

HB 1108 - S AMD 389

By Senators Kline, Brandland

ADOPTED 04/16/2003

1 On page 1, after line 18, insert the following:

2 "Sec. 2. RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c
3 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133
4 s 4 are each reenacted and amended to read as follows:

5 TABLE 2

6 CRIMES INCLUDED WITHIN
7 EACH SERIOUSNESS LEVEL

- 8 XVI Aggravated Murder 1 (RCW
9 10.95.020)
- 10 XV Homicide by abuse (RCW 9A.32.055)
11 Malicious explosion 1 (RCW
12 70.74.280(1))
13 Murder 1 (RCW 9A.32.030)
- 14 XIV Murder 2 (RCW 9A.32.050)
- 15 XIII Malicious explosion 2 (RCW
16 70.74.280(2))
17 Malicious placement of an explosive 1
18 (RCW 70.74.270(1))
- 19 XII Assault 1 (RCW 9A.36.011)
20 Assault of a Child 1 (RCW 9A.36.120)
21 Malicious placement of an imitation
22 device 1 (RCW 70.74.272(1)(a))
23 Rape 1 (RCW 9A.44.040)
24 Rape of a Child 1 (RCW 9A.44.073)
- 25 XI Manslaughter 1 (RCW 9A.32.060)
26 Rape 2 (RCW 9A.44.050)
27 Rape of a Child 2 (RCW 9A.44.076)
- 28 X Child Molestation 1 (RCW 9A.44.083)

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

1 Over 18 and deliver narcotic from
2 Schedule III, IV, or V or a
3 nonnarcotic, except flunitrazepam
4 or methamphetamine, from
5 Schedule I-V to someone under 18
6 and 3 years junior (RCW
7 69.50.406)
8 Robbery 1 (RCW 9A.56.200)
9 Sexual Exploitation (RCW 9.68A.040)
10 Vehicular Homicide, by being under
11 the influence of intoxicating
12 liquor or any drug (RCW
13 46.61.520)
14 VIII Arson 1 (RCW 9A.48.020)
15 Deliver or possess with intent to
16 deliver methamphetamine (RCW
17 69.50.401(a)(1)(ii))
18 Homicide by Watercraft, by the
19 operation of any vessel in a
20 reckless manner (RCW
21 79A.60.050)
22 Manslaughter 2 (RCW 9A.32.070)
23 Manufacture, deliver, or possess with
24 intent to deliver amphetamine
25 (RCW 69.50.401(a)(1)(ii))
26 Manufacture, deliver, or possess with
27 intent to deliver heroin or cocaine
28 (when the offender has a criminal
29 history in this state or any other
30 state that includes a sex offense or
31 serious violent offense or the
32 Washington equivalent) (RCW
33 69.50.401(a)(1)(i))

1 Possession of Ephedrine or any of its
2 Salts or Isomers or Salts of
3 Isomers, Pseudoephedrine or any
4 of its Salts or Isomers or Salts of
5 Isomers, Pressurized Ammonia
6 Gas, or Pressurized Ammonia Gas
7 Solution with intent to
8 manufacture methamphetamine
9 (RCW 69.50.440)

