
HOUSE BILL 2221

State of Washington

53rd Legislature

1994 Regular Session

By Representatives J. Kohl, Foreman, Appelwick, Patterson, Anderson, Rust, Jacobsen, L. Johnson, Linville, Sommers, Cothorn, Wang, Wineberry and Johanson

Read first time 01/11/94. Referred to Committee on Judiciary.

1 AN ACT Relating to delivery or possession of firearms; amending RCW
2 9.41.080, 9.41.240, and 13.40.0357; reenacting and amending RCW
3 26.28.080; and prescribing penalties.

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

5 **Sec. 1.** RCW 9.41.080 and 1935 c 172 s 8 are each amended to read
6 as follows:

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

11 **Sec. 2.** RCW 9.41.240 and 1971 c 34 s 1 are each amended to read as
12 follows:

13 (1) No person under the age of eighteen years may handle or have in
14 his or her possession or under his or her control a pistol, except
15 while accompanied by or under the immediate charge of his or her parent
16 or guardian or other adult approved for the purpose of this section by
17 the parent or guardian, or while under the supervision of a certified
18 safety instructor at an established gun range or firearm training

1 class. A person violating this subsection, or aiding or knowingly
2 permitting a person under the age of eighteen years to violate this
3 subsection, is guilty of a misdemeanor.

4 (2) No ((minor)) person under the age of fourteen years ((shall))
5 may handle or have in his or her possession or under his or her control
6 a firearm, except while accompanied by or under the immediate charge of
7 his or her parent or guardian or other adult approved for the purpose
8 of this section by the parent or guardian, or while under the
9 supervision of a certified safety instructor at an established gun
10 range or firearm training class(~~(, any firearm of any kind for hunting~~
11 ~~or target practice or for other purposes. Every)~~). A person violating
12 ~~((any of the foregoing provisions))~~ this subsection, or aiding or
13 knowingly permitting ~~((any such minor))~~ a person under the age of
14 fourteen years to violate ~~((the same, shall be))~~ this subsection, is
15 guilty of a misdemeanor.

16 **Sec. 3.** RCW 13.40.0357 and 1989 c 407 s 7 are each amended to read
17 as follows:

18 SCHEDULE A

19 DESCRIPTION AND OFFENSE CATEGORY

20		JUVENILE DISPOSITION
21	JUVENILE	CATEGORY FOR ATTEMPT,
22	DISPOSITION	BAILJUMP,
23	OFFENSE	CONSPIRACY, OR
24	CATEGORY DESCRIPTION (RCW CITATION)	SOLICITATION

25	<hr/>	
26	<u>Arson and Malicious Mischief</u>	
27	A Arson 1 (9A.48.020)	B+
28	B Arson 2 (9A.48.030)	C
29	C Reckless Burning 1 (9A.48.040)	D
30	D Reckless Burning 2 (9A.48.050)	E
31	B Malicious Mischief 1 (9A.48.070)	C
32	C Malicious Mischief 2 (9A.48.080)	D
33	D Malicious Mischief 3 (<\$50 is E class)	
34	(9A.48.090)	E
35	E Tampering with Fire Alarm Apparatus (9.40.100)	E
36	A Possession of Incendiary Device (9.40.120)	B+

