
SUBSTITUTE HOUSE BILL 1183

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Chappell, Brumsickle, Riley, Tate, Sehlin, Ludwig, H. Myers, Johanson, Brough, Van Luven, R. Meyers, Ballard, Padden, Sheahan, Talcott, Roland, Long, Holm, Wang, Ballasiotes, Mielke, Wood, Foreman and Vance)

Read first time 03/03/93.

1 AN ACT Relating to persons under age twenty-one who are under the
2 influence of intoxicating liquor or drugs in public; amending RCW
3 13.40.0357; adding a new section to chapter 66.44 RCW; and prescribing
4 penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 66.44 RCW
7 to read as follows:

8 (1) It is unlawful for any person under the age of twenty-one years
9 to be in a public place while under the influence of or affected by
10 intoxicating liquor or any drug, or the combined influence of or
11 affected by intoxicating liquor and any drug.

12 (2) This section does not apply to liquor or a drug given for
13 medicinal purposes to a person under the age of twenty-one years by, or
14 under the direction of, a physician or dentist.

15 (3) This section does not apply to liquor given to a person under
16 the age of twenty-one years when such liquor is being used in
17 connection with religious services and the amount consumed is the
18 minimal amount necessary for the religious service.

1 (4) Conviction or forfeiture of bail for a violation of this
 2 section by a person under the age of twenty-one years at the time of
 3 such conviction or forfeiture shall not be a disqualification of that
 4 person to acquire a license to sell or dispense any liquor or drug
 5 after that person has attained the age of twenty-one years.

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

8 SCHEDULE A

9 DESCRIPTION AND OFFENSE CATEGORY

10			JUVENILE
11	JUVENILE		DISPOSITION
12	DISPOSITION		CATEGORY FOR ATTEMPT,
13	OFFENSE		BAILJUMP, CONSPIRACY,
14	CATEGORY	DESCRIPTION (RCW CITATION)	OR SOLICITATION
15

16		Arson and Malicious Mischief	
17	A	Arson 1 (9A.48.020)	B+
18	B	Arson 2 (9A.48.030)	C
19	C	Reckless Burning 1 (9A.48.040)	D
20	D	Reckless Burning 2 (9A.48.050)	E
21	B	Malicious Mischief 1 (9A.48.070)	C
22	C	Malicious Mischief 2 (9A.48.080)	D
23	D	Malicious Mischief 3 (<\$50 is	
24		E class) (9A.48.090)	E
25	E	Tampering with Fire Alarm	
26		Apparatus (9.40.100)	E
27	A	Possession of Incendiary Device	
28		(9.40.120)	B+
29		Assault and Other Crimes	
30		Involving Physical Harm	
31	A	Assault 1 (9A.36.011)	B+
32	B+	Assault 2 (9A.36.021)	C+
33	C+	Assault 3 (9A.36.031)	D+
34	D+	Assault 4 (9A.36.041)	E

1	D+	Reckless Endangerment	
2		(9A.36.050)	E
3	C+	Promoting Suicide Attempt	
4		(9A.36.060)	D+
5	D+	Coercion (9A.36.070)	E
6	C+	Custodial Assault (9A.36.100)	D+
7		Burglary and Trespass	
8	B+	Burglary 1 (9A.52.020)	C+
9	B	Burglary 2 (9A.52.030)	C
10	D	Burglary Tools (Possession of)	
11		(9A.52.060)	E
12	D	Criminal Trespass 1 (9A.52.070)	E
13	E	Criminal Trespass 2 (9A.52.080)	E
14	D	Vehicle Prowling (9A.52.100)	E
15		Drugs	
16	E	Possession/Consumption of Alcohol	
17		(66.44.270)	E
18	<u>E</u>	<u>Juvenile Under the Influence in Public</u>	
19		<u>(66.44.--- (section 1 of this act))</u>	<u>E</u>
20	C	Illegally Obtaining Legend Drug	
21		(69.41.020)	D
22	C+	Sale, Delivery, Possession of Legend	
23		Drug with Intent to Sell	
24		(69.41.030)	D+
25	E	Possession of Legend Drug	
26		(69.41.030)	E
27	B+	Violation of Uniform Controlled	
28		Substances Act - Narcotic Sale	
29		(69.50.401(a)(1)(i))	B+
30	C	Violation of Uniform Controlled	
31		Substances Act - Nonnarcotic Sale	
32		(69.50.401(a)(1)(ii))	C
33	E	Possession of Marihuana <40 grams	
34		(69.50.401(e))	E
35	C	Fraudulently Obtaining Controlled	
36		Substance (69.50.403)	C

