sex offense as defined in subsection
28 (31) of this section are not eligible for the work crew program.

29 (38) "Work ethic camp" means an alternative incarceration program
30 designed to reduce recidivism and lower the cost of corrections by
31 requiring offenders to complete a comprehensive array of real-world job
32 and vocational experiences, character-building work ethics training,
33 life management skills development, substance abuse rehabilitation,
34 counseling, literacy training, and basic adult education.

35 (39) "Work release" means a program of partial confinement
36 available to offenders who are employed or engaged as a student in a
37 regular course of study at school. Participation in work release shall
38 be conditioned upon the offender attending work or school at regularly
39 defined hours and abiding by the rules of the work release facility.

1 (40) "Home detention" means a program of partial confinement
2 available to offenders wherein the offender is confined in a private
3 residence subject to electronic surveillance. Home detention may not
4 be imposed for offenders convicted of a violent offense, any sex
5 offense, any drug offense, reckless burning in the first or second
6 degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third
7 degree as defined in RCW 9A.36.031, assault of a child in the third
8 degree, unlawful imprisonment as defined in RCW 9A.40.040, or
9 harassment as defined in RCW 9A.46.020. Home detention may be imposed
10 for offenders convicted of possession of a controlled substance (RCW
11 69.50.401(d)) or forged prescription for a controlled substance (RCW
12 69.50.403) if the offender fulfills the participation conditions set
13 forth in this subsection and is monitored for drug use by treatment
14 alternatives to street crime (TASC) or a comparable court or agency-
15 referred program.

16 (a) Home detention may be imposed for offenders convicted of
17 burglary in the second degree as defined in RCW 9A.52.030 or
18 residential burglary conditioned upon the offender: (i) Successfully
19 completing twenty-one days in a work release program, (ii) having no
20 convictions for burglary in the second degree or residential burglary
21 during the preceding two years and not more than two prior convictions
22 for burglary or residential burglary, (iii) having no convictions for
23 a violent felony offense during the preceding two years and not more
24 than two prior convictions for a violent felony offense, (iv) having no
25 prior charges of escape, and (v) fulfilling the other conditions of the
26 home detention program.

27 (b) Participation in a home detention program shall be conditioned
28 upon: (i) The offender obtaining or maintaining current employment or
29 attending a regular course of school study at regularly defined hours,
30 or the offender performing parental duties to offspring or minors
31 normally in the custody of the offender, (ii) abiding by the rules of
32 the home detention program, and (iii) compliance with court-ordered
33 legal financial obligations. The home detention program may also be
34 made available to offenders whose charges and convictions do not
35 otherwise disqualify them if medical or health-related conditions,
36 concerns or treatment would be better addressed under the home
37 detention program, or where the health and welfare of the offender,
38 other inmates, or staff would be jeopardized by the offender's
39 incarceration. Participation in the home detention program for medical

1 or health-related reasons is conditioned on the offender abiding by the
2 rules of the home detention program and complying with court-ordered
3 restitution.

4 **Sec. 6.** RCW 9.94A.360 and 1992 c 145 s 10 and 1992 c 75 s 4 are
5 each reenacted and amended to read as follows:

6 The offender score is measured on the horizontal axis of the
7 sentencing grid. The offender score rules are as follows:

8 The offender score is the sum of points accrued under this section
9 rounded down to the nearest whole number.

10 (1) A prior conviction is a conviction which exists before the date
11 of sentencing for the offense for which the offender score is being
12 computed. Convictions entered or sentenced on the same date as the
13 conviction for which the offender score is being computed shall be
14 deemed "other current offenses" within the meaning of RCW 9.94A.400.

15 (2) Except as provided in subsection (4) of this section, class A
16 and sex prior felony convictions shall always be included in the
17 offender score. Class B prior felony convictions other than sex
18 offenses shall not be included in the offender score, if since the last
19 date of release from confinement (including full-time residential
20 treatment) pursuant to a felony conviction, if any, or entry of
21 judgment and sentence, the offender had spent ten consecutive years in
22 the community without being convicted of any felonies. Class C prior
23 felony convictions other than sex offenses shall not be included in the
24 offender score if, since the last date of release from confinement
25 (including full-time residential treatment) pursuant to a felony
26 conviction, if any, or entry of judgment and sentence, the offender had
27 spent five consecutive years in the community without being convicted
28 of any felonies. Serious traffic convictions shall not be included in
29 the offender score if, since the last date of release from confinement
30 (including full-time residential treatment) pursuant to a felony
31 conviction, if any, or entry of judgment and sentence, the offender
32 spent five years in the community without being convicted of any
33 serious traffic or felony traffic offenses. This subsection applies to
34 both adult and juvenile prior convictions.

35 (3) Out-of-state convictions for offenses shall be classified
36 according to the comparable offense definitions and sentences provided
37 by Washington law.

1 (4) Always include juvenile convictions for sex offenses. Include
2 other class A juvenile felonies only if the offender was 15 or older at
3 the time the juvenile offense was committed. Include other class B and
4 C juvenile felony convictions only if the offender was 15 or older at
5 the time the juvenile offense was committed and the (~~offender was less~~
6 ~~than 23 at the time the offense for which he or she is being sentenced~~
7 ~~was committed~~) offense would be included under subsection (2) of this
8 section.

9 (5) Score prior convictions for felony anticipatory offenses
10 (attempts, criminal solicitations, and criminal conspiracies) the same
11 as if they were convictions for completed offenses.

12 (6) In the case of multiple prior convictions, for the purpose of
13 computing the offender score, count all convictions separately, except:

14 (a) Prior adult offenses which were found, under RCW
15 9.94A.400(1)(a), to encompass the same criminal conduct, shall be
16 counted as one offense, the offense that yields the highest offender
17 score. The current sentencing court shall determine with respect to
18 other prior adult offenses for which sentences were served concurrently
19 whether those offenses shall be counted as one offense or as separate
20 offenses, and if the court finds that they shall be counted as one
21 offense, then the offense that yields the highest offender score shall
22 be used;

23 (b) Juvenile prior convictions entered or sentenced on the same
24 date shall count as one offense, the offense that yields the highest
25 offender score, except for juvenile prior convictions for violent
26 offenses with separate victims, which shall count as separate offenses;
27 and

28 (c) In the case of multiple prior convictions for offenses
29 committed before July 1, 1986, for the purpose of computing the
30 offender score, count all adult convictions served concurrently as one
31 offense, and count all juvenile convictions entered on the same date as
32 one offense. Use the conviction for the offense that yields the
33 highest offender score.

