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HOUSE BILL 2483

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State of Washington

57th Legislature

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By Representatives Morell, O'Brien, Bush, Holmquist, Pearson, Casada, Benson, Esser, Boldt, Cox, Armstrong, Sump, Ahern, McMorris, Darneille, Woods, Mulliken, Mitchell, Schoesler and Jarrett

Read first time . Referred to Committee on .

1 AN ACT Relating to motor vehicle theft; amending RCW 9A.56.070,  
2 9.94A.525, and 13.40.0357; reenacting and amending RCW 9.94A.515; 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.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s  
23 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to  
24 read as follows:

25 TABLE 2

26 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

27 XVI	Aggravated Murder 1 (RCW 10.95.020)
28 XV	Homicide by abuse (RCW 9A.32.055)
29	Malicious explosion 1 (RCW 70.74.280(1))
30	Murder 1 (RCW 9A.32.030)
31 XIV	Murder 2 (RCW 9A.32.050)
32 XIII	Malicious explosion 2 (RCW 70.74.280(2))
33	Malicious placement of an explosive 1 (RCW
34	70.74.270(1))
35 XII	Assault 1 (RCW 9A.36.011)

1 Assault of a Child 1 (RCW 9A.36.120)  
2 Malicious placement of an imitation device  
3 1 (RCW 70.74.272(1)(a))  
4 Rape 1 (RCW 9A.44.040)  
5 Rape of a Child 1 (RCW 9A.44.073)  
6 XI Manslaughter 1 (RCW 9A.32.060)  
7 Rape 2 (RCW 9A.44.050)  
8 Rape of a Child 2 (RCW 9A.44.076)  
9 X Child Molestation 1 (RCW 9A.44.083)  
10 Indecent Liberties (with forcible  
11 compulsion) (RCW 9A.44.100(1)(a))  
12 Kidnapping 1 (RCW 9A.40.020)  
13 Leading Organized Crime (RCW  
14 9A.82.060(1)(a))  
15 Malicious explosion 3 (RCW 70.74.280(3))  
16 Manufacture of methamphetamine (RCW  
17 69.50.401(a)(1)(ii))  
18 Over 18 and deliver heroin,  
19 methamphetamine, a narcotic from  
20 Schedule I or II, or flunitrazepam  
21 from Schedule IV to someone under 18  
22 (RCW 69.50.406)  
23 Sexually Violent Predator Escape (RCW  
24 9A.76.115)  
25 IX Assault of a Child 2 (RCW 9A.36.130)  
26 Controlled Substance Homicide (RCW  
27 69.50.415)  
28 Explosive devices prohibited (RCW  
29 70.74.180)  
30 Hit and Run--Death (RCW 46.52.020(4)(a))  
31 Homicide by Watercraft, by being under the  
32 influence of intoxicating liquor or  
33 any drug (RCW 79A.60.050)  
34 Inciting Criminal Profiteering (RCW  
35 9A.82.060(1)(b))  
36 Malicious placement of an explosive 2 (RCW  
37 70.74.270(2))

1 Over 18 and deliver narcotic from Schedule  
2 III, IV, or V or a nonnarcotic, except  
3 flunitrazepam or methamphetamine, from  
4 Schedule I-V to someone under 18 and 3  
5 years junior (RCW 69.50.406)  
6 Robbery 1 (RCW 9A.56.200)  
7 Sexual Exploitation (RCW 9.68A.040)  
8 Vehicular Homicide, by being under the  
9 influence of intoxicating liquor or  
10 any drug (RCW 46.61.520)

