
HOUSE BILL 2355

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Johanson, Shin, Long and Wineberry

Read first time 01/14/94. Referred to Committee on Judiciary.

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

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

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

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

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

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

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

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

16 (3) A parent or guardian who aids or knowingly permits his or her
17 child under the age of twenty-one years to possess a pistol is guilty
18 of a gross misdemeanor. This subsection does not apply while the child
19 is accompanied by the parent or guardian, or other adult approved for
20 the purpose of this subsection by the parent or guardian, or while the
21 child is under the supervision of a certified safety instructor at an
22 established gun range or firearm training class.

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

25 SCHEDULE A

26 DESCRIPTION AND OFFENSE CATEGORY

27 JUVENILE DISPOSITION
28 JUVENILE CATEGORY FOR ATTEMPT,
29 DISPOSITION BAILJUMP,
30 OFFENSE CONSPIRACY, OR
31 CATEGORY DESCRIPTION (RCW CITATION) SOLICITATION

32 Arson and Malicious Mischief
33
34 A Arson 1 (9A.48.020) B+
35 B Arson 2 (9A.48.030) C
36 C Reckless Burning 1 (9A.48.040) D
37 D Reckless Burning 2 (9A.48.050) E

1	B	Malicious Mischief 1 (9A.48.070)	C
2	C	Malicious Mischief 2 (9A.48.080)	D
3	D	Malicious Mischief 3 (<\$50 is E class)	
4		(9A.48.090)	E
5	E	Tampering with Fire Alarm Apparatus (9.40.100)	E
6	A	Possession of Incendiary Device (9.40.120)	B+
7		<u>Assault and Other Crimes Involving Physical</u>	
8		<u>Harm</u>	
9	A	Assault 1 (9A.36.011)	B+
10	B+	Assault 2 (9A.36.021)	C+
11	C+	Assault 3 (9A.36.031)	D+
12	D+	Assault 4 (9A.36.041)	E
13	D+	Reckless Endangerment (9A.36.050)	E
14	C+	Promoting Suicide Attempt (9A.36.060)	D+
15	D+	Coercion (9A.36.070)	E
16	C+	Custodial Assault (9A.36.100)	D+
17		<u>Burglary and Trespass</u>	
18	B+	Burglary 1 (9A.52.020)	C+
19	B	Burglary 2 (9A.52.030)	C
20	D	Burglary Tools (Possession of) (9A.52.060)	E
21	D	Criminal Trespass 1 (9A.52.070)	E
22	E	Criminal Trespass 2 (9A.52.080)	E
23	D	Vehicle Prowling (9A.52.100)	E
24		<u>Drugs</u>	
25	E	Possession/Consumption of Alcohol (66.44.270)	E
26	C	Illegally Obtaining Legend Drug (69.41.020)	D
27	C+	Sale, Delivery, Possession of Legend Drug with	
28		Intent to Sell (69.41.030)	D+
29	E	Possession of Legend Drug (69.41.030)	E
30	B+	Violation of Uniform Controlled Substances Act	
31		- Narcotic Sale (69.50.401(a)(1)(i))	B+
32	C	Violation of Uniform Controlled Substances Act	
33		- Nonnarcotic Sale (69.50.401(a)(1)(ii))	C
34	E	Possession of Marihuana <40 grams	
35		(69.50.401(e))	E
36	C	Fraudulently Obtaining Controlled Substance	
37		(69.50.403)	C

1	C+	Sale of Controlled Substance for Profit	
2		(69.50.410)	C+
3	E	((Glue Sniffing (9.47A.050))) <u>Unlawful</u>	
4		<u>Inhalation (9.47A.020)</u>	E
5	B	Violation of Uniform Controlled Substances Act	
6		- Narcotic Counterfeit Substances	
7		(69.50.401(b)(1)(i))	B
8	C	Violation of Uniform Controlled Substances Act	
9		- Nonnarcotic Counterfeit Substances	
10		(69.50.401(b)(1) (ii), (iii), (iv))	C
11	C	Violation of Uniform Controlled Substances Act	
12		- Possession of a Controlled Substance	
13		(69.50.401(d))	C
14	C	Violation of Uniform Controlled Substances Act	
15		- Possession of a Controlled Substance	
16		(69.50.401(c))	C
17		<u>Firearms and Weapons</u>	
18	((C+	Committing Crime when Armed (9.41.025)	D+))
19	E	Carrying Loaded Pistol Without Permit	
20		(9.41.050)	E
21	((E)) <u>D</u>	Use of Firearms by Minor (((<14)))	
22		(9.41.240)	E
23	D+	Possession of Dangerous Weapon (9.41.250)	E
24	D	Intimidating Another Person by use of Weapon	
25		(9.41.270)	E
26		<u>Homicide</u>	
27	A+	Murder 1 (9A.32.030)	A
28	A+	Murder 2 (9A.32.050)	B+
29	B+	Manslaughter 1 (9A.32.060)	C+
30	C+	Manslaughter 2 (9A.32.070)	D+
31	B+	Vehicular Homicide (46.61.520)	C+
32		<u>Kidnapping</u>	
33	A	Kidnap 1 (9A.40.020)	B+
34	B+	Kidnap 2 (9A.40.030)	C+
35	C+	Unlawful Imprisonment (9A.40.040)	D+
36	<u>D+</u>	<u>Custodial Interference 1 (9A.40.060)</u>	<u>D</u>
37	D	Custodial Interference <u>2</u> (((<9A.40.050)))	
38		<u>(9A.40.070)</u>	E

