
HOUSE BILL 2474

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Appelwick, Dunshee, Johanson and Karahalios

Read first time 01/17/94. Referred to Committee on Judiciary.

1 AN ACT Relating to youth violence; amending RCW 9.41.080, 9.41.240,
2 13.04.030, 13.40.0357, 13.40.160, 13.64.060, and 72.76.010; reenacting
3 and amending RCW 9.41.010 and 9.94A.030; making an appropriation; and
4 prescribing penalties.

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

6 **Sec. 1.** RCW 9.41.010 and 1992 c 205 s 117 and 1992 c 145 s 5 are
7 each reenacted and amended to read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Short firearm" or "pistol" (~~(as used in this chapter)~~) means
11 any firearm with a barrel less than (~~(twelve)~~) eighteen inches in
12 length or with an overall length of less than twenty-four inches.

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

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

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

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

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

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

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

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

18 No person (~~(shall)~~) may deliver a pistol to any person under the
19 age of twenty-one or to one who he or she has reasonable cause to
20 believe has been convicted of a crime of violence, or is a drug addict,
21 an habitual drunkard, or of unsound mind. Delivery of a pistol to a
22 person under the age of eighteen is punishable as a class C felony
23 according to chapter 9A.20 RCW.

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

26 No minor under the age of fourteen years (~~(shall)~~) may handle or
27 have in his or her possession or under his or her control any firearm
28 of any kind for any purpose and no minor under the age of eighteen may
29 handle or have in his or her possession or under his or her control any
30 pistol of any kind for any purpose, except while accompanied by or
31 under the immediate charge of his or her parent or guardian or other
32 adult approved for the purpose of this section by the parent or
33 guardian, or while under the supervision of a certified safety
34 instructor at an established gun range or firearm training class(~~(, any~~
35 ~~firearm of any kind for hunting or target practice or for other~~
36 ~~purposes)~~). Every person violating any (~~(of the foregoing)~~) provisions
37 of this section regarding firearms other than pistols, or aiding or

1 knowingly permitting any such minor to violate the same, (~~shall be~~)
2 is guilty of a misdemeanor. Every person violating any provisions of
3 this section regarding pistols, or aiding or knowingly permitting any
4 such minor to violate the same, is guilty of a class C felony
5 punishable according to chapter 9A.20 RCW.

6 **Sec. 4.** RCW 9.94A.030 and 1994 c 1 s 3 (Initiative Measure No.
7 593), 1993 c 338 s 2, 1993 c 251 s 4, and 1993 c 164 s 1 are each
8 reenacted and amended to read as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter.

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

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

19 (3) "Community corrections officer" means an employee of the
20 department who is responsible for carrying out specific duties in
21 supervision of sentenced offenders and monitoring of sentence
22 conditions.

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

27 (5) "Community placement" means that period during which the
28 offender is subject to the conditions of community custody and/or
29 postrelease supervision, which begins either upon completion of the
30 term of confinement (postrelease supervision) or at such time as the
31 offender is transferred to community custody in lieu of earned early
32 release. Community placement may consist of entirely community
33 custody, entirely postrelease supervision, or a combination of the two.

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

37 (7) "Community supervision" means a period of time during which a
38 convicted offender is subject to crime-related prohibitions and other

1 sentence conditions imposed by a court pursuant to this chapter or RCW
2 46.61.524. For first-time offenders, the supervision may include
3 crime-related prohibitions and other conditions imposed pursuant to RCW
4 9.94A.120(5). For purposes of the interstate compact for out-of-state
5 supervision of parolees and probationers, RCW 9.95.270, community
6 supervision is the functional equivalent of probation and should be
7 considered the same as probation by other states.

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

10 (9) "Conviction" means an adjudication of guilt pursuant to Titles
11 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
12 acceptance of a plea of guilty.

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

27 (11) "Crime-related prohibition" means an order of a court
28 prohibiting conduct that directly relates to the circumstances of the
29 crime for which the offender has been convicted, and shall not be
30 construed to mean orders directing an offender affirmatively to
31 participate in rehabilitative programs or to otherwise perform
32 affirmative conduct.

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

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

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

12 (14) "Determinate sentence" means a sentence that states with
13 exactitude the number of actual years, months, or days of total
14 confinement, of partial confinement, of community supervision, the
15 number of actual hours or days of community service work, or dollars or
16 terms of a legal financial obligation. The fact that an offender
17 through "earned early release" can reduce the actual period of
18 confinement shall not affect the classification of the sentence as a
19 determinate sentence.

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

32 (16) "Drug offense" means:

33 (a) Any felony violation of chapter 69.50 RCW except possession of
34 a controlled substance (RCW 69.50.401(d)) or forged prescription for a
35 controlled substance (RCW 69.50.403);

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

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

4 (17) "Escape" means:

5 (a) Escape in the first degree (RCW 9A.76.110), escape in the
6 second degree (RCW 9A.76.120), willful failure to return from furlough
7 (RCW 72.66.060), willful failure to return from work release (RCW
8 72.65.070), or willful failure to be available for supervision by the
9 department while in community custody (RCW 72.09.310); or

10 (b) Any federal or out-of-state conviction for an offense that
11 under the laws of this state would be a felony classified as an escape
12 under (a) of this subsection.

13 (18) "Felony traffic offense" means:

14 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
15 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
16 and-run injury-accident (RCW 46.52.020(4)); 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 a felony
19 traffic offense under (a) of this subsection.