34 (7) If the present conviction is one of the anticipatory offenses
35 of criminal attempt, solicitation, or conspiracy, count each prior
36 conviction as if the present conviction were for a completed offense.

37 (8) If the present conviction is for a nonviolent offense and not
38 covered by subsection (12) or (13) of this section, count one point for
39 each adult prior felony conviction and one point for each juvenile

1 prior violent felony conviction and 1/2 point for each juvenile prior
2 nonviolent felony conviction.

3 (9) If the present conviction is for a violent offense and not
4 covered in subsection (10), (11), (12), or (13) of this section, count
5 two points for each prior adult and juvenile violent felony conviction,
6 one point for each prior adult nonviolent felony conviction, and 1/2
7 point for each prior juvenile nonviolent felony conviction.

8 (10) If the present conviction is for Murder 1 or 2, Assault 1,
9 Assault of a Child 1, Kidnaping 1, Homicide by Abuse, or Rape 1, count
10 three points for prior adult and juvenile convictions for crimes in
11 these categories, two points for each prior adult and juvenile violent
12 conviction (not already counted), one point for each prior adult
13 nonviolent felony conviction, and 1/2 point for each prior juvenile
14 nonviolent felony conviction.

15 (11) If the present conviction is for Burglary 1, count prior
16 convictions as in subsection (9) of this section; however count two
17 points for each prior adult Burglary 2 or residential burglary
18 conviction, and one point for each prior juvenile Burglary 2 or
19 residential burglary conviction.

20 (12) If the present conviction is for a felony traffic offense
21 count two points for each adult or juvenile prior conviction for
22 Vehicular Homicide or Vehicular Assault; for each felony offense or
23 serious traffic offense, count one point for each adult and 1/2 point
24 for each juvenile prior conviction.

25 (13) If the present conviction is for a drug offense count three
26 points for each adult prior felony drug offense conviction and two
27 points for each juvenile drug offense. All other adult and juvenile
28 felonies are scored as in subsection (9) of this section if the current
29 drug offense is violent, or as in subsection (8) of this section if the
30 current drug offense is nonviolent.

31 (14) If the present conviction is for Willful Failure to Return
32 from Furlough, RCW 72.66.060, Willful Failure to Return from Work
33 Release, RCW 72.65.070, or Escape from Community Custody, RCW
34 72.09.310, count only prior escape convictions in the offender score.
35 Count adult prior escape convictions as one point and juvenile prior
36 escape convictions as 1/2 point.

37 (15) If the present conviction is for Escape 1, RCW 9A.76.110, or
38 Escape 2, RCW 9A.76.120, count adult prior convictions as one point and
39 juvenile prior convictions as 1/2 point.

1 (16) If the present conviction is for Burglary 2 or residential
2 burglary, count priors as in subsection (8) of this section; however,
3 count two points for each adult and juvenile prior Burglary 1
4 conviction, two points for each adult prior Burglary 2 or residential
5 burglary conviction, and one point for each juvenile prior Burglary 2
6 or residential burglary conviction.

7 (17) If the present conviction is for a sex offense, count priors
8 as in subsections (8) through (16) of this section; however count three
9 points for each adult and juvenile prior sex offense conviction.

10 (18) If the present conviction is for an offense committed while
11 the offender was under community placement, add one point.

12 **Sec. 7.** RCW 13.04.030 and 1988 c 14 s 1 are each amended to read
13 as follows:

14 The juvenile courts in the several counties of this state, shall
15 have exclusive original jurisdiction over all proceedings:

16 (1) Under the interstate compact on placement of children as
17 provided in chapter 26.34 RCW;

18 (2) Relating to children alleged or found to be dependent as
19 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170(~~(~~
20 ~~as now or hereafter amended)~~);

21 (3) Relating to the termination of a parent and child relationship
22 as provided in RCW 13.34.180 through 13.34.210(~~(~~
23 ~~as now or hereafter~~
24 ~~amended)~~);

25 (4) To approve or disapprove alternative residential placement as
26 provided in RCW 13.32A.170;

27 (5) Relating to juveniles alleged or found to have committed
28 offenses, traffic infractions, or violations as provided in RCW
29 13.40.020 through 13.40.230, (~~(~~
30 ~~as now or hereafter amended)~~), unless:

31 (a) The juvenile court transfers jurisdiction of a particular
32 juvenile to adult criminal court pursuant to RCW 13.40.110(~~(~~
33 ~~as now or~~
34 ~~hereafter amended)~~); or

35 (b) The statute of limitations applicable to adult prosecution for
36 the offense, traffic infraction, or violation has expired; or

37 (c) The alleged offense or infraction is a traffic, fish, boating,
38 or game offense or traffic infraction committed by a juvenile sixteen
years of age or older and would, if committed by an adult, be tried or
heard in a court of limited jurisdiction, in which instance the
appropriate court of limited jurisdiction shall have jurisdiction over

1 the alleged offense or infraction: PROVIDED, That if such an alleged
2 offense or infraction and an alleged offense or infraction subject to
3 juvenile court jurisdiction arise out of the same event or incident,
4 the juvenile court may have jurisdiction of both matters: PROVIDED
5 FURTHER, That the jurisdiction under this subsection does not
6 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
7 or subsection (5)(a) of this section: PROVIDED FURTHER, That courts of
8 limited jurisdiction which confine juveniles for an alleged offense or
9 infraction may place juveniles in juvenile detention facilities under
10 an agreement with the officials responsible for the administration of
11 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

12 (d) The juvenile is sixteen or seventeen years old and the alleged
13 offense is: (i) A serious violent offense as defined in RCW 9.94A.030;
14 or (ii) a violent offense as defined in RCW 9.94A.030 and the juvenile
15 has a criminal history showing one or more prior serious violent
16 offenses, two or more prior violent offenses, or three or more prior
17 felony offenses of any kind committed after the juvenile's thirteenth
18 birthday and prosecuted separately. In such a case the adult criminal
19 court shall have exclusive original jurisdiction;

20 (6) Under the interstate compact on juveniles as provided in
21 chapter 13.24 RCW;

22 (7) Relating to termination of a diversion agreement under RCW
23 13.40.080 (~~as now or hereafter amended~~), including a proceeding in
24 which the divertee has attained eighteen years of age; and

25 (8) Relating to court validation of a voluntary consent to foster
26 care placement under chapter 13.34 RCW, by the parent or Indian
27 custodian of an Indian child, except if the parent or Indian custodian
28 and child are residents of or domiciled within the boundaries of a
29 federally recognized Indian reservation over which the tribe exercises
30 exclusive jurisdiction.