10 Promoting Prostitution 1 (RCW
11 9A.88.070)

12 Selling for profit (controlled or
13 counterfeit) any controlled
14 substance (RCW 69.50.410)

15 Theft of Ammonia (RCW 69.55.010)

16 Vehicular Homicide, by the operation
17 of any vehicle in a reckless
18 manner (RCW 46.61.520)

19 VII Burglary 1 (RCW 9A.52.020)

20 Child Molestation 2 (RCW 9A.44.086)

21 Civil Disorder Training (RCW
22 9A.48.120)

23 Dealing in depictions of minor
24 engaged in sexually explicit
25 conduct (RCW 9.68A.050)

26 Drive-by Shooting (RCW 9A.36.045)

27 Homicide by Watercraft, by disregard
28 for the safety of others (RCW
29 79A.60.050)

30 Indecent Liberties (without forcible
31 compulsion) (RCW 9A.44.100(1)
32 (b) and (c))

33 Introducing Contraband 1 (RCW
34 9A.76.140)

35 Involving a minor in drug dealing
36 (RCW 69.50.401(f))

1 Malicious placement of an explosive 3
2 (RCW 70.74.270(3))
3 Manufacture, deliver, or possess with
4 intent to deliver heroin or cocaine
5 (except when the offender has a
6 criminal history in this state or
7 any other state that includes a sex
8 offense or serious violent offense
9 or the Washington equivalent)
10 (RCW 69.50.401(a)(1)(i))
11 Sending, bringing into state depictions
12 of minor engaged in sexually
13 explicit conduct (RCW
14 9.68A.060)
15 Unlawful Possession of a Firearm in
16 the first degree (RCW
17 9.41.040(1)(a))
18 Use of a Machine Gun in Commission
19 of a Felony (RCW 9.41.225)
20 Vehicular Homicide, by disregard for
21 the safety of others (RCW
22 46.61.520)
23 VI Bail Jumping with Murder 1 (RCW
24 9A.76.170(3)(a))
25 Bribery (RCW 9A.68.010)
26 Incest 1 (RCW 9A.64.020(1))
27 Intimidating a Judge (RCW
28 9A.72.160)
29 Intimidating a Juror/Witness (RCW
30 9A.72.110, 9A.72.130)
31 Malicious placement of an imitation
32 device 2 (RCW 70.74.272(1)(b))

1 Manufacture, deliver, or possess with
2 intent to deliver narcotics from
3 Schedule I or II (except heroin or
4 cocaine) or flunitrazepam from
5 Schedule IV (RCW
6 69.50.401(a)(1)(i))
7 Rape of a Child 3 (RCW 9A.44.079)
8 Theft of a Firearm (RCW 9A.56.300)
9 Unlawful Storage of Ammonia (RCW
10 69.55.020)
11 V Abandonment of dependent person 1
12 (RCW 9A.42.060)
13 Advancing money or property for
14 extortionate extension of credit
15 (RCW 9A.82.030)
16 Bail Jumping with class A Felony
17 (RCW 9A.76.170(3)(b))
18 Child Molestation 3 (RCW 9A.44.089)
19 Criminal Mistreatment 1 (RCW
20 9A.42.020)
21 Custodial Sexual Misconduct 1 (RCW
22 9A.44.160)
23 Delivery of imitation controlled
24 substance by person eighteen or
25 over to person under eighteen
26 (RCW 69.52.030(2))
27 Domestic Violence Court Order
28 Violation (RCW 10.99.040,
29 10.99.050, 26.09.300, 26.10.220,
30 26.26.138, 26.50.110, 26.52.070,
31 or 74.34.145)
32 Extortion 1 (RCW 9A.56.120)
33 Extortionate Extension of Credit
34 (RCW 9A.82.020)
35 Extortionate Means to Collect
36 Extensions of Credit (RCW
37 9A.82.040)

1 Incest 2 (RCW 9A.64.020(2))
2 Kidnapping 2 (RCW 9A.40.030)
3 Perjury 1 (RCW 9A.72.020)
4 Persistent prison misbehavior (RCW
5 9.94.070)
6 Possession of a Stolen Firearm (RCW
7 9A.56.310)
8 Rape 3 (RCW 9A.44.060)
9 Rendering Criminal Assistance 1
10 (RCW 9A.76.070)
11 Sexual Misconduct with a Minor 1
12 (RCW 9A.44.093)
13 Sexually Violating Human Remains
14 (RCW 9A.44.105)
15 Stalking (RCW 9A.46.110)
16 Taking Motor Vehicle Without
17 Permission 1 (RCW
18 9A.56.070(1))
19 IV Arson 2 (RCW 9A.48.030)
20 Assault 2 (RCW 9A.36.021)
21 Assault by Watercraft (RCW
22 79A.60.060)
23 Bribing a Witness/Bribe Received by
24 Witness (RCW 9A.72.090,
25 9A.72.100)
26 Cheating 1 (RCW 9.46.1961)
27 Commercial Bribery (RCW
28 9A.68.060)
29 Counterfeiting (RCW 9.16.035(4))
30 Endangerment with a Controlled
31 Substance (RCW 9A.42.100)
32 Escape 1 (RCW 9A.76.110)
33 Hit and Run--Injury (RCW
34 46.52.020(4)(b))
35 Hit and Run with Vessel--Injury
36 Accident (RCW 79A.60.200(3))
37 Identity Theft 1 (RCW 9.35.020(2)(a))