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

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

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

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

1 (a) Any felony defined under any law as a class A felony or
2 criminal solicitation of or criminal conspiracy to commit a class A
3 felony;

4 (b) Assault in the second degree;

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

6 (d) Child molestation in the second degree;

7 (e) Controlled substance homicide;

8 (f) Extortion in the first degree;

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

10 (h) Indecent liberties;

11 (i) Kidnapping in the second degree;

12 (j) Leading organized crime;

13 (k) Manslaughter in the first degree;

14 (l) Manslaughter in the second degree;

15 (m) Promoting prostitution in the first degree;

16 (n) Rape in the third degree;

17 (o) Robbery in the second degree;

18 (p) Sexual exploitation;

19 (q) Vehicular assault;

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

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

26 (t) Any other felony with a deadly weapon verdict under RCW
27 9.94A.125;

28 (u) Any felony offense in effect at any time prior to December 2,
29 1993, that is comparable to a most serious offense under this
30 subsection, or any federal or out-of-state conviction for an offense
31 that under the laws of this state would be a felony classified as a
32 most serious offense under this subsection.

33 (22) "Nonviolent offense" means an offense which is not a violent
34 offense.

35 (23) "Offender" means a person who has committed a felony
36 established by state law and is eighteen years of age or older or is
37 less than eighteen years of age but whose case has been transferred by
38 the appropriate juvenile court to a criminal court pursuant to RCW
39 13.40.110 or has been tried in a criminal court pursuant to RCW

1 13.04.030(5)(d). Throughout this chapter, the terms "offender" and
2 "defendant" are used interchangeably.

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

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

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

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

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

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

28 (28) "Serious traffic offense" means:

29 (a) Driving while under the influence of intoxicating liquor or any
30 drug (RCW 46.61.502), actual physical control while under the influence
31 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
32 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
33 or

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

37 (29) "Serious violent offense" is a subcategory of violent offense
38 and means:

1 (a) Murder in the first degree, homicide by abuse, murder in the
2 second degree, assault in the first degree, kidnapping in the first
3 degree, or rape in the first degree, assault of a child in the first
4 degree, or an attempt, criminal solicitation, or criminal conspiracy to
5 commit one of these felonies; or

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

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

11 (31) "Sex offense" means:

12 (a) A felony that is a violation of chapter 9A.44 RCW or RCW
13 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal
14 attempt, criminal solicitation, or criminal conspiracy to commit such
15 crimes;

16 (b) A felony with a finding of sexual motivation under RCW
17 9.94A.127; or

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

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

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

28 (34) "Transition training" means written and verbal instructions
29 and assistance provided by the department to the offender during the
30 two weeks prior to the offender's successful completion of the work
31 ethic camp program. The transition training shall include instructions
32 in the offender's requirements and obligations during the offender's
33 period of community custody.

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

37 (36) "Violent offense" means:

38 (a) Any of the following felonies, as now existing or hereafter
39 amended: Any felony defined under any law as a class A felony or an

1 attempt to commit a class A felony, criminal solicitation of or
2 criminal conspiracy to commit a class A felony, manslaughter in the
3 first degree, manslaughter in the second degree, indecent liberties if
4 committed by forcible compulsion, kidnapping in the second degree,
5 arson in the second degree, assault in the second degree, assault of a
6 child in the second degree, extortion in the first degree, robbery in
7 the second degree, vehicular assault, and vehicular homicide, when
8 proximately caused by the driving of any vehicle by any person while
9 under the influence of intoxicating liquor or any drug as defined by
10 RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

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

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

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

29 (38) "Work ethic camp" means an alternative incarceration program
30 designed to reduce recidivism and lower the cost of corrections by
31 requiring offenders to complete a comprehensive array of real-world job
32 and vocational experiences, character-building work ethics training,
33 life management skills development, substance abuse rehabilitation,
34 counseling, literacy training, and basic adult education.

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

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

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

27 (b) Participation in a home detention program shall be conditioned
28 upon: (i) The offender obtaining or maintaining current employment or
29 attending a regular course of school study at regularly defined hours,
30 or the offender performing parental duties to offspring or minors
31 normally in the custody of the offender, (ii) abiding by the rules of
32 the home detention program, and (iii) compliance with court-ordered
33 legal financial obligations. The home detention program may also be
34 made available to offenders whose charges and convictions do not
35 otherwise disqualify them if medical or health-related conditions,
36 concerns or treatment would be better addressed under the home
37 detention program, or where the health and welfare of the offender,
38 other inmates, or staff would be jeopardized by the offender's
39 incarceration. Participation in the home detention program for medical

1 or health-related reasons is conditioned on the offender abiding by the
2 rules of the home detention program and complying with court-ordered
3 restitution.

4 **Sec. 5.** RCW 13.04.030 and 1988 c 14 s 1 are each amended to read
5 as follows:

6 The juvenile courts in the several counties of this state, shall
7 have exclusive original jurisdiction over all proceedings:

8 (1) Under the interstate compact on placement of children as
9 provided in chapter 26.34 RCW;

10 (2) Relating to children alleged or found to be dependent as
11 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170(~~(~~
12 ~~as now or hereafter amended)~~);

13 (3) Relating to the termination of a parent and child relationship
14 as provided in RCW 13.34.180 through 13.34.210(~~(~~
15 ~~as now or hereafter amended)~~);

16 (4) To approve or disapprove alternative residential placement as
17 provided in RCW 13.32A.170;

18 (5) Relating to juveniles alleged or found to have committed
19 offenses, traffic infractions, or violations as provided in RCW
20 13.40.020 through 13.40.230, (~~(as now or hereafter amended,~~) unless:

21 (a) The juvenile court transfers jurisdiction of a particular
22 juvenile to adult criminal court pursuant to RCW 13.40.110(~~(~~
23 ~~as now or hereafter amended)~~); or

24 (b) The statute of limitations applicable to adult prosecution for
25 the offense, traffic infraction, or violation has expired; or

26 (c) The alleged offense or infraction is a traffic, fish, boating,
27 or game offense or traffic infraction committed by a juvenile sixteen
28 years of age or older and would, if committed by an adult, be tried or
29 heard in a court of limited jurisdiction, in which instance the
30 appropriate court of limited jurisdiction shall have jurisdiction over
31 the alleged offense or infraction: PROVIDED, That if such an alleged
32 offense or infraction and an alleged offense or infraction subject to
33 juvenile court jurisdiction arise out of the same event or incident,
34 the juvenile court may have jurisdiction of both matters: PROVIDED
35 FURTHER, That the jurisdiction under this subsection does not
36 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
37 or subsection (5)(a) of this section: PROVIDED FURTHER, That courts of
38 limited jurisdiction which confine juveniles for an alleged offense or

