
HOUSE BILL 1834

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Sheahan, Sheldon, Schoesler, Roland, Ballard, Ballasiotes, Casada, Stevens, Padden, Foreman, Morton, Cooke, Tate, Lisk, Forner, Fuhrman, Jones, Springer, Miller, Vance, Brough, Van Luven, Chandler and Wood

Read first time 02/10/93. Referred to Committee on Corrections.

1 AN ACT Relating to sentencing of juvenile sex offenders; amending
2 RCW 13.40.0357; creating a new section; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that sex offenses by
5 minors are serious offenses, that an increasing number of minors are
6 committing sex offenses, that youthful sex offenders frequently pose a
7 high risk of reoffending, and that the personal, social, and financial
8 costs of their behaviors on families, schools, communities, and other
9 young people are imposing a tremendous burden on society.

10 The legislature further finds that it is in the best interest of
11 the minor sex offender and the community to ensure that early detection
12 and adequate and appropriate punishment or treatment is pursued in
13 order that an ongoing pattern of sex offenses is prevented and that the
14 offender will develop the character and self-control necessary for
15 leading a productive and disciplined life as an adult.

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

SCHEDULE A

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION
CATEGORY FOR ATTEMPT,
BAILJUMP,
CONSPIRACY, OR
SOLICITATION

1
2
3
4 JUVENILE
5 DISPOSITION
6 OFFENSE
7 CATEGORY

DESCRIPTION (RCW CITATION)

9		<u>Arson and Malicious Mischief</u>	
10	A	Arson 1 (9A.48.020)	B+
11	B	Arson 2 (9A.48.030)	C
12	C	Reckless Burning 1 (9A.48.040)	D
13	D	Reckless Burning 2 (9A.48.050)	E
14	B	Malicious Mischief 1 (9A.48.070)	C
15	C	Malicious Mischief 2 (9A.48.080)	D
16	D	Malicious Mischief 3 (<\$50 is E class)	
17		(9A.48.090)	E
18	E	Tampering with Fire Alarm Apparatus (9.40.100)	E
19	A	Possession of Incendiary Device (9.40.120)	B+
20		<u>Assault and Other Crimes Involving Physical</u>	
21		<u>Harm</u>	
22	A	Assault 1 (9A.36.011)	B+
23	B+	Assault 2 (9A.36.021)	C+
24	C+	Assault 3 (9A.36.031)	D+
25	D+	Assault 4 (9A.36.041)	E
26	D+	Reckless Endangerment (9A.36.050)	E
27	C+	Promoting Suicide Attempt (9A.36.060)	D+
28	D+	Coercion (9A.36.070)	E
29	C+	Custodial Assault (9A.36.100)	D+
30		<u>Burglary and Trespass</u>	
31	B+	Burglary 1 (9A.52.020)	C+
32	B	Burglary 2 (9A.52.030)	C
33	D	Burglary Tools (Possession of) (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		<u>Drugs</u>	
2	E	Possession/Consumption of Alcohol (66.44.270)	E
3	C	Illegally Obtaining Legend Drug (69.41.020)	D
4	C+	Sale, Delivery, Possession of Legend Drug with	
5		Intent to Sell (69.41.030)	D+
6	E	Possession of Legend Drug (69.41.030)	E
7	B+	Violation of Uniform Controlled Substances Act	
8		- Narcotic Sale (69.50.401(a)(1)(i))	B+
9	C	Violation of Uniform Controlled Substances Act	
10		- Nonnarcotic Sale (69.50.401(a)(1)(ii))	C
11	E	Possession of Marihuana <40 grams	
12		(69.50.401(e))	E
13	C	Fraudulently Obtaining Controlled Substance	
14		(69.50.403)	C
15	C+	Sale of Controlled Substance for Profit	
16		(69.50.410)	C+
17	E	((Glue Sniffing (9.47A.050)) <u>Unlawful</u>	
18		<u>Inhalation (9.47A.020)</u>	E
19	B	Violation of Uniform Controlled Substances Act	
20		- Narcotic Counterfeit Substances	
21		(69.50.401(b)(1)(i))	B
22	C	Violation of Uniform Controlled Substances Act	
23		- Nonnarcotic Counterfeit Substances	
24		(69.50.401(b)(1) (ii), (iii), (iv))	C
25	C	Violation of Uniform Controlled Substances Act	
26		- Possession of a Controlled Substance	
27		(69.50.401(d))	C
28	C	Violation of Uniform Controlled Substances Act	
29		- Possession of a Controlled Substance	
30		(69.50.401(c))	C
31		<u>Firearms and Weapons</u>	
32		((C+ Committing Crime when Armed (9.41.025) ----- D+))	
33	E	Carrying Loaded Pistol Without Permit	
34		(9.41.050)	E
35	E	Use of Firearms by Minor (<14) (9.41.240)	E
36	D+	Possession of Dangerous Weapon (9.41.250)	E
37	D	Intimidating Another Person by use of Weapon	
38		(9.41.270)	E

