
HOUSE BILL 2482

State of Washington

57th Legislature

2002 Regular Session

By Representatives Carrell, Mielke, Roach, Campbell, Morell, Kirby and Benson

Read first time 01/18/2002. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to sentencing enhancements for criminal gang
2 activity; amending RCW 13.40.160; reenacting and amending RCW
3 9.94A.510; adding a new section to chapter 9.94A RCW; adding a new
4 section to chapter 13.40 RCW; creating a new section; and prescribing
5 penalties.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds and declares that:

8 (a) Criminal gang activity is a prevalent problem throughout this
9 state and gang violence has had a tremendous impact on our communities
10 and families;

11 (b) Gang members often view their gang as their "family." Gangs
12 provide their members with negative guidance and undesirable values.
13 This gang subculture perpetuates itself and leads to increased violence
14 and crime;

15 (c) Current law does not sufficiently deter criminal street gang
16 activity.

17 (2) By increasing penalties when an offense is committed for the
18 benefit of, at the direction of, or in association with any criminal
19 street gang, with the intent to promote, further, or assist in criminal

1 conduct by gang members, the legislature intends to convey that
2 involvement in criminal street gangs is unacceptable. The legislature
3 intends to deter criminal street gang activity by providing a
4 sentencing enhancement.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.94A RCW
6 to read as follows:

7 (1)(a) A person convicted of a felony offense that is committed for
8 the benefit of, at the direction of, or in association with any
9 criminal street gang, with the intent to promote, further, or assist in
10 criminal conduct by gang members, shall, in addition and consecutive to
11 the punishment prescribed for the felony or attempted felony of which
12 he or she has been convicted, be punished by an additional term of two
13 years, except as provided in (b) of this subsection.

14 (b) If the court finds that there are aggravating factors, the
15 court may order the imposition of a sentence enhancement in excess of
16 two years, but not to exceed three years. If the court finds that
17 there are mitigating circumstances, the court may order the imposition
18 of a sentence enhancement that is less than two years, but not less
19 than one year. The court shall state the reasons for its choice of
20 sentence enhancements on the record at the time of the sentencing.

21 (c) The sentence enhancement imposed by the court under this
22 section is mandatory and shall not run concurrently with any other
23 sentence.

24 (2) As used in this section, "criminal street gang" means any
25 ongoing organization, association, or group of three or more persons,
26 whether formal or informal, having a common name or common identifying
27 sign or symbol, and having as one of its primary activities the
28 commission of one or more of the criminal acts enumerated in subsection
29 (3) of this section, and whose members individually or collectively
30 engage in or have engaged in a pattern of criminal gang activity.

31 (3) As used in this section, "pattern of criminal gang activity"
32 means the conviction or juvenile adjudication of two or more of the
33 following offenses, provided at least one of these offenses occurred on
34 or after the effective date of this act, and the last of those offenses
35 occurred within three years after a prior offense, and the offenses
36 were committed on separate occasions, or by two or more persons:

37 (a) Murder, as defined in RCW 9A.32.030 or 9A.32.050;

38 (b) Robbery, as defined in RCW 9A.56.200 or 9A.56.210;

- 1 (c) Kidnapping, as defined in RCW 9A.40.020 or 9A.40.030;
2 (d) Theft, as defined in RCW 9A.56.030, 9A.56.040, or 9A.56.050;
3 (e) Assault, as defined in RCW 9A.36.011 or 9A.36.021;
4 (f) Delivery or manufacture of controlled substances or possession
5 with intent to deliver or manufacture controlled substances under
6 chapter 69.50 RCW;
7 (g) Drive-by shooting, as defined in RCW 9A.36.045;
8 (h) Reckless endangerment, as defined in RCW 9A.36.050;
9 (i) Arson, as defined in RCW 9A.48.020 or 9A.48.030;
10 (j) Intimidating a witness, as defined in RCW 9A.72.110;
11 (k) Taking a motor vehicle without permission, as defined in RCW
12 9A.56.070;
13 (l) Burglary, as defined in RCW 9A.52.020, 9A.52.025, or 9A.52.030;
14 (m) Rape, as defined in RCW 9A.44.040, 9A.44.050, or 9A.44.060;
15 (n) Money laundering, as defined in RCW 9A.83.020;
16 (o) Extortion, as defined in RCW 9A.56.120 or 9A.56.130;
17 (p) Malicious mischief, as defined in RCW 9A.48.070, 9A.48.080, or
18 9A.48.090;
19 (q) Unlawful possession of a firearm, as defined in RCW 9.41.040(1)
20 (a) or (b).

