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**SUBSTITUTE HOUSE BILL 2921**

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**State of Washington                      55th Legislature                      1998 Regular Session**

**By** House Committee on Appropriations (originally sponsored by Representatives Cairnes, O'Brien, Carrell, Sullivan and Conway)

Read first time 02/07/98. Referred to Committee on .

1            AN ACT Relating to residential burglary; amending RCW 9A.52.025,  
2 9.41.010, 9.94A.185, 9.94A.360, 9A.46.060, 10.99.020, 13.40.020, and  
3 71.09.020; reenacting and amending RCW 9.94A.320, 10.95.020,  
4 13.40.0357, and 13.40.0357; adding a new section to chapter 9A.52 RCW;  
5 creating a new section; prescribing penalties; and providing an  
6 effective date.

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

8            **Sec. 1.** RCW 9A.52.025 and 1989 2nd ex.s. c 1 s 1 are each amended  
9 to read as follows:

10            (1) A person is guilty of residential burglary in the first degree  
11 if, with intent to commit a crime against a person or property therein,  
12 the person enters or remains unlawfully in a dwelling other than a  
13 vehicle when someone other than an accomplice is present.

14            (2) Residential burglary in the first degree is a class B felony.  
15 (~~In establishing sentencing guidelines and disposition standards, the~~  
16 ~~sentencing guidelines commission and the juvenile disposition standards~~  
17 ~~commission shall consider residential burglary as a more serious~~  
18 ~~offense than second degree burglary.))~~

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 9A.52 RCW  
2 to read as follows:

3        (1) A person is guilty of residential burglary in the second degree  
4 if, under circumstances not amounting to residential burglary in the  
5 first degree and with intent to commit a crime against a person or  
6 property therein, the person enters or remains unlawfully in a dwelling  
7 other than a vehicle.

8        (2) Residential burglary in the second degree is a class B felony.  
9 In establishing sentencing guidelines and disposition standards, the  
10 sentencing guidelines commission and the juvenile disposition standards  
11 commission shall consider residential burglary in the second degree as  
12 a more serious offense than second degree burglary.

13        **Sec. 3.**    RCW 9.41.010 and 1997 c 338 s 46 are each amended to read  
14 as follows:

15        Unless the context clearly requires otherwise, the definitions in  
16 this section apply throughout this chapter.

17        (1) "Firearm" means a weapon or device from which a projectile or  
18 projectiles may be fired by an explosive such as gunpowder.

19        (2) "Pistol" means any firearm with a barrel less than sixteen  
20 inches in length, or is designed to be held and fired by the use of a  
21 single hand.

22        (3) "Rifle" means a weapon designed or redesigned, made or remade,  
23 and intended to be fired from the shoulder and designed or redesigned,  
24 made or remade, and intended to use the energy of the explosive in a  
25 fixed metallic cartridge to fire only a single projectile through a  
26 rifled bore for each single pull of the trigger.

27        (4) "Short-barreled rifle" means a rifle having one or more barrels  
28 less than sixteen inches in length and any weapon made from a rifle by  
29 any means of modification if such modified weapon has an overall length  
30 of less than twenty-six inches.

31        (5) "Shotgun" means a weapon with one or more barrels, designed or  
32 redesigned, made or remade, and intended to be fired from the shoulder  
33 and designed or redesigned, made or remade, and intended to use the  
34 energy of the explosive in a fixed shotgun shell to fire through a  
35 smooth bore either a number of ball shot or a single projectile for  
36 each single pull of the trigger.

37        (6) "Short-barreled shotgun" means a shotgun having one or more  
38 barrels less than eighteen inches in length and any weapon made from a

1 shotgun by any means of modification if such modified weapon has an  
2 overall length of less than twenty-six inches.

3 (7) "Machine gun" means any firearm known as a machine gun,  
4 mechanical rifle, submachine gun, or any other mechanism or instrument  
5 not requiring that the trigger be pressed for each shot and having a  
6 reservoir clip, disc, drum, belt, or other separable mechanical device  
7 for storing, carrying, or supplying ammunition which can be loaded into  
8 the firearm, mechanism, or instrument, and fired therefrom at the rate  
9 of five or more shots per second.

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

18 (9) "Loaded" means:

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

20 (b) Cartridges are in a clip that is locked in place in the  
21 firearm;

22 (c) There is a cartridge in the cylinder of the firearm, if the  
23 firearm is a revolver;

24 (d) There is a cartridge in the tube or magazine that is inserted  
25 in the action; or

26 (e) There is a ball in the barrel and the firearm is capped or  
27 primed if the firearm is a muzzle loader.

28 (10) "Dealer" means a person engaged in the business of selling  
29 firearms at wholesale or retail who has, or is required to have, a  
30 federal firearms license under 18 U.S.C. Sec. 923(a). A person who  
31 does not have, and is not required to have, a federal firearms license  
32 under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only  
33 occasional sales, exchanges, or purchases of firearms for the  
34 enhancement of a personal collection or for a hobby, or sells all or  
35 part of his or her personal collection of firearms.

36 (11) "Crime of violence" means:

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

1 criminal conspiracy to commit a class A felony, manslaughter in the  
2 first degree, manslaughter in the second degree, indecent liberties if  
3 committed by forcible compulsion, kidnapping in the second degree,  
4 arson in the second degree, assault in the second degree, assault of a  
5 child in the second degree, extortion in the first degree, burglary in  
6 the second degree, residential burglary in the first or second degree,  
7 and robbery in the second degree;

8 (b) Any conviction for a felony offense in effect at any time prior  
9 to June 6, 1996, which is comparable to a felony classified as a crime  
10 of violence in (a) of this subsection; and

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

14 (12) "Serious offense" means any of the following felonies or a  
15 felony attempt to commit any of the following felonies, as now existing  
16 or hereafter amended:

17 (a) Any crime of violence;

18 (b) Any felony violation of the uniform controlled substances act,  
19 chapter 69.50 RCW, that is classified as a class B felony or that has  
20 a maximum term of imprisonment of at least ten years;

21 (c) Child molestation in the second degree;

22 (d) Incest when committed against a child under age fourteen;

23 (e) Indecent liberties;

24 (f) Leading organized crime;

25 (g) Promoting prostitution in the first degree;

26 (h) Rape in the third degree;

27 (i) Drive-by shooting;

28 (j) Sexual exploitation;

29 (k) Vehicular assault;

30 (l) Vehicular homicide, when proximately caused by the driving of  
31 any vehicle by any person while under the influence of intoxicating  
32 liquor or any drug as defined by RCW 46.61.502, or by the operation of  
33 any vehicle in a reckless manner;

34 (m) Any other class B felony offense with a finding of sexual  
35 motivation, as "sexual motivation" is defined under RCW 9.94A.030;

36 (n) Any other felony with a deadly weapon verdict under RCW  
37 9.94A.125; or

38 (o) Any felony offense in effect at any time prior to June 6, 1996,  
39 that is comparable to a serious offense, or any federal or out-of-state

1 conviction for an offense that under the laws of this state would be a  
2 felony classified as a serious offense.

3 (13) "Law enforcement officer" includes a general authority  
4 Washington peace officer as defined in RCW 10.93.020, or a specially  
5 commissioned Washington peace officer as defined in RCW 10.93.020.  
6 "Law enforcement officer" also includes a limited authority Washington  
7 peace officer as defined in RCW 10.93.020 if such officer is duly  
8 authorized by his or her employer to carry a concealed pistol.

9 (14) "Felony" means any felony offense under the laws of this state  
10 or any federal or out-of-state offense comparable to a felony offense  
11 under the laws of this state.

12 (15) "Sell" refers to the actual approval of the delivery of a  
13 firearm in consideration of payment or promise of payment of a certain  
14 price in money.

15 (16) "Barrel length" means the distance from the bolt face of a  
16 closed action down the length of the axis of the bore to the crown of  
17 the muzzle, or in the case of a barrel with attachments to the end of  
18 any legal device permanently attached to the end of the muzzle.

19 (17) "Family or household member" means "family" or "household  
20 member" as used in RCW 10.99.020.

21 **Sec. 4.** RCW 9.94A.185 and 1995 c 108 s 2 are each amended to read  
22 as follows:

23 Home detention may not be imposed for offenders convicted of a  
24 violent offense, any sex offense, any drug offense, reckless burning in  
25 the first or second degree as defined in RCW 9A.48.040 or 9A.48.050,  
26 assault in the third degree as defined in RCW 9A.36.031, assault of a  
27 child in the third degree, unlawful imprisonment as defined in RCW  
28 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention  
29 may be imposed for offenders convicted of possession of a controlled  
30 substance under RCW 69.50.401(d) or forged prescription for a  
31 controlled substance under RCW 69.50.403 if the offender fulfills the  
32 participation conditions set forth in this (~~subsection~~[section])  
33 section and is monitored for drug use by a treatment alternatives to  
34 street crime program or a comparable court or agency-referred program.

