
SUBSTITUTE HOUSE BILL 1556

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Marine, Ballasiotes, O'Brien and Campbell)

Read first time . Referred to Committee on .

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 an 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 2000 c 225 s 5, 2000 c 119 s 17, and
23 2000 c 66 s 2 are each reenacted and amended to read as follows:

24 TABLE 2

25 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

26 XVI	Aggravated Murder 1 (RCW 10.95.020)
27 XV	Homicide by abuse (RCW 9A.32.055)
28	Malicious explosion 1 (RCW 70.74.280(1))
29	Murder 1 (RCW 9A.32.030)
30 XIV	Murder 2 (RCW 9A.32.050)
31 XIII	Malicious explosion 2 (RCW 70.74.280(2))
32	Malicious placement of an explosive 1 (RCW
33	70.74.270(1))
34 XII	Assault 1 (RCW 9A.36.011)
35	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 Malicious Mischief 1 (RCW 9A.48.070)
22 Possession of controlled substance that is
23 either heroin or narcotics from
24 Schedule I or II or flunitrazepam from
25 Schedule IV (RCW 69.50.401(d))
26 Possession of phencyclidine (PCP) (RCW
27 69.50.401(d))
28 Possession of Stolen Property 1 (RCW
29 9A.56.150)
30 Theft 1 (RCW 9A.56.030)
31 Theft of Rental, Leased, or Lease-purchased
32 Property (valued at one thousand five
33 hundred dollars or more) (RCW
34 9A.56.096(4))
35 Trafficking in Insurance Claims (RCW
36 48.30A.015)
37 Unlawful Practice of Law (RCW 2.48.180)
38 Unlicensed Practice of a Profession or
39 Business (RCW 18.130.190(7))

1 I Attempting to Elude a Pursuing Police
2 Vehicle (RCW 46.61.024)
3 False Verification for Welfare (RCW
4 74.08.055)
5 Forged Prescription (RCW 69.41.020)
6 Forged Prescription for a Controlled
7 Substance (RCW 69.50.403)
8 Forgery (RCW 9A.60.020)
9 Malicious Mischief 2 (RCW 9A.48.080)
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 Possession of Stolen Property 2 (RCW
16 9A.56.160)
17 Reckless Burning 1 (RCW 9A.48.040)
18 Taking Motor Vehicle Without Permission
19 (RCW 9A.56.070 (1) and (2))
20 Theft 2 (RCW 9A.56.040)
21 Theft of Rental, Leased, or Lease-purchased
22 Property (valued at two hundred fifty
23 dollars or more but less than one
24 thousand five hundred dollars) (RCW
25 9A.56.096(4))
26 Unlawful Issuance of Checks or Drafts (RCW
27 9A.56.060)
28 Unlawful Use of Food Stamps (RCW 9.91.140
29 (2) and (3))
30 Vehicle Prowl 1 (RCW 9A.52.095)

31 **Sec. 3.** RCW 9.94A.360 and 2000 c 28 s 15 are each amended to read
32 as follows:

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

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

37 (1) A prior conviction is a conviction which exists before the date
38 of sentencing for the offense for which the offender score is being

1 computed. Convictions entered or sentenced on the same date as the
2 conviction for which the offender score is being computed shall be
3 deemed "other current offenses" within the meaning of RCW 9.94A.400.

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

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

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

36 (5)(a) In the case of multiple prior convictions, for the purpose
37 of computing the offender score, count all convictions separately,
38 except:

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

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

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

27 (6) If the present conviction is one of the anticipatory offenses
28 of criminal attempt, solicitation, or conspiracy, count each prior
29 conviction as if the present conviction were for a completed offense.
30 When these convictions are used as criminal history, score them the
31 same as a completed crime.

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

37 (8) If the present conviction is for a violent offense and not
38 covered in subsection (9), (10), (11), or (12) of this section, count
39 two points for each prior adult and juvenile violent felony conviction,

1 one point for each prior adult nonviolent felony conviction, and 1/2
2 point for each prior juvenile nonviolent felony conviction.

3 (9) If the present conviction is for a serious violent offense,
4 count three points for prior adult and juvenile convictions for crimes
5 in this category, two points for each prior adult and juvenile violent
6 conviction (not already counted), one point for each prior adult
7 nonviolent felony conviction, and 1/2 point for each prior juvenile
8 nonviolent felony conviction.