11 VIII Arson 1 (RCW 9A.48.020)  
12 Deliver or possess with intent to deliver  
13 m e t h a m p h e t a m i n e ( R C W  
14 69.50.401(a)(1)(ii))  
15 Homicide by Watercraft, by the operation of  
16 any vessel in a reckless manner (RCW  
17 79A.60.050)  
18 Manslaughter 2 (RCW 9A.32.070)  
19 Manufacture, deliver, or possess with  
20 intent to deliver amphetamine (RCW  
21 69.50.401(a)(1)(ii))  
22 Manufacture, deliver, or possess with  
23 intent to deliver heroin or cocaine  
24 (RCW 69.50.401(a)(1)(i))  
25 Possession of Ephedrine, Pseudoephedrine,  
26 or Anhydrous Ammonia with intent to  
27 manufacture methamphetamine (RCW  
28 69.50.440)  
29 Promoting Prostitution 1 (RCW 9A.88.070)  
30 Selling for profit (controlled or  
31 counterfeit) any controlled substance  
32 (RCW 69.50.410)  
33 Theft of Anhydrous Ammonia (RCW 69.55.010)  
34 Vehicular Homicide, by the operation of any  
35 vehicle in a reckless manner (RCW  
36 46.61.520)

37 VII Burglary 1 (RCW 9A.52.020)  
38 Child Molestation 2 (RCW 9A.44.086)

1 Dealing in depictions of minor engaged in  
2 sexually explicit conduct (RCW  
3 9.68A.050)  
4 Drive-by Shooting (RCW 9A.36.045)  
5 Homicide by Watercraft, by disregard for  
6 the safety of others (RCW 79A.60.050)  
7 Indecent Liberties (without forcible  
8 compulsion) (RCW 9A.44.100(1) (b) and  
9 (c))  
10 Introducing Contraband 1 (RCW 9A.76.140)  
11 Involving a minor in drug dealing (RCW  
12 69.50.401(f))  
13 Malicious placement of an explosive 3 (RCW  
14 70.74.270(3))  
15 Sending, bringing into state depictions of  
16 minor engaged in sexually explicit  
17 conduct (RCW 9.68A.060)  
18 Unlawful Possession of a Firearm in the  
19 first degree (RCW 9.41.040(1)(a))  
20 Use of a Machine Gun in Commission of a  
21 Felony (RCW 9.41.225)  
22 Vehicular Homicide, by disregard for the  
23 safety of others (RCW 46.61.520)  
24 VI Bail Jumping with Murder 1 (RCW  
25 9A.76.170(3)(a))  
26 Bribery (RCW 9A.68.010)  
27 Incest 1 (RCW 9A.64.020(1))  
28 Intimidating a Judge (RCW 9A.72.160)  
29 Intimidating a Juror/Witness (RCW  
30 9A.72.110, 9A.72.130)  
31 Malicious placement of an imitation device  
32 2 (RCW 70.74.272(1)(b))  
33 Manufacture, deliver, or possess with  
34 intent to deliver narcotics from  
35 Schedule I or II (except heroin or  
36 cocaine) or flunitrazepam from  
37 Schedule IV (RCW 69.50.401(a)(1)(i))  
38 Rape of a Child 3 (RCW 9A.44.079)  
39 Theft of a Firearm (RCW 9A.56.300)

1 Unlawful Storage of Anhydrous Ammonia (RCW  
2 69.55.020)

3 V Abandonment of dependent person 1 (RCW  
4 9A.42.060)

5 Advancing money or property for  
6 extortionate extension of credit (RCW  
7 9A.82.030)

8 Bail Jumping with class A Felony (RCW  
9 9A.76.170(3)(b))

10 Child Molestation 3 (RCW 9A.44.089)

11 Criminal Mistreatment 1 (RCW 9A.42.020)

12 Custodial Sexual Misconduct 1 (RCW  
13 9A.44.160)

14 Delivery of imitation controlled substance  
15 by person eighteen or over to person  
16 under eighteen (RCW 69.52.030(2))

17 Domestic Violence Court Order Violation  
18 (RCW 10.99.040, 10.99.050, 26.09.300,  
19 26.10.220, 26.26.138, 26.50.110,  
20 26.52.070, or 74.34.145)

