
SUBSTITUTE HOUSE BILL 2319

State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Leonard, Johanson, Valle, Wang, Wineberry, Scott, Karahalios, Caver, Kessler, Basich, Wolfe, J. Kohl, Veloria, Quall, Holm, Jones, Shin, King, Patterson, Eide, Dellwo, L. Johnson, Springer, Pruitt, Ogden, H. Myers and Anderson; by request of Governor Lowry)

Read first time 02/04/94.

1 AN ACT Relating to violence prevention; amending RCW 9.41.045,
2 9.41.050, 9.41.060, 9.41.070, 9.41.080, 9.41.090, 9.41.098, 9.41.100,
3 9.41.110, 9.41.140, 9.41.170, 9.41.190, 9.41.220, 9.41.230, 9.41.250,
4 9.41.260, 9.41.270, 9.41.280, 9.41.290, 9.41.300, 9.41.310, 13.40.265,
5 13.64.060, 42.17.318, 46.20.265, 71.05.450, 71.12.560, 72.23.080,
6 82.04.300, 82.32.030, 13.04.030, 26.12.010, 13.04.021, 72.76.010,
7 9A.56.040, 9A.56.160, 9.94A.310, 13.40.020, 13.40.070, 13.40.080,
8 13.40.0357, 13.40.160, 13.40.180, 9A.36.045, and 13.32A.050; amending
9 1993 c 415 s 8 (uncodified); reenacting and amending RCW 9.41.010,
10 9.41.040, 26.28.080, 9.94A.030, and 9.94A.320; adding new sections to
11 chapter 9.41 RCW; adding new sections to chapter 13.40 RCW; adding a
12 new section to chapter 9A.56 RCW; adding new sections to chapter 9.91
13 RCW; adding a new section to chapter 35.21 RCW; creating new sections;
14 recodifying RCW 19.70.010, 19.70.020, and 9.41.160; repealing RCW
15 9.41.030, 9.41.093, 9.41.130, 9.41.150, 9.41.180, 9.41.200, 9.41.210,
16 and 9.41.240; prescribing penalties; providing an effective date; and
17 declaring an emergency.

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

1

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1 for storing, carrying, or supplying ammunition which can be loaded into
2 the firearm, mechanism, or instrument, and fired therefrom at the rate
3 of five or more shots per second.

4 (8) "Antique firearm" means a firearm or replica of a firearm not
5 designed or redesigned for using rim fire or conventional center fire
6 ignition with fixed ammunition and manufactured in or before 1898,
7 including any matchlock, flintlock, percussion cap, or similar type of
8 ignition system and also any firearm using fixed ammunition
9 manufactured in or before 1898, for which ammunition is no longer
10 manufactured in the United States and is not readily available in the
11 ordinary channels of commercial trade.

12 (9) "Loaded" means:

13 (a) There is a cartridge in the chamber of the firearm;

14 (b) Bullets are in a clip that is locked in place in the firearm;

15 or

16 (c) There is a cartridge in the cylinder of the firearm, if the
17 firearm is a revolver.

18 (10) "Dealer" means a person engaged in the business of selling
19 firearms at wholesale or retail who has, or is required to have, a
20 federal firearms license under 18 U.S.C. Sec. 923(1). A person who
21 does not have, and is not required to have, a federal firearms license
22 under 18 U.S.C. Sec. 923(1), is not a dealer if that person makes only
23 occasional sales, exchanges, or purchases of firearms for the
24 enhancement of a personal collection or for a hobby, or sells all or
25 part of his or her personal collection of firearms.

26 (11) "Crime of violence" ((as used in this chapter)) means:

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

37 (b) Any conviction or adjudication for a felony offense in effect
38 at any time prior to July 1, 1976, which is comparable to a felony

1 classified as a crime of violence in (~~(subsection (2))~~)(a) of this
2 (~~(section)~~) subsection; and

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

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

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

10 **Sec. 102.** RCW 9.41.040 and 1992 c 205 s 118 and 1992 c 168 s 2 are
11 each reenacted and amended to read as follows:

12 (1) A person is guilty of the crime of unlawful possession of a
13 (~~(short)~~) firearm (~~(or pistol,~~) if(~~(, having previously been convicted~~
14 ~~or, as a juvenile, adjudicated in this state or elsewhere of a crime of~~
15 ~~violence or of a felony in which a firearm was used or displayed,~~) the
16 person owns (~~(or)~~), has in his or her possession, or has in his or her
17 control any (~~(short)~~) firearm (~~(or pistol)~~):

18 (a) After having previously been convicted or, as a juvenile,
19 adjudicated delinquent in this state or elsewhere of a crime of
20 violence or of a felony in which a firearm was used or displayed,
21 except as otherwise provided in subsection (4) of this section;

22 (b) After having previously been convicted of or adjudicated
23 delinquent for any felony violation of the uniform controlled
24 substances act, chapter 69.50 RCW, or equivalent statutes of another
25 jurisdiction, except as otherwise provided in subsection (4) of this
26 section;

27 (c) After having previously been convicted on three occasions of
28 driving a motor vehicle or operating a vessel while under the influence
29 of intoxicating liquor or any drug;

30 (d) After having previously been committed for mental health
31 treatment, either voluntarily for a period exceeding fourteen
32 continuous days, or involuntarily under RCW 71.05.320, chapter 10.77
33 RCW, or equivalent statutes of another jurisdiction, unless his or her
34 right to own, possess, or control a firearm has been restored as
35 provided in section 104 of this act; or

36 (e) If the person is under eighteen years of age, except as
37 provided in section 103 of this act.

1 (2) Unlawful possession of a ~~((short))~~ firearm ~~((or pistol shall be~~
2 ~~punished as))~~ is a class C felony, punishable under chapter 9A.20 RCW.

3 (3) As used in this section, a person has been "convicted or
4 adjudicated" at such time as a plea of guilty has been accepted or a
5 verdict of guilty has been filed, notwithstanding the pendency of any
6 future proceedings including but not limited to sentencing or
7 disposition, post-trial or post-factfinding motions, and appeals. A
8 person shall not be precluded from ownership, possession, or control of
9 a firearm if the conviction or adjudication has been the subject of a
10 pardon, annulment, certificate of rehabilitation, or other equivalent
11 procedure based on a finding of the rehabilitation of the person
12 convicted or adjudicated or the conviction or disposition has been the
13 subject of a pardon, annulment, or other equivalent procedure based on
14 a finding of innocence.

15 ~~((Except as provided in subsection (5) of this section, a~~
16 ~~person is guilty of the crime of unlawful possession of a short firearm~~
17 ~~or pistol if, after having been convicted or adjudicated of any felony~~
18 ~~violation of the uniform controlled substances act, chapter 69.50 RCW,~~
19 ~~or equivalent statutes of another jurisdiction, the person owns or has~~
20 ~~in his or her possession or under his or her control any short firearm~~
21 ~~or pistol.~~

22 ~~((5))~~) Notwithstanding subsection (1) of this section, a person
23 convicted of an offense other than murder, manslaughter, robbery, rape,
24 indecent liberties, arson, assault, kidnapping, extortion, burglary, or
25 violations with respect to controlled substances under RCW 69.50.401(a)
26 and 69.50.410, who received a probationary sentence under RCW 9.95.200,
27 and who received a dismissal of the charge under RCW 9.95.240, shall
28 not be precluded from ownership, possession, or control of a firearm as
29 a result of the conviction.

30 ~~((6)(a) A person who has been committed by court order for~~
31 ~~treatment of mental illness under RCW 71.05.320 or chapter 10.77 RCW,~~
32 ~~or equivalent statutes of another jurisdiction, may not possess, in any~~
33 ~~manner, a firearm as defined in RCW 9.41.010.~~

34 ~~(b) At the time of commitment, the court shall specifically state~~
35 ~~to the person under (a) of this subsection and give the person notice~~
36 ~~in writing that the person is barred from possession of firearms.~~

37 ~~(c) The secretary of social and health services shall develop~~
38 ~~appropriate rules to create an approval process under this subsection.~~
39 ~~The rules must provide for the immediate restoration of the right to~~

1 ~~possess a firearm upon a showing in a court of competent jurisdiction~~
2 ~~that a person no longer is required to participate in an inpatient or~~
3 ~~outpatient treatment program, and is no longer required to take~~
4 ~~medication to treat any condition related to the commitment. Unlawful~~
5 ~~possession of a firearm under this subsection shall be punished as a~~
6 ~~class C felony under chapter 9A.20 RCW.)~~)

7 NEW SECTION. **Sec. 103.** A new section is added to chapter 9.41 RCW
8 to read as follows:

9 RCW 9.41.040(1)(e) shall not apply to any person under the age of
10 eighteen years who is:

11 (1) In attendance at a hunter's safety course or a firearms safety
12 course;

13 (2) Engaging in practice in the use of a firearm or target shooting
14 at an established range authorized by the governing body of the
15 jurisdiction in which such range is located or any other area where the
16 discharge of a firearm is not prohibited;

17 (3) Engaging in an organized competition involving the use of a
18 firearm, or participating in or practicing for a performance by an
19 organized group that uses firearms as a part of the performance;

20 (4) Hunting or trapping under a valid license issued to the person
21 under Title 77 RCW;

22 (5) In an area where the discharge of a firearm is permitted, is
23 not trespassing, and the person either: (a) Is at least fifteen years
24 of age, has been issued a hunter safety certificate, and is using a
25 lawful firearm other than a pistol; or (b) is under the supervision of
26 a parent, guardian, or other adult approved for the purpose by the
27 parent or guardian;

28 (6) Traveling with any unloaded firearm in the person's possession
29 to or from any activity described in subsection (1), (2), (3), (4), or
30 (5) of this section;

31 (7) On real property under the control of his or her parent, other
32 relative, or legal guardian and who has the permission of the parent or
33 legal guardian to possess a firearm;

34 (8) At his or her residence and who, with the permission of his or
35 her parent or legal guardian, possesses a firearm for the purpose of
36 exercising the rights specified in RCW 9A.16.020(3); or

37 (9) Is a member of the armed forces of the United States, national
38 guard, or organized reserves, when on duty.

1 NEW SECTION. **Sec. 104.** A new section is added to chapter 9.41 RCW
2 to read as follows:

3 (1)(a) At the time a person is convicted of, or adjudicated
4 delinquent for, an offense making the person ineligible to own,
5 possess, or control a firearm, or at the time a person is committed by
6 court order under RCW 71.05.320 or chapter 10.77 RCW for mental health
7 treatment, the convicting or committing court shall notify the person,
8 orally and in writing, that the person may not own, possess, or control
9 a firearm unless his or her right to do so is restored by a court of
10 record.

11 The convicting or committing court also shall forward a copy of the
12 person's driver's license or identicard, or comparable information, to
13 the department of licensing, along with the date of conviction or
14 commitment.

15 (b) Upon the expiration of fourteen days of treatment of a person
16 voluntarily committed, if the period of voluntary commitment is to
17 continue, the institution, hospital, or sanitarium shall notify the
18 person, orally and in writing, that the person may not own, possess, or
19 control a firearm unless his or her right to do so is restored by a
20 court of record.

21 Following fourteen continuous days of treatment, the institution,
22 hospital, or sanitarium also shall forward a copy of the person's
23 driver's license or identicard, or comparable information, to the
24 department of licensing, along with the date of voluntary commitment.

25 (2) Upon receipt of the information provided for by subsection (1)
26 of this section, the department of licensing shall determine if the
27 convicted or committed person has a concealed pistol license. If the
28 person does have a concealed pistol license, the department of
29 licensing shall immediately notify the license-issuing authority.

30 (3) A person who is prohibited from owning, possessing, or having
31 in his or her control a firearm, by reason of having been either:

32 (a) Voluntarily committed for mental health treatment for a period
33 exceeding fourteen continuous days; or

34 (b) Involuntarily committed for mental health treatment under RCW
35 71.05.320, chapter 10.77 RCW, or equivalent statutes of another
36 jurisdiction,
37 may, upon discharge, petition a court of record to have his or her
38 right to own, possess, or control a firearm restored.

1 (4) At a minimum, a petition under this section shall include the
2 following:

3 (a) The fact, date, and place of commitment;

4 (b) The place of treatment;

5 (c) The fact and date of release from commitment;

6 (d) A certified copy of the most recent order, if one exists, of
7 commitment, with the findings of fact and conclusions of law; and

8 (e) A statement by the person that he or she is no longer required
9 to participate in an inpatient or outpatient treatment program, is no
10 longer required to take medication to treat any condition related to
11 the commitment, and does not present a substantial danger to himself or
12 herself, to others, or to the public safety.

13 (5) A person petitioning the court under this section shall bear
14 the burden of proving by a preponderance of the evidence that the
15 circumstances resulting in the commitment no longer exist and are not
16 reasonably likely to recur.

17 NEW SECTION. **Sec. 105.** A new section is added to chapter 9.41 RCW
18 to read as follows:

19 Except as provided in section 104(4)(c) of this act, the department
20 of licensing and the license-issuing authority shall hold the
21 information provided for by section 104(1) of this act confidential,
22 and shall use the information solely to determine the person's
23 eligibility to own, possess, control, or purchase a firearm, or
24 eligibility for a concealed pistol license.

25 **Sec. 106.** RCW 9.41.045 and 1991 c 221 s 1 are each amended to read
26 as follows:

27 As a sentence condition and requirement, offenders under the
28 supervision of the department of corrections pursuant to chapter 9.94A
29 RCW shall not own, use, or possess firearms ((~~or ammunition~~)). In
30 addition to any penalty imposed pursuant to RCW 9.41.040 when
31 applicable, offenders found to be in actual or constructive possession
32 of firearms ((~~or ammunition~~)) shall be subject to the appropriate
33 violation process and sanctions as provided for in RCW 9.94A.200.
34 Firearms ((~~or ammunition~~)) owned, used, or possessed by offenders may
35 be confiscated by community corrections officers and turned over to the
36 Washington state patrol for disposal as provided in RCW 9.41.098.

1 **Sec. 107.** RCW 9.41.050 and 1982 1st ex.s. c 47 s 3 are each
2 amended to read as follows:

3 (1) Except in the person's place of abode or fixed place of
4 business, a person shall not carry a pistol concealed on his or her
5 person without a license to carry a concealed weapon.

6 (2) A person who is in possession of an unloaded pistol shall not
7 leave the unloaded pistol in a vehicle unless the unloaded pistol is
8 locked within the vehicle and concealed from view from outside the
9 vehicle.

10 (3) A person shall not carry or place a loaded pistol in any
11 vehicle unless the person has a license to carry a concealed weapon
12 and: (a) The pistol is on the licensee's person, (b) the licensee is
13 within the vehicle at all times that the pistol is there, or (c) the
14 licensee is away from the vehicle and the pistol is locked within the
15 vehicle and concealed from view from outside the vehicle.

16 (4) Unless an exception under section 103 of this act applies, a
17 person at least eighteen years of age, but less than twenty-one years
18 of age, may possess a pistol only:

19 (a) In the person's place of abode;

20 (b) At the person's fixed place of business; or

21 (c) On real property under his or her control.

22 (5) Nothing in this section permits the possession of firearms
23 illegal to possess under state or federal law.

24 **Sec. 108.** RCW 9.41.060 and 1961 c 124 s 5 are each amended to read
25 as follows:

26 (1) The provisions of RCW 9.41.050 shall not apply to:

27 (a) Marshals, sheriffs, prison or jail wardens or their deputies,
28 ((policemen)) or other law enforcement officers((, or to));

29 (b) Law enforcement officers retired for service or retired for
30 physical disability;

31 (c) Members of the ((army, navy or marine corps)) armed forces of
32 the United States or of the national guard or organized reserves, when
33 on duty((, or to));

34 (d) Officers or employees of the United States duly authorized to
35 carry a concealed pistol;

36 (e) Any person engaged in the business of manufacturing, repairing,
37 or dealing in firearms, or the agent or representative of the person,

1 if possessing, using, or carrying a pistol in the usual or ordinary
2 course of the business;

3 (f) Regularly enrolled members of any organization duly authorized
4 to purchase or receive (~~(such weapons)~~) pistols from the United States
5 or from this state(~~(, or to)~~);

6 (g) Regularly enrolled members of clubs organized for the purpose
7 of target shooting (~~(or)~~), when those members are at or are going to or
8 from their places of target practice;

9 (h) Regularly enrolled members of clubs organized for the purpose
10 of modern and antique firearm collecting (~~(or to)~~), when those members
11 are at or are going to or from their collector's gun shows and
12 exhibits;

13 (i) Individual hunters(~~(: PROVIDED, Such members are at, or are~~
14 going to or from their places of target practice, or their collector's
15 gun shows and exhibits, or are on a hunting, camping or fishing trip,
16 or to officers or employees of the United States duly authorized to
17 carry a concealed pistol, or to any person engaged in the business of
18 manufacturing, repairing, or dealing in firearms or the agent or
19 representative of any such person having in his possession, using, or
20 carrying a pistol in the usual or ordinary course of such business, or
21 to) when on a hunting, camping, or fishing trip; or

22 (j) Any person while carrying a pistol unloaded and in a closed
23 opaque case or secure wrapper (~~(from the place of purchase to his home~~
24 or place of business or to a place of repair or back to his home or
25 place of business or in moving from one place of abode or business to
26 another)).

27 (2) Any firearm other than a pistol shall be carried unloaded in a
28 closed, opaque case or secure wrapper. This subsection does not apply
29 to an unloaded firearm locked in the trunk or other compartment of a
30 vehicle, secured in a gun rack, or otherwise secured in place in a
31 vehicle.

32 **Sec. 109.** RCW 9.41.070 and 1992 c 168 s 1 are each amended to read
33 as follows:

34 (1) The judge of a court of record, the chief of police of a
35 municipality, or the sheriff of a county, shall within thirty days
36 after the filing of an application of any person issue a license to
37 such person to carry a pistol concealed on his or her person within
38 this state for four years from date of issue, for the purposes of

1 protection or while engaged in business, sport, or while traveling.
2 However, if the applicant does not have a valid permanent Washington
3 driver's license or Washington state identification card or has not
4 been a resident of the state for the previous consecutive ninety days,
5 the issuing authority shall have up to sixty days after the filing of
6 the application to issue a license. The issuing authority shall accept
7 applications for concealed pistol licenses during normal business
8 hours.

9 ((Such)) The applicant's constitutional right to bear arms shall
10 not be denied, unless he or she:

11 (a) Is ineligible to own a ((pistol)) firearm under the provisions
12 of RCW 9.41.040; ((or))

13 (b) Is under twenty-one years of age; ((or))

14 (c) Has failed to present evidence of competence with a pistol.
15 Any of the following items shall suffice as evidence of competence with
16 a pistol:

17 (i) Evidence of completion of a hunter education or hunter safety
18 course approved by the department of fish and wildlife or a similar
19 agency of another state if pistol safety was a component of the course;

20 (ii) Evidence of completion of a national rifle association firearm
21 safety training course if pistol safety was a component of the course;

22 (iii) Evidence of completion of a firearm safety training course
23 conducted by a firearm instructor certified by a law enforcement agency
24 or the national rifle association if pistol safety was a component of
25 the course;

26 (iv) Evidence of completion of a firearm safety training course
27 offered by the criminal justice training commission for security
28 guards, investigators, or law enforcement officers, if pistol safety
29 was a component of the course;

30 (v) Evidence of equivalent experience with a pistol through
31 participation in organized shooting competition or military experience.
32 A determination by the issuing authority whether an applicant has had
33 equivalent experience shall be conclusive; or

34 (vi) Evidence of a satisfactory score on a written test, approved
35 by the department of fish and wildlife and administered by a local law
36 enforcement agency, taken in lieu of a firearm safety training course.
37 The test shall cover the safe storage, handling, and use of pistols,
38 and laws concerning firearms, including the legal use of deadly force.

1 A law enforcement agency may charge a fee sufficient to defray the
2 costs of administering the test.

3 This subsection (1)(c) does not apply to applicants for license
4 renewals;

5 (d) Is subject to a court order or injunction regarding firearms
6 pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; (~~or~~

7 ~~(d)~~) (e) Is free on bond or personal recognizance pending trial,
8 appeal, or sentencing for a crime of violence; (~~or~~

9 ~~(e)~~) (f) Has an outstanding warrant for his or her arrest from any
10 court of competent jurisdiction for a felony or misdemeanor; (~~or~~

11 ~~(f)~~) (g) Has been ordered to forfeit a firearm under RCW
12 9.41.098(1)(d) within one year before filing an application to carry a
13 pistol concealed on his or her person; or

14 (~~(g)~~) (h)(i) Has been convicted or as a juvenile adjudicated
15 delinquent of any (~~of the following offenses: Assault in the third~~
16 ~~degree, indecent liberties, malicious mischief in the first degree,~~
17 ~~possession of stolen property in the first or second degree, or theft~~
18 ~~in the first or second degree. Any~~) crime against a child or other
19 person listed in RCW 43.43.830(5).