35 (1) Home detention may be imposed for offenders convicted of  
36 burglary in the second degree as defined in RCW 9A.52.030 or  
37 residential burglary in either the first or second degree conditioned  
38 upon the offender: (a) Successfully completing twenty-one days in a

1 work release program, (b) having no convictions for burglary in the  
2 second degree or residential burglary in either the first or second  
3 degree during the preceding two years and not more than two prior  
4 convictions for burglary or residential burglary in either the first or  
5 second degree, (c) having no convictions for a violent felony offense  
6 during the preceding two years and not more than two prior convictions  
7 for a violent felony offense, (d) having no prior charges of escape,  
8 and (e) fulfilling the other conditions of the home detention program.

9 (2) Participation in a home detention program shall be conditioned  
10 upon: (a) The offender obtaining or maintaining current employment or  
11 attending a regular course of school study at regularly defined hours,  
12 or the offender performing parental duties to offspring or minors  
13 normally in the custody of the offender, (b) abiding by the rules of  
14 the home detention program, and (c) compliance with court-ordered legal  
15 financial obligations. The home detention program may also be made  
16 available to offenders whose charges and convictions do not otherwise  
17 disqualify them if medical or health-related conditions, concerns or  
18 treatment would be better addressed under the home detention program,  
19 or where the health and welfare of the offender, other inmates, or  
20 staff would be jeopardized by the offender's incarceration.  
21 Participation in the home detention program for medical or health-  
22 related reasons is conditioned on the offender abiding by the rules of  
23 the home detention program and complying with court-ordered  
24 restitution.

25 **Sec. 5.** RCW 9.94A.320 and 1997 c 365 s 4, 1997 c 346 s 3, 1997 c  
26 340 s 1, 1997 c 338 s 51, 1997 c 266 s 15, and 1997 c 120 s 5 are each  
27 reenacted and amended to read as follows:

28 TABLE 2

29 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

30	XV	Aggravated Murder 1 (RCW 10.95.020)
31	XIV	Murder 1 (RCW 9A.32.030)
32		Homicide by abuse (RCW 9A.32.055)
33		Malicious explosion 1 (RCW 70.74.280(1))
34	XIII	Murder 2 (RCW 9A.32.050)
35		Malicious explosion 2 (RCW 70.74.280(2))

1 Malicious placement of an explosive 1 (RCW  
2 70.74.270(1))

3 XII Assault 1 (RCW 9A.36.011)  
4 Assault of a Child 1 (RCW 9A.36.120)  
5 Rape 1 (RCW 9A.44.040)  
6 Rape of a Child 1 (RCW 9A.44.073)  
7 Malicious placement of an imitation device  
8 1 (RCW 70.74.272(1)(a))

9 XI Rape 2 (RCW 9A.44.050)  
10 Rape of a Child 2 (RCW 9A.44.076)  
11 Manslaughter 1 (RCW 9A.32.060)

12 X Kidnapping 1 (RCW 9A.40.020)  
13 Child Molestation 1 (RCW 9A.44.083)  
14 Malicious explosion 3 (RCW 70.74.280(3))  
15 Over 18 and deliver heroin or narcotic from  
16 Schedule I or II to someone under 18  
17 (RCW 69.50.406)  
18 Leading Organized Crime (RCW  
19 9A.82.060(1)(a))  
20 Indecent Liberties (with forcible  
21 compulsion) (RCW 9A.44.100(1)(a))

22 IX Assault of a Child 2 (RCW 9A.36.130)  
23 Robbery 1 (RCW 9A.56.200)  
24 Explosive devices prohibited (RCW  
25 70.74.180)  
26 Malicious placement of an explosive 2 (RCW  
27 70.74.270(2))  
28 Over 18 and deliver narcotic from Schedule  
29 III, IV, or V or a nonnarcotic from  
30 Schedule I-V to someone under 18 and 3  
31 years junior (RCW 69.50.406)  
32 Controlled Substance Homicide (RCW  
33 69.50.415)  
34 Sexual Exploitation (RCW 9.68A.040)  
35 Inciting Criminal Profiteering (RCW  
36 9A.82.060(1)(b))

1 Vehicular Homicide, by being under the  
2 influence of intoxicating liquor or  
3 any drug (RCW 46.61.520)

4 VIII Arson 1 (RCW 9A.48.020)  
5 Promoting Prostitution 1 (RCW 9A.88.070)  
6 Selling for profit (controlled or  
7 counterfeit) any controlled substance  
8 (RCW 69.50.410)  
9 Manufacture, deliver, or possess with  
10 intent to deliver heroin or cocaine  
11 (RCW 69.50.401(a)(1)(i))  
12 Manufacture, deliver, or possess with  
13 intent to deliver methamphetamine (RCW  
14 69.50.401(a)(1)(ii))  
15 Possession of ephedrine or pseudoephedrine  
16 with intent to manufacture  
17 methamphetamine (RCW 69.50.440)  
18 Vehicular Homicide, by the operation of any  
19 vehicle in a reckless manner (RCW  
20 46.61.520)  
21 Manslaughter 2 (RCW 9A.32.070)

22 VII Burglary 1 (RCW 9A.52.020)  
23 Vehicular Homicide, by disregard for the  
24 safety of others (RCW 46.61.520)  
25 Introducing Contraband 1 (RCW 9A.76.140)  
26 Indecent Liberties (without forcible  
27 compulsion) (RCW 9A.44.100(1) (b) and  
28 (c))  
29 Child Molestation 2 (RCW 9A.44.086)  
30 Dealing in depictions of minor engaged in  
31 sexually explicit conduct (RCW  
32 9.68A.050)  
33 Sending, bringing into state depictions of  
34 minor engaged in sexually explicit  
35 conduct (RCW 9.68A.060)  
36 Involving a minor in drug dealing (RCW  
37 69.50.401(f))  
38 Drive-by Shooting (RCW 9A.36.045)



1 Unlawful Possession of a Firearm in the  
2 first degree (RCW 9.41.040(1)(a))  
3 Malicious placement of an explosive 3 (RCW  
4 70.74.270(3))

5 VI Bribery (RCW 9A.68.010)  
6 Rape of a Child 3 (RCW 9A.44.079)  
7 Intimidating a Juror/Witness (RCW  
8 9A.72.110, 9A.72.130)  
9 Malicious placement of an imitation device  
10 2 (RCW 70.74.272(1)(b))  
11 Incest 1 (RCW 9A.64.020(1))  
12 Manufacture, deliver, or possess with  
13 intent to deliver narcotics from  
14 Schedule I or II (except heroin or  
15 cocaine) (RCW 69.50.401(a)(1)(i))  
16 Intimidating a Judge (RCW 9A.72.160)  
17 Bail Jumping with Murder 1 (RCW  
18 9A.76.170(2)(a))  
19 Theft of a Firearm (RCW 9A.56.300)

20 V Persistent prison misbehavior (RCW  
21 9.94.070)  
22 Criminal Mistreatment 1 (RCW 9A.42.020)  
23 Abandonment of dependent person 1 (RCW  
24 9A.42.060)  
25 Rape 3 (RCW 9A.44.060)  
26 Sexual Misconduct with a Minor 1 (RCW  
27 9A.44.093)  
28 Child Molestation 3 (RCW 9A.44.089)  
29 Kidnapping 2 (RCW 9A.40.030)  
30 Extortion 1 (RCW 9A.56.120)  
31 Incest 2 (RCW 9A.64.020(2))  
32 Perjury 1 (RCW 9A.72.020)  
33 Extortionate Extension of Credit (RCW  
34 9A.82.020)  
35 Advancing money or property for  
36 extortionate extension of credit (RCW  
37 9A.82.030)

1 Extortionate Means to Collect Extensions of  
2 Credit (RCW 9A.82.040)  
3 Rendering Criminal Assistance 1 (RCW  
4 9A.76.070)  
5 Bail Jumping with class A Felony (RCW  
6 9A.76.170(2)(b))  
7 Sexually Violating Human Remains (RCW  
8 9A.44.105)  
9 Delivery of imitation controlled substance  
10 by person eighteen or over to person  
11 under eighteen (RCW 69.52.030(2))  
12 Possession of a Stolen Firearm (RCW  
13 9A.56.310)  
14 Residential Burglary 1 (RCW 9A.52.025)  
15 IV Residential Burglary 2 (~~((RCW 9A.52.025))~~)  
16 section 2 of this act)  
17 Theft of Livestock 1 (RCW 9A.56.080)  
18 Robbery 2 (RCW 9A.56.210)  
19 Assault 2 (RCW 9A.36.021)  
20 Escape 1 (RCW 9A.76.110)  
21 Arson 2 (RCW 9A.48.030)  
22 Commercial Bribery (RCW 9A.68.060)  
23 Bribing a Witness/Bribe Received by Witness  
24 (RCW 9A.72.090, 9A.72.100)  
25 Malicious Harassment (RCW 9A.36.080)  
26 Threats to Bomb (RCW 9.61.160)  
27 Willful Failure to Return from Furlough  
28 (RCW 72.66.060)  
29 Hit and Run--Injury Accident (RCW  
30 46.52.020(4))  
31 Hit and Run with Vessel--Injury Accident  
32 (RCW 88.12.155(3))  
33 Vehicular Assault (RCW 46.61.522)