1 infraction may place juveniles in juvenile detention facilities under
2 an agreement with the officials responsible for the administration of
3 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

4 (d) The juvenile is sixteen or seventeen years old and the alleged
5 offense is: (i) A serious violent offense as defined in RCW 9.94A.030;
6 or (ii) a violent offense as defined in RCW 9.94A.030 and the juvenile
7 has a criminal history showing one or more prior serious violent
8 offenses, two or more prior violent offenses, or three or more prior
9 felony offenses of any kind committed after the juvenile's thirteenth
10 birthday and prosecuted separately. In such a case the appropriate
11 superior court shall have exclusive original jurisdiction;

12 (6) Under the interstate compact on juveniles as provided in
13 chapter 13.24 RCW;

14 (7) Relating to termination of a diversion agreement under RCW
15 13.40.080 (~~as now or hereafter amended~~), including a proceeding in
16 which the divertee has attained eighteen years of age; and

17 (8) Relating to court validation of a voluntary consent to foster
18 care placement under chapter 13.34 RCW, by the parent or Indian
19 custodian of an Indian child, except if the parent or Indian custodian
20 and child are residents of or domiciled within the boundaries of a
21 federally recognized Indian reservation over which the tribe exercises
22 exclusive jurisdiction.

23 **Sec. 6.** 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
28	JUVENILE	DISPOSITION
29	DISPOSITION	CATEGORY FOR ATTEMPT,
30	OFFENSE	BAILJUMP, CONSPIRACY,
31	CATEGORY DESCRIPTION (RCW CITATION)	OR SOLICITATION
32
33	Arson and Malicious Mischief	
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

1	D	Reckless Burning 2 (9A.48.050)	E
2	B	Malicious Mischief 1 (9A.48.070)	C
3	C	Malicious Mischief 2 (9A.48.080)	D
4	D	Malicious Mischief 3 (<\$50 is	
5		E class) (9A.48.090)	E
6	E	Tampering with Fire Alarm	
7		Apparatus (9.40.100)	E
8	A	Possession of Incendiary Device	
9		(9.40.120)	B+
10		Assault and Other Crimes	
11		Involving Physical Harm	
12	A	Assault 1 (9A.36.011)	B+
13	B+	Assault 2 (9A.36.021)	C+
14	C+	Assault 3 (9A.36.031)	D+
15	D+	Assault 4 (9A.36.041)	E
16	D+	Reckless Endangerment	
17		(9A.36.050)	E
18	C+	Promoting Suicide Attempt	
19		(9A.36.060)	D+
20	D+	Coercion (9A.36.070)	E
21	C+	Custodial Assault (9A.36.100)	D+
22		Burglary and Trespass	
23	B+	Burglary 1 (9A.52.020)	C+
24	B	Burglary 2 (9A.52.030)	C
25	D	Burglary Tools (Possession of)	
26		(9A.52.060)	E
27	D	Criminal Trespass 1 (9A.52.070)	E
28	E	Criminal Trespass 2 (9A.52.080)	E
29	D	Vehicle Prowling (9A.52.100)	E
30		Drugs	
31	E	Possession/Consumption of Alcohol	
32		(66.44.270)	E
33	C	Illegally Obtaining Legend Drug	
34		(69.41.020)	D

1	C+	Sale, Delivery, Possession of Legend	
2		Drug with Intent to Sell	
3		(69.41.030)	D+
4	E	Possession of Legend Drug	
5		(69.41.030)	E
6	B+	Violation of Uniform Controlled	
7		Substances Act - Narcotic Sale	
8		(69.50.401(a)(1)(i))	B+
9	C	Violation of Uniform Controlled	
10		Substances Act - Nonnarcotic Sale	
11		(69.50.401(a)(1)(ii))	C
12	E	Possession of Marihuana <40 grams	
13		(69.50.401(e))	E
14	C	Fraudulently Obtaining Controlled	
15		Substance (69.50.403)	C
16	C+	Sale of Controlled Substance	
17		for Profit (69.50.410)	C+
18	E	((Glue Sniffing (9.47A.050))	E
19		<u>Unlawful Inhalation (9.47A.020)</u>	
20	B	Violation of Uniform Controlled	
21		Substances Act - Narcotic	
22		Counterfeit Substances	
23		(69.50.401(b)(1)(i))	B
24	C	Violation of Uniform Controlled	
25		Substances Act - Nonnarcotic	
26		Counterfeit Substances	
27		(69.50.401(b)(1) (ii), (iii), (iv))	C
28	C	Violation of Uniform Controlled	
29		Substances Act - Possession of a	
30		Controlled Substance	
31		(69.50.401(d))	C
32	C	Violation of Uniform Controlled	
33		Substances Act - Possession of a	
34		Controlled Substance	
35		(69.50.401(c))	C
36		Firearms and Weapons	
37	((C+	Committing Crime when Armed	
38		(9.41.025)	D+))