20 (ii) Except as provided in (h)(iii) of this subsection, any person
21 who becomes ineligible for a concealed pistol permit as a result of a
22 conviction for a crime listed in (~~this subsection (1)(g)~~) (h)(i) of
23 this subsection and then successfully completes all terms of his or her
24 sentence, as evidenced by a certificate of discharge issued under RCW
25 9.94A.220 in the case of a sentence under chapter 9.94A RCW, and has
26 not again been convicted of any crime and is not under indictment for
27 any crime, may, one year or longer after such successful sentence
28 completion, petition (~~the district~~) a court of record for a
29 declaration that the person is no longer ineligible for a concealed
30 pistol permit under (~~this subsection (1)(g)~~) (h)(i) of this
31 subsection.

32 (iii) No person convicted of a crime of violence as defined in RCW
33 9.41.010 may have his or her right to own, possess, or control firearms
34 restored, unless the person has been granted relief from disabilities
35 by the secretary of the treasury under 18 U.S.C. Sec. 925(c), or RCW
36 9.41.040(4) applies.

37 (2) The issuing authority shall check with the Washington state
38 patrol electronic data base, the department of social and health
39 services electronic data base, and with other agencies or resources as

1 appropriate, to determine whether the applicant is ineligible under RCW
2 9.41.040 to own, possess, or control a pistol and therefore ineligible
3 for a concealed pistol license. This subsection applies whether the
4 applicant is applying for a new concealed pistol license or to renew a
5 concealed pistol license.

6 (3) Any person whose firearms rights have been restricted and who
7 has been granted relief from disabilities by the secretary of the
8 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.
9 Sec. 921(a)(20)(A) shall have his or her right to acquire, receive,
10 transfer, ship, transport, carry, and possess firearms in accordance
11 with Washington state law restored except as otherwise prohibited by
12 this chapter.

13 ~~((3) The license shall be revoked by the issuing authority~~
14 ~~immediately upon conviction of a crime which makes such a person~~
15 ~~ineligible to own a pistol or upon the third conviction for a violation~~
16 ~~of this chapter within five calendar years.~~

17 (4) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the
18 issuing authority shall:

19 (a) On the first forfeiture, revoke the license for one year;

20 (b) On the second forfeiture, revoke the license for two years;

21 (c) On the third or subsequent forfeiture, revoke the license for
22 five years.

23 Any person whose license is revoked as a result of a forfeiture of a
24 firearm under RCW 9.41.098(1)(d) may not reapply for a new license
25 until the end of the revocation period. The issuing authority shall
26 notify, in writing, the department of licensing upon revocation of a
27 license. The department of licensing shall record the revocation.

28 ~~(5))~~ (4) The license shall be in triplicate, in form to be
29 prescribed by the department of licensing, and shall bear the name,
30 address, and description, fingerprints, and signature of the licensee,
31 and the licensee's driver's license number or state identification card
32 number if used for identification in applying for the license. A
33 signed application for a concealed pistol license shall constitute a
34 waiver of confidentiality and written request that the department of
35 social and health services, mental health institutions, and other
36 health care facilities release information relevant to the applicant's
37 eligibility for a concealed pistol license to an inquiring court or law
38 enforcement agency.

1 The license application shall contain a warning substantially as
2 follows:

3 CAUTION: Although state and local laws do not differ, federal
4 law and state law on the possession of firearms differ. If you
5 are prohibited by federal law from possessing a firearm, you
6 may be prosecuted in federal court. A state license is not a
7 defense to a federal prosecution.

8 The license application shall contain a description of the major
9 differences between state and federal law and an explanation of the
10 fact that local laws and ordinances on firearms are preempted by state
11 law and must be consistent with state law. The application shall
12 contain questions about the applicant's eligibility under RCW 9.41.040
13 to own, possess, or control a pistol, the applicant's place of birth,
14 whether the applicant is a United States citizen, and if not a citizen
15 whether the applicant has declared the intent to become a citizen and
16 whether he or she has been required to register with the state or
17 federal government and any identification or registration number, if
18 applicable. The applicant shall not be required to produce a birth
19 certificate or other evidence of citizenship. An applicant who is not
20 a citizen shall provide documentation showing resident alien status and
21 the applicant's intent to become a citizen. ~~((A person who makes a~~
22 ~~false statement regarding citizenship on the application is guilty of~~
23 ~~a misdemeanor.))~~ A person who is not a citizen of the United States,
24 or has not declared his or her intention to become a citizen shall meet
25 the additional requirements of RCW 9.41.170.

26 The original thereof shall be delivered to the licensee, the
27 duplicate shall within seven days be sent by registered mail to the
28 director of licensing and the triplicate shall be preserved for six
29 years, by the authority issuing said license.

30 ~~((+6))~~ (5) The fee for the original issuance of a four-year
31 license shall be ~~((twenty-three))~~ sixty-five dollars~~((:—PROVIDED,~~
32 ~~That)).~~ No other ~~((additional charges by any))~~ branch or unit of
33 government ~~((shall be borne by))~~ may impose any additional charges on
34 the applicant for the issuance of the license~~((:—PROVIDED FURTHER,~~
35 ~~That)).~~ The fee shall be distributed as follows:

36 (a) ~~((Four))~~ Twenty-five dollars shall be paid to the ~~((state~~
37 ~~general fund))~~ department of licensing;

1 (b) (~~Four~~) Ten dollars shall be paid to the agency taking the
2 fingerprints of the person licensed;

3 (c) (~~Twelve~~) Twenty dollars shall be paid to the issuing
4 authority for the purpose of enforcing this chapter; and

5 (d) (~~Three~~) Ten dollars to the firearms range account in the
6 general fund.

7 (~~(7)~~) (6) The fee for the renewal of such license shall be
8 (~~fifteen~~) fifty-five dollars(~~(:—PROVIDED, That)~~). No other
9 (~~additional charges by any~~) branch or unit of government (~~shall be~~
10 ~~borne by~~) may impose any additional charges on the applicant for the
11 renewal of the license(~~(:—PROVIDED FURTHER, That)~~). The renewal fee
12 shall be distributed as follows:

13 (a) (~~Four~~) Twenty-five dollars shall be paid to the (~~state~~
14 ~~general fund~~) department of licensing;

15 (b) (~~Eight~~) Twenty dollars shall be paid to the issuing authority
16 for the purpose of enforcing this chapter; and

17 (c) (~~Three~~) Ten dollars to the firearms range account in the
18 general fund.

19 (~~(8)~~) (7) Payment shall be by cash, check, or money order at the
20 option of the applicant. Additional methods of payment may be allowed
21 at the option of the issuing authority.

22 (~~(9)~~) (8) A licensee may renew a license if the licensee applies
23 for renewal within ninety days before or after the expiration date of
24 the license. A license so renewed shall take effect on the expiration
25 date of the prior license. A licensee renewing after the expiration
26 date of the license must pay a late renewal penalty of (~~ten~~) twenty
27 dollars in addition to the renewal fee specified in subsection (~~(7)~~)
28 (6) of this section. The fee shall be distributed as follows:

29 (a) (~~Three~~) Ten dollars shall be deposited in the state wildlife
30 fund and used exclusively for the printing and distribution of a
31 pamphlet on the legal limits of the use of firearms, firearms safety,
32 and the preemptive nature of state law. The pamphlet shall be given to
33 each applicant for a license; and

34 (b) (~~Seven~~) Ten dollars shall be paid to the issuing authority
35 for the purpose of enforcing this chapter.

36 (~~(10)~~) (9) Notwithstanding the requirements of subsections (1)
37 through (~~(9)~~) (8) of this section, the chief of police of the
38 municipality or the sheriff of the county of the applicant's residence

1 may issue a temporary emergency license for good cause pending review
2 under subsection (1) of this section.

3 ~~((11))~~ (10) A political subdivision of the state shall not modify
4 the requirements of this section or chapter, nor may a political
5 subdivision ask the applicant to voluntarily submit any information not
6 required by this section. ~~((A civil suit may be brought to enjoin a
7 wrongful refusal to issue a license or a wrongful modification of the
8 requirements of this section or chapter. The civil suit may be brought
9 in the county in which the application was made or in Thurston county
10 at the discretion of the petitioner. Any person who prevails against
11 a public agency in any action in the courts for a violation of this
12 chapter shall be awarded costs, including reasonable attorneys' fees,
13 incurred in connection with such legal action.))~~

14 (11) A person who knowingly makes a false statement regarding
15 citizenship, identity, or eligibility requirements on an application
16 for a concealed pistol license is guilty of false swearing under RCW
17 9A.72.040. In addition to any other penalty provided for by law, the
18 concealed pistol license of a person who knowingly makes a false
19 statement shall be revoked, and the person shall be permanently
20 ineligible for a concealed pistol license.

21 NEW SECTION. Sec. 110. (1) The license shall be revoked by the
22 license-issuing authority immediately upon:

23 (a) Discovery by the issuing authority that the person was
24 ineligible under RCW 9.41.040 for a concealed pistol license when
25 applying for the license or license renewal;

26 (b) Conviction of the licensee of an offense, or commitment of the
27 licensee for mental health treatment, that makes a person ineligible
28 under RCW 9.41.040 to own, possess, or control a firearm;

29 (c) Conviction of the licensee for a third violation of this
30 chapter within five calendar years; or

31 (d) An order that the licensee forfeit a firearm under RCW
32 9.41.098(1)(d).

33 (2)(a) Unless the person may lawfully possess a pistol without a
34 concealed pistol license, an ineligible person to whom a concealed
35 pistol license was issued shall, within fourteen days of license
36 revocation, lawfully transfer ownership of any pistol acquired while
37 the person was in possession of the license.

1 (b) Upon discovering a person issued a concealed pistol license was
2 ineligible for the license, the issuing authority shall contact the
3 department of licensing to determine whether the person purchased a
4 pistol while in possession of the license. If the person did purchase
5 a pistol while in possession of the concealed pistol license, if the
6 person may not lawfully possess a pistol without a concealed pistol
7 license, the issuing authority shall require the person to present
8 satisfactory evidence of having lawfully transferred ownership of the
9 pistol. The issuing authority shall require the person to produce the
10 evidence within fifteen days of the revocation of the license.

11 (3) When a licensee is ordered to forfeit a firearm under RCW
12 9.41.098(1)(d), the issuing authority shall:

13 (a) On the first forfeiture, revoke the license for one year;

14 (b) On the second forfeiture, revoke the license for two years; or

15 (c) On the third or subsequent forfeiture, revoke the license for
16 five years.

17 Any person whose license is revoked as a result of a forfeiture of
18 a firearm under RCW 9.41.098(1)(d) may not reapply for a new license
19 until the end of the revocation period.

20 (4) The issuing authority shall notify, in writing, the department
21 of licensing of the revocation of a license. The department of
22 licensing shall record the revocation.

23 **Sec. 111.** RCW 9.41.080 and 1935 c 172 s 8 are each amended to read
24 as follows:

25 No person shall deliver a pistol to any person (~~((under the age of~~
26 ~~twenty-one or to one))~~) who he or she has reasonable cause to believe
27 (~~((has been convicted of a crime of violence, or is a drug addict, an~~
28 ~~habitual drunkard, or of unsound mind))~~) is ineligible under RCW
29 9.41.040 to own, possess, or control a firearm. Any person violating
30 this section is guilty of a class C felony, punishable under chapter
31 9A.20 RCW.

32 **Sec. 112.** RCW 9.41.090 and 1988 c 36 s 2 are each amended to read
33 as follows:

34 (1) In addition to the other requirements of this chapter, no
35 (~~((commercial seller shall))~~) dealer may deliver a pistol to the
36 purchaser thereof until:

1 (a) The purchaser produces a valid concealed pistol license and the
2 (~~commercial seller~~) dealer has recorded the purchaser's name, license
3 number, and issuing agency, such record to be made in triplicate and
4 processed as provided in subsection (~~(4)~~) (5) of this section; (~~or~~)

5 (b) The (~~seller~~) dealer is notified in writing by the chief of
6 police of the municipality or the sheriff of the county that the
7 purchaser (~~meets the requirements of~~) is eligible to possess a pistol
8 under RCW 9.41.040 and that the application to purchase is granted.
9 However, if the purchaser is under twenty-one years of age, the dealer
10 shall deliver the pistol to the purchaser unloaded and securely
11 wrapped; or

12 (c) Five (~~consecutive~~) business days (~~(including Saturday, Sunday~~
13 ~~and holidays)~~), meaning days on which state offices are open, have
14 elapsed from the time of receipt of the application for the purchase
15 thereof as provided herein by the chief of police or sheriff designated
16 in subsection (~~(4)~~) (5) of this section, and, when delivered, said
17 pistol shall be securely wrapped and shall be unloaded. However, if
18 the purchaser does not have a valid permanent Washington driver's
19 license or state identification card or has not been a resident of the
20 state for the previous consecutive ninety days, the waiting period
21 under this subsection (1)(c) shall be up to sixty days.

22 (2)(a) Except as provided in (b) of this subsection, in determining
23 whether the purchaser meets the requirements of RCW 9.41.040, the chief
24 of police or sheriff, or the designee of either, shall check with the
25 Washington state patrol electronic data base, the department of social
26 and health services electronic data base, and with other agencies or
27 resources as appropriate, to determine whether the applicant is
28 ineligible under RCW 9.41.040 to own, possess, or control a pistol.

29 (b) Once the system is established, a dealer shall use the national
30 instant criminal background check system, provided for by the Brady
31 Handgun Control Act (H.R. 1025, 103rd Cong., 1st Sess. (1993)), to make
32 criminal background checks of applicants to purchase pistols. However,
33 a chief of police or sheriff, or a designee of either, shall continue
34 to check the department of social and health services' electronic data
35 base and with other agencies or resources as appropriate, to determine
36 whether applicants are ineligible under RCW 9.41.040 to own, possess,
37 or control a pistol.

38 (c) Information obtained under this subsection (2) shall be used
39 exclusively to determine the eligibility of a person to own, possess,

1 or control a pistol, and shall not be made available for public
2 inspection except by the person who is the subject of the information.

3 (3) In any case under subsection (1)(c) of this section where the
4 applicant has an outstanding warrant for his or her arrest from any
5 court of competent jurisdiction for a felony or misdemeanor, the
6 (~~seller~~) dealer shall hold the delivery of the pistol until the
7 warrant for arrest is served and satisfied by appropriate court
8 appearance. The local jurisdiction for purposes of the sale shall
9 confirm the existence of outstanding warrants within seventy-two hours
10 after notification of the application to purchase a pistol is received.
11 The local jurisdiction shall also immediately confirm the satisfaction
12 of the warrant on request of the (~~seller~~) dealer so that the hold may
13 be released if the warrant was for (~~a crime other than a crime of~~
14 ~~violence~~) an offense other than an offense making a person ineligible
15 under RCW 9.41.040 to possess a pistol.

16 (~~(3)~~) (4) In any case where the chief or sheriff of the local
17 jurisdiction has reasonable grounds based on the following
18 circumstances: (a) Open criminal charges, (b) pending criminal
19 proceedings, (c) pending commitment proceedings, (d) an outstanding
20 warrant for (~~a crime of violence, or (e) an arrest for a crime of~~
21 ~~violence~~) an offense making a person ineligible under RCW 9.41.040 to
22 possess a pistol, or (e) an arrest for an offense making a person
23 ineligible under RCW 9.41.040 to possess a pistol, if the records of
24 disposition have not yet been reported or entered sufficiently to
25 determine eligibility to purchase a pistol, the local jurisdiction may
26 hold the sale and delivery of the pistol beyond five days up to thirty
27 days in order to confirm existing records in this state or elsewhere.
28 After thirty days, the hold will be lifted unless an extension of the
29 thirty days is approved by a local district court or municipal court
30 for good cause shown. An applicant shall be notified of each hold
31 placed on the sale by local law enforcement and of any application to
32 the court for additional hold period to confirm records or confirm the
33 identity of the applicant.

34 (~~(4)~~) (5) At the time of applying for the purchase of a pistol,
35 the purchaser shall sign in triplicate and deliver to the (~~seller~~)
36 dealer an application containing his or her full name, address, place
37 of birth, and the date and hour of the application; the applicant's
38 driver's license number or state identification card number; and a
39 description of the weapon including, the make, model, caliber and

1 manufacturer's number; and a statement that the purchaser is eligible
2 to own a pistol under RCW 9.41.040.

3 The application shall contain a warning substantially as follows:

4 CAUTION: Although state and local laws do not differ, federal
5 law and state law on the possession of firearms differ. If you
6 are prohibited by federal law from possessing a firearm, you
7 may be prosecuted in federal court. State permission to
8 purchase a firearm is not a defense to a federal prosecution.

9 The purchaser shall be given a copy of the department of fish and
10 wildlife pamphlet on the legal limits of the use of firearms, firearms
11 safety, and the fact that local laws and ordinances on firearms are
12 preempted by state law and must be consistent with state law.

13 The ((seller)) dealer shall, by the end of the business day, sign
14 and attach his or her address and deliver the original of the
15 application and such other documentation as required under subsection
16 (1) of this section to the chief of police of the municipality or the
17 sheriff of the county of which the ((seller)) dealer is a resident.
18 The ((seller)) dealer shall deliver the pistol to the purchaser
19 following the period of time specified in this section unless the
20 ((seller)) dealer is notified in writing by the chief of police of the
21 municipality or the sheriff of the county, whichever is applicable,
22 denying the purchaser's application to purchase and the grounds
23 thereof. The application shall not be denied unless the purchaser
24 fails to meet the requirements specified in RCW 9.41.040. ((The chief
25 of police of the municipality or the county sheriff shall maintain a
26 file containing the original of the application to purchase a pistol.))

27 The chief of police of the municipality or the sheriff of the
28 county shall retain or destroy applications to purchase a pistol in
29 accordance with the requirements of 18 U.S.C. Sec. 922.

30 (6) A person who knowingly makes a false statement regarding
31 identity or eligibility requirements on the application to purchase a
32 pistol is guilty of false swearing under RCW 9A.72.040.

33 (7) This section does not apply to sales to licensed dealers for
34 resale or to the sale of antique firearms.

35 NEW SECTION. Sec. 113. A new section is added to chapter 9.41 RCW
36 to read as follows:

1 A signed application to purchase a pistol shall constitute a waiver
2 of confidentiality and written request that the department of social
3 and health services, mental health institutions, and other health care
4 facilities release, to an inquiring court or law enforcement agency,
5 information relevant to the applicant's eligibility to purchase a
6 pistol to an inquiring court or law enforcement agency.

7 NEW SECTION. **Sec. 114.** A new section is added to chapter 9.41 RCW
8 to follow RCW 9.41.097 to read as follows:

9 (1) The state, local governmental entities, any public or private
10 agency, and the employees of any state or local governmental entity or
11 public or private agency, acting in good faith, are immune from
12 liability:

13 (a) For failure to prevent the sale or transfer of a firearm to a
14 person whose receipt or possession of the firearm is unlawful;

15 (b) For preventing the sale or transfer of a firearm to a person
16 who may lawfully receive or possess a firearm;

17 (c) For issuing a concealed pistol license to a person ineligible
18 for such a license;

19 (d) For failing to issue a concealed pistol license to a person
20 eligible for such a license;

21 (e) For revoking or failing to revoke an issued concealed pistol
22 license; or

23 (f) For errors in preparing or transmitting information as part of
24 determining a person's eligibility to receive or possess a firearm, or
25 eligibility for a concealed pistol license.

26 (2) A suit may be brought for a writ of mandamus:

27 (a) Directing an issuing agency to issue a concealed pistol license
28 wrongfully refused; or

29 (b) Directing that erroneous information resulting either in the
30 wrongful refusal to issue a concealed pistol license or in the wrongful
31 denial of a purchase application be corrected.

32 The suit may be brought in the county in which the application for
33 a concealed pistol license or to purchase a pistol was made, or in
34 Thurston county, at the discretion of the petitioner. A person who
35 prevails against a public agency in a suit brought under this
36 subsection (2) shall be awarded reasonable attorneys' fees and costs.