31 **Sec. 8.** RCW 13.40.0357 and 1989 c 407 s 7 are each amended to read
32 as follows:

33 SCHEDULE A	
34 DESCRIPTION AND OFFENSE CATEGORY	
35 JUVENILE	JUVENILE
36 DISPOSITION	DISPOSITION
37 DISPOSITION	CATEGORY FOR ATTEMPT,

1	OFFENSE	BAILJUMP, CONSPIRACY,	
2	CATEGORY	DESCRIPTION (RCW CITATION)	OR SOLICITATION
3		
4		Arson and Malicious Mischief	
5	A	Arson 1 (9A.48.020)	B+
6	B	Arson 2 (9A.48.030)	C
7	C	Reckless Burning 1 (9A.48.040)	D
8	D	Reckless Burning 2 (9A.48.050)	E
9	B	Malicious Mischief 1 (9A.48.070)	C
10	C	Malicious Mischief 2 (9A.48.080)	D
11	D	Malicious Mischief 3 (<\$50 is	
12		E class) (9A.48.090)	E
13	E	Tampering with Fire Alarm	
14		Apparatus (9.40.100)	E
15	A	Possession of Incendiary Device	
16		(9.40.120)	B+
17		Assault and Other Crimes	
18		Involving Physical Harm	
19	A	Assault 1 (9A.36.011)	B+
20	B+	Assault 2 (9A.36.021)	C+
21	C+	Assault 3 (9A.36.031)	D+
22	D+	Assault 4 (9A.36.041)	E
23	D+	Reckless Endangerment	
24		(9A.36.050)	E
25	C+	Promoting Suicide Attempt	
26		(9A.36.060)	D+
27	D+	Coercion (9A.36.070)	E
28	C+	Custodial Assault (9A.36.100)	D+
29		Burglary and Trespass	
30	B+	Burglary 1 (9A.52.020)	C+
31	B	Burglary 2 (9A.52.030)	C
32	D	Burglary Tools (Possession of)	
33		(9A.52.060)	E
34	D	Criminal Trespass 1 (9A.52.070)	E
35	E	Criminal Trespass 2 (9A.52.080)	E
36	D	Vehicle Prowling (9A.52.100)	E

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

1		Controlled Substance	
2		(69.50.401(c))	C
3		Firearms and Weapons	
4	((C+	Committing Crime when Armed	
5		(9.41.025)	D+))
6	E	Carrying Loaded Pistol Without	
7		Permit (9.41.050)	E
8	E	Use of Firearms by Minor (<14)	
9		(9.41.240)	E
10	D+	Possession of Dangerous Weapon	
11		(9.41.250)	E
12	D	Intimidating Another Person by use	
13		of Weapon (9.41.270)	E
14		Homicide	
15	A+	Murder 1 (9A.32.030)	A
16	A+	Murder 2 (9A.32.050)	B+
17	B+	Manslaughter 1 (9A.32.060)	C+
18	C+	Manslaughter 2 (9A.32.070)	D+
19	B+	Vehicular Homicide (46.61.520)	C+
20		Kidnapping	
21	A	Kidnap 1 (9A.40.020)	B+
22	B+	Kidnap 2 (9A.40.030)	C+
23	C+	Unlawful Imprisonment	
24		(9A.40.040)	D+
25	((D	Custodial Interference	
26		(9A.40.050)	E))
27		Obstructing Governmental Operation	
28	E	Obstructing a Public Servant	
29		(9A.76.020)	E
30	E	Resisting Arrest (9A.76.040)	E
31	B	Introducing Contraband 1	
32		(9A.76.140)	C
33	C	Introducing Contraband 2	
34		(9A.76.150)	D

1	E	Introducing Contraband 3	
2		(9A.76.160)	E
3	B+	Intimidating a Public Servant	
4		(9A.76.180)	C+
5	B+	Intimidating a Witness	
6		(9A.72.110)	C+
7	((E	Criminal Contempt	
8		(9.23.010)	E))
9		Public Disturbance	
10	C+	Riot with Weapon (9A.84.010)	D+
11	D+	Riot Without Weapon	
12		(9A.84.010)	E
13	E	Failure to Disperse (9A.84.020)	E
14	E	Disorderly Conduct (9A.84.030)	E
15		Sex Crimes	
16	A	Rape 1 (9A.44.040)	B+
17	A-	Rape 2 (9A.44.050)	B+
18	C+	Rape 3 (9A.44.060)	D+
19	A-	Rape of a Child 1 (9A.44.073)	B+
20	B	Rape of a Child 2 (9A.44.076)	C+
21	B	Incest 1 (9A.64.020(1))	C
22	C	Incest 2 (9A.64.020(2))	D
23	D+	((Public Indecency)) <u>Indecent Exposure</u>	
24		(Victim <14) (9A.88.010)	E
25	E	((Public Indecency)) <u>Indecent Exposure</u>	
26		(Victim 14 or over) (9A.88.010)	E
27	B+	Promoting Prostitution 1	
28		(9A.88.070)	C+
29	C+	Promoting Prostitution 2	
30		(9A.88.080)	D+
31	E	O & A (Prostitution) (9A.88.030)	E
32	B+	Indecent Liberties (9A.44.100)	C+
33	B+	Child Molestation 1 (9A.44.083)	C+
34	C+	Child Molestation 2 (9A.44.086)	C
35		Theft, Robbery, Extortion, and Forgery	
36	B	Theft 1 (9A.56.030)	C

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

1		Other	
2	B	Bomb Threat (9.61.160)	C
3	C	Escape 1 (9A.76.110)	C
4	C	Escape 2 (9A.76.120)	C
5	D	Escape 3 (9A.76.130)	E
6	C	Failure to Appear in Court	
7		(10.19.130)	D
8		((E Tampering with Fire Alarm	
9		Apparatus (9.40.100) ----- E))	
10	E	Obscene, Harassing, Etc.,	
11		Phone Calls (9.61.230)	E
12	A	Other Offense Equivalent to an	
13		Adult Class A Felony	B+
14	B	Other Offense Equivalent to an	
15		Adult Class B Felony	C
16	C	Other Offense Equivalent to an	
17		Adult Class C Felony	D
18	D	Other Offense Equivalent to an	
19		Adult Gross Misdemeanor	E
20	E	Other Offense Equivalent to an	
21		Adult Misdemeanor	E
22	V	Violation of Order of Restitution,	
23		Community Supervision, or	
24		Confinement (13.40.200)	V