1		<u>Homicide</u>	
2	A+	Murder 1 (9A.32.030)	A
3	A+	Murder 2 (9A.32.050)	B+
4	B+	Manslaughter 1 (9A.32.060)	C+
5	C+	Manslaughter 2 (9A.32.070)	D+
6	B+	Vehicular Homicide (46.61.520)	C+
7		<u>Kidnapping</u>	
8	A	Kidnap 1 (9A.40.020)	B+
9	B+	Kidnap 2 (9A.40.030)	C+
10	C+	Unlawful Imprisonment (9A.40.040)	D+
11	D	Custodial Interference (((9A.40.050)))	
12		<u>(9A.40.060 or 9A.40.070)</u>	E
13		<u>Obstructing Governmental Operation</u>	
14	E	Obstructing a Public Servant (9A.76.020)	E
15	E	Resisting Arrest (9A.76.040)	E
16	B	Introducing Contraband 1 (9A.76.140)	C
17	C	Introducing Contraband 2 (9A.76.150)	D
18	E	Introducing Contraband 3 (9A.76.160)	E
19	B+	Intimidating a Public Servant (9A.76.180)	C+
20	B+	Intimidating a Witness (9A.72.110)	C+
21	E	Criminal Contempt (9.23.010 <u>or 7.21.040</u>)	E
22		<u>Public Disturbance</u>	
23	C+	Riot with Weapon (9A.84.010)	D+
24	D+	Riot Without Weapon (9A.84.010)	E
25	E	Failure to Disperse (9A.84.020)	E
26	E	Disorderly Conduct (9A.84.030)	E
27		<u>Sex Crimes</u>	
28	((A)) <u>A+</u>	Rape 1 (9A.44.040)	((B+)) <u>A-</u>
29	((A-)) <u>A</u>	Rape 2 (9A.44.050)	((B+)) <u>A-</u>
30	((C+)) <u>B</u>	Rape 3 (9A.44.060)	((D+)) <u>C</u>
31	((A-)) <u>A</u>	Rape of a Child 1 (9A.44.073)	((B+)) <u>A-</u>
32	((B)) <u>B+</u>	Rape of a Child 2 (9A.44.076)	((C+)) <u>B</u>
33	((B)) <u>B+</u>	Incest 1 (9A.64.020(1))	((C)) <u>C+</u>
34	((C)) <u>C+</u>	Incest 2 (9A.64.020(2))	((D)) <u>D+</u>
35	((D+)) <u>C</u>	((Public Indecency)) <u>Indecent</u>	
36		<u>Exposure</u> (Victim <14) (9A.88.010)	((E)) <u>D</u>

1	((E))	<u>D</u>	((Public Indecency)) <u>Indecent</u>	
2			<u>Exposure</u> (Victim 14 or over)	
3			(9A.88.010)	((E)) <u>D</u>
4	((B+))	<u>A-</u>	Promoting Prostitution 1 (9A.88.070)	((C+)) <u>B</u>
5	((C+))	<u>B</u>	Promoting Prostitution 2 (9A.88.080)	((D+)) <u>C</u>
6	((E))	<u>D</u>	O & A (Prostitution) (9A.88.030)	((E)) <u>D</u>
7	((B+))	<u>A-</u>	Indecent Liberties (9A.44.100)	((C+)) <u>B</u>
8	((B+))	<u>A-</u>	Child Molestation 1 (9A.44.083)	((C+)) <u>B</u>
9	((C+))	<u>B</u>	Child Molestation 2 (9A.44.086)	((E)) <u>C+</u>
10			<u>Theft, Robbery, Extortion, and Forgery</u>	
11	B		Theft 1 (9A.56.030)	C
12	C		Theft 2 (9A.56.040)	D
13	D		Theft 3 (9A.56.050)	E
14	B		Theft of Livestock (9A.56.080)	C
15	C		Forgery ((9A.56.020)) (<u>9A.60.020</u>)	D
16	A		Robbery 1 (9A.56.200)	B+
17	B+		Robbery 2 (9A.56.210)	C+
18	B+		Extortion 1 (9A.56.120)	C+
19	C+		Extortion 2 (9A.56.130)	D+
20	B		Possession of Stolen Property 1 (9A.56.150)	C
21	C		Possession of Stolen Property 2 (9A.56.160)	D
22	D		Possession of Stolen Property 3 (9A.56.170)	E
23	C		Taking Motor Vehicle Without Owner's	
24			Permission (9A.56.070)	D
25			<u>Motor Vehicle Related Crimes</u>	
26	E		Driving Without a License (46.20.021)	E
27	C		Hit and Run - Injury (46.52.020(4))	D
28	D		Hit and Run-Attended (46.52.020(5))	E
29	E		Hit and Run-Unattended (46.52.010)	E
30	C		Vehicular Assault (46.61.522)	D
31	C		Attempting to Elude Pursuing Police Vehicle	
32			(46.61.024)	D
33	E		Reckless Driving (46.61.500)	E
34	D		Driving While Under the Influence (46.61.515)	E
35	B+		Negligent Homicide by Motor Vehicle	
36			(46.61.520)	C+
37	D		Vehicle Prowling (9A.52.100)	E