1 **Sec. 115.** RCW 9.41.098 and 1993 c 243 s 1 are each amended to read
2 as follows:

3 (1) The superior courts and the courts of limited jurisdiction of
4 the state may order forfeiture of a firearm which is proven to be:

5 (a) Found concealed on a person not authorized by RCW 9.41.060 or
6 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute
7 defense to forfeiture if the person possessed a valid Washington
8 concealed pistol license within the preceding two years and has not
9 become ineligible for a concealed pistol license in the interim.
10 Before the firearm may be returned, the person must pay the past due
11 renewal fee and the current renewal fee;

12 (b) Commercially sold to any person without an application as
13 required by RCW 9.41.090;

14 (c) Found in the possession of a person prohibited from possessing
15 the firearm under RCW 9.41.040;

16 (d) Found in the possession or under the control of a person at the
17 time the person committed or was arrested for committing a crime of
18 violence or a crime in which a firearm was used or displayed or a
19 felony violation of the Uniform Controlled Substances Act, chapter
20 69.50 RCW;

21 ~~((d))~~ (e) Found concealed on a person who is in any place in
22 which a concealed pistol license is required, and who is under the
23 influence of any drug or under the influence of intoxicating liquor,
24 ~~((having 0.10 grams or more of alcohol per two hundred ten liters of~~
25 ~~breath or 0.10 percent or more by weight of alcohol in the person's~~
26 ~~blood, as shown by analysis of the person's breath, blood, or other~~
27 ~~bodily substance))~~ as defined in chapter 46.61 RCW;

28 ~~((e) Found in the possession of a person prohibited from~~
29 ~~possessing the firearm under RCW 9.41.040;))~~

30 (f) Found in the possession of a person free on bail or personal
31 recognizance pending trial, appeal, or sentencing for a crime of
32 violence or a crime in which a firearm was used or displayed, except
33 that violations of Title 77 RCW shall not result in forfeiture under
34 this section;

35 (g) Found in the possession of a person found to have been mentally
36 incompetent while in possession of a firearm when apprehended or who is
37 thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

1 (h) Known to have been used or displayed by a person in the
2 violation of a proper written order of a court of general jurisdiction;
3 or

4 (i) Known to have been used in the commission of a crime of
5 violence or a crime in which a firearm was used or displayed or a
6 felony violation of the (~~Uniformed~~[~~Uniform~~]) Uniform Controlled
7 Substances Act, chapter 69.50 RCW.

8 (2) Upon order of forfeiture, the court in its discretion shall
9 order destruction of any firearm that is illegal for any person to
10 possess. A court may temporarily retain forfeited firearms needed for
11 evidence.

12 (a) Except as provided in (b), (c), and (d) of this subsection,
13 firearms that are: (i) Judicially forfeited and no longer needed for
14 evidence; or (ii) forfeited due to a failure to make a claim under RCW
15 63.32.010 or 63.40.010; may be disposed of in any manner determined by
16 the local legislative authority. Any proceeds of an auction or trade
17 may be retained by the legislative authority. This subsection (2)(a)
18 applies only to firearms that come into the possession of the law
19 enforcement agency after June 30, 1993, and applies only if the law
20 enforcement agency has complied with (b) of this subsection.

21 By midnight, June 30, 1993, every law enforcement agency shall
22 prepare an inventory, under oath, of every firearm that has been
23 judicially forfeited, has been seized and may be subject to judicial
24 forfeiture, or that has been, or may be, forfeited due to a failure to
25 make a claim under RCW 63.32.010 or 63.40.010.

26 (b) Except as provided in (c) of this subsection, of the
27 inventoried firearms a law enforcement agency shall destroy illegal
28 firearms, may retain a maximum of ten percent of legal forfeited
29 firearms for agency use, and shall either:

30 (i) Comply with the provisions for the auction of firearms in RCW
31 9.41.098 that were in effect immediately preceding May 7, 1993; or

32 (ii) Trade, auction, or arrange for the auction of, rifles and
33 shotguns. In addition, the law enforcement agency shall either trade,
34 auction, or arrange for the auction of, short firearms, or shall pay a
35 fee of twenty-five dollars to the state treasurer for every short
36 firearm neither auctioned nor traded, to a maximum of fifty thousand
37 dollars. The fees shall be accompanied by an inventory, under oath, of
38 every short firearm listed in the inventory required by (a) of this
39 subsection, that has been neither traded nor auctioned. The state

1 treasurer shall credit the fees to the firearms range account
2 established in RCW 77.12.720. All trades or auctions of firearms under
3 this subsection shall be to (~~commercial sellers~~) licensed dealers.
4 Proceeds of any auction less costs, including actual costs of storage
5 and sale, shall be forwarded to the firearms range account established
6 in RCW 77.12.720.

7 (c) Antique firearms (~~as defined by RCW 9.41.150~~) and firearms
8 recognized as curios, relics, and firearms of particular historical
9 significance by the United States treasury department bureau of
10 alcohol, tobacco, and firearms are exempt from destruction and shall be
11 disposed of by auction or trade to (~~commercial sellers~~) licensed
12 dealers.

13 (d) Firearms in the possession of the Washington state patrol on or
14 after May 7, 1993, that are judicially forfeited and no longer needed
15 for evidence, or forfeited due to a failure to make a claim under RCW
16 63.35.020, must be disposed of as follows: (i) Firearms illegal for
17 any person to possess must be destroyed; (ii) the Washington state
18 patrol may retain a maximum of ten percent of legal firearms for agency
19 use; and (iii) all other legal firearms must be auctioned or traded to
20 (~~commercial sellers~~) licensed dealers. The Washington state patrol
21 may retain any proceeds of an auction or trade.

22 (3) The court shall order the firearm returned to the owner upon a
23 showing that there is no probable cause to believe a violation of
24 subsection (1) of this section existed or the firearm was stolen from
25 the owner or the owner neither had knowledge of nor consented to the
26 act or omission involving the firearm which resulted in its forfeiture.

27 (4) A law enforcement officer of the state or of any county or
28 municipality may confiscate a firearm found to be in the possession of
29 a person under circumstances specified in subsection (1) of this
30 section. After confiscation, the firearm shall not be surrendered
31 except: (a) To the prosecuting attorney for use in subsequent legal
32 proceedings; (b) for disposition according to an order of a court
33 having jurisdiction as provided in subsection (1) of this section; or
34 (c) to the owner if the proceedings are dismissed or as directed in
35 subsection (3) of this section.

36 **Sec. 116.** RCW 9.41.100 and 1935 c 172 s 10 are each amended to
37 read as follows:

1 (~~No retail~~) Every dealer shall (~~sell or otherwise transfer, or~~
2 ~~expose for sale or transfer, or have in his possession with intent to~~
3 ~~sell, or otherwise transfer, any pistol without being~~) be licensed as
4 (hereinafter) provided in RCW 9.41.110 and shall register with the
5 department of revenue as provided in chapters 82.04 and 82.32 RCW.

6 **Sec. 117.** RCW 9.41.110 and 1979 c 158 s 2 are each amended to read
7 as follows:

8 The duly constituted licensing authorities of any city, town, or
9 political subdivision of this state shall grant licenses in forms
10 prescribed by the director of licensing effective for not more than one
11 year from the date of issue permitting the licensee to sell (~~pistols~~)
12 firearms within this state subject to the following conditions, for
13 breach of any of which the license shall be forfeited and the licensee
14 subject to punishment as provided in RCW 9.41.010 through 9.41.160 (as
15 recodified by this act). A licensing authority shall forward a copy of
16 each license granted to the department of licensing. The department of
17 licensing shall notify the department of revenue of the name and
18 address of each dealer licensed under this section.

19 (1)(a) A licensing authority shall, within thirty days after the
20 filing of an application of any person for a dealer's license,
21 determine whether to grant the license. However, if the applicant does
22 not have a valid permanent Washington driver's license or Washington
23 state identification card, or has not been a resident of the state for
24 the previous consecutive ninety days, the licensing authority shall
25 have up to sixty days to determine whether to issue a license. No
26 person shall qualify for a license under this section without first
27 receiving a federal firearms license and undergoing fingerprinting and
28 a background check. In addition, no person ineligible to possess a
29 firearm under RCW 9.41.040 or ineligible for a concealed pistol license
30 under RCW 9.41.070 shall qualify for a dealer's license.

31 (b) A dealer shall require every employee who may sell a firearm in
32 the course of his or her employment to undergo fingerprinting and a
33 background check. An employee must be eligible to own, possess, or
34 control a firearm, and eligible for a concealed pistol license, before
35 being permitted to sell a firearm. Every employee shall comply with
36 requirements concerning purchase applications and restrictions on
37 delivery of pistols that are applicable to dealers.

1 (2)(a) Except as otherwise provided in (b) of this subsection, the
2 business shall be carried on only in the building designated in the
3 license. For the purpose of this section, advertising firearms for
4 sale shall not be considered the carrying on of business.

5 ~~((+2+))~~ (b) A dealer may conduct business temporarily at a location
6 other than the building designated in the license, if the temporary
7 location is within Washington state and is the location of a gun show
8 sponsored by a national, state, or local organization, or an affiliate
9 of any such organization, devoted to the collection, competitive use,
10 or other sporting use of firearms in the community. Nothing in this
11 subsection (2)(b) authorizes a dealer to conduct business in or from a
12 motorized or towed vehicle.

13 In conducting business temporarily at a location other than the
14 building designated in the license, the dealer shall comply with all
15 other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and
16 9.41.110. The license of a dealer who fails to comply with the
17 requirements of RCW 9.41.080, 9.41.090, and 9.41.110(4) while
18 conducting business at a temporary location shall be revoked, and the
19 dealer shall be permanently ineligible for a dealer's license.

20 (3) The license or a copy thereof, certified by the issuing
21 authority, shall be displayed on the premises in the area where
22 firearms are sold, or at the temporary location, where it can easily be
23 read.

24 ~~((+3+))~~ (4)(a) No pistol shall be sold ~~((+a+))~~: (i) In violation
25 of any provisions of RCW 9.41.010 through 9.41.160~~((+))~~ (as recodified
26 by this act); nor ~~((+b+))~~ (ii) shall a pistol be sold under any
27 circumstances unless the purchaser is personally known to the
28 ~~((seller))~~ dealer or shall present clear evidence of his or her
29 identity.

30 ~~((+4+))~~ (b) A dealer who knowingly sells or delivers any firearm in
31 violation of RCW 9.41.080 is guilty of a class C felony. In addition
32 to any other penalty provided for by law, the dealer is subject to
33 mandatory permanent revocation of his or her dealer's license and
34 permanent ineligibility for a dealer's license.

35 (5)(a) A true record in triplicate shall be made of every pistol
36 sold, in a book kept for the purpose, the form of which may be
37 prescribed by the director of licensing and shall be personally signed
38 by the purchaser and by the person effecting the sale, each in the
39 presence of the other, and shall contain the date of sale, the caliber,

1 make, model and manufacturer's number of the weapon, the name, address,
2 occupation, ~~((color))~~ and place of birth of the purchaser and a
3 statement signed by the purchaser that he ~~((has never been convicted in
4 this state or elsewhere of a crime of violence))~~ or she is not
5 ineligible under RCW 9.41.040 to possess a firearm.

6 (b) One copy shall within six hours be sent by ~~((registered))~~
7 certified mail to the chief of police of the municipality or the
8 sheriff of the county of which the dealer is a resident; the duplicate
9 the dealer shall within seven days send to the director of licensing;
10 the triplicate the dealer shall retain for six years.

11 ~~((+5))~~ (6) Subsections (2) through (5) of this section shall not
12 apply to sales at wholesale.

13 ~~((+6))~~ (7) The dealer's licenses authorized to be issued by this
14 section are general licenses covering all sales by the licensee within
15 the effective period of the licenses.

16 ~~((+7))~~ (8) Except as provided in RCW 9.41.090 ~~((as now or
17 hereinafter amended))~~, every city, town and political subdivision of
18 this state is prohibited from requiring the purchaser to secure a
19 permit to purchase or from requiring the dealer to secure an individual
20 permit for each sale.

21 The fee paid for issuing said license shall be ~~((five))~~ twenty-five
22 dollars which fee shall be paid into the state treasury.

23 NEW SECTION. Sec. 118. A new section is added to chapter 9.41 RCW
24 to read as follows:

25 The department of licensing may keep copies of purchasing
26 applications or records of pistol transfers. The applications or
27 records shall be exempt from public disclosure except as provided in
28 RCW 42.17.318.

29 NEW SECTION. Sec. 119. A new section is added to chapter 9.41 RCW
30 to read as follows:

31 (1) At least once every twelve months, the department of licensing
32 shall obtain a list of federally licensed dealers with business
33 premises in the state of Washington from the United States bureau of
34 alcohol, tobacco, and firearms. The department of licensing shall
35 verify that all dealers on the list provided by the bureau of alcohol,
36 tobacco, and firearms are licensed and registered as required by RCW
37 9.41.100.

1 (2) At least once every twelve months, the department of licensing
2 shall obtain from the department of revenue a list of dealers
3 registered with the department of revenue whose gross proceeds of sales
4 are below the reporting threshold provided in RCW 82.04.300, and a list
5 of dealers whose names and addresses were forwarded to the department
6 of revenue by the department of licensing under RCW 9.41.110, who
7 failed to register with the department of revenue as required by RCW
8 9.41.100.

9 (3) At least once every twelve months, the department of licensing
10 shall notify the bureau of alcohol, tobacco, and firearms of any
11 federally licensed dealer with business premises in the state of
12 Washington: (a) Who is not licensed or not registered as required by
13 RCW 9.41.100; or (b) whose gross proceeds of sales are below the
14 reporting threshold provided in RCW 82.04.300.

15 **Sec. 120.** RCW 9.41.140 and 1961 c 124 s 10 are each amended to
16 read as follows:

17 No person shall change, alter, remove, or obliterate the name of
18 the maker, model, manufacturer's number, or other mark of
19 identification on any (~~pistol~~) firearm. Possession of any pistol
20 upon which any such mark shall have been changed, altered, removed, or
21 obliterated, shall be prima facie evidence that the possessor has
22 changed, altered, removed, or obliterated the same. This shall not
23 apply to replacement barrels in old revolvers, which barrels are
24 produced by current manufacturers and therefor do not have the markings
25 on the barrels of the original manufacturers who are no longer in
26 business.

27 **Sec. 121.** RCW 9.41.170 and 1979 c 158 s 3 are each amended to read
28 as follows:

29 (1) It shall be unlawful for any person who is not a citizen of the
30 United States, or who has not declared his or her intention to become
31 a citizen of the United States, to carry or have in his or her
32 possession at any time any shotgun, rifle, or other firearm, without
33 first having obtained a license from the director of licensing, and
34 such license is not to be issued by the director of licensing except
35 upon the certificate of the consul domiciled in the state and
36 representing the country of such alien, that (~~he~~) the alien is a
37 responsible person (~~and upon the payment for the license of the sum of~~

1 ~~fifteen dollars:— PROVIDED, That~~). The fee for the license shall be
2 twenty-five dollars, and the license shall be valid for four years from
3 the date of issue.

4 (2) This section shall not apply to Canadian citizens resident in
5 a province which has an enactment or public policy providing
6 substantially similar privilege to residents of the state of Washington
7 and who are carrying or possessing weapons for the purpose of using
8 them in the hunting of game while such persons are in the act of
9 hunting, or while on a hunting trip, or while such persons are
10 competing in a bona fide trap or skeet shoot or any other organized
11 contest where rifles, pistols, or shotguns are used as ~~((to))~~ weapons
12 ~~((used))~~ in such contest.

13 (3) Nothing in this section shall be construed to allow aliens to
14 hunt or fish in this state without first having obtained a regular
15 hunting or fishing license.

16 (4) Any person violating the provisions of this section shall be
17 guilty of a misdemeanor.

18 **Sec. 122.** RCW 9.41.190 and 1982 1st ex.s. c 47 s 2 are each
19 amended to read as follows:

20 (1) It is unlawful for any person to manufacture, own, buy, sell,
21 loan, furnish, transport, or have in possession or under control, any
22 machine gun, short-barreled shotgun, or short-barreled rifle, or any
23 part thereof capable of use; or assembling or repairing any machine
24 gun~~((:— PROVIDED, HOWEVER, That such limitation))~~, short-barreled
25 shotgun, or short-barreled rifle.

26 (2) This section shall not apply to:

27 (a) Any peace officer in the discharge of official duty, or to any
28 officer or member of the armed forces of the United States or the state
29 of Washington~~((:— PROVIDED FURTHER, That this section does not apply~~
30 ~~to))~~ in the discharge of official duty; or

31 (b) A person, including an employee of such person, who or which is
32 exempt from or licensed under the National Firearms Act (26 U.S.C.
33 section 5801 et seq.), and engaged in the production, manufacture,
34 repair, or testing of weapons or equipment ~~((to be used or purchased by~~
35 ~~the armed forces of the United States, and having a United States~~
36 ~~government industrial security clearance)):~~

37 (i) To be used or purchased by the armed forces of the United
38 States;

1 (ii) To be used or purchased by federal, state, county, or
2 municipal law enforcement agencies; or

3 (iii) For exportation in compliance with all applicable federal
4 laws and regulations.

5 (3) Nothing in subsection (2) of this section shall be construed as
6 permitting the possession, use, or control of a machine gun, short-
7 barreled rifle, or short-barreled shotgun by a person or entity not
8 otherwise authorized by law to do so.

9 (4) Any person violating this section is guilty of a class C
10 felony.

11 **Sec. 123.** RCW 9.41.220 and 1933 c 64 s 4 are each amended to read
12 as follows:

13 All machine guns, short-barreled shotguns, or short-barreled
14 rifles, or parts thereof, illegally held or illegally possessed are
15 hereby declared to be contraband, and it shall be the duty of all peace
16 officers, and/or any officer or member of the armed forces of the
17 United States or the state of Washington, to seize said machine gun, or
18 parts thereof, wherever and whenever found.

19 **Sec. 124.** RCW 9.41.230 and 1909 c 249 s 307 are each amended to
20 read as follows:

21 ~~((Every))~~ (1) For conduct not amounting to a violation of chapter
22 9A.36 RCW, any person who ~~((shall))~~:

23 (a) Aims any ~~((gun, pistol, revolver or other))~~ firearm, whether
24 loaded or not, at or towards any human being~~((, or who shall))~~;

25 (b) Willfully discharges any firearm, air gun, or other weapon, or
26 throws any deadly missile in a public place, or in any place where any
27 person might be endangered thereby~~((, although no injury result, shall~~
28 be)); or

29 (c) Except as provided in RCW 9.41.185, sets a so-called trap,
30 spring pistol, rifle, or other dangerous weapon,
31 although no injury results, is guilty of a gross misdemeanor punishable
32 under chapter 9A.20 RCW.

33 (2) If an injury results from a violation of subsection (1) of this
34 section, the person violating subsection (1) of this section shall be
35 subject to the applicable provisions of chapters 9A.32 and 9A.36 RCW.

1 **Sec. 125.** RCW 9.41.250 and 1959 c 143 s 1 are each amended to read
2 as follows:

3 Every person who ~~((shall))~~:

4 (1) Manufactures, sells, or disposes of or ~~((have—in—his~~
5 ~~possession))~~ possesses any instrument or weapon of the kind usually
6 known as slung shot, sand club, or metal knuckles, or spring blade
7 knife, or any knife the blade of which is automatically released by a
8 spring mechanism or other mechanical device, or any knife having a
9 blade which opens, or falls, or is ejected into position by the force
10 of gravity, or by an outward, downward, or centrifugal thrust or
11 movement; ~~((who—shall))~~

12 (2) Furtively ~~((carry))~~ carries with intent to conceal any dagger,
13 dirk, pistol, or other dangerous weapon; or ~~((who—shall))~~

14 (3) Uses any contrivance or device for suppressing the noise of any
15 firearm, ~~((shall—be))~~

16 is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

17 **Sec. 126.** RCW 9.41.260 and 1909 c 249 s 283 are each amended to
18 read as follows:

19 Every proprietor, lessee, or occupant of any place of amusement, or
20 any plat of ground or building, who ~~((shall))~~ allows it to be used for
21 the exhibition of skill in throwing any sharp instrument or in shooting
22 any bow gun~~((, pistol))~~ or firearm of any description, at or toward any
23 human being, ~~((shall—be))~~ is guilty of a misdemeanor punishable under
24 chapter 9A.20 RCW.

25 **Sec. 127.** RCW 9.41.270 and 1969 c 8 s 1 are each amended to read
26 as follows:

27 (1) It shall be unlawful for ~~((anyone))~~ any person to carry,
28 exhibit, display, or draw any firearm, dagger, sword, knife or other
29 cutting or stabbing instrument, club, or any other weapon apparently
30 capable of producing bodily harm, in a manner, under circumstances, and
31 at a time and place that either manifests an intent to intimidate
32 another or that warrants alarm for the safety of other persons.