1 Manufacture, deliver, or possess with  
2 intent to deliver narcotics from  
3 Schedule III, IV, or V or nonnarcotics  
4 from Schedule I-V (except marijuana or  
5 methamphetamines) (RCW 69.50.401  
6 (a)(1) (iii) through (v))  
7 Influencing Outcome of Sporting Event (RCW  
8 9A.82.070)  
9 Use of Proceeds of Criminal Profiteering  
10 (RCW 9A.82.080 (1) and (2))  
11 Knowingly Trafficking in Stolen Property  
12 (RCW 9A.82.050(2))  
13 III Criminal Gang Intimidation (RCW 9A.46.120)  
14 Criminal Mistreatment 2 (RCW 9A.42.030)  
15 Abandonment of dependent person 2 (RCW  
16 9A.42.070)  
17 Extortion 2 (RCW 9A.56.130)  
18 Unlawful Imprisonment (RCW 9A.40.040)  
19 Assault 3 (RCW 9A.36.031)  
20 Assault of a Child 3 (RCW 9A.36.140)  
21 Custodial Assault (RCW 9A.36.100)  
22 Unlawful possession of firearm in the  
23 second degree (RCW 9.41.040(1)(b))  
24 Harassment (RCW 9A.46.020)  
25 Promoting Prostitution 2 (RCW 9A.88.080)  
26 Willful Failure to Return from Work Release  
27 (RCW 72.65.070)  
28 Burglary 2 (RCW 9A.52.030)  
29 Introducing Contraband 2 (RCW 9A.76.150)  
30 Communication with a Minor for Immoral  
31 Purposes (RCW 9.68A.090)  
32 Patronizing a Juvenile Prostitute (RCW  
33 9.68A.100)  
34 Escape 2 (RCW 9A.76.120)  
35 Perjury 2 (RCW 9A.72.030)  
36 Bail Jumping with class B or C Felony (RCW  
37 9A.76.170(2)(c))  
38 Intimidating a Public Servant (RCW  
39 9A.76.180)

1 Tampering with a Witness (RCW 9A.72.120)  
2 Manufacture, deliver, or possess with  
3 intent to deliver marijuana (RCW  
4 69.50.401(a)(1)(iii))  
5 Delivery of a material in lieu of a  
6 controlled substance (RCW  
7 69.50.401(c))  
8 Manufacture, distribute, or possess with  
9 intent to distribute an imitation  
10 controlled substance (RCW  
11 69.52.030(1))  
12 Recklessly Trafficking in Stolen Property  
13 (RCW 9A.82.050(1))  
14 Theft of livestock 2 (RCW 9A.56.080)  
15 Securities Act violation (RCW 21.20.400)

16 II Unlawful Practice of Law (RCW 2.48.180)  
17 Malicious Mischief 1 (RCW 9A.48.070)  
18 Possession of Stolen Property 1 (RCW  
19 9A.56.150)  
20 Theft 1 (RCW 9A.56.030)  
21 Class B Felony Theft of Rental, Leased, or  
22 Lease-purchased Property (RCW  
23 9A.56.096(4))  
24 Trafficking in Insurance Claims (RCW  
25 48.30A.015)  
26 Unlicensed Practice of a Profession or  
27 Business (RCW 18.130.190(7))  
28 Health Care False Claims (RCW 48.80.030)  
29 Possession of controlled substance that is  
30 either heroin or narcotics from  
31 Schedule I or II (RCW 69.50.401(d))  
32 Possession of phencyclidine (PCP) (RCW  
33 69.50.401(d))  
34 Create, deliver, or possess a counterfeit  
35 controlled substance (RCW  
36 69.50.401(b))

1 Computer Trespass 1 (RCW 9A.52.110)  
2 Escape from Community Custody (RCW  
3 72.09.310)  
4 I Theft 2 (RCW 9A.56.040)  
5 Class C Felony Theft of Rental, Leased, or  
6 Lease-purchased Property (RCW  
7 9A.56.096(4))  
8 Possession of Stolen Property 2 (RCW  
9 9A.56.160)  
10 Forgery (RCW 9A.60.020)  
11 Taking Motor Vehicle Without Permission  
12 (RCW 9A.56.070)  
13 Vehicle Prowl 1 (RCW 9A.52.095)  
14 Attempting to Elude a Pursuing Police  
15 Vehicle (RCW 46.61.024)  
16 Malicious Mischief 2 (RCW 9A.48.080)  
17 Reckless Burning 1 (RCW 9A.48.040)  
18 Unlawful Issuance of Checks or Drafts (RCW  
19 9A.56.060)  
20 Unlawful Use of Food Stamps (RCW 9.91.140  
21 (2) and (3))  
22 False Verification for Welfare (RCW  
23 74.08.055)  
24 Forged Prescription (RCW 69.41.020)  
25 Forged Prescription for a Controlled  
26 Substance (RCW 69.50.403)  
27 Possess Controlled Substance that is a  
28 Narcotic from Schedule III, IV, or V  
29 or Non-narcotic from Schedule I-V  
30 (except phencyclidine) (RCW  
31 69.50.401(d))

32 **Sec. 6.** RCW 9.94A.360 and 1997 c 338 s 5 are each amended to read  
33 as follows:

34 The offender score is measured on the horizontal axis of the  
35 sentencing grid. The offender score rules are as follows:

36 The offender score is the sum of points accrued under this section  
37 rounded down to the nearest whole number.

1 (1) A prior conviction is a conviction which exists before the date  
2 of sentencing for the offense for which the offender score is being  
3 computed. Convictions entered or sentenced on the same date as the  
4 conviction for which the offender score is being computed shall be  
5 deemed "other current offenses" within the meaning of RCW 9.94A.400.

6 (2) Class A and sex prior felony convictions shall always be  
7 included in the offender score. Class B prior felony convictions other  
8 than sex offenses shall not be included in the offender score, if since  
9 the last date of release from confinement (including full-time  
10 residential treatment) pursuant to a felony conviction, if any, or  
11 entry of judgment and sentence, the offender had spent ten consecutive  
12 years in the community without committing any crime that subsequently  
13 results in a conviction. Class C prior felony convictions other than  
14 sex offenses shall not be included in the offender score if, since the  
15 last date of release from confinement (including full-time residential  
16 treatment) pursuant to a felony conviction, if any, or entry of  
17 judgment and sentence, the offender had spent five consecutive years in  
18 the community without committing any crime that subsequently results in  
19 a conviction. Serious traffic convictions shall not be included in the  
20 offender score if, since the last date of release from confinement  
21 (including full-time residential treatment) pursuant to a felony  
22 conviction, if any, or entry of judgment and sentence, the offender  
23 spent five years in the community without committing any crime that  
24 subsequently results in a conviction. This subsection applies to both  
25 adult and juvenile prior convictions.

26 (3) Out-of-state convictions for offenses shall be classified  
27 according to the comparable offense definitions and sentences provided  
28 by Washington law. Federal convictions for offenses shall be  
29 classified according to the comparable offense definitions and  
30 sentences provided by Washington law. If there is no clearly  
31 comparable offense under Washington law or the offense is one that is  
32 usually considered subject to exclusive federal jurisdiction, the  
33 offense shall be scored as a class C felony equivalent if it was a  
34 felony under the relevant federal statute.

35 (4) Score prior convictions for felony anticipatory offenses  
36 (attempts, criminal solicitations, and criminal conspiracies) the same  
37 as if they were convictions for completed offenses.

1 (5)(a) In the case of multiple prior convictions, for the purpose  
2 of computing the offender score, count all convictions separately,  
3 except:

4 (i) Prior offenses which were found, under RCW 9.94A.400(1)(a), to  
5 encompass the same criminal conduct, shall be counted as one offense,  
6 the offense that yields the highest offender score. The current  
7 sentencing court shall determine with respect to other prior adult  
8 offenses for which sentences were served concurrently or prior juvenile  
9 offenses for which sentences were served consecutively, whether those  
10 offenses shall be counted as one offense or as separate offenses using  
11 the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and  
12 if the court finds that they shall be counted as one offense, then the  
13 offense that yields the highest offender score shall be used. The  
14 current sentencing court may presume that such other prior offenses  
15 were not the same criminal conduct from sentences imposed on separate  
16 dates, or in separate counties or jurisdictions, or in separate  
17 complaints, indictments, or informations;

18 (ii) In the case of multiple prior convictions for offenses  
19 committed before July 1, 1986, for the purpose of computing the  
20 offender score, count all adult convictions served concurrently as one  
21 offense, and count all juvenile convictions entered on the same date as  
22 one offense. Use the conviction for the offense that yields the  
23 highest offender score.

24 (b) As used in this subsection (5), "served concurrently" means  
25 that: (i) The latter sentence was imposed with specific reference to  
26 the former; (ii) the concurrent relationship of the sentences was  
27 judicially imposed; and (iii) the concurrent timing of the sentences  
28 was not the result of a probation or parole revocation on the former  
29 offense.

