
HOUSE BILL 1150

State of Washington

57th Legislature

2001 Regular Session

By Representatives Lovick, Ballasiotes, O'Brien, Kagi, Haigh, Ahern, Simpson, Grant, Campbell, Keiser, Benson, Bush, Conway and Esser

Read first time 01/18/2001. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to mail theft and destruction; amending RCW
2 13.40.0357; reenacting and amending RCW 9.94A.320; adding a new chapter
3 to Title 9A RCW; creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Authorized depository" means a mailbox, post office box, or
8 rural box used by postal customers to deposit outgoing mail or used by
9 the postal service to deliver incoming mail.

10 (2) "Letter box" means a receptacle that is used for a specific
11 address intended or used for the receipt or delivery of mail on a mail
12 route.

13 (3)(a) "Mail" means a letter, card, parcel, or other material that:

14 (i) Is sent or delivered by means of the postal service;

15 (ii) Has postage affixed by the postal customer or postal service;

16 and

17 (iii) Is placed in an authorized depository or mail receptacle.

18 (b) "Mail" includes articles contained in mail.

1 (4) "Mail receptacle" means a place used by the postal service or
2 postal customers to place outgoing mail or receive incoming mail.

3 (5) "Postage" means a postal service stamp, permit imprint, meter
4 strip, or other authorized indication of prepayment for service
5 provided by the postal service for collection and delivery of mail.

6 (6) "Postal service" means the United States postal service.

7 (7) The phrase "of another" does not include persons with whom the
8 defendant has a familial, parental, spousal, employment, or other
9 relationship that would otherwise reasonably allow the defendant to
10 take, dispose of, or otherwise intercept the person's mail.

11 NEW SECTION. **Sec. 2.** (1) A person commits the crime of
12 obstruction of mail if the person intentionally obstructs or
13 unreasonably delays:

14 (a) The passage of the mail; or

15 (b) A carrier or conveyance carrying the mail.

16 (2) Obstruction of mail is a gross misdemeanor.

17 NEW SECTION. **Sec. 3.** (1) A person commits the crime of
18 destruction of letter boxes if the person knowingly and maliciously:

19 (a) Tears down or destroys a letter box belonging to another; or

20 (b) Breaks open a letter box belonging to another.

21 (2) Destruction of letter boxes is a gross misdemeanor.

22 NEW SECTION. **Sec. 4.** (1) A person commits the crime of
23 destruction of mail if the person knowingly and maliciously injures,
24 destroys, or defaces mail of another that has been deposited in an
25 authorized depository.

26 (2) Destruction of mail is a class C felony.

27 NEW SECTION. **Sec. 5.** (1) A person commits the crime of mail theft
28 or receipt of stolen mail if the person knowingly:

29 (a) Takes, or by fraud or deception, obtains mail of another from
30 a mail receptacle, authorized depository, or mail carrier;

31 (b) Secretes, embezzles, or destroys mail of another;

32 (c) Takes, or by fraud or deception, obtains mail of another that
33 has been left for collection on or adjacent to an authorized depository
34 or mail receptacle; or

1 (d) Buys, receives, conceals, or unlawfully possesses mail of
2 another knowing that the mail was taken, obtained, or embezzled as
3 described in this subsection.

4 (2) Mail theft or receipt of stolen mail is a class C felony.

5 NEW SECTION. **Sec. 6.** In a prosecution under this chapter, it is
6 a defense that the defendant acted under an honest claim of right in
7 that:

8 (1) The defendant was unaware that the property was that of another
9 person;

10 (2) The defendant reasonably believed that the defendant was
11 entitled to the property involved or had a right to acquire or dispose
12 of it as the defendant did; or

13 (3) The property involved was that of the defendant's minor child
14 or spouse, unless the parties were not living together as husband and
15 wife and were residing in, and intended to continually reside in,
16 separate abodes at the time of the alleged offense.

17 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute
18 a new chapter in Title 9A RCW.