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

27 1st escape or attempted escape during 12-month period - 4 weeks
28 confinement

29 2nd escape or attempted escape during 12-month period - 8 weeks
30 confinement

31 3rd and subsequent escape or attempted escape during 12-month
32 period - 12 weeks confinement

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

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SCHEDULE B
PRIOR OFFENSE INCREASE FACTOR

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

TIME SPAN

OFFENSE CATEGORY	0-12 Months	13-24 Months	25 Months or More
.....			
A+	.9	.9	.9
A	.9	.8	.6
A-	.9	.8	.5
B+	.9	.7	.4
B	.9	.6	.3
C+	.6	.3	.2
C	.5	.2	.2
D+	.3	.2	.1
D	.2	.1	.1
E	.1	.1	.1

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

SCHEDULE C
CURRENT OFFENSE POINTS

For use with all CURRENT OFFENSES occurring on or after July 1, 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			<u>Confinement</u>
25	Points	Supervision	Hours	Fine		<u>Days</u>
26	((1-9	0-3 months	and/or 0-8	and/or	0-\$10	
27	10-19	0-3))	<u>1-19</u>	<u>0-12</u>	<u>months and/or 0-8</u>	<u>and/or 0</u>
28	20-29	((0-3))	<u>0-12</u>	<u>months</u>	<u>and/or 0-16</u>	<u>and/or 0</u>
29	30-39	((0-3))	<u>0-12</u>	<u>months</u>	<u>and/or 8-24</u>	<u>and/or 0-10</u>
30	40-49	((3-6))	<u>3-12</u>	<u>months</u>	<u>and/or 16-32</u>	<u>and/or 0-10</u>
31	50-59	((3-6))	<u>3-12</u>	<u>months</u>	<u>and/or 24-40</u>	<u>and/or 0-10</u>

1 60-69 ((6-9)) 6-12 months and/or 32-48 and/or 0-\$50 and/or 10-20
2 70-79 ((6-9)) 6-12 months and/or 40-55 and/or 0-\$50 and/or 10-20
3 80-89 9-12 months and/or 48-64 and/or 10-\$100 and/or 10-20
4 90-109 9-12 months and/or 56-72 and/or 10-\$100 and/or 20-30

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.

MIDDLE OFFENDER

OPTION A

STANDARD RANGE

Community

Community

Service

Confinement

Points

Supervision

Hours

Fine

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))	<u>1-19</u>	<u>0-12 months</u>	and/or 0-8 and/or 0-\$10 and/or 0
10	20-29	((0-3))	<u>0-12</u>	months	and/or 0-16 and/or 0-\$10 and/or 0
11	30-39	((0-3))	<u>0-12</u>	months	and/or 8-24 and/or 0-\$25 and/or ((2-4))
12					<u>2-10</u>
13	40-49	((3-6))	<u>3-12</u>	months	and/or 16-32 and/or 0-\$25 and/or ((2-4))
14					<u>2-10</u>
15	50-59	((3-6))	<u>3-12</u>	months	and/or 24-40 and/or 0-\$25 and/or 5-10
16	60-69	((6-9))	<u>6-12</u>	months	and/or 32-48 and/or 0-\$50 and/or ((5-10))
17					<u>10-20</u>
18	70-79	((6-9))	<u>6-12</u>	months	and/or 40-56 and/or 0-\$50 and/or 10-20
19	80-89	9-12 months			and/or 48-64 and/or 0-\$100 and/or 10-20
20	90-109	9-12 months			and/or 56-72 and/or 0-\$100 and/or ((15-30))
21					<u>20-30</u>
22	110-129				8-12
23	130-149				13-16
24	150-199				21-28
25	200-249				30-40
26	250-299				52-65
27	300-374				80-100
28	375+				103-129

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

OR

OPTION B

STATUTORY OPTION

- 1 0-12 Months Community Supervision
- 2 0-150 Hours Community Service
- 3 0-100 Fine

4 The court may impose a determinate disposition of community supervision
5 and/or up to 30 days confinement; in which case, if confinement has
6 been imposed, the court shall state either aggravating or mitigating
7 factors as set forth in RCW 13.40.150(~~(, as now or hereafter amended)~~).

8 OR

9
10 OPTION C

11 MANIFEST INJUSTICE

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

16 JUVENILE SENTENCING STANDARDS

17 SCHEDULE D-3

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

21 SERIOUS OFFENDER

22 OPTION A

23 STANDARD RANGE

24	Points	Institution Time
25	0-129	8-12 weeks
26	130-149	13-16 weeks
27	150-199	21-28 weeks
28	200-249	30-40 weeks
29	250-299	52-65 weeks
30	300-374	80-100 weeks

1	375+	103-129 weeks
2	All A+	
3	Offenses	180-224 weeks

4 OR

5
6 OPTION B
7 MANIFEST INJUSTICE

8 A disposition outside the standard range shall be determined and shall
9 be comprised of confinement or community supervision or a combination
10 thereof. When a judge finds a manifest injustice and imposes a
11 sentence of confinement exceeding 30 days, the court shall sentence the
12 juvenile to a maximum term, and the provisions of RCW (~~(13.40.030(5),~~
13 ~~as now or hereafter amended,~~) 13.40.030(2) shall be used to determine
14 the range.

15 **Sec. 9.** RCW 13.40.160 and 1992 c 45 s 6 are each amended to read
16 as follows:

17 (1) When the respondent is found to be a serious offender, the
18 court shall commit the offender to the department for the standard
19 range of disposition for the offense, as indicated in option A of
20 schedule D-3, RCW 13.40.0357 except as provided in subsections (5) and
21 (6) of this section.

22 If the court concludes, and enters reasons for its conclusion, that
23 disposition within the standard range would effectuate a manifest
24 injustice the court shall impose a disposition outside the standard
25 range, as indicated in option B of schedule D-3, RCW 13.40.0357. The
26 court's finding of manifest injustice shall be supported by clear and
27 convincing evidence.

28 A disposition outside the standard range shall be determinate and
29 shall be comprised of confinement or community supervision, or a
30 combination thereof. When a judge finds a manifest injustice and
31 imposes a sentence of confinement exceeding thirty days, the court
32 shall sentence the juvenile to a maximum term, and the provisions of
33 RCW 13.40.030(2)(~~(, as now or hereafter amended,~~) shall be used to
34 determine the range. A disposition outside the standard range is
35 appealable under RCW 13.40.230(~~(, as now or hereafter amended,~~) by the

1 state or the respondent. A disposition within the standard range is
2 not appealable under RCW 13.40.230 (~~((as now or hereafter amended))~~).

