

SHB 1380 - S COMM AMD

By Committee on Natural Resources, Energy & Water

ADOPTED 04/08/2003

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The definitions in this section apply  
4 throughout section 2 of this act unless the context clearly requires  
5 otherwise.

6 (1) "Bedrock sluice" means a wood or metal flume or trough that is  
7 permanently attached to the bedrock of the creek and is equipped with  
8 transverse riffles across the bottom of the unit and used to recover  
9 heavy mineral sands.

10 (2) "Dredge" means a subsurface hose from one and one-half to ten  
11 inches in diameter that is powered by an engine and is used to draw up  
12 auriferous material that is then separated in the sluice portion of the  
13 unit.

14 (3) "Flume" means a trough used to convey water.

15 (4) "Mining claim" means a portion of the public lands claimed for  
16 the valuable minerals occurring in those lands and for which the  
17 mineral rights are obtained under federal law or a right that is  
18 recognized by the United States bureau of land management and given an  
19 identification number.

20 (5) "Quartz mill" means a facility for processing ores or gravel.

21 (6) "Rocker box" means a unit constructed of a short trough  
22 attached to curved supports that allow the unit to be rocked from side  
23 to side.

24 (7) "Sluice box" means a portable unit constructed of a wood or  
25 metal flume or trough equipped with transverse riffles across the  
26 bottom of the unit and that is used to recover heavy mineral sands.

27 NEW SECTION. **Sec. 2.** (1) A person commits the crime of mineral

1 trespass if the person intentionally and without the permission of the  
2 claim holder or person conducting the mining operation:

3 (a) Interferes with a lawful mining operation or stops, or causes  
4 to be stopped, a lawful mining operation;

5 (b) Enters a mining claim posted as required in chapter 78.08 RCW  
6 and disturbs, removes, or attempts to remove any mineral from the claim  
7 site;

8 (c) Tampers with or disturbs a flume, rocker box, bedrock sluice,  
9 sluice box, dredge, quartz mill, or other mining equipment at a posted  
10 mining claim; or

11 (d) Defaces a location stake, side post, corner post, landmark,  
12 monument, or posted written notice within a posted mining claim.

13 (2) Mineral trespass is a class C felony.

14 NEW SECTION. **Sec. 3.** (1) Section 2 of this act does not apply to  
15 conduct that would otherwise constitute an offense when it is required  
16 or authorized by law or judicial decree or is performed by a public  
17 servant in the reasonable exercise of official powers, duties, or  
18 functions.

19 (2) As used in subsection (1) of this section, "laws or judicial  
20 decrees" includes but is not limited to:

21 (a) Laws defining duties and functions of public servants;

22 (b) Laws defining duties of private citizens to assist public  
23 servants in the performance of certain of their functions; and

24 (c) Judgments and orders of courts.

25 **Sec. 4.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c  
26 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133  
27 s 4 are each reenacted and amended to read as follows:

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|     |                                   |
|-----|-----------------------------------|
|     | TABLE 2                           |
|     | CRIMES INCLUDED WITHIN            |
|     | EACH SERIOUSNESS LEVEL            |
| XVI | Aggravated Murder 1 (RCW          |
|     | 10.95.020)                        |
| XV  | Homicide by abuse (RCW 9A.32.055) |

