
HOUSE BILL 2166

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Heavey and Johanson

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1 AN ACT Relating to delivery or possession of firearms; amending RCW
2 9.41.080, 9.41.240, 13.40.0357, and 13.40.040; reenacting and amending
3 RCW 9.41.010 and 26.28.080; adding a new section to chapter 9.41 RCW;
4 and prescribing penalties.

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

6 **Sec. 1.** RCW 9.41.010 and 1992 c 205 s 117 and 1992 c 145 s 5 are
7 each 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) "Short firearm" or "pistol" (~~(as used in this chapter)~~) means
11 any firearm with a barrel less than twelve inches in length.

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

13 (a) Any of the following felonies, as now existing or hereafter
14 amended: Any felony defined under any law as a class A felony or an
15 attempt to commit a class A felony, criminal solicitation of or
16 criminal conspiracy to commit a class A felony, manslaughter in the
17 first degree, manslaughter in the second degree, indecent liberties if
18 committed by forcible compulsion, rape in the second degree, kidnapping
19 in the second degree, arson in the second degree, assault in the second

1 degree, assault of a child in the second degree, extortion in the first
2 degree, burglary in the second degree, and robbery in the second
3 degree;

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

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

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

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

15 (5) "Adult" means any person twenty-one years of age or older.

16 (6) "Juvenile" means any person under the age of twenty-one years.

17 **Sec. 2.** RCW 9.41.080 and 1935 c 172 s 8 are each amended to read
18 as follows:

19 (1) No person (~~shall~~) may deliver a pistol to any person (~~under~~
20 ~~the age of twenty-one or to one~~) who he or she has reasonable cause to
21 believe has been convicted of a crime of violence, or is a drug addict,
22 an habitual drunkard, or of unsound mind.

23 (2)(a) Any person who intentionally, knowingly, or recklessly
24 provides a pistol with or without remuneration to any juvenile in
25 violation of RCW 9.41.240, or any parent or legal guardian of a
26 juvenile who knows of such juvenile's conduct which violates RCW
27 9.41.240 and fails to make reasonable efforts to prevent such
28 violation, commits the crime of unlawfully providing or permitting a
29 juvenile to possess a pistol.

30 (b) Unlawfully providing or permitting a juvenile to possess a
31 pistol in violation of this subsection is a class C felony.

32 (3)(a) Any parent or guardian who intentionally, knowingly, or
33 recklessly provides a pistol to a juvenile or permits a juvenile to
34 possess a pistol in violation of RCW 9.41.240, even though such parent
35 or guardian is aware of a substantial risk that such juvenile will use
36 a pistol to commit a felony offense, or who, being aware of such
37 substantial risk, fails to make reasonable efforts to prevent the
38 commission of the offense, commits the crime of unlawfully providing or

1 permitting a juvenile to possess a pistol. A parent or guardian shall
2 be deemed to have violated this subsection (3)(a) if such parent or
3 guardian provides a pistol to, or permits the possession of a pistol
4 by, any juvenile who has been convicted of a crime of violence or any
5 juvenile who has been adjudicated a juvenile delinquent for an offense
6 which would constitute a crime of violence, if such juvenile were an
7 adult.

8 (b) Unlawfully providing or permitting a juvenile to possess a
9 pistol in violation of this subsection is a class C felony.

10 **Sec. 3.** RCW 9.41.240 and 1971 c 34 s 1 are each amended to read as
11 follows:

12 ~~((No minor under the age of fourteen years shall handle or have in~~
13 ~~his possession or under his control, except while accompanied by or~~
14 ~~under the immediate charge of his parent or guardian or other adult~~
15 ~~approved for the purpose of this section by the parent or guardian, or~~
16 ~~while under the supervision of a certified safety instructor at an~~
17 ~~established gun range or firearm training class, any firearm of any~~
18 ~~kind for hunting or target practice or for other purposes. Every~~
19 ~~person violating any of the foregoing provisions, or aiding or~~
20 ~~knowingly permitting any such minor to violate the same, shall be~~
21 ~~guilty of a misdemeanor.))~~

22 (1) Except as provided by subsection (4) of this section, it is
23 unlawful for a person under the age of fourteen years to handle or have
24 in his or her possession or under his or her control, any firearm.
25 Unless RCW 9.41.080 or subsection (2) of this section applies, every
26 person violating, or aiding or knowingly permitting a person under the
27 age of fourteen years to violate this subsection (1) shall be guilty of
28 a misdemeanor.