30 (6) If the present conviction is one of the anticipatory offenses  
31 of criminal attempt, solicitation, or conspiracy, count each prior  
32 conviction as if the present conviction were for a completed offense.

33 (7) If the present conviction is for a nonviolent offense and not  
34 covered by subsection (11) or (12) of this section, count one point for  
35 each adult prior felony conviction and one point for each juvenile  
36 prior violent felony conviction and « point for each juvenile prior  
37 nonviolent felony conviction.

38 (8) If the present conviction is for a violent offense and not  
39 covered in subsection (9), (10), (11), or (12) of this section, count

1 two points for each prior adult and juvenile violent felony conviction,  
2 one point for each prior adult nonviolent felony conviction, and «  
3 point for each prior juvenile nonviolent felony conviction.

4 (9) If the present conviction is for Murder 1 or 2, Assault 1,  
5 Assault of a Child 1, Kidnapping 1, Homicide by Abuse, or Rape 1, count  
6 three points for prior adult and juvenile convictions for crimes in  
7 these categories, two points for each prior adult and juvenile violent  
8 conviction (not already counted), one point for each prior adult  
9 nonviolent felony conviction, and « point for each prior juvenile  
10 nonviolent felony conviction.

11 (10) If the present conviction is for Burglary 1, count prior  
12 convictions as in subsection (8) of this section; however count two  
13 points for each prior adult Burglary 2 ((~~or~~)), Residential Burglary 1,  
14 or Residential Burglary 2 conviction, and one point for each prior  
15 juvenile Burglary 2 ((~~or~~)), Residential Burglary 1, or Residential  
16 Burglary 2 conviction.

17 (11) If the present conviction is for a felony traffic offense  
18 count two points for each adult or juvenile prior conviction for  
19 Vehicular Homicide or Vehicular Assault; for each felony offense or  
20 serious traffic offense, count one point for each adult and « point for  
21 each juvenile prior conviction.

22 (12) If the present conviction is for a drug offense count three  
23 points for each adult prior felony drug offense conviction and two  
24 points for each juvenile drug offense. All other adult and juvenile  
25 felonies are scored as in subsection (8) of this section if the current  
26 drug offense is violent, or as in subsection (7) of this section if the  
27 current drug offense is nonviolent.

28 (13) If the present conviction is for Willful Failure to Return  
29 from Furlough, RCW 72.66.060, Willful Failure to Return from Work  
30 Release, RCW 72.65.070, or Escape from Community Custody, RCW  
31 72.09.310, count only prior escape convictions in the offender score.  
32 Count adult prior escape convictions as one point and juvenile prior  
33 escape convictions as « point.

34 (14) If the present conviction is for Escape 1, RCW 9A.76.110, or  
35 Escape 2, RCW 9A.76.120, count adult prior convictions as one point and  
36 juvenile prior convictions as « point.

37 (15) If the present conviction is for Burglary 2 ((~~or~~)),  
38 Residential Burglary 1, or Residential Burglary 2, count priors as in  
39 subsection (7) of this section; however, count two points for each



1 adult and juvenile prior Burglary 1 conviction, two points for each  
2 adult prior Burglary 2 (~~(or)~~), Residential Burglary 1, or Residential  
3 Burglary 2 conviction, and one point for each juvenile prior Burglary  
4 2 (~~(or)~~), Residential Burglary 1, or Residential Burglary 2 conviction.

5 (16) If the present conviction is for a sex offense, count priors  
6 as in subsections (7) through (15) of this section; however count three  
7 points for each adult and juvenile prior sex offense conviction.

8 (17) If the present conviction is for an offense committed while  
9 the offender was under community placement, add one point.

10 **Sec. 7.** RCW 9A.46.060 and 1997 c 338 s 52 are each amended to read  
11 as follows:

12 As used in this chapter, "harassment" may include but is not  
13 limited to any of the following crimes:

- 14 (1) Harassment (RCW 9A.46.020);
- 15 (2) Malicious harassment (RCW 9A.36.080);
- 16 (3) Telephone harassment (RCW 9.61.230);
- 17 (4) Assault in the first degree (RCW 9A.36.011);
- 18 (5) Assault of a child in the first degree (RCW 9A.36.120);
- 19 (6) Assault in the second degree (RCW 9A.36.021);
- 20 (7) Assault of a child in the second degree (RCW 9A.36.130);
- 21 (8) Assault in the fourth degree (RCW 9A.36.041);
- 22 (9) Reckless endangerment (RCW 9A.36.050);
- 23 (10) Extortion in the first degree (RCW 9A.56.120);
- 24 (11) Extortion in the second degree (RCW 9A.56.130);
- 25 (12) Coercion (RCW 9A.36.070);
- 26 (13) Burglary in the first degree (RCW 9A.52.020);
- 27 (14) Burglary in the second degree (RCW 9A.52.030);
- 28 (15) Criminal trespass in the first degree (RCW 9A.52.070);
- 29 (16) Criminal trespass in the second degree (RCW 9A.52.080);
- 30 (17) Malicious mischief in the first degree (RCW 9A.48.070);
- 31 (18) Malicious mischief in the second degree (RCW 9A.48.080);
- 32 (19) Malicious mischief in the third degree (RCW 9A.48.090);
- 33 (20) Kidnapping in the first degree (RCW 9A.40.020);
- 34 (21) Kidnapping in the second degree (RCW 9A.40.030);
- 35 (22) Unlawful imprisonment (RCW 9A.40.040);
- 36 (23) Rape in the first degree (RCW 9A.44.040);
- 37 (24) Rape in the second degree (RCW 9A.44.050);
- 38 (25) Rape in the third degree (RCW 9A.44.060);

- 1 (26) Indecent liberties (RCW 9A.44.100);  
2 (27) Rape of a child in the first degree (RCW 9A.44.073);  
3 (28) Rape of a child in the second degree (RCW 9A.44.076);  
4 (29) Rape of a child in the third degree (RCW 9A.44.079);  
5 (30) Child molestation in the first degree (RCW 9A.44.083);  
6 (31) Child molestation in the second degree (RCW 9A.44.086);  
7 (32) Child molestation in the third degree (RCW 9A.44.089);  
8 (33) Stalking (RCW 9A.46.110);  
9 (34) Residential burglary in the first degree (RCW 9A.52.025);  
10 ((and))  
11 (35) Residential burglary in the second degree (section 2 of this  
12 act); and  
13 (36) Violation of a temporary or permanent protective order issued  
14 pursuant to chapter 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW.

15 **Sec. 8.** RCW 10.95.020 and 1995 c 129 s 17 and 1994 c 121 s 3 are  
16 each reenacted and amended to read as follows:

17 A person is guilty of aggravated first degree murder if he or she  
18 commits first degree murder as defined by RCW 9A.32.030(1)(a), as now  
19 or hereafter amended, and one or more of the following aggravating  
20 circumstances exist:

21 (1) The victim was a law enforcement officer, corrections officer,  
22 or fire fighter who was performing his or her official duties at the  
23 time of the act resulting in death and the victim was known or  
24 reasonably should have been known by the person to be such at the time  
25 of the killing;

26 (2) At the time of the act resulting in the death, the person was  
27 serving a term of imprisonment, had escaped, or was on authorized or  
28 unauthorized leave in or from a state facility or program for the  
29 incarceration or treatment of persons adjudicated guilty of crimes;

30 (3) At the time of the act resulting in death, the person was in  
31 custody in a county or county-city jail as a consequence of having been  
32 adjudicated guilty of a felony;

33 (4) The person committed the murder pursuant to an agreement that  
34 he or she would receive money or any other thing of value for  
35 committing the murder;

36 (5) The person solicited another person to commit the murder and  
37 had paid or had agreed to pay money or any other thing of value for  
38 committing the murder;

1 (6) The person committed the murder to obtain or maintain his or  
2 her membership or to advance his or her position in the hierarchy of an  
3 organization, association, or identifiable group;

4 (7) The murder was committed during the course of or as a result of  
5 a shooting where the discharge of the firearm, as defined in RCW  
6 9.41.010, is either from a motor vehicle or from the immediate area of  
7 a motor vehicle that was used to transport the shooter or the firearm,  
8 or both, to the scene of the discharge;

9 (8) The victim was:

10 (a) A judge; juror or former juror; prospective, current, or former  
11 witness in an adjudicative proceeding; prosecuting attorney; deputy  
12 prosecuting attorney; defense attorney; a member of the indeterminate  
13 sentence review board; or a probation or parole officer; and

14 (b) The murder was related to the exercise of official duties  
15 performed or to be performed by the victim;

16 (9) The person committed the murder to conceal the commission of a  
17 crime or to protect or conceal the identity of any person committing a  
18 crime, including, but specifically not limited to, any attempt to avoid  
19 prosecution as a persistent offender as defined in RCW 9.94A.030;

20 (10) There was more than one victim and the murders were part of a  
21 common scheme or plan or the result of a single act of the person;

22 (11) The murder was committed in the course of, in furtherance of,  
23 or in immediate flight from one of the following crimes:

24 (a) Robbery in the first or second degree;

25 (b) Rape in the first or second degree;

26 (c) Burglary in the first or second degree or residential burglary  
27 in the first or second degree;

28 (d) Kidnapping in the first degree; or

29 (e) Arson in the first degree;

30 (12) The victim was regularly employed or self-employed as a  
31 newsreporter and the murder was committed to obstruct or hinder the  
32 investigative, research, or reporting activities of the victim.

