

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5305

55th Legislature
1998 Regular Session

Passed by the Senate March 9, 1998
YEAS 47 NAYS 0

President of the Senate

Passed by the House March 3, 1998
YEAS 98 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5305** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5305

AS AMENDED BY THE HOUSE

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley, Wojahn, Goings, McAuliffe, Patterson and Kohl)

Read first time 02/27/97.

1 AN ACT Relating to controlling drugs used to facilitate rape;
2 amending RCW 69.50.401, 69.50.406, 9A.44.050, and 9A.44.100; reenacting
3 and amending RCW 9.94A.030, 9.94A.320, and 13.40.357; adding a new
4 section to chapter 9A.44 RCW; creating a new section; prescribing
5 penalties; and providing an effective date.

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

7 **Sec. 1.** RCW 69.50.401 and 1997 c 71 s 2 are each amended to read
8 as follows:

9 (a) Except as authorized by this chapter, it is unlawful for any
10 person to manufacture, deliver, or possess with intent to manufacture
11 or deliver, a controlled substance.

12 (1) Any person who violates this subsection with respect to:

13 (i) a controlled substance classified in Schedule I or II which is
14 a narcotic drug or flunitrazepam classified in Schedule IV, is guilty
15 of a crime and upon conviction may be imprisoned for not more than ten
16 years, or (A) fined not more than twenty-five thousand dollars if the
17 crime involved less than two kilograms of the drug, or both such
18 imprisonment and fine; or (B) if the crime involved two or more
19 kilograms of the drug, then fined not more than one hundred thousand

1 dollars for the first two kilograms and not more than fifty dollars for
2 each gram in excess of two kilograms, or both such imprisonment and
3 fine;

4 (ii) methamphetamine, is guilty of a crime and upon conviction may
5 be imprisoned for not more than ten years, or (A) fined not more than
6 twenty-five thousand dollars if the crime involved less than two
7 kilograms of the drug, or both such imprisonment and fine; or (B) if
8 the crime involved two or more kilograms of the drug, then fined not
9 more than one hundred thousand dollars for the first two kilograms and
10 not more than fifty dollars for each gram in excess of two kilograms,
11 or both such imprisonment and fine. Three thousand dollars of the fine
12 may not be suspended. As collected, the first three thousand dollars
13 of the fine must be deposited with the law enforcement agency having
14 responsibility for cleanup of laboratories, sites, or substances used
15 in the manufacture of the methamphetamine. The fine moneys deposited
16 with that law enforcement agency must be used for such clean-up cost;

17 (iii) any other controlled substance classified in Schedule I, II,
18 or III, is guilty of a crime and upon conviction may be imprisoned for
19 not more than five years, fined not more than ten thousand dollars, or
20 both;

21 (iv) a substance classified in Schedule IV, except flunitrazepam,
22 is guilty of a crime and upon conviction may be imprisoned for not more
23 than five years, fined not more than ten thousand dollars, or both;

24 (v) a substance classified in Schedule V, is guilty of a crime and
25 upon conviction may be imprisoned for not more than five years, fined
26 not more than ten thousand dollars, or both.

27 (b) Except as authorized by this chapter, it is unlawful for any
28 person to create, deliver, or possess a counterfeit substance.

29 (1) Any person who violates this subsection with respect to:

30 (i) a counterfeit substance classified in Schedule I or II which is
31 a narcotic drug, or flunitrazepam classified in Schedule IV, is guilty
32 of a crime and upon conviction may be imprisoned for not more than ten
33 years, fined not more than twenty-five thousand dollars, or both;

34 (ii) a counterfeit substance which is methamphetamine, is guilty of
35 a crime and upon conviction may be imprisoned for not more than ten
36 years, fined not more than twenty-five thousand dollars, or both;

37 (iii) any other counterfeit substance classified in Schedule I, II,
38 or III, is guilty of a crime and upon conviction may be imprisoned for

1 not more than five years, fined not more than ten thousand dollars, or
2 both;

3 (iv) a counterfeit substance classified in Schedule IV, except
4 flunitrazepam, is guilty of a crime and upon conviction may be
5 imprisoned for not more than five years, fined not more than ten
6 thousand dollars, or both;

7 (v) a counterfeit substance classified in Schedule V, is guilty of
8 a crime and upon conviction may be imprisoned for not more than five
9 years, fined not more than ten thousand dollars, or both.

10 (c) It is unlawful, except as authorized in this chapter and
11 chapter 69.41 RCW, for any person to offer, arrange, or negotiate for
12 the sale, gift, delivery, dispensing, distribution, or administration
13 of a controlled substance to any person and then sell, give, deliver,
14 dispense, distribute, or administer to that person any other liquid,
15 substance, or material in lieu of such controlled substance. Any
16 person who violates this subsection is guilty of a crime and upon
17 conviction may be imprisoned for not more than five years, fined not
18 more than ten thousand dollars, or both.

19 (d) It is unlawful for any person to possess a controlled substance
20 unless the substance was obtained directly from, or pursuant to, a
21 valid prescription or order of a practitioner while acting in the
22 course of his or her professional practice, or except as otherwise
23 authorized by this chapter. Any person who violates this subsection is
24 guilty of a crime, and upon conviction may be imprisoned for not more
25 than five years, fined not more than ten thousand dollars, or both,
26 except as provided for in subsection (e) of this section.

27 (e) Except as provided for in subsection (a)(1)(iii) of this
28 section any person found guilty of possession of forty grams or less of
29 marihuana shall be guilty of a misdemeanor.