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.40 RCW
22 to read as follows:

23 (1) A juvenile adjudicated of a felony offense that is committed
24 for the benefit of, at the direction of, or in association with a
25 criminal street gang, as defined in section 2 of this act, with the
26 intent to promote, further, or assist in criminal conduct by gang
27 members, must receive a sentence enhancement of ninety to one hundred
28 twenty days confinement, at the discretion of the court, as provided in
29 subsection (2) of this section.

30 (2)(a) The court must determine the standard range disposition for
31 the offense for which the respondent was adjudicated under RCW
32 13.40.160. One hundred five days must be added to the entire standard
33 range disposition of confinement, except as provided in (b) of this
34 subsection.

35 (b) If the court finds that there are aggravating circumstances,
36 the court may order the imposition of a disposition enhancement that is
37 in excess of one hundred five days, but not to exceed one hundred
38 twenty days. If the court finds that there are mitigating

1 circumstances, the court may impose a disposition enhancement of less
 2 than one hundred five days, but not less than ninety days. The court
 3 must state the reasons for its choice of sentence enhancements on the
 4 record at the time of the disposition.

5 (3) Any term of confinement ordered under this section must run
 6 consecutively to any term of confinement imposed in the same
 7 disposition for other offenses.

8 **Sec. 4.** RCW 9.94A.510 and 2000 c 132 s 2 and 2000 c 28 s 11 are
 9 each reenacted and amended to read as follows:

10 (1) TABLE 1
 11 Sentencing Grid

SERIOUSNESS		OFFENDER SCORE									
LEVEL		0	1	2	3	4	5	6	7	8	9 or more
XVI	Life Sentence without Parole/Death Penalty										
XV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y	
	240-	250-	261-	271-	281-	291-	312-	338-	370-	411-	
	320	333	347	361	374	388	416	450	493	548	
XIV	14y4m	15y4m	16y2m	17y	17y11m	18y9m	20y5m	22y2m	25y7m	29y	
	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-	
	220	234	244	254	265	275	295	316	357	397	
XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y	
	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-	
	164	178	192	205	219	233	260	288	342	397	
XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m	
	93-	102-	111-	120-	129-	138-	162-	178-	209-	240-	
	123	136	147	160	171	184	216	236	277	318	
XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m	
	78-	86-	95-	102-	111-	120-	146-	159-	185-	210-	
	102	114	125	136	147	158	194	211	245	280	
X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m	
	51-	57-	62-	67-	72-	77-	98-	108-	129-	149-	
	68	75	82	89	96	102	130	144	171	198	

1	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
2		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
3		41	48	54	61	68	75	102	116	144	171
4											
5	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
6		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
7		27	34	41	48	54	61	89	102	116	144
8											
9	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
10		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
11		20	27	34	41	48	54	75	89	102	116
12											
13	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
14		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
15		14	20	27	34	41	48	61	75	89	102
16											
17	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
18		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
19		12	14	17	20	29	43	54	68	82	96
20											
21	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
22		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
23		9	12	14	17	20	29	43	57	70	84
24											
25	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
26		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
27		3	8	12	12	16	22	29	43	57	68
28											
29	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
30		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
31		Days	6	9	12	14	18	22	29	43	57
32											
33	I			3m	4m	5m	8m	13m	16m	20m	2y2m
34		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
35		Days	Days	5	6	8	12	14	18	22	29
36											

37 Numbers in the first horizontal row of each seriousness category
38 represent sentencing midpoints in years(y) and months(m). Numbers in
39 the second and third rows represent standard sentence ranges in months,
40 or in days if so designated. 12+ equals one year and one day.

41 (2) For persons convicted of the anticipatory offenses of criminal
42 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
43 standard sentence range is determined by locating the sentencing grid
44 sentence range defined by the appropriate offender score and the
45 seriousness level of the completed crime, and multiplying the range by
46 75 percent.