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

14 (11) If the present conviction is for a felony traffic offense
15 count two points for each adult or juvenile prior conviction for
16 Vehicular Homicide or Vehicular Assault; for each felony offense count
17 one point for each adult and 1/2 point for each juvenile prior
18 conviction; for each serious traffic offense, other than those used for
19 an enhancement pursuant to RCW 46.61.520(2), count one point for each
20 adult and 1/2 point for each juvenile prior conviction.

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

27 (13) If the present conviction is for Willful Failure to Return
28 from Furlough, RCW 72.66.060, Willful Failure to Return from Work
29 Release, RCW 72.65.070, or Escape from Community Custody, RCW
30 72.09.310, count only prior escape convictions in the offender score.
31 Count adult prior escape convictions as one point and juvenile prior
32 escape convictions as 1/2 point.

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

36 (15) If the present conviction is for Burglary 2 or residential
37 burglary, count priors as in subsection (7) of this section; however,
38 count two points for each adult and juvenile prior Burglary 1
39 conviction, two points for each adult prior Burglary 2 or residential

1 burglary conviction, and one point for each juvenile prior Burglary 2
2 or residential burglary conviction.

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

6 (17) If the present conviction is for taking a motor vehicle
7 without permission in the first degree, count two points for each prior
8 adult and juvenile conviction for this offense.

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

11 **Sec. 4.** RCW 13.40.0357 and 2000 c 66 s 3 are each amended to read
12 as follows:

13 **DESCRIPTION AND OFFENSE CATEGORY**

14	JUVENILE		JUVENILE DISPOSITION
15	DISPOSITION		CATEGORY FOR ATTEMPT,
16	OFFENSE		BAILJUMP, CONSPIRACY,
17	CATEGORY	DESCRIPTION (RCW CITATION)	OR SOLICITATION
18		

19 **Arson and Malicious Mischief**

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

32 **Assault and Other Crimes**

33 **Involving Physical Harm**

34	A	Assault 1 (9A.36.011)	B+
35	B+	Assault 2 (9A.36.021)	C+
36	C+	Assault 3 (9A.36.031)	D+
37	D+	Assault 4 (9A.36.041)	E

1	B+	Drive-By Shooting	
2		(9A.36.045)	C+
3	D+	Reckless Endangerment	
4		(9A.36.050)	E
5	C+	Promoting Suicide Attempt	
6		(9A.36.060)	D+
7	D+	Coercion (9A.36.070)	E
8	C+	Custodial Assault (9A.36.100)	D+
9		Burglary and Trespass	
10	B+	Burglary 1 (9A.52.020)	C+
11	B	Residential Burglary	
12		(9A.52.025)	C
13	B	Burglary 2 (9A.52.030)	C
14	D	Burglary Tools (Possession of)	
15		(9A.52.060)	E
16	D	Criminal Trespass 1 (9A.52.070)	E
17	E	Criminal Trespass 2 (9A.52.080)	E
18	C	Vehicle Prowling 1 (9A.52.095)	D
19	D	Vehicle Prowling 2 (9A.52.100)	E
20		Drugs	
21	E	Possession/Consumption of Alcohol	
22		(66.44.270)	E
23	C	Illegally Obtaining Legend Drug	
24		(69.41.020)	D
25	C+	Sale, Delivery, Possession of Legend	
26		Drug with Intent to Sell	
27		(69.41.030)	D+
28	E	Possession of Legend Drug	
29		(69.41.030)	E
30	B+	Violation of Uniform Controlled	
31		Substances Act - Narcotic,	
32		Methamphetamine, or Flunitrazepam	
33		Sale (69.50.401(a)(1) (i) or (ii))	B+
34	C	Violation of Uniform Controlled	
35		Substances Act - Nonnarcotic Sale	
36		(69.50.401(a)(1)(iii))	C
37	E	Possession of Marihuana <40 grams	
38		(69.50.401(e))	E