1	C+	Sale of Controlled Substance	
2		for Profit (69.50.410)	C+
3	E	((Glue Sniffing (9.47A.050))	E
4		<u>Unlawful Inhalation (9.47A.020)</u>	
5	B	Violation of Uniform Controlled	
6		Substances Act - Narcotic	
7		Counterfeit Substances	
8		(69.50.401(b)(1)(i))	B
9	C	Violation of Uniform Controlled	
10		Substances Act - Nonnarcotic	
11		Counterfeit Substances	
12		(69.50.401(b)(1) (ii), (iii), (iv))	C
13	C	Violation of Uniform Controlled	
14		Substances Act - Possession of a	
15		Controlled Substance	
16		(69.50.401(d))	C
17	C	Violation of Uniform Controlled	
18		Substances Act - Possession of a	
19		Controlled Substance	
20		(69.50.401(c))	C
21		Firearms and Weapons	
22	((C+	Committing Crime when Armed	
23		(9.41.025)	D+))
24	E	Carrying Loaded Pistol Without	
25		Permit (9.41.050)	E
26	E	Use of Firearms by Minor (<14)	
27		(9.41.240)	E
28	D+	Possession of Dangerous Weapon	
29		(9.41.250)	E
30	D	Intimidating Another Person by use	
31		of Weapon (9.41.270)	E
32		Homicide	
33	A+	Murder 1 (9A.32.030)	A
34	A+	Murder 2 (9A.32.050)	B+
35	B+	Manslaughter 1 (9A.32.060)	C+
36	C+	Manslaughter 2 (9A.32.070)	D+
37	B+	Vehicular Homicide (46.61.520)	C+

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

1	C	Incest 2 (9A.64.020(2))	D
2	D+	((Public Indecency)) <u>Indecent Exposure</u>	
3		(Victim <14) (9A.88.010)	E
4	E	((Public Indecency)) <u>Indecent Exposure</u>	
5		(Victim 14 or over) (9A.88.010)	E
6	B+	Promoting Prostitution 1	
7		(9A.88.070)	C+
8	C+	Promoting Prostitution 2	
9		(9A.88.080)	D+
10	E	O & A (Prostitution) (9A.88.030)	E
11	B+	Indecent Liberties (9A.44.100)	C+
12	B+	Child Molestation 1 (9A.44.083)	C+
13	C+	Child Molestation 2 (9A.44.086)	C
14		Theft, Robbery, Extortion, and Forgery	
15	B	Theft 1 (9A.56.030)	C
16	C	Theft 2 (9A.56.040)	D
17	D	Theft 3 (9A.56.050)	E
18	B	Theft of Livestock (9A.56.080)	C
19	C	Forgery ((9A.56.020)) <u>(9A.60.020)</u>	D
20	A	Robbery 1 (9A.56.200)	B+
21	B+	Robbery 2 (9A.56.210)	C+
22	B+	Extortion 1 (9A.56.120)	C+
23	C+	Extortion 2 (9A.56.130)	D+
24	B	Possession of Stolen Property 1	
25		(9A.56.150)	C
26	C	Possession of Stolen Property 2	
27		(9A.56.160)	D
28	D	Possession of Stolen Property 3	
29		(9A.56.170)	E
30	C	Taking Motor Vehicle Without	
31		Owner's Permission (9A.56.070)	D
32		Motor Vehicle Related Crimes	
33	E	Driving Without a License	
34		(46.20.021)	E
35	C	Hit and Run - Injury	
36		(46.52.020(4))	D