47 (3) The following additional times shall be added to the standard
48 sentence range for felony crimes committed after July 23, 1995, if the

1 offender or an accomplice was armed with a firearm as defined in RCW
2 9.41.010 and the offender is being sentenced for one of the crimes
3 listed in this subsection as eligible for any firearm enhancements
4 based on the classification of the completed felony crime. If the
5 offender is being sentenced for more than one offense, the firearm
6 enhancement or enhancements must be added to the total period of
7 confinement for all offenses, regardless of which underlying offense is
8 subject to a firearm enhancement. If the offender or an accomplice was
9 armed with a firearm as defined in RCW 9.41.010 and the offender is
10 being sentenced for an anticipatory offense under chapter 9A.28 RCW to
11 commit one of the crimes listed in this subsection as eligible for any
12 firearm enhancements, the following additional times shall be added to
13 the standard sentence range determined under subsection (2) of this
14 section based on the felony crime of conviction as classified under RCW
15 9A.28.020:

16 (a) Five years for any felony defined under any law as a class A
17 felony or with a statutory maximum sentence of at least twenty years,
18 or both, and not covered under (f) of this subsection.

19 (b) Three years for any felony defined under any law as a class B
20 felony or with a statutory maximum sentence of ten years, or both, and
21 not covered under (f) of this subsection.

22 (c) Eighteen months for any felony defined under any law as a class
23 C felony or with a statutory maximum sentence of five years, or both,
24 and not covered under (f) of this subsection.

25 (d) If the offender is being sentenced for any firearm enhancements
26 under (a), (b), and/or (c) of this subsection and the offender has
27 previously been sentenced for any deadly weapon enhancements after July
28 23, 1995, under (a), (b), and/or (c) of this subsection or subsection
29 (4)(a), (b), and/or (c) of this section, or both, all firearm
30 enhancements under this subsection shall be twice the amount of the
31 enhancement listed.

32 (e) Notwithstanding any other provision of law, all firearm
33 enhancements under this section are mandatory, shall be served in total
34 confinement, and shall run consecutively to all other sentencing
35 provisions, including other firearm or deadly weapon enhancements, for
36 all offenses sentenced under this chapter. However, whether or not a
37 mandatory minimum term has expired, an offender serving a sentence
38 under this subsection may be granted an extraordinary medical placement
39 when authorized under RCW 9.94A.728(4).

1 (f) The firearm enhancements in this section shall apply to all
2 felony crimes except the following: Possession of a machine gun,
3 possessing a stolen firearm, drive-by shooting, theft of a firearm,
4 unlawful possession of a firearm in the first and second degree, and
5 use of a machine gun in a felony.

6 (g) If the standard sentence range under this section exceeds the
7 statutory maximum sentence for the offense, the statutory maximum
8 sentence shall be the presumptive sentence unless the offender is a
9 persistent offender. If the addition of a firearm enhancement
10 increases the sentence so that it would exceed the statutory maximum
11 for the offense, the portion of the sentence representing the
12 enhancement may not be reduced.

13 (4) The following additional times shall be added to the standard
14 sentence range for felony crimes committed after July 23, 1995, if the
15 offender or an accomplice was armed with a deadly weapon other than a
16 firearm as defined in RCW 9.41.010 and the offender is being sentenced
17 for one of the crimes listed in this subsection as eligible for any
18 deadly weapon enhancements based on the classification of the completed
19 felony crime. If the offender is being sentenced for more than one
20 offense, the deadly weapon enhancement or enhancements must be added to
21 the total period of confinement for all offenses, regardless of which
22 underlying offense is subject to a deadly weapon enhancement. If the
23 offender or an accomplice was armed with a deadly weapon other than a
24 firearm as defined in RCW 9.41.010 and the offender is being sentenced
25 for an anticipatory offense under chapter 9A.28 RCW to commit one of
26 the crimes listed in this subsection as eligible for any deadly weapon
27 enhancements, the following additional times shall be added to the
28 standard sentence range determined under subsection (2) of this section
29 based on the felony crime of conviction as classified under RCW
30 9A.28.020:

31 (a) Two years for any felony defined under any law as a class A
32 felony or with a statutory maximum sentence of at least twenty years,
33 or both, and not covered under (f) of this subsection.