21 Extortion 1 (RCW 9A.56.120)

22 Extortionate Extension of Credit (RCW  
23 9A.82.020)

24 Extortionate Means to Collect Extensions of  
25 Credit (RCW 9A.82.040)

26 Incest 2 (RCW 9A.64.020(2))

27 Kidnapping 2 (RCW 9A.40.030)

28 Perjury 1 (RCW 9A.72.020)

29 Persistent prison misbehavior (RCW  
30 9.94.070)

31 Possession of a Stolen Firearm (RCW  
32 9A.56.310)

33 Rape 3 (RCW 9A.44.060)

34 Rendering Criminal Assistance 1 (RCW  
35 9A.76.070)

36 Sexual Misconduct with a Minor 1 (RCW  
37 9A.44.093)

38 Sexually Violating Human Remains (RCW  
39 9A.44.105)

1 Stalking (RCW 9A.46.110)  
2 Taking Motor Vehicle Without Permission 1  
3 (RCW 9A.56.070(1))

4 IV Arson 2 (RCW 9A.48.030)  
5 Assault 2 (RCW 9A.36.021)  
6 Assault by Watercraft (RCW 79A.60.060)  
7 Bribing a Witness/Bribe Received by Witness  
8 (RCW 9A.72.090, 9A.72.100)  
9 Commercial Bribery (RCW 9A.68.060)  
10 Counterfeiting (RCW 9.16.035(4))  
11 Escape 1 (RCW 9A.76.110)  
12 Hit and Run--Injury (RCW 46.52.020(4)(b))  
13 Hit and Run with Vessel--Injury Accident  
14 (RCW 79A.60.200(3))  
15 Identity Theft 1 (RCW 9.35.020(2)(a))  
16 Indecent Exposure to Person Under Age  
17 Fourteen (subsequent sex offense) (RCW  
18 9A.88.010)  
19 Influencing Outcome of Sporting Event (RCW  
20 9A.82.070)  
21 Knowingly Trafficking in Stolen Property  
22 (RCW 9A.82.050(2))  
23 Malicious Harassment (RCW 9A.36.080)  
24 Manufacture, deliver, or possess with  
25 intent to deliver narcotics from  
26 Schedule III, IV, or V or nonnarcotics  
27 from Schedule I-V (except marijuana,  
28 amphetamine, methamphetamines, or  
29 flunitrazepam) (RCW 69.50.401(a)(1)  
30 (iii) through (v))  
31 Residential Burglary (RCW 9A.52.025)  
32 Robbery 2 (RCW 9A.56.210)  
33 Theft of Livestock 1 (RCW 9A.56.080)  
34 Threats to Bomb (RCW 9.61.160)  
35 Use of Proceeds of Criminal Profiteering  
36 (RCW 9A.82.080 (1) and (2))  
37 Vehicular Assault, by being under the  
38 influence of intoxicating liquor or  
39 any drug, or by the operation or

1 driving of a vehicle in a reckless  
2 manner (RCW 46.61.522)  
3 Willful Failure to Return from Furlough  
4 (RCW 72.66.060)

5 III Abandonment of dependent person 2 (RCW  
6 9A.42.070)  
7 Assault 3 (RCW 9A.36.031)  
8 Assault of a Child 3 (RCW 9A.36.140)  
9 Bail Jumping with class B or C Felony (RCW  
10 9A.76.170(3)(c))  
11 Burglary 2 (RCW 9A.52.030)  
12 Communication with a Minor for Immoral  
13 Purposes (RCW 9.68A.090)  
14 Criminal Gang Intimidation (RCW 9A.46.120)  
15 Criminal Mistreatment 2 (RCW 9A.42.030)  
16 Custodial Assault (RCW 9A.36.100)  
17 Delivery of a material in lieu of a  
18 controlled substance (RCW  
19 69.50.401(c))  
20 Escape 2 (RCW 9A.76.120)  
21 Extortion 2 (RCW 9A.56.130)  
22 Harassment (RCW 9A.46.020)  
23 Intimidating a Public Servant (RCW  
24 9A.76.180)  
25 Introducing Contraband 2 (RCW 9A.76.150)  
26 Maintaining a Dwelling or Place for  
27 Controlled Substances (RCW  
28 69.50.402(a)(6))  
29 Malicious Injury to Railroad Property (RCW  
30 81.60.070)  
31 Manufacture, deliver, or possess with  
32 intent to deliver marijuana (RCW  
33 69.50.401(a)(1)(iii))  
34 Manufacture, distribute, or possess with  
35 intent to distribute an imitation  
36 controlled substance (RCW  
37 69.52.030(1))  
38 Patronizing a Juvenile Prostitute (RCW  
39 9.68A.100)