1	E	Carrying Loaded Pistol Without	
2		Permit (9.41.050)	E
3	E	Use of Firearms by Minor (<14)	
4		(9.41.240)	E
5	D+	Possession of Dangerous Weapon	
6		(9.41.250)	E
7	D	Intimidating Another Person by use	
8		of Weapon (9.41.270)	E
9		Homicide	
10	A+	Murder 1 (9A.32.030)	A
11	A+	Murder 2 (9A.32.050)	B+
12	B+	Manslaughter 1 (9A.32.060)	C+
13	C+	Manslaughter 2 (9A.32.070)	D+
14	B+	Vehicular Homicide (46.61.520)	C+
15		Kidnapping	
16	A	Kidnap 1 (9A.40.020)	B+
17	B+	Kidnap 2 (9A.40.030)	C+
18	C+	Unlawful Imprisonment	
19		(9A.40.040)	D+
20	((D	Custodial Interference	
21		(9A.40.050)	E))
22		Obstructing Governmental Operation	
23	E	Obstructing a Public Servant	
24		(9A.76.020)	E
25	E	Resisting Arrest (9A.76.040)	E
26	B	Introducing Contraband 1	
27		(9A.76.140)	C
28	C	Introducing Contraband 2	
29		(9A.76.150)	D
30	E	Introducing Contraband 3	
31		(9A.76.160)	E
32	B+	Intimidating a Public Servant	
33		(9A.76.180)	C+
34	B+	Intimidating a Witness	
35		(9A.72.110)	C+

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

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

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

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

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

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

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

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

28 SCHEDULE B
29 PRIOR OFFENSE INCREASE FACTOR

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

32 TIME SPAN

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

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

18 SCHEDULE C
19 CURRENT OFFENSE POINTS

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

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

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

3 JUVENILE SENTENCING STANDARDS
4 SCHEDULE D-1

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

8 MINOR/FIRST OFFENDER

9 OPTION A
10 STANDARD RANGE

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

24 OR

25 OPTION B
26 STATUTORY OPTION

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

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

3 OR

4 OPTION C
5 MANIFEST INJUSTICE

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

12 JUVENILE SENTENCING STANDARDS
13 SCHEDULE D-2

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

17 MIDDLE OFFENDER

18 OPTION A
19 STANDARD RANGE

	Community Supervision	Community Service Hours	Fine	Confinement Days Weeks
20				
21				
22	Points			
23			
24	((1-9	0-3 months	and/or 0-8	and/or 0-\$10 and/or 0
25	10-19 0-3)) <u>1-19</u>	<u>0-12</u> months	and/or 0-8	and/or 0-\$10 and/or 0
26	20-29	((0-3)) <u>0-12</u> months	and/or 0-16	and/or 0-\$10 and/or 0
27	30-39	((0-3)) <u>0-12</u> months	and/or 8-24	and/or 0-\$25 and/or ((2-4))
28				<u>2-10</u>
29	40-49	((3-6)) <u>3-12</u> months	and/or 16-32	and/or 0-\$25 and/or ((2-4))
30				<u>2-10</u>

1	50-59	((3-6))	<u>3-12</u> months	and/or	24-40	and/or	0-\$25	and/or	5-10
2	60-69	((6-9))	<u>6-12</u> months	and/or	32-48	and/or	0-\$50	and/or	((5-10))
3									<u>10-20</u>
4	70-79	((6-9))	<u>6-12</u> months	and/or	40-56	and/or	0-\$50	and/or	10-20
5	80-89		9-12 months	and/or	48-64	and/or	0-\$100	and/or	10-20
6	90-109		9-12 months	and/or	56-72	and/or	0-\$100	and/or	((15-30))
7									<u>20-30</u>
8	110-129								8-12
9	130-149								13-16
10	150-199								21-28
11	200-249								30-40
12	250-299								52-65
13	300-374								80-100
14	375+								103-129

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

18 OR

19
20 OPTION B
21 STATUTORY OPTION

- 22 0-12 Months Community Supervision
- 23 0-150 Hours Community Service
- 24 0-100 Fine

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

29 OR

30

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

5 **Sec. 7.** RCW 13.40.160 and 1992 c 45 s 6 are each amended to read
6 as follows:

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

12 If the court concludes, and enters reasons for its conclusion, that
13 disposition within the standard range would effectuate a manifest
14 injustice the court shall impose a disposition outside the standard
15 range, as indicated in option B of schedule D-3, RCW 13.40.0357. The
16 court's finding of manifest injustice shall be supported by clear and
17 convincing evidence.

18 A disposition outside the standard range shall be determinate and
19 shall be comprised of confinement or community supervision, or a
20 combination thereof. When a judge finds a manifest injustice and
21 imposes a sentence of confinement exceeding thirty days, the court
22 shall sentence the juvenile to a maximum term, and the provisions of
23 RCW 13.40.030(2)(~~(, as now or hereafter amended,~~) shall be used to
24 determine the range. A disposition outside the standard range is
25 appealable under RCW 13.40.230(~~(, as now or hereafter amended,~~) by the
26 state or the respondent. A disposition within the standard range is
27 not appealable under RCW 13.40.230 (~~(as now or hereafter amended)~~).

28 (2) Where the respondent is found to be a minor or first offender,
29 the court shall order that the respondent serve a term of community
30 supervision as indicated in option A or option B of schedule D-1, RCW
31 13.40.0357 except as provided in subsections (5) and (6) of this
32 section. If the court determines that a disposition of community
33 supervision would effectuate a manifest injustice the court may impose
34 another disposition under option C of schedule D-1, RCW 13.40.0357.
35 Except as provided in subsection (5) of this section, a disposition
36 other than a community supervision may be imposed only after the court
37 enters reasons upon which it bases its conclusions that imposition of
38 community supervision would effectuate a manifest injustice. When a

1 judge finds a manifest injustice and imposes a sentence of confinement
2 exceeding thirty days, the court shall sentence the juvenile to a
3 maximum term, and the provisions of RCW 13.40.030(2)((~~, as now or~~
4 ~~hereafter amended,~~)) shall be used to determine the range. The court's
5 finding of manifest injustice shall be supported by clear and
6 convincing evidence.

7 Except for disposition of community supervision or a disposition
8 imposed pursuant to subsection (5) of this section, a disposition may
9 be appealed as provided in RCW 13.40.230((~~, as now or hereafter~~
10 ~~amended,~~)) by the state or the respondent. A disposition of community
11 supervision or a disposition imposed pursuant to subsection (5) of this
12 section may not be appealed under RCW 13.40.230 ((~~as now or hereafter~~
13 ~~amended~~)).