33 (2) Any person violating the provisions of subsection (1) above
34 shall be guilty of a gross misdemeanor.

35 (3) Subsection (1) of this section shall not apply to or affect the
36 following:

1 (a) Any act committed by a person while in his or her place of
2 abode or fixed place of business;

3 (b) Any person who by virtue of his or her office or public
4 employment is vested by law with a duty to preserve public safety,
5 maintain public order, or to make arrests for offenses, while in the
6 performance of such duty;

7 (c) Any person acting for the purpose of protecting himself or
8 herself against the use of presently threatened unlawful force by
9 another, or for the purpose of protecting another against the use of
10 such unlawful force by a third person;

11 (d) Any person making or assisting in making a lawful arrest for
12 the commission of a felony; or

13 (e) Any person engaged in military activities sponsored by the
14 federal or state governments.

15 **Sec. 128.** RCW 9.41.280 and 1993 c 347 s 1 are each amended to read
16 as follows:

17 (1) It is unlawful for a person to carry onto, or to possess on,
18 public or private elementary or secondary school premises, school-
19 provided transportation, or areas of facilities while being used
20 exclusively by public or private schools:

21 (a) Any firearm; ~~((or))~~

22 (b) Any other dangerous weapon as defined in RCW 9.41.250; ~~((or))~~

23 (c) Any device commonly known as "nun-chu-ka sticks", consisting of
24 two or more lengths of wood, metal, plastic, or similar substance
25 connected with wire, rope, or other means; ~~((or))~~

26 (d) Any device, commonly known as "throwing stars", which are
27 multi-pointed, metal objects designed to embed upon impact from any
28 aspect; or

29 (e) Any air gun, including any air pistol or air rifle, designed to
30 propel a BB, pellet, or other projectile by the discharge of compressed
31 air, carbon dioxide, or other gas.

32 (2) Any such person violating subsection (1) of this section is
33 guilty of a gross misdemeanor.

34 Any violation of subsection (1) of this section by elementary or
35 secondary school students constitutes grounds for expulsion from the
36 state's public schools in accordance with RCW 28A.600.010. However,
37 any violation of subsection (1)(a) of this section by an elementary or
38 secondary school student shall result in expulsion for an indefinite

1 period of time in accordance with RCW 28A.600.010. An appropriate
2 school authority shall promptly notify law enforcement and the
3 student's parent or guardian regarding any allegation or indication of
4 such violation.

5 (3) Subsection (1) of this section does not apply to:

6 (a) Any student or employee of a private military academy when on
7 the property of the academy;

8 (b) Any person engaged in military, law enforcement, or school
9 district security activities;

10 (c) Any person who is involved in a convention, showing,
11 demonstration, lecture, or firearms safety course authorized by school
12 authorities in which the firearms of collectors or instructors are
13 handled or displayed;

14 ~~((Any person who possesses nun-chu-ka sticks, throwing stars,
15 or other dangerous weapons to be used in martial arts classes
16 authorized to be conducted on the school premises;~~

17 ~~(e))~~ Any person while the person is participating in a firearms or
18 air gun competition approved by the school or school district;

19 ~~((f))~~ (e) Any person in possession of a pistol who has been
20 issued a license under RCW 9.41.070, or is exempt from the licensing
21 requirement by RCW 9.41.060,, while picking up or dropping off a
22 student;

23 ~~((g))~~ (f) Any ((person)) nonstudent at least eighteen years of
24 age legally in possession of a firearm or dangerous weapon that is
25 secured within an attended vehicle or concealed from view within a
26 locked unattended vehicle while conducting legitimate business at the
27 school;

28 ~~((h))~~ (g) Any ((person)) nonstudent at least eighteen years of
29 age who is in lawful possession of an unloaded firearm, secured in a
30 vehicle while conducting legitimate business at the school; or

31 ~~((i))~~ (h) Any law enforcement officer of the federal, state, or
32 local government agency.

33 (4) Subsections (1) (c) and (d) of this section do not apply to any
34 person who possesses nun-chu-ka sticks, throwing stars, or other
35 dangerous weapons to be used in martial arts classes authorized to be
36 conducted on the school premises.

37 (5) Except as provided in subsection (3)(b), (c), ~~((e))~~ (f), and
38 ~~((i))~~ (h) of this section, firearms are not permitted in a public or
39 private school building.

1 (~~(5)~~) (6) "GUN-FREE ZONE" signs shall be posted around school
2 facilities giving warning of the prohibition of the possession of
3 firearms on school grounds.

4 **Sec. 129.** RCW 9.41.290 and 1985 c 428 s 1 are each amended to read
5 as follows:

6 The state of Washington hereby fully occupies and preempts the
7 entire field of firearms regulation within the boundaries of the state,
8 including the registration, licensing, possession, purchase, sale,
9 acquisition, transfer, discharge, and transportation of firearms, or
10 any other element relating to firearms or parts thereof, including
11 ammunition and reloader components. Cities, towns, and counties or
12 other municipalities may enact only those laws and ordinances relating
13 to firearms that are specifically authorized by state law, as in RCW
14 9.41.300, and are consistent with this chapter. Such local ordinances
15 shall have the same (~~or lesser~~) penalty as provided for by state law.
16 Local laws and ordinances that are inconsistent with, more restrictive
17 than, or exceed the requirements of state law shall not be enacted and
18 are preempted and repealed, regardless of the nature of the code,
19 charter, or home rule status of such city, town, county, or
20 municipality.

21 **Sec. 130.** RCW 9.41.300 and 1993 c 396 s 1 are each amended to read
22 as follows:

23 (1) It is unlawful for any person to enter the following places
24 when he or she knowingly possesses or knowingly has under his or her
25 control a weapon:

26 (a) The restricted access areas of a jail, or of a law enforcement
27 facility, or any place used for the confinement of a person (i)
28 arrested for, charged with, or convicted of an offense, (ii) charged
29 with being or adjudicated to be a juvenile offender as defined in RCW
30 13.40.020, (iii) held for extradition or as a material witness, or (iv)
31 otherwise confined pursuant to an order of a court, except an order
32 under chapter 13.32A or 13.34 RCW. Restricted access areas do not
33 include common areas of egress or ingress open to the general public;

34 (b) Those areas in any building which are used in connection with
35 court proceedings, including courtrooms, jury rooms, judge's chambers,
36 offices and areas used to conduct court business, waiting areas, and
37 corridors adjacent to areas used in connection with court proceedings.

1 The restricted areas do not include common areas of ingress and egress
2 to the building that is used in connection with court proceedings, when
3 it is possible to protect court areas without restricting ingress and
4 egress to the building. The restricted areas shall be the minimum
5 necessary to fulfill the objective of this subsection (1)(b).

6 In addition, the local legislative authority shall provide either
7 a stationary locked box sufficient in size for (~~short firearms~~)
8 pistols and key to a weapon owner for weapon storage, or shall
9 designate an official to receive weapons for safekeeping, during the
10 owner's visit to restricted areas of the building. The locked box or
11 designated official shall be located within the same building used in
12 connection with court proceedings. The local legislative authority
13 shall be liable for any negligence causing damage to or loss of a
14 weapon either placed in a locked box or left with an official during
15 the owner's visit to restricted areas of the building.

16 The local judicial authority shall designate and clearly mark those
17 areas where weapons are prohibited, and shall post notices at each
18 entrance to the building of the prohibition against weapons in the
19 restricted areas;

20 (c) The restricted access areas of a public mental health facility
21 certified by the department of social and health services for inpatient
22 hospital care and state institutions for the care of the mentally ill,
23 excluding those facilities solely for evaluation and treatment.
24 Restricted access areas do not include common areas of egress and
25 ingress open to the general public; or

26 (d) That portion of an establishment classified by the state liquor
27 control board as off-limits to persons under twenty-one years of age.

28 (2) (~~Notwithstanding RCW 9.41.290,~~) Cities, towns, counties, and
29 other municipalities may enact laws and ordinances:

30 (a) Restricting the discharge of firearms in any portion of their
31 respective jurisdictions where there is a reasonable likelihood that
32 humans, domestic animals, or property will be jeopardized. Such laws
33 and ordinances shall not abridge the right of the individual guaranteed
34 by Article I, section 24 of the state Constitution to bear arms in
35 defense of self or others; and

36 (b) Restricting the possession of firearms in any stadium or
37 convention center, operated by a city, town, county, or other
38 municipality, except that such restrictions shall not apply to:

1 (i) Any (~~(firearm)~~) pistol in the possession of a person licensed
2 under RCW 9.41.070 or exempt from the licensing requirement by RCW
3 9.41.060; or

4 (ii) Any showing, demonstration, or lecture involving the
5 exhibition of firearms.

6 (3) Cities, towns, and counties may enact ordinances restricting
7 the areas in their respective jurisdictions in which firearms may be
8 sold.

9 (4) Violations of local ordinances adopted under subsection (2) or
10 (3) of this section must have the same penalty as provided for by state
11 law.

12 (5) The perimeter of the premises of any specific location covered
13 by subsection (1) of this section shall be posted at reasonable
14 intervals to alert the public as to the existence of any law
15 restricting the possession of firearms on the premises.

16 (~~(4)~~) (6) Subsection (1) of this section does not apply to:

17 (a) A person engaged in military activities sponsored by the
18 federal or state governments, while engaged in official duties;

19 (b) Law enforcement personnel; or

20 (c) Security personnel while engaged in official duties.

21 (~~(5)~~) (7) Subsection (1)(a) of this section does not apply to a
22 person licensed pursuant to RCW 9.41.070 who, upon entering the place
23 or facility, directly and promptly proceeds to the administrator of the
24 facility or the administrator's designee and obtains written permission
25 to possess the firearm while on the premises or checks his or her
26 firearm. The person may reclaim the firearms upon leaving but must
27 immediately and directly depart from the place or facility.

28 (~~(6)~~) (8) Subsection (1)(c) of this section does not apply to any
29 administrator or employee of the facility or to any person who, upon
30 entering the place or facility, directly and promptly proceeds to the
31 administrator of the facility or the administrator's designee and
32 obtains written permission to possess the firearm while on the
33 premises.

34 (~~(7)~~) (9) Subsection (1)(d) of this section does not apply to the
35 proprietor of the premises or his or her employees while engaged in
36 their employment.

37 (~~(8)~~) (10) Any person violating subsection (1) of this section is
38 guilty of a gross misdemeanor.

1 (~~(9)~~) (11) "Weapon" as used in this section means any firearm,
2 explosive as defined in RCW 70.74.010, or instrument or weapon listed
3 in RCW 9.41.250.

4 **Sec. 131.** RCW 9.41.310 and 1988 c 36 s 4 are each amended to read
5 as follows:

6 (1) After a public hearing, the department of fish and wildlife
7 shall publish a pamphlet on firearms safety and the legal limits of the
8 use of firearms. The pamphlet shall include current information on
9 firearms laws and regulations and state preemption of local firearms
10 laws. This pamphlet may be used in the department's hunter safety
11 education program and shall be provided to the department of licensing
12 for distribution to firearms dealers and persons authorized to issue
13 concealed pistol licenses. The department of fish and wildlife shall
14 reimburse the department of licensing for costs associated with
15 distribution of the pamphlet.

16 (2) The department of fish and wildlife shall approve a written
17 test an applicant for a concealed pistol license may take, at the
18 applicant's option, in lieu of a safety training course. In addition
19 to matters regarding the safe storage, handling, and use of pistols,
20 the test shall cover laws concerning firearms, including the legal use
21 of deadly force. The test shall be administered by local law
22 enforcement agencies.

23 NEW SECTION. **Sec. 132.** A new section is added to chapter 9.41 RCW
24 to read as follows:

25 (1) The Washington advisory panel on firearms is established.

26 (2) The panel shall advise the governor and the legislature on
27 current technology, information, and data related to firearms and the
28 use of firearms in crime and shall make recommendations to the
29 legislature regarding proposed changes to current law in the area of
30 licensing, sales, or restrictions on the use or possession of any
31 firearms in accordance with Article I, section 24 of the state
32 Constitution.

33 (3) The panel shall consist of thirteen members appointed by the
34 governor.

35 (4) The members of the panel shall include:

36 (a) A representative of the Washington association of sheriffs and
37 police chiefs, who will serve as the nonvoting chair;

1 (b) A representative of the Washington state council of police
2 officers;

3 (c) A representative of the national rifle association or its
4 affiliated state organization, or of a similar group, who resides in
5 Washington state;

6 (d) A representative of Washington cease fire, or of a similar
7 group, who resides in Washington state;

8 (e) A representative of handgun dealers, manufacturers, or
9 gunsmiths;

10 (f) Two state representatives appointed by the speaker of the house
11 of representatives, representing the two largest caucuses, one of whom
12 is an advocate of firearms' control and one of whom is an advocate of
13 the right to bear firearms;

14 (g) Two state senators appointed by the president of the senate,
15 representing the two largest caucuses, one of whom is an advocate of
16 firearms' control and one of whom is an advocate of the right to bear
17 firearms;

18 (h) A representative of the governor; and

19 (i) Three citizens, representing different geographical regions of
20 the state, who shall have no known affiliation with advocacy of
21 firearms control or with advocacy of the right to bear firearms and no
22 known strong sentiment on the firearms issue, and who shall be chosen
23 from an agreed upon list developed by Washington cease fire and the
24 national rifle association or its affiliated state organization.

25 (5) The panel shall meet at least twice annually at the request of
26 the chair or by request of a majority of the members.

27 (6) The panel shall consider need and desirability for change in
28 firearm laws consistent with Article I, section 24 of the state
29 Constitution and public health and safety.

30 (7) Nothing in this section shall be construed as requiring the
31 panel to test any firearm or have any firearm tested at the panel's
32 expense.

33 NEW SECTION. **Sec. 133.** A new section is added to chapter 9.41 RCW
34 to read as follows:

35 In addition to any other penalty provided for by law, the driver's
36 license shall be revoked of, or the age of eligibility for a driver's
37 license shall be postponed for, any person thirteen years of age or
38 older and under the age of eighteen found by a court to have committed

1 an offense while armed with a firearm during which offense a motor
2 vehicle served an integral function. The person's driving privileges
3 shall be postponed or revoked and reinstated in accordance with the
4 procedures established in RCW 13.40.265 and 46.20.265.

5 **Sec. 134.** RCW 13.40.265 and 1989 c 271 s 116 are each amended to
6 read as follows:

7 (1)(a) If a juvenile thirteen years of age or older is found by
8 juvenile court to have committed an offense while armed with a firearm
9 or an offense that is a violation of chapter 66.44, 69.41, 69.50, or
10 69.52 RCW, the court shall notify the department of licensing within
11 twenty-four hours after entry of the judgment.

12 (b) Except as otherwise provided in (c) of this subsection, upon
13 petition of a juvenile who has been found by the court to have
14 committed an offense that is a violation of chapter 66.44, 69.41,
15 69.50, or 69.52 RCW, the court may at any time the court deems
16 appropriate notify the department of licensing that the juvenile's
17 driving privileges should be reinstated.

18 (c) If the offense is the juvenile's first violation of chapter
19 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the
20 court for reinstatement of the juvenile's privilege to drive revoked
21 pursuant to RCW 46.20.265 until ninety days after the date the juvenile
22 turns sixteen or ninety days after the judgment was entered, whichever
23 is later. If the offense is the juvenile's second or subsequent
24 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile
25 may not petition the court for reinstatement of the juvenile's
26 privilege to drive revoked pursuant to RCW 46.20.265 until the date the
27 juvenile turns seventeen or one year after the date judgment was
28 entered, whichever is later.

29 (2)(a) If a juvenile enters into a diversion agreement with a
30 diversion unit pursuant to RCW 13.40.080 concerning an offense that is
31 a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion
32 unit shall notify the department of licensing within twenty-four hours
33 after the diversion agreement is signed.

34 (b) If a diversion unit has notified the department pursuant to (a)
35 of this subsection, the diversion unit shall notify the department of
36 licensing when the juvenile has completed the agreement.

1 **Sec. 135.** RCW 13.64.060 and 1993 c 294 s 6 are each amended to
2 read as follows:

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

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

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

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

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

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

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

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

21 (h) The right to give informed consent for receiving health care
22 services.

23 (2) An emancipated minor shall not be considered an adult for: (a)
24 The purposes of the adult criminal laws of the state unless the decline
25 of jurisdiction procedures contained in RCW 13.40.110 are used or the
26 minor is tried in criminal court pursuant to RCW 13.04.030(1)(e)(iv);

27 (b) the criminal laws of the state when the emancipated minor is a
28 victim and the age of the victim is an element of the offense; or (c)
29 those specific constitutional and statutory age requirements regarding
30 voting, use of alcoholic beverages, ownership, possession, or control
31 of firearms, and other health and safety regulations relevant to the
32 minor because of the minor's age.

33 **Sec. 136.** RCW 26.28.080 and 1987 c 250 s 2 and 1987 c 204 s 1 are
34 each reenacted and amended to read as follows:

35 Every person who:

36 (1) Shall admit to or allow to remain in any concert saloon, or in
37 any place owned, kept, or managed by him or her where intoxicating

1 liquors are sold, given away or disposed of--except a restaurant or
2 dining room, any person under the age of eighteen years; ((or))

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

7 (3) Shall suffer or permit any such person to play any game of
8 skill or chance, in any such place, or in any place adjacent thereto,
9 or to be or remain therein, or admit or allow to remain in any reputed
10 house of prostitution or assignation, or in any place where opium or
11 any preparation thereof, is smoked, or where any narcotic drug is used,
12 any persons under the age of eighteen years; or(())

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

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

18 shall be guilty of a gross misdemeanor.

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

22 **Sec. 137.** RCW 42.17.318 and 1988 c 219 s 2 are each amended to
23 read as follows:

24 (1) The license applications under RCW 9.41.070, and the purchase
25 applications or records of pistol sales under RCW 9.41.090, are exempt
26 from the disclosure requirements of this chapter. Copies of license or
27 purchase applications, or information on the applications, may be
28 released to law enforcement or corrections agencies.

29 (2) Information concerning commitments for mental health treatment
30 received by: (a) The department of licensing, or an authority that
31 issues concealed pistol licenses, under section 104 of this act or RCW
32 9.41.070; or (b) a law enforcement agency, under RCW 9.41.090, is
33 exempt from the disclosure requirements of this chapter. The
34 information may be released to law enforcement or corrections agencies.

35 **Sec. 138.** RCW 46.20.265 and 1991 c 260 s 1 are each amended to
36 read as follows:

1 (1) In addition to any other authority to revoke driving privileges
2 under this chapter, the department shall revoke all driving privileges
3 of a juvenile when the department receives notice from a court pursuant
4 to RCW 13.40.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, or a
5 substantially similar municipal ordinance adopted by a local
6 legislative authority, or from a diversion unit pursuant to RCW
7 13.40.265. The revocation shall be imposed without hearing.

8 (2) The driving privileges of the juvenile revoked under subsection
9 (1) of this section shall be revoked in the following manner:

10 (a) Upon receipt of the first notice, the department shall impose
11 a revocation for one year, or until the juvenile reaches seventeen
12 years of age, whichever is longer.

13 (b) Upon receipt of a second or subsequent notice, the department
14 shall impose a revocation for two years or until the juvenile reaches
15 eighteen years of age, whichever is longer.

16 (c) Each offense for which the department receives notice shall
17 result in a separate period of revocation. All periods of revocation
18 imposed under this section that could otherwise overlap shall run
19 consecutively and no period of revocation imposed under this section
20 shall begin before the expiration of all other periods of revocation
21 imposed under this section or other law.

22 (3) If the department receives notice from a court that the
23 juvenile's privilege to drive should be reinstated, the department
24 shall immediately reinstate any driving privileges that have been
25 revoked under this section.

26 (4)(a) If the department receives notice pursuant to RCW
27 13.40.265(2)(b) from a diversion unit that a juvenile has completed a
28 diversion agreement for which the juvenile's driving privileges were
29 revoked, the department shall reinstate any driving privileges revoked
30 under this section as provided in (b) of this subsection.

31 (b) If the diversion agreement was for the juvenile's first
32 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department
33 shall not reinstate the juvenile's privilege to drive until the later
34 of ninety days after the date the juvenile turns sixteen or ninety days
35 after the juvenile entered into a diversion agreement for the offense.
36 If the diversion agreement was for the juvenile's second or subsequent
37 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department
38 shall not reinstate the juvenile's privilege to drive until the later

1 of the date the juvenile turns seventeen or one year after the juvenile
2 entered into the second or subsequent diversion agreement.