3 (2) Where the respondent is found to be a minor or first offender,
4 the court shall order that the respondent serve a term of community
5 supervision as indicated in option A or option B of schedule D-1, RCW
6 13.40.0357 except as provided in subsections (5) and (6) of this
7 section. If the court determines that a disposition of community
8 supervision would effectuate a manifest injustice the court may impose
9 another disposition under option C of schedule D-1, RCW 13.40.0357.
10 Except as provided in subsection (5) of this section, a disposition
11 other than a community supervision may be imposed only after the court
12 enters reasons upon which it bases its conclusions that imposition of
13 community supervision would effectuate a manifest injustice. When a
14 judge finds a manifest injustice and imposes a sentence of confinement
15 exceeding thirty days, the court shall sentence the juvenile to a
16 maximum term, and the provisions of RCW 13.40.030(2)(~~(, as now or~~
17 ~~hereafter amended,)~~) shall be used to determine the range. The court's
18 finding of manifest injustice shall be supported by clear and
19 convincing evidence.

20 Except for disposition of community supervision or a disposition
21 imposed pursuant to subsection (5) of this section, a disposition may
22 be appealed as provided in RCW 13.40.230(~~(, as now or hereafter~~
23 ~~amended,)~~) by the state or the respondent. A disposition of community
24 supervision or a disposition imposed pursuant to subsection (5) of this
25 section may not be appealed under RCW 13.40.230 (~~((as now or hereafter~~
26 ~~amended))~~).

27 (3) Where a respondent is found to have committed an offense for
28 which the respondent declined to enter into a diversion agreement, the
29 court shall impose a term of community supervision limited to the
30 conditions allowed in a diversion agreement as provided in RCW
31 13.40.080(2) (~~((as now or hereafter amended))~~).

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

33 (a) The court shall impose a determinate disposition within the
34 standard range(s) for such offense, as indicated in option A of
35 schedule D-2, RCW 13.40.0357 except as provided in subsections (5) and
36 (6) of this section: PROVIDED, That if the standard range includes a
37 term of confinement exceeding thirty days, commitment shall be to the
38 department for the standard range of confinement; or

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

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

14 (d) A disposition pursuant to subsection (4)(c) of this section is
15 appealable under RCW 13.40.230(~~, as now or hereafter amended,~~) by the
16 state or the respondent. A disposition pursuant to subsection (4) (a)
17 or (b) of this section is not appealable under RCW 13.40.230 (~~as now~~
18 ~~or hereafter amended~~)).

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

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

32 The examiner shall assess and report regarding the respondent's
33 amenability to treatment and relative risk to the community. A
34 proposed treatment plan shall be provided and shall include, at a
35 minimum:

36 (a)(i) Frequency and type of contact between the offender and
37 therapist;

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

1 (iii) Monitoring plans, including any requirements regarding living
2 conditions, lifestyle requirements, and monitoring by family members,
3 legal guardians, or others;

4 (iv) Anticipated length of treatment; and

5 (v) Recommended crime-related prohibitions.

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

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

25 (b)(i) Devote time to a specific education, employment, or
26 occupation;

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

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

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

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

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

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

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

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

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

31 If the offender violates any condition of the disposition or the
32 court finds that the respondent is failing to make satisfactory
33 progress in treatment, the court may revoke the suspension and order
34 execution of the sentence. The court shall give credit for any
35 confinement time previously served if that confinement was for the
36 offense for which the suspension is being revoked.

37 For purposes of this section, "victim" means any person who has
38 sustained emotional, psychological, physical, or financial injury to
39 person or property as a direct result of the crime charged. "Victim"

1 may also include a known parent or guardian of a victim who is a minor
2 child unless the parent or guardian is the perpetrator of the offense.

3 (6)(a) The minimum sentence for any juvenile age sixteen or
4 seventeen who illegally possesses a pistol is ten confinement days.
5 The court may extend community supervision up to twelve months for such
6 offense.

7 (b) The following additional times shall be added to the term of
8 confinement for any juvenile found to have been armed with a firearm
9 during the commission of a felony:

10 (i) Twenty-six weeks for A-, A, and A+ category offenses;

11 (ii) Sixteen weeks for B and B+ category offenses; and

12 (iii) Twelve weeks for C and C+ category offenses.

13 (c) Option B shall not be available for minor/first and middle
14 offenders sentenced under (a) or (b) of this subsection.

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

19 ~~((+7))~~ (8) Except as provided for in subsection (5) of this
20 section, the court shall not suspend or defer the imposition or the
21 execution of the disposition.

22 ~~((+8))~~ (9) In no case shall the term of confinement imposed by the
23 court at disposition exceed that to which an adult could be subjected
24 for the same offense.

25 **Sec. 10.** RCW 13.40.190 and 1987 c 281 s 5 are each amended to read
26 as follows:

27 (1) In its dispositional order, the court shall require the
28 respondent to make restitution to any persons who have suffered loss or
29 damage as a result of the offense committed by the respondent. In
30 addition, restitution may be ordered for loss or damage if the offender
31 pleads guilty to a lesser offense or fewer offenses and agrees with the
32 prosecutor's recommendation that the offender be required to pay
33 restitution to a victim of an offense or offenses which, pursuant to a
34 plea agreement, are not prosecuted. The payment of restitution shall
35 be in addition to any punishment which is imposed pursuant to the other
36 provisions of this chapter. The court may determine the amount, terms,
37 and conditions of the restitution including a payment plan extending up
38 to ten years if the court determines that the respondent does not have

1 the means to make full restitution over a shorter period. Restitution
2 may include the costs of counseling reasonably related to the offense.
3 If the respondent participated in the crime with another person or
4 other persons, all such participants shall be jointly and severally
5 responsible for the payment of restitution. For the purposes of this
6 section, the respondent shall remain under the court's jurisdiction for
7 a maximum term of ten years after the respondent's eighteenth birthday.
8 The court may not require the respondent to pay full or partial
9 restitution if the respondent reasonably satisfies the court that he or
10 she does not have the means to make full or partial restitution and
11 could not reasonably acquire the means to pay such restitution over a
12 ten-year period. In cases where an offender has been committed to the
13 department for a period of confinement exceeding fifteen weeks,
14 restitution may be waived.

15 (2) If an order includes restitution as one of the monetary
16 assessments, the county clerk shall make disbursements to victims named
17 in the order. The restitution to victims named in the order shall be
18 paid prior to any payment for other penalties or monetary assessments.