29 (2)(a) Except as provided by subsection (4) of this section, it is
30 unlawful for any juvenile knowingly to have any pistol in his or her
31 possession. Any person possessing any pistol in violation of this
32 subsection (2)(a) commits the offense of illegal possession of a pistol
33 by a juvenile.

34 (b) Illegal possession of a pistol by a juvenile is a gross
35 misdemeanor. For any second or subsequent offense, illegal possession
36 of a pistol by a juvenile is a class C felony.

1 (3) Any juvenile who is taken into custody by a law enforcement
2 officer for an offense pursuant to this section shall be taken into
3 custody in the manner described in RCW 13.40.040(1).

4 (4) This section shall not apply to any juvenile who is:

5 (a) In attendance at a hunter's safety course or a firearms safety
6 course;

7 (b) Engaging in practice in the use of a firearm or target shooting
8 at an established range authorized by the governing body of the
9 jurisdiction in which such range is located or any other area where the
10 discharge of a firearm is not prohibited;

11 (c) Engaging in an organized competition involving the use of a
12 firearm, or participating in or practicing for a performance by an
13 organized group under 26 U.S.C. Sec. 501 (c)(3), as determined by the
14 federal internal revenue service, which uses firearms as a part of such
15 performance;

16 (d) Hunting or trapping pursuant to a valid license issued to such
17 person pursuant to Title 77 RCW;

18 (e) Traveling with any pistol in such person's possession being
19 unloaded to or from any activity described in (a), (b), (c), or (d) of
20 this subsection;

21 (f) On real property under the control of his or her parent, legal
22 guardian, or grandparent and who has the permission of such parent or
23 legal guardian to possess a pistol;

24 (g) At his or her residence and who, with the permission of his or
25 her parent or legal guardian, possesses a pistol for the purpose of
26 exercising the rights specified in RCW 9A.16.020(3).

27 (5) For the purposes of subsection (4) of this section, a pistol is
28 "loaded" if:

29 (a) There is a cartridge in the chamber of the pistol; or

30 (b) There is a cartridge in the cylinder of the pistol, if the
31 pistol is a revolver; or

32 (c) The pistol, and the ammunition for such pistol, are carried on
33 the person of a juvenile or are in such close proximity to such person
34 that such person could readily gain access to the pistol and the
35 ammunition and load the pistol.

36 (6) Any person previously adjudicated a juvenile delinquent for the
37 commission of any crime which would have constituted the offense of
38 burglary, arson, or a felony involving the use of force or violence or
39 the use of a deadly weapon, or attempt or conspiracy to commit any such

1 offense, if such person were an adult who, within ten years of such
 2 adjudication or release or escape from custody pursuant to such
 3 adjudication, possesses, uses, or carries upon his or her person a
 4 firearm or other deadly weapon commits a gross misdemeanor. A second
 5 or subsequent offense under this subsection is a class C felony.

6 NEW SECTION. Sec. 4. A new section is added to chapter 9.41 RCW
 7 to read as follows:

8 For the purposes of determining the necessity of constructing
 9 additional facilities, and the necessary capacity of such facilities,
 10 the department of corrections shall report to the legislature on or
 11 before January 15, 1995, regarding the number of persons charged in
 12 juvenile court with the commission of the offense created in RCW
 13 9.41.240, the number of persons adjudicated a juvenile delinquent for
 14 the commission of the offenses created in RCW 9.41.240, the disposition
 15 of such cases, and any other information deemed relevant by the
 16 department of corrections regarding the enforcement of RCW 9.41.240.
 17 The department of corrections shall report the same information to the
 18 legislature on or before February 15, 1995, March 15, 1995, and on the
 19 fifteenth day of the month every three months thereafter.

20 **Sec. 5.** RCW 13.40.0357 and 1989 c 407 s 7 are each amended to read
 21 as follows:

22 SCHEDULE A
 23 DESCRIPTION AND OFFENSE CATEGORY

24		JUVENILE
25	JUVENILE	DISPOSITION
26	DISPOSITION	CATEGORY FOR ATTEMPT,
27	OFFENSE	BAILJUMP, CONSPIRACY,
28	CATEGORY DESCRIPTION (RCW CITATION)	OR SOLICITATION
29
30	Arson and Malicious Mischief	
31	A Arson 1 (9A.48.020)	B+
32	B Arson 2 (9A.48.030)	C
33	C Reckless Burning 1 (9A.48.040)	D
34	D Reckless Burning 2 (9A.48.050)	E
35	B Malicious Mischief 1 (9A.48.070)	C