3 **Sec. 139.** RCW 71.05.450 and 1973 1st ex.s. c 142 s 50 are each
4 amended to read as follows:

5 Competency shall not be determined or withdrawn by operation of, or
6 under the provisions of this chapter. Except as chapter 9.41 RCW may
7 limit the right of a person to purchase or possess a firearm or to
8 qualify for a concealed pistol license, no person shall be presumed
9 incompetent or lose any civil rights as a consequence of receiving
10 evaluation or treatment for mental disorder, either voluntarily or
11 involuntarily, or certification or commitment pursuant to this chapter
12 or any prior laws of this state dealing with mental illness. Any
13 person who leaves a public or private agency following evaluation or
14 treatment for mental disorder shall be given a written statement
15 setting forth the substance of this section.

16 **Sec. 140.** RCW 71.12.560 and 1974 ex.s. c 145 s 1 are each amended
17 to read as follows:

18 The person in charge of any private institution, hospital, or
19 sanitarium which is conducted for, or includes a department or ward
20 conducted for, the care and treatment of persons who are mentally ill
21 or deranged may receive therein as a voluntary patient any person
22 suffering from mental illness or derangement who is a suitable person
23 for care and treatment in the institution, hospital, or sanitarium, who
24 voluntarily makes a written application to the person in charge for
25 admission into the institution, hospital or sanitarium. (~~After six~~
26 ~~months of continuous inpatient treatment as a voluntary~~) At the
27 expiration of fourteen continuous days of treatment of a patient
28 voluntarily committed in a private institution, hospital, or
29 sanitarium, if the period of voluntary commitment is to continue, the
30 person in charge shall forward to the office of the department of
31 social and health services a record of the voluntary patient showing
32 the name, residence, ((age)) date of birth, sex, place of birth,
33 occupation, social security number, marital status, date of admission
34 to the institution, hospital, or sanitarium, and such other information
35 as may be required by rule of the department of social and health
36 services.

1 **Sec. 141.** RCW 72.23.080 and 1959 c 28 s 72.23.080 are each amended
2 to read as follows:

3 Any person received and detained in a state hospital (~~(pursuant to~~
4 ~~RCW 72.23.070 shall be)~~) under chapter 71.34 RCW is deemed a voluntary
5 patient and, except as chapter 9.41 RCW may limit the right of a person
6 to purchase or possess a firearm or to qualify for a concealed pistol
7 license, shall not suffer a loss of legal competency by reason of his
8 or her application and admission. Upon the admission of a voluntary
9 patient to a state hospital the superintendent shall immediately
10 forward to the department the record of such patient showing the name,
11 address, sex, (~~(age)~~) date of birth, place of birth, occupation, social
12 security number, date of admission, name of nearest relative, and such
13 other information as the department may from time to time require.

14 **Sec. 142.** RCW 82.04.300 and 1993 sp.s. c 25 s 205 are each amended
15 to read as follows:

16 This chapter shall apply to any person engaging in any business
17 activity taxable under RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255,
18 82.04.260, 82.04.270, 82.04.280, and 82.04.290 other than those whose
19 value of products, gross proceeds of sales, or gross income of the
20 business is less than one thousand dollars per month: PROVIDED, That
21 where one person engages in more than one business activity and the
22 combined measures of the tax applicable to such businesses equal or
23 exceed one thousand dollars per month, no exemption or deduction from
24 the amount of tax is allowed by this section.

25 A person who is a dealer as defined by RCW 9.41.010 is required to
26 file returns even though no tax may be due. Any other person claiming
27 exemption under the provisions of this section may be required,
28 according to rules adopted by the department, to file returns even
29 though no tax may be due. The department of revenue may allow
30 exemptions, by general rule or regulation, in those instances in which
31 quarterly, semiannual, or annual returns are permitted. Exemptions for
32 such periods shall be equivalent in amount to the total of exemptions
33 for each month of a reporting period.

34 **Sec. 143.** RCW 82.32.030 and 1992 c 206 s 8 are each amended to
35 read as follows:

36 (1) Except as provided in subsection (2) of this section, if any
37 person engages in any business or performs any act upon which a tax is

1 imposed by the preceding chapters, he or she shall, under such rules as
2 the department of revenue shall prescribe, apply for and obtain from
3 the department a registration certificate upon payment of fifteen
4 dollars. Such registration certificate shall be personal and
5 nontransferable and shall be valid as long as the taxpayer continues in
6 business and pays the tax accrued to the state. In case business is
7 transacted at two or more separate places by one taxpayer, a separate
8 registration certificate for each place at which business is transacted
9 with the public shall be required, but, for such additional
10 certificates no additional payment shall be required. Each certificate
11 shall be numbered and shall show the name, residence, and place and
12 character of business of the taxpayer and such other information as the
13 department of revenue deems necessary and shall be posted in a
14 conspicuous place at the place of business for which it is issued.
15 Where a place of business of the taxpayer is changed, the taxpayer must
16 return to the department the existing certificate, and a new
17 certificate will be issued for the new place of business free of
18 charge. No person required to be registered under this section shall
19 engage in any business taxable hereunder without first being so
20 registered. The department, by rule, may provide for the issuance of
21 certificates of registration, without requiring payment, to temporary
22 places of business or to persons who are exempt from tax under RCW
23 82.04.300.

24 (2) Unless the person is a dealer as defined in RCW 9.41.010,
25 registration under this section is not required if the following
26 conditions are met:

27 (a) A person's value of products, gross proceeds of sales, or gross
28 income of the business is below the tax reporting threshold provided in
29 RCW 82.04.300;

30 (b) The person is not required to collect or pay to the department
31 of revenue any other tax which the department is authorized to collect;
32 and

33 (c) The person is not otherwise required to obtain a license
34 subject to the master application procedure provided in chapter 19.02
35 RCW.

36 NEW SECTION. Sec. 144. (1) RCW 19.70.010 and 19.70.020 are each
37 recodified as sections in chapter 9.41 RCW.

1 (2) RCW 9.41.160 is recodified in chapter 9.41 RCW to follow RCW
2 9.41.310.

3 NEW SECTION. **Sec. 145.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 9.41.030 and 1935 c 172 s 3;

6 (2) RCW 9.41.093 and 1969 ex.s. c 227 s 2;

7 (3) RCW 9.41.130 and 1935 c 172 s 13;

8 (4) RCW 9.41.150 and 1989 c 132 s 1, 1961 c 124 s 11, & 1935 c 172
9 s 15;

10 (5) RCW 9.41.180 and 1992 c 7 s 8 & 1909 c 249 s 266;

11 (6) RCW 9.41.200 and 1982 c 231 s 2 & 1933 c 64 s 2;

12 (7) RCW 9.41.210 and 1933 c 64 s 3; and

13 (8) RCW 9.41.240 and 1971 c 34 s 1, 1909 c 249 s 308, & 1883 p 67
14 s 1.

15 **PART II - JUVENILE DISPOSITIONS AND ADULT SENTENCES**

16 **A. SUPERIOR AND JUVENILE COURT JURISDICTION**

17 **Sec. 201.** RCW 13.04.030 and 1988 c 14 s 1 are each amended to read
18 as follows:

19 (1) Except as provided in subsection (2) of this section, the
20 juvenile courts in the several counties of this state, shall have
21 exclusive original jurisdiction over all proceedings:

22 ~~((1))~~ (a) Under the interstate compact on placement of children
23 as provided in chapter 26.34 RCW;

24 ~~((2))~~ (b) Relating to children alleged or found to be dependent
25 as provided in chapter 26.44 RCW and in RCW 13.34.030 through
26 13.34.170~~((, as now or hereafter amended))~~;

27 ~~((3))~~ (c) Relating to the termination of a parent and child
28 relationship as provided in RCW 13.34.180 through 13.34.210~~((, as now~~
29 ~~or hereafter amended))~~;

30 ~~((4))~~ (d) To approve or disapprove alternative residential
31 placement as provided in RCW 13.32A.170;

32 ~~((5))~~ (e) Relating to juveniles alleged or found to have
33 committed offenses, traffic infractions, or violations as provided in
34 RCW 13.40.020 through 13.40.230, ~~((as now or hereafter amended,))~~
35 unless:

1 (~~(a)~~) (i) The juvenile court transfers jurisdiction of a
2 particular juvenile to adult criminal court pursuant to RCW
3 13.40.110(~~(, as now or hereafter amended)~~); or

4 (~~(b)~~) (ii) The statute of limitations applicable to adult
5 prosecution for the offense, traffic infraction, or violation has
6 expired; or

7 (~~(c)~~) (iii) The alleged offense or infraction is a traffic, fish,
8 boating, or game offense or traffic infraction committed by a juvenile
9 sixteen years of age or older and would, if committed by an adult, be
10 tried or heard in a court of limited jurisdiction, in which instance
11 the appropriate court of limited jurisdiction shall have jurisdiction
12 over the alleged offense or infraction: PROVIDED, That if such an
13 alleged offense or infraction and an alleged offense or infraction
14 subject to juvenile court jurisdiction arise out of the same event or
15 incident, the juvenile court may have jurisdiction of both matters:
16 PROVIDED FURTHER, That the jurisdiction under this subsection does not
17 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
18 or (e)(i) of this subsection (~~(5)(a) of this section~~): PROVIDED
19 FURTHER, That courts of limited jurisdiction which confine juveniles
20 for an alleged offense or infraction may place juveniles in juvenile
21 detention facilities under an agreement with the officials responsible
22 for the administration of the juvenile detention facility in RCW
23 13.04.035 and 13.20.060; or

24 (~~(d)~~) (iv) The juvenile is sixteen or seventeen years old and the
25 alleged offense is: (A) A serious violent offense as defined in RCW
26 9.94A.030 committed on or after the effective date of this section; or
27 (B) a violent offense as defined in RCW 9.94A.030 committed on or after
28 the effective date of this section and the juvenile has a criminal
29 history consisting of: (I) One or more prior serious violent offenses;
30 or (II) two or more prior violent offenses. In such a case the adult
31 criminal court shall have exclusive original jurisdiction.

32 If the juvenile challenges the state's determination of the
33 juvenile's criminal history, the state may establish the offender's
34 criminal history by a preponderance of the evidence. If the criminal
35 history consists of adjudications entered upon a plea of guilty, the
36 state shall not bear a burden of establishing the knowing and
37 voluntariness of the plea;

38 (f) Under the interstate compact on juveniles as provided in
39 chapter 13.24 RCW;

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

4 (~~(8)~~) (h) Relating to court validation of a voluntary consent to
5 foster care placement under chapter 13.34 RCW, by the parent or Indian
6 custodian of an Indian child, except if the parent or Indian custodian
7 and child are residents of or domiciled within the boundaries of a
8 federally recognized Indian reservation over which the tribe exercises
9 exclusive jurisdiction.

10 (2) The family court shall have concurrent original jurisdiction
11 with the juvenile court over all proceedings under this section if the
12 superior court judges of a county authorize concurrent jurisdiction as
13 provided in RCW 26.12.010.

14 **Sec. 202.** RCW 9.94A.030 and 1994 c 1 s 3 (Initiative Measure No.
15 593), 1993 c 338 s 2, 1993 c 251 s 4, and 1993 c 164 s 1 are each
16 reenacted and amended to read as follows:

17 Unless the context clearly requires otherwise, the definitions in
18 this section apply throughout this chapter.

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

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

27 (3) "Community corrections officer" means an employee of the
28 department who is responsible for carrying out specific duties in
29 supervision of sentenced offenders and monitoring of sentence
30 conditions.

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

35 (5) "Community placement" means that period during which the
36 offender is subject to the conditions of community custody and/or
37 postrelease supervision, which begins either upon completion of the
38 term of confinement (postrelease supervision) or at such time as the

1 offender is transferred to community custody in lieu of earned early
2 release. Community placement may consist of entirely community
3 custody, entirely postrelease supervision, or a combination of the two.

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

7 (7) "Community supervision" means a period of time during which a
8 convicted offender is subject to crime-related prohibitions and other
9 sentence conditions imposed by a court pursuant to this chapter or RCW
10 46.61.524. For first-time offenders, the supervision may include
11 crime-related prohibitions and other conditions imposed pursuant to RCW
12 9.94A.120(5). For purposes of the interstate compact for out-of-state
13 supervision of parolees and probationers, RCW 9.95.270, community
14 supervision is the functional equivalent of probation and should be
15 considered the same as probation by other states.

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

18 (9) "Conviction" means an adjudication of guilt pursuant to Titles
19 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
20 acceptance of a plea of guilty.

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

35 (11) "Crime-related prohibition" means an order of a court
36 prohibiting conduct that directly relates to the circumstances of the
37 crime for which the offender has been convicted, and shall not be
38 construed to mean orders directing an offender affirmatively to

1 participate in rehabilitative programs or to otherwise perform
2 affirmative conduct.

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

9 (b) "Criminal history" shall always include juvenile convictions
10 for sex offenses and shall also include a defendant's other prior
11 convictions in juvenile court if: (i) The conviction was for an
12 offense which is a felony or a serious traffic offense and is criminal
13 history as defined in RCW 13.40.020(~~((6))~~)(9)(a); (ii) the defendant
14 was fifteen years of age or older at the time the offense was
15 committed; and (iii) with respect to prior juvenile class B and C
16 felonies or serious traffic offenses, the defendant was less than
17 twenty-three years of age at the time the offense for which he or she
18 is being sentenced was committed.

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

20 (14) "Determinate sentence" means a sentence that states with
21 exactitude the number of actual years, months, or days of total
22 confinement, of partial confinement, of community supervision, the
23 number of actual hours or days of community service work, or dollars or
24 terms of a legal financial obligation. The fact that an offender
25 through "earned early release" can reduce the actual period of
26 confinement shall not affect the classification of the sentence as a
27 determinate sentence.

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

1 (16) "Drug offense" means:

2 (a) Any felony violation of chapter 69.50 RCW except possession of
3 a controlled substance (RCW 69.50.401(d)) or forged prescription for a
4 controlled substance (RCW 69.50.403);

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

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

11 (17) "Escape" means:

12 (a) Escape in the first degree (RCW 9A.76.110), escape in the
13 second degree (RCW 9A.76.120), willful failure to return from furlough
14 (RCW 72.66.060), willful failure to return from work release (RCW
15 72.65.070), or willful failure to be available for supervision by the
16 department while in community custody (RCW 72.09.310); 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 an escape
19 under (a) of this subsection.

20 (18) "Felony traffic offense" means:

21 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
22 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
23 and-run injury-accident (RCW 46.52.020(4)); or

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

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

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

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

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

7 (a) Any felony defined under any law as a class A felony or
8 criminal solicitation of or criminal conspiracy to commit a class A
9 felony;

10 (b) Assault in the second degree;

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

12 (d) Child molestation in the second degree;

13 (e) Controlled substance homicide;

14 (f) Extortion in the first degree;

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

16 (h) Indecent liberties;

17 (i) Kidnapping in the second degree;

18 (j) Leading organized crime;

19 (k) Manslaughter in the first degree;

20 (l) Manslaughter in the second degree;

21 (m) Promoting prostitution in the first degree;

22 (n) Rape in the third degree;

23 (o) Robbery in the second degree;

24 (p) Sexual exploitation;

25 (q) Vehicular assault;

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

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

32 (t) Any other felony with a deadly weapon verdict under RCW
33 9.94A.125;

34 (u) Any felony offense in effect at any time prior to December 2,
35 1993, that is comparable to a most serious offense under this
36 subsection, or any federal or out-of-state conviction for an offense
37 that under the laws of this state would be a felony classified as a
38 most serious offense under this subsection.

1 (22) "Nonviolent offense" means an offense which is not a violent
2 offense.

3 (23) "Offender" means a person who has committed a felony
4 established by state law and is eighteen years of age or older or is
5 less than eighteen years of age but whose case has been transferred by
6 the appropriate juvenile court to a criminal court pursuant to RCW
7 13.40.110 or has been tried in a criminal court pursuant to RCW
8 13.04.030(1)(e)(iv). Throughout this chapter, the terms "offender" and
9 "defendant" are used interchangeably.

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

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

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

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

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

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

35 (28) "Serious traffic offense" means:

36 (a) Driving while under the influence of intoxicating liquor or any
37 drug (RCW 46.61.502), actual physical control while under the influence
38 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving

1 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
2 or

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

6 (29) "Serious violent offense" is a subcategory of violent offense
7 and means:

8 (a) Murder in the first degree, homicide by abuse, murder in the
9 second degree, assault in the first degree, kidnapping in the first
10 degree, or rape in the first degree, assault of a child in the first
11 degree, or an attempt, criminal solicitation, or criminal conspiracy to
12 commit one of these felonies; or

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

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

18 (31) "Sex offense" means:

19 (a) A felony that is a violation of chapter 9A.44 RCW or RCW
20 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal
21 attempt, criminal solicitation, or criminal conspiracy to commit such
22 crimes;

23 (b) A felony with a finding of sexual motivation under RCW
24 9.94A.127; or

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

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

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

35 (34) "Transition training" means written and verbal instructions
36 and assistance provided by the department to the offender during the
37 two weeks prior to the offender's successful completion of the work
38 ethic camp program. The transition training shall include instructions

1 in the offender's requirements and obligations during the offender's
2 period of community custody.

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

6 (36) "Violent offense" means:

7 (a) Any of the following felonies, as now existing or hereafter
8 amended: Any felony defined under any law as a class A felony or an
9 attempt to commit a class A felony, criminal solicitation of or
10 criminal conspiracy to commit a class A felony, manslaughter in the
11 first degree, manslaughter in the second degree, indecent liberties if
12 committed by forcible compulsion, kidnapping in the second degree,
13 arson in the second degree, assault in the second degree, assault of a
14 child in the second degree, extortion in the first degree, robbery in
15 the second degree, vehicular assault, and vehicular homicide, when
16 proximately caused by the driving of any vehicle by any person while
17 under the influence of intoxicating liquor or any drug as defined by
18 RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

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

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

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

37 (38) "Work ethic camp" means an alternative incarceration program
38 designed to reduce recidivism and lower the cost of corrections by
39 requiring offenders to complete a comprehensive array of real-world job

1 and vocational experiences, character-building work ethics training,
2 life management skills development, substance abuse rehabilitation,
3 counseling, literacy training, and basic adult education.

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

9 (40) "Home detention" means a program of partial confinement
10 available to offenders wherein the offender is confined in a private
11 residence subject to electronic surveillance. Home detention may not
12 be imposed for offenders convicted of a violent offense, any sex
13 offense, any drug offense, reckless burning in the first or second
14 degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third
15 degree as defined in RCW 9A.36.031, assault of a child in the third
16 degree, unlawful imprisonment as defined in RCW 9A.40.040, or
17 harassment as defined in RCW 9A.46.020. Home detention may be imposed
18 for offenders convicted of possession of a controlled substance (RCW
19 69.50.401(d)) or forged prescription for a controlled substance (RCW
20 69.50.403) if the offender fulfills the participation conditions set
21 forth in this subsection and is monitored for drug use by treatment
22 alternatives to street crime (TASC) or a comparable court or agency-
23 referred program.

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

35 (b) Participation in a home detention program shall be conditioned
36 upon: (i) The offender obtaining or maintaining current employment or
37 attending a regular course of school study at regularly defined hours,
38 or the offender performing parental duties to offspring or minors
39 normally in the custody of the offender, (ii) abiding by the rules of

1 the home detention program, and (iii) compliance with court-ordered
2 legal financial obligations. The home detention program may also be
3 made available to offenders whose charges and convictions do not
4 otherwise disqualify them if medical or health-related conditions,
5 concerns or treatment would be better addressed under the home
6 detention program, or where the health and welfare of the offender,
7 other inmates, or staff would be jeopardized by the offender's
8 incarceration. Participation in the home detention program for medical
9 or health-related reasons is conditioned on the offender abiding by the
10 rules of the home detention program and complying with court-ordered
11 restitution.

12 **Sec. 203.** RCW 26.12.010 and 1991 c 367 s 11 are each amended to
13 read as follows:

14 (1) Each superior court shall exercise the jurisdiction conferred
15 by this chapter and while sitting in the exercise of such jurisdiction
16 shall be known and referred to as the "family court." A family law
17 proceeding under this chapter is any proceeding under this title or any
18 proceeding in which the family court is requested to adjudicate or
19 enforce the rights of the parties or their children regarding the
20 determination or modification of parenting plans, child custody,
21 visitation, or support, or the distribution of property or obligations.