30 (f) It is unlawful to compensate, threaten, solicit, or in any
31 other manner involve a person under the age of eighteen years in a
32 transaction unlawfully to manufacture, sell, or deliver a controlled
33 substance. A violation of this subsection shall be punished as a class
34 C felony punishable in accordance with RCW 9A.20.021.

35 This section shall not apply to offenses defined and punishable
36 under the provisions of RCW 69.50.410.

37 **Sec. 2.** RCW 69.50.406 and 1996 c 205 s 7 are each amended to read
38 as follows:

1 (a) Any person eighteen years of age or over who violates RCW
2 69.50.401(a) by distributing a controlled substance listed in Schedules
3 I or II which is a narcotic drug or methamphetamine, or flunitrazepam
4 listed in Schedule IV, to a person under eighteen years of age is
5 punishable by the fine authorized by RCW 69.50.401(a)(1) (i) or (ii),
6 by a term of imprisonment of up to twice that authorized by RCW
7 69.50.401(a)(1) (i) or (ii), or by both.

8 (b) Any person eighteen years of age or over who violates RCW
9 69.50.401(a) by distributing any other controlled substance listed in
10 Schedules I, II, III, IV, and V to a person under eighteen years of age
11 who is at least three years his junior is punishable by the fine
12 authorized by RCW 69.50.401(a)(1) (iii), (iv), or (v), by a term of
13 imprisonment up to twice that authorized by RCW 69.50.401(a)(1) (iii),
14 (iv), or (v), or both.

15 **Sec. 3.** RCW 9.94A.030 and 1997 c 365 s 1, 1997, c 340 s 4, 1997 c
16 339 s 1, 1997 c 338 s 2, 1997 c 144 s 1, and 1997 c 70 s 1 are each
17 reenacted and amended to read as follows:

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

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

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

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

32 (4) "Community custody" means that portion of an inmate's sentence
33 of confinement in lieu of earned early release time or imposed pursuant
34 to RCW 9.94A.120 (6), (8), or (10) served in the community subject to
35 controls placed on the inmate's movement and activities by the
36 department of corrections.

37 (5) "Community placement" means that period during which the
38 offender is subject to the conditions of community custody and/or

1 postrelease supervision, which begins either upon completion of the
2 term of confinement (postrelease supervision) or at such time as the
3 offender is transferred to community custody in lieu of earned early
4 release. Community placement may consist of entirely community
5 custody, entirely postrelease supervision, or a combination of the two.

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

9 (7) "Community supervision" means a period of time during which a
10 convicted offender is subject to crime-related prohibitions and other
11 sentence conditions imposed by a court pursuant to this chapter or RCW
12 16.52.200(6) or 46.61.524. For first-time offenders, the supervision
13 may include crime-related prohibitions and other conditions imposed
14 pursuant to RCW 9.94A.120(5). For purposes of the interstate compact
15 for out-of-state supervision of parolees and probationers, RCW
16 9.95.270, community supervision is the functional equivalent of
17 probation and should be considered the same as probation by other
18 states.

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

21 (9) "Conviction" means an adjudication of guilt pursuant to Titles
22 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
23 acceptance of a plea of guilty.

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

38 (11) "Crime-related prohibition" means an order of a court
39 prohibiting conduct that directly relates to the circumstances of the

1 crime for which the offender has been convicted, and shall not be
2 construed to mean orders directing an offender affirmatively to
3 participate in rehabilitative programs or to otherwise perform
4 affirmative conduct. However, affirmative acts necessary to monitor
5 compliance with the order of a court may be required by the department.

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

12 (13) "Day fine" means a fine imposed by the sentencing judge that
13 equals the difference between the offender's net daily income and the
14 reasonable obligations that the offender has for the support of the
15 offender and any dependents.

16 (14) "Day reporting" means a program of enhanced supervision
17 designed to monitor the defendant's daily activities and compliance
18 with sentence conditions, and in which the defendant is required to
19 report daily to a specific location designated by the department or the
20 sentencing judge.

21 (15) "Department" means the department of corrections.

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

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

1 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
2 or Title 74 RCW.

3 (18) "Drug offense" means:

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

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

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

13 (19) "Escape" means:

14 (a) Escape in the first degree (RCW 9A.76.110), escape in the
15 second degree (RCW 9A.76.120), willful failure to return from furlough
16 (RCW 72.66.060), willful failure to return from work release (RCW
17 72.65.070), or willful failure to be available for supervision by the
18 department while in community custody (RCW 72.09.310); or

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

22 (20) "Felony traffic offense" means:

23 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
24 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
25 and-run injury-accident (RCW 46.52.020(4)); or

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

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

31 (22) "First-time offender" means any person who is convicted of a
32 felony (a) not classified as a violent offense or a sex offense under
33 this chapter, or (b) that is not the manufacture, delivery, or
34 possession with intent to manufacture or deliver a controlled substance
35 classified in Schedule I or II that is a narcotic drug or flunitrazepam
36 classified in Schedule IV, nor the manufacture, delivery, or possession
37 with intent to deliver methamphetamine, its salts, isomers, and salts
38 of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for
39 profit of any controlled substance or counterfeit substance classified

1 in Schedule I, RCW 69.50.204, except leaves and flowering tops of
2 marihuana, who previously has never been convicted of a felony in this
3 state, federal court, or another state, and who has never participated
4 in a program of deferred prosecution for a felony offense.