19 (3) A respondent under obligation to pay restitution may petition
20 the court for modification of the restitution order.

21 **Sec. 11.** RCW 13.40.300 and 1986 c 288 s 6 are each amended to read
22 as follows:

23 (1) In no case may a juvenile offender be committed by the juvenile
24 court to the department of social and health services for placement in
25 a juvenile correctional institution beyond the juvenile offender's
26 twenty-first birthday. A juvenile may be under the jurisdiction of the
27 juvenile court or the authority of the department of social and health
28 services beyond the juvenile's eighteenth birthday only if prior to the
29 juvenile's eighteenth birthday:

30 (a) Proceedings are pending seeking the adjudication of a juvenile
31 offense and the court by written order setting forth its reasons
32 extends jurisdiction of juvenile court over the juvenile beyond his or
33 her eighteenth birthday;

34 (b) The juvenile has been found guilty after a fact finding or
35 after a plea of guilty and an automatic extension is necessary to allow
36 for the imposition of disposition; or

37 (c) Disposition has been held and an automatic extension is
38 necessary to allow for the execution and enforcement of the court's

1 order of disposition. If an order of disposition imposes commitment to
2 the department, then jurisdiction is automatically extended to include
3 a period of up to twelve months of parole, in no case extending beyond
4 the offender's twenty-first birthday.

5 (2) If the juvenile court previously has extended jurisdiction
6 beyond the juvenile offender's eighteenth birthday and that period of
7 extension has not expired, the court may further extend jurisdiction by
8 written order setting forth its reasons.

9 (3) In no event may the juvenile court have authority to extend
10 jurisdiction over any juvenile offender beyond the juvenile offender's
11 twenty-first birthday except for the purpose of enforcing an order of
12 restitution.

13 (4) Notwithstanding any extension of jurisdiction over a person
14 pursuant to this section, the juvenile court has no jurisdiction over
15 any offenses alleged to have been committed by a person eighteen years
16 of age or older.

17 **Sec. 12.** RCW 13.64.060 and 1993 c 294 s 6 are each amended to read
18 as follows:

19 (1) An emancipated minor shall be considered to have the power and
20 capacity of an adult, except as provided in subsection (2) of this
21 section. A minor shall be considered emancipated for the purposes of,
22 but not limited to:

23 (a) The termination of parental obligations of financial support,
24 care, supervision, and any other obligation the parent may have by
25 virtue of the parent-child relationship, including obligations imposed
26 because of marital dissolution;

27 (b) The right to sue or be sued in his or her own name;

28 (c) The right to retain his or her own earnings;

29 (d) The right to establish a separate residence or domicile;

30 (e) The right to enter into nonvoidable contracts;

31 (f) The right to act autonomously, and with the power and capacity
32 of an adult, in all business relationships, including but not limited
33 to property transactions;

34 (g) The right to work, and earn a living, subject only to the
35 health and safety regulations designed to protect those under age of
36 majority regardless of their legal status; and

37 (h) The right to give informed consent for receiving health care
38 services.

1 (2) An emancipated minor shall not be considered an adult for: (a)
2 The purposes of the adult criminal laws of the state unless the decline
3 of jurisdiction procedures contained in RCW 13.40.110 are used or the
4 minor is tried in criminal court pursuant to RCW 13.04.030(5)(d); (b)
5 the criminal laws of the state when the emancipated minor is a victim
6 and the age of the victim is an element of the offense; or (c) those
7 specific constitutional and statutory age requirements regarding
8 voting, use of alcoholic beverages, and other health and safety
9 regulations relevant to the minor because of the minor's age.

10 **Sec. 13.** RCW 72.76.010 and 1989 c 177 s 3 are each amended to read
11 as follows:

12 The Washington intrastate corrections compact is enacted and
13 entered into on behalf of this state by the department with any and all
14 counties of this state legally joining in a form substantially as
15 follows:

16 WASHINGTON INTRASTATE CORRECTIONS
17 COMPACT

18 A compact is entered into by and among the contracting counties and the
19 department of corrections, signatories hereto, for the purpose of
20 maximizing the use of existing resources and to provide adequate
21 facilities and programs for the confinement, care, treatment, and
22 employment of offenders.

23 The contracting counties and the department do solemnly agree that:

24 (1) As used in this compact, unless the context clearly requires
25 otherwise:

26 (a) "Department" means the Washington state department of
27 corrections.

28 (b) "Secretary" means the secretary of the department of
29 corrections or designee.

30 (c) "Compact jurisdiction" means the department of corrections or
31 any county of the state of Washington which has executed this compact.

32 (d) "Sending jurisdiction" means a county party to this agreement
33 or the department of corrections to whom the courts have committed
34 custody of the offender.

35 (e) "Receiving jurisdiction" means the department of corrections or
36 a county party to this agreement to which an offender is sent for
37 confinement.

1 (f) "Offender" means a person who has been charged with and/or
2 convicted of an offense established by applicable statute or ordinance.

3 (g) "Convicted felony offender" means a person who has been
4 convicted of a felony established by state law and is eighteen years of
5 age or older, or who is less than eighteen years of age, but whose case
6 has been transferred by the appropriate juvenile court to a criminal
7 court pursuant to RCW 13.40.110 or has been tried in a criminal court
8 pursuant to RCW 13.04.030(5)(d).

9 (h) An "offender day" includes the first day an offender is
10 delivered to the receiving jurisdiction, but ends at midnight of the
11 day immediately preceding the day of the offender's release or return
12 to the custody of the sending jurisdiction.

13 (i) "Facility" means any state correctional institution, camp, or
14 other unit established or authorized by law under the jurisdiction of
15 the department of corrections; any jail, holding, detention, special
16 detention, or correctional facility operated by the county for the
17 housing of adult offenders; or any contract facility, operated on
18 behalf of either the county or the state for the housing of adult
19 offenders.

20 (j) "Extraordinary medical expense" means any medical expense
21 beyond that which is normally provided by contract or other health care
22 providers at the facility of the receiving jurisdiction.

23 (k) "Compact" means the Washington intrastate corrections compact.