34 (b) One year for any felony defined under any law as a class B
35 felony or with a statutory maximum sentence of ten years, or both, and
36 not covered under (f) of this subsection.

37 (c) Six months for any felony defined under any law as a class C
38 felony or with a statutory maximum sentence of five years, or both, and
39 not covered under (f) of this subsection.

1 (d) If the offender is being sentenced under (a), (b), and/or (c)
2 of this subsection for any deadly weapon enhancements and the offender
3 has previously been sentenced for any deadly weapon enhancements after
4 July 23, 1995, under (a), (b), and/or (c) of this subsection or
5 subsection (3)(a), (b), and/or (c) of this section, or both, all deadly
6 weapon enhancements under this subsection shall be twice the amount of
7 the enhancement listed.

8 (e) Notwithstanding any other provision of law, all deadly weapon
9 enhancements under this section are mandatory, shall be served in total
10 confinement, and shall run consecutively to all other sentencing
11 provisions, including other firearm or deadly weapon enhancements, for
12 all offenses sentenced under this chapter. However, whether or not a
13 mandatory minimum term has expired, an offender serving a sentence
14 under this subsection may be granted an extraordinary medical placement
15 when authorized under RCW 9.94A.728(4).

16 (f) The deadly weapon enhancements in this section shall apply to
17 all felony crimes except the following: Possession of a machine gun,
18 possessing a stolen firearm, drive-by shooting, theft of a firearm,
19 unlawful possession of a firearm in the first and second degree, and
20 use of a machine gun in a felony.

21 (g) If the standard sentence range under this section exceeds the
22 statutory maximum sentence for the offense, the statutory maximum
23 sentence shall be the presumptive sentence unless the offender is a
24 persistent offender. If the addition of a deadly weapon enhancement
25 increases the sentence so that it would exceed the statutory maximum
26 for the offense, the portion of the sentence representing the
27 enhancement may not be reduced.

28 (5) The following additional times shall be added to the standard
29 sentence range if the offender or an accomplice committed the offense
30 while in a county jail or state correctional facility and the offender
31 is being sentenced for one of the crimes listed in this subsection. If
32 the offender or an accomplice committed one of the crimes listed in
33 this subsection while in a county jail or state correctional facility,
34 and the offender is being sentenced for an anticipatory offense under
35 chapter 9A.28 RCW to commit one of the crimes listed in this
36 subsection, the following additional times shall be added to the
37 standard sentence range determined under subsection (2) of this
38 section:

1 (a) Eighteen months for offenses committed under RCW
2 69.50.401(a)(1) (i) or (ii) or 69.50.410;

3 (b) Fifteen months for offenses committed under RCW 69.50.401(a)(1)
4 (iii), (iv), and (v);

5 (c) Twelve months for offenses committed under RCW 69.50.401(d).

6 For the purposes of this subsection, all of the real property of a
7 state correctional facility or county jail shall be deemed to be part
8 of that facility or county jail.

9 (6) An additional twenty-four months shall be added to the standard
10 sentence range for any ranked offense involving a violation of chapter
11 69.50 RCW if the offense was also a violation of RCW 69.50.435 or
12 9.94A.605.

13 (7) An additional two years shall be added to the standard sentence
14 range for vehicular homicide committed while under the influence of
15 intoxicating liquor or any drug as defined by RCW 46.61.502 for each
16 prior offense as defined in RCW 46.61.5055.

17 (8) An additional one to three years shall be added to the
18 presumptive sentence for any felony offense committed for the benefit
19 of, at the direction of, or in association with a criminal street gang,
20 with the intent to promote, further, or assist in criminal conduct by
21 gang members, as provided in section 2 of this act.

22 **Sec. 5.** RCW 13.40.160 and 1999 c 91 s 2 are each amended to read
23 as follows:

24 (1) The standard range disposition for a juvenile adjudicated of an
25 offense is determined according to RCW 13.40.0357.

26 (a) When the court sentences an offender to a local sanction as
27 provided in RCW 13.40.0357 option A, the court shall impose a
28 determinate disposition within the standard ranges, except as provided
29 in subsections (2), (3), and (4) of this section. The disposition may
30 be comprised of one or more local sanctions.