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

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

11 (b) Assault in the second degree;

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

13 (d) Child molestation in the second degree;

14 (e) Controlled substance homicide;

15 (f) Extortion in the first degree;

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

17 (h) Indecent liberties;

18 (i) Kidnapping in the second degree;

19 (j) Leading organized crime;

20 (k) Manslaughter in the first degree;

21 (l) Manslaughter in the second degree;

22 (m) Promoting prostitution in the first degree;

23 (n) Rape in the third degree;

24 (o) Robbery in the second degree;

25 (p) Sexual exploitation;

26 (q) Vehicular assault;

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

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

33 (t) Any other felony with a deadly weapon verdict under RCW
34 9.94A.125;

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

1 (v)(i) A prior conviction for indecent liberties under RCW
2 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess.
3 as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as
4 it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)
5 (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

6 (ii) A prior conviction for indecent liberties under RCW
7 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
8 if: (A) The crime was committed against a child under the age of
9 fourteen; or (B) the relationship between the victim and perpetrator is
10 included in the definition of indecent liberties under RCW
11 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997,
12 or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993,
13 through July 27, 1997.

14 (24) "Nonviolent offense" means an offense which is not a violent
15 offense.

16 (25) "Offender" means a person who has committed a felony
17 established by state law and is eighteen years of age or older or is
18 less than eighteen years of age but whose case is under superior court
19 jurisdiction under RCW 13.04.030 or has been transferred by the
20 appropriate juvenile court to a criminal court pursuant to RCW
21 13.40.110. Throughout this chapter, the terms "offender" and
22 "defendant" are used interchangeably.

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

31 (27) "Persistent offender" is an offender who:

32 (a)(i) Has been convicted in this state of any felony considered a
33 most serious offense; and

34 (ii) Has, before the commission of the offense under (a) of this
35 subsection, been convicted as an offender on at least two separate
36 occasions, whether in this state or elsewhere, of felonies that under
37 the laws of this state would be considered most serious offenses and
38 would be included in the offender score under RCW 9.94A.360; provided
39 that of the two or more previous convictions, at least one conviction

1 must have occurred before the commission of any of the other most
2 serious offenses for which the offender was previously convicted; or

3 (b)(i) Has been convicted of: (A) Rape in the first degree, rape
4 of a child in the first degree, child molestation in the first degree,
5 rape in the second degree, rape of a child in the second degree, or
6 indecent liberties by forcible compulsion; (B) murder in the first
7 degree, murder in the second degree, homicide by abuse, kidnapping in
8 the first degree, kidnapping in the second degree, assault in the first
9 degree, assault in the second degree, assault of a child in the first
10 degree, or burglary in the first degree, with a finding of sexual
11 motivation; or (C) an attempt to commit any crime listed in this
12 subsection (27)(b)(i); and

13 (ii) Has, before the commission of the offense under (b)(i) of this
14 subsection, been convicted as an offender on at least one occasion,
15 whether in this state or elsewhere, of an offense listed in (b)(i) of
16 this subsection. A conviction for rape of a child in the first degree
17 constitutes a conviction under subsection (27)(b)(i) only when the
18 offender was sixteen years of age or older when the offender committed
19 the offense. A conviction for rape of a child in the second degree
20 constitutes a conviction under subsection (27)(b)(i) only when the
21 offender was eighteen years of age or older when the offender committed
22 the offense.

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

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

29 (30) "Serious traffic offense" means:

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

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

38 (31) "Serious violent offense" is a subcategory of violent offense
39 and means:

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

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

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

12 (33) "Sex offense" means:

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

17 (b) A felony with a finding of sexual motivation under RCW
18 9.94A.127 or 13.40.135; or

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

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

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

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

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

38 (38) "Violent offense" means:

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

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

17 (c) 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 violent
19 offense under (a) or (b) of this subsection.

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

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

38 (41) "Work release" means a program of partial confinement
39 available to offenders who are employed or engaged as a student in a

1 regular course of study at school. Participation in work release shall
2 be conditioned upon the offender attending work or school at regularly
3 defined hours and abiding by the rules of the work release facility.

4 (42) "Home detention" means a program of partial confinement
5 available to offenders wherein the offender is confined in a private
6 residence subject to electronic surveillance.

7 **Sec. 4.** RCW 9.94A.320 and 1997 c 365 s 4, 1997 c 346 s 3, 1997 c
8 340 s 1, 1997 c 338 s 51, 1997 c 266 s 15, and 1997 c 120 s 5 are each
9 reenacted and amended to read as follows:

10 TABLE 2

11 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

12	XV	Aggravated Murder 1 (RCW 10.95.020)
13	XIV	Murder 1 (RCW 9A.32.030)
14		Homicide by abuse (RCW 9A.32.055)
15		Malicious explosion 1 (RCW 70.74.280(1))
16	XIII	Murder 2 (RCW 9A.32.050)
17		Malicious explosion 2 (RCW 70.74.280(2))
18		Malicious placement of an explosive 1 (RCW
19		70.74.270(1))
20	XII	Assault 1 (RCW 9A.36.011)
21		Assault of a Child 1 (RCW 9A.36.120)
22		Rape 1 (RCW 9A.44.040)
23		Rape of a Child 1 (RCW 9A.44.073)
24		Malicious placement of an imitation device
25		1 (RCW 70.74.272(1)(a))
26	XI	Rape 2 (RCW 9A.44.050)
27		Rape of a Child 2 (RCW 9A.44.076)
28		Manslaughter 1 (RCW 9A.32.060)
29	X	Kidnapping 1 (RCW 9A.40.020)
30		Child Molestation 1 (RCW 9A.44.083)
31		Malicious explosion 3 (RCW 70.74.280(3))
32		Over 18 and deliver heroin ((or)), <u>a</u>
33		narcotic from Schedule I or II, <u>or</u>