1		<u>Obstructing Governmental Operation</u>	
2	E	Obstructing a Public Servant (9A.76.020)	E
3	E	Resisting Arrest (9A.76.040)	E
4	B	Introducing Contraband 1 (9A.76.140)	C
5	C	Introducing Contraband 2 (9A.76.150)	D
6	E	Introducing Contraband 3 (9A.76.160)	E
7	B+	Intimidating a Public Servant (9A.76.180)	C+
8	B+	Intimidating a Witness (9A.72.110)	C+
9		((E) Criminal Contempt (9.23.010) (E))	
10		<u>Public Disturbance</u>	
11	C+	Riot with Weapon (9A.84.010)	D+
12	D+	Riot Without Weapon (9A.84.010)	E
13	E	Failure to Disperse (9A.84.020)	E
14	E	Disorderly Conduct (9A.84.030)	E
15		<u>Sex Crimes</u>	
16	A	Rape 1 (9A.44.040)	B+
17	A-	Rape 2 (9A.44.050)	B+
18	C+	Rape 3 (9A.44.060)	D+
19	A-	Rape of a Child 1 (9A.44.073)	B+
20	B	Rape of a Child 2 (9A.44.076)	C+
21	B	Incest 1 (9A.64.020(1))	C
22	C	Incest 2 (9A.64.020(2))	D
23	D+	((Public Indecency)) <u>Indecent Exposure</u>	
24		(Victim <14) (9A.88.010)	E
25	E	((Public Indecency)) <u>Indecent Exposure</u> (Victim	
26		14 or over) (9A.88.010)	E
27	B+	Promoting Prostitution 1 (9A.88.070)	C+
28	C+	Promoting Prostitution 2 (9A.88.080)	D+
29	E	O & A (Prostitution) (9A.88.030)	E
30	B+	Indecent Liberties (9A.44.100)	C+
31	B+	Child Molestation 1 (9A.44.083)	C+
32	C+	Child Molestation 2 (9A.44.086)	C
33		<u>Theft, Robbery, Extortion, and Forgery</u>	
34	B	Theft 1 (9A.56.030)	C
35	C	Theft 2 (9A.56.040)	D
36	D	Theft 3 (9A.56.050)	E
37	B	Theft of Livestock (9A.56.080)	C
38	C	Forgery (((9A.56.020))) <u>(9A.62.020)</u>	D

1	A	Robbery 1 (9A.56.200)	B+
2	B+	Robbery 2 (9A.56.210)	C+
3	B+	Extortion 1 (9A.56.120)	C+
4	C+	Extortion 2 (9A.56.130)	D+
5	B	Possession of Stolen Property 1 (9A.56.150)	C
6	C	Possession of Stolen Property 2 (9A.56.160)	D
7	D	Possession of Stolen Property 3 (9A.56.170)	E
8	C	Taking Motor Vehicle Without Owner's	
9		Permission (9A.56.070)	D
10		<u>Motor Vehicle Related Crimes</u>	
11	E	Driving Without a License (46.20.021)	E
12	C	Hit and Run - Injury (46.52.020(4))	D
13	D	Hit and Run-Attended (46.52.020(5))	E
14	E	Hit and Run-Unattended (46.52.010)	E
15	C	Vehicular Assault (46.61.522)	D
16	C	Attempting to Elude Pursuing Police Vehicle	
17		(46.61.024)	D
18	E	Reckless Driving (46.61.500)	E
19	D	Driving While Under the Influence (46.61.515)	E
20	B+	Negligent Homicide by Motor Vehicle	
21		(46.61.520)	C+
22	D	Vehicle Prowling (9A.52.100)	E
23	C	Taking Motor Vehicle Without Owner's Permission	
24		(9A.56.070)	D
25		<u>Other</u>	
26	B	Bomb Threat (9.61.160)	C
27	C	Escape 1 (9A.76.110)	C
28	C	Escape 2 (9A.76.120)	C
29	D	Escape 3 (9A.76.130)	E
30	C	Failure to Appear in Court (10.19.130)	D
31	E	Tampering with Fire Alarm Apparatus (9.40.100)	E
32	E	Obscene, Harassing, Etc., Phone Calls	
33		(9.61.230)	E
34	A	Other Offense Equivalent to an Adult Class A	
35		Felony	B+
36	B	Other Offense Equivalent to an Adult Class B	
37		Felony	C