1 Indecent Exposure to Person Under
2 Age Fourteen (subsequent sex
3 offense) (RCW 9A.88.010)
4 Influencing Outcome of Sporting
5 Event (RCW 9A.82.070)
6 Knowingly Trafficking in Stolen
7 Property (RCW 9A.82.050(2))
8 Malicious Harassment (RCW
9 9A.36.080)
10 Manufacture, deliver, or possess with
11 intent to deliver narcotics from
12 Schedule III, IV, or V or
13 nonnarcotics from Schedule I-V
14 (except marijuana, amphetamine,
15 methamphetamines, or
16 flunitrazepam) (RCW
17 69.50.401(a)(1) (iii) through (v))
18 Residential Burglary (RCW
19 9A.52.025)
20 Robbery 2 (RCW 9A.56.210)
21 Theft of Livestock 1 (RCW 9A.56.080)
22 Threats to Bomb (RCW 9.61.160)
23 Use of Proceeds of Criminal
24 Profiteering (RCW 9A.82.080 (1)
25 and (2))
26 Vehicular Assault, by being under the
27 influence of intoxicating liquor or
28 any drug, or by the operation or
29 driving of a vehicle in a reckless
30 manner (RCW 46.61.522)
31 Willful Failure to Return from
32 Furlough (RCW 72.66.060)
33 III Abandonment of dependent person 2
34 (RCW 9A.42.070)
35 Assault 3 (RCW 9A.36.031)
36 Assault of a Child 3 (RCW 9A.36.140)

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

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

1 Escape from Community Custody
2 (RCW 72.09.310)
3 Harming a Police or Accelerant
4 Detection Dog or Police Horse
5 (RCW 9A.76.200)
6 Health Care False Claims (RCW
7 48.80.030)
8 Identity Theft 2 (RCW 9.35.020(2)(b))
9 Improperly Obtaining Financial
10 Information (RCW 9.35.010)
11 Malicious Mischief 1 (RCW
12 9A.48.070)
13 Possession of controlled substance that
14 is either heroin or narcotics from
15 Schedule I or II or flunitrazepam
16 from Schedule IV (RCW
17 69.50.401(d))
18 Possession of phencyclidine (PCP)
19 (RCW 69.50.401(d))
20 Possession of Stolen Property 1 (RCW
21 9A.56.150)
22 Theft 1 (RCW 9A.56.030)
23 Theft of Rental, Leased, or Lease-
24 purchased Property (valued at one
25 thousand five hundred dollars or
26 more) (RCW 9A.56.096(4))
27 Trafficking in Insurance Claims (RCW
28 48.30A.015)
29 Unlawful Practice of Law (RCW
30 2.48.180)
31 Unlicensed Practice of a Profession or
32 Business (RCW 18.130.190(7))
33 I Attempting to Elude a Pursuing Police
34 Vehicle (RCW 46.61.024)
35 False Verification for Welfare (RCW
36 74.08.055)
37 Forged Prescription (RCW 69.41.020)

1 Forged Prescription for a Controlled
2 Substance (RCW 69.50.403)
3 Forgery (RCW 9A.60.020)
4 Malicious Mischief 2 (RCW
5 9A.48.080)
6 Possess Controlled Substance that is a
7 Narcotic from Schedule III, IV, or
8 V or Non-narcotic from Schedule
9 I-V (except phencyclidine or
10 flunitrazepam) (RCW
11 69.50.401(d))
12 Possession of Stolen Property 2 (RCW
13 9A.56.160)
14 Reckless Burning 1 (RCW 9A.48.040)
15 Taking Motor Vehicle Without
16 Permission 2 (RCW
17 9A.56.070(2))
18 Theft 2 (RCW 9A.56.040)
19 Theft of Rental, Leased, or Lease-
20 purchased Property (valued at two
21 hundred fifty dollars or more but
22 less than one thousand five
23 hundred dollars) (RCW
24 9A.56.096(4))
25 Unlawful Issuance of Checks or Drafts
26 (RCW 9A.56.060)
27 Unlawful Use of Food Stamps (RCW
28 9.91.140 (2) and (3))
29 Vehicle Prowl 1 (RCW 9A.52.095)

30 **Sec. 3.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c
31 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133
32 s 4 are each reenacted and amended to read as follows:

33 TABLE 2
34 CRIMES INCLUDED WITHIN
35 EACH SERIOUSNESS LEVEL

1 XVI Aggravated Murder 1 (RCW
2 10.95.020)
3 XV Homicide by abuse (RCW 9A.32.055)
4 Malicious explosion 1 (RCW
5 70.74.280(1))
6 Murder 1 (RCW 9A.32.030)
7 XIV Murder 2 (RCW 9A.32.050)
8 XIII Malicious explosion 2 (RCW
9 70.74.280(2))
10 Malicious placement of an explosive 1
11 (RCW 70.74.270(1))
12 XII Assault 1 (RCW 9A.36.011)
13 Assault of a Child 1 (RCW 9A.36.120)
14 Malicious placement of an imitation
15 device 1 (RCW 70.74.272(1)(a))
16 Rape 1 (RCW 9A.44.040)
17 Rape of a Child 1 (RCW 9A.44.073)
18 XI Manslaughter 1 (RCW 9A.32.060)
19 Rape 2 (RCW 9A.44.050)
20 Rape of a Child 2 (RCW 9A.44.076)
21 X Child Molestation 1 (RCW 9A.44.083)
22 Indecent Liberties (with forcible
23 compulsion) (RCW
24 9A.44.100(1)(a))
25 Kidnapping 1 (RCW 9A.40.020)
26 Leading Organized Crime (RCW
27 9A.82.060(1)(a))
28 Malicious explosion 3 (RCW
29 70.74.280(3))
30 Sexually Violent Predator Escape
31 (RCW 9A.76.115)
32 IX Assault of a Child 2 (RCW 9A.36.130)
33 Explosive devices prohibited (RCW
34 70.74.180)
35 Hit and Run--Death (RCW
36 46.52.020(4)(a))

1 Homicide by Watercraft, by being
2 under the influence of intoxicating
3 liquor or any drug (RCW
4 79A.60.050)
5 Inciting Criminal Profiteering (RCW
6 9A.82.060(1)(b))
7 Malicious placement of an explosive 2
8 (RCW 70.74.270(2))
9 Robbery 1 (RCW 9A.56.200)
10 Sexual Exploitation (RCW 9.68A.040)
11 Vehicular Homicide, by being under
12 the influence of intoxicating
13 liquor or any drug (RCW
14 46.61.520)
15 VIII Arson 1 (RCW 9A.48.020)
16 Homicide by Watercraft, by the
17 operation of any vessel in a
18 reckless manner (RCW
19 79A.60.050)
20 Manslaughter 2 (RCW 9A.32.070)
21 Promoting Prostitution 1 (RCW
22 9A.88.070)
23 Theft of Ammonia (RCW 69.55.010)
24 Vehicular Homicide, by the operation
25 of any vehicle in a reckless
26 manner (RCW 46.61.520)
27 VII Burglary 1 (RCW 9A.52.020)
28 Child Molestation 2 (RCW 9A.44.086)
29 Civil Disorder Training (RCW
30 9A.48.120)
31 Dealing in depictions of minor
32 engaged in sexually explicit
33 conduct (RCW 9.68A.050)
34 Drive-by Shooting (RCW 9A.36.045)
35 Homicide by Watercraft, by disregard
36 for the safety of others (RCW
37 79A.60.050)

1 Indecent Liberties (without forcible
2 compulsion) (RCW 9A.44.100(1)
3 (b) and (c))
4 Introducing Contraband 1 (RCW
5 9A.76.140)
6 Malicious placement of an explosive 3
7 (RCW 70.74.270(3))
8 Sending, bringing into state depictions
9 of minor engaged in sexually
10 explicit conduct (RCW
11 9.68A.060)
12 Unlawful Possession of a Firearm in
13 the first degree (RCW
14 9.41.040(1)(a))
15 Use of a Machine Gun in Commission
16 of a Felony (RCW 9.41.225)
17 Vehicular Homicide, by disregard for
18 the safety of others (RCW
19 46.61.520)
20 VI Bail Jumping with Murder 1 (RCW
21 9A.76.170(3)(a))
22 Bribery (RCW 9A.68.010)
23 Incest 1 (RCW 9A.64.020(1))
24 Intimidating a Judge (RCW
25 9A.72.160)
26 Intimidating a Juror/Witness (RCW
27 9A.72.110, 9A.72.130)
28 Malicious placement of an imitation
29 device 2 (RCW 70.74.272(1)(b))
30 Rape of a Child 3 (RCW 9A.44.079)
31 Theft of a Firearm (RCW 9A.56.300)
32 Unlawful Storage of Ammonia (RCW
33 69.55.020)
34 V Abandonment of dependent person 1
35 (RCW 9A.42.060)