14 (3) Where a respondent is found to have committed an offense for
15 which the respondent declined to enter into a diversion agreement, the
16 court shall impose a term of community supervision limited to the
17 conditions allowed in a diversion agreement as provided in RCW
18 13.40.080(2) ((~~as now or hereafter amended~~)).

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

20 (a) The court shall impose a determinate disposition within the
21 standard range(s) for such offense, as indicated in option A of
22 schedule D-2, RCW 13.40.0357 except as provided in subsections (5) and
23 (6) of this section: PROVIDED, That if the standard range includes a
24 term of confinement exceeding thirty days, commitment shall be to the
25 department for the standard range of confinement; or

26 (b) The court shall impose a determinate disposition of community
27 supervision and/or up to thirty days confinement, as indicated in
28 option B of schedule D-2, RCW 13.40.0357 in which case, if confinement
29 has been imposed, the court shall state either aggravating or
30 mitigating factors as set forth in RCW 13.40.150 ((~~as now or hereafter~~
31 ~~amended~~)).

32 (c) Only if the court concludes, and enters reasons for its
33 conclusions, that disposition as provided in subsection (4)(a) or (b)
34 of this section would effectuate a manifest injustice, the court shall
35 sentence the juvenile to a maximum term, and the provisions of RCW
36 13.40.030(2)((~~, as now or hereafter amended,~~)) shall be used to
37 determine the range. The court's finding of manifest injustice shall
38 be supported by clear and convincing evidence.

1 (d) A disposition pursuant to subsection (4)(c) of this section is
2 appealable under RCW 13.40.230(~~(, as now or hereafter amended,)~~) by the
3 state or the respondent. A disposition pursuant to subsection (4) (a)
4 or (b) of this section is not appealable under RCW 13.40.230 (~~as now
5 or hereafter amended~~)).

6 (5) When a serious, middle, or minor first offender is found to
7 have committed a sex offense, other than a sex offense that is also a
8 serious violent offense as defined by RCW 9.94A.030, and has no history
9 of a prior sex offense, the court, on its own motion or the motion of
10 the state or the respondent, may order an examination to determine
11 whether the respondent is amenable to treatment.

12 The report of the examination shall include at a minimum the
13 following: The respondent's version of the facts and the official
14 version of the facts, the respondent's offense history, an assessment
15 of problems in addition to alleged deviant behaviors, the respondent's
16 social, educational, and employment situation, and other evaluation
17 measures used. The report shall set forth the sources of the
18 evaluator's information.

19 The examiner shall assess and report regarding the respondent's
20 amenability to treatment and relative risk to the community. A
21 proposed treatment plan shall be provided and shall include, at a
22 minimum:

23 (a)(i) Frequency and type of contact between the offender and
24 therapist;

25 (ii) Specific issues to be addressed in the treatment and
26 description of planned treatment modalities;

27 (iii) Monitoring plans, including any requirements regarding living
28 conditions, lifestyle requirements, and monitoring by family members,
29 legal guardians, or others;

30 (iv) Anticipated length of treatment; and

31 (v) Recommended crime-related prohibitions.

32 The court on its own motion may order, or on a motion by the state
33 shall order, a second examination regarding the offender's amenability
34 to treatment. The evaluator shall be selected by the party making the
35 motion. The defendant shall pay the cost of any second examination
36 ordered unless the court finds the defendant to be indigent in which
37 case the state shall pay the cost.

38 After receipt of reports of the examination, the court shall then
39 consider whether the offender and the community will benefit from use

1 of this special sex offender disposition alternative and consider the
2 victim's opinion whether the offender should receive a treatment
3 disposition under this section. If the court determines that this
4 special sex offender disposition alternative is appropriate, then the
5 court shall impose a determinate disposition within the standard range
6 for the offense, and the court may suspend the execution of the
7 disposition and place the offender on community supervision for up to
8 two years. As a condition of the suspended disposition, the court may
9 impose the conditions of community supervision and other conditions,
10 including up to thirty days of confinement and requirements that the
11 offender do any one or more of the following:

12 (b)(i) Devote time to a specific education, employment, or
13 occupation;

14 (ii) Undergo available outpatient sex offender treatment for up to
15 two years, or inpatient sex offender treatment not to exceed the
16 standard range of confinement for that offense. A community mental
17 health center may not be used for such treatment unless it has an
18 appropriate program designed for sex offender treatment. The
19 respondent shall not change sex offender treatment providers or
20 treatment conditions without first notifying the prosecutor, the
21 probation counselor, and the court, and shall not change providers
22 without court approval after a hearing if the prosecutor or probation
23 counselor object to the change;

24 (iii) Remain within prescribed geographical boundaries and notify
25 the court or the probation counselor prior to any change in the
26 offender's address, educational program, or employment;

27 (iv) Report to the prosecutor and the probation counselor prior to
28 any change in a sex offender treatment provider. This change shall
29 have prior approval by the court;

30 (v) Report as directed to the court and a probation counselor;

31 (vi) Pay all court-ordered legal financial obligations, perform
32 community service, or any combination thereof; or

33 (vii) Make restitution to the victim for the cost of any counseling
34 reasonably related to the offense.

35 The sex offender treatment provider shall submit quarterly reports
36 on the respondent's progress in treatment to the court and the parties.
37 The reports shall reference the treatment plan and include at a minimum
38 the following: Dates of attendance, respondent's compliance with
39 requirements, treatment activities, the respondent's relative progress

1 in treatment, and any other material specified by the court at the time
2 of the disposition.