1	C	Malicious Mischief 2 (9A.48.080)	D
2	D	Malicious Mischief 3 (<\$50 is	
3		E class) (9A.48.090)	E
4	E	Tampering with Fire Alarm	
5		Apparatus (9.40.100)	E
6	A	Possession of Incendiary Device	
7		(9.40.120)	B+
8		Assault and Other Crimes	
9		Involving Physical Harm	
10	A	Assault 1 (9A.36.011)	B+
11	B+	Assault 2 (9A.36.021)	C+
12	C+	Assault 3 (9A.36.031)	D+
13	D+	Assault 4 (9A.36.041)	E
14	D+	Reckless Endangerment	
15		(9A.36.050)	E
16	C+	Promoting Suicide Attempt	
17		(9A.36.060)	D+
18	D+	Coercion (9A.36.070)	E
19	C+	Custodial Assault (9A.36.100)	D+
20		Burglary and Trespass	
21	B+	Burglary 1 (9A.52.020)	C+
22	B	Burglary 2 (9A.52.030)	C
23	D	Burglary Tools (Possession of)	
24		(9A.52.060)	E
25	D	Criminal Trespass 1 (9A.52.070)	E
26	E	Criminal Trespass 2 (9A.52.080)	E
27	D	Vehicle Prowling (9A.52.100)	E
28		Drugs	
29	E	Possession/Consumption of Alcohol	
30		(66.44.270)	E
31	C	Illegally Obtaining Legend Drug	
32		(69.41.020)	D
33	C+	Sale, Delivery, Possession of Legend	
34		Drug with Intent to Sell	
35		(69.41.030)	D+

1	E	Possession of Legend Drug	
2		(69.41.030)	E
3	B+	Violation of Uniform Controlled	
4		Substances Act - Narcotic Sale	
5		(69.50.401(a)(1)(i))	B+
6	C	Violation of Uniform Controlled	
7		Substances Act - Nonnarcotic Sale	
8		(69.50.401(a)(1)(ii))	C
9	E	Possession of Marihuana <40 grams	
10		(69.50.401(e))	E
11	C	Fraudulently Obtaining Controlled	
12		Substance (69.50.403)	C
13	C+	Sale of Controlled Substance	
14		for Profit (69.50.410)	C+
15	E	((Glue Sniffing (9.47A.050))	E
16		<u>Unlawful Inhalation (9.47A.020)</u>	
17	B	Violation of Uniform Controlled	
18		Substances Act - Narcotic	
19		Counterfeit Substances	
20		(69.50.401(b)(1)(i))	B
21	C	Violation of Uniform Controlled	
22		Substances Act - Nonnarcotic	
23		Counterfeit Substances	
24		(69.50.401(b)(1) (ii), (iii), (iv))	C
25	C	Violation of Uniform Controlled	
26		Substances Act - Possession of a	
27		Controlled Substance	
28		(69.50.401(d))	C
29	C	Violation of Uniform Controlled	
30		Substances Act - Possession of a	
31		Controlled Substance	
32		(69.50.401(c))	C
33		Firearms and Weapons	
34	((C+	Committing Crime when Armed	
35		(9.41.025)	D+))
36	E	Carrying Loaded Pistol Without	
37		Permit (9.41.050)	E

1	E	Use of Firearms by Minor ((-<14>))	
2		(9.41.240(1))	E
3	C	<u>Use of Firearms by Minor</u>	
4		<u>(9.41.240(2))</u>	D
5	D+	Possession of Dangerous Weapon	
6		(9.41.250)	E
7	D	Intimidating Another Person by use	
8		of Weapon (9.41.270)	E
9		Homicide	
10	A+	Murder 1 (9A.32.030)	A
11	A+	Murder 2 (9A.32.050)	B+
12	B+	Manslaughter 1 (9A.32.060)	C+
13	C+	Manslaughter 2 (9A.32.070)	D+
14	B+	Vehicular Homicide (46.61.520)	C+
15		Kidnapping	
16	A	Kidnap 1 (9A.40.020)	B+
17	B+	Kidnap 2 (9A.40.030)	C+
18	C+	Unlawful Imprisonment	
19		(9A.40.040)	D+
20	((D	Custodial Interference	
21		(9A.40.050)	E))
22		Obstructing Governmental Operation	
23	E	Obstructing a Public Servant	
24		(9A.76.020)	E
25	E	Resisting Arrest (9A.76.040)	E
26	B	Introducing Contraband 1	
27		(9A.76.140)	C
28	C	Introducing Contraband 2	
29		(9A.76.150)	D
30	E	Introducing Contraband 3	
31		(9A.76.160)	E
32	B+	Intimidating a Public Servant	
33		(9A.76.180)	C+
34	B+	Intimidating a Witness	
35		(9A.72.110)	C+