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

1 Taking Motor Vehicle Without
2 Permission 1 (RCW
3 9A.56.070(1))
4 IV Arson 2 (RCW 9A.48.030)
5 Assault 2 (RCW 9A.36.021)
6 Assault by Watercraft (RCW
7 79A.60.060)
8 Bribing a Witness/Bribe Received by
9 Witness (RCW 9A.72.090,
10 9A.72.100)
11 Cheating 1 (RCW 9.46.1961)
12 Commercial Bribery (RCW
13 9A.68.060)
14 Counterfeiting (RCW 9.16.035(4))
15 Endangerment with a Controlled
16 Substance (RCW 9A.42.100)
17 Escape 1 (RCW 9A.76.110)
18 Hit and Run--Injury (RCW
19 46.52.020(4)(b))
20 Hit and Run with Vessel--Injury
21 Accident (RCW 79A.60.200(3))
22 Identity Theft 1 (RCW 9.35.020(2)(a))
23 Indecent Exposure to Person Under
24 Age Fourteen (subsequent sex
25 offense) (RCW 9A.88.010)
26 Influencing Outcome of Sporting
27 Event (RCW 9A.82.070)
28 Knowingly Trafficking in Stolen
29 Property (RCW 9A.82.050(2))
30 Malicious Harassment (RCW
31 9A.36.080)
32 Residential Burglary (RCW
33 9A.52.025)
34 Robbery 2 (RCW 9A.56.210)
35 Theft of Livestock 1 (RCW 9A.56.080)
36 Threats to Bomb (RCW 9.61.160)

1 Use of Proceeds of Criminal
2 Profiteering (RCW 9A.82.080 (1)
3 and (2))
4 Vehicular Assault, by being under the
5 influence of intoxicating liquor or
6 any drug, or by the operation or
7 driving of a vehicle in a reckless
8 manner (RCW 46.61.522)
9 Willful Failure to Return from
10 Furlough (RCW 72.66.060)
11 III Abandonment of dependent person 2
12 (RCW 9A.42.070)
13 Assault 3 (RCW 9A.36.031)
14 Assault of a Child 3 (RCW 9A.36.140)
15 Bail Jumping with class B or C Felony
16 (RCW 9A.76.170(3)(c))
17 Burglary 2 (RCW 9A.52.030)
18 Communication with a Minor for
19 Immoral Purposes (RCW
20 9.68A.090)
21 Criminal Gang Intimidation (RCW
22 9A.46.120)
23 Criminal Mistreatment 2 (RCW
24 9A.42.030)
25 Custodial Assault (RCW 9A.36.100)
26 Escape 2 (RCW 9A.76.120)
27 Extortion 2 (RCW 9A.56.130)
28 Harassment (RCW 9A.46.020)
29 Intimidating a Public Servant (RCW
30 9A.76.180)
31 Introducing Contraband 2 (RCW
32 9A.76.150)
33 Malicious Injury to Railroad Property
34 (RCW 81.60.070)
35 Patronizing a Juvenile Prostitute
36 (RCW 9.68A.100)
37 Perjury 2 (RCW 9A.72.030)

1 Possession of Incendiary Device (RCW
2 9.40.120)
3 Possession of Machine Gun or Short-
4 Barreled Shotgun or Rifle (RCW
5 9.41.190)
6 Promoting Prostitution 2 (RCW
7 9A.88.080)
8 Recklessly Trafficking in Stolen
9 Property (RCW 9A.82.050(1))
10 Securities Act violation (RCW
11 21.20.400)
12 Tampering with a Witness (RCW
13 9A.72.120)
14 Telephone Harassment (subsequent
15 conviction or threat of death)
16 (RCW 9.61.230)
17 Theft of Livestock 2 (RCW 9A.56.080)
18 Unlawful Imprisonment (RCW
19 9A.40.040)
20 Unlawful possession of firearm in the
21 second degree (RCW
22 9.41.040(1)(b))
23 Vehicular Assault, by the operation or
24 driving of a vehicle with disregard
25 for the safety of others (RCW
26 46.61.522)
27 Willful Failure to Return from Work
28 Release (RCW 72.65.070)
29 II Computer Trespass 1 (RCW
30 9A.52.110)
31 Counterfeiting (RCW 9.16.035(3))
32 Escape from Community Custody
33 (RCW 72.09.310)
34 Harming a Police or Accelerant
35 Detection Dog or Police Horse
36 (RCW 9A.76.200)