1	C	Taking Motor Vehicle Without Owner's Permission	
2		(9A.56.070)	D
3		<u>Other</u>	
4	B	Bomb Threat (9.61.160)	C
5	C	Escape 1 (9A.76.110)	C
6	C	Escape 2 (9A.76.120)	C
7	D	Escape 3 (9A.76.130)	E
8	C	Failure to Appear in Court (10.19.130)	D
9	E	Tampering with Fire Alarm Apparatus (9.40.100)	E
10	E	Obscene, Harassing, Etc., Phone Calls	
11		(9.61.230)	E
12	A	Other Offense Equivalent to an Adult Class A	
13		Felony	B+
14	B	Other Offense Equivalent to an Adult Class B	
15		Felony	C
16	C	Other Offense Equivalent to an Adult Class C	
17		Felony	D
18	D	Other Offense Equivalent to an Adult Gross	
19		Misdemeanor	E
20	E	Other Offense Equivalent to an Adult	
21		Misdemeanor	E
22	V	Violation of Order of Restitution, Community	
23		Supervision, or Confinement (13.40.200)	V

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

26 1st escape or attempted escape during 12-month period - 4 weeks
27 confinement

28 2nd escape or attempted escape during 12-month period - 8 weeks
29 confinement

30 3rd and subsequent escape or attempted escape during 12-month
31 period - 12 weeks confinement

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

1 SCHEDULE B

2 PRIOR OFFENSE INCREASE FACTOR

3 For use with all CURRENT OFFENSES occurring on or after July 1,
4 1989.

5 TIME SPAN

6 OFFENSE 0-12 13-24 25 Months
7 CATEGORY Months Months or More

8				
9	A+	.9	.9	.9
10	A	.9	.8	.6
11	A-	.9	.8	.5
12	B+	.9	.7	.4
13	B	.9	.6	.3
14	C+	.6	.3	.2
15	C	.5	.2	.2
16	D+	.3	.2	.1
17	D	.2	.1	.1
18	E	.1	.1	.1

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

23 SCHEDULE C

24 CURRENT OFFENSE POINTS

25 For use with all CURRENT OFFENSES other than sex crimes occurring
26 on or after July 1, 1989.

27 AGE

28 OFFENSE 12 &
29 CATEGORY Under 13 14 15 16 17

30		STANDARD RANGE 180-224 WEEKS					
31	A+						
32	A	250	300	350	375	375	375
33	A-	150	150	150	200	200	200
34	B+	110	110	120	130	140	150

1	B	45	45	50	50	57	57
2	C+	44	44	49	49	55	55
3	C	40	40	45	45	50	50
4	D+	16	18	20	22	24	26
5	D	14	16	18	20	22	24
6	E	4	4	4	6	8	10

7 SCHEDULE C-1

8 SEX CRIMES--CURRENT OFFENSE POINTS

9 For use with all CURRENT OFFENSES involving SEX CRIMES occurring
 10 on or after July 1, 1993.

11 AGE

12 OFFENSE 12 &
 13 CATEGORY Under 13 14 15 16 17

15	<u>A+</u>	<u>STANDARD RANGE 270-336 WEEKS</u>				
16	<u>A</u>	<u>375</u>	<u>450</u>	<u>525</u>	<u>563</u>	<u>563</u>
17	<u>A-</u>	<u>225</u>	<u>225</u>	<u>225</u>	<u>300</u>	<u>300</u>
18	<u>B+</u>	<u>165</u>	<u>165</u>	<u>180</u>	<u>195</u>	<u>210</u>
19	<u>B</u>	<u>68</u>	<u>68</u>	<u>75</u>	<u>75</u>	<u>86</u>
20	<u>C+</u>	<u>66</u>	<u>66</u>	<u>74</u>	<u>74</u>	<u>83</u>
21	<u>C</u>	<u>60</u>	<u>60</u>	<u>68</u>	<u>68</u>	<u>75</u>
22	<u>D+</u>	<u>24</u>	<u>27</u>	<u>30</u>	<u>33</u>	<u>39</u>
23	<u>D</u>	<u>21</u>	<u>24</u>	<u>27</u>	<u>30</u>	<u>36</u>
24	<u>E</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>9</u>	<u>15</u>

25 JUVENILE SENTENCING STANDARDS

26 SCHEDULE D-1

27 This schedule may only be used for minor/first offenders. After the
 28 determination is made that a youth is a minor/first offender, the court
 29 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 40-56

and/or 0-\$50

15 80-89

9-12 months

and/or 48-64

and/or 0-\$100

16 90-109

9-12 months

and/or 56-72

and/or 0-\$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
30 sentence of confinement exceeding 30 days, the court shall sentence the
31 juvenile to a maximum term and the provisions of RCW 13.40.030(~~(+5)~~)
32 (2), as now or hereafter amended, shall be used to determine the range.

JUVENILE SENTENCING STANDARDS

SCHEDULE D-2

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

MIDDLE OFFENDER

OPTION A

STANDARD RANGE

Community

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

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

OR