22 (2) Superior court judges of a county may by majority vote, grant
23 to the family court the power, authority, and jurisdiction, concurrent
24 with the juvenile court, to hear and decide cases under Title 13 RCW.

25 **Sec. 204.** RCW 13.04.021 and 1988 c 232 s 3 are each amended to
26 read as follows:

27 (1) The juvenile court shall be a division of the superior court.
28 In judicial districts having more than one judge of the superior court,
29 the judges of such court shall annually assign one or more of their
30 number to the juvenile court division. In any judicial district having
31 a court commissioner, the court commissioner shall have the power,
32 authority, and jurisdiction, concurrent with a juvenile court judge, to
33 hear all cases under this chapter and to enter judgment and make orders
34 with the same power, force, and effect as any judge of the juvenile
35 court, subject to motion or demand by any party within ten days from
36 the entry of the order or judgment by the court commissioner as
37 provided in RCW 2.24.050. In any judicial district having a family law

1 commissioner appointed pursuant to chapter 26.12 RCW, the family law
2 commissioner shall have the power, authority, and jurisdiction,
3 concurrent with a juvenile court judge, to hear cases under chapter
4 13.34 RCW or any other case under Title 13 RCW as provided in RCW
5 26.12.010, and to enter judgment and make orders with the same power,
6 force, and effect as any judge of the juvenile court, subject to motion
7 or demand by any party within ten days from the entry of the order or
8 judgment by the court commissioner as provided in RCW 2.24.050.

9 (2) Cases in the juvenile court shall be tried without a jury.

10 **Sec. 205.** RCW 72.76.010 and 1989 c 177 s 3 are each amended to
11 read 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(1)(e)(iv).

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. 206.** Provisions governing exceptions to
35 juvenile court jurisdiction in the amendments to RCW 13.04.030
36 contained in section 201 of this act shall apply to serious violent and
37 violent offenses committed on or after the effective date of section
38 201 of this act. The criminal history which may result in loss of

1 juvenile court jurisdiction upon the alleged commission of a serious
2 violent or violent offense may have been acquired on, before, or after
3 the effective date of section 201 of this act.

4 NEW SECTION. **Sec. 207.** A new section is added to chapter 13.40
5 RCW to read as follows:

6 To reduce the likelihood that implementation of this chapter will
7 differentially and unjustifiably affect the outcomes of cases involving
8 youth of color accused of crimes, all youth prosecuted for offenses
9 under this chapter must be charged and prosecuted in accordance with
10 the prosecutorial guidelines developed in accordance with section 8,
11 chapter 415, Laws of 1993 as amended by section 208, chapter . . . ,
12 Laws of 1994 (section 208 of this act). Prosecutors shall also apply
13 those guidelines when filing charges which will result in a juvenile
14 under eighteen being prosecuted as an adult pursuant to RCW 13.04.030.

15 **Sec. 208.** 1993 c 415 s 8 (uncodified) is amended to read as
16 follows:

17 The administrator for the courts shall convene a working group to
18 develop standards and guidelines for the prosecution of juvenile
19 offenders under Title 13 RCW, review any racial disproportionality in
20 diversion, and review the use of detention facilities in a way to
21 reduce racial disproportionality. The administrator shall appoint:

22 (1) One defense attorney familiar with juvenile justice, and three
23 prosecuting attorneys familiar with juvenile justice;

24 (2) One superior court judge;

25 (3) One court commissioner;

26 (4) One juvenile court administrator;

27 (5) One representative of the juvenile disposition standards board;

28 (6) One representative of the department of social and health
29 services;

30 (7) One social researcher with expertise in juvenile or criminal
31 justice;

32 (8) Two representatives of child advocacy groups recommended by the
33 governor; and

34 (9) Two persons recommended jointly by the Washington state
35 minority commissions.

36 Prosecutorial guidelines for charging youth under chapter 13.40 RCW
37 and for filing charges against youth which will or may result in youth

1 being prosecuted as adults under RCW 13.04.030(1)(e)(iv) or 13.40.100
2 shall be racially neutral. The standards shall also include a review
3 mechanism to ensure that the standards result in equitable and racially
4 neutral filing and prosecution practices. The work group shall develop
5 and submit its recommended standards and guidelines to the appropriate
6 committees of the legislature by December 1, 1994.

7 **B. THEFT OF FIREARMS**

8 NEW SECTION. Sec. 209. A new section is added to chapter 9A.56
9 RCW to read as follows:

10 (1) A person is guilty of theft of a firearm if the person:

11 (a) Commits a theft of a firearm;

12 (b) Is in possession of a stolen firearm;

13 (c) Delivers a stolen firearm;

14 (d) Possesses with intent to deliver a stolen firearm; or

15 (e) Sells a stolen firearm.

16 (2) This section applies regardless of the stolen firearm's value.

17 (3) Theft of a firearm is a class B felony.

18 NEW SECTION. Sec. 210. The juvenile disposition standards
19 commission shall make a recommendation to the legislature concerning
20 what juvenile disposition offense category should be assigned to the
21 crime of theft of a firearm as created in section 209 of this act and
22 to the crime of reckless endangerment in the first degree, RCW
23 9A.36.045. The recommendation shall be presented to the legislature no
24 later than November 1, 1994.

25 **Sec. 211.** RCW 9A.56.040 and 1987 c 140 s 2 are each amended to
26 read as follows:

27 (1) A person is guilty of theft in the second degree if he or she
28 commits theft of:

29 (a) Property or services which exceed(s) two hundred and fifty
30 dollars in value, but does not exceed one thousand five hundred dollars
31 in value; or

32 (b) A public record, writing, or instrument kept, filed, or
33 deposited according to law with or in the keeping of any public office
34 or public servant; or

35 (c) An access device; or

1 (d) A motor vehicle, of a value less than one thousand five hundred
2 dollars(~~(; or~~
3 ~~(e) A firearm, of a value less than one thousand five hundred~~
4 ~~dollars)~~).

5 (2) Theft in the second degree is a class C felony.

6 **Sec. 212.** RCW 9A.56.160 and 1987 c 140 s 4 are each amended to
7 read as follows:

8 (1) A person is guilty of possessing stolen property in the second
9 degree if:

10 (a) He or she possesses stolen property which exceeds two hundred
11 fifty dollars in value but does not exceed one thousand five hundred
12 dollars in value; or

13 (b) He or she possesses a stolen public record, writing or
14 instrument kept, filed, or deposited according to law; or

15 (c) He or she possesses a stolen access device; or

16 (d) He or she possesses a stolen motor vehicle of a value less than
17 one thousand five hundred dollars(~~(; or~~

18 ~~(e) He possesses a stolen firearm)~~).

19 (2) Possessing stolen property in the second degree is a class C
20 felony.

21 **C. ADULT SENTENCING**

22 **Sec. 213.** RCW 9.94A.310 and 1992 c 145 s 9 are each amended to
23 read as follows:

24 (1) TABLE 1

25 Sentencing Grid

26 SERIOUSNESS

27 SCORE

OFFENDER SCORE

28 9 or
29 0 1 2 3 4 5 6 7 8 more

30
31 XV Life Sentence without Parole/Death Penalty
32

1	XIV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y
2		240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
3		320	333	347	361	374	388	416	450	493	548
4											
5	XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
6		123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
7		164	178	192	205	219	233	260	288	342	397
8											
9	XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
10		93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
11		123	136	147	160	171	184	216	236	277	318
12											
13	XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
14		78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
15		102	114	125	136	147	158	194	211	245	280
16											
17	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
18		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
19		68	75	82	89	96	102	130	144	171	198
20											
21	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
22		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
23		41	48	54	61	68	75	102	116	144	171
24											
25	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
26		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
27		27	34	41	48	54	61	89	102	116	144
28											
29	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
30		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
31		20	27	34	41	48	54	75	89	102	116
32											
33	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
34		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
35		14	20	27	34	41	48	61	75	89	102
36											
37	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
38		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
39		12	14	17	20	29	43	54	68	82	96

1											
2	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
3		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
4		9	12	14	17	20	29	43	57	70	84
5											
6	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
7		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
8		3	8	12	12	16	22	29	43	57	68
9											
10	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
11		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
12		Days	6	9	12	14	18	22	29	43	57
13											
14	I			3m	4m	5m	8m	13m	16m	20m	2y2m
15		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
16		Days	Days	5	6	8	12	14	18	22	29
17											

18 NOTE: Numbers in the first horizontal row of each seriousness category
19 represent sentencing midpoints in years(y) and months(m). Numbers in
20 the second and third rows represent presumptive sentencing ranges in
21 months, or in days if so designated. 12+ equals one year and one day.

22 (2) For persons convicted of the anticipatory offenses of criminal
23 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
24 presumptive sentence is determined by locating the sentencing grid
25 sentence range defined by the appropriate offender score and the
26 seriousness level of the completed crime, and multiplying the range by
27 75 percent.

28 (~~The following additional times~~) Thirty-six additional
29 months shall be added to the presumptive sentence if the offender or an
30 accomplice was armed with a deadly weapon as defined in this chapter
31 and the offender is being sentenced for one of the crimes listed in
32 this subsection. If the offender or an accomplice was armed with a
33 deadly weapon and the offender is being sentenced for an anticipatory
34 felony offense under chapter 9A.28 RCW to commit one of the crimes
35 listed in this subsection, (~~the following times~~) thirty-six
36 additional months shall be added to the presumptive range determined
37 under subsection (2) of this section:

1 (a) (~~24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW~~
2 ~~9A.56.200), or Kidnapping 1 (RCW 9A.40.020)~~

3 ~~(b) 18 months for Burglary 1 (RCW 9A.52.020)~~

4 ~~(c) 12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Assault~~
5 ~~of a Child 2 (RCW 9A.36.130), Escape 1 (RCW 9A.76.110), Kidnapping 2~~
6 ~~(RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW~~
7 ~~9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080),)~~ Any serious
8 violent offense;

9 (b) Any violent offense including violent sex offenses and violent
10 drug offenses; or

11 (c) Escape in the first degree (RCW 9A.76.110); burglary in the
12 second degree (RCW 9A.52.030); theft of livestock in the first or
13 second degree (RCW 9A.56.080); or any drug offense.

14 (4) The following additional times shall be added to the
15 presumptive sentence if the offender or an accomplice committed the
16 offense while in a county jail or state correctional facility as that
17 term is defined in this chapter and the offender is being sentenced for
18 one of the crimes listed in this subsection. If the offender or an
19 accomplice committed one of the crimes listed in this subsection while
20 in a county jail or state correctional facility as that term is defined
21 in this chapter, and the offender is being sentenced for an
22 anticipatory offense under chapter 9A.28 RCW to commit one of the
23 crimes listed in this subsection, the following times shall be added to
24 the presumptive sentence range determined under subsection (2) of this
25 section:

26 (a) Eighteen months for offenses committed under RCW
27 69.50.401(a)(1)(i) or 69.50.410;

28 (b) Fifteen months for offenses committed under RCW
29 69.50.401(a)(1)(ii), (iii), and (iv);

30 (c) Twelve months for offenses committed under RCW 69.50.401(d).

31 For the purposes of this subsection, all of the real property of
32 a state correctional facility or county jail shall be deemed to be part
33 of that facility or county jail.

34 (5) An additional twenty-four months shall be added to the
35 presumptive sentence for any ranked offense involving a violation of
36 chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

37 **Sec. 214.** RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are
38 each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

1		
2		
3	XV	Aggravated Murder 1 (RCW 10.95.020)
4	XIV	Murder 1 (RCW 9A.32.030)
5		Homicide by abuse (RCW 9A.32.055)
6	XIII	Murder 2 (RCW 9A.32.050)
7	XII	Assault 1 (RCW 9A.36.011)
8		Assault of a Child 1 (RCW 9A.36.120)
9	XI	Rape 1 (RCW 9A.44.040)
10		Rape of a Child 1 (RCW 9A.44.073)
11	X	Kidnapping 1 (RCW 9A.40.020)
12		Rape 2 (RCW 9A.44.050)
13		Rape of a Child 2 (RCW 9A.44.076)
14		Child Molestation 1 (RCW 9A.44.083)
15		Damaging building, etc., by explosion with
16		threat to human being (RCW
17		70.74.280(1))
18		Over 18 and deliver heroin or narcotic from
19		Schedule I or II to someone under 18
20		(RCW 69.50.406)
21		Leading Organized Crime (RCW
22		9A.82.060(1)(a))
23	IX	Assault of a Child 2 (RCW 9A.36.130)
24		Robbery 1 (RCW 9A.56.200)
25		Manslaughter 1 (RCW 9A.32.060)
26		Explosive devices prohibited (RCW 70.74.180)
27		Indecent Liberties (with forcible
28		compulsion) (RCW 9A.44.100(1)(a))
29		Endangering life and property by explosives
30		with threat to human being (RCW
31		70.74.270)

1 Over 18 and deliver narcotic from Schedule
2 III, IV, or V or a nonnarcotic from
3 Schedule I-V to someone under 18 and 3
4 years junior (RCW 69.50.406)
5 Controlled Substance Homicide (RCW
6 69.50.415)
7 Sexual Exploitation (RCW 9.68A.040)
8 Inciting Criminal Profiteering (RCW
9 9A.82.060(1)(b))

10 VIII Arson 1 (RCW 9A.48.020)
11 Promoting Prostitution 1 (RCW 9A.88.070)
12 Selling for profit (controlled or
13 counterfeit) any controlled substance
14 (RCW 69.50.410)
15 Manufacture, deliver, or possess with intent
16 to deliver heroin or cocaine (RCW
17 69.50.401(a)(1)(i))
18 Manufacture, deliver, or possess with intent
19 to deliver methamphetamine (RCW
20 69.50.401(a)(1)(ii))
21 Vehicular Homicide, by being under the
22 influence of intoxicating liquor or any
23 drug or by the operation of any vehicle
24 in a reckless manner (RCW 46.61.520)

25 VII Burglary 1 (RCW 9A.52.020)
26 Vehicular Homicide, by disregard for the
27 safety of others (RCW 46.61.520)
28 Introducing Contraband 1 (RCW 9A.76.140)
29 Indecent Liberties (without forcible
30 compulsion) (RCW 9A.44.100(1) (b) and
31 (c))
32 Child Molestation 2 (RCW 9A.44.086)
33 Dealing in depictions of minor engaged in
34 sexually explicit conduct (RCW
35 9.68A.050)

1 Sending, bringing into state depictions of
2 minor engaged in sexually explicit
3 conduct (RCW 9.68A.060)
4 Involving a minor in drug dealing (RCW
5 69.50.401(f))

6 VI Theft of a Firearm (section 209 of this act)
7 Bribery (RCW 9A.68.010)
8 Manslaughter 2 (RCW 9A.32.070)
9 Rape of a Child 3 (RCW 9A.44.079)
10 Intimidating a Juror/Witness (RCW 9A.72.110,
11 9A.72.130)
12 Damaging building, etc., by explosion with
13 no threat to human being (RCW
14 70.74.280(2))
15 Endangering life and property by explosives
16 with no threat to human being (RCW
17 70.74.270)
18 Reckless Endangerment 1 (RCW 9A.36.045)
19 Incest 1 (RCW 9A.64.020(1))
20 Manufacture, deliver, or possess with intent
21 to deliver narcotics from Schedule I or
22 II (except heroin or cocaine) (RCW
23 69.50.401(a)(1)(i))
24 Intimidating a Judge (RCW 9A.72.160)
25 Bail Jumping with Murder 1 (RCW
26 9A.76.170(2)(a))

27 V Criminal Mistreatment 1 (RCW 9A.42.020)
28 Rape 3 (RCW 9A.44.060)
29 Sexual Misconduct with a Minor 1 (RCW
30 9A.44.093)
31 Child Molestation 3 (RCW 9A.44.089)
32 Kidnapping 2 (RCW 9A.40.030)
33 Extortion 1 (RCW 9A.56.120)
34 Incest 2 (RCW 9A.64.020(2))
35 Perjury 1 (RCW 9A.72.020)
36 Extortionate Extension of Credit (RCW
37 9A.82.020)

1 Advancing money or property for extortionate
2 extension of credit (RCW 9A.82.030)
3 Extortionate Means to Collect Extensions of
4 Credit (RCW 9A.82.040)
5 Rendering Criminal Assistance 1 (RCW
6 9A.76.070)
7 Bail Jumping with class A Felony (RCW
8 9A.76.170(2)(b))
9 Delivery of imitation controlled substance
10 by person eighteen or over to person
11 under eighteen (RCW 69.52.030(2))

12 IV Residential Burglary (RCW 9A.52.025)
13 Theft of Livestock 1 (RCW 9A.56.080)
14 Robbery 2 (RCW 9A.56.210)
15 Assault 2 (RCW 9A.36.021)
16 Escape 1 (RCW 9A.76.110)
17 Arson 2 (RCW 9A.48.030)
18 Bribing a Witness/Bribe Received by Witness
19 (RCW 9A.72.090, 9A.72.100)
20 Malicious Harassment (RCW 9A.36.080)
21 Threats to Bomb (RCW 9.61.160)
22 Willful Failure to Return from Furlough (RCW
23 72.66.060)
24 Hit and Run « Injury Accident (RCW
25 46.52.020(4))
26 Vehicular Assault (RCW 46.61.522)
27 Manufacture, deliver, or possess with intent
28 to deliver narcotics from Schedule III,
29 IV, or V or nonnarcotics from Schedule
30 I-V (except marijuana or
31 methamphetamines) (RCW
32 69.50.401(a)(1)(ii) through (iv))
33 Influencing Outcome of Sporting Event (RCW
34 9A.82.070)
35 Use of Proceeds of Criminal Profiteering
36 (RCW 9A.82.080 (1) and (2))
37 Knowingly Trafficking in Stolen Property
38 (RCW 9A.82.050(2))

1 III Criminal mistreatment 2 (RCW 9A.42.030)
2 Extortion 2 (RCW 9A.56.130)
3 Unlawful Imprisonment (RCW 9A.40.040)
4 Assault 3 (RCW 9A.36.031)
5 Assault of a Child 3 (RCW 9A.36.140)
6 Custodial Assault (RCW 9A.36.100)
7 Unlawful possession of firearm or pistol by felon (RCW
8 9.41.040)
9 Harassment (RCW 9A.46.020)
10 Promoting Prostitution 2 (RCW 9A.88.080)
11 Willful Failure to Return from Work Release
12 (RCW 72.65.070)
13 Burglary 2 (RCW 9A.52.030)
14 Introducing Contraband 2 (RCW 9A.76.150)
15 Communication with a Minor for Immoral
16 Purposes (RCW 9.68A.090)
17 Patronizing a Juvenile Prostitute (RCW
18 9.68A.100)
19 Escape 2 (RCW 9A.76.120)
20 Perjury 2 (RCW 9A.72.030)
21 Bail Jumping with class B or C Felony (RCW
22 9A.76.170(2)(c))
23 Intimidating a Public Servant (RCW
24 9A.76.180)
25 Tampering with a Witness (RCW 9A.72.120)
26 Manufacture, deliver, or possess with intent
27 to deliver marijuana (RCW
28 69.50.401(a)(1)(ii))
29 Delivery of a material in lieu of a
30 controlled substance (RCW 69.50.401(c))
31 Manufacture, distribute, or possess with
32 intent to distribute an imitation
33 controlled substance (RCW 69.52.030(1))
34 Recklessly Trafficking in Stolen Property
35 (RCW 9A.82.050(1))
36 Theft of livestock 2 (RCW 9A.56.080)
37 Securities Act violation (RCW 21.20.400)

1 II Malicious Mischief 1 (RCW 9A.48.070)
2 Possession of Stolen Property 1 (RCW
3 9A.56.150)
4 Theft 1 (RCW 9A.56.030)
5 Possession of controlled substance that is
6 either heroin or narcotics from
7 Schedule I or II (RCW 69.50.401(d))
8 Possession of phencyclidine (PCP) (RCW
9 69.50.401(d))
10 Create, deliver, or possess a counterfeit
11 controlled substance (RCW 69.50.401(b))
12 Computer Trespass 1 (RCW 9A.52.110)
13 (~~Reckless Endangerment 1 (RCW 9A.36.045)~~)
14 Escape from Community Custody (RCW
15 72.09.310)