19 **Sec. 8.** RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and
20 2000 c 66 s 2 are each reenacted and amended to read as follows:

21 TABLE 2

22 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

| | | |
|----|------|--|
| 23 | XVI | Aggravated Murder 1 (RCW 10.95.020) |
| 24 | XV | Homicide by abuse (RCW 9A.32.055) |
| 25 | | Malicious explosion 1 (RCW 70.74.280(1)) |
| 26 | | Murder 1 (RCW 9A.32.030) |
| 27 | XIV | Murder 2 (RCW 9A.32.050) |
| 28 | XIII | Malicious explosion 2 (RCW 70.74.280(2)) |
| 29 | | Malicious placement of an explosive 1 (RCW |
| 30 | | 70.74.270(1)) |
| 31 | XII | Assault 1 (RCW 9A.36.011) |
| 32 | | Assault of a Child 1 (RCW 9A.36.120) |

1 Malicious placement of an imitation device
2 1 (RCW 70.74.272(1)(a))
3 Rape 1 (RCW 9A.44.040)
4 Rape of a Child 1 (RCW 9A.44.073)
5 XI Manslaughter 1 (RCW 9A.32.060)
6 Rape 2 (RCW 9A.44.050)
7 Rape of a Child 2 (RCW 9A.44.076)
8 X Child Molestation 1 (RCW 9A.44.083)
9 Indecent Liberties (with forcible
10 compulsion) (RCW 9A.44.100(1)(a))
11 Kidnapping 1 (RCW 9A.40.020)
12 Leading Organized Crime (RCW
13 9A.82.060(1)(a))
14 Malicious explosion 3 (RCW 70.74.280(3))
15 Manufacture of methamphetamine (RCW
16 69.50.401(a)(1)(ii))
17 Over 18 and deliver heroin,
18 methamphetamine, a narcotic from
19 Schedule I or II, or flunitrazepam
20 from Schedule IV to someone under 18
21 (RCW 69.50.406)
22 IX Assault of a Child 2 (RCW 9A.36.130)
23 Controlled Substance Homicide (RCW
24 69.50.415)
25 Explosive devices prohibited (RCW
26 70.74.180)
27 Homicide by Watercraft, by being under the
28 influence of intoxicating liquor or
29 any drug (RCW 79A.60.050)
30 Inciting Criminal Profiteering (RCW
31 9A.82.060(1)(b))
32 Malicious placement of an explosive 2 (RCW
33 70.74.270(2))
34 Over 18 and deliver narcotic from Schedule
35 III, IV, or V or a nonnarcotic, except
36 flunitrazepam or methamphetamine, from
37 Schedule I-V to someone under 18 and 3
38 years junior (RCW 69.50.406)

1 Robbery 1 (RCW 9A.56.200)
2 Sexual Exploitation (RCW 9.68A.040)
3 Vehicular Homicide, by being under the
4 influence of intoxicating liquor or
5 any drug (RCW 46.61.520)

6 VIII Arson 1 (RCW 9A.48.020)
7 Deliver or possess with intent to deliver
8 methamphetamine (RCW
9 69.50.401(a)(1)(ii))
10 Hit and Run--Death (RCW 46.52.020(4)(a))
11 Homicide by Watercraft, by the operation of
12 any vessel in a reckless manner (RCW
13 79A.60.050)
14 Manslaughter 2 (RCW 9A.32.070)
15 Manufacture, deliver, or possess with
16 intent to deliver amphetamine (RCW
17 69.50.401(a)(1)(ii))
18 Manufacture, deliver, or possess with
19 intent to deliver heroin or cocaine
20 (RCW 69.50.401(a)(1)(i))
21 Possession of Ephedrine, Pseudoephedrine,
22 or Anhydrous Ammonia with intent to
23 manufacture methamphetamine (RCW
24 69.50.440)
25 Promoting Prostitution 1 (RCW 9A.88.070)
26 Selling for profit (controlled or
27 counterfeit) any controlled substance
28 (RCW 69.50.410)
29 Theft of Anhydrous Ammonia (RCW 69.55.010)
30 Vehicular Homicide, by the operation of any
31 vehicle in a reckless manner (RCW
32 46.61.520)

33 VII Burglary 1 (RCW 9A.52.020)
34 Child Molestation 2 (RCW 9A.44.086)
35 Dealing in depictions of minor engaged in
36 sexually explicit conduct (RCW
37 9.68A.050)
38 Drive-by Shooting (RCW 9A.36.045)