1	C	Fraudulently Obtaining Controlled	
2		Substance (69.50.403)	C
3	C+	Sale of Controlled Substance	
4		for Profit (69.50.410)	C+
5	E	Unlawful Inhalation (9.47A.020)	E
6	B	Violation of Uniform Controlled	
7		Substances Act - Narcotic,	
8		Methamphetamine, or Flunitrazepam	
9		Counterfeit Substances	
10		(69.50.401(b)(1) (i) or (ii))	B
11	C	Violation of Uniform Controlled	
12		Substances Act - Nonnarcotic	
13		Counterfeit Substances	
14		(69.50.401(b)(1) (iii), (iv), (v))	C
15	C	Violation of Uniform Controlled	
16		Substances Act - Possession of a	
17		Controlled Substance	
18		(69.50.401(d))	C
19	C	Violation of Uniform Controlled	
20		Substances Act - Possession of a	
21		Controlled Substance	
22		(69.50.401(c))	C
23		Firearms and Weapons	
24	B	Theft of Firearm (9A.56.300)	C
25	B	Possession of Stolen Firearm	
26		(9A.56.310)	C
27	E	Carrying Loaded Pistol Without	
28		Permit (9.41.050)	E
29	C	Possession of Firearms by Minor (<18)	
30		(9.41.040(1)(b)(iii))	C
31	D+	Possession of Dangerous Weapon	
32		(9.41.250)	E
33	D	Intimidating Another Person by use	
34		of Weapon (9.41.270)	E
35		Homicide	
36	A+	Murder 1 (9A.32.030)	A
37	A+	Murder 2 (9A.32.050)	B+
38	B+	Manslaughter 1 (9A.32.060)	C+

1	C+	Manslaughter 2 (9A.32.070)	D+
2	B+	Vehicular Homicide (46.61.520)	C+
3		Kidnapping	
4	A	Kidnap 1 (9A.40.020)	B+
5	B+	Kidnap 2 (9A.40.030)	C+
6	C+	Unlawful Imprisonment	
7		(9A.40.040)	D+
8		Obstructing Governmental Operation	
9	D	Obstructing a Law Enforcement	
10		Officer (9A.76.020)	E
11	E	Resisting Arrest (9A.76.040)	E
12	B	Introducing Contraband 1	
13		(9A.76.140)	C
14	C	Introducing Contraband 2	
15		(9A.76.150)	D
16	E	Introducing Contraband 3	
17		(9A.76.160)	E
18	B+	Intimidating a Public Servant	
19		(9A.76.180)	C+
20	B+	Intimidating a Witness	
21		(9A.72.110)	C+
22		Public Disturbance	
23	C+	Riot with Weapon (9A.84.010)	D+
24	D+	Riot Without Weapon	
25		(9A.84.010)	E
26	E	Failure to Disperse (9A.84.020)	E
27	E	Disorderly Conduct (9A.84.030)	E
28		Sex Crimes	
29	A	Rape 1 (9A.44.040)	B+
30	A-	Rape 2 (9A.44.050)	B+
31	C+	Rape 3 (9A.44.060)	D+
32	A-	Rape of a Child 1 (9A.44.073)	B+
33	B+	Rape of a Child 2 (9A.44.076)	C+
34	B	Incest 1 (9A.64.020(1))	C
35	C	Incest 2 (9A.64.020(2))	D
36	D+	Indecent Exposure	
37		(Victim <14) (9A.88.010)	E

1	E	Indecent Exposure	
2		(Victim 14 or over) (9A.88.010)	E
3	B+	Promoting Prostitution 1	
4		(9A.88.070)	C+
5	C+	Promoting Prostitution 2	
6		(9A.88.080)	D+
7	E	O & A (Prostitution) (9A.88.030)	E
8	B+	Indecent Liberties (9A.44.100)	C+
9	A-	Child Molestation 1 (9A.44.083)	B+
10	B	Child Molestation 2 (9A.44.086)	C+
11		Theft, Robbery, Extortion, and Forgery	
12	B	Theft 1 (9A.56.030)	C
13	C	Theft 2 (9A.56.040)	D
14	D	Theft 3 (9A.56.050)	E
15	B	Theft of Livestock (9A.56.080)	C
16	C	Forgery (9A.60.020)	D
17	A	Robbery 1 (9A.56.200)	B+
18	B+	Robbery 2 (9A.56.210)	C+
19	B+	Extortion 1 (9A.56.120)	C+
20	C+	Extortion 2 (9A.56.130)	D+
21	B	Possession of Stolen Property 1	
22		(9A.56.150)	C
23	C	Possession of Stolen Property 2	
24		(9A.56.160)	D
25	D	Possession of Stolen Property 3	
26		(9A.56.170)	E
27	C	Taking Motor Vehicle Without	
28		((Owner's) Permission	
29		(9A.56.070 (1) and (2))	D
30		Motor Vehicle Related Crimes	
31	E	Driving Without a License	
32		(46.20.005)	E
33	B+	Hit and Run - Death	
34		(46.52.020(4)(a))	C+
35	C	Hit and Run - Injury	
36		(46.52.020(4)(b))	D
37	D	Hit and Run-Attended	
38		(46.52.020(5))	E