16 I Theft 2 (RCW 9A.56.040)
17 Possession of Stolen Property 2 (RCW
18 9A.56.160)
19 Forgery (RCW 9A.60.020)
20 Taking Motor Vehicle Without Permission (RCW
21 9A.56.070)
22 Vehicle Prowl 1 (RCW 9A.52.095)
23 Attempting to Elude a Pursuing Police
24 Vehicle (RCW 46.61.024)
25 Malicious Mischief 2 (RCW 9A.48.080)
26 Reckless Burning 1 (RCW 9A.48.040)
27 Unlawful Issuance of Checks or Drafts (RCW
28 9A.56.060)
29 Unlawful Use of Food Stamps (RCW 9.91.140
30 (2) and (3))
31 False Verification for Welfare (RCW
32 74.08.055)
33 Forged Prescription (RCW 69.41.020)
34 Forged Prescription for a Controlled
35 Substance (RCW 69.50.403)

1 Possess Controlled Substance that is a
2 Narcotic from Schedule III, IV, or V or
3 Non-narcotic from Schedule I-V (except
4 phencyclidine) (RCW 69.50.401(d))

5 **D. JUVENILE DISPOSITION STANDARDS**

6 **Sec. 215.** RCW 13.40.020 and 1993 c 373 s 1 are each amended to
7 read as follows:

8 For the purposes of this chapter:

9 (1) "Serious offender" means a person fifteen years of age or
10 older who has committed an offense which if committed by an adult would
11 be:

12 (a) A class A felony, or an attempt to commit a class A felony;

13 (b) Manslaughter in the first degree; or

14 (c) Assault in the second degree, extortion in the first degree,
15 child molestation in the second degree, kidnapping in the second
16 degree, robbery in the second degree, residential burglary, or burglary
17 in the second degree, where such offenses include the infliction of
18 bodily harm upon another or where during the commission of or immediate
19 withdrawal from such an offense the perpetrator is armed with a deadly
20 weapon (~~(or firearm as defined in RCW 9A.04.110)~~);

21 (2) "Community service" means compulsory service, without
22 compensation, performed for the benefit of the community by the
23 offender as punishment for committing an offense. Community service
24 may be performed through public or private organizations or through
25 work crews;

26 (3) "Community supervision" means an order of disposition by the
27 court of an adjudicated youth not committed to the department. A
28 community supervision order for a single offense may be for a period of
29 up to two years for a sex offense as defined by RCW 9.94A.030 and up to
30 one year for other offenses. Community supervision is an
31 individualized program comprised of one or more of the following:

32 (a) Community-based sanctions;

33 (b) Community-based rehabilitation;

34 (c) Monitoring and reporting requirements;

35 (4) Community-based sanctions may include one or more of the
36 following:

1 (a) A fine, not to exceed one hundred dollars;

2 (b) Community service not to exceed one hundred fifty hours of
3 service;

4 (5) "Community-based rehabilitation" means one or more of the
5 following: Attendance of information classes; counseling, outpatient
6 substance abuse treatment programs, outpatient mental health programs,
7 anger management classes, or other services; or attendance at school or
8 other educational programs appropriate for the juvenile as determined
9 by the school district. Placement in community-based rehabilitation
10 programs is subject to available funds;

11 (6) "Monitoring and reporting requirements" means one or more of
12 the following: Curfews; requirements to remain at home, school, work,
13 or court-ordered treatment programs during specified hours;
14 restrictions from leaving or entering specified geographical areas;
15 requirements to report to the probation officer as directed and to
16 remain under the probation officer's supervision; and other conditions
17 or limitations as the court may require which may not include
18 confinement;

19 (7) "Confinement" means physical custody by the department of
20 social and health services in a facility operated by or pursuant to a
21 contract with the state, or physical custody in a detention facility
22 operated by or pursuant to a contract with any county. The county may
23 operate or contract with vendors to operate county detention
24 facilities. The department may operate or contract to operate
25 detention facilities for juveniles committed to the department.
26 Pretrial confinement or confinement of less than thirty-one days
27 imposed as part of a disposition or modification order may be served
28 consecutively or intermittently, in the discretion of the court and may
29 be served in a detention group home, detention foster home, or with
30 electronic monitoring. Detention group homes and detention foster
31 homes used for confinement shall not also be used for the placement of
32 dependent children. Confinement in detention group homes and detention
33 foster homes and electronic monitoring are subject to available funds;

34 (8) "Court", when used without further qualification, means the
35 juvenile court judge(s) or commissioner(s);

36 (9) "Criminal history" includes all criminal complaints against
37 the respondent for which, prior to the commission of a current offense:

38 (a) The allegations were found correct by a court. If a
39 respondent is convicted of two or more charges arising out of the same

1 course of conduct, only the highest charge from among these shall count
2 as an offense for the purposes of this chapter; or

3 (b) The criminal complaint was diverted by a prosecutor pursuant
4 to the provisions of this chapter on agreement of the respondent and
5 after an advisement to the respondent that the criminal complaint would
6 be considered as part of the respondent's criminal history;

7 (10) "Department" means the department of social and health
8 services;

9 (11) "Detention facility" means a county facility for the physical
10 confinement of a juvenile alleged to have committed an offense or an
11 adjudicated offender subject to a disposition or modification order;

12 (12) "Diversion unit" means any probation counselor who enters
13 into a diversion agreement with an alleged youthful offender, or any
14 other person, community accountability board, or other entity except a
15 law enforcement official or entity, with whom the juvenile court
16 administrator has contracted to arrange and supervise such agreements
17 pursuant to RCW 13.40.080, or any person, community accountability
18 board, or other entity specially funded by the legislature to arrange
19 and supervise diversion agreements in accordance with the requirements
20 of this chapter. For purposes of this subsection, "community
21 accountability board" means a board comprised of members of the local
22 community in which the juvenile offender resides. The superior court
23 shall appoint the members. The boards shall consist of at least three
24 and not more than seven members. If possible, the board should include
25 a variety of representatives from the community, such as a law
26 enforcement officer, teacher or school administrator, high school
27 student, parent, and business owner, and should represent the cultural
28 diversity of the local community;

29 (13) "Institution" means a juvenile facility established pursuant
30 to chapters 72.05 and 72.16 through 72.20 RCW;

31 (14) "Juvenile," "youth," and "child" mean any individual who is
32 under the chronological age of eighteen years and who has not been
33 previously transferred to adult court pursuant to RCW 13.40.110 or
34 tried in adult court pursuant to RCW 13.04.030(1)(e)(iv);

35 (15) "Juvenile offender" means any juvenile who has been found by
36 the juvenile court to have committed an offense, including a person
37 eighteen years of age or older over whom jurisdiction has been extended
38 under RCW 13.40.300;

1 (16) "Manifest injustice" means a disposition that would either
2 impose an excessive penalty on the juvenile or would impose a serious,
3 and clear danger to society in light of the purposes of this chapter;

4 (17) "Middle offender" means a person who has committed an offense
5 and who is neither a minor (~~(or first)~~) offender nor a serious
6 offender;

7 (18) "Minor (~~(or first)~~) offender" means a person sixteen years of
8 age or younger whose current offense(s) and criminal history fall
9 entirely within one of the following categories:

10 (a) Four misdemeanors;

11 (b) Two misdemeanors and one gross misdemeanor;

12 (c) One misdemeanor and two gross misdemeanors; or

13 (d) Three gross misdemeanors(~~(~~

14 ~~(e) One class C felony except manslaughter in the second degree
15 and one misdemeanor or gross misdemeanor;~~

16 ~~(f) One class B felony except: Any felony which constitutes an
17 attempt to commit a class A felony; manslaughter in the first degree;
18 assault in the second degree; extortion in the first degree; indecent
19 liberties; kidnapping in the second degree; robbery in the second
20 degree; burglary in the second degree; residential burglary; vehicular
21 homicide; or arson in the second degree)).~~

22 For purposes of this definition, current violations shall be
23 counted as misdemeanors;

24 (19) "Offense" means an act designated a violation or a crime if
25 committed by an adult under the law of this state, under any ordinance
26 of any city or county of this state, under any federal law, or under
27 the law of another state if the act occurred in that state;

28 (20) "Respondent" means a juvenile who is alleged or proven to
29 have committed an offense;

30 (21) "Restitution" means financial reimbursement by the offender
31 to the victim, and shall be limited to easily ascertainable damages for
32 injury to or loss of property, actual expenses incurred for medical
33 treatment for physical injury to persons, lost wages resulting from
34 physical injury, and costs of the victim's counseling reasonably
35 related to the offense if the offense is a sex offense. Restitution
36 shall not include reimbursement for damages for mental anguish, pain
37 and suffering, or other intangible losses. Nothing in this chapter
38 shall limit or replace civil remedies or defenses available to the
39 victim or offender;

1 (22) "Secretary" means the secretary of the department of social
2 and health services;

3 (23) "Services" mean services which provide alternatives to
4 incarceration for those juveniles who have pleaded or been adjudicated
5 guilty of an offense or have signed a diversion agreement pursuant to
6 this chapter;

7 (24) "Sex offense" means an offense defined as a sex offense in
8 RCW 9.94A.030;

9 (25) "Sexual motivation" means that one of the purposes for which
10 the respondent committed the offense was for the purpose of his or her
11 sexual gratification;

12 (26) "Foster care" means temporary physical care in a foster
13 family home or group care facility as defined in RCW 74.15.020 and
14 licensed by the department, or other legally authorized care;

15 (27) "Violation" means an act or omission, which if committed by
16 an adult, must be proven beyond a reasonable doubt, and is punishable
17 by sanctions which do not include incarceration;

18 (28) "Deadly weapon" means a deadly weapon as defined in RCW
19 9.94A.125.

20 **Sec. 216.** RCW 13.40.070 and 1992 c 205 s 107 are each amended to
21 read as follows:

22 (1) Complaints referred to the juvenile court alleging the
23 commission of an offense shall be referred directly to the prosecutor.
24 The prosecutor, upon receipt of a complaint, shall screen the complaint
25 to determine whether:

26 (a) The alleged facts bring the case within the jurisdiction of
27 the court; and

28 (b) On a basis of available evidence there is probable cause to
29 believe that the juvenile did commit the offense.

30 (2) If the identical alleged acts constitute an offense under both
31 the law of this state and an ordinance of any city or county of this
32 state, state law shall govern the prosecutor's screening and charging
33 decision for both filed and diverted cases.

34 (3) If the requirements of subsections (1) (a) and (b) of this
35 section are met, the prosecutor shall either file an information in
36 juvenile court or divert the case, as set forth in subsections (5),
37 (6), and (7) of this section. If the prosecutor finds that the
38 requirements of subsection (1) (a) and (b) of this section are not met,

1 the prosecutor shall maintain a record, for one year, of such decision
2 and the reasons therefor. In lieu of filing an information or
3 diverting an offense a prosecutor may file a motion to modify community
4 supervision where such offense constitutes a violation of community
5 supervision.

6 (4) An information shall be a plain, concise, and definite written
7 statement of the essential facts constituting the offense charged. It
8 shall be signed by the prosecuting attorney and conform to chapter
9 10.37 RCW.

10 (5) Where a case is legally sufficient, the prosecutor shall file
11 an information with the juvenile court if:

12 (a) An alleged offender is accused of a class A felony, a class B
13 felony, an attempt to commit a class B felony, a class C felony listed
14 in RCW 9.94A.440(2) as a crime against persons, a class C felony that
15 is a violation of RCW 9.41.080 or 9.41.040(1)(e), or any other offense
16 listed in RCW 13.40.020(1) (b) or (c); or

17 (b) An alleged offender is accused of a felony and has a criminal
18 history of at least one class A or class B felony, or two class C
19 felonies, or at least two gross misdemeanors, or at least two
20 misdemeanors and one additional misdemeanor or gross misdemeanor, or at
21 least one class C felony and one misdemeanor or gross misdemeanor; or

22 (c) An alleged offender has previously been committed to the
23 department; or

24 (d) An alleged offender has been referred by a diversion unit for
25 prosecution or desires prosecution instead of diversion; or

26 (e) An alleged offender has three or more diversions on the
27 alleged offender's criminal history; or

28 (f) A special allegation has been filed that the offender or an
29 accomplice was armed with a deadly weapon when the offense was
30 committed.

31 (6) Where a case is legally sufficient the prosecutor shall divert
32 the case if the alleged offense is a misdemeanor or gross misdemeanor
33 or violation and the alleged offense(s) in combination with the alleged
34 offender's criminal history do not exceed two offenses or violations
35 and do not include any felonies: PROVIDED, That if the alleged
36 offender is charged with a related offense that must or may be filed
37 under subsections (5) and (7) of this section, a case under this
38 subsection may also be filed.

1 (7) Where a case is legally sufficient and falls into neither
2 subsection (5) nor (6) of this section, it may be filed or diverted.
3 In deciding whether to file or divert an offense under this section the
4 prosecutor shall be guided only by the length, seriousness, and recency
5 of the alleged offender's criminal history and the circumstances
6 surrounding the commission of the alleged offense.

7 (8) Whenever a juvenile is placed in custody or, where not placed
8 in custody, referred to a diversionary interview, the parent or legal
9 guardian of the juvenile shall be notified as soon as possible
10 concerning the allegation made against the juvenile and the current
11 status of the juvenile. Where a case involves victims of crimes
12 against persons or victims whose property has not been recovered at the
13 time a juvenile is referred to a diversionary unit, the victim shall be
14 notified of the referral and informed how to contact the unit.

15 (9) The responsibilities of the prosecutor under subsections (1)
16 through (8) of this section may be performed by a juvenile court
17 probation counselor for any complaint referred to the court alleging
18 the commission of an offense which would not be a felony if committed
19 by an adult, if the prosecutor has given sufficient written notice to
20 the juvenile court that the prosecutor will not review such complaints.

21 (10) The prosecutor, juvenile court probation counselor, or
22 diversion unit may, in exercising their authority under this section or
23 RCW 13.40.080, refer juveniles to mediation or victim offender
24 reconciliation programs. Such mediation or victim offender
25 reconciliation programs shall be voluntary for victims.

26 **Sec. 217.** RCW 13.40.080 and 1992 c 205 s 108 are each amended to
27 read as follows:

28 (1) A diversion agreement shall be a contract between a juvenile
29 accused of an offense and a diversionary unit whereby the juvenile
30 agrees to fulfill certain conditions in lieu of prosecution. Such
31 agreements may be entered into only after the prosecutor, or probation
32 counselor pursuant to this chapter, has determined that probable cause
33 exists to believe that a crime has been committed and that the juvenile
34 committed it. Such agreements shall be entered into as expeditiously
35 as possible.

36 (2) A diversion agreement shall be limited to one or more of the
37 following:

1 (a) Community service not to exceed one hundred fifty hours, not
2 to be performed during school hours if the juvenile is attending
3 school;

4 (b) Restitution limited to the amount of actual loss incurred by
5 the victim, and to an amount the juvenile has the means or potential
6 means to pay;

7 (c) Attendance at up to ten hours of counseling and/or up to
8 twenty hours of educational or informational sessions at a community
9 agency: PROVIDED, That the state shall not be liable for costs
10 resulting from the diversionary unit exercising the option to permit
11 diversion agreements to mandate attendance at up to ten hours of
12 counseling and/or up to twenty hours of educational or informational
13 sessions; (~~and~~)

14 (d) A fine, not to exceed one hundred dollars. In determining the
15 amount of the fine, the diversion unit shall consider only the
16 juvenile's financial resources and whether the juvenile has the means
17 to pay the fine. The diversion unit shall not consider the financial
18 resources of the juvenile's parents, guardian, or custodian in
19 determining the fine to be imposed; and

20 (e) Requirements to remain at home, school, or work, and
21 restrictions on leaving or entering specified geographical areas.

22 (3) In assessing periods of community service to be performed and
23 restitution to be paid by a juvenile who has entered into a diversion
24 agreement, the court officer to whom this task is assigned shall
25 consult with victims who have contacted the diversionary unit and, to
26 the extent possible, involve members of the community. Such members of
27 the community shall meet with the juvenile and advise the court officer
28 as to the terms of the diversion agreement and shall supervise the
29 juvenile in carrying out its terms.

30 (4) A diversion agreement may not exceed a period of six months
31 and may include a period extending beyond the eighteenth birthday of
32 the divertee. Any restitution assessed during its term may not exceed
33 an amount which the juvenile could be reasonably expected to pay during
34 this period. If additional time is necessary for the juvenile to
35 complete restitution to the victim, the time period limitations of this
36 subsection may be extended by an additional six months.

37 (5) The juvenile shall retain the right to be referred to the
38 court at any time prior to the signing of the diversion agreement.

1 (6) Divertees and potential divertees shall be afforded due
2 process in all contacts with a diversionary unit regardless of whether
3 the juveniles are accepted for diversion or whether the diversion
4 program is successfully completed. Such due process shall include, but
5 not be limited to, the following:

6 (a) A written diversion agreement shall be executed stating all
7 conditions in clearly understandable language;

8 (b) Violation of the terms of the agreement shall be the only
9 grounds for termination;

10 (c) No divertee may be terminated from a diversion program without
11 being given a court hearing, which hearing shall be preceded by:

12 (i) Written notice of alleged violations of the conditions of the
13 diversion program; and

14 (ii) Disclosure of all evidence to be offered against the
15 divertee;

16 (d) The hearing shall be conducted by the juvenile court and shall
17 include:

18 (i) Opportunity to be heard in person and to present evidence;

19 (ii) The right to confront and cross-examine all adverse
20 witnesses;

21 (iii) A written statement by the court as to the evidence relied
22 on and the reasons for termination, should that be the decision; and

23 (iv) Demonstration by evidence that the divertee has substantially
24 violated the terms of his or her diversion agreement.

25 (e) The prosecutor may file an information on the offense for
26 which the divertee was diverted:

27 (i) In juvenile court if the divertee is under eighteen years of
28 age; or

29 (ii) In superior court or the appropriate court of limited
30 jurisdiction if the divertee is eighteen years of age or older.

31 (7) The diversion unit shall, subject to available funds, be
32 responsible for providing interpreters when juveniles need interpreters
33 to effectively communicate during diversion unit hearings or
34 negotiations.

35 (8) The diversion unit shall be responsible for advising a
36 divertee of his or her rights as provided in this chapter.

37 (9) The diversion unit may refer a juvenile to community-based
38 counseling or treatment programs.

1 (10) The right to counsel shall inure prior to the initial
2 interview for purposes of advising the juvenile as to whether he or she
3 desires to participate in the diversion process or to appear in the
4 juvenile court. The juvenile may be represented by counsel at any
5 critical stage of the diversion process, including intake interviews
6 and termination hearings. The juvenile shall be fully advised at the
7 intake of his or her right to an attorney and of the relevant services
8 an attorney can provide. For the purpose of this section, intake
9 interviews mean all interviews regarding the diversion agreement
10 process.

11 The juvenile shall be advised that a diversion agreement shall
12 constitute a part of the juvenile's criminal history as defined by RCW
13 13.40.020(9) (~~as now or hereafter amended~~). A signed acknowledgment
14 of such advisement shall be obtained from the juvenile, and the
15 document shall be maintained by the diversionary unit together with the
16 diversion agreement, and a copy of both documents shall be delivered to
17 the prosecutor if requested by the prosecutor. The supreme court shall
18 promulgate rules setting forth the content of such advisement in simple
19 language.

20 (11) When a juvenile enters into a diversion agreement, the
21 juvenile court may receive only the following information for
22 dispositional purposes:

- 23 (a) The fact that a charge or charges were made;
- 24 (b) The fact that a diversion agreement was entered into;
- 25 (c) The juvenile's obligations under such agreement;
- 26 (d) Whether the alleged offender performed his or her obligations
27 under such agreement; and
- 28 (e) The facts of the alleged offense.

29 (12) A diversionary unit may refuse to enter into a diversion
30 agreement with a juvenile. When a diversionary unit refuses to enter
31 a diversion agreement with a juvenile, it shall immediately refer such
32 juvenile to the court for action and shall forward to the court the
33 criminal complaint and a detailed statement of its reasons for refusing
34 to enter into a diversion agreement. The diversionary unit shall also
35 immediately refer the case to the prosecuting attorney for action if
36 such juvenile violates the terms of the diversion agreement.