1 Homicide by Watercraft, by disregard for
2 the safety of others (RCW 79A.60.050)
3 Indecent Liberties (without forcible
4 compulsion) (RCW 9A.44.100(1) (b) and
5 (c))
6 Introducing Contraband 1 (RCW 9A.76.140)
7 Involving a minor in drug dealing (RCW
8 69.50.401(f))
9 Malicious placement of an explosive 3 (RCW
10 70.74.270(3))
11 Sending, bringing into state depictions of
12 minor engaged in sexually explicit
13 conduct (RCW 9.68A.060)
14 Unlawful Possession of a Firearm in the
15 first degree (RCW 9.41.040(1)(a))
16 Use of a Machine Gun in Commission of a
17 Felony (RCW 9.41.225)
18 Vehicular Homicide, by disregard for the
19 safety of others (RCW 46.61.520)

20 VI Bail Jumping with Murder 1 (RCW
21 9A.76.170(2)(a))
22 Bribery (RCW 9A.68.010)
23 Incest 1 (RCW 9A.64.020(1))
24 Intimidating a Judge (RCW 9A.72.160)
25 Intimidating a Juror/Witness (RCW
26 9A.72.110, 9A.72.130)
27 Malicious placement of an imitation device
28 2 (RCW 70.74.272(1)(b))
29 Manufacture, deliver, or possess with
30 intent to deliver narcotics from
31 Schedule I or II (except heroin or
32 cocaine) or flunitrazepam from
33 Schedule IV (RCW 69.50.401(a)(1)(i))
34 Rape of a Child 3 (RCW 9A.44.079)
35 Theft of a Firearm (RCW 9A.56.300)
36 Unlawful Storage of Anhydrous Ammonia (RCW
37 69.55.020)

1 V Abandonment of dependent person 1 (RCW
2 9A.42.060)
3 Advancing money or property for
4 extortionate extension of credit (RCW
5 9A.82.030)
6 Bail Jumping with class A Felony (RCW
7 9A.76.170(2)(b))
8 Child Molestation 3 (RCW 9A.44.089)
9 Criminal Mistreatment 1 (RCW 9A.42.020)
10 Custodial Sexual Misconduct 1 (RCW
11 9A.44.160)
12 Delivery of imitation controlled substance
13 by person eighteen or over to person
14 under eighteen (RCW 69.52.030(2))
15 Domestic Violence Court Order Violation
16 (RCW 10.99.040, 10.99.050, 26.09.300,
17 26.10.220, 26.26.138, 26.50.110,
18 26.52.070, or 74.34.145)
19 Extortion 1 (RCW 9A.56.120)
20 Extortionate Extension of Credit (RCW
21 9A.82.020)
22 Extortionate Means to Collect Extensions of
23 Credit (RCW 9A.82.040)
24 Incest 2 (RCW 9A.64.020(2))
25 Kidnapping 2 (RCW 9A.40.030)
26 Perjury 1 (RCW 9A.72.020)
27 Persistent prison misbehavior (RCW
28 9.94.070)
29 Possession of a Stolen Firearm (RCW
30 9A.56.310)
31 Rape 3 (RCW 9A.44.060)
32 Rendering Criminal Assistance 1 (RCW
33 9A.76.070)
34 Sexual Misconduct with a Minor 1 (RCW
35 9A.44.093)
36 Sexually Violating Human Remains (RCW
37 9A.44.105)
38 Stalking (RCW 9A.46.110)
39 IV Arson 2 (RCW 9A.48.030)

1 Assault 2 (RCW 9A.36.021)
2 Assault by Watercraft (RCW 79A.60.060)
3 Bribing a Witness/Bribe Received by Witness
4 (RCW 9A.72.090, 9A.72.100)
5 Commercial Bribery (RCW 9A.68.060)
6 Counterfeiting (RCW 9.16.035(4))
7 Escape 1 (RCW 9A.76.110)
8 Hit and Run--Injury (RCW 46.52.020(4)(b))
9 Hit and Run with Vessel--Injury Accident
10 (RCW 79A.60.200(3))
11 Indecent Exposure to Person Under Age
12 Fourteen (subsequent sex offense) (RCW
13 9A.88.010)
14 Influencing Outcome of Sporting Event (RCW
15 9A.82.070)
16 Knowingly Trafficking in Stolen Property
17 (RCW 9A.82.050(2))
18 Malicious Harassment (RCW 9A.36.080)
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 amphetamine, methamphetamines, or
24 flunitrazepam) (RCW 69.50.401(a)(1)
25 (iii) through (v))
26 Residential Burglary (RCW 9A.52.025)
27 Robbery 2 (RCW 9A.56.210)
28 Theft of Livestock 1 (RCW 9A.56.080)
29 Threats to Bomb (RCW 9.61.160)
30 Use of Proceeds of Criminal Profiteering
31 (RCW 9A.82.080 (1) and (2))
32 Vehicular Assault (RCW 46.61.522)
33 Willful Failure to Return from Furlough
34 (RCW 72.66.060)
35 III Abandonment of dependent person 2 (RCW
36 9A.42.070)
37 Assault 3 (RCW 9A.36.031)
38 Assault of a Child 3 (RCW 9A.36.140)

