
SUBSTITUTE HOUSE BILL 1255

State of Washington

56th Legislature

1999 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Koster, O'Brien, Ballasiotes, Dunn, Radcliff and Esser)

Read first time 03/02/1999.

1 AN ACT Relating to motor vehicle theft; amending RCW 9A.56.070,
2 9.94A.360, and 13.40.0357; reenacting and amending RCW 9.94A.320; and
3 prescribing penalties.

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

5 **Sec. 1.** RCW 9A.56.070 and 1975 1st ex.s. c 260 s 9A.56.070 are
6 each amended to read as follows:

7 (1) (~~Every person who shall~~) (a) A person is guilty of taking a
8 motor vehicle without permission in the first degree if he or she,
9 without the permission of the owner or person entitled to possession,
10 intentionally takes or drives away any automobile or motor vehicle,
11 whether propelled by steam, electricity, or internal combustion engine,
12 that is the property of another, and he or she:

13 (i) Alters the motor vehicle for the purpose of changing its
14 appearance or primary identification, including obscuring, removing, or
15 changing the manufacturer's serial number or the vehicle identification
16 number plates;

17 (ii) Removes, or participates in the removal of, parts from the
18 motor vehicle with the intent to sell the parts;

1 (iii) Exports, or attempts to export, the motor vehicle across
2 state lines or out of the United States for profit;

3 (iv) Intends to sell the motor vehicle; or

4 (v) Is engaged in a conspiracy and the central object of the
5 conspiratorial agreement is the theft of motor vehicles for sale to
6 others for profit.

7 (b) Taking a motor vehicle without permission in the first degree
8 is a class B felony.

9 (2)(a) A person is guilty of taking a motor vehicle without
10 permission in the second degree if he or she, without the permission
11 of the owner or person entitled to ((the)) possession ((thereof)),
12 intentionally takes or drives away any automobile or motor vehicle,
13 whether propelled by steam, electricity, or internal combustion engine,
14 that is the property of another, ((shall be deemed guilty of a felony,
15 and every person)) or he or she voluntarily ((riding)) rides in or upon
16 ((said)) the automobile or motor vehicle with knowledge of the fact
17 that ((the same)) it was unlawfully taken ((shall be equally guilty
18 with the person taking or driving said automobile or motor vehicle and
19 shall be deemed guilty of taking a motor vehicle without permission)).

20 ((+2)) (b) Taking a motor vehicle without permission in the second
21 degree is a class C felony.

22 **Sec. 2.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c
23 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as
24 follows:

25 TABLE 2

26 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

27 XV	Aggravated Murder 1 (RCW 10.95.020)
28 XIV	Murder 1 (RCW 9A.32.030)
29	Homicide by abuse (RCW 9A.32.055)
30	Malicious explosion 1 (RCW 70.74.280(1))
31 XIII	Murder 2 (RCW 9A.32.050)
32	Malicious explosion 2 (RCW 70.74.280(2))
33	Malicious placement of an explosive 1 (RCW
34	70.74.270(1))

1 XII Assault 1 (RCW 9A.36.011)
2 Assault of a Child 1 (RCW 9A.36.120)
3 Rape 1 (RCW 9A.44.040)
4 Rape of a Child 1 (RCW 9A.44.073)
5 Malicious placement of an imitation device
6 1 (RCW 70.74.272(1)(a))
7 XI Rape 2 (RCW 9A.44.050)
8 Rape of a Child 2 (RCW 9A.44.076)
9 Manslaughter 1 (RCW 9A.32.060)
10 X Kidnapping 1 (RCW 9A.40.020)
11 Child Molestation 1 (RCW 9A.44.083)
12 Malicious explosion 3 (RCW 70.74.280(3))
13 Over 18 and deliver heroin, a narcotic from
14 Schedule I or II, or flunitrazepam
15 from Schedule IV to someone under 18
16 (RCW 69.50.406)
17 Leading Organized Crime (RCW
18 9A.82.060(1)(a))
19 Indecent Liberties (with forcible
20 compulsion) (RCW 9A.44.100(1)(a))
21 Manufacture of methamphetamine (RCW
22 69.50.401(a)(1)(ii))
23 IX Assault of a Child 2 (RCW 9A.36.130)
24 Robbery 1 (RCW 9A.56.200)
25 Explosive devices prohibited (RCW
26 70.74.180)
27 Malicious placement of an explosive 2 (RCW
28 70.74.270(2))
29 Over 18 and deliver narcotic from Schedule
30 III, IV, or V or a nonnarcotic, except
31 flunitrazepam, from Schedule I-V to
32 someone under 18 and 3 years junior
33 (RCW 69.50.406)
34 Controlled Substance Homicide (RCW
35 69.50.415)