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

1 V Violation of Order of Restitution,
 2 Community Supervision, or
 3 Confinement (13.40.200) V

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

6 1st escape or attempted escape during 12-month period - 4 weeks
 7 confinement

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

10 3rd and subsequent escape or attempted escape during 12-month
 11 period - 12 weeks confinement

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

14 SCHEDULE B
 15 PRIOR OFFENSE INCREASE FACTOR

16 For use with all CURRENT OFFENSES occurring on or after July 1,
 17 1989.

18 TIME SPAN

19 OFFENSE	0-12	13-24	25 Months
20 CATEGORY	Months	Months	or More
21			
22 A+	.9	.9	.9
23 A	.9	.8	.6
24 A-	.9	.8	.5
25 B+	.9	.7	.4
26 B	.9	.6	.3
27 C+	.6	.3	.2
28 C	.5	.2	.2
29 D+	.3	.2	.1
30 D	.2	.1	.1
31 E	.1	.1	.1

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

5 SCHEDULE C
 6 CURRENT OFFENSE POINTS

7 For use with all CURRENT OFFENSES occurring on or after July 1,
 8 1989.

9 AGE

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

23 JUVENILE SENTENCING STANDARDS
 24 SCHEDULE D-1

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

1 MINOR/FIRST OFFENDER

2 OPTION A

3 STANDARD RANGE

4			Community	
5		Community	Service	
6	Points	Supervision	Hours	Fine
7	1-9	0-3 months	and/or 0-8	and/or 0-\$10
8	10-19	0-3 months	and/or 0-8	and/or 0-\$10
9	20-29	0-3 months	and/or 0-16	and/or 0-\$10
10	30-39	0-3 months	and/or 8-24	and/or 0-\$25
11	40-49	3-6 months	and/or 16-32	and/or 0-\$25
12	50-59	3-6 months	and/or 24-40	and/or 0-\$25
13	60-69	6-9 months	and/or 32-48	and/or 0-\$50
14	70-79	6-9 months	and/or 40-55	and/or 0-\$50
15	80-89	9-12 months	and/or 48-64	and/or 10-\$100
16	90-109	9-12 months	and/or 56-72	and/or 10-\$100

17 OR

18 OPTION B

19 STATUTORY OPTION

- 20 0-12 Months Community Supervision
- 21 0-150 Hours Community Service
- 22 0-100 Fine

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

25 OR

26 OPTION C

27 MANIFEST INJUSTICE

28 When a term of community supervision would effectuate a manifest
29 injustice, another disposition may be imposed. When a judge imposes a

1 sentence of confinement exceeding 30 days, the court shall sentence the
 2 juvenile to a maximum term and the provisions of RCW (~~(13.40.030(5))~~)
 3 13.40.030(2), as now or hereafter amended, shall be used to determine
 4 the range.

5 JUVENILE SENTENCING STANDARDS
 6 SCHEDULE D-2

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

10 MIDDLE OFFENDER

11 OPTION A
 12 STANDARD RANGE

13	Community				14
14	Community	Service			Confinement
15	Points	Supervision	Hours	Fine	Days Weeks
16
17	1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
18	10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
19	20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
20	30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
21	40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
22	50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
23	60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
24	70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
25	80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
26	90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30
27	110-129				8-12
28	130-149				13-16
29	150-199				21-28
30	200-249				30-40
31	250-299				52-65

1 300-374 80-100
2 375+ 103-129

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

6 OR

7

8 OPTION B

9 STATUTORY OPTION

10 0-12 Months Community Supervision

11 0-150 Hours Community Service

12 0-100 Fine

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

17 OR

18

19 OPTION C

20 MANIFEST INJUSTICE

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

26 JUVENILE SENTENCING STANDARDS

27 SCHEDULE D-3

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

1 SERIOUS OFFENDER

2 OPTION A

3 STANDARD RANGE

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

14 OR

15
16 OPTION B

17 MANIFEST INJUSTICE

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

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