1 Health Care False Claims (RCW
2 48.80.030)
3 Identity Theft 2 (RCW 9.35.020(2)(b))
4 Improperly Obtaining Financial
5 Information (RCW 9.35.010)
6 Malicious Mischief 1 (RCW
7 9A.48.070)
8 Possession of Stolen Property 1 (RCW
9 9A.56.150)
10 Theft 1 (RCW 9A.56.030)
11 Theft of Rental, Leased, or Lease-
12 purchased Property (valued at one
13 thousand five hundred dollars or
14 more) (RCW 9A.56.096(4))
15 Trafficking in Insurance Claims (RCW
16 48.30A.015)
17 Unlawful Practice of Law (RCW
18 2.48.180)
19 Unlicensed Practice of a Profession or
20 Business (RCW 18.130.190(7))
21 I Attempting to Elude a Pursuing Police
22 Vehicle (RCW 46.61.024)
23 False Verification for Welfare (RCW
24 74.08.055)
25 Forgery (RCW 9A.60.020)
26 Malicious Mischief 2 (RCW
27 9A.48.080)
28 Possession of Stolen Property 2 (RCW
29 9A.56.160)
30 Reckless Burning 1 (RCW 9A.48.040)
31 Taking Motor Vehicle Without
32 Permission 2 (RCW
33 9A.56.070(2))
34 Theft 2 (RCW 9A.56.040)

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

12 **Sec. 4.** RCW 13.40.0357 and 2002 c 324 s 3 and 2002 c 175 s 20 are
 13 each reenacted and amended to read as follows:
 14

15 **DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION

21

22 **Arson and Malicious Mischief**

23	A	Arson 1 (9A.48.020)	B+
24	B	Arson 2 (9A.48.030)	C
25	C	Reckless Burning 1 (9A.48.040)	D
26	D	Reckless Burning 2 (9A.48.050)	E
27	B	Malicious Mischief 1 (9A.48.070)	C
28	C	Malicious Mischief 2 (9A.48.080)	D
29	D	Malicious Mischief 3 (<\$50 is E class)	
30		(9A.48.090)	E
31	E	Tampering with Fire Alarm Apparatus	
32		(9.40.100)	E
33	A	Possession of Incendiary Device (9.40.120)	B+

1		Assault and Other Crimes Involving	
2		Physical Harm	
3	A	Assault 1 (9A.36.011)	B+
4	B+	Assault 2 (9A.36.021)	C+
5	C+	Assault 3 (9A.36.031)	D+
6	D+	Assault 4 (9A.36.041)	E
7	B+	Drive-By Shooting (9A.36.045)	C+
8	D+	Reckless Endangerment (9A.36.050)	E
9	C+	Promoting Suicide Attempt (9A.36.060)	D+
10	D+	Coercion (9A.36.070)	E
11	C+	Custodial Assault (9A.36.100)	D+
12		Burglary and Trespass	
13	B+	Burglary 1 (9A.52.020)	C+
14	B	Residential Burglary (9A.52.025)	C
15	B	Burglary 2 (9A.52.030)	C
16	D	Burglary Tools (Possession of) (9A.52.060)	E
17	D	Criminal Trespass 1 (9A.52.070)	E
18	E	Criminal Trespass 2 (9A.52.080)	E
19	C	Vehicle Prowling 1 (9A.52.095)	D
20	D	Vehicle Prowling 2 (9A.52.100)	E
21		Drugs	
22	E	Possession/Consumption of Alcohol	
23		(66.44.270)	E
24	C	Illegally Obtaining Legend Drug	
25		(69.41.020)	D
26	C+	Sale, Delivery, Possession of Legend Drug	
27		with Intent to Sell (69.41.030)	D+
28	E	Possession of Legend Drug (69.41.030)	E
29	B+	Violation of Uniform Controlled	
30		Substances Act - Narcotic,	
31		Methamphetamine, or Flunitrazepam Sale	
32		(69.50.401(a)(1) (i) or (ii))	B+
33	C	Violation of Uniform Controlled	
34		Substances Act - Nonnarcotic Sale	
35		(69.50.401(a)(1)(iii))	C
36	E	Possession of Marihuana <40 grams	
37		(69.50.401(e))	E