3 At the time of the disposition, the court may set treatment review
4 hearings as the court considers appropriate.

5 Except as provided in this subsection (5), after July 1, 1991,
6 examinations and treatment ordered pursuant to this subsection shall
7 only be conducted by sex offender treatment providers certified by the
8 department of health pursuant to chapter 18.155 RCW. A sex offender
9 therapist who examines or treats a juvenile sex offender pursuant to
10 this subsection does not have to be certified by the department of
11 health pursuant to chapter 18.155 RCW if the court finds that: (A) The
12 offender has already moved to another state or plans to move to another
13 state for reasons other than circumventing the certification
14 requirements; (B) no certified providers are available for treatment
15 within a reasonable geographical distance of the offender's home; and
16 (C) the evaluation and treatment plan comply with this subsection (5)
17 and the rules adopted by the department of health.

18 If the offender violates any condition of the disposition or the
19 court finds that the respondent is failing to make satisfactory
20 progress in treatment, the court may revoke the suspension and order
21 execution of the sentence. The court shall give credit for any
22 confinement time previously served if that confinement was for the
23 offense for which the suspension is being revoked.

24 For purposes of this section, "victim" means any person who has
25 sustained emotional, psychological, physical, or financial injury to
26 person or property as a direct result of the crime charged. "Victim"
27 may also include a known parent or guardian of a victim who is a minor
28 child unless the parent or guardian is the perpetrator of the offense.

29 (6)(a) The minimum sentence for any juvenile age sixteen or
30 seventeen who illegally possesses a pistol is ten confinement days.
31 The court may extend community supervision up to twelve months for such
32 offense.

33 (b) The following additional times shall be added to the term of
34 confinement for any juvenile found to have been armed with a firearm
35 during the commission of a felony:

36 (i) Twenty-six weeks for A-, A, and A+ category offenses;

37 (ii) Sixteen weeks for B and B+ category offenses; and

38 (iii) Twelve weeks for C and C+ category offenses.

1 (c) Option B shall not be available for minor/first and middle
2 offenders sentenced under (a) or (b) of this subsection.

3 (7) Whenever a juvenile offender is entitled to credit for time
4 spent in detention prior to a dispositional order, the dispositional
5 order shall specifically state the number of days of credit for time
6 served.

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

10 ~~((+8))~~ (9) In no case shall the term of confinement imposed by the
11 court at disposition exceed that to which an adult could be subjected
12 for the same offense.

13 **Sec. 8.** RCW 13.64.060 and 1993 c 294 s 6 are each amended to read
14 as follows:

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

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

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

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

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

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

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

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

33 (h) The right to give informed consent for receiving health care
34 services.

35 (2) An emancipated minor shall not be considered an adult for: (a)
36 The purposes of the adult criminal laws of the state unless the decline
37 of jurisdiction procedures contained in RCW 13.40.110 are used or the
38 minor is tried in criminal court pursuant to RCW 13.04.030(5)(d); (b)

1 the criminal laws of the state when the emancipated minor is a victim
2 and the age of the victim is an element of the offense; or (c) those
3 specific constitutional and statutory age requirements regarding
4 voting, use of alcoholic beverages, and other health and safety
5 regulations relevant to the minor because of the minor's age.

6 **Sec. 9.** RCW 72.76.010 and 1989 c 177 s 3 are each amended to read
7 as follows:

8 The Washington intrastate corrections compact is enacted and
9 entered into on behalf of this state by the department with any and all
10 counties of this state legally joining in a form substantially as
11 follows:

12 WASHINGTON INTRASTATE CORRECTIONS
13 COMPACT

14 A compact is entered into by and among the contracting counties and the
15 department of corrections, signatories hereto, for the purpose of
16 maximizing the use of existing resources and to provide adequate
17 facilities and programs for the confinement, care, treatment, and
18 employment of offenders.

19 The contracting counties and the department do solemnly agree that:

20 (1) As used in this compact, unless the context clearly requires
21 otherwise:

22 (a) "Department" means the Washington state department of
23 corrections.

24 (b) "Secretary" means the secretary of the department of
25 corrections or designee.

26 (c) "Compact jurisdiction" means the department of corrections or
27 any county of the state of Washington which has executed this compact.

28 (d) "Sending jurisdiction" means a county party to this agreement
29 or the department of corrections to whom the courts have committed
30 custody of the offender.

31 (e) "Receiving jurisdiction" means the department of corrections or
32 a county party to this agreement to which an offender is sent for
33 confinement.

34 (f) "Offender" means a person who has been charged with and/or
35 convicted of an offense established by applicable statute or ordinance.

36 (g) "Convicted felony offender" means a person who has been
37 convicted of a felony established by state law and is eighteen years of

1 age or older, or who is less than eighteen years of age, but whose case
2 has been transferred by the appropriate juvenile court to a criminal
3 court pursuant to RCW 13.40.110 or has been tried in a criminal court
4 pursuant to RCW 13.04.030(5)(d).

5 (h) An "offender day" includes the first day an offender is
6 delivered to the receiving jurisdiction, but ends at midnight of the
7 day immediately preceding the day of the offender's release or return
8 to the custody of the sending jurisdiction.

9 (i) "Facility" means any state correctional institution, camp, or
10 other unit established or authorized by law under the jurisdiction of
11 the department of corrections; any jail, holding, detention, special
12 detention, or correctional facility operated by the county for the
13 housing of adult offenders; or any contract facility, operated on
14 behalf of either the county or the state for the housing of adult
15 offenders.

16 (j) "Extraordinary medical expense" means any medical expense
17 beyond that which is normally provided by contract or other health care
18 providers at the facility of the receiving jurisdiction.

19 (k) "Compact" means the Washington intrastate corrections compact.

20 (2)(a) Any county may make one or more contracts with one or more
21 counties, the department, or both for the exchange or transfer of
22 offenders pursuant to this compact. Appropriate action by ordinance,
23 resolution, or otherwise in accordance with the law of the governing
24 bodies of the participating counties shall be necessary before the
25 contract may take effect. The secretary is authorized and requested to
26 execute the contracts on behalf of the department. Any such contract
27 shall provide for:

28 (i) Its duration;

29 (ii) Payments to be made to the receiving jurisdiction by the
30 sending jurisdiction for offender maintenance, extraordinary medical
31 and dental expenses, and any participation in or receipt by offenders
32 of rehabilitative or correctional services, facilities, programs, or
33 treatment not reasonably included as part of normal maintenance;

34 (iii) Participation in programs of offender employment, if any; the
35 disposition or crediting of any payments received by offenders on their
36 accounts; and the crediting of proceeds from or the disposal of any
37 products resulting from the employment;

38 (iv) Delivery and retaking of offenders;

1 (v) Such other matters as may be necessary and appropriate to fix
2 the obligations, responsibilities and rights of the sending and
3 receiving jurisdictions.