24 (2)(a) Any county may make one or more contracts with one or more
25 counties, the department, or both for the exchange or transfer of
26 offenders pursuant to this compact. Appropriate action by ordinance,
27 resolution, or otherwise in accordance with the law of the governing
28 bodies of the participating counties shall be necessary before the
29 contract may take effect. The secretary is authorized and requested to
30 execute the contracts on behalf of the department. Any such contract
31 shall provide for:

32 (i) Its duration;

33 (ii) Payments to be made to the receiving jurisdiction by the
34 sending jurisdiction for offender maintenance, extraordinary medical
35 and dental expenses, and any participation in or receipt by offenders
36 of rehabilitative or correctional services, facilities, programs, or
37 treatment not reasonably included as part of normal maintenance;

38 (iii) Participation in programs of offender employment, if any; the
39 disposition or crediting of any payments received by offenders on their

1 accounts; and the crediting of proceeds from or the disposal of any
2 products resulting from the employment;

3 (iv) Delivery and retaking of offenders;

4 (v) Such other matters as may be necessary and appropriate to fix
5 the obligations, responsibilities and rights of the sending and
6 receiving jurisdictions.

7 (b) The terms and provisions of this compact shall be a part of any
8 contract entered into by the authority of or pursuant to the contract.
9 Nothing in any contract may be inconsistent with the compact.

10 (3)(a) Whenever the duly constituted authorities of any compact
11 jurisdiction decide that confinement in, or transfer of an offender to
12 a facility of another compact jurisdiction is necessary or desirable in
13 order to provide adequate housing and care or an appropriate program of
14 rehabilitation or treatment, the officials may direct that the
15 confinement be within a facility of the other compact jurisdiction, the
16 receiving jurisdiction to act in that regard solely as agent for the
17 sending jurisdiction.

18 (b) The receiving jurisdiction shall be responsible for the
19 supervision of all offenders which it accepts into its custody.

20 (c) The receiving jurisdiction shall be responsible to establish
21 screening criteria for offenders it will accept for transfer. The
22 sending jurisdiction shall be responsible for ensuring that all
23 transferred offenders meet the screening criteria of the receiving
24 jurisdiction.

25 (d) The sending jurisdiction shall notify the sentencing courts of
26 the name, charges, cause numbers, date, and place of transfer of any
27 offender, prior to the transfer, on a form to be provided by the
28 department. A copy of this form shall accompany the offender at the
29 time of transfer.

30 (e) The receiving jurisdiction shall be responsible for providing
31 an orientation to each offender who is transferred. The orientation
32 shall be provided to offenders upon arrival and shall address the
33 following conditions at the facility of the receiving jurisdiction:

34 (i) Requirements to work;

35 (ii) Facility rules and disciplinary procedures;

36 (iii) Medical care availability; and

37 (iv) Visiting.

38 (f) Delivery and retaking of inmates shall be the responsibility of
39 the sending jurisdiction. The sending jurisdiction shall deliver

1 offenders to the facility of the receiving jurisdiction where the
2 offender will be housed, at the dates and times specified by the
3 receiving jurisdiction. The receiving jurisdiction retains the right
4 to refuse or return any offender. The sending jurisdiction shall be
5 responsible to retake any transferred offender who does not meet the
6 screening criteria of the receiving jurisdiction, or who is refused by
7 the receiving jurisdiction. If the receiving jurisdiction has notified
8 the sending jurisdiction to retake an offender, but the sending
9 jurisdiction does not do so within a seven-day period, the receiving
10 jurisdiction may return the offender to the sending jurisdiction at the
11 expense of the sending jurisdiction.

12 (g) Offenders confined in a facility under the terms of this
13 compact shall at all times be subject to the jurisdiction of the
14 sending jurisdiction and may at any time be removed from the facility
15 for transfer to another facility within the sending jurisdiction, for
16 transfer to another facility in which the sending jurisdiction may have
17 a contractual or other right to confine offenders, for release or
18 discharge, or for any other purpose permitted by the laws of the state
19 of Washington.

20 (h) Unless otherwise agreed, the sending jurisdiction shall provide
21 at least one set of the offender's personal clothing at the time of
22 transfer. The sending jurisdiction shall be responsible for searching
23 the clothing to ensure that it is free of contraband. The receiving
24 jurisdiction shall be responsible for providing work clothing and
25 equipment appropriate to the offender's assignment.

26 (i) The sending jurisdiction shall remain responsible for the
27 storage of the offender's personal property, unless prior arrangements
28 are made with the receiving jurisdiction. The receiving jurisdiction
29 shall provide a list of allowable items which may be transferred with
30 the offender.

31 (j) Copies or summaries of records relating to medical needs,
32 behavior, and classification of the offender shall be transferred by
33 the sending jurisdiction to the receiving jurisdiction at the time of
34 transfer. At a minimum, such records shall include:

35 (i) A copy of the commitment order or orders legally authorizing
36 the confinement of the offender;

37 (ii) A copy of the form for the notification of the sentencing
38 courts required by subsection (3)(d) of this section;

1 (iii) A brief summary of any known criminal history, medical needs,
2 behavioral problems, and other information which may be relevant to the
3 classification of the offender; and

4 (iv) A standard identification card which includes the fingerprints
5 and at least one photograph of the offender.

6 Disclosure of public records shall be the responsibility of the sending
7 jurisdiction, except for those documents generated by the receiving
8 jurisdiction.

9 (k) The receiving jurisdiction shall be responsible for providing
10 regular medical care, including prescription medication, but
11 extraordinary medical expenses shall be the responsibility of the
12 sending jurisdiction. The costs of extraordinary medical care incurred
13 by the receiving jurisdiction for transferred offenders shall be
14 reimbursed by the sending jurisdiction. The receiving jurisdiction
15 shall notify the sending jurisdiction as far in advance as practicable
16 prior to incurring such costs. In the event emergency medical care is
17 needed, the sending jurisdiction shall be advised as soon as
18 practicable after the offender is treated. Offenders who are required
19 by the medical authority of the sending jurisdiction to take
20 prescription medication at the time of the transfer shall have at least
21 a three-day supply of the medication transferred to the receiving
22 jurisdiction with the offender, and at the expense of the sending
23 jurisdiction. Costs of prescription medication incurred after the use
24 of the supply shall be borne by the receiving jurisdiction.

25 (l) Convicted offenders transferred under this agreement may be
26 required by the receiving jurisdiction to work. Transferred offenders
27 participating in programs of offender employment shall receive the same
28 reimbursement, if any, as other offenders performing similar work. The
29 receiving jurisdiction shall be responsible for the disposition or
30 crediting of any payments received by offenders, and for crediting the
31 proceeds from or disposal of any products resulting from the
32 employment. Other programs normally provided to offenders by the
33 receiving jurisdiction such as education, mental health, or substance
34 abuse treatment shall also be available to transferred offenders,
35 provided that usual program screening criteria are met. No special or
36 additional programs will be provided except by mutual agreement of the
37 sending and receiving jurisdiction, with additional expenses, if any,
38 to be borne by the sending jurisdiction.