1 Sexual Exploitation (RCW 9.68A.040)
2 Inciting Criminal Profiteering (RCW
3 9A.82.060(1)(b))
4 Vehicular Homicide, by being under the
5 influence of intoxicating liquor or
6 any drug (RCW 46.61.520)
7 Homicide by Watercraft, by being under the
8 influence of intoxicating liquor or
9 any drug (RCW 88.12.029)

10 VIII Arson 1 (RCW 9A.48.020)
11 Promoting Prostitution 1 (RCW 9A.88.070)
12 Selling for profit (controlled or
13 counterfeit) any controlled substance
14 (RCW 69.50.410)
15 Manufacture, deliver, or possess with
16 intent to deliver heroin or cocaine
17 (RCW 69.50.401(a)(1)(i))
18 Deliver or possess with intent to deliver
19 m e t h a m p h e t a m i n e (R C W
20 69.50.401(a)(1)(ii))
21 Manufacture, deliver, or possess with
22 intent to deliver amphetamine (RCW
23 69.50.401(a)(1)(ii))
24 Possession of ephedrine or pseudoephedrine
25 with intent to manufacture
26 methamphetamine (RCW 69.50.440)
27 Vehicular Homicide, by the operation of any
28 vehicle in a reckless manner (RCW
29 46.61.520)
30 Homicide by Watercraft, by the operation of
31 any vessel in a reckless manner (RCW
32 88.12.029)
33 Manslaughter 2 (RCW 9A.32.070)

1 VII Burglary 1 (RCW 9A.52.020)
2 Vehicular Homicide, by disregard for the
3 safety of others (RCW 46.61.520)
4 Homicide by Watercraft, by disregard for
5 the safety of others (RCW 88.12.029)
6 Introducing Contraband 1 (RCW 9A.76.140)
7 Indecent Liberties (without forcible
8 compulsion) (RCW 9A.44.100(1) (b) and
9 (c))
10 Child Molestation 2 (RCW 9A.44.086)
11 Dealing in depictions of minor engaged in
12 sexually explicit conduct (RCW
13 9.68A.050)
14 Sending, bringing into state depictions of
15 minor engaged in sexually explicit
16 conduct (RCW 9.68A.060)
17 Involving a minor in drug dealing (RCW
18 69.50.401(f))
19 Drive-by Shooting (RCW 9A.36.045)
20 Unlawful Possession of a Firearm in the
21 first degree (RCW 9.41.040(1)(a))
22 Malicious placement of an explosive 3 (RCW
23 70.74.270(3))
24 VI Bribery (RCW 9A.68.010)
25 Rape of a Child 3 (RCW 9A.44.079)
26 Intimidating a Juror/Witness (RCW
27 9A.72.110, 9A.72.130)
28 Malicious placement of an imitation device
29 2 (RCW 70.74.272(1)(b))
30 Incest 1 (RCW 9A.64.020(1))
31 Manufacture, deliver, or possess with
32 intent to deliver narcotics from
33 Schedule I or II (except heroin or
34 cocaine) or flunitrazepam from
35 Schedule IV (RCW 69.50.401(a)(1)(i))
36 Intimidating a Judge (RCW 9A.72.160)
37 Bail Jumping with Murder 1 (RCW
38 9A.76.170(2)(a))
39 Theft of a Firearm (RCW 9A.56.300)