1 flunitrazepam from Schedule IV to
2 someone under 18 (RCW 69.50.406)
3 Leading Organized Crime (RCW
4 9A.82.060(1)(a))
5 Indecent Liberties (with forcible
6 compulsion) (RCW 9A.44.100(1)(a))
7 IX Assault of a Child 2 (RCW 9A.36.130)
8 Robbery 1 (RCW 9A.56.200)
9 Explosive devices prohibited (RCW
10 70.74.180)
11 Malicious placement of an explosive 2 (RCW
12 70.74.270(2))
13 Over 18 and deliver narcotic from Schedule
14 III, IV, or V or a nonnarcotic, except
15 flunitrazepam, from Schedule I-V to
16 someone under 18 and 3 years junior
17 (RCW 69.50.406)
18 Controlled Substance Homicide (RCW
19 69.50.415)
20 Sexual Exploitation (RCW 9.68A.040)
21 Inciting Criminal Profiteering (RCW
22 9A.82.060(1)(b))
23 Vehicular Homicide, by being under the
24 influence of intoxicating liquor or
25 any drug (RCW 46.61.520)
26 VIII Arson 1 (RCW 9A.48.020)
27 Promoting Prostitution 1 (RCW 9A.88.070)
28 Selling for profit (controlled or
29 counterfeit) any controlled substance
30 (RCW 69.50.410)
31 Manufacture, deliver, or possess with
32 intent to deliver heroin or cocaine
33 (RCW 69.50.401(a)(1)(i))
34 Manufacture, deliver, or possess with
35 intent to deliver methamphetamine (RCW
36 69.50.401(a)(1)(ii))

1 Possession of ephedrine or pseudoephedrine
2 with intent to manufacture
3 methamphetamine (RCW 69.50.440)
4 Vehicular Homicide, by the operation of any
5 vehicle in a reckless manner (RCW
6 46.61.520)
7 Manslaughter 2 (RCW 9A.32.070)

8 VII Burglary 1 (RCW 9A.52.020)
9 Vehicular Homicide, by disregard for the
10 safety of others (RCW 46.61.520)
11 Introducing Contraband 1 (RCW 9A.76.140)
12 Indecent Liberties (without forcible
13 compulsion) (RCW 9A.44.100(1) (b) and
14 (c))
15 Child Molestation 2 (RCW 9A.44.086)
16 Dealing in depictions of minor engaged in
17 sexually explicit conduct (RCW
18 9.68A.050)
19 Sending, bringing into state depictions of
20 minor engaged in sexually explicit
21 conduct (RCW 9.68A.060)
22 Involving a minor in drug dealing (RCW
23 69.50.401(f))
24 Drive-by Shooting (RCW 9A.36.045)
25 Unlawful Possession of a Firearm in the
26 first degree (RCW 9.41.040(1)(a))
27 Malicious placement of an explosive 3 (RCW
28 70.74.270(3))

29 VI Bribery (RCW 9A.68.010)
30 Rape of a Child 3 (RCW 9A.44.079)
31 Intimidating a Juror/Witness (RCW
32 9A.72.110, 9A.72.130)
33 Malicious placement of an imitation device
34 2 (RCW 70.74.272(1)(b))
35 Incest 1 (RCW 9A.64.020(1))
36 Manufacture, deliver, or possess with
37 intent to deliver narcotics from
38 Schedule I or II (except heroin or

1 cocaine) or flunitrazepam from
2 Schedule IV (RCW 69.50.401(a)(1)(i))
3 Intimidating a Judge (RCW 9A.72.160)
4 Bail Jumping with Murder 1 (RCW
5 9A.76.170(2)(a))
6 Theft of a Firearm (RCW 9A.56.300)
7 V Persistent prison misbehavior (RCW
8 9.94.070)
9 Criminal Mistreatment 1 (RCW 9A.42.020)
10 Abandonment of dependent person 1 (RCW
11 9A.42.060)
12 Rape 3 (RCW 9A.44.060)
13 Sexual Misconduct with a Minor 1 (RCW
14 9A.44.093)
15 Child Molestation 3 (RCW 9A.44.089)
16 Kidnapping 2 (RCW 9A.40.030)
17 Extortion 1 (RCW 9A.56.120)
18 Incest 2 (RCW 9A.64.020(2))
19 Perjury 1 (RCW 9A.72.020)
20 Extortionate Extension of Credit (RCW
21 9A.82.020)
22 Advancing money or property for
23 extortionate extension of credit (RCW
24 9A.82.030)
25 Extortionate Means to Collect Extensions of
26 Credit (RCW 9A.82.040)
27 Rendering Criminal Assistance 1 (RCW
28 9A.76.070)
29 Bail Jumping with class A Felony (RCW
30 9A.76.170(2)(b))
31 Sexually Violating Human Remains (RCW
32 9A.44.105)
33 Delivery of imitation controlled substance
34 by person eighteen or over to person
35 under eighteen (RCW 69.52.030(2))
36 Possession of a Stolen Firearm (RCW
37 9A.56.310)