1		((E) Criminal Contempt	
2		(9.23.010) ----- E))	
3		Public Disturbance	
4	C+	Riot with Weapon (9A.84.010)	D+
5	D+	Riot Without Weapon	
6		(9A.84.010)	E
7	E	Failure to Disperse (9A.84.020)	E
8	E	Disorderly Conduct (9A.84.030)	E
9		Sex Crimes	
10	A	Rape 1 (9A.44.040)	B+
11	A-	Rape 2 (9A.44.050)	B+
12	C+	Rape 3 (9A.44.060)	D+
13	A-	Rape of a Child 1 (9A.44.073)	B+
14	B	Rape of a Child 2 (9A.44.076)	C+
15	B	Incest 1 (9A.64.020(1))	C
16	C	Incest 2 (9A.64.020(2))	D
17	D+	((Public Indecency)) <u>Indecent Exposure</u>	
18		(Victim <14) (9A.88.010)	E
19	E	((Public Indecency)) <u>Indecent Exposure</u>	
20		(Victim 14 or over) (9A.88.010)	E
21	B+	Promoting Prostitution 1	
22		(9A.88.070)	C+
23	C+	Promoting Prostitution 2	
24		(9A.88.080)	D+
25	E	O & A (Prostitution) (9A.88.030)	E
26	B+	Indecent Liberties (9A.44.100)	C+
27	B+	Child Molestation 1 (9A.44.083)	C+
28	C+	Child Molestation 2 (9A.44.086)	C
29		Theft, Robbery, Extortion, and Forgery	
30	B	Theft 1 (9A.56.030)	C
31	C	Theft 2 (9A.56.040)	D
32	D	Theft 3 (9A.56.050)	E
33	B	Theft of Livestock (9A.56.080)	C
34	C	Forgery (((9A.56.020))) <u>(9A.60.020)</u>	D
35	A	Robbery 1 (9A.56.200)	B+
36	B+	Robbery 2 (9A.56.210)	C+

1	B+	Extortion 1 (9A.56.120)	C+
2	C+	Extortion 2 (9A.56.130)	D+
3	B	Possession of Stolen Property 1	
4		(9A.56.150)	C
5	C	Possession of Stolen Property 2	
6		(9A.56.160)	D
7	D	Possession of Stolen Property 3	
8		(9A.56.170)	E
9	C	Taking Motor Vehicle Without	
10		Owner's Permission (9A.56.070)	D
11		Motor Vehicle Related Crimes	
12	E	Driving Without a License	
13		(46.20.021)	E
14	C	Hit and Run - Injury	
15		(46.52.020(4))	D
16	D	Hit and Run-Attended	
17		(46.52.020(5))	E
18	E	Hit and Run-Unattended	
19		(46.52.010)	E
20	C	Vehicular Assault (46.61.522)	D
21	C	Attempting to Elude Pursuing	
22		Police Vehicle (46.61.024)	D
23	E	Reckless Driving (46.61.500)	E
24	D	Driving While Under the Influence	
25		(46.61.515)	E
26	((B+	Negligent Homicide by Motor	
27		Vehicle (46.61.520)	C+))
28	D	Vehicle Prowling (9A.52.100)	E
29	C	Taking Motor Vehicle Without	
30		Owner's Permission (9A.56.070)	D
31		Other	
32	B	Bomb Threat (9.61.160)	C
33	C	Escape 1 (9A.76.110)	C
34	C	Escape 2 (9A.76.120)	C
35	D	Escape 3 (9A.76.130)	E
36	C	Failure to Appear in Court	
37		(10.19.130)	D