1 C Other Offense Equivalent to an Adult Class C
 2 Felony D
 3 D Other Offense Equivalent to an Adult Gross
 4 Misdemeanor E
 5 E Other Offense Equivalent to an Adult
 6 Misdemeanor E
 7 V Violation of Order of Restitution, Community
 8 Supervision, or Confinement (13.40.200) V

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

11 1st escape or attempted escape during 12-month period - 4 weeks
 12 confinement
 13 2nd escape or attempted escape during 12-month period - 8 weeks
 14 confinement
 15 3rd and subsequent escape or attempted escape during 12-month
 16 period - 12 weeks confinement

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

19 SCHEDULE B

20 PRIOR OFFENSE INCREASE FACTOR

21 For use with all CURRENT OFFENSES occurring on or after July 1,
 22 1989.

23 TIME SPAN

24 OFFENSE	0-12	13-24	25 Months
25 CATEGORY	Months	Months	or More
27 A+	.9	.9	.9
28 A	.9	.8	.6
29 A-	.9	.8	.5
30 B+	.9	.7	.4
31 B	.9	.6	.3
32 C+	.6	.3	.2
33 C	.5	.2	.2
34 D+	.3	.2	.1

1	D	.2	.1	.1
2	E	.1	.1	.1

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

7 SCHEDULE C

8 CURRENT OFFENSE POINTS

9 For use with all CURRENT OFFENSES occurring on or after July 1,
10 1989.

11 AGE

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

25 JUVENILE SENTENCING STANDARDS

26 SCHEDULE D-1

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

1 MINOR/FIRST OFFENDER

2 OPTION A

3 STANDARD RANGE

4 Community

5 Community

Service

6 Points

Supervision

Hours

Fine

7 1-9

0-3 months

and/or 0-8

and/or 0-\$10

8 10-19

0-3 months

and/or 0-8

and/or 0-\$10

9 20-29

0-3 months

and/or 0-16

and/or 0-\$10

10 30-39

0-3 months

and/or 8-24

and/or 0-\$25

11 40-49

3-6 months

and/or 16-32

and/or 0-\$25

12 50-59

3-6 months

and/or 24-40

and/or 0-\$25

13 60-69

6-9 months

and/or 32-48

and/or 0-\$50

14 70-79

6-9 months

and/or 40-56

and/or 0-\$50

15 80-89

9-12 months

and/or 48-64

and/or 0-\$100

16 90-109

9-12 months

and/or 56-72

and/or 0-\$100

17 OR

18 OPTION B

19 STATUTORY OPTION

20 0-12 Months Community Supervision

21 0-150 Hours Community Service

22 0-100 Fine

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

25 OR

26 OPTION C

27 MANIFEST INJUSTICE

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

JUVENILE SENTENCING STANDARDS

SCHEDULE D-2

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

MIDDLE OFFENDER

OPTION A

STANDARD RANGE

Community

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

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

OR

1 375+ 103-129 weeks
2 All A+ Offenses 180-224 weeks

3 OR

4 OPTION B

5 MANIFEST INJUSTICE

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

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

15 Every person who:

16 (1) Shall admit to or allow to remain in any concert saloon, or in
17 any place owned, kept, or managed by him or her where intoxicating
18 liquors are sold, given away or disposed of--except a restaurant or
19 dining room, any person under the age of eighteen years; or((~~7~~))

20 (2) Shall admit to, or allow to remain in any public pool or
21 billiard hall, or in any place of entertainment injurious to health or
22 morals, owned, kept or managed by him or her, any person under the age
23 of eighteen years; or((~~7~~))

24 (3) Shall suffer or permit any such person to play any game of
25 skill or chance, in any such place, or in any place adjacent thereto,
26 or to be or remain therein, or admit or allow to remain in any reputed
27 house of prostitution or assignation, or in any place where opium or
28 any preparation thereof, is smoked, or where any narcotic drug is used,
29 any persons under the age of eighteen years; or((~~7~~))

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

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

35 Shall be guilty of a gross misdemeanor.

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

--- END ---