37 (13) A diversionary unit may, in instances where it determines
38 that the act or omission of an act for which a juvenile has been
39 referred to it involved no victim, or where it determines that the

1 juvenile referred to it has no prior criminal history and is alleged to
2 have committed an illegal act involving no threat of or instance of
3 actual physical harm and involving not more than fifty dollars in
4 property loss or damage and that there is no loss outstanding to the
5 person or firm suffering such damage or loss, counsel and release or
6 release such a juvenile without entering into a diversion agreement.
7 A diversion unit's authority to counsel and release a juvenile under
8 this subsection shall include the authority to refer the juvenile to
9 community-based counseling or treatment programs. Any juvenile
10 released under this subsection shall be advised that the act or
11 omission of any act for which he or she had been referred shall
12 constitute a part of the juvenile's criminal history as defined by RCW
13 13.40.020(9) (~~as now or hereafter amended~~). A signed acknowledgment
14 of such advisement shall be obtained from the juvenile, and the
15 document shall be maintained by the unit, and a copy of the document
16 shall be delivered to the prosecutor if requested by the prosecutor.
17 The supreme court shall promulgate rules setting forth the content of
18 such advisement in simple language. A juvenile determined to be
19 eligible by a diversionary unit for release as provided in this
20 subsection shall retain the same right to counsel and right to have his
21 or her case referred to the court for formal action as any other
22 juvenile referred to the unit.

23 (14) A diversion unit may supervise the fulfillment of a diversion
24 agreement entered into before the juvenile's eighteenth birthday and
25 which includes a period extending beyond the diverttee's eighteenth
26 birthday.

27 (15) If a fine required by a diversion agreement cannot reasonably
28 be paid due to a change of circumstance, the diversion agreement may be
29 modified at the request of the diverttee and with the concurrence of the
30 diversion unit to convert an unpaid fine into community service. The
31 modification of the diversion agreement shall be in writing and signed
32 by the diverttee and the diversion unit. The number of hours of
33 community service in lieu of a monetary penalty shall be converted at
34 the rate of the prevailing state minimum wage per hour.

35 (16) Fines imposed under this section shall be collected and paid
36 into the county general fund in accordance with procedures established
37 by the juvenile court administrator under RCW 13.04.040 and may be used
38 only for juvenile services. In the expenditure of funds for juvenile
39 services, there shall be a maintenance of effort whereby counties

1 exhaust existing resources before using amounts collected under this
2 section.

3 **Sec. 218.** RCW 13.40.0357 and 1989 c 407 s 7 are each amended to
4 read as follows:

5 SCHEDULE A

6 DESCRIPTION AND OFFENSE CATEGORY

7			JUVENILE
8	JUVENILE		DISPOSITION
9	DISPOSITION		CATEGORY FOR ATTEMPT,
10	OFFENSE		BAILJUMP, CONSPIRACY,
11	CATEGORY	DESCRIPTION (RCW CITATION)	OR SOLICITATION
12

13		Arson and Malicious Mischief	
14	A	Arson 1 (9A.48.020)	B+
15	B	Arson 2 (9A.48.030)	C
16	C	Reckless Burning 1 (9A.48.040)	D
17	D	Reckless Burning 2 (9A.48.050)	E
18	B	Malicious Mischief 1 (9A.48.070)	C
19	C	Malicious Mischief 2 (9A.48.080)	D
20	D	Malicious Mischief 3 (<\$50 is	
21		E class) (9A.48.090)	E
22	E	Tampering with Fire Alarm	
23		Apparatus (9.40.100)	E
24	A	Possession of Incendiary Device	
25		(9.40.120)	B+
26		Assault and Other Crimes	
27		Involving Physical Harm	
28	A	Assault 1 (9A.36.011)	B+
29	B+	Assault 2 (9A.36.021)	C+
30	C+	Assault 3 (9A.36.031)	D+
31	D+	Assault 4 (9A.36.041)	E
32	D+	Reckless Endangerment	
33		(9A.36.050)	E
34	C+	Promoting Suicide Attempt	
35		(9A.36.060)	D+

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

1		Counterfeit Substances	
2		(69.50.401(b)(1)(i))	B
3	C	Violation of Uniform Controlled	
4		Substances Act - Nonnarcotic	
5		Counterfeit Substances	
6		(69.50.401(b)(1) (ii), (iii), (iv))	C
7	C	Violation of Uniform Controlled	
8		Substances Act - Possession of a	
9		Controlled Substance	
10		(69.50.401(d))	C
11	C	Violation of Uniform Controlled	
12		Substances Act - Possession of a	
13		Controlled Substance	
14		(69.50.401(c))	C
15		Firearms and Weapons	
16	((C+	Committing Crime when Armed	
17		(9.41.025)	D+
18	E	Carrying Loaded Pistol Without	
19		Permit (9.41.050)	E
20	E)) <u>C</u>	<u>((Use)) Possession of Firearms</u>	
21		<u>by Minor ((<14)) (<18)</u>	
22		<u>((9.41.240)) (9.41.040(1)(e))</u>	<u>((E)) C</u>
23	D+	Possession of Dangerous Weapon	
24		(9.41.250)	E
25	D	Intimidating Another Person by use	
26		of Weapon (9.41.270)	E
27	<u>C</u>	<u>Delivery of Firearm by Minor</u>	
28		<u>(9.41.080)</u>	<u>C</u>
29		Homicide	
30	A+	Murder 1 (9A.32.030)	A
31	A+	Murder 2 (9A.32.050)	B+
32	B+	Manslaughter 1 (9A.32.060)	C+
33	C+	Manslaughter 2 (9A.32.070)	D+
34	B+	Vehicular Homicide (46.61.520)	C+
35		Kidnapping	
36	A	Kidnap 1 (9A.40.020)	B+

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

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

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

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

3 1st escape or attempted escape during 12-month period - 4 weeks
4 confinement

5 2nd escape or attempted escape during 12-month period - 8 weeks
6 confinement

7 3rd and subsequent escape or attempted escape during 12-month
8 period - 12 weeks confinement

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

11 SCHEDULE B

12 PRIOR OFFENSE INCREASE FACTOR

13 For use with all CURRENT OFFENSES occurring on or after July 1,
14 1989.

15 TIME SPAN

16 OFFENSE	0-12	13-24	25 Months
17 CATEGORY	Months	Months	or More
18
19 A+	.9	.9	.9
20 A	.9	.8	.6
21 A-	.9	.8	.5
22 B+	.9	.7	.4
23 B	.9	.6	.3
24 C+	.6	.3	.2
25 C	.5	.2	.2
26 D+	.3	.2	.1
27 D	.2	.1	.1
28 E	.1	.1	.1

29 Prior history - Any offense in which a diversion agreement or counsel
30 and release form was signed, or any offense which has been adjudicated

1 by court to be correct prior to the commission of the current
2 offense(s).

3 SCHEDULE C
4 CURRENT OFFENSE POINTS

5 For use with all CURRENT OFFENSES occurring on or after July 1,
6 1989.

7 AGE

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

21 JUVENILE SENTENCING STANDARDS
22 SCHEDULE D-1

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

27 ((MINOR/FIRST)) MINOR OFFENDER

28 OPTION A
29 STANDARD RANGE

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

14 OR

15 OPTION B
16 STATUTORY OPTION

17 0-12 Months Community Supervision
18 0-150 Hours Community Service
19 0-100 Fine

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

22 OR

23 OPTION C
24 MANIFEST INJUSTICE

25 When a term of community supervision would effectuate a manifest
26 injustice, another disposition may be imposed. When a judge imposes a
27 sentence of confinement exceeding 30 days, the court shall sentence the
28 juvenile to a maximum term and the provisions of RCW ((13.40.030(5), as
29 now or hereafter amended,)) 13.40.030(2) shall be used to determine the
30 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

Points	Community Supervision	Community 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

1 OPTION B
2 STATUTORY OPTION

- 3 0-12 Months Community Supervision
- 4 0-150 Hours Community Service
- 5 0-100 Fine

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

10 OR

11
12 OPTION C
13 MANIFEST INJUSTICE

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

18 JUVENILE SENTENCING STANDARDS
19 SCHEDULE D-3

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

23 SERIOUS OFFENDER
24 OPTION A
25 STANDARD RANGE

26	Points	Institution Time
27	0-129	8-12 weeks
28	130-149	13-16 weeks
29	150-199	21-28 weeks
30	200-249	30-40 weeks

1	250-299	52-65 weeks
2	300-374	80-100 weeks
3	375+	103-129 weeks
4	All A+	
5	Offenses	180-224 weeks

6 OR

7
8 OPTION B
9 MANIFEST INJUSTICE

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

17 **Sec. 219.** RCW 13.40.160 and 1992 c 45 s 6 are each amended to
18 read as follows:

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

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

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

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

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

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

28 (3) Where a respondent is found to have committed an offense for
29 which the respondent declined to enter into a diversion agreement, the
30 court shall impose a term of community supervision limited to the
31 conditions allowed in a diversion agreement as provided in RCW
32 13.40.080(2) (~~(as now or hereafter amended)~~).

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

34 (a) The court shall impose a determinate disposition within the
35 standard range(s) for such offense, as indicated in option A of
36 schedule D-2, RCW 13.40.0357 except as provided in subsections (5) and
37 (6) of this section: PROVIDED, That if the standard range includes a
38 term of confinement exceeding thirty days, commitment shall be to the
39 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
20 to have committed a sex offense, other than a sex offense that is also
21 a serious violent offense as defined by RCW 9.94A.030, and has no
22 history of a prior sex offense, the court, on its own motion or the
23 motion of the state or the respondent, may order an examination to
24 determine 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
2 living conditions, lifestyle requirements, and monitoring by family
3 members, 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
8 counseling 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) Section 221 of this act shall govern the disposition of any
4 juvenile adjudicated of possessing a firearm in violation of RCW
5 9.41.040(1)(e), delivery of a firearm in violation of RCW 9.41.080,
6 theft of a firearm as defined in section 209 of this act, or any crime
7 in which a special finding is entered that the juvenile was armed with
8 a deadly weapon as provided in section 220 of this act.

9 (7) Whenever a juvenile offender is entitled to credit for time
10 spent in detention prior to a dispositional order, the dispositional
11 order shall specifically state the number of days of credit for time
12 served.

13 (~~(7)~~) (8) Except as provided for in subsection (5) of this
14 section, the court shall not suspend or defer the imposition or the
15 execution of the disposition.

16 (~~(8)~~) (9) In no case shall the term of confinement imposed by
17 the court at disposition exceed that to which an adult could be
18 subjected for the same offense.

19 NEW SECTION. Sec. 220. A new section is added to chapter 13.40
20 RCW to read as follows:

21 A prosecutor may file a special allegation that the offender or an
22 accomplice was armed with a deadly weapon as defined in RCW 9.94A.125
23 when the offender committed the alleged offense. If a special
24 allegation has been filed and the court finds that the offender
25 committed the alleged offense, the court shall also make a finding
26 whether the offender or an accomplice was armed with a deadly weapon
27 when the offender committed the offense.

28 NEW SECTION. Sec. 221. A new section is added to chapter 13.40
29 RCW to read as follows:

30 (1) If a respondent is found to have been in possession of a
31 firearm in violation of RCW 9.41.040(1)(e), the court shall commit the
32 offender to the department for a minimum of sixty days confinement. If
33 the offender's standard range of disposition for the offense as
34 indicated in RCW 13.40.0357 is more than sixty days, the court shall
35 commit the offender to the standard range disposition. The department
36 shall not release the offender until the offender has served a minimum
37 of sixty days in confinement.

1 (2) If a respondent is found to have delivered a firearm in
2 violation of RCW 9.41.080, the court shall commit the offender to the
3 department for a minimum term of one hundred twenty days of
4 confinement. If the offender's standard range of disposition for the
5 offense as indicated in RCW 13.40.0357 is more than one hundred twenty
6 days, the court shall commit the offender to the standard range
7 disposition. The department shall not release the offender until the
8 offender has served a minimum of one hundred twenty days in
9 confinement.

10 (3) If a respondent is found to have committed an offense of theft
11 of a firearm as defined in section 209 of this act, the court shall
12 commit the offender to the department for a minimum of one hundred
13 twenty days confinement. If the offender's standard range of
14 disposition for the offense as indicated in RCW 13.40.0357 is more than
15 one hundred twenty days, the court shall commit the offender to the
16 standard range disposition. The department shall not release the
17 offender until the offender has served a minimum of one hundred twenty
18 days in confinement.

19 (4) If the court finds that the respondent or an accomplice was
20 armed with a deadly weapon as provided in section 220 of this act, the
21 court shall determine the standard range disposition for the offense
22 pursuant to RCW 13.40.160. Three hundred sixty-five days of
23 confinement shall be added to the entire standard range disposition if
24 the offender or an accomplice was armed with a deadly weapon when the
25 offender committed: (a) Any serious violent offense; (b) any violent
26 offense including violent sex offenses and violent drug offenses; or
27 (c) escape in the first degree (RCW 9A.76.110); burglary in the second
28 degree (RCW 9A.52.030); theft of livestock in the first or second
29 degree (RCW 9A.56.080); or any felony drug offense. If the offender or
30 an accomplice was armed with a deadly weapon and the offender is being
31 adjudicated for an anticipatory felony offense under chapter 9A.28 RCW
32 to commit one of the offenses listed in this subsection, three hundred
33 sixty-five days shall be added to the entire standard range disposition
34 of confinement. The three hundred sixty-five days shall be imposed
35 regardless of the offense's juvenile disposition offense category as
36 designated in RCW 13.40.0357. The department shall not release the
37 offender until the offender has served a minimum of three hundred
38 sixty-five days in confinement.

1 (5) Option B of schedule D-2, RCW 13.40.0357, shall not be
2 available for middle offenders who receive a disposition under this
3 section. When a disposition under this section would effectuate a
4 manifest injustice, the court may impose another disposition. When a
5 judge finds a manifest injustice and imposes a disposition of
6 confinement exceeding thirty days, the court shall commit the juvenile
7 to a maximum term, and the provisions of RCW 13.40.030(2) shall be used
8 to determine the range. When a judge finds a manifest injustice and
9 imposes a disposition of confinement less than thirty days, the
10 disposition shall be comprised of confinement or community supervision
11 or both.

12 (6) Any term of confinement ordered pursuant to this section shall
13 run consecutively to any term of confinement imposed in the same
14 disposition for other offenses. The limitations on confinement for
15 consecutive terms under RCW 13.40.180 (1) through (3) do not apply to
16 this section.

17 **Sec. 222.** RCW 13.40.180 and 1981 c 299 s 14 are each amended to
18 read as follows:

19 (1) Where a disposition is imposed on a youth for two or more
20 offenses, the terms shall run consecutively, subject to the following
21 limitations:

22 ~~((+1))~~ (a) Where the offenses were committed through a single act
23 or omission, omission, or through an act or omission which in itself
24 constituted one of the offenses and also was an element of the other,
25 the aggregate of all the terms shall not exceed one hundred fifty
26 percent of the term imposed for the most serious offense;

27 ~~((+2))~~ (b) The aggregate of all consecutive terms shall not
28 exceed three hundred percent of the term imposed for the most serious
29 offense; and

30 ~~((+3))~~ (c) The aggregate of all consecutive terms of community
31 supervision shall not exceed two years in length, or require payment of
32 more than two hundred dollars in fines or the performance of more than
33 two hundred hours of community service.

34 (2) The limitations listed under subsection (1) of this section
35 that may be imposed for consecutive dispositions shall not apply to
36 dispositions entered pursuant to section 221 of this act.

37

PART III - RECKLESS ENDANGERMENT

1 (2) No youth may be in a public place between the hours of twelve
2 midnight and five a.m. unless:

3 (a) The youth is accompanied by a parent, legal guardian, or a
4 person twenty-one years of age or older who is authorized by the
5 youth's parent or legal guardian to accompany the youth;

6 (b) The youth is traveling by direct route to or from a religious
7 activity, political activity, or an event sponsored by a school;

8 (c) The youth is traveling by direct route to or from his or her
9 place of lawful employment; or

10 (d) The youth's presence in a public place is a reasonable
11 necessity.

12 (3) A law enforcement officer may stop and detain a person that
13 the officer reasonably believes is a youth in violation of subsection
14 (2) of this section in order to obtain the person's name and age and
15 the address of the person's parent or legal guardian.

16 (4) A law enforcement officer who reasonably believes a youth is
17 in violation of subsection (2) of this section may take the youth into
18 custody pursuant to RCW 13.32A.050 and transport the youth to his or
19 her home or to a residential center as provided for in RCW 13.32A.060
20 or to another facility in which the youth will be supervised by an
21 adult for the duration of the curfew period.

22 (5) A youth who has been transported to his or her home or to a
23 residential center for a violation of subsection (2) of this section,
24 and who during the same curfew period of the same day again violates
25 subsection (2) of this section, is guilty of a misdemeanor.

26 **Sec. 403.** RCW 13.32A.050 and 1990 c 276 s 5 are each amended to
27 read as follows:

28 A law enforcement officer shall take a child into custody:

29 (1) If a law enforcement agency has been contacted by the parent
30 of the child that the child is absent from parental custody without
31 consent; or

32 (2) If a law enforcement officer reasonably believes, considering
33 the child's age, the location, and the time of day, that a child is in
34 circumstances which constitute a danger to the child's safety or that
35 a child is violating section 402 of this act or a local curfew
36 ordinance; or

1 (3) If an agency legally charged with the supervision of a child
2 has notified a law enforcement agency that the child has run away from
3 placement; or

4 (4) If a law enforcement agency has been notified by the juvenile
5 court that the court finds probable cause exists to believe that the
6 child has violated a court placement order issued pursuant to chapter
7 13.32A RCW or that the court has issued an order for law enforcement
8 pick-up of the child under this chapter.

9 Law enforcement custody shall not extend beyond the amount of
10 time reasonably necessary to transport the child to a destination
11 authorized by law and to place the child at that destination.

12 An officer who takes a child into custody under this section and
13 places the child in a designated crisis residential center shall inform
14 the department of such placement within twenty-four hours.

15 (5) Nothing in this section affects the authority of any political
16 subdivision to make regulations concerning the conduct of minors in
17 public places by ordinance or other local law.

18 NEW SECTION. **Sec. 404.** A new section is added to chapter 35.21
19 RCW to read as follows:

20 A town, city, or county may by resolution exempt itself from the
21 provisions of section 402 of this act. A city, town, or county may
22 adopt a local curfew ordinance so long as it does not deviate from
23 section 402 of this act by:

24 (1) Expanding the hours of curfew either by extending them to
25 before midnight or after 5:00 a.m.;

26 (2) Applying a curfew to persons seventeen years of age or older;

27 (3) Eliminating or diminishing any of the exceptions provided in
28 section 402(2) of this act; or

29 (4) Providing any greater penalty.

30 **PART V - PERSONAL PROTECTION SPRAYS**

31 NEW SECTION. **Sec. 501.** A new section is added to chapter 9.91
32 RCW to read as follows:

33 (1) It is unlawful for a person under eighteen years old, unless
34 the person is at least fourteen years old and has the permission of a
35 parent or guardian to do so, to purchase or possess a personal

1 protection spray device. A violation of this subsection is a
2 misdemeanor.

3 (2) No town, city, county, special purpose district, quasi-
4 municipal corporation or other unit of government may prohibit a person
5 eighteen years old or older, or a person fourteen years old or older
6 who has the permission of a parent or guardian to do so, from
7 purchasing or possessing a personal protection spray device or from
8 using such a device in a manner consistent with the authorized use of
9 force under RCW 9A.16.020. No town, city, county, special purpose
10 district, quasi-municipal corporation, or other unit of government may
11 prohibit a person eighteen years old or older from delivering a
12 personal protection spray device to a person authorized to possess such
13 a device.

14 (3) For purposes of this section:

15 (a) "Personal protection spray device" means a commercially
16 available dispensing device designed and intended for use in self-
17 defense and containing a nonlethal sternutator or lacrimator agent,
18 including but not limited to:

19 (i) Tear gas, the active ingredient of which is either
20 chloracetophenone (CN) or O-chlorobenzylidene malonotrile (CS); or

21 (ii) Other agent commonly known as mace, pepper mace, or pepper
22 gas.

23 (b) "Delivering" means actual, constructive, or attempted
24 transferring from one person to another.

25 (4) Nothing in this section authorizes the delivery, purchase,
26 possession, or use of any device or chemical agent that is otherwise
27 prohibited by state law.

28 **PART VI - TECHNICAL PROVISIONS**

29 NEW SECTION. **Sec. 601.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

33 NEW SECTION. **Sec. 602.** Part and subpart headings and the table
34 of contents as used in this act do not constitute any part of the law.

1 NEW SECTION. **Sec. 603.** (1) Sections 101 through 104, 106 through
2 112, 114 through 117, 119 through 136, 138 through 145, and 201 through
3 501 of this act shall take effect July 1, 1994.

4 (2) Sections 105, 113, 118, and 137 of this act are necessary for
5 the immediate preservation of the public peace, health, or safety, or
6 support of the state government and its existing public institutions,
7 and shall take effect immediately.

--- END ---