1 Malicious explosion 1 (RCW  
2 70.74.280(1))  
3 Murder 1 (RCW 9A.32.030)  
4 XIV Murder 2 (RCW 9A.32.050)  
5 XIII Malicious explosion 2 (RCW  
6 70.74.280(2))  
7 Malicious placement of an explosive 1  
8 (RCW 70.74.270(1))  
9 XII Assault 1 (RCW 9A.36.011)  
10 Assault of a Child 1 (RCW 9A.36.120)  
11 Malicious placement of an imitation  
12 device 1 (RCW 70.74.272(1)(a))  
13 Rape 1 (RCW 9A.44.040)  
14 Rape of a Child 1 (RCW 9A.44.073)  
15 XI Manslaughter 1 (RCW 9A.32.060)  
16 Rape 2 (RCW 9A.44.050)  
17 Rape of a Child 2 (RCW 9A.44.076)  
18 X Child Molestation 1 (RCW 9A.44.083)  
19 Indecent Liberties (with forcible  
20 compulsion) (RCW  
21 9A.44.100(1)(a))  
22 Kidnapping 1 (RCW 9A.40.020)  
23 Leading Organized Crime (RCW  
24 9A.82.060(1)(a))  
25 Malicious explosion 3 (RCW  
26 70.74.280(3))  
27 Manufacture of methamphetamine  
28 (RCW 69.50.401(a)(1)(ii))  
29 Over 18 and deliver heroin,  
30 methamphetamine, a narcotic  
31 from Schedule I or II, or  
32 flunitrazepam from Schedule IV  
33 to someone under 18 (RCW  
34 69.50.406)  
35 Sexually Violent Predator Escape  
36 (RCW 9A.76.115)  
37 IX Assault of a Child 2 (RCW 9A.36.130)

1 Controlled Substance Homicide (RCW  
2 69.50.415)  
3 Explosive devices prohibited (RCW  
4 70.74.180)  
5 Hit and Run--Death (RCW  
6 46.52.020(4)(a))  
7 Homicide by Watercraft, by being  
8 under the influence of intoxicating  
9 liquor or any drug (RCW  
10 79A.60.050)  
11 Inciting Criminal Profiteering (RCW  
12 9A.82.060(1)(b))  
13 Malicious placement of an explosive 2  
14 (RCW 70.74.270(2))  
15 Over 18 and deliver narcotic from  
16 Schedule III, IV, or V or a  
17 nonnarcotic, except flunitrazepam  
18 or methamphetamine, from  
19 Schedule I-V to someone under 18  
20 and 3 years junior (RCW  
21 69.50.406)  
22 Robbery 1 (RCW 9A.56.200)  
23 Sexual Exploitation (RCW 9.68A.040)  
24 Vehicular Homicide, by being under  
25 the influence of intoxicating  
26 liquor or any drug (RCW  
27 46.61.520)  
28 VIII Arson 1 (RCW 9A.48.020)  
29 Deliver or possess with intent to  
30 deliver methamphetamine (RCW  
31 69.50.401(a)(1)(ii))  
32 Homicide by Watercraft, by the  
33 operation of any vessel in a  
34 reckless manner (RCW  
35 79A.60.050)  
36 Manslaughter 2 (RCW 9A.32.070)

1 Manufacture, deliver, or possess with  
2 intent to deliver amphetamine  
3 (RCW 69.50.401(a)(1)(ii))

4 Manufacture, deliver, or possess with  
5 intent to deliver heroin or cocaine  
6 (when the offender has a criminal  
7 history in this state or any other  
8 state that includes a sex offense or  
9 serious violent offense or the  
10 Washington equivalent) (RCW  
11 69.50.401(a)(1)(i))

12 Possession of Ephedrine or any of its  
13 Salts or Isomers or Salts of  
14 Isomers, Pseudoephedrine or any  
15 of its Salts or Isomers or Salts of  
16 Isomers, Pressurized Ammonia  
17 Gas, or Pressurized Ammonia Gas  
18 Solution with intent to  
19 manufacture methamphetamine  
20 (RCW 69.50.440)

21 Promoting Prostitution 1 (RCW  
22 9A.88.070)

23 Selling for profit (controlled or  
24 counterfeit) any controlled  
25 substance (RCW 69.50.410)

26 Theft of Ammonia (RCW 69.55.010)  
27 Vehicular Homicide, by the operation  
28 of any vehicle in a reckless  
29 manner (RCW 46.61.520)