1		<u>Assault and Other Crimes Involving Physical</u>	
2		<u>Harm</u>	
3	A	Assault 1 (9A.36.011)	B+
4	B+	Assault 2 (9A.36.021)	C+
5	C+	Assault 3 (9A.36.031)	D+
6	D+	Assault 4 (9A.36.041)	E
7	D+	Reckless Endangerment (9A.36.050)	E
8	C+	Promoting Suicide Attempt (9A.36.060)	D+
9	D+	Coercion (9A.36.070)	E
10	C+	Custodial Assault (9A.36.100)	D+
11		<u>Burglary and Trespass</u>	
12	B+	Burglary 1 (9A.52.020)	C+
13	B	Burglary 2 (9A.52.030)	C
14	D	Burglary Tools (Possession of) (9A.52.060)	E
15	D	Criminal Trespass 1 (9A.52.070)	E
16	E	Criminal Trespass 2 (9A.52.080)	E
17	D	Vehicle Prowling (9A.52.100)	E
18		<u>Drugs</u>	
19	E	Possession/Consumption of Alcohol (66.44.270)	E
20	C	Illegally Obtaining Legend Drug (69.41.020)	D
21	C+	Sale, Delivery, Possession of Legend Drug with	
22		Intent to Sell (69.41.030)	D+
23	E	Possession of Legend Drug (69.41.030)	E
24	B+	Violation of Uniform Controlled Substances Act	
25		- Narcotic Sale (69.50.401(a)(1)(i))	B+
26	C	Violation of Uniform Controlled Substances Act	
27		- Nonnarcotic Sale (69.50.401(a)(1)(ii))	C
28	E	Possession of Marihuana <40 grams	
29		(69.50.401(e))	E
30	C	Fraudulently Obtaining Controlled Substance	
31		(69.50.403)	C
32	C+	Sale of Controlled Substance for Profit	
33		(69.50.410)	C+
34	E	((Glue Sniffing (9.47A.050))) <u>Unlawful</u>	
35		<u>Inhalation (9.47A.020)</u>	E
36	B	Violation of Uniform Controlled Substances Act	
37		- Narcotic Counterfeit Substances	
38		(69.50.401(b)(1)(i))	B

1	C	Violation of Uniform Controlled Substances Act	
2		- Nonnarcotic Counterfeit Substances	
3		(69.50.401(b)(1) (ii), (iii), (iv))	C
4	C	Violation of Uniform Controlled Substances Act	
5		- Possession of a Controlled Substance	
6		(69.50.401(d))	C
7	C	Violation of Uniform Controlled Substances Act	
8		- Possession of a Controlled Substance	
9		(69.50.401(c))	C
10		<u>Firearms and Weapons</u>	
11		((C+ Committing Crime when Armed (9.41.025) ----- D+))	
12	E	Carrying Loaded Pistol Without Permit	
13		(9.41.050)	E
14	E	Use of Firearms by Minor ((<14)) (9.41.240)	E
15	D+	Possession of Dangerous Weapon (9.41.250)	E
16	D	Intimidating Another Person by use of Weapon	
17		(9.41.270)	E
18		<u>Homicide</u>	
19	A+	Murder 1 (9A.32.030)	A
20	A+	Murder 2 (9A.32.050)	B+
21	B+	Manslaughter 1 (9A.32.060)	C+
22	C+	Manslaughter 2 (9A.32.070)	D+
23	B+	Vehicular Homicide (46.61.520)	C+
24		<u>Kidnapping</u>	
25	A	Kidnap 1 (9A.40.020)	B+
26	B+	Kidnap 2 (9A.40.030)	C+
27	C+	Unlawful Imprisonment (9A.40.040)	D+
28	<u>D+</u>	<u>Custodial Interference 1 (9A.40.060)</u>	<u>D</u>
29	D	Custodial Interference <u>2</u> ((9A.40.050))	
30		<u>(9A.40.070)</u>	E
31		<u>Obstructing Governmental Operation</u>	
32	E	Obstructing a Public Servant (9A.76.020)	E
33	E	Resisting Arrest (9A.76.040)	E
34	B	Introducing Contraband 1 (9A.76.140)	C
35	C	Introducing Contraband 2 (9A.76.150)	D
36	E	Introducing Contraband 3 (9A.76.160)	E
37	B+	Intimidating a Public Servant (9A.76.180)	C+