1 V Persistent prison misbehavior (RCW
2 9.94.070)
3 Criminal Mistreatment 1 (RCW 9A.42.020)
4 Abandonment of dependent person 1 (RCW
5 9A.42.060)
6 Rape 3 (RCW 9A.44.060)
7 Sexual Misconduct with a Minor 1 (RCW
8 9A.44.093)
9 Child Molestation 3 (RCW 9A.44.089)
10 Kidnapping 2 (RCW 9A.40.030)
11 Extortion 1 (RCW 9A.56.120)
12 Incest 2 (RCW 9A.64.020(2))
13 Perjury 1 (RCW 9A.72.020)
14 Extortionate Extension of Credit (RCW
15 9A.82.020)
16 Advancing money or property for
17 extortionate extension of credit (RCW
18 9A.82.030)
19 Extortionate Means to Collect Extensions of
20 Credit (RCW 9A.82.040)
21 Rendering Criminal Assistance 1 (RCW
22 9A.76.070)
23 Bail Jumping with class A Felony (RCW
24 9A.76.170(2)(b))
25 Sexually Violating Human Remains (RCW
26 9A.44.105)
27 Delivery of imitation controlled substance
28 by person eighteen or over to person
29 under eighteen (RCW 69.52.030(2))
30 Possession of a Stolen Firearm (RCW
31 9A.56.310)
32 Taking Motor Vehicle Without Permission 1
33 (RCW 9A.56.070(1))

34 IV Residential Burglary (RCW 9A.52.025)
35 Theft of Livestock 1 (RCW 9A.56.080)
36 Robbery 2 (RCW 9A.56.210)
37 Assault 2 (RCW 9A.36.021)
38 Escape 1 (RCW 9A.76.110)
39 Arson 2 (RCW 9A.48.030)

1 Commercial Bribery (RCW 9A.68.060)
2 Bribing a Witness/Bribe Received by Witness
3 (RCW 9A.72.090, 9A.72.100)
4 Malicious Harassment (RCW 9A.36.080)
5 Threats to Bomb (RCW 9.61.160)
6 Willful Failure to Return from Furlough
7 (RCW 72.66.060)
8 Hit and Run--Injury Accident (RCW
9 46.52.020(4))
10 Hit and Run with Vessel--Injury Accident
11 (RCW 88.12.155(3))
12 Vehicular Assault (RCW 46.61.522)
13 Assault by Watercraft (RCW 88.12.032)
14 Manufacture, deliver, or possess with
15 intent to deliver narcotics from
16 Schedule III, IV, or V or nonnarcotics
17 from Schedule I-V (except marijuana,
18 amphetamine, methamphetamines, or
19 flunitrazepam) (RCW 69.50.401(a)(1)
20 (iii) through (v))
21 Influencing Outcome of Sporting Event (RCW
22 9A.82.070)
23 Use of Proceeds of Criminal Profiteering
24 (RCW 9A.82.080 (1) and (2))
25 Knowingly Trafficking in Stolen Property
26 (RCW 9A.82.050(2))
27 III Criminal Gang Intimidation (RCW 9A.46.120)
28 Criminal Mistreatment 2 (RCW 9A.42.030)
29 Abandonment of dependent person 2 (RCW
30 9A.42.070)
31 Extortion 2 (RCW 9A.56.130)
32 Unlawful Imprisonment (RCW 9A.40.040)
33 Assault 3 (RCW 9A.36.031)
34 Assault of a Child 3 (RCW 9A.36.140)
35 Custodial Assault (RCW 9A.36.100)
36 Unlawful possession of firearm in the
37 second degree (RCW 9.41.040(1)(b))
38 Harassment (RCW 9A.46.020)
39 Promoting Prostitution 2 (RCW 9A.88.080)