1	((E	Tampering with Fire Alarm	
2		Apparatus (9.40.100)	E))
3	E	Obscene, Harassing, Etc.,	
4		Phone Calls (9.61.230)	E
5	A	Other Offense Equivalent to an	
6		Adult Class A Felony	B+
7	B	Other Offense Equivalent to an	
8		Adult Class B Felony	C
9	C	Other Offense Equivalent to an	
10		Adult Class C Felony	D
11	D	Other Offense Equivalent to an	
12		Adult Gross Misdemeanor	E
13	E	Other Offense Equivalent to an	
14		Adult Misdemeanor	E
15	V	Violation of Order of Restitution,	
16		Community Supervision, or	
17		Confinement (13.40.200)	V

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

20 1st escape or attempted escape during 12-month period - 4 weeks
21 confinement

22 2nd escape or attempted escape during 12-month period - 8 weeks
23 confinement

24 3rd and subsequent escape or attempted escape during 12-month
25 period - 12 weeks confinement

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

28 SCHEDULE B
29 PRIOR OFFENSE INCREASE FACTOR

30 For use with all CURRENT OFFENSES occurring on or after July 1,
31 1989.

32 TIME SPAN

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

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

18 SCHEDULE C
19 CURRENT OFFENSE POINTS

20 For use with all CURRENT OFFENSES occurring on or after July 1,
21 1989.

22	AGE						
23	OFFENSE	12 &					
24	CATEGORY	Under	13	14	15	16	17
25						
26	A+	STANDARD	RANGE	180-224	WEEKS		
27	A	250	300	350	375	375	375
28	A-	150	150	150	200	200	200
29	B+	110	110	120	130	140	150
30	B	45	45	50	50	57	57
31	C+	44	44	49	49	55	55
32	C	40	40	45	45	50	50
33	D+	16	18	20	22	24	26

1	D	14	16	18	20	22	24
2	E	4	4	4	6	8	10

3 JUVENILE SENTENCING STANDARDS

4 SCHEDULE D-1

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

8 MINOR/FIRST OFFENDER

9 OPTION A

10 STANDARD RANGE

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

24 OR

25 OPTION B

26 STATUTORY OPTION

- 27 0-12 Months Community Supervision
- 28 0-150 Hours Community Service
- 29 0-100 Fine

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

3 OR

4 OPTION C
5 MANIFEST INJUSTICE

6 When a term of community supervision would effectuate a manifest
7 injustice, another disposition may be imposed. When a judge imposes a
8 sentence of confinement exceeding 30 days, the court shall sentence the
9 juvenile to a maximum term and the provisions of RCW (~~(13.40.030(5))~~)
10 13.40.030(2), as now or hereafter amended, shall be used to determine
11 the range.

12 JUVENILE SENTENCING STANDARDS
13 SCHEDULE D-2

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

17 MIDDLE OFFENDER

18 OPTION A
19 STANDARD RANGE

20	Community				21
21	Community	Service			Confinement
22	Points	Supervision	Hours	Fine	Days Weeks
23
24	1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
25	10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
26	20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
27	30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
28	40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
29	50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
30	60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10

1	70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
2	80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
3	90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30
4	110-129				8-12
5	130-149				13-16
6	150-199				21-28
7	200-249				30-40
8	250-299				52-65
9	300-374				80-100
10	375+				103-129

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

14 OR

15

16 OPTION B
17 STATUTORY OPTION

- 18 0-12 Months Community Supervision
- 19 0-150 Hours Community Service
- 20 0-100 Fine

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

25 OR

26

27 OPTION C
28 MANIFEST INJUSTICE

29 If the court determines that a disposition under A or B would
30 effectuate a manifest injustice, the court shall sentence the juvenile
31 to a maximum term and the provisions of RCW (~~13.40.030(5)~~)
32 13.40.030(2), as now or hereafter amended, shall be used to determine
33 range.

1 JUVENILE SENTENCING STANDARDS

2 SCHEDULE D-3

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

6 SERIOUS OFFENDER

7 OPTION A

8 STANDARD RANGE

9	Points	Institution Time
10	0-129	8-12 weeks
11	130-149	13-16 weeks
12	150-199	21-28 weeks
13	200-249	30-40 weeks
14	250-299	52-65 weeks
15	300-374	80-100 weeks
16	375+	103-129 weeks
17	All A+	
18	Offenses	180-224 weeks

19 OR

21 OPTION B

22 MANIFEST INJUSTICE

23 A disposition outside the standard range shall be determined and shall
24 be comprised of confinement or community supervision or a combination
25 thereof. When a judge finds a manifest injustice and imposes a
26 sentence of confinement exceeding 30 days, the court shall sentence the
27 juvenile to a maximum term, and the provisions of RCW (~~(13.40.030(5))~~)
28 13.40.030(2), as now or hereafter amended, shall be used to determine
29 the range.