1 Bail Jumping with class B or C Felony (RCW
2 9A.76.170(2)(c))
3 Burglary 2 (RCW 9A.52.030)
4 Communication with a Minor for Immoral
5 Purposes (RCW 9.68A.090)
6 Criminal Gang Intimidation (RCW 9A.46.120)
7 Criminal Mistreatment 2 (RCW 9A.42.030)
8 Custodial Assault (RCW 9A.36.100)
9 Delivery of a material in lieu of a
10 controlled substance (RCW
11 69.50.401(c))
12 Escape 2 (RCW 9A.76.120)
13 Extortion 2 (RCW 9A.56.130)
14 Harassment (RCW 9A.46.020)
15 Intimidating a Public Servant (RCW
16 9A.76.180)
17 Introducing Contraband 2 (RCW 9A.76.150)
18 Maintaining a Dwelling or Place for
19 Controlled Substances (RCW
20 69.50.402(a)(6))
21 Malicious Injury to Railroad Property (RCW
22 81.60.070)
23 Manufacture, deliver, or possess with
24 intent to deliver marijuana (RCW
25 69.50.401(a)(1)(iii))
26 Manufacture, distribute, or possess with
27 intent to distribute an imitation
28 controlled substance (RCW
29 69.52.030(1))
30 Patronizing a Juvenile Prostitute (RCW
31 9.68A.100)
32 Perjury 2 (RCW 9A.72.030)
33 Possession of Incendiary Device (RCW
34 9.40.120)
35 Possession of Machine Gun or Short-Barreled
36 Shotgun or Rifle (RCW 9.41.190)
37 Promoting Prostitution 2 (RCW 9A.88.080)
38 Recklessly Trafficking in Stolen Property
39 (RCW 9A.82.050(1))

1 Securities Act violation (RCW 21.20.400)
2 Tampering with a Witness (RCW 9A.72.120)
3 Telephone Harassment (subsequent conviction
4 or threat of death) (RCW 9.61.230)
5 Theft of Livestock 2 (RCW 9A.56.080)
6 Unlawful Imprisonment (RCW 9A.40.040)
7 Unlawful possession of firearm in the
8 second degree (RCW 9.41.040(1)(b))
9 Unlawful Use of Building for Drug Purposes
10 (RCW 69.53.010)
11 Willful Failure to Return from Work Release
12 (RCW 72.65.070)

13 II Computer Trespass 1 (RCW 9A.52.110)
14 Counterfeiting (RCW 9.16.035(3))
15 Create, deliver, or possess a counterfeit
16 controlled substance (RCW
17 69.50.401(b))
18 Escape from Community Custody (RCW
19 72.09.310)
20 Health Care False Claims (RCW 48.80.030)
21 Mail Theft or Receipt of Stolen Mail
22 (section 5 of this act)
23 Malicious Mischief 1 (RCW 9A.48.070)
24 Possession of controlled substance that is
25 either heroin or narcotics from
26 Schedule I or II or flunitrazepam from
27 Schedule IV (RCW 69.50.401(d))
28 Possession of phencyclidine (PCP) (RCW
29 69.50.401(d))
30 Possession of Stolen Property 1 (RCW
31 9A.56.150)
32 Theft 1 (RCW 9A.56.030)
33 Theft of Rental, Leased, or Lease-purchased
34 Property (valued at one thousand five
35 hundred dollars or more) (RCW
36 9A.56.096(4))
37 Trafficking in Insurance Claims (RCW
38 48.30A.015)
39 Unlawful Practice of Law (RCW 2.48.180)

1 Unlicensed Practice of a Profession or
2 Business (RCW 18.130.190(7))

3 I Attempting to Elude a Pursuing Police
4 Vehicle (RCW 46.61.024)

5 Destruction of Mail (section 4 of this act)

6 False Verification for Welfare (RCW
7 74.08.055)

8 Forged Prescription (RCW 69.41.020)

9 Forged Prescription for a Controlled
10 Substance (RCW 69.50.403)

11 Forgery (RCW 9A.60.020)

12 Malicious Mischief 2 (RCW 9A.48.080)

13 Possess Controlled Substance that is a
14 Narcotic from Schedule III, IV, or V
15 or Non-narcotic from Schedule I-V
16 (except phencyclidine or
17 flunitrazepam) (RCW 69.50.401(d))