30 VII Burglary 1 (RCW 9A.52.020)

31 Child Molestation 2 (RCW 9A.44.086)

32 Civil Disorder Training (RCW  
33 9A.48.120)

34 Dealing in depictions of minor  
35 engaged in sexually explicit  
36 conduct (RCW 9.68A.050)

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

1 Homicide by Watercraft, by disregard  
2 for the safety of others (RCW  
3 79A.60.050)  
4 Indecent Liberties (without forcible  
5 compulsion) (RCW 9A.44.100(1)  
6 (b) and (c))  
7 Introducing Contraband 1 (RCW  
8 9A.76.140)  
9 Involving a minor in drug dealing  
10 (RCW 69.50.401(f))  
11 Malicious placement of an explosive 3  
12 (RCW 70.74.270(3))  
13 Manufacture, deliver, or possess with  
14 intent to deliver heroin or cocaine  
15 (except when the offender has a  
16 criminal history in this state or  
17 any other state that includes a sex  
18 offense or serious violent offense  
19 or the Washington equivalent)  
20 (RCW 69.50.401(a)(1)(i))  
21 Sending, bringing into state depictions  
22 of minor engaged in sexually  
23 explicit conduct (RCW  
24 9.68A.060)  
25 Unlawful Possession of a Firearm in  
26 the first degree (RCW  
27 9.41.040(1)(a))  
28 Use of a Machine Gun in Commission  
29 of a Felony (RCW 9.41.225)  
30 Vehicular Homicide, by disregard for  
31 the safety of others (RCW  
32 46.61.520)  
33 VI Bail Jumping with Murder 1 (RCW  
34 9A.76.170(3)(a))  
35 Bribery (RCW 9A.68.010)  
36 Incest 1 (RCW 9A.64.020(1))

1 Intimidating a Judge (RCW  
2 9A.72.160)  
3 Intimidating a Juror/Witness (RCW  
4 9A.72.110, 9A.72.130)  
5 Malicious placement of an imitation  
6 device 2 (RCW 70.74.272(1)(b))  
7 Manufacture, deliver, or possess with  
8 intent to deliver narcotics from  
9 Schedule I or II (except heroin or  
10 cocaine) or flunitrazepam from  
11 Schedule IV (RCW  
12 69.50.401(a)(1)(i))  
13 Rape of a Child 3 (RCW 9A.44.079)  
14 Theft of a Firearm (RCW 9A.56.300)  
15 Unlawful Storage of Ammonia (RCW  
16 69.55.020)  
17 V Abandonment of dependent person 1  
18 (RCW 9A.42.060)  
19 Advancing money or property for  
20 extortionate extension of credit  
21 (RCW 9A.82.030)  
22 Bail Jumping with class A Felony  
23 (RCW 9A.76.170(3)(b))  
24 Child Molestation 3 (RCW 9A.44.089)  
25 Criminal Mistreatment 1 (RCW  
26 9A.42.020)  
27 Custodial Sexual Misconduct 1 (RCW  
28 9A.44.160)  
29 Delivery of imitation controlled  
30 substance by person eighteen or  
31 over to person under eighteen  
32 (RCW 69.52.030(2))  
33 Domestic Violence Court Order  
34 Violation (RCW 10.99.040,  
35 10.99.050, 26.09.300, 26.10.220,  
36 26.26.138, 26.50.110, 26.52.070,  
37 or 74.34.145)

1 Extortion 1 (RCW 9A.56.120)  
2 Extortionate Extension of Credit  
3 (RCW 9A.82.020)  
4 Extortionate Means to Collect  
5 Extensions of Credit (RCW  
6 9A.82.040)  
7 Incest 2 (RCW 9A.64.020(2))  
8 Kidnapping 2 (RCW 9A.40.030)  
9 Perjury 1 (RCW 9A.72.020)  
10 Persistent prison misbehavior (RCW  
11 9.94.070)  
12 Possession of a Stolen Firearm (RCW  
13 9A.56.310)  
14 Rape 3 (RCW 9A.44.060)  
15 Rendering Criminal Assistance 1  
16 (RCW 9A.76.070)  
17 Sexual Misconduct with a Minor 1  
18 (RCW 9A.44.093)  
19 Sexually Violating Human Remains  
20 (RCW 9A.44.105)  
21 Stalking (RCW 9A.46.110)  
22 Taking Motor Vehicle Without  
23 Permission 1 (RCW  
24 9A.56.070(1))  
25 IV Arson 2 (RCW 9A.48.030)  
26 Assault 2 (RCW 9A.36.021)  
27 Assault by Watercraft (RCW  
28 79A.60.060)  
29 Bribing a Witness/Bribe Received by  
30 Witness (RCW 9A.72.090,  
31 9A.72.100)  
32 Cheating 1 (RCW 9.46.1961)  
33 Commercial Bribery (RCW  
34 9A.68.060)  
35 Counterfeiting (RCW 9.16.035(4))  
36 Endangerment with a Controlled  
37 Substance (RCW 9A.42.100)