1 IV Residential Burglary (RCW 9A.52.025)
2 Theft of Livestock 1 (RCW 9A.56.080)
3 Robbery 2 (RCW 9A.56.210)
4 Assault 2 (RCW 9A.36.021)
5 Escape 1 (RCW 9A.76.110)
6 Arson 2 (RCW 9A.48.030)
7 Commercial Bribery (RCW 9A.68.060)
8 Bribing a Witness/Bribe Received by Witness
9 (RCW 9A.72.090, 9A.72.100)
10 Malicious Harassment (RCW 9A.36.080)
11 Threats to Bomb (RCW 9.61.160)
12 Willful Failure to Return from Furlough
13 (RCW 72.66.060)
14 Hit and Run--Injury Accident (RCW
15 46.52.020(4))
16 Hit and Run with Vessel--Injury Accident
17 (RCW 88.12.155(3))
18 Vehicular Assault (RCW 46.61.522)
19 Manufacture, deliver, or possess with
20 intent to deliver narcotics from
21 Schedule III, IV, or V or nonnarcotics
22 from Schedule I-V (except marijuana
23 ((or)) methamphetamines, or
24 flunitrazepam) (RCW 69.50.401 (a)(1)
25 (iii) through (v))
26 Influencing Outcome of Sporting Event (RCW
27 9A.82.070)
28 Use of Proceeds of Criminal Profiteering
29 (RCW 9A.82.080 (1) and (2))
30 Knowingly Trafficking in Stolen Property
31 (RCW 9A.82.050(2))
32 III Criminal Gang Intimidation (RCW 9A.46.120)
33 Criminal Mistreatment 2 (RCW 9A.42.030)
34 Abandonment of dependent person 2 (RCW
35 9A.42.070)
36 Extortion 2 (RCW 9A.56.130)
37 Unlawful Imprisonment (RCW 9A.40.040)
38 Assault 3 (RCW 9A.36.031)
39 Assault of a Child 3 (RCW 9A.36.140)

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

1 II Unlawful Practice of Law (RCW 2.48.180)
2 Malicious Mischief 1 (RCW 9A.48.070)
3 Possession of Stolen Property 1 (RCW
4 9A.56.150)
5 Theft 1 (RCW 9A.56.030)
6 Class B Felony Theft of Rental, Leased, or
7 Lease-purchased Property (RCW
8 9A.56.096(4))
9 Trafficking in Insurance Claims (RCW
10 48.30A.015)
11 Unlicensed Practice of a Profession or
12 Business (RCW 18.130.190(7))
13 Health Care False Claims (RCW 48.80.030)
14 Possession of controlled substance that is
15 either heroin or narcotics from
16 Schedule I or II or flunitrazepam from
17 Schedule IV (RCW 69.50.401(d))
18 Possession of phencyclidine (PCP) (RCW
19 69.50.401(d))
20 Create, deliver, or possess a counterfeit
21 controlled substance (RCW
22 69.50.401(b))
23 Computer Trespass 1 (RCW 9A.52.110)
24 Escape from Community Custody (RCW
25 72.09.310)

26 I Theft 2 (RCW 9A.56.040)
27 Class C Felony Theft of Rental, Leased, or
28 Lease-purchased Property (RCW
29 9A.56.096(4))
30 Possession of Stolen Property 2 (RCW
31 9A.56.160)
32 Forgery (RCW 9A.60.020)
33 Taking Motor Vehicle Without Permission
34 (RCW 9A.56.070)
35 Vehicle Prowl 1 (RCW 9A.52.095)
36 Attempting to Elude a Pursuing Police
37 Vehicle (RCW 46.61.024)
38 Malicious Mischief 2 (RCW 9A.48.080)
39 Reckless Burning 1 (RCW 9A.48.040)

1 Unlawful Issuance of Checks or Drafts (RCW
2 9A.56.060)
3 Unlawful Use of Food Stamps (RCW 9.91.140
4 (2) and (3))
5 False Verification for Welfare (RCW
6 74.08.055)
7 Forged Prescription (RCW 69.41.020)
8 Forged Prescription for a Controlled
9 Substance (RCW 69.50.403)
10 Possess Controlled Substance that is a
11 Narcotic from Schedule III, IV, or V
12 or Non-narcotic from Schedule I-V
13 (except phencyclidine or
14 flunitrazepam) (RCW 69.50.401(d))

15 **Sec. 5.** RCW 13.40.0357 and 1997 c 338 s 12 and 1997 c 66 s 6 are
16 each reenacted and amended to read as follows:

17 **DESCRIPTION AND OFFENSE CATEGORY**

<i>JUVENILE DISPOSITION OFFENSE CATEGORY</i>	<i>DESCRIPTION (RCW CITATION)</i>	<i>JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION</i>
.....		

23 ***Arson and Malicious Mischief***

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

1		<i>Assault and Other Crimes</i>	
2		<i>Involving Physical Harm</i>	
3	A	<i>Assault 1 (9A.36.011)</i>	B+
4	B+	<i>Assault 2 (9A.36.021)</i>	C+
5	C+	<i>Assault 3 (9A.36.031)</i>	D+
6	D+	<i>Assault 4 (9A.36.041)</i>	E
7	B+	<i>Drive-By Shooting</i>	
8		<i>(9A.36.045)</i>	C+
9	D+	<i>Reckless Endangerment</i>	
10		<i>(9A.36.050)</i>	E
11	C+	<i>Promoting Suicide Attempt</i>	
12		<i>(9A.36.060)</i>	D+
13	D+	<i>Coercion (9A.36.070)</i>	E
14	C+	<i>Custodial Assault (9A.36.100)</i>	D+
15		<i>Burglary and Trespass</i>	
16	B+	<i>Burglary 1 (9A.52.020)</i>	C+
17	B	<i>Residential Burglary</i>	
18		<i>(9A.52.025)</i>	C
19	B	<i>Burglary 2 (9A.52.030)</i>	C
20	D	<i>Burglary Tools (Possession of)</i>	
21		<i>(9A.52.060)</i>	E
22	D	<i>Criminal Trespass 1 (9A.52.070)</i>	E
23	E	<i>Criminal Trespass 2 (9A.52.080)</i>	E
24	C	<i>Vehicle Prowling 1 (9A.52.095)</i>	D
25	D	<i>Vehicle Prowling 2 (9A.52.100)</i>	E
26		<i>Drugs</i>	
27	E	<i>Possession/Consumption of Alcohol</i>	
28		<i>(66.44.270)</i>	E
29	C	<i>Illegally Obtaining Legend Drug</i>	
30		<i>(69.41.020)</i>	D
31	C+	<i>Sale, Delivery, Possession of Legend</i>	
32		<i>Drug with Intent to Sell</i>	
33		<i>(69.41.030)</i>	D+
34	E	<i>Possession of Legend Drug</i>	
35		<i>(69.41.030)</i>	E