1	B+	Intimidating a Witness (9A.72.110)	C+
2		((E Criminal Contempt (9.23.010) E))	
3		<u>Public Disturbance</u>	
4	C+	Riot with Weapon (9A.84.010)	D+
5	D+	Riot Without Weapon (9A.84.010)	E
6	E	Failure to Disperse (9A.84.020)	E
7	E	Disorderly Conduct (9A.84.030)	E
8		<u>Sex Crimes</u>	
9	A	Rape 1 (9A.44.040)	B+
10	A-	Rape 2 (9A.44.050)	B+
11	C+	Rape 3 (9A.44.060)	D+
12	A-	Rape of a Child 1 (9A.44.073)	B+
13	B	Rape of a Child 2 (9A.44.076)	C+
14	B	Incest 1 (9A.64.020(1))	C
15	C	Incest 2 (9A.64.020(2))	D
16	D+	((Public Indecency)) <u>Indecent Exposure</u>	
17		(Victim <14) (9A.88.010)	E
18	E	((Public Indecency)) <u>Indecent Exposure</u> (Victim	
19		14 or over) (9A.88.010)	E
20	B+	Promoting Prostitution 1 (9A.88.070)	C+
21	C+	Promoting Prostitution 2 (9A.88.080)	D+
22	E	O & A (Prostitution) (9A.88.030)	E
23	B+	Indecent Liberties (9A.44.100)	C+
24	B+	Child Molestation 1 (9A.44.083)	C+
25	C+	Child Molestation 2 (9A.44.086)	C
26		<u>Theft, Robbery, Extortion, and Forgery</u>	
27	B	Theft 1 (9A.56.030)	C
28	C	Theft 2 (9A.56.040)	D
29	D	Theft 3 (9A.56.050)	E
30	B	Theft of Livestock (9A.56.080)	C
31	C	Forgery (((9A.56.020))) (<u>9A.62.020</u>)	D
32	A	Robbery 1 (9A.56.200)	B+
33	B+	Robbery 2 (9A.56.210)	C+
34	B+	Extortion 1 (9A.56.120)	C+
35	C+	Extortion 2 (9A.56.130)	D+
36	B	Possession of Stolen Property 1 (9A.56.150)	C
37	C	Possession of Stolen Property 2 (9A.56.160)	D
38	D	Possession of Stolen Property 3 (9A.56.170)	E

1	C	Taking Motor Vehicle Without Owner's	
2		Permission (9A.56.070)	D
3		<u>Motor Vehicle Related Crimes</u>	
4	E	Driving Without a License (46.20.021)	E
5	C	Hit and Run - Injury (46.52.020(4))	D
6	D	Hit and Run-Attended (46.52.020(5))	E
7	E	Hit and Run-Unattended (46.52.010)	E
8	C	Vehicular Assault (46.61.522)	D
9	C	Attempting to Elude Pursuing Police Vehicle	
10		(46.61.024)	D
11	E	Reckless Driving (46.61.500)	E
12	D	Driving While Under the Influence (46.61.515)	E
13	B+	Negligent Homicide by Motor Vehicle	
14		(46.61.520)	C+
15	D	Vehicle Prowling (9A.52.100)	E
16	C	Taking Motor Vehicle Without Owner's Permission	
17		(9A.56.070)	D
18		<u>Other</u>	
19	B	Bomb Threat (9.61.160)	C
20	C	Escape 1 (9A.76.110)	C
21	C	Escape 2 (9A.76.120)	C
22	D	Escape 3 (9A.76.130)	E
23	C	Failure to Appear in Court (10.19.130)	D
24	E	Tampering with Fire Alarm Apparatus (9.40.100)	E
25	E	Obscene, Harassing, Etc., Phone Calls	
26		(9.61.230)	E
27	A	Other Offense Equivalent to an Adult Class A	
28		Felony	B+
29	B	Other Offense Equivalent to an Adult Class B	
30		Felony	C
31	C	Other Offense Equivalent to an Adult Class C	
32		Felony	D
33	D	Other Offense Equivalent to an Adult Gross	
34		Misdemeanor	E
35	E	Other Offense Equivalent to an Adult	
36		Misdemeanor	E
37	V	Violation of Order of Restitution, Community	
38		Supervision, or Confinement (13.40.200)	V