1 Willful Failure to Return from Work Release
2 (RCW 72.65.070)
3 Burglary 2 (RCW 9A.52.030)
4 Introducing Contraband 2 (RCW 9A.76.150)
5 Communication with a Minor for Immoral
6 Purposes (RCW 9.68A.090)
7 Patronizing a Juvenile Prostitute (RCW
8 9.68A.100)
9 Escape 2 (RCW 9A.76.120)
10 Perjury 2 (RCW 9A.72.030)
11 Bail Jumping with class B or C Felony (RCW
12 9A.76.170(2)(c))
13 Intimidating a Public Servant (RCW
14 9A.76.180)
15 Tampering with a Witness (RCW 9A.72.120)
16 Manufacture, deliver, or possess with
17 intent to deliver marijuana (RCW
18 69.50.401(a)(1)(iii))
19 Delivery of a material in lieu of a
20 controlled substance (RCW
21 69.50.401(c))
22 Manufacture, distribute, or possess with
23 intent to distribute an imitation
24 controlled substance (RCW
25 69.52.030(1))
26 Recklessly Trafficking in Stolen Property
27 (RCW 9A.82.050(1))
28 Theft of livestock 2 (RCW 9A.56.080)
29 Securities Act violation (RCW 21.20.400)
30 II Unlawful Practice of Law (RCW 2.48.180)
31 Malicious Mischief 1 (RCW 9A.48.070)
32 Possession of Stolen Property 1 (RCW
33 9A.56.150)
34 Theft 1 (RCW 9A.56.030)
35 Taking Motor Vehicle Without Permission 2
36 (RCW 9A.56.070)
37 Class B Felony Theft of Rental, Leased, or
38 Lease-purchased Property (RCW
39 9A.56.096(4))

1 Trafficking in Insurance Claims (RCW
2 48.30A.015)
3 Unlicensed Practice of a Profession or
4 Business (RCW 18.130.190(7))
5 Health Care False Claims (RCW 48.80.030)
6 Possession of controlled substance that is
7 either heroin or narcotics from
8 Schedule I or II or flunitrazepam from
9 Schedule IV (RCW 69.50.401(d))
10 Possession of phencyclidine (PCP) (RCW
11 69.50.401(d))
12 Create, deliver, or possess a counterfeit
13 controlled substance (RCW
14 69.50.401(b))
15 Computer Trespass 1 (RCW 9A.52.110)
16 Escape from Community Custody (RCW
17 72.09.310)
18 I Theft 2 (RCW 9A.56.040)
19 Class C Felony Theft of Rental, Leased, or
20 Lease-purchased Property (RCW
21 9A.56.096(4))
22 Possession of Stolen Property 2 (RCW
23 9A.56.160)
24 Forgery (RCW 9A.60.020)
25 ~~((Taking Motor Vehicle Without Permission
26 ~~(RCW 9A.56.070))~~)~~
27 Vehicle Prowl 1 (RCW 9A.52.095)
28 Attempting to Elude a Pursuing Police
29 Vehicle (RCW 46.61.024)
30 Malicious Mischief 2 (RCW 9A.48.080)
31 Reckless Burning 1 (RCW 9A.48.040)
32 Unlawful Issuance of Checks or Drafts (RCW
33 9A.56.060)
34 Unlawful Use of Food Stamps (RCW 9.91.140
35 (2) and (3))
36 False Verification for Welfare (RCW
37 74.08.055)
38 Forged Prescription (RCW 69.41.020)

1 Forged Prescription for a Controlled
2 Substance (RCW 69.50.403)
3 Possess Controlled Substance that is a
4 Narcotic from Schedule III, IV, or V
5 or Non-narcotic from Schedule I-V
6 (except phencyclidine or
7 flunitrazepam) (RCW 69.50.401(d))

8 **Sec. 3.** RCW 9.94A.360 and 1998 c 211 s 4 are each amended to read
9 as follows:

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

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

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

19 (2) Class A and sex prior felony convictions shall always be
20 included in the offender score. Class B prior felony convictions other
21 than sex offenses shall not be included in the offender score, if since
22 the last date of release from confinement (including full-time
23 residential treatment) pursuant to a felony conviction, if any, or
24 entry of judgment and sentence, the offender had spent ten consecutive
25 years in the community without committing any crime that subsequently
26 results in a conviction. Class C prior felony convictions other than
27 sex offenses shall not be included in the offender score if, since the
28 last date of release from confinement (including full-time residential
29 treatment) pursuant to a felony conviction, if any, or entry of
30 judgment and sentence, the offender had spent five consecutive years in
31 the community without committing any crime that subsequently results in
32 a conviction. Serious traffic convictions shall not be included in the
33 offender score if, since the last date of release from confinement
34 (including full-time residential treatment) pursuant to a felony
35 conviction, if any, or entry of judgment and sentence, the offender
36 spent five years in the community without committing any crime that
37 subsequently results in a conviction. This subsection applies to both
38 adult and juvenile prior convictions.

1 (3) Out-of-state convictions for offenses shall be classified
2 according to the comparable offense definitions and sentences provided
3 by Washington law. Federal convictions for offenses shall be
4 classified according to the comparable offense definitions and
5 sentences provided by Washington law. If there is no clearly
6 comparable offense under Washington law or the offense is one that is
7 usually considered subject to exclusive federal jurisdiction, the
8 offense shall be scored as a class C felony equivalent if it was a
9 felony under the relevant federal statute.

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

13 (5)(a) In the case of multiple prior convictions, for the purpose
14 of computing the offender score, count all convictions separately,
15 except:

16 (i) Prior offenses which were found, under RCW 9.94A.400(1)(a), to
17 encompass the same criminal conduct, shall be counted as one offense,
18 the offense that yields the highest offender score. The current
19 sentencing court shall determine with respect to other prior adult
20 offenses for which sentences were served concurrently or prior juvenile
21 offenses for which sentences were served consecutively, whether those
22 offenses shall be counted as one offense or as separate offenses using
23 the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and
24 if the court finds that they shall be counted as one offense, then the
25 offense that yields the highest offender score shall be used. The
26 current sentencing court may presume that such other prior offenses
27 were not the same criminal conduct from sentences imposed on separate
28 dates, or in separate counties or jurisdictions, or in separate
29 complaints, indictments, or informations;

30 (ii) In the case of multiple prior convictions for offenses
31 committed before July 1, 1986, for the purpose of computing the
32 offender score, count all adult convictions served concurrently as one
33 offense, and count all juvenile convictions entered on the same date as
34 one offense. Use the conviction for the offense that yields the
35 highest offender score.

36 (b) As used in this subsection (5), "served concurrently" means
37 that: (i) The latter sentence was imposed with specific reference to
38 the former; (ii) the concurrent relationship of the sentences was
39 judicially imposed; and (iii) the concurrent timing of the sentences

1 was not the result of a probation or parole revocation on the former
2 offense.

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

6 (7) If the present conviction is for a nonviolent offense and not
7 covered by subsection (11) or (12) of this section, count one point for
8 each adult prior felony conviction and one point for each juvenile
9 prior violent felony conviction and 1/2 point for each juvenile prior
10 nonviolent felony conviction.

11 (8) If the present conviction is for a violent offense and not
12 covered in subsection (9), (10), (11), or (12) of this section, count
13 two points for each prior adult and juvenile violent felony conviction,
14 one point for each prior adult nonviolent felony conviction, and 1/2
15 point for each prior juvenile nonviolent felony conviction.

16 (9) If the present conviction is for Murder 1 or 2, Assault 1,
17 Assault of a Child 1, Kidnapping 1, Homicide by Abuse, or Rape 1, count
18 three points for prior adult and juvenile convictions for crimes in
19 these categories, two points for each prior adult and juvenile violent
20 conviction (not already counted), one point for each prior adult
21 nonviolent felony conviction, and 1/2 point for each prior juvenile
22 nonviolent felony conviction.

23 (10) If the present conviction is for Burglary 1, count prior
24 convictions as in subsection (8) of this section; however count two
25 points for each prior adult Burglary 2 or residential burglary
26 conviction, and one point for each prior juvenile Burglary 2 or
27 residential burglary conviction.