1	B+	Violation of Uniform Controlled	
2		Substances Act - Narcotic ((or)),	
3		<u>Methamphetamine, or Flunitrazepam</u>	
4		Sale (69.50.401(a)(1)(i) or (ii))	B+
5	C	Violation of Uniform Controlled	
6		Substances Act - Nonnarcotic Sale	
7		(69.50.401(a)(1)(iii))	C
8	E	Possession of Marihuana <40 grams	
9		(69.50.401(e))	E
10	C	Fraudulently Obtaining Controlled	
11		Substance (69.50.403)	C
12	C+	Sale of Controlled Substance	
13		for Profit (69.50.410)	C+
14	E	Unlawful Inhalation (9.47A.020)	E
15	B	Violation of Uniform Controlled	
16		Substances Act - Narcotic ((or)),	
17		<u>Methamphetamine, or Flunitrazepam</u>	
18		Counterfeit Substances	
19		(69.50.401(b)(1)(i) or (ii))	B
20	C	Violation of Uniform Controlled	
21		Substances Act - Nonnarcotic	
22		Counterfeit Substances	
23		(69.50.401(b)(1) (iii), (iv), (v))	C
24	C	Violation of Uniform Controlled	
25		Substances Act - Possession of a	
26		Controlled Substance	
27		(69.50.401(d))	C
28	C	Violation of Uniform Controlled	
29		Substances Act - Possession of a	
30		Controlled Substance	
31		(69.50.401(c))	C
32		<i>Firearms and Weapons</i>	
33	B	Theft of Firearm (9A.56.300)	C
34	B	Possession of Stolen Firearm	
35		(9A.56.310)	C
36	E	Carrying Loaded Pistol Without	
37		Permit (9.41.050)	E

1	<i>C</i>	<i>Possession of Firearms by Minor (<18)</i>	
2		<i>(9.41.040(1) (b) (iii))</i>	<i>C</i>
3	<i>D+</i>	<i>Possession of Dangerous Weapon</i>	
4		<i>(9.41.250)</i>	<i>E</i>
5	<i>D</i>	<i>Intimidating Another Person by use</i>	
6		<i>of Weapon (9.41.270)</i>	<i>E</i>
7		<i>Homicide</i>	
8	<i>A+</i>	<i>Murder 1 (9A.32.030)</i>	<i>A</i>
9	<i>A+</i>	<i>Murder 2 (9A.32.050)</i>	<i>B+</i>
10	<i>B+</i>	<i>Manslaughter 1 (9A.32.060)</i>	<i>C+</i>
11	<i>C+</i>	<i>Manslaughter 2 (9A.32.070)</i>	<i>D+</i>
12	<i>B+</i>	<i>Vehicular Homicide (46.61.520)</i>	<i>C+</i>
13		<i>Kidnapping</i>	
14	<i>A</i>	<i>Kidnap 1 (9A.40.020)</i>	<i>B+</i>
15	<i>B+</i>	<i>Kidnap 2 (9A.40.030)</i>	<i>C+</i>
16	<i>C+</i>	<i>Unlawful Imprisonment</i>	
17		<i>(9A.40.040)</i>	<i>D+</i>
18		<i>Obstructing Governmental Operation</i>	
19	<i>D</i>	<i>Obstructing a Law Enforcement</i>	
20		<i>Officer (9A.76.020)</i>	<i>E</i>
21	<i>E</i>	<i>Resisting Arrest (9A.76.040)</i>	<i>E</i>
22	<i>B</i>	<i>Introducing Contraband 1</i>	
23		<i>(9A.76.140)</i>	<i>C</i>
24	<i>C</i>	<i>Introducing Contraband 2</i>	
25		<i>(9A.76.150)</i>	<i>D</i>
26	<i>E</i>	<i>Introducing Contraband 3</i>	
27		<i>(9A.76.160)</i>	<i>E</i>
28	<i>B+</i>	<i>Intimidating a Public Servant</i>	
29		<i>(9A.76.180)</i>	<i>C+</i>
30	<i>B+</i>	<i>Intimidating a Witness</i>	
31		<i>(9A.72.110)</i>	<i>C+</i>
32		<i>Public Disturbance</i>	
33	<i>C+</i>	<i>Riot with Weapon (9A.84.010)</i>	<i>D+</i>
34	<i>D+</i>	<i>Riot Without Weapon</i>	
35		<i>(9A.84.010)</i>	<i>E</i>
36	<i>E</i>	<i>Failure to Disperse (9A.84.020)</i>	<i>E</i>
37	<i>E</i>	<i>Disorderly Conduct (9A.84.030)</i>	<i>E</i>