18 Possession of Stolen Property 2 (RCW
19 9A.56.160)

20 Reckless Burning 1 (RCW 9A.48.040)

21 Taking Motor Vehicle Without Permission
22 (RCW 9A.56.070)

23 Theft 2 (RCW 9A.56.040)

24 Theft of Rental, Leased, or Lease-purchased
25 Property (valued at two hundred fifty
26 dollars or more but less than one
27 thousand five hundred dollars) (RCW
28 9A.56.096(4))

29 Unlawful Issuance of Checks or Drafts (RCW
30 9A.56.060)

31 Unlawful Use of Food Stamps (RCW 9.91.140
32 (2) and (3))

33 Vehicle Prowl 1 (RCW 9A.52.095)

34 **Sec. 9.** RCW 13.40.0357 and 2000 c 66 s 3 are each amended to read
35 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 |

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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

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|----|-------------------------------|----|
| 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

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

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

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|----|----|---|----|
| 1 | | Counterfeit Substances | |
| 2 | | (69.50.401(b)(1) (iii), (iv), (v)) | C |
| 3 | C | Violation of Uniform Controlled | |
| 4 | | Substances Act - Possession of a | |
| 5 | | Controlled Substance | |
| 6 | | (69.50.401(d)) | C |
| 7 | C | Violation of Uniform Controlled | |
| 8 | | Substances Act - Possession of a | |
| 9 | | Controlled Substance | |
| 10 | | (69.50.401(c)) | C |
| 11 | | Firearms and Weapons | |
| 12 | B | Theft of Firearm (9A.56.300) | C |
| 13 | B | Possession of Stolen Firearm | |
| 14 | | (9A.56.310) | C |
| 15 | E | Carrying Loaded Pistol Without | |
| 16 | | Permit (9.41.050) | E |
| 17 | C | Possession of Firearms by Minor (<18) | |
| 18 | | (9.41.040(1)(b)(iii)) | C |
| 19 | D+ | Possession of Dangerous Weapon | |
| 20 | | (9.41.250) | E |
| 21 | D | Intimidating Another Person by use | |
| 22 | | of Weapon (9.41.270) | E |
| 23 | | Homicide | |
| 24 | A+ | Murder 1 (9A.32.030) | A |
| 25 | A+ | Murder 2 (9A.32.050) | B+ |
| 26 | B+ | Manslaughter 1 (9A.32.060) | C+ |
| 27 | C+ | Manslaughter 2 (9A.32.070) | D+ |
| 28 | B+ | Vehicular Homicide (46.61.520) | C+ |
| 29 | | Kidnapping | |
| 30 | A | Kidnap 1 (9A.40.020) | B+ |
| 31 | B+ | Kidnap 2 (9A.40.030) | C+ |
| 32 | C+ | Unlawful Imprisonment | |
| 33 | | (9A.40.040) | D+ |
| 34 | | Obstructing Governmental Operation | |
| 35 | D | Obstructing a Law Enforcement | |
| 36 | | Officer (9A.76.020) | E |
| 37 | E | Resisting Arrest (9A.76.040) | E |