4 (b) The terms and provisions of this compact shall be a part of any
5 contract entered into by the authority of or pursuant to the contract.
6 Nothing in any contract may be inconsistent with the compact.

7 (3)(a) Whenever the duly constituted authorities of any compact
8 jurisdiction decide that confinement in, or transfer of an offender to
9 a facility of another compact jurisdiction is necessary or desirable in
10 order to provide adequate housing and care or an appropriate program of
11 rehabilitation or treatment, the officials may direct that the
12 confinement be within a facility of the other compact jurisdiction, the
13 receiving jurisdiction to act in that regard solely as agent for the
14 sending jurisdiction.

15 (b) The receiving jurisdiction shall be responsible for the
16 supervision of all offenders which it accepts into its custody.

17 (c) The receiving jurisdiction shall be responsible to establish
18 screening criteria for offenders it will accept for transfer. The
19 sending jurisdiction shall be responsible for ensuring that all
20 transferred offenders meet the screening criteria of the receiving
21 jurisdiction.

22 (d) The sending jurisdiction shall notify the sentencing courts of
23 the name, charges, cause numbers, date, and place of transfer of any
24 offender, prior to the transfer, on a form to be provided by the
25 department. A copy of this form shall accompany the offender at the
26 time of transfer.

27 (e) The receiving jurisdiction shall be responsible for providing
28 an orientation to each offender who is transferred. The orientation
29 shall be provided to offenders upon arrival and shall address the
30 following conditions at the facility of the receiving jurisdiction:

- 31 (i) Requirements to work;
- 32 (ii) Facility rules and disciplinary procedures;
- 33 (iii) Medical care availability; and
- 34 (iv) Visiting.

35 (f) Delivery and retaking of inmates shall be the responsibility of
36 the sending jurisdiction. The sending jurisdiction shall deliver
37 offenders to the facility of the receiving jurisdiction where the
38 offender will be housed, at the dates and times specified by the
39 receiving jurisdiction. The receiving jurisdiction retains the right

1 to refuse or return any offender. The sending jurisdiction shall be
2 responsible to retake any transferred offender who does not meet the
3 screening criteria of the receiving jurisdiction, or who is refused by
4 the receiving jurisdiction. If the receiving jurisdiction has notified
5 the sending jurisdiction to retake an offender, but the sending
6 jurisdiction does not do so within a seven-day period, the receiving
7 jurisdiction may return the offender to the sending jurisdiction at the
8 expense of the sending jurisdiction.

9 (g) Offenders confined in a facility under the terms of this
10 compact shall at all times be subject to the jurisdiction of the
11 sending jurisdiction and may at any time be removed from the facility
12 for transfer to another facility within the sending jurisdiction, for
13 transfer to another facility in which the sending jurisdiction may have
14 a contractual or other right to confine offenders, for release or
15 discharge, or for any other purpose permitted by the laws of the state
16 of Washington.

17 (h) Unless otherwise agreed, the sending jurisdiction shall provide
18 at least one set of the offender's personal clothing at the time of
19 transfer. The sending jurisdiction shall be responsible for searching
20 the clothing to ensure that it is free of contraband. The receiving
21 jurisdiction shall be responsible for providing work clothing and
22 equipment appropriate to the offender's assignment.

23 (i) The sending jurisdiction shall remain responsible for the
24 storage of the offender's personal property, unless prior arrangements
25 are made with the receiving jurisdiction. The receiving jurisdiction
26 shall provide a list of allowable items which may be transferred with
27 the offender.

28 (j) Copies or summaries of records relating to medical needs,
29 behavior, and classification of the offender shall be transferred by
30 the sending jurisdiction to the receiving jurisdiction at the time of
31 transfer. At a minimum, such records shall include:

32 (i) A copy of the commitment order or orders legally authorizing
33 the confinement of the offender;

34 (ii) A copy of the form for the notification of the sentencing
35 courts required by subsection (3)(d) of this section;

36 (iii) A brief summary of any known criminal history, medical needs,
37 behavioral problems, and other information which may be relevant to the
38 classification of the offender; and

1 (iv) A standard identification card which includes the fingerprints
2 and at least one photograph of the offender.

3 Disclosure of public records shall be the responsibility of the sending
4 jurisdiction, except for those documents generated by the receiving
5 jurisdiction.

6 (k) The receiving jurisdiction shall be responsible for providing
7 regular medical care, including prescription medication, but
8 extraordinary medical expenses shall be the responsibility of the
9 sending jurisdiction. The costs of extraordinary medical care incurred
10 by the receiving jurisdiction for transferred offenders shall be
11 reimbursed by the sending jurisdiction. The receiving jurisdiction
12 shall notify the sending jurisdiction as far in advance as practicable
13 prior to incurring such costs. In the event emergency medical care is
14 needed, the sending jurisdiction shall be advised as soon as
15 practicable after the offender is treated. Offenders who are required
16 by the medical authority of the sending jurisdiction to take
17 prescription medication at the time of the transfer shall have at least
18 a three-day supply of the medication transferred to the receiving
19 jurisdiction with the offender, and at the expense of the sending
20 jurisdiction. Costs of prescription medication incurred after the use
21 of the supply shall be borne by the receiving jurisdiction.