1 Escape 1 (RCW 9A.76.110)  
2 Hit and Run--Injury (RCW  
3 46.52.020(4)(b))  
4 Hit and Run with Vessel--Injury  
5 Accident (RCW 79A.60.200(3))  
6 Identity Theft 1 (RCW 9.35.020(2)(a))  
7 Indecent Exposure to Person Under  
8 Age Fourteen (subsequent sex  
9 offense) (RCW 9A.88.010)  
10 Influencing Outcome of Sporting  
11 Event (RCW 9A.82.070)  
12 Knowingly Trafficking in Stolen  
13 Property (RCW 9A.82.050(2))  
14 Malicious Harassment (RCW  
15 9A.36.080)  
16 Manufacture, deliver, or possess with  
17 intent to deliver narcotics from  
18 Schedule III, IV, or V or  
19 nonnarcotics from Schedule I-V  
20 (except marijuana, amphetamine,  
21 methamphetamines, or  
22 flunitrazepam) (RCW  
23 69.50.401(a)(1) (iii) through (v))  
24 Residential Burglary (RCW  
25 9A.52.025)  
26 Robbery 2 (RCW 9A.56.210)  
27 Theft of Livestock 1 (RCW 9A.56.080)  
28 Threats to Bomb (RCW 9.61.160)  
29 Use of Proceeds of Criminal  
30 Profiteering (RCW 9A.82.080 (1)  
31 and (2))  
32 Vehicular Assault, by being under the  
33 influence of intoxicating liquor or  
34 any drug, or by the operation or  
35 driving of a vehicle in a reckless  
36 manner (RCW 46.61.522)

1 Willful Failure to Return from  
2 Furlough (RCW 72.66.060)  
3 III Abandonment of dependent person 2  
4 (RCW 9A.42.070)  
5 Assault 3 (RCW 9A.36.031)  
6 Assault of a Child 3 (RCW 9A.36.140)  
7 Bail Jumping with class B or C Felony  
8 (RCW 9A.76.170(3)(c))  
9 Burglary 2 (RCW 9A.52.030)  
10 Communication with a Minor for  
11 Immoral Purposes (RCW  
12 9.68A.090)  
13 Criminal Gang Intimidation (RCW  
14 9A.46.120)  
15 Criminal Mistreatment 2 (RCW  
16 9A.42.030)  
17 Custodial Assault (RCW 9A.36.100)  
18 Delivery of a material in lieu of a  
19 controlled substance (RCW  
20 69.50.401(c))  
21 Escape 2 (RCW 9A.76.120)  
22 Extortion 2 (RCW 9A.56.130)  
23 Harassment (RCW 9A.46.020)  
24 Intimidating a Public Servant (RCW  
25 9A.76.180)  
26 Introducing Contraband 2 (RCW  
27 9A.76.150)  
28 Maintaining a Dwelling or Place for  
29 Controlled Substances (RCW  
30 69.50.402(a)(6))  
31 Malicious Injury to Railroad Property  
32 (RCW 81.60.070)  
33 Manufacture, deliver, or possess with  
34 intent to deliver marijuana (RCW  
35 69.50.401(a)(1)(iii))