1 (m) The receiving jurisdiction shall notify offenders upon arrival
2 of the rules of the jurisdiction and the specific rules of the
3 facility. Offenders will be required to follow all rules of the
4 receiving jurisdiction. Disciplinary detention, if necessary, shall be
5 provided at the discretion of the receiving jurisdiction. The
6 receiving jurisdiction may require the sending jurisdiction to retake
7 any offender found guilty of a serious infraction; similarly, the
8 receiving jurisdiction may require the sending jurisdiction to retake
9 any offender whose behavior requires segregated or protective housing.

10 (n) Good-time calculations and notification of each offender's
11 release date shall be the responsibility of the sending jurisdiction.
12 The sending jurisdiction shall provide the receiving jurisdiction with
13 a formal notice of the date upon which each offender is to be released
14 from custody. If the receiving jurisdiction finds an offender guilty
15 of a violation of its disciplinary rules, it shall notify the sending
16 jurisdiction of the date and nature of the violation. If the sending
17 jurisdiction resets the release date according to its good-time
18 policies, it shall provide the receiving jurisdiction with notice of
19 the new release date.

20 (o) The sending jurisdiction shall retake the offender at the
21 receiving jurisdiction's facility on or before his or her release date,
22 unless the sending and receiving jurisdictions shall agree upon release
23 in some other place. The sending jurisdiction shall bear the
24 transportation costs of the return.

25 (p) Each receiving jurisdiction shall provide monthly reports to
26 each sending jurisdiction on the number of offenders of that sending
27 jurisdiction in its facilities pursuant to this compact.

28 (q) Each party jurisdiction shall notify the others of its
29 coordinator who is responsible for administrating the jurisdiction's
30 responsibilities under the compact. The coordinators shall arrange for
31 alternate contact persons in the event of an extended absence of the
32 coordinator.

33 (r) Upon reasonable notice, representatives of any party to this
34 compact shall be allowed to visit any facility in which another party
35 has agreed to house its offenders, for the purpose of inspecting the
36 facilities and visiting its offenders that may be confined in the
37 institution.

38 (4) This compact shall enter into force and become effective and
39 binding upon the participating parties when it has been executed by two

1 or more parties. Upon request, each party county shall provide any
2 other compact jurisdiction with a copy of a duly enacted resolution or
3 ordinance authorizing entry into this compact.

4 (5) A party participating may withdraw from the compact by formal
5 resolution and by written notice to all other parties then
6 participating. The withdrawal shall become effective, as it pertains
7 to the party wishing to withdraw, thirty days after written notice to
8 the other parties. However, such withdrawal shall not relieve the
9 withdrawing party from its obligations assumed prior to the effective
10 date of withdrawal. Before the effective date of withdrawal, a
11 withdrawing participant shall notify the other parties to retake the
12 offenders it has housed in its facilities and shall remove to its
13 facilities, at its own expense, offenders it has confined under the
14 provisions of this compact.

15 (6) Legal costs relating to defending actions brought by an
16 offender challenging his or her transfer to another jurisdiction under
17 this compact shall be borne by the sending jurisdiction. Legal costs
18 relating to defending actions arising from events which occur while the
19 offender is in the custody of a receiving jurisdiction shall be borne
20 by the receiving jurisdiction.

21 (7) The receiving jurisdiction shall not be responsible to provide
22 legal services to offenders placed under this agreement. Requests for
23 legal services shall be referred to the sending jurisdiction.

24 (8) The provisions of this compact shall be liberally construed and
25 shall be severable. If any phrase, clause, sentence, or provision of
26 this compact is declared to be contrary to the Constitution or laws of
27 the state of Washington or is held invalid, the validity of the
28 remainder of this compact and its applicability to any county or the
29 department shall not be affected.

30 (9) Nothing contained in this compact shall be construed to
31 abrogate or impair any agreement or other arrangement which a county or
32 the department may have with each other or with a nonparty county for
33 the confinement, rehabilitation, or treatment of offenders.

34 NEW SECTION. **Sec. 14.** A new section is added to chapter 43.330
35 RCW to read as follows:

36 The youth violence prevention account is created in the state
37 treasury. All receipts from appropriations, gifts, transfers, or other
38 moneys directed to it shall be deposited into the account.

1 Expenditures from the account may be used only for the purpose of
2 making block grants as specified in this section.

3 The block grants are for the purposes of: Preventing youth
4 violence, enhancing juvenile detention capability, providing
5 alternatives to conventional juvenile detention, and enhancing juvenile
6 diversion programs to increase minority participation.

7 The department shall allocate funds to the thirty-nine counties
8 through a formula based upon at-risk youth population, the magnitude
9 and severity of juvenile criminal behavior, school attendance rates,
10 racial disproportionality in income, and poverty factors. Local
11 governments, schools, and nonprofit prevention service providers shall
12 be eligible to receive funding to provide services to meet the purposes
13 of this block grant program.

14 The formula developed by the department shall be approved by an
15 advisory committee of eleven persons, six appointed by the Washington
16 state association of counties, two appointed by the association of
17 Washington cities, and one each from the juvenile court administrators,
18 Washington association of sheriffs and police chiefs, and the
19 Washington association of prosecuting attorneys.

20 No county may receive more than two times, or less than one-half of
21 the funds it would have received if distribution was based solely upon
22 population, except that counties with populations of less than fifty
23 thousand may receive up to three times the funds that would be received
24 if the distribution was based solely upon population.

25 Grants shall not be awarded until the county legislative authority
26 has applied for the grant by submitting a program plan endorsed by the
27 local law and justice council established under RCW 72.09.300, such
28 endorsement to be in collaboration with local entities with expertise
29 in violence prevention.

30 For the purposes of this section, "community, trade, and economic
31 development" means "community development" until July 1, 1994."

32 **ESHB 2906** - S COMM AMD
33 By Committee on Ways & Means

34

35 On page 1, line 1 of the title, after "prevention;" strike the
36 remainder of the title and insert "amending RCW 4.24.190, 9.41.080,
37 9.41.240, 13.04.030, 13.40.0357, 13.40.160, 13.40.190, 13.40.300,

1 13.64.060, and 72.76.010; reenacting and amending RCW 9.41.010,
2 9.94A.030, and 9.94A.360; adding a new section to chapter 43.330 RCW;
3 and prescribing penalties."

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