1 Perjury 2 (RCW 9A.72.030)  
2 Possession of Incendiary Device (RCW  
3 9.40.120)  
4 Possession of Machine Gun or Short-Barreled  
5 Shotgun or Rifle (RCW 9.41.190)  
6 Promoting Prostitution 2 (RCW 9A.88.080)  
7 Recklessly Trafficking in Stolen Property  
8 (RCW 9A.82.050(1))  
9 Securities Act violation (RCW 21.20.400)  
10 Tampering with a Witness (RCW 9A.72.120)  
11 Telephone Harassment (subsequent conviction  
12 or threat of death) (RCW 9.61.230)  
13 Theft of Livestock 2 (RCW 9A.56.080)  
14 Unlawful Imprisonment (RCW 9A.40.040)  
15 Unlawful possession of firearm in the  
16 second degree (RCW 9.41.040(1)(b))  
17 Unlawful Use of Building for Drug Purposes  
18 (RCW 69.53.010)  
19 Vehicular Assault, by the operation or  
20 driving of a vehicle with disregard  
21 for the safety of others (RCW  
22 46.61.522)  
23 Willful Failure to Return from Work Release  
24 (RCW 72.65.070)  
25 II Computer Trespass 1 (RCW 9A.52.110)  
26 Counterfeiting (RCW 9.16.035(3))  
27 Create, deliver, or possess a counterfeit  
28 controlled substance (RCW  
29 69.50.401(b))  
30 Escape from Community Custody (RCW  
31 72.09.310)  
32 Health Care False Claims (RCW 48.80.030)  
33 Identity Theft 2 (RCW 9.35.020(2)(b))  
34 Improperly Obtaining Financial Information  
35 (RCW 9.35.010)  
36 Malicious Mischief 1 (RCW 9A.48.070)  
37 Possession of controlled substance that is  
38 either heroin or narcotics from

1                   Schedule I or II or flunitrazepam from  
2                   Schedule IV (RCW 69.50.401(d))  
3           Possession of phencyclidine (PCP) (RCW  
4                   69.50.401(d))  
5           Possession of Stolen Property 1 (RCW  
6                   9A.56.150)  
7           Taking Motor Vehicle Without Permission 2  
8                   (RCW 9A.56.070(2))  
9           Theft 1 (RCW 9A.56.030)  
10          Theft of Rental, Leased, or Lease-purchased  
11                   Property (valued at one thousand five  
12                   hundred dollars or more) (RCW  
13                   9A.56.096(4))  
14          Trafficking in Insurance Claims (RCW  
15                   48.30A.015)  
16          Unlawful Practice of Law (RCW 2.48.180)  
17          Unlicensed Practice of a Profession or  
18                   Business (RCW 18.130.190(7))  
  
19          I           Attempting to Elude a Pursuing Police  
20                   Vehicle (RCW 46.61.024)  
21          False Verification for Welfare (RCW  
22                   74.08.055)  
23          Forged Prescription (RCW 69.41.020)  
24          Forged Prescription for a Controlled  
25                   Substance (RCW 69.50.403)  
26          Forgery (RCW 9A.60.020)  
27          Malicious Mischief 2 (RCW 9A.48.080)  
28          Possess Controlled Substance that is a  
29                   Narcotic from Schedule III, IV, or V  
30                   or Non-narcotic from Schedule I-V  
31                   (except phencyclidine or  
32                   flunitrazepam) (RCW 69.50.401(d))  
33          Possession of Stolen Property 2 (RCW  
34                   9A.56.160)  
35          Reckless Burning 1 (RCW 9A.48.040)  
36          (~~(Taking Motor Vehicle Without Permission~~  
37                   ~~(RCW 9A.56.070))~~)  
38          Theft 2 (RCW 9A.56.040)

1           Theft of Rental, Leased, or Lease-purchased  
2           Property (valued at two hundred fifty  
3           dollars or more but less than one  
4           thousand five hundred dollars) (RCW  
5           9A.56.096(4))  
6           Unlawful Issuance of Checks or Drafts (RCW  
7           9A.56.060)  
8           Unlawful Use of Food Stamps (RCW 9.91.140  
9           (2) and (3))  
10          Vehicle Prowl 1 (RCW 9A.52.095)

11          **Sec. 3.** RCW 9.94A.525 and 2001 c 264 s 5 are each amended to read  
12 as follows:

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

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

17          (1) A prior conviction is a conviction which exists before the date  
18 of sentencing for the offense for which the offender score is being  
19 computed. Convictions entered or sentenced on the same date as the  
20 conviction for which the offender score is being computed shall be  
21 deemed "other current offenses" within the meaning of RCW 9.94A.589.