33 **Sec. 9.** RCW 10.99.020 and 1997 c 338 s 53 are each amended to read  
34 as follows:

35 Unless the context clearly requires otherwise, the definitions in  
36 this section apply throughout this chapter.

37 (1) "Family or household members" means spouses, former spouses,  
38 persons who have a child in common regardless of whether they have been

1 married or have lived together at any time, adult persons related by  
2 blood or marriage, adult persons who are presently residing together or  
3 who have resided together in the past, persons sixteen years of age or  
4 older who are presently residing together or who have resided together  
5 in the past and who have or have had a dating relationship, persons  
6 sixteen years of age or older with whom a person sixteen years of age  
7 or older has or has had a dating relationship, and persons who have a  
8 biological or legal parent-child relationship, including stepparents  
9 and stepchildren and grandparents and grandchildren.

10 (2) "Dating relationship" has the same meaning as in RCW 26.50.010.

11 (3) "Domestic violence" includes but is not limited to any of the  
12 following crimes when committed by one family or household member  
13 against another:

14 (a) Assault in the first degree (RCW 9A.36.011);

15 (b) Assault in the second degree (RCW 9A.36.021);

16 (c) Assault in the third degree (RCW 9A.36.031);

17 (d) Assault in the fourth degree (RCW 9A.36.041);

18 (e) Drive-by shooting (RCW 9A.36.045);

19 (f) Reckless endangerment (RCW 9A.36.050);

20 (g) Coercion (RCW 9A.36.070);

21 (h) Burglary in the first degree (RCW 9A.52.020);

22 (i) Burglary in the second degree (RCW 9A.52.030);

23 (j) Criminal trespass in the first degree (RCW 9A.52.070);

24 (k) Criminal trespass in the second degree (RCW 9A.52.080);

25 (l) Malicious mischief in the first degree (RCW 9A.48.070);

26 (m) Malicious mischief in the second degree (RCW 9A.48.080);

27 (n) Malicious mischief in the third degree (RCW 9A.48.090);

28 (o) Kidnapping in the first degree (RCW 9A.40.020);

29 (p) Kidnapping in the second degree (RCW 9A.40.030);

30 (q) Unlawful imprisonment (RCW 9A.40.040);

31 (r) Violation of the provisions of a restraining order restraining  
32 the person or restraining the person from going onto the grounds of or  
33 entering a residence, workplace, school, or day care (RCW 26.09.300,  
34 26.10.220, or 26.26.138);

35 (s) Violation of the provisions of a protection order or no-contact  
36 order restraining the person or restraining the person from going onto  
37 the grounds of or entering a residence, workplace, school, or day care  
38 (RCW 26.50.060, 26.50.070, 26.50.130, 10.99.040, or 10.99.050);

39 (t) Rape in the first degree (RCW 9A.44.040);

- 1 (u) Rape in the second degree (RCW 9A.44.050);  
2 (v) Residential burglary in the first degree (RCW 9A.52.025);  
3 (w) Residential burglary in the second degree (section 2 of this  
4 act);  
5 (x) Stalking (RCW 9A.46.110); and  
6 (~~(x)~~) (y) Interference with the reporting of domestic violence  
7 (RCW 9A.36.150).  
8 (4) "Victim" means a family or household member who has been  
9 subjected to domestic violence.

10 **Sec. 10.** RCW 13.40.020 and 1997 c 338 s 9 are each amended to read  
11 as follows:

12 For the purposes of this chapter:

13 (1) "Community-based rehabilitation" means one or more of the  
14 following: Employment; attendance of information classes; literacy  
15 classes; counseling, outpatient substance abuse treatment programs,  
16 outpatient mental health programs, anger management classes, education  
17 or outpatient treatment programs to prevent animal cruelty, or other  
18 services; or attendance at school or other educational programs  
19 appropriate for the juvenile as determined by the school district.  
20 Placement in community-based rehabilitation programs is subject to  
21 available funds;

22 (2) Community-based sanctions may include one or more of the  
23 following:

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

25 (b) Community service not to exceed one hundred fifty hours of  
26 service;

27 (3) "Community service" means compulsory service, without  
28 compensation, performed for the benefit of the community by the  
29 offender as punishment for committing an offense. Community service  
30 may be performed through public or private organizations or through  
31 work crews;

32 (4) "Community supervision" means an order of disposition by the  
33 court of an adjudicated youth not committed to the department or an  
34 order granting a deferred disposition. A community supervision order  
35 for a single offense may be for a period of up to two years for a sex  
36 offense as defined by RCW 9.94A.030 and up to one year for other  
37 offenses. As a mandatory condition of any term of community  
38 supervision, the court shall order the juvenile to refrain from

1 committing new offenses. As a mandatory condition of community  
2 supervision, the court shall order the juvenile to comply with the  
3 mandatory school attendance provisions of chapter 28A.225 RCW and to  
4 inform the school of the existence of this requirement. Community  
5 supervision is an individualized program comprised of one or more of  
6 the following:

7 (a) Community-based sanctions;

8 (b) Community-based rehabilitation;

9 (c) Monitoring and reporting requirements;

10 (d) Posting of a probation bond;

11 (5) "Confinement" means physical custody by the department of  
12 social and health services in a facility operated by or pursuant to a  
13 contract with the state, or physical custody in a detention facility  
14 operated by or pursuant to a contract with any county. The county may  
15 operate or contract with vendors to operate county detention  
16 facilities. The department may operate or contract to operate  
17 detention facilities for juveniles committed to the department.  
18 Pretrial confinement or confinement of less than thirty-one days  
19 imposed as part of a disposition or modification order may be served  
20 consecutively or intermittently, in the discretion of the court;

21 (6) "Court," when used without further qualification, means the  
22 juvenile court judge(s) or commissioner(s);

23 (7) "Criminal history" includes all criminal complaints against the  
24 respondent for which, prior to the commission of a current offense:

25 (a) The allegations were found correct by a court. If a respondent  
26 is convicted of two or more charges arising out of the same course of  
27 conduct, only the highest charge from among these shall count as an  
28 offense for the purposes of this chapter; or

29 (b) The criminal complaint was diverted by a prosecutor pursuant to  
30 the provisions of this chapter on agreement of the respondent and after  
31 an advisement to the respondent that the criminal complaint would be  
32 considered as part of the respondent's criminal history. A  
33 successfully completed deferred adjudication that was entered before  
34 July 1, 1997, or a deferred disposition shall not be considered part of  
35 the respondent's criminal history;

36 (8) "Department" means the department of social and health  
37 services;

38 (9) "Detention facility" means a county facility, paid for by the  
39 county, for the physical confinement of a juvenile alleged to have

1 committed an offense or an adjudicated offender subject to a  
2 disposition or modification order. "Detention facility" includes  
3 county group homes, inpatient substance abuse programs, juvenile basic  
4 training camps, and electronic monitoring;

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

22 (11) "Foster care" means temporary physical care in a foster family  
23 home or group care facility as defined in RCW 74.15.020 and licensed by  
24 the department, or other legally authorized care;

25 (12) "Institution" means a juvenile facility established pursuant  
26 to chapters 72.05 and 72.16 through 72.20 RCW;

27 (13) "Intensive supervision program" means a parole program that  
28 requires intensive supervision and monitoring, offers an array of  
29 individualized treatment and transitional services, and emphasizes  
30 community involvement and support in order to reduce the likelihood a  
31 juvenile offender will commit further offenses;

32 (14) "Juvenile," "youth," and "child" mean any individual who is  
33 under the chronological age of eighteen years and who has not been  
34 previously transferred to adult court pursuant to RCW 13.40.110 or who  
35 is otherwise under adult court jurisdiction;

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

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

9 (a) Four misdemeanors;

10 (b) Two misdemeanors and one gross misdemeanor;

11 (c) One misdemeanor and two gross misdemeanors; and

12 (d) Three gross misdemeanors.