1		Sex Crimes	
2	A	<i>Rape 1 (9A.44.040)</i>	B+
3	A-	<i>Rape 2 (9A.44.050)</i>	B+
4	C+	<i>Rape 3 (9A.44.060)</i>	D+
5	A-	<i>Rape of a Child 1 (9A.44.073)</i>	B+
6	B+	<i>Rape of a Child 2 (9A.44.076)</i>	C+
7	B	<i>Incest 1 (9A.64.020(1))</i>	C
8	C	<i>Incest 2 (9A.64.020(2))</i>	D
9	D+	<i>Indecent Exposure</i>	
10		<i>(Victim <14) (9A.88.010)</i>	E
11	E	<i>Indecent Exposure</i>	
12		<i>(Victim 14 or over) (9A.88.010)</i>	E
13	B+	<i>Promoting Prostitution 1</i>	
14		<i>(9A.88.070)</i>	C+
15	C+	<i>Promoting Prostitution 2</i>	
16		<i>(9A.88.080)</i>	D+
17	E	<i>O & A (Prostitution) (9A.88.030)</i>	E
18	B+	<i>Indecent Liberties (9A.44.100)</i>	C+
19	A-	<i>Child Molestation 1 (9A.44.083)</i>	B+
20	B	<i>Child Molestation 2 (9A.44.086)</i>	C+
21		Theft, Robbery, Extortion, and Forgery	
22	B	<i>Theft 1 (9A.56.030)</i>	C
23	C	<i>Theft 2 (9A.56.040)</i>	D
24	D	<i>Theft 3 (9A.56.050)</i>	E
25	B	<i>Theft of Livestock (9A.56.080)</i>	C
26	C	<i>Forgery (9A.60.020)</i>	D
27	A	<i>Robbery 1 (9A.56.200)</i>	B+
28	B+	<i>Robbery 2 (9A.56.210)</i>	C+
29	B+	<i>Extortion 1 (9A.56.120)</i>	C+
30	C+	<i>Extortion 2 (9A.56.130)</i>	D+
31	B	<i>Possession of Stolen Property 1</i>	
32		<i>(9A.56.150)</i>	C
33	C	<i>Possession of Stolen Property 2</i>	
34		<i>(9A.56.160)</i>	D
35	D	<i>Possession of Stolen Property 3</i>	
36		<i>(9A.56.170)</i>	E
37	C	<i>Taking Motor Vehicle Without</i>	
38		<i>Owner's Permission (9A.56.070)</i>	D

1		Motor Vehicle Related Crimes	
2	<i>E</i>	<i>Driving Without a License</i>	
3		<i>(46.20.005)</i>	<i>E</i>
4	<i>C</i>	<i>Hit and Run - Injury</i>	
5		<i>(46.52.020(4))</i>	<i>D</i>
6	<i>D</i>	<i>Hit and Run-Attended</i>	
7		<i>(46.52.020(5))</i>	<i>E</i>
8	<i>E</i>	<i>Hit and Run-Unattended</i>	
9		<i>(46.52.010)</i>	<i>E</i>
10	<i>C</i>	<i>Vehicular Assault (46.61.522)</i>	<i>D</i>
11	<i>C</i>	<i>Attempting to Elude Pursuing</i>	
12		<i>Police Vehicle (46.61.024)</i>	<i>D</i>
13	<i>E</i>	<i>Reckless Driving (46.61.500)</i>	<i>E</i>
14	<i>D</i>	<i>Driving While Under the Influence</i>	
15		<i>(46.61.502 and 46.61.504)</i>	<i>E</i>
16		Other	
17	<i>B</i>	<i>Bomb Threat (9.61.160)</i>	<i>C</i>
18	<i>C</i>	<i>Escape 1 (9A.76.110)</i>	<i>C</i>
19	<i>C</i>	<i>Escape 2 (9A.76.120)</i>	<i>C</i>
20	<i>D</i>	<i>Escape 3 (9A.76.130)</i>	<i>E</i>
21	<i>E</i>	<i>Obscene, Harassing, Etc.,</i>	
22		<i>Phone Calls (9.61.230)</i>	<i>E</i>
23	<i>A</i>	<i>Other Offense Equivalent to an</i>	
24		<i>Adult Class A Felony</i>	<i>B+</i>
25	<i>B</i>	<i>Other Offense Equivalent to an</i>	
26		<i>Adult Class B Felony</i>	<i>C</i>
27	<i>C</i>	<i>Other Offense Equivalent to an</i>	
28		<i>Adult Class C Felony</i>	<i>D</i>
29	<i>D</i>	<i>Other Offense Equivalent to an</i>	
30		<i>Adult Gross Misdemeanor</i>	<i>E</i>
31	<i>E</i>	<i>Other Offense Equivalent to an</i>	
32		<i>Adult Misdemeanor</i>	<i>E</i>
33	<i>V</i>	<i>Violation of Order of Restitution,</i>	
34		<i>Community Supervision, or</i>	
35		<i>Confinement (13.40.200)</i>	<i>V</i>

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

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

3 2nd escape or attempted escape during 12-month period - 8 weeks
4 confinement

5 3rd and subsequent escape or attempted escape during 12-month
6 period - 12 weeks confinement