28 (11) If the present conviction is for a felony traffic offense
29 count two points for each adult or juvenile prior conviction for
30 Vehicular Homicide or Vehicular Assault; for each felony offense or
31 serious traffic offense, count one point for each adult and 1/2 point
32 for each juvenile prior conviction. This subsection shall not apply
33 when additional time is added to a sentence pursuant to RCW
34 46.61.520(2).

35 (12) If the present conviction is for a drug offense count three
36 points for each adult prior felony drug offense conviction and two
37 points for each juvenile drug offense. All other adult and juvenile
38 felonies are scored as in subsection (8) of this section if the current

1 drug offense is violent, or as in subsection (7) of this section if the
2 current drug offense is nonviolent.

3 (13) If the present conviction is for Willful Failure to Return
4 from Furlough, RCW 72.66.060, Willful Failure to Return from Work
5 Release, RCW 72.65.070, or Escape from Community Custody, RCW
6 72.09.310, count only prior escape convictions in the offender score.
7 Count adult prior escape convictions as one point and juvenile prior
8 escape convictions as 1/2 point.

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

12 (15) If the present conviction is for Burglary 2 or residential
13 burglary, count priors as in subsection (7) of this section; however,
14 count two points for each adult and juvenile prior Burglary 1
15 conviction, two points for each adult prior Burglary 2 or residential
16 burglary conviction, and one point for each juvenile prior Burglary 2
17 or residential burglary conviction.

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

21 (17) If the present conviction is for taking a motor vehicle
22 without permission, first or second degree, count two points for each
23 prior adult and juvenile conviction for this offense.

24 (18) If the present conviction is for an offense committed while
25 the offender was under community placement, add one point.

26 **Sec. 4.** RCW 13.40.0357 and 1998 c 290 s 5 are each amended to read
27 as follows:

28 **DESCRIPTION AND OFFENSE CATEGORY**

29	JUVENILE		JUVENILE DISPOSITION
30	DISPOSITION		CATEGORY FOR ATTEMPT,
31	OFFENSE		BAILJUMP, CONSPIRACY,
32	CATEGORY	DESCRIPTION (RCW CITATION)	OR SOLICITATION
33

34 **Arson and Malicious Mischief**

35	A	Arson 1 (9A.48.020)	B+
36	B	Arson 2 (9A.48.030)	C
37	C	Reckless Burning 1 (9A.48.040)	D

1	D	Reckless Burning 2 (9A.48.050)	E
2	B	Malicious Mischief 1 (9A.48.070)	C
3	C	Malicious Mischief 2 (9A.48.080)	D
4	D	Malicious Mischief 3 (<\$50 is	
5		E class) (9A.48.090)	E
6	E	Tampering with Fire Alarm	
7		Apparatus (9.40.100)	E
8	A	Possession of Incendiary Device	
9		(9.40.120)	B+
10		Assault and Other Crimes	
11		Involving Physical Harm	
12	A	Assault 1 (9A.36.011)	B+
13	B+	Assault 2 (9A.36.021)	C+
14	C+	Assault 3 (9A.36.031)	D+
15	D+	Assault 4 (9A.36.041)	E
16	B+	Drive-By Shooting	
17		(9A.36.045)	C+
18	D+	Reckless Endangerment	
19		(9A.36.050)	E
20	C+	Promoting Suicide Attempt	
21		(9A.36.060)	D+
22	D+	Coercion (9A.36.070)	E
23	C+	Custodial Assault (9A.36.100)	D+
24		Burglary and Trespass	
25	B+	Burglary 1 (9A.52.020)	C+
26	B	Residential Burglary	
27		(9A.52.025)	C
28	B	Burglary 2 (9A.52.030)	C
29	D	Burglary Tools (Possession of)	
30		(9A.52.060)	E
31	D	Criminal Trespass 1 (9A.52.070)	E
32	E	Criminal Trespass 2 (9A.52.080)	E
33	C	Vehicle Prowling 1 (9A.52.095)	D
34	D	Vehicle Prowling 2 (9A.52.100)	E
35		Drugs	
36	E	Possession/Consumption of Alcohol	
37		(66.44.270)	E