13 For purposes of this definition, current violations shall be  
14 counted as misdemeanors;

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

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

27 (21) "Probation bond" means a bond, posted with sufficient security  
28 by a surety justified and approved by the court, to secure the  
29 offender's appearance at required court proceedings and compliance with  
30 court-ordered community supervision or conditions of release ordered  
31 pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of  
32 cash or posting of other collateral in lieu of a bond if approved by  
33 the court;

34 (22) "Respondent" means a juvenile who is alleged or proven to have  
35 committed an offense;

36 (23) "Restitution" means financial reimbursement by the offender to  
37 the victim, and shall be limited to easily ascertainable damages for  
38 injury to or loss of property, actual expenses incurred for medical  
39 treatment for physical injury to persons, lost wages resulting from



1 physical injury, and costs of the victim's counseling reasonably  
2 related to the offense if the offense is a sex offense. Restitution  
3 shall not include reimbursement for damages for mental anguish, pain  
4 and suffering, or other intangible losses. Nothing in this chapter  
5 shall limit or replace civil remedies or defenses available to the  
6 victim or offender;

7 (24) "Secretary" means the secretary of the department of social  
8 and health services. "Assistant secretary" means the assistant  
9 secretary for juvenile rehabilitation for the department;

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

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

14 (b) Manslaughter in the first degree; or

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

22 (26) "Services" means services which provide alternatives to  
23 incarceration for those juveniles who have pleaded or been adjudicated  
24 guilty of an offense or have signed a diversion agreement pursuant to  
25 this chapter;

26 (27) "Sex offense" means an offense defined as a sex offense in RCW  
27 9.94A.030;

28 (28) "Sexual motivation" means that one of the purposes for which  
29 the respondent committed the offense was for the purpose of his or her  
30 sexual gratification;

31 (29) "Surety" means an entity licensed under state insurance laws  
32 or by the state department of licensing, to write corporate, property,  
33 or probation bonds within the state, and justified and approved by the  
34 superior court of the county having jurisdiction of the case;

35 (30) "Violation" means an act or omission, which if committed by an  
36 adult, must be proven beyond a reasonable doubt, and is punishable by  
37 sanctions which do not include incarceration;

38 (31) "Violent offense" means a violent offense as defined in RCW  
39 9.94A.030.

1 This section expires July 1, 1998.

2 **Sec. 11.** RCW 13.40.0357 and 1997 c 338 s 11 and 1997 c 66 s 6 are  
3 each reenacted and amended to read as follows:

4 **SCHEDULE A**

5 **DESCRIPTION AND OFFENSE CATEGORY**

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

11 **Arson and Malicious Mischief**

12	A	Arson 1 (9A.48.020)	B+
13	B	Arson 2 (9A.48.030)	C
14	C	Reckless Burning 1 (9A.48.040)	D
15	D	Reckless Burning 2 (9A.48.050)	E
16	B	Malicious Mischief 1 (9A.48.070)	C
17	C	Malicious Mischief 2 (9A.48.080)	D
18	D	Malicious Mischief 3 (<\$50 is	
19		E class) (9A.48.090)	E
20	E	Tampering with Fire Alarm	
21		Apparatus (9.40.100)	E
22	A	Possession of Incendiary Device	
23		(9.40.120)	B+

24 **Assault and Other Crimes**

25 **Involving Physical Harm**

26	A	Assault 1 (9A.36.011)	B+
27	B+	Assault 2 (9A.36.021)	C+
28	C+	Assault 3 (9A.36.031)	D+
29	D+	Assault 4 (9A.36.041)	E
30	B+	Drive-By Shooting	
31		(9A.36.045)	C+
32	D+	Reckless Endangerment	
33		(9A.36.050)	E
34	C+	Promoting Suicide Attempt	
35		(9A.36.060)	D+
36	D+	Coercion (9A.36.070)	E

1	C+	Custodial Assault (9A.36.100)	D+
2		<b>Burglary and Trespass</b>	
3	B+	Burglary 1 (9A.52.020)	C+
4	B	Residential Burglary 1	
5		(9A.52.025)	C
6	B	Burglary 2 (9A.52.030)	C
7	<u>B</u>	<u>Residential Burglary 2</u>	
8		<u>(section 2 of this act)</u>	<u>C</u>
9	D	Burglary Tools (Possession of)	
10		(9A.52.060)	E
11	D	Criminal Trespass 1 (9A.52.070)	E
12	E	Criminal Trespass 2 (9A.52.080)	E
13	C	Vehicle Prowling 1 (9A.52.095)	D
14	D	Vehicle Prowling 2 (9A.52.100)	E
15		<b>Drugs</b>	
16	E	Possession/Consumption of Alcohol	
17		(66.44.270)	E
18	C	Illegally Obtaining Legend Drug	
19		(69.41.020)	D
20	C+	Sale, Delivery, Possession of Legend	
21		Drug with Intent to Sell	
22		(69.41.030)	D+
23	E	Possession of Legend Drug	
24		(69.41.030)	E
25	B+	Violation of Uniform Controlled	
26		Substances Act - Narcotic or	
27		Methamphetamine Sale	
28		(69.50.401(a)(1)(i) or (ii))	B+
29	C	Violation of Uniform Controlled	
30		Substances Act - Nonnarcotic Sale	
31		(69.50.401(a)(1)(iii))	C
32	E	Possession of Marihuana <40 grams	
33		(69.50.401(e))	E
34	C	Fraudulently Obtaining Controlled	
35		Substance (69.50.403)	C
36	C+	Sale of Controlled Substance	
37		for Profit (69.50.410)	C+
38	E	Unlawful Inhalation (9.47A.020)	E

1	B	Violation of Uniform Controlled	
2		Substances Act - Narcotic or	
3		Methamphetamine	
4		Counterfeit Substances	
5		(69.50.401(b)(1)(i) or (ii))	B
6	C	Violation of Uniform Controlled	
7		Substances Act - Nonnarcotic	
8		Counterfeit Substances	
9		(69.50.401(b)(1) (iii), (iv), (v))	C
10	C	Violation of Uniform Controlled	
11		Substances Act - Possession of a	
12		Controlled Substance	
13		(69.50.401(d))	C
14	C	Violation of Uniform Controlled	
15		Substances Act - Possession of a	
16		Controlled Substance	
17		(69.50.401(c))	C
18		<b>Firearms and Weapons</b>	
19	B	Theft of Firearm (9A.56.300)	C
20	B	Possession of Stolen Firearm	
21		(9A.56.310)	C
22	E	Carrying Loaded Pistol Without	
23		Permit (9.41.050)	E
24	C	Possession of Firearms by Minor (<18)	
25		(9.41.040(1) (b) (iii))	C
26	D+	Possession of Dangerous Weapon	
27		(9.41.250)	E
28	D	Intimidating Another Person by use	
29		of Weapon (9.41.270)	E
30		<b>Homicide</b>	
31	A+	Murder 1 (9A.32.030)	A
32	A+	Murder 2 (9A.32.050)	B+
33	B+	Manslaughter 1 (9A.32.060)	C+
34	C+	Manslaughter 2 (9A.32.070)	D+
35	B+	Vehicular Homicide (46.61.520)	C+
36		<b>Kidnapping</b>	
37	A	Kidnap 1 (9A.40.020)	B+
38	B+	Kidnap 2 (9A.40.030)	C+

1	C+	Unlawful Imprisonment	
2		(9A.40.040)	D+
3		<b>Obstructing Governmental Operation</b>	
4	D	Obstructing a Law Enforcement	
5		Officer (9A.76.020)	E
6	E	Resisting Arrest (9A.76.040)	E
7	B	Introducing Contraband 1	
8		(9A.76.140)	C
9	C	Introducing Contraband 2	
10		(9A.76.150)	D
11	E	Introducing Contraband 3	
12		(9A.76.160)	E
13	B+	Intimidating a Public Servant	
14		(9A.76.180)	C+
15	B+	Intimidating a Witness	
16		(9A.72.110)	C+
17		<b>Public Disturbance</b>	
18	C+	Riot with Weapon (9A.84.010)	D+
19	D+	Riot Without Weapon	
20		(9A.84.010)	E
21	E	Failure to Disperse (9A.84.020)	E
22	E	Disorderly Conduct (9A.84.030)	E
23		<b>Sex Crimes</b>	
24	A	Rape 1 (9A.44.040)	B+
25	A-	Rape 2 (9A.44.050)	B+
26	C+	Rape 3 (9A.44.060)	D+
27	A-	Rape of a Child 1 (9A.44.073)	B+
28	B+	Rape of a Child 2 (9A.44.076)	C+
29	B	Incest 1 (9A.64.020(1))	C
30	C	Incest 2 (9A.64.020(2))	D
31	D+	Indecent Exposure	
32		(Victim <14) (9A.88.010)	E
33	E	Indecent Exposure	
34		(Victim 14 or over) (9A.88.010)	E
35	B+	Promoting Prostitution 1	
36		(9A.88.070)	C+