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

9 **JUVENILE SENTENCING STANDARDS**

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

12 **OPTION A**
13 **JUVENILE OFFENDER SENTENCING GRID**
14 **STANDARD RANGE**

15		<hr/>				
16	A+	180 WEEKS TO AGE 21 YEARS				
17		<hr/>				
18	A	103 WEEKS TO 129 WEEKS				
19		<hr/>				
20	A-	15-36	/52-65	/80-100	/103-129	
21		WEEKS	/WEEKS	/WEEKS	/WEEKS	
22		EXCEPT	/	/	/	
23		30-40	/	/	/	
24		WEEKS FOR	/	/	/	
25		15-17	/	/	/	
26		YEAR OLDS	/	/	/	
27		<hr/>				
28	Current	B+	15-36	/52-65	/80-100	/103-129
29	Offense		WEEKS	/WEEKS	/WEEKS	/WEEKS
30	Category		<hr/>			
31		B	LOCAL	/	/52-65	
32			SANCTIONS (LS)	/15-36 WEEKS	/WEEKS	
33			<hr/>			
34		C+	LS	/		
35				/15-36 WEEKS		
36			<hr/>			
37		C	LS		/15-36 WEEKS	
38			Local Sanctions:	/		
39			0 to 30 Days			
40		D+	LS	0 to 12 Months Community Supervision		
41				0 to 150 Hours Community Service		

1	<i>D</i>	<i>LS</i>	<i>\$0 to \$500 Fine</i>			
2	<i>E</i>	<i>LS</i>				
3	<hr/>					
4		<i>0</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4 or more</i>
5	PRIOR ADJUDICATIONS					

6 NOTE: References in the grid to days or weeks mean periods of
7 confinement.

8 (1) The vertical axis of the grid is the current offense category.
9 The current offense category is determined by the offense of
10 adjudication.

11 (2) The horizontal axis of the grid is the number of prior
12 adjudications included in the juvenile's criminal history. Each prior
13 felony adjudication shall count as one point. Each prior violation,
14 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
15 point. Fractional points shall be rounded down.

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

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

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

24 **OR**

25 **OPTION B**

26 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

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

31 **OR**

32 **OPTION C**

33 **MANIFEST INJUSTICE**

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

1 **Sec. 6.** RCW 9A.44.050 and 1997 c 392 s 514 are each amended to
2 read as follows:

3 (1) A person is guilty of rape in the second degree when, under
4 circumstances not constituting rape in the first degree, the person
5 engages in sexual intercourse with another person:

6 (a) By forcible compulsion;

7 (b) When the victim is incapable of consent by reason of being
8 physically helpless or mentally incapacitated, including physical
9 helplessness or mental incapacity induced by any controlled substance
10 and the perpetrator knows of the helplessness or incapacity;

11 (c) When the victim is developmentally disabled and the
12 perpetrator is a person who is not married to the victim and who has
13 supervisory authority over the victim;

14 (d) When the perpetrator is a health care provider, the victim is
15 a client or patient, and the sexual intercourse occurs during a
16 treatment session, consultation, interview, or examination. It is an
17 affirmative defense that the defendant must prove by a preponderance of
18 the evidence that the client or patient consented to the sexual
19 intercourse with the knowledge that the sexual intercourse was not for
20 the purpose of treatment;

21 (e) When the victim is a resident of a facility for mentally
22 disordered or chemically dependent persons and the perpetrator is a
23 person who is not married to the victim and has supervisory authority
24 over the victim; or

25 (f) When the victim is a frail elder or vulnerable adult and the
26 perpetrator is a person who is not married to the victim and who has a
27 significant relationship with the victim.

28 (2) Rape in the second degree is a class A felony.

29 **Sec. 7.** RCW 9A.44.100 and 1997 c 392 s 515 are each amended to
30 read as follows:

31 (1) A person is guilty of indecent liberties when he knowingly
32 causes another person who is not his spouse to have sexual contact with
33 him or another:

34 (a) By forcible compulsion;

35 (b) When the other person is incapable of consent by reason of
36 being mentally defective, mentally incapacitated, or physically
37 helpless, including mental incapacity or physical helplessness induced

1 by any controlled substance and the perpetrator knows of the defect,
2 incapacity, or helplessness;

3 (c) When the victim is developmentally disabled and the
4 perpetrator is a person who is not married to the victim and who has
5 supervisory authority over the victim;

6 (d) When the perpetrator is a health care provider, the victim is
7 a client or patient, and the sexual contact occurs during a treatment
8 session, consultation, interview, or examination. It is an affirmative
9 defense that the defendant must prove by a preponderance of the
10 evidence that the client or patient consented to the sexual contact
11 with the knowledge that the sexual contact was not for the purpose of
12 treatment;

13 (e) When the victim is a resident of a facility for mentally
14 disordered or chemically dependent persons and the perpetrator is a
15 person who is not married to the victim and has supervisory authority
16 over the victim; or

17 (f) When the victim is a frail elder or vulnerable adult and the
18 perpetrator is a person who is not married to the victim and who has a
19 significant relationship with the victim.

20 (2) Indecent liberties is a class B felony.

21 NEW SECTION. Sec. 8. A new section is added to chapter 9A.44 RCW
22 to read as follows:

23 Rape crisis centers, law enforcement, and hospital emergency rooms
24 shall provide to all personnel investigating cases of sexual assault
25 training on how to recognize the presence of sedating substances, how
26 to test for the substances, and the appropriate chain of custody
27 procedures to follow so that the evidence may be used in a court of
28 law. The training required by this section may be incorporated into
29 existing training programs.

30 NEW SECTION. Sec. 9. This act applies to crimes committed on or
31 after July 1, 1998.

32 NEW SECTION. Sec. 10. This act takes effect July 1, 1998.

33 NEW SECTION. Sec. 11. If any provision of this act or its
34 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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