1	C	Fraudulently Obtaining Controlled	
2		Substance (69.50.403)	C
3	C+	Sale of Controlled Substance for Profit	
4		(69.50.410)	C+
5	E	Unlawful Inhalation (9.47A.020)	E
6	B	Violation of Uniform Controlled	
7		Substances Act - Narcotic,	
8		Methamphetamine, or Flunitrazepam	
9		Counterfeit Substances (69.50.401(b)(1) (i)	
10		or (ii))	B
11	C	Violation of Uniform Controlled	
12		Substances Act - Nonnarcotic Counterfeit	
13		Substances (69.50.401(b)(1) (iii), (iv), (v))	C
14	C	Violation of Uniform Controlled	
15		Substances Act - Possession of a Controlled	
16		Substance (69.50.401(d))	C
17	C	Violation of Uniform Controlled	
18		Substances Act - Possession of a Controlled	
19		Substance (69.50.401(c))	C
20		Firearms and Weapons	
21	B	Theft of Firearm (9A.56.300)	C
22	B	Possession of Stolen Firearm (9A.56.310)	C
23	E	Carrying Loaded Pistol Without Permit	
24		(9.41.050)	E
25	C	Possession of Firearms by Minor (<18)	
26		(9.41.040(1)(b)(iii))	C
27	D+	Possession of Dangerous Weapon	
28		(9.41.250)	E
29	D	Intimidating Another Person by use of	
30		Weapon (9.41.270)	E
31		Homicide	
32	A+	Murder 1 (9A.32.030)	A
33	A+	Murder 2 (9A.32.050)	B+
34	B+	Manslaughter 1 (9A.32.060)	C+
35	C+	Manslaughter 2 (9A.32.070)	D+
36	B+	Vehicular Homicide (46.61.520)	C+

1		Kidnapping	
2	A	Kidnap 1 (9A.40.020)	B+
3	B+	Kidnap 2 (9A.40.030)	C+
4	C+	Unlawful Imprisonment (9A.40.040)	D+
5		Obstructing Governmental Operation	
6	D	Obstructing a Law Enforcement Officer	
7		(9A.76.020)	E
8	E	Resisting Arrest (9A.76.040)	E
9	B	Introducing Contraband 1 (9A.76.140)	C
10	C	Introducing Contraband 2 (9A.76.150)	D
11	E	Introducing Contraband 3 (9A.76.160)	E
12	B+	Intimidating a Public Servant (9A.76.180)	C+
13	B+	Intimidating a Witness (9A.72.110)	C+
14	<u>C+</u>	<u>Harming a Police or Accelerant Detection</u>	
15		<u>Dog or Police Horse (9A.76.200)</u>	<u>C</u>
16		Public Disturbance	
17	C+	Riot with Weapon (9A.84.010)	D+
18	D+	Riot Without Weapon (9A.84.010)	E
19	E	Failure to Disperse (9A.84.020)	E
20	E	Disorderly Conduct (9A.84.030)	E
21		Sex Crimes	
22	A	Rape 1 (9A.44.040)	B+
23	A-	Rape 2 (9A.44.050)	B+
24	C+	Rape 3 (9A.44.060)	D+
25	A-	Rape of a Child 1 (9A.44.073)	B+
26	B+	Rape of a Child 2 (9A.44.076)	C+
27	B	Incest 1 (9A.64.020(1))	C
28	C	Incest 2 (9A.64.020(2))	D
29	D+	Indecent Exposure (Victim <14)	
30		(9A.88.010)	E
31	E	Indecent Exposure (Victim 14 or over)	
32		(9A.88.010)	E
33	B+	Promoting Prostitution 1 (9A.88.070)	C+
34	C+	Promoting Prostitution 2 (9A.88.080)	D+
35	E	O & A (Prostitution) (9A.88.030)	E
36	B+	Indecent Liberties (9A.44.100)	C+