30 **Sec. 6.** RCW 13.40.040 and 1979 c 155 s 57 are each amended to read
31 as follows:

32 (1) A juvenile may be taken into custody:

1 (a) Pursuant to a court order if a complaint is filed with the
2 court alleging, and the court finds probable cause to believe, that the
3 juvenile has committed an offense or has violated terms of a
4 disposition order or release order; or

5 (b) Without a court order, by a law enforcement officer if grounds
6 exist for the arrest of an adult in identical circumstances. Admission
7 to, and continued custody in, a court detention facility shall be
8 governed by subsection (2) of this section; or

9 (c) Pursuant to a court order that the juvenile be held as a
10 material witness; or

11 (d) Where the secretary or the secretary's designee has suspended
12 the parole of a juvenile offender.

13 (2) A juvenile may not be held in detention unless there is
14 probable cause to believe that:

15 (a) The juvenile has committed an offense or has violated the terms
16 of a disposition order; and

17 (i) The juvenile will likely fail to appear for further
18 proceedings; or

19 (ii) Detention is required to protect the juvenile from himself or
20 herself; or

21 (iii) The juvenile is a threat to community safety; or

22 (iv) The juvenile will intimidate witnesses or otherwise unlawfully
23 interfere with the administration of justice; or

24 (v) The juvenile has committed a crime while another case was
25 pending; or

26 (b) The juvenile is a fugitive from justice; or

27 (c) The juvenile's parole has been suspended or modified; or

28 (d) The juvenile is a material witness.

29 (3) Upon a finding that members of the community have threatened
30 the health of a juvenile taken into custody, at the juvenile's request
31 the court may order continued detention pending further order of the
32 court.

33 (4) A juvenile detained under this section may be released upon
34 posting bond set by the court. A court authorizing such a release
35 shall issue an order containing a statement of conditions imposed upon
36 the juvenile and shall set the date of his or her next court
37 appearance. The court shall advise the juvenile of any conditions
38 specified in the order and may at any time amend such an order in order
39 to impose additional or different conditions of release upon the

1 juvenile or to return the juvenile to custody for failing to conform to
2 the conditions imposed. Failure to appear on the date scheduled by the
3 court pursuant to this section shall constitute the crime of bail
4 jumping.

5 (5) There shall be a rebuttable presumption that a juvenile is a
6 danger to himself or herself or to the community if:

7 (a) The juvenile is alleged to have committed a crime of violence
8 as defined by RCW 9.41.010;

9 (b) The juvenile is alleged to have used, or possessed and
10 threatened to use, a firearm during the commission of any felony
11 offense against a person, as such offenses are described in RCW
12 9.94A.440; or

13 (c) The juvenile is alleged to have possessed, used, or displayed
14 a firearm or other dangerous weapon in violation of chapter 9.41 RCW.

15 **Sec. 7.** RCW 26.28.080 and 1987 c 250 s 2 and 1987 c 204 s 1 are
16 each reenacted and amended to read as follows:

17 Every person who:

18 (1) Shall admit to or allow to remain in any concert saloon, or in
19 any place owned, kept, or managed by him or her where intoxicating
20 liquors are sold, given away or disposed of--except a restaurant or
21 dining room, any person under the age of eighteen years; or,

22 (2) Shall admit to, or allow to remain in any public pool or
23 billiard hall, or in any place of entertainment injurious to health or
24 morals, owned, kept or managed by him or her, any person under the age
25 of eighteen years; or,

26 (3) Shall suffer or permit any such person to play any game of
27 skill or chance, in any such place, or in any place adjacent thereto,
28 or to be or remain therein, or admit or allow to remain in any reputed
29 house of prostitution or assignation, or in any place where opium or
30 any preparation thereof, is smoked, or where any narcotic drug is used,
31 any persons under the age of eighteen years; or,

32 (4) Shall sell or give, or permit to be sold or given to any person
33 under the age of eighteen years any cigar, cigarette, cigarette paper
34 or wrapper, or tobacco in any form; ((or

35 ~~(5) Shall sell, or give, or permit to be sold or given to any~~
36 ~~person under the age of eighteen years, any revolver or pistol;))~~

37 Shall be guilty of a gross misdemeanor.

1 It shall be no defense to a prosecution for a violation of this
2 section that the person acted, or was believed by the defendant to act,
3 as agent or representative of another.

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