1	C+	Promoting Prostitution 2	
2		(9A.88.080)	D+
3	E	O & A (Prostitution) (9A.88.030)	E
4	B+	Indecent Liberties (9A.44.100)	C+
5	A-	Child Molestation 1 (9A.44.083)	B+
6	B	Child Molestation 2 (9A.44.086)	C+
7		<b>Theft, Robbery, Extortion, and Forgery</b>	
8	B	Theft 1 (9A.56.030)	C
9	C	Theft 2 (9A.56.040)	D
10	D	Theft 3 (9A.56.050)	E
11	B	Theft of Livestock (9A.56.080)	C
12	C	Forgery (9A.60.020)	D
13	A	Robbery 1 (9A.56.200)	B+
14	B+	Robbery 2 (9A.56.210)	C+
15	B+	Extortion 1 (9A.56.120)	C+
16	C+	Extortion 2 (9A.56.130)	D+
17	B	Possession of Stolen Property 1	
18		(9A.56.150)	C
19	C	Possession of Stolen Property 2	
20		(9A.56.160)	D
21	D	Possession of Stolen Property 3	
22		(9A.56.170)	E
23	C	Taking Motor Vehicle Without	
24		Owner's Permission (9A.56.070)	D
25		<b>Motor Vehicle Related Crimes</b>	
26	E	Driving Without a License	
27		(46.20.005)	E
28	C	Hit and Run - Injury	
29		(46.52.020(4))	D
30	D	Hit and Run-Attended	
31		(46.52.020(5))	E
32	E	Hit and Run-Unattended	
33		(46.52.010)	E
34	C	Vehicular Assault (46.61.522)	D
35	C	Attempting to Elude Pursuing	
36		Police Vehicle (46.61.024)	D
37	E	Reckless Driving (46.61.500)	E

1	D	Driving While Under the Influence	
2		(46.61.502 and 46.61.504)	E
3		<b>Other</b>	
4	B	Bomb Threat (9.61.160)	C
5	C	Escape 1 (9A.76.110)	C
6	C	Escape 2 (9A.76.120)	C
7	D	Escape 3 (9A.76.130)	E
8	E	Obscene, Harassing, Etc.,	
9		Phone Calls (9.61.230)	E
10	A	Other Offense Equivalent to an	
11		Adult Class A Felony	B+
12	B	Other Offense Equivalent to an	
13		Adult Class B Felony	C
14	C	Other Offense Equivalent to an	
15		Adult Class C Felony	D
16	D	Other Offense Equivalent to an	
17		Adult Gross Misdemeanor	E
18	E	Other Offense Equivalent to an	
19		Adult Misdemeanor	E
20	V	Violation of Order of Restitution,	
21		Community Supervision, or	
22		Confinement (13.40.200)	V

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

25 1st escape or attempted escape during 12-month period - 4 weeks  
26 confinement

27 2nd escape or attempted escape during 12-month period - 8 weeks  
28 confinement

29 3rd and subsequent escape or attempted escape during 12-month  
30 period - 12 weeks confinement

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

33 **SCHEDULE B**  
34 **PRIOR OFFENSE INCREASE FACTOR**

1 For use with all CURRENT OFFENSES occurring on or after July 1,  
 2 1989.

3 **TIME SPAN**

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

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

21 **SCHEDULE C**

22 **CURRENT OFFENSE POINTS**

23 For use with all CURRENT OFFENSES occurring on or after July 1,  
 24 1989.

25 **AGE**

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



1	D+	16	18	20	22	24	26
2	D	14	16	18	20	22	24
3	E	4	4	4	6	8	10

**JUVENILE SENTENCING STANDARDS**  
**SCHEDULE D-1**

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

**MINOR/FIRST OFFENDER**

**OPTION A**  
**STANDARD RANGE**

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

**OR**

**OPTION B**  
**STATUTORY OPTION**

- 29 0-12 Months Community Supervision
- 30 0-150 Hours Community Service
- 31 0-100 Fine
- 32 Posting of a Probation Bond

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(2) shall  
10 be used to determine the range.

11 JUVENILE SENTENCING STANDARDS

12 SCHEDULE D-2

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

16 MIDDLE OFFENDER

17 OPTION A

18 STANDARD RANGE

19	Community				20
20	Community	Service			Confinement
21	Points	Supervision	Hours	Fine	Days Weeks
22	.....				
23	1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
24	10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
25	20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
26	30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
27	40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
28	50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
29	60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
30	70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
31	80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
32	90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30
33	110-129				8-12
34	130-149				13-16
35	150-199				21-28
36	200-249				30-40
37	250-299				52-65

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

6 OR

7 OPTION B  
8 STATUTORY OPTION

- 9 0-12 Months Community Supervision
- 10 0-150 Hours Community Service
- 11 0-100 Fine
- 12 Posting of a Probation Bond

13 If the offender has less than 110 points, the court may impose a  
14 determinate disposition of community supervision and/or up to 30 days  
15 confinement; in which case, if confinement has been imposed, the court  
16 shall state either aggravating or mitigating factors as set forth in  
17 RCW 13.40.150.

18 If the middle offender has 110 points or more, the court may impose  
19 a disposition under option A and may suspend the disposition on the  
20 condition that the offender serve up to thirty days of confinement and  
21 follow all conditions of community supervision. If the offender fails  
22 to comply with the terms of community supervision, the court may impose  
23 sanctions pursuant to RCW 13.40.200 or may revoke the suspended  
24 disposition and order execution of the disposition. If the court  
25 imposes confinement for offenders with 110 points or more, the court  
26 shall state either aggravating or mitigating factors set forth in RCW  
27 13.40.150.

28 OR

29 OPTION C  
30 MANIFEST INJUSTICE

31 If the court determines that a disposition under option A or B would  
32 effectuate a manifest injustice, the court shall sentence the juvenile  
33 to a maximum term and the provisions of RCW 13.40.030(2) shall be used  
34 to determine the range.

1 **JUVENILE SENTENCING STANDARDS**

2 **SCHEDULE D-3**

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

6 **SERIOUS OFFENDER**  
7 **OPTION A**  
8 **STANDARD RANGE**

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

19 **OR**

20 **OPTION B**  
21 **MANIFEST INJUSTICE**

22 A disposition outside the standard range shall be determined and shall  
23 be comprised of confinement or community supervision including posting  
24 a probation bond or a combination thereof. When a judge finds a  
25 manifest injustice and imposes a sentence of confinement exceeding 30  
26 days, the court shall sentence the juvenile to a maximum term, and the  
27 provisions of RCW 13.40.030(2) shall be used to determine the range.

28 This section expires July 1, 1998.

29 **Sec. 12.** RCW 13.40.0357 and 1997 c 338 s 12 and 1997 c 66 s 6 are  
30 each reenacted and amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

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JUVENILE		JUVENILE DISPOSITION
DISPOSITION		CATEGORY FOR ATTEMPT,
OFFENSE		BAILJUMP, CONSPIRACY,
CATEGORY	DESCRIPTION (RCW CITATION)	OR SOLICITATION

.....

**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (<\$50 is	
	E class) (9A.48.090)	E
E	Tampering with Fire Alarm	
	Apparatus (9.40.100)	E
A	Possession of Incendiary Device	
	(9.40.120)	B+

**Assault and Other Crimes**

**Involving Physical Harm**

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting	
	(9A.36.045)	C+
D+	Reckless Endangerment	
	(9A.36.050)	E
C+	Promoting Suicide Attempt	
	(9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+

**Burglary and Trespass**

B+	Burglary 1 (9A.52.020)	C+
B	Residential Burglary 1	
	(9A.52.025)	C
B	Burglary 2 (9A.52.030)	C

1	B	<u>Residential Burglary 2</u>	
2		<u>(section 2 of this act)</u>	C
3	D	Burglary Tools (Possession of)	
4		(9A.52.060)	E
5	D	Criminal Trespass 1 (9A.52.070)	E
6	E	Criminal Trespass 2 (9A.52.080)	E
7	C	Vehicle Prowling 1 (9A.52.095)	D
8	D	Vehicle Prowling 2 (9A.52.100)	E
9		<b>Drugs</b>	
10	E	Possession/Consumption of Alcohol	
11		(66.44.270)	E
12	C	Illegally Obtaining Legend Drug	
13		(69.41.020)	D
14	C+	Sale, Delivery, Possession of Legend	
15		Drug with Intent to Sell	
16		(69.41.030)	D+
17	E	Possession of Legend Drug	
18		(69.41.030)	E
19	B+	Violation of Uniform Controlled	
20		Substances Act - Narcotic or	
21		Methamphetamine Sale	
22		(69.50.401(a)(1)(i) or (ii))	B+
23	C	Violation of Uniform Controlled	
24		Substances Act - Nonnarcotic Sale	
25		(69.50.401(a)(1)(iii))	C
26	E	Possession of Marihuana <40 grams	
27		(69.50.401(e))	E
28	C	Fraudulently Obtaining Controlled	
29		Substance (69.50.403)	C
30	C+	Sale of Controlled Substance	
31		for Profit (69.50.410)	C+
32	E	Unlawful Inhalation (9.47A.020)	E
33	B	Violation of Uniform Controlled	
34		Substances Act - Narcotic or	
35		Methamphetamine	
36		Counterfeit Substances	
37		(69.50.401(b)(1)(i) or (ii))	B