1	E	Hit and Run-Unattended	
2		(46.52.010)	E
3	C	Vehicular Assault (46.61.522)	D
4	C	Attempting to Elude Pursuing	
5		Police Vehicle (46.61.024)	D
6	E	Reckless Driving (46.61.500)	E
7	D	Driving While Under the Influence	
8		(46.61.502 and 46.61.504)	E
9		Other	
10	B	Bomb Threat (9.61.160)	C
11	C	Escape 1 (9A.76.110)	C
12	C	Escape 2 (9A.76.120)	C
13	D	Escape 3 (9A.76.130)	E
14	E	Obscene, Harassing, Etc.,	
15		Phone Calls (9.61.230)	E
16	A	Other Offense Equivalent to an	
17		Adult Class A Felony	B+
18	B	Other Offense Equivalent to an	
19		Adult Class B Felony	C
20	C	Other Offense Equivalent to an	
21		Adult Class C Felony	D
22	D	Other Offense Equivalent to an	
23		Adult Gross Misdemeanor	E
24	E	Other Offense Equivalent to an	
25		Adult Misdemeanor	E
26	V	Violation of Order of Restitution,	
27		Community Supervision, or	
28		Confinement (13.40.200)	V

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

31 1st escape or attempted escape during 12-month period - 4 weeks
32 confinement

33 2nd escape or attempted escape during 12-month period - 8 weeks
34 confinement

35 3rd and subsequent escape or attempted escape during 12-month
36 period - 12 weeks confinement

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

3 **JUVENILE SENTENCING STANDARDS**

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

6 **OPTION A**
 7 **JUVENILE OFFENDER SENTENCING GRID**
 8 **STANDARD RANGE**

9		_____			
10	A+	180 WEEKS TO AGE 21 YEARS			
11		_____			
12	A	103 WEEKS TO 129 WEEKS			
13		_____			
14	A-	15-36	52-65	80-100	103-129
15		WEEKS	WEEKS	WEEKS	WEEKS
16		EXCEPT			
17		30-40			
18		WEEKS FOR			
19		15-17			
20		YEAR OLDS			
21		_____			
22	Current	B+	15-36	52-65	80-100 103-129
23	Offense		WEEKS	WEEKS	WEEKS WEEKS
24	Category		_____		
25		B	LOCAL		52-65
26			SANCTIONS (LS)	15-36 WEEKS	WEEKS
27			_____		_____
28		C+	LS		
29				15-36 WEEKS	
30			_____		
31		C	LS		15-36 WEEKS
32			Local Sanctions:		
33			0 to 30 Days _____		
34		D+	LS	0 to 12 Months Community Supervision	
35				0 to 150 Hours Community Service	
36		D	LS	\$0 to \$500 Fine	
37		E	LS		
38			_____		
39			0	1	2 3 4 or more
40			PRIOR ADJUDICATIONS		

1 NOTE: References in the grid to days or weeks mean periods of
2 confinement.

3 (1) The vertical axis of the grid is the current offense category.
4 The current offense category is determined by the offense of
5 adjudication.

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

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

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

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

19 **OR**

20 **OPTION B**

21 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

22 If the juvenile offender is subject to a standard range disposition
23 of local sanctions or 15 to 36 weeks of confinement and has not
24 committed an A- or B+ offense, the court may impose a disposition under
25 RCW 13.40.160(4) and 13.40.165.

26 **OR**

27 **OPTION C**

28 **MANIFEST INJUSTICE**

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

--- END ---