
HOUSE BILL 2507

State of Washington

57th Legislature

2002 Regular Session

By Representatives Lovick, Ballasiotes, O'Brien, Ahern, Kirby, Jackley, Kessler, Schmidt, McIntire, Conway, Santos, Ruderman, Van Luven, Edwards, Hurst, Fromhold, Upthegrove, Kenney, Eickmeyer, Miloscia, Simpson, Grant, Chase, Dunshee, Cody, Morris, Wood, Campbell, Voloria, Rockefeller, Darneille, McDermott, Schual-Berke and Berkey

Read first time 01/18/2002. Referred to Committee on Criminal Justice & Corrections.

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)) automobile or motor vehicle was unlawfully taken
18 ((shall be equally guilty with the person taking or driving said
19 automobile or motor vehicle and shall be deemed guilty of taking a
20 motor vehicle without permission)).

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

23 **Sec. 2.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s
24 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to
25 read as follows:

26 TABLE 2

27 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

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

1 XII Assault 1 (RCW 9A.36.011)
2 Assault of a Child 1 (RCW 9A.36.120)
3 Malicious placement of an imitation device
4 1 (RCW 70.74.272(1)(a))
5 Rape 1 (RCW 9A.44.040)
6 Rape of a Child 1 (RCW 9A.44.073)
7 XI Manslaughter 1 (RCW 9A.32.060)
8 Rape 2 (RCW 9A.44.050)
9 Rape of a Child 2 (RCW 9A.44.076)
10 X Child Molestation 1 (RCW 9A.44.083)
11 Indecent Liberties (with forcible
12 compulsion) (RCW 9A.44.100(1)(a))
13 Kidnapping 1 (RCW 9A.40.020)
14 Leading Organized Crime (RCW
15 9A.82.060(1)(a))
16 Malicious explosion 3 (RCW 70.74.280(3))
17 Manufacture of methamphetamine (RCW
18 69.50.401(a)(1)(ii))
19 Over 18 and deliver heroin,
20 methamphetamine, a narcotic from
21 Schedule I or II, or flunitrazepam
22 from Schedule IV to someone under 18
23 (RCW 69.50.406)
24 Sexually Violent Predator Escape (RCW
25 9A.76.115)
26 IX Assault of a Child 2 (RCW 9A.36.130)
27 Controlled Substance Homicide (RCW
28 69.50.415)
29 Explosive devices prohibited (RCW
30 70.74.180)
31 Hit and Run--Death (RCW 46.52.020(4)(a))
32 Homicide by Watercraft, by being under the
33 influence of intoxicating liquor or
34 any drug (RCW 79A.60.050)
35 Inciting Criminal Profiteering (RCW
36 9A.82.060(1)(b))
37 Malicious placement of an explosive 2 (RCW
38 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		Assault and Other Crimes	
13		Involving Physical Harm	
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		Burglary and Trespass	
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		Firearms and Weapons	
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		Homicide	
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		Kidnapping	
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		Obstructing Governmental Operation	
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		Public Disturbance	
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		Sex Crimes	
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		Theft, Robbery, Extortion, and Forgery	
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 (((9.35.010)))	
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	(E)		
15	<u>B</u>	Taking Motor Vehicle Without	
16		(Owner's) Permission 2	
17		(9A.56.070(2))	(D) C
18		Motor Vehicle Related Crimes	
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		Other	
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 ---