1	A-	Child Molestation 1 (9A.44.083)	B+
2	B	Child Molestation 2 (9A.44.086)	C+
3		Theft, Robbery, Extortion, and Forgery	
4	B	Theft 1 (9A.56.030)	C
5	C	Theft 2 (9A.56.040)	D
6	D	Theft 3 (9A.56.050)	E
7	B	Theft of Livestock (9A.56.080)	C
8	C	Forgery (9A.60.020)	D
9	A	Robbery 1 (9A.56.200)	B+
10	B+	Robbery 2 (9A.56.210)	C+
11	B+	Extortion 1 (9A.56.120)	C+
12	C+	Extortion 2 (9A.56.130)	D+
13	C	Identity Theft 1 (9.35.020(2)(a))	D
14	D	Identity Theft 2 (9.35.020(2)(b))	E
15	D	Improperly Obtaining Financial	
16		Information (9.35.010)	E
17	B	Possession of Stolen Property 1	
18		(9A.56.150)	C
19	C	Possession of Stolen Property 2	
20		(9A.56.160)	D
21	D	Possession of Stolen Property 3	
22		(9A.56.170)	E
23	C	Taking Motor Vehicle Without Permission	
24		1 and 2 (9A.56.070 (1) and (2))	D
25		Motor Vehicle Related Crimes	
26	E	Driving Without a License (46.20.005)	E
27	B+	Hit and Run - Death (46.52.020(4)(a))	C+
28	C	Hit and Run - Injury (46.52.020(4)(b))	D
29	D	Hit and Run-Attended (46.52.020(5))	E
30	E	Hit and Run-Unattended (46.52.010)	E
31	C	Vehicular Assault (46.61.522)	D
32	C	Attempting to Elude Pursuing Police	
33		Vehicle (46.61.024)	D
34	E	Reckless Driving (46.61.500)	E
35	D	Driving While Under the Influence	
36		(46.61.502 and 46.61.504)	E

1		Other	
2	B	Bomb Threat (9.61.160)	C
3	C	Escape 1 ¹ (9A.76.110)	C
4	C	Escape 2 ¹ (9A.76.120)	C
5	D	Escape 3 (9A.76.130)	E
6	E	Obscene, Harassing, Etc., Phone Calls	
7		(9.61.230)	E
8	A	Other Offense Equivalent to an Adult Class	
9		A Felony	B+
10	B	Other Offense Equivalent to an Adult Class	
11		B Felony	C
12	C	Other Offense Equivalent to an Adult Class	
13		C Felony	D
14	D	Other Offense Equivalent to an Adult	
15		Gross Misdemeanor	E
16	E	Other Offense Equivalent to an Adult	
17		Misdemeanor	E
18	V	Violation of Order of Restitution,	
19		Community Supervision, or Confinement	
20		(13.40.200) ²	V

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

23 1st escape or attempted escape during 12-month period - 4 weeks
 24 confinement

25 2nd escape or attempted escape during 12-month period - 8 weeks
 26 confinement

27 3rd and subsequent escape or attempted escape during 12-month
 28 period - 12 weeks confinement

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

31 **JUVENILE SENTENCING STANDARDS**

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

**OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE**

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A-	15-36 WEEKS EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
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Current Offense Category	B+	15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
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B	LOCAL SANCTIONS (LS)		15-36 WEEKS	52-65 WEEKS
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C+	LS		15-36 WEEKS	
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C	LS			15-36 WEEKS
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Local Sanctions:
0 to 30 Days

D+	LS	0 to 12 Months Community Supervision 0 to 150 Hours Community Restitution		
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D	LS	\$0 to \$500 Fine		
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E	LS			
---	----	--	--	--

0 1 2 3 4
or more

PRIOR ADJUDICATIONS

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

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

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior

1 felony adjudication shall count as one point. Each prior violation,
2 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
3 point. Fractional points shall be rounded down.

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

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

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

12 OR

13 **OPTION B**

14 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

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

19 OR

20 **OPTION C**

21 **MANIFEST INJUSTICE**

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

25 NEW SECTION. **Sec. 5.** Section 2 of this act expires July 1, 2004.

26 NEW SECTION. **Sec. 6.** Section 3 of this act takes effect July 1,
27 2004."

HB 1108 - S AMD 389
By Senators Kline, Brandland

ADOPTED 04/16/2003

1 On page 1, line 2 of the title, after "9A.76.200;" strike the
2 remainder of the title and insert "reenacting and amending RCW
3 9.94A.515, 9.94A.515, and 13.40.0357; prescribing penalties; providing
4 an effective date; and providing an expiration date."

--- END ---