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

1 spent five years in the community without committing any crime that  
2 subsequently results in a conviction. This subsection applies to both  
3 adult and juvenile prior convictions.

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

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

16 (5)(a) In the case of multiple prior convictions, for the purpose  
17 of computing the offender score, count all convictions separately,  
18 except:

19 (i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to  
20 encompass the same criminal conduct, shall be counted as one offense,  
21 the offense that yields the highest offender score. The current  
22 sentencing court shall determine with respect to other prior adult  
23 offenses for which sentences were served concurrently or prior juvenile  
24 offenses for which sentences were served consecutively, whether those  
25 offenses shall be counted as one offense or as separate offenses using  
26 the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and  
27 if the court finds that they shall be counted as one offense, then the  
28 offense that yields the highest offender score shall be used. The  
29 current sentencing court may presume that such other prior offenses  
30 were not the same criminal conduct from sentences imposed on separate  
31 dates, or in separate counties or jurisdictions, or in separate  
32 complaints, indictments, or informations;

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

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

7 (6) If the present conviction is one of the anticipatory offenses  
8 of criminal attempt, solicitation, or conspiracy, count each prior  
9 conviction as if the present conviction were for a completed offense.  
10 When these convictions are used as criminal history, score them the  
11 same as a completed crime.

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

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

22 (9) If the present conviction is for a serious violent offense,  
23 count three points for prior adult and juvenile convictions for crimes  
24 in this category, two points for each prior adult and juvenile violent  
25 conviction (not already counted), one point for each prior adult  
26 nonviolent felony conviction, and 1/2 point for each prior juvenile  
27 nonviolent felony conviction.

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

33 (11) If the present conviction is for a felony traffic offense  
34 count two points for each adult or juvenile prior conviction for  
35 Vehicular Homicide or Vehicular Assault; for each felony offense count  
36 one point for each adult and 1/2 point for each juvenile prior  
37 conviction; for each serious traffic offense, other than those used for  
38 an enhancement pursuant to RCW 46.61.520(2), count one point for each  
39 adult and 1/2 point for each juvenile prior conviction.

1 (12) If the present conviction is for a drug offense count three  
2 points for each adult prior felony drug offense conviction and two  
3 points for each juvenile drug offense. All other adult and juvenile  
4 felonies are scored as in subsection (8) of this section if the current  
5 drug offense is violent, or as in subsection (7) of this section if the  
6 current drug offense is nonviolent.

7 (13) If the present conviction is for Escape from Community  
8 Custody, RCW 72.09.310, count only prior escape convictions in the  
9 offender score. Count adult prior escape convictions as one point and  
10 juvenile prior escape convictions as 1/2 point.

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

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

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

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

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

28 **Sec. 4.** RCW 13.40.0357 and 2001 c 217 s 13 are each amended to  
29 read as follows:

30 **DESCRIPTION AND OFFENSE CATEGORY**

31	JUVENILE	JUVENILE DISPOSITION	
32	DISPOSITION	CATEGORY FOR ATTEMPT,	
33	OFFENSE	BAILJUMP, CONSPIRACY,	
34	CATEGORY	DESCRIPTION (RCW CITATION)	OR SOLICITATION
35	.....	.....	.....