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|----|----|----------------------------------|----|
| 1 | B | Introducing Contraband 1 | |
| 2 | | (9A.76.140) | C |
| 3 | C | Introducing Contraband 2 | |
| 4 | | (9A.76.150) | D |
| 5 | E | Introducing Contraband 3 | |
| 6 | | (9A.76.160) | E |
| 7 | B+ | Intimidating a Public Servant | |
| 8 | | (9A.76.180) | C+ |
| 9 | B+ | Intimidating a Witness | |
| 10 | | (9A.72.110) | C+ |
| 11 | | Public Disturbance | |
| 12 | C+ | Riot with Weapon (9A.84.010) | D+ |
| 13 | D+ | Riot Without Weapon | |
| 14 | | (9A.84.010) | E |
| 15 | E | Failure to Disperse (9A.84.020) | E |
| 16 | E | Disorderly Conduct (9A.84.030) | E |
| 17 | | Sex Crimes | |
| 18 | A | Rape 1 (9A.44.040) | B+ |
| 19 | A- | Rape 2 (9A.44.050) | B+ |
| 20 | C+ | Rape 3 (9A.44.060) | D+ |
| 21 | A- | Rape of a Child 1 (9A.44.073) | B+ |
| 22 | B+ | Rape of a Child 2 (9A.44.076) | C+ |
| 23 | B | Incest 1 (9A.64.020(1)) | C |
| 24 | C | Incest 2 (9A.64.020(2)) | D |
| 25 | D+ | Indecent Exposure | |
| 26 | | (Victim <14) (9A.88.010) | E |
| 27 | E | Indecent Exposure | |
| 28 | | (Victim 14 or over) (9A.88.010) | E |
| 29 | B+ | Promoting Prostitution 1 | |
| 30 | | (9A.88.070) | C+ |
| 31 | C+ | Promoting Prostitution 2 | |
| 32 | | (9A.88.080) | D+ |
| 33 | E | O & A (Prostitution) (9A.88.030) | E |
| 34 | B+ | Indecent Liberties (9A.44.100) | C+ |
| 35 | A- | Child Molestation 1 (9A.44.083) | B+ |
| 36 | B | Child Molestation 2 (9A.44.086) | C+ |

| | | | |
|----|----------|---|----------|
| 1 | | Theft, Robbery, Extortion, and Forgery | |
| 2 | B | Theft 1 (9A.56.030) | C |
| 3 | C | Theft 2 (9A.56.040) | D |
| 4 | D | Theft 3 (9A.56.050) | E |
| 5 | B | Theft of Livestock (9A.56.080) | C |
| 6 | C | Forgery (9A.60.020) | D |
| 7 | A | Robbery 1 (9A.56.200) | B+ |
| 8 | B+ | Robbery 2 (9A.56.210) | C+ |
| 9 | B+ | Extortion 1 (9A.56.120) | C+ |
| 10 | C+ | Extortion 2 (9A.56.130) | D+ |
| 11 | <u>C</u> | <u>Mail Theft or Receipt of Stolen</u> | |
| 12 | | <u>Mail (section 5 of this act)</u> | <u>D</u> |
| 13 | <u>D</u> | <u>Destruction of Mail (section 4</u> | |
| 14 | | <u>of this act)</u> | <u>E</u> |
| 15 | B | Possession of Stolen Property 1 | |
| 16 | | (9A.56.150) | C |
| 17 | C | Possession of Stolen Property 2 | |
| 18 | | (9A.56.160) | D |
| 19 | D | Possession of Stolen Property 3 | |
| 20 | | (9A.56.170) | E |
| 21 | C | Taking Motor Vehicle Without | |
| 22 | | Owner's Permission (9A.56.070) | D |
| 23 | | Motor Vehicle Related Crimes | |
| 24 | E | Driving Without a License | |
| 25 | | (46.20.005) | E |
| 26 | B+ | Hit and Run - Death | |
| 27 | | (46.52.020(4)(a)) | C+ |
| 28 | C | Hit and Run - Injury | |
| 29 | | (46.52.020(4)(b)) | 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 |

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|----|---|------------------------------------|----|
| 1 | D | Driving While Under the Influence | |
| 2 | | (46.61.502 and 46.61.504) | E |
| 3 | | Other | |
| 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 **JUVENILE SENTENCING STANDARDS**

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

OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE

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| Current Offense Category | 15-36 WEEKS | 52-65 WEEKS | 80-100 WEEKS | 103-129 WEEKS | |
|--------------------------|--|--|--------------|---------------|-----------|
| A+ | 180 WEEKS TO AGE 21 YEARS | | | | |
| A | 103 WEEKS TO 129 WEEKS | | | | |
| A- | 15-36 WEEKS | 52-65 WEEKS | 80-100 WEEKS | 103-129 WEEKS | |
| | EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS | | | | |
| B+ | 15-36 WEEKS | 52-65 WEEKS | 80-100 WEEKS | 103-129 WEEKS | |
| B | LOCAL SANCTIONS (LS) | 15-36 WEEKS | 52-65 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 |
| | 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 disposition
15 of local sanctions or 15 to 36 weeks of confinement and has not
16 committed an A- or B+ offense, the court may impose a disposition under
17 RCW 13.40.160(4) 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 NEW SECTION. **Sec. 10.** This act applies to crimes committed on or
25 after the effective date of this act.

--- END ---