1	C	Illegally Obtaining Legend Drug	
2		(69.41.020)	D
3	C+	Sale, Delivery, Possession of Legend	
4		Drug with Intent to Sell	
5		(69.41.030)	D+
6	E	Possession of Legend Drug	
7		(69.41.030)	E
8	B+	Violation of Uniform Controlled	
9		Substances Act - Narcotic,	
10		Methamphetamine, or Flunitrazepam	
11		Sale (69.50.401(a)(1) (i) or (ii))	B+
12	C	Violation of Uniform Controlled	
13		Substances Act - Nonnarcotic Sale	
14		(69.50.401(a)(1)(iii))	C
15	E	Possession of Marihuana <40 grams	
16		(69.50.401(e))	E
17	C	Fraudulently Obtaining Controlled	
18		Substance (69.50.403)	C
19	C+	Sale of Controlled Substance	
20		for Profit (69.50.410)	C+
21	E	Unlawful Inhalation (9.47A.020)	E
22	B	Violation of Uniform Controlled	
23		Substances Act - Narcotic,	
24		Methamphetamine, or Flunitrazepam	
25		Counterfeit Substances	
26		(69.50.401(b)(1) (i) or (ii))	B
27	C	Violation of Uniform Controlled	
28		Substances Act - Nonnarcotic	
29		Counterfeit Substances	
30		(69.50.401(b)(1) (iii), (iv), (v))	C
31	C	Violation of Uniform Controlled	
32		Substances Act - Possession of a	
33		Controlled Substance	
34		(69.50.401(d))	C
35	C	Violation of Uniform Controlled	
36		Substances Act - Possession of a	
37		Controlled Substance	
38		(69.50.401(c))	C

1		Firearms and Weapons	
2	B	Theft of Firearm (9A.56.300)	C
3	B	Possession of Stolen Firearm	
4		(9A.56.310)	C
5	E	Carrying Loaded Pistol Without	
6		Permit (9.41.050)	E
7	C	Possession of Firearms by Minor (<18)	
8		(9.41.040(1)(b)(iii))	C
9	D+	Possession of Dangerous Weapon	
10		(9.41.250)	E
11	D	Intimidating Another Person by use	
12		of Weapon (9.41.270)	E
13		Homicide	
14	A+	Murder 1 (9A.32.030)	A
15	A+	Murder 2 (9A.32.050)	B+
16	B+	Manslaughter 1 (9A.32.060)	C+
17	C+	Manslaughter 2 (9A.32.070)	D+
18	B+	Vehicular Homicide (46.61.520)	C+
19		Kidnapping	
20	A	Kidnap 1 (9A.40.020)	B+
21	B+	Kidnap 2 (9A.40.030)	C+
22	C+	Unlawful Imprisonment	
23		(9A.40.040)	D+
24		Obstructing Governmental Operation	
25	D	Obstructing a Law Enforcement	
26		Officer (9A.76.020)	E
27	E	Resisting Arrest (9A.76.040)	E
28	B	Introducing Contraband 1	
29		(9A.76.140)	C
30	C	Introducing Contraband 2	
31		(9A.76.150)	D
32	E	Introducing Contraband 3	
33		(9A.76.160)	E
34	B+	Intimidating a Public Servant	
35		(9A.76.180)	C+
36	B+	Intimidating a Witness	
37		(9A.72.110)	C+