36 **Arson and Malicious Mischief**

37	A	Arson 1 (9A.48.020)	B+
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1	B	Arson 2 (9A.48.030)	C
2	C	Reckless Burning 1 (9A.48.040)	D
3	D	Reckless Burning 2 (9A.48.050)	E
4	B	Malicious Mischief 1 (9A.48.070)	C
5	C	Malicious Mischief 2 (9A.48.080)	D
6	D	Malicious Mischief 3 (<\$50 is	
7		E class) (9A.48.090)	E
8	E	Tampering with Fire Alarm	
9		Apparatus (9.40.100)	E
10	A	Possession of Incendiary Device	
11		(9.40.120)	B+
12		<b>Assault and Other Crimes</b>	
13		<b>Involving Physical Harm</b>	
14	A	Assault 1 (9A.36.011)	B+
15	B+	Assault 2 (9A.36.021)	C+
16	C+	Assault 3 (9A.36.031)	D+
17	D+	Assault 4 (9A.36.041)	E
18	B+	Drive-By Shooting	
19		(9A.36.045)	C+
20	D+	Reckless Endangerment	
21		(9A.36.050)	E
22	C+	Promoting Suicide Attempt	
23		(9A.36.060)	D+
24	D+	Coercion (9A.36.070)	E
25	C+	Custodial Assault (9A.36.100)	D+
26		<b>Burglary and Trespass</b>	
27	B+	Burglary 1 (9A.52.020)	C+
28	B	Residential Burglary	
29		(9A.52.025)	C
30	B	Burglary 2 (9A.52.030)	C
31	D	Burglary Tools (Possession of)	
32		(9A.52.060)	E
33	D	Criminal Trespass 1 (9A.52.070)	E
34	E	Criminal Trespass 2 (9A.52.080)	E
35	C	Vehicle Prowling 1 (9A.52.095)	D
36	D	Vehicle Prowling 2 (9A.52.100)	E

**Drugs**

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

1		Controlled Substance	
2		(69.50.401(c))	C
3		<b>Firearms and Weapons</b>	
4	B	Theft of Firearm (9A.56.300)	C
5	B	Possession of Stolen Firearm	
6		(9A.56.310)	C
7	E	Carrying Loaded Pistol Without	
8		Permit (9.41.050)	E
9	C	Possession of Firearms by Minor (<18)	
10		(9.41.040(1)(b)(iii))	C
11	D+	Possession of Dangerous Weapon	
12		(9.41.250)	E
13	D	Intimidating Another Person by use	
14		of Weapon (9.41.270)	E
15		<b>Homicide</b>	
16	A+	Murder 1 (9A.32.030)	A
17	A+	Murder 2 (9A.32.050)	B+
18	B+	Manslaughter 1 (9A.32.060)	C+
19	C+	Manslaughter 2 (9A.32.070)	D+
20	B+	Vehicular Homicide (46.61.520)	C+
21		<b>Kidnapping</b>	
22	A	Kidnap 1 (9A.40.020)	B+
23	B+	Kidnap 2 (9A.40.030)	C+
24	C+	Unlawful Imprisonment	
25		(9A.40.040)	D+
26		<b>Obstructing Governmental Operation</b>	
27	D	Obstructing a Law Enforcement	
28		Officer (9A.76.020)	E
29	E	Resisting Arrest (9A.76.040)	E
30	B	Introducing Contraband 1	
31		(9A.76.140)	C
32	C	Introducing Contraband 2	
33		(9A.76.150)	D
34	E	Introducing Contraband 3	
35		(9A.76.160)	E
36	B+	Intimidating a Public Servant	
37		(9A.76.180)	C+