22 (l) Convicted offenders transferred under this agreement may be
23 required by the receiving jurisdiction to work. Transferred offenders
24 participating in programs of offender employment shall receive the same
25 reimbursement, if any, as other offenders performing similar work. The
26 receiving jurisdiction shall be responsible for the disposition or
27 crediting of any payments received by offenders, and for crediting the
28 proceeds from or disposal of any products resulting from the
29 employment. Other programs normally provided to offenders by the
30 receiving jurisdiction such as education, mental health, or substance
31 abuse treatment shall also be available to transferred offenders,
32 provided that usual program screening criteria are met. No special or
33 additional programs will be provided except by mutual agreement of the
34 sending and receiving jurisdiction, with additional expenses, if any,
35 to be borne by the sending jurisdiction.

36 (m) The receiving jurisdiction shall notify offenders upon arrival
37 of the rules of the jurisdiction and the specific rules of the
38 facility. Offenders will be required to follow all rules of the
39 receiving jurisdiction. Disciplinary detention, if necessary, shall be

1 provided at the discretion of the receiving jurisdiction. The
2 receiving jurisdiction may require the sending jurisdiction to retake
3 any offender found guilty of a serious infraction; similarly, the
4 receiving jurisdiction may require the sending jurisdiction to retake
5 any offender whose behavior requires segregated or protective housing.

6 (n) Good-time calculations and notification of each offender's
7 release date shall be the responsibility of the sending jurisdiction.
8 The sending jurisdiction shall provide the receiving jurisdiction with
9 a formal notice of the date upon which each offender is to be released
10 from custody. If the receiving jurisdiction finds an offender guilty
11 of a violation of its disciplinary rules, it shall notify the sending
12 jurisdiction of the date and nature of the violation. If the sending
13 jurisdiction resets the release date according to its good-time
14 policies, it shall provide the receiving jurisdiction with notice of
15 the new release date.

16 (o) The sending jurisdiction shall retake the offender at the
17 receiving jurisdiction's facility on or before his or her release date,
18 unless the sending and receiving jurisdictions shall agree upon release
19 in some other place. The sending jurisdiction shall bear the
20 transportation costs of the return.

21 (p) Each receiving jurisdiction shall provide monthly reports to
22 each sending jurisdiction on the number of offenders of that sending
23 jurisdiction in its facilities pursuant to this compact.

24 (q) Each party jurisdiction shall notify the others of its
25 coordinator who is responsible for administrating the jurisdiction's
26 responsibilities under the compact. The coordinators shall arrange for
27 alternate contact persons in the event of an extended absence of the
28 coordinator.

29 (r) Upon reasonable notice, representatives of any party to this
30 compact shall be allowed to visit any facility in which another party
31 has agreed to house its offenders, for the purpose of inspecting the
32 facilities and visiting its offenders that may be confined in the
33 institution.

34 (4) This compact shall enter into force and become effective and
35 binding upon the participating parties when it has been executed by two
36 or more parties. Upon request, each party county shall provide any
37 other compact jurisdiction with a copy of a duly enacted resolution or
38 ordinance authorizing entry into this compact.

1 (5) A party participating may withdraw from the compact by formal
2 resolution and by written notice to all other parties then
3 participating. The withdrawal shall become effective, as it pertains
4 to the party wishing to withdraw, thirty days after written notice to
5 the other parties. However, such withdrawal shall not relieve the
6 withdrawing party from its obligations assumed prior to the effective
7 date of withdrawal. Before the effective date of withdrawal, a
8 withdrawing participant shall notify the other parties to retake the
9 offenders it has housed in its facilities and shall remove to its
10 facilities, at its own expense, offenders it has confined under the
11 provisions of this compact.

12 (6) Legal costs relating to defending actions brought by an
13 offender challenging his or her transfer to another jurisdiction under
14 this compact shall be borne by the sending jurisdiction. Legal costs
15 relating to defending actions arising from events which occur while the
16 offender is in the custody of a receiving jurisdiction shall be borne
17 by the receiving jurisdiction.

18 (7) The receiving jurisdiction shall not be responsible to provide
19 legal services to offenders placed under this agreement. Requests for
20 legal services shall be referred to the sending jurisdiction.

21 (8) The provisions of this compact shall be liberally construed and
22 shall be severable. If any phrase, clause, sentence, or provision of
23 this compact is declared to be contrary to the Constitution or laws of
24 the state of Washington or is held invalid, the validity of the
25 remainder of this compact and its applicability to any county or the
26 department shall not be affected.

27 (9) Nothing contained in this compact shall be construed to
28 abrogate or impair any agreement or other arrangement which a county or
29 the department may have with each other or with a nonparty county for
30 the confinement, rehabilitation, or treatment of offenders.

31 NEW SECTION. **Sec. 10.** The sum of ten million dollars, or as much
32 thereof as may be necessary, is appropriated for the biennium ending
33 June 30, 1995, from the general fund to the department of community
34 development for the purpose of making block grants to the thirty-nine
35 counties.

36 The block grants are for the purposes of: Preventing youth
37 violence, enhancing juvenile detention capability, providing

1 alternatives to conventional juvenile detention, and enhancing juvenile
2 diversion programs to increase minority participation.

3 The department shall allocate funds to the thirty-nine counties
4 through a formula based upon at-risk youth population, the magnitude
5 and severity of juvenile criminal behavior, school attendance rates,
6 racial disproportionality in income, and poverty factors.

7 The formula developed by the department shall be approved by an
8 advisory committee of nine persons, six appointed by the Washington
9 state association of counties, and one each from the juvenile court
10 administrators, Washington association of sheriffs and police chiefs,
11 and the Washington association of prosecuting attorneys.

12 No county may receive more than two times, or less than one-half of
13 the funds it would have received if distribution was based solely upon
14 population, except that counties with populations of less than fifty
15 thousand may receive up to three times the funds that would be received
16 if the distribution was based solely upon population.

17 Grants shall not be awarded until the county legislative authority
18 has applied for the grant by submitting a program plan endorsed by the
19 local law and justice council, established under RCW 72.09.300.

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