1		Public Disturbance	
2	C+	Riot with Weapon (9A.84.010)	D+
3	D+	Riot Without Weapon	
4		(9A.84.010)	E
5	E	Failure to Disperse (9A.84.020)	E
6	E	Disorderly Conduct (9A.84.030)	E
7		Sex Crimes	
8	A	Rape 1 (9A.44.040)	B+
9	A-	Rape 2 (9A.44.050)	B+
10	C+	Rape 3 (9A.44.060)	D+
11	A-	Rape of a Child 1 (9A.44.073)	B+
12	B+	Rape of a Child 2 (9A.44.076)	C+
13	B	Incest 1 (9A.64.020(1))	C
14	C	Incest 2 (9A.64.020(2))	D
15	D+	Indecent Exposure	
16		(Victim <14) (9A.88.010)	E
17	E	Indecent Exposure	
18		(Victim 14 or over) (9A.88.010)	E
19	B+	Promoting Prostitution 1	
20		(9A.88.070)	C+
21	C+	Promoting Prostitution 2	
22		(9A.88.080)	D+
23	E	O & A (Prostitution) (9A.88.030)	E
24	B+	Indecent Liberties (9A.44.100)	C+
25	A-	Child Molestation 1 (9A.44.083)	B+
26	B	Child Molestation 2 (9A.44.086)	C+
27		Theft, Robbery, Extortion, and Forgery	
28	B	Theft 1 (9A.56.030)	C
29	C	Theft 2 (9A.56.040)	D
30	D	Theft 3 (9A.56.050)	E
31	B	Theft of Livestock (9A.56.080)	C
32	C	Forgery (9A.60.020)	D
33	A	Robbery 1 (9A.56.200)	B+
34	B+	Robbery 2 (9A.56.210)	C+
35	B+	Extortion 1 (9A.56.120)	C+
36	C+	Extortion 2 (9A.56.130)	D+
37	B	Possession of Stolen Property 1	
38		(9A.56.150)	C

1	C	Possession of Stolen Property 2	
2		(9A.56.160)	D
3	D	Possession of Stolen Property 3	
4		(9A.56.170)	E
5	<u>B+</u>	<u>Taking Motor Vehicle Without</u>	
6		<u>Permission 1 (9A.56.070(1))</u>	<u>C+</u>
7	((€))		
8	<u>B</u>	Taking Motor Vehicle Without	
9		((Owner's)) Permission 2	
10		(9A.56.070(2))	((Ⓓ))
11			<u>C</u>
12		Motor Vehicle Related Crimes	
13	E	Driving Without a License	
14		(46.20.005)	E
15	C	Hit and Run - Injury	
16		(46.52.020(4))	D
17	D	Hit and Run-Attended	
18		(46.52.020(5))	E
19	E	Hit and Run-Unattended	
20		(46.52.010)	E
21	C	Vehicular Assault (46.61.522)	D
22	C	Attempting to Elude Pursuing	
23		Police Vehicle (46.61.024)	D
24	E	Reckless Driving (46.61.500)	E
25	D	Driving While Under the Influence	
26		(46.61.502 and 46.61.504)	E
27		Other	
28	B	Bomb Threat (9.61.160)	C
29	C	Escape 1 (9A.76.110)	C
30	C	Escape 2 (9A.76.120)	C
31	D	Escape 3 (9A.76.130)	E
32	E	Obscene, Harassing, Etc.,	
33		Phone Calls (9.61.230)	E
34	A	Other Offense Equivalent to an	
35		Adult Class A Felony	B+
36	B	Other Offense Equivalent to an	
37		Adult Class B Felony	C

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

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

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

14 2nd escape or attempted escape during 12-month period - 8 weeks
15 confinement

16 3rd and subsequent escape or attempted escape during 12-month
17 period - 12 weeks confinement

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

20 **JUVENILE SENTENCING STANDARDS**

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

OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

Current Offense Category	0	1	2	3	4 or more
A+	180 WEEKS TO AGE 21 YEARS				
A	103 WEEKS TO 129 WEEKS				
A-	15-36 WEEKS EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS	
B+	15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS	
B	LOCAL SANCTIONS (LS)	15-36 WEEKS	52-65 WEEKS		
C+	LS		15-36 WEEKS		
C	LS			15-36 WEEKS	
		Local Sanctions:			
		0 to 30 Days			
D+	LS	0 to 12 Months Community Supervision			
		0 to 150 Hours Community Service			
D	LS	\$0 to \$500 Fine			
E	LS				
	0	1	2	3	4 or more

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).

--- END ---