1	C	Violation of Uniform Controlled	
2		Substances Act - Nonnarcotic	
3		Counterfeit Substances	
4		(69.50.401(b)(1) (iii), (iv), (v))	C
5	C	Violation of Uniform Controlled	
6		Substances Act - Possession of a	
7		Controlled Substance	
8		(69.50.401(d))	C
9	C	Violation of Uniform Controlled	
10		Substances Act - Possession of a	
11		Controlled Substance	
12		(69.50.401(c))	C
13		<b>Firearms and Weapons</b>	
14	B	Theft of Firearm (9A.56.300)	C
15	B	Possession of Stolen Firearm	
16		(9A.56.310)	C
17	E	Carrying Loaded Pistol Without	
18		Permit (9.41.050)	E
19	C	Possession of Firearms by Minor (<18)	
20		(9.41.040(1) (b) (iii))	C
21	D+	Possession of Dangerous Weapon	
22		(9.41.250)	E
23	D	Intimidating Another Person by use	
24		of Weapon (9.41.270)	E
25		<b>Homicide</b>	
26	A+	Murder 1 (9A.32.030)	A
27	A+	Murder 2 (9A.32.050)	B+
28	B+	Manslaughter 1 (9A.32.060)	C+
29	C+	Manslaughter 2 (9A.32.070)	D+
30	B+	Vehicular Homicide (46.61.520)	C+
31		<b>Kidnapping</b>	
32	A	Kidnap 1 (9A.40.020)	B+
33	B+	Kidnap 2 (9A.40.030)	C+
34	C+	Unlawful Imprisonment	
35		(9A.40.040)	D+

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



1	A-	Child Molestation 1 (9A.44.083)	B+
2	B	Child Molestation 2 (9A.44.086)	C+
3		<b>Theft, Robbery, Extortion, and Forgery</b>	
4	B	Theft 1 (9A.56.030)	C
5	C	Theft 2 (9A.56.040)	D
6	D	Theft 3 (9A.56.050)	E
7	B	Theft of Livestock (9A.56.080)	C
8	C	Forgery (9A.60.020)	D
9	A	Robbery 1 (9A.56.200)	B+
10	B+	Robbery 2 (9A.56.210)	C+
11	B+	Extortion 1 (9A.56.120)	C+
12	C+	Extortion 2 (9A.56.130)	D+
13	B	Possession of Stolen Property 1	
14		(9A.56.150)	C
15	C	Possession of Stolen Property 2	
16		(9A.56.160)	D
17	D	Possession of Stolen Property 3	
18		(9A.56.170)	E
19	C	Taking Motor Vehicle Without	
20		Owner's Permission (9A.56.070)	D
21		<b>Motor Vehicle Related Crimes</b>	
22	E	Driving Without a License	
23		(46.20.005)	E
24	C	Hit and Run - Injury	
25		(46.52.020(4))	D
26	D	Hit and Run-Attended	
27		(46.52.020(5))	E
28	E	Hit and Run-Unattended	
29		(46.52.010)	E
30	C	Vehicular Assault (46.61.522)	D
31	C	Attempting to Elude Pursuing	
32		Police Vehicle (46.61.024)	D
33	E	Reckless Driving (46.61.500)	E
34	D	Driving While Under the Influence	
35		(46.61.502 and 46.61.504)	E
36		<b>Other</b>	
37	B	Bomb Threat (9.61.160)	C
38	C	Escape 1 (9A.76.110)	C

1	C	Escape 2 (9A.76.120)	C
2	D	Escape 3 (9A.76.130)	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 **JUVENILE SENTENCING STANDARDS**

29 This schedule must be used for juvenile offenders. The court may  
30 select sentencing option A, B, or C.

**OPTION A**  
**JUVENILE OFFENDER SENTENCING GRID**  
**STANDARD RANGE**

4	<hr/>					
5	A+	180 WEEKS TO AGE 21 YEARS				
6	<hr/>					
7	A	103 WEEKS TO 129 WEEKS				
8	<hr/>					
9	A-	15-36	52-65	80-100	103-129	
10		WEEKS	WEEKS	WEEKS	WEEKS	
11		EXCEPT				
12		30-40				
13		WEEKS FOR				
14		15-17				
15		YEAR OLDS				
16	<hr/>					
17	Current	B+	15-36	52-65	80-100	103-129
18	Offense		WEEKS	WEEKS	WEEKS	WEEKS
19	Category	<hr/>				
20		B	LOCAL		52-65	
21			SANCTIONS (LS)	15-36 WEEKS		WEEKS
22	<hr/>					
23		C+	LS			
24				15-36 WEEKS		
25	<hr/>					
26		C	LS		15-36 WEEKS	
27			Local Sanctions:			
28			0 to 30 Days			
29		D+	LS	0 to 12 Months Community Supervision		
30				0 to 150 Hours Community Service		
31		D	LS	\$0 to \$500 Fine		
32		E	LS			
33	<hr/>					
34			0	1	2	3
35						4 or more
			PRIOR ADJUDICATIONS			

36 NOTE: References in the grid to days or weeks mean periods of  
37 confinement.

38 (1) The vertical axis of the grid is the current offense category.  
39 The current offense category is determined by the offense of  
40 adjudication.

41 (2) The horizontal axis of the grid is the number of prior  
42 adjudications included in the juvenile's criminal history. Each prior  
43 felony adjudication shall count as one point. Each prior violation,

1 misdemeanor, and gross misdemeanor adjudication shall count as 1/4  
2 point. Fractional points shall be rounded down.

3 (3) The standard range disposition for each offense is determined  
4 by the intersection of the column defined by the prior adjudications  
5 and the row defined by the current offense category.

6 (4) RCW 13.40.180 applies if the offender is being sentenced for  
7 more than one offense.

8 (5) A current offense that is a violation is equivalent to an  
9 offense category of E. However, a disposition for a violation shall  
10 not include confinement.

11 OR

12 OPTION B

13 CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

14 If the juvenile offender is subject to a standard range  
15 disposition of local sanctions or 15 to 36 weeks of confinement and has  
16 not committed an A- or B+ offense, the court may impose a disposition  
17 under RCW 13.40.160(5) and 13.40.165.

18 OR

19 OPTION C

20 MANIFEST INJUSTICE

21 If the court determines that a disposition under option A or B would  
22 effectuate a manifest injustice, the court shall impose a disposition  
23 outside the standard range under RCW 13.40.160(2).

24 **Sec. 13.** RCW 71.09.020 and 1995 c 216 s 1 are each amended to  
25 read as follows:

26 Unless the context clearly requires otherwise, the definitions in  
27 this section apply throughout this chapter.

28 (1) "Sexually violent predator" means any person who has been  
29 convicted of or charged with a crime of sexual violence and who suffers  
30 from a mental abnormality or personality disorder which makes the  
31 person likely to engage in predatory acts of sexual violence if not  
32 confined in a secure facility.

33 (2) "Mental abnormality" means a congenital or acquired condition  
34 affecting the emotional or volitional capacity which predisposes the

1 person to the commission of criminal sexual acts in a degree  
2 constituting such person a menace to the health and safety of others.

3 (3) "Likely to engage in predatory acts of sexual violence" means  
4 that the person more probably than not will engage in such acts. Such  
5 likelihood must be evidenced by a recent overt act if the person is not  
6 totally confined at the time the petition is filed under RCW 71.09.030.

7 (4) "Predatory" means acts directed towards strangers or  
8 individuals with whom a relationship has been established or promoted  
9 for the primary purpose of victimization.

10 (5) "Recent overt act" means any act that has either caused harm  
11 of a sexually violent nature or creates a reasonable apprehension of  
12 such harm.

13 (6) "Sexually violent offense" means an act committed on, before,  
14 or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as  
15 rape in the first degree, rape in the second degree by forcible  
16 compulsion, rape of a child in the first or second degree, statutory  
17 rape in the first or second degree, indecent liberties by forcible  
18 compulsion, indecent liberties against a child under age fourteen,  
19 incest against a child under age fourteen, or child molestation in the  
20 first or second degree; (b) a felony offense in effect at any time  
21 prior to July 1, 1990, that is comparable to a sexually violent offense  
22 as defined in (a) of this subsection, or any federal or out-of-state  
23 conviction for a felony offense that under the laws of this state would  
24 be a sexually violent offense as defined in this subsection; (c) an act  
25 of murder in the first or second degree, assault in the first or second  
26 degree, assault of a child in the first or second degree, kidnapping in  
27 the first or second degree, burglary in the first degree, residential  
28 burglary in the first degree, or unlawful imprisonment, which act,  
29 either at the time of sentencing for the offense or subsequently during  
30 civil commitment proceedings pursuant to chapter 71.09 RCW, has been  
31 determined beyond a reasonable doubt to have been sexually motivated,  
32 as that term is defined in RCW 9.94A.030; or (d) an act as described in  
33 chapter 9A.28 RCW, that is an attempt, criminal solicitation, or  
34 criminal conspiracy to commit one of the felonies designated in (a),  
35 (b), or (c) of this subsection.

36 (7) "Less restrictive alternative" means court-ordered treatment  
37 in a setting less restrictive than total confinement.

38 (8) "Secretary" means the secretary of social and health services  
39 or his or her designee.

1        NEW SECTION.   **Sec. 14.**   If specific funding for the purposes of  
2 this act, referencing this act by bill or chapter number, is not  
3 provided by June 30, 1998, in the omnibus appropriations act, this act  
4 is null and void.

5        NEW SECTION.   **Sec. 15.**   Section 12 of this act takes effect July  
6 1, 1998.

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