1	B+	Intimidating a Witness	
2		(9A.72.110)	C+
3		<b>Public Disturbance</b>	
4	C+	Riot with Weapon (9A.84.010)	D+
5	D+	Riot Without Weapon	
6		(9A.84.010)	E
7	E	Failure to Disperse (9A.84.020)	E
8	E	Disorderly Conduct (9A.84.030)	E
9		<b>Sex Crimes</b>	
10	A	Rape 1 (9A.44.040)	B+
11	A-	Rape 2 (9A.44.050)	B+
12	C+	Rape 3 (9A.44.060)	D+
13	A-	Rape of a Child 1 (9A.44.073)	B+
14	B+	Rape of a Child 2 (9A.44.076)	C+
15	B	Incest 1 (9A.64.020(1))	C
16	C	Incest 2 (9A.64.020(2))	D
17	D+	Indecent Exposure	
18		(Victim <14) (9A.88.010)	E
19	E	Indecent Exposure	
20		(Victim 14 or over) (9A.88.010)	E
21	B+	Promoting Prostitution 1	
22		(9A.88.070)	C+
23	C+	Promoting Prostitution 2	
24		(9A.88.080)	D+
25	E	O & A (Prostitution) (9A.88.030)	E
26	B+	Indecent Liberties (9A.44.100)	C+
27	A-	Child Molestation 1 (9A.44.083)	B+
28	B	Child Molestation 2 (9A.44.086)	C+
29		<b>Theft, Robbery, Extortion, and Forgery</b>	
30	B	Theft 1 (9A.56.030)	C
31	C	Theft 2 (9A.56.040)	D
32	D	Theft 3 (9A.56.050)	E
33	B	Theft of Livestock (9A.56.080)	C
34	C	Forgery (9A.60.020)	D
35	A	Robbery 1 (9A.56.200)	B+
36	B+	Robbery 2 (9A.56.210)	C+
37	B+	Extortion 1 (9A.56.120)	C+
38	C+	Extortion 2 (9A.56.130)	D+

1	C	Identity Theft 1 (9.35.020(2)(a))	D
2	D	Identity Theft 2 (9.35.020(2)(b))	E
3	D	Improperly Obtaining Financial	
4		Information ( <del>((9.35.010))</del> )	
5		<u>(9.35.010)</u>	E
6	B	Possession of Stolen Property 1	
7		(9A.56.150)	C
8	C	Possession of Stolen Property 2	
9		(9A.56.160)	D
10	D	Possession of Stolen Property 3	
11		(9A.56.170)	E
12	<u>B+</u>	<u>Taking Motor Vehicle Without</u>	
13		<u>Permission 1 (9A.56.070(1))</u>	<u>C+</u>
14	<del>(E)</del>		
15	<u>B</u>	Taking Motor Vehicle Without	
16		<del>(Owner's)</del> Permission 2	
17		(9A.56.070(2))	<del>(D)</del> C
18		<b>Motor Vehicle Related Crimes</b>	
19	E	Driving Without a License	
20		(46.20.005)	E
21	B+	Hit and Run - Death	
22		(46.52.020(4)(a))	C+
23	C	Hit and Run - Injury	
24		(46.52.020(4)(b))	D
25	D	Hit and Run-Attended	
26		(46.52.020(5))	E
27	E	Hit and Run-Unattended	
28		(46.52.010)	E
29	C	Vehicular Assault (46.61.522)	D
30	C	Attempting to Elude Pursuing	
31		Police Vehicle (46.61.024)	D
32	E	Reckless Driving (46.61.500)	E
33	D	Driving While Under the Influence	
34		(46.61.502 and 46.61.504)	E
35		<b>Other</b>	
36	B	Bomb Threat (9.61.160)	C
37	C	Escape 1 (9A.76.110)	C
38	C	Escape 2 (9A.76.120)	C

1	D	Escape 3 (9A.76.130)	E
2	E	Obscene, Harassing, Etc.,	
3		Phone Calls (9.61.230)	E
4	A	Other Offense Equivalent to an	
5		Adult Class A Felony	B+
6	B	Other Offense Equivalent to an	
7		Adult Class B Felony	C
8	C	Other Offense Equivalent to an	
9		Adult Class C Felony	D
10	D	Other Offense Equivalent to an	
11		Adult Gross Misdemeanor	E
12	E	Other Offense Equivalent to an	
13		Adult Misdemeanor	E
14	V	Violation of Order of Restitution,	
15		Community Supervision, or	
16		Confinement (13.40.200)	V

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

19 1st escape or attempted escape during 12-month period - 4 weeks  
20 confinement

21 2nd escape or attempted escape during 12-month period - 8 weeks  
22 confinement

23 3rd and subsequent escape or attempted escape during 12-month  
24 period - 12 weeks confinement

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

27 **JUVENILE SENTENCING STANDARDS**

28 This schedule must be used for juvenile offenders. The court may  
29 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		
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).

**--- END ---**