31 (b) When the court sentences an offender to a standard range as
32 provided in RCW 13.40.0357 option A that includes a term of confinement
33 exceeding thirty days, commitment shall be to the department for the
34 standard range of confinement, except as provided in subsections (2),
35 (3), and (4) of this section.

36 (2) If the court concludes, and enters reasons for its conclusion,
37 that disposition within the standard range would effectuate a manifest
38 injustice the court shall impose a disposition outside the standard

1 range, as indicated in option C of RCW 13.40.0357. The court's finding
2 of manifest injustice shall be supported by clear and convincing
3 evidence.

4 A disposition outside the standard range shall be determinate and
5 shall be comprised of confinement or community supervision, or a
6 combination thereof. When a judge finds a manifest injustice and
7 imposes a sentence of confinement exceeding thirty days, the court
8 shall sentence the juvenile to a maximum term, and the provisions of
9 RCW 13.40.030(2) shall be used to determine the range. A disposition
10 outside the standard range is appealable under RCW 13.40.230 by the
11 state or the respondent. A disposition within the standard range is
12 not appealable under RCW 13.40.230.

13 (3) When a juvenile offender is found to have committed a sex
14 offense, other than a sex offense that is also a serious violent
15 offense as defined by RCW 9.94A.030, and has no history of a prior sex
16 offense, the court, on its own motion or the motion of the state or the
17 respondent, may order an examination to determine whether the
18 respondent is amenable to treatment.

19 The report of the examination shall include at a minimum the
20 following: The respondent's version of the facts and the official
21 version of the facts, the respondent's offense history, an assessment
22 of problems in addition to alleged deviant behaviors, the respondent's
23 social, educational, and employment situation, and other evaluation
24 measures used. The report shall set forth the sources of the
25 evaluator's information.

26 The examiner shall assess and report regarding the respondent's
27 amenability to treatment and relative risk to the community. A
28 proposed treatment plan shall be provided and shall include, at a
29 minimum:

30 (a)(i) Frequency and type of contact between the offender and
31 therapist;

32 (ii) Specific issues to be addressed in the treatment and
33 description of planned treatment modalities;

34 (iii) Monitoring plans, including any requirements regarding living
35 conditions, lifestyle requirements, and monitoring by family members,
36 legal guardians, or others;

37 (iv) Anticipated length of treatment; and

38 (v) Recommended crime-related prohibitions.

1 The court on its own motion may order, or on a motion by the state
2 shall order, a second examination regarding the offender's amenability
3 to treatment. The evaluator shall be selected by the party making the
4 motion. The defendant shall pay the cost of any second examination
5 ordered unless the court finds the defendant to be indigent in which
6 case the state shall pay the cost.

7 After receipt of reports of the examination, the court shall then
8 consider whether the offender and the community will benefit from use
9 of this special sex offender disposition alternative and consider the
10 victim's opinion whether the offender should receive a treatment
11 disposition under this section. If the court determines that this
12 special sex offender disposition alternative is appropriate, then the
13 court shall impose a determinate disposition within the standard range
14 for the offense, or if the court concludes, and enters reasons for its
15 conclusions, that such disposition would cause a manifest injustice,
16 the court shall impose a disposition under option C, and the court may
17 suspend the execution of the disposition and place the offender on
18 community supervision for at least two years. As a condition of the
19 suspended disposition, the court may impose the conditions of community
20 supervision and other conditions, including up to thirty days of
21 confinement and requirements that the offender do any one or more of
22 the following:

23 (b)(i) Devote time to a specific education, employment, or
24 occupation;

25 (ii) Undergo available outpatient sex offender treatment for up to
26 two years, or inpatient sex offender treatment not to exceed the
27 standard range of confinement for that offense. A community mental
28 health center may not be used for such treatment unless it has an
29 appropriate program designed for sex offender treatment. The
30 respondent shall not change sex offender treatment providers or
31 treatment conditions without first notifying the prosecutor, the
32 probation counselor, and the court, and shall not change providers
33 without court approval after a hearing if the prosecutor or probation
34 counselor object to the change;

35 (iii) Remain within prescribed geographical boundaries and notify
36 the court or the probation counselor prior to any change in the
37 offender's address, educational program, or employment;

1 (iv) Report to the prosecutor and the probation counselor prior to
2 any change in a sex offender treatment provider. This change shall
3 have prior approval by the court;