SCHEDULE C

CURRENT OFFENSE POINTS

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

AGE

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

JUVENILE SENTENCING STANDARDS

SCHEDULE D-1

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

MINOR/FIRST OFFENDER

OPTION A

STANDARD RANGE

<u>Points</u>	<u>Community Supervision</u>	<u>Community Service Hours</u>	<u>Fine</u>
1-9	0-3 months	and/or 0-8	and/or 0-\$10
10-19	0-3 months	and/or 0-8	and/or 0-\$10
20-29	0-3 months	and/or 0-16	and/or 0-\$10
30-39	0-3 months	and/or 8-24	and/or 0-\$25
40-49	3-6 months	and/or 16-32	and/or 0-\$25

1 50-59 3-6 months and/or 24-40 and/or 0-\$25
2 60-69 6-9 months and/or 32-48 and/or 0-\$50
3 70-79 6-9 months and/or 40-56 and/or 0-\$50
4 80-89 9-12 months and/or 48-64 and/or 0-\$100
5 90-109 9-12 months and/or 56-72 and/or 0-\$100

6 OR

7 OPTION B
8 STATUTORY OPTION

9 0-12 Months Community Supervision
10 0-150 Hours Community Service
11 0-100 Fine

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

14 OR

15 OPTION C
16 MANIFEST INJUSTICE

17 When a term of community supervision would effectuate a manifest
18 injustice, another disposition may be imposed. When a judge imposes a
19 sentence of confinement exceeding 30 days, the court shall sentence the
20 juvenile to a maximum term and the provisions of RCW 13.40.030(~~(+5), as~~
21 ~~now or hereafter amended,~~) (2) shall be used to determine the 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.

1 MIDDLE OFFENDER

2 OPTION A

3 STANDARD RANGE

4 Community

5	Community	Service		Confinement
6	Supervision	Hours	Fine	Days Weeks
7	<hr/>			
8	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
10	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
11	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
12	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
13	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
14	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
15	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
16	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
17	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30
18	110-129			8-12
19	130-149			13-16
20	150-199			21-28
21	200-249			30-40
22	250-299			52-65
23	300-374			80-100
24	375+			103-129

25 Middle offenders with more than 110 points do not have to be committed.

26 They may be assigned community supervision under option B.

27 All A+ offenses 180-224 weeks

28 OR

29 OPTION B

30 STATUTORY OPTION

31 0-12 Months Community Supervision

32 0-150 Hours Community Service

33 0-100 Fine

34 The court may impose a determinate disposition of community supervision
35 and/or up to 30 days confinement; in which case, if confinement has

1 been imposed, the court shall state either aggravating or mitigating
2 factors as set forth in RCW 13.40.150, as now or hereafter amended.

3 OR

4 OPTION C

5 MANIFEST INJUSTICE

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

10 JUVENILE SENTENCING STANDARDS

11 SCHEDULE D-3

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

15 SERIOUS OFFENDER

16 OPTION A

17 STANDARD RANGE

18	<u>Points</u>	<u>Institution Time</u>
19	0-129	8-12 weeks
20	130-149	13-16 weeks
21	150-199	21-28 weeks
22	200-249	30-40 weeks
23	250-299	52-65 weeks
24	300-374	80-100 weeks
25	375+	103-129 weeks
26	All A+ Offenses	180-224 weeks

27 OR

28 OPTION B

29 MANIFEST INJUSTICE

30 A disposition outside the standard range shall be determined and shall
31 be comprised of confinement or community supervision or a combination

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

6 **Sec. 4.** RCW 26.28.080 and 1987 c 250 s 2 and 1987 c 204 s 1 are
7 each reenacted and amended to read as follows:

8 Every person who:

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

13 (2) Shall admit to, or allow to remain in any public pool or
14 billiard hall, or in any place of entertainment injurious to health or
15 morals, owned, kept or managed by him or her, any person under the age
16 of eighteen years; or((~~+~~))

17 (3) Shall suffer or permit any such person to play any game of
18 skill or chance, in any such place, or in any place adjacent thereto,
19 or to be or remain therein, or admit or allow to remain in any reputed
20 house of prostitution or assignation, or in any place where opium or
21 any preparation thereof, is smoked, or where any narcotic drug is used,
22 any persons under the age of eighteen years; or((~~+~~))

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

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

28 Shall be guilty of a gross misdemeanor.

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

--- END ---