4 (v) Report as directed to the court and a probation counselor;

5 (vi) Pay all court-ordered legal financial obligations, perform
6 community service, or any combination thereof;

7 (vii) Make restitution to the victim for the cost of any counseling
8 reasonably related to the offense;

9 (viii) Comply with the conditions of any court-ordered probation
10 bond; or

11 (ix) The court shall order that the offender may not attend the
12 public or approved private elementary, middle, or high school attended
13 by the victim or the victim's siblings. The parents or legal guardians
14 of the offender are responsible for transportation or other costs
15 associated with the offender's change of school that would otherwise be
16 paid by the school district. The court shall send notice of the
17 disposition and restriction on attending the same school as the victim
18 or victim's siblings to the public or approved private school the
19 juvenile will attend, if known, or if unknown, to the approved private
20 schools and the public school district board of directors of the
21 district in which the juvenile resides or intends to reside. This
22 notice must be sent at the earliest possible date but not later than
23 ten calendar days after entry of the disposition.

24 The sex offender treatment provider shall submit quarterly reports
25 on the respondent's progress in treatment to the court and the parties.
26 The reports shall reference the treatment plan and include at a minimum
27 the following: Dates of attendance, respondent's compliance with
28 requirements, treatment activities, the respondent's relative progress
29 in treatment, and any other material specified by the court at the time
30 of the disposition.

31 At the time of the disposition, the court may set treatment review
32 hearings as the court considers appropriate.

33 Except as provided in this subsection (3), after July 1, 1991,
34 examinations and treatment ordered pursuant to this subsection shall
35 only be conducted by sex offender treatment providers certified by the
36 department of health pursuant to chapter 18.155 RCW. A sex offender
37 therapist who examines or treats a juvenile sex offender pursuant to
38 this subsection does not have to be certified by the department of
39 health pursuant to chapter 18.155 RCW if the court finds that: (A) The

1 offender has already moved to another state or plans to move to another
2 state for reasons other than circumventing the certification
3 requirements; (B) no certified providers are available for treatment
4 within a reasonable geographical distance of the offender's home; and
5 (C) the evaluation and treatment plan comply with this subsection (~~((4)~~
6 ~~{(3)}~~)) (3) and the rules adopted by the department of health.

7 If the offender violates any condition of the disposition or the
8 court finds that the respondent is failing to make satisfactory
9 progress in treatment, the court may revoke the suspension and order
10 execution of the disposition or the court may impose a penalty of up to
11 thirty days' confinement for violating conditions of the disposition.
12 The court may order both execution of the disposition and up to thirty
13 days' confinement for the violation of the conditions of the
14 disposition. The court shall give credit for any confinement time
15 previously served if that confinement was for the offense for which the
16 suspension is being revoked.

17 For purposes of this section, "victim" means any person who has
18 sustained emotional, psychological, physical, or financial injury to
19 person or property as a direct result of the crime charged. "Victim"
20 may also include a known parent or guardian of a victim who is a minor
21 child unless the parent or guardian is the perpetrator of the offense.

22 A disposition entered under this subsection (3) is not appealable
23 under RCW 13.40.230.

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

28 (5) RCW 13.40.193 shall govern the disposition of any juvenile
29 adjudicated of possessing a firearm in violation of RCW
30 9.41.040(1)(b)(iii) or any crime in which a special finding is entered
31 that the juvenile was armed with a firearm.

32 (6) Section 3 of this act governs the disposition of any juvenile
33 adjudicated of a felony offense committed for the benefit of, at the
34 direction of, or in association with a criminal street gang, with the
35 intent of promoting, furthering, or assisting in criminal conduct by
36 gang members.

37 (7) Whenever a juvenile offender is entitled to credit for time
38 spent in detention prior to a dispositional order, the dispositional

1 order shall specifically state the number of days of credit for time
2 served.

3 ~~((7))~~ (8) Except as provided under subsection (3) or (4) of this
4 section or RCW 13.40.127, the court shall not suspend or defer the
5 imposition or the execution of the disposition.

6 ~~((8))~~ (9) In no case shall the term of confinement imposed by the
7 court at disposition exceed that to which an adult could be subjected
8 for the same offense.

--- END ---