1 Manufacture, distribute, or possess  
2 with intent to distribute an  
3 imitation controlled substance  
4 (RCW 69.52.030(1))  
5 Patronizing a Juvenile Prostitute  
6 (RCW 9.68A.100)  
7 Perjury 2 (RCW 9A.72.030)  
8 Possession of Incendiary Device (RCW  
9 9.40.120)  
10 Possession of Machine Gun or Short-  
11 Barreled Shotgun or Rifle (RCW  
12 9.41.190)  
13 Promoting Prostitution 2 (RCW  
14 9A.88.080)  
15 Recklessly Trafficking in Stolen  
16 Property (RCW 9A.82.050(1))  
17 Securities Act violation (RCW  
18 21.20.400)  
19 Tampering with a Witness (RCW  
20 9A.72.120)  
21 Telephone Harassment (subsequent  
22 conviction or threat of death)  
23 (RCW 9.61.230)  
24 Theft of Livestock 2 (RCW 9A.56.080)  
25 Unlawful Imprisonment (RCW  
26 9A.40.040)  
27 Unlawful possession of firearm in the  
28 second degree (RCW  
29 9.41.040(1)(b))  
30 Unlawful Use of Building for Drug  
31 Purposes (RCW 69.53.010)  
32 Vehicular Assault, by the operation or  
33 driving of a vehicle with disregard  
34 for the safety of others (RCW  
35 46.61.522)  
36 Willful Failure to Return from Work  
37 Release (RCW 72.65.070)

1 II Computer Trespass 1 (RCW  
2 9A.52.110)  
3 Counterfeiting (RCW 9.16.035(3))  
4 Create, deliver, or possess a counterfeit  
5 controlled substance (RCW  
6 69.50.401(b))  
7 Escape from Community Custody  
8 (RCW 72.09.310)  
9 Health Care False Claims (RCW  
10 48.80.030)  
11 Identity Theft 2 (RCW 9.35.020(2)(b))  
12 Improperly Obtaining Financial  
13 Information (RCW 9.35.010)  
14 Malicious Mischief 1 (RCW  
15 9A.48.070)  
16 Possession of controlled substance that  
17 is either heroin or narcotics from  
18 Schedule I or II or flunitrazepam  
19 from Schedule IV (RCW  
20 69.50.401(d))  
21 Possession of phencyclidine (PCP)  
22 (RCW 69.50.401(d))  
23 Possession of Stolen Property 1 (RCW  
24 9A.56.150)  
25 Theft 1 (RCW 9A.56.030)  
26 Theft of Rental, Leased, or Lease-  
27 purchased Property (valued at one  
28 thousand five hundred dollars or  
29 more) (RCW 9A.56.096(4))  
30 Trafficking in Insurance Claims (RCW  
31 48.30A.015)  
32 Unlawful Practice of Law (RCW  
33 2.48.180)  
34 Unlicensed Practice of a Profession or  
35 Business (RCW 18.130.190(7))  
36 I Attempting to Elude a Pursuing Police  
37 Vehicle (RCW 46.61.024)

1 False Verification for Welfare (RCW  
2 74.08.055)  
3 Forged Prescription (RCW 69.41.020)  
4 Forged Prescription for a Controlled  
5 Substance (RCW 69.50.403)  
6 Forgery (RCW 9A.60.020)  
7 Malicious Mischief 2 (RCW  
8 9A.48.080)  
9 Mineral Trespass (section 2 of this act)  
10 Possess Controlled Substance that is a  
11 Narcotic from Schedule III, IV, or  
12 V or Non-narcotic from Schedule  
13 I-V (except phencyclidine or  
14 flunitrazepam) (RCW  
15 69.50.401(d))  
16 Possession of Stolen Property 2 (RCW  
17 9A.56.160)  
18 Reckless Burning 1 (RCW 9A.48.040)  
19 Taking Motor Vehicle Without  
20 Permission 2 (RCW  
21 9A.56.070(2))  
22 Theft 2 (RCW 9A.56.040)  
23 Theft of Rental, Leased, or Lease-  
24 purchased Property (valued at two  
25 hundred fifty dollars or more but  
26 less than one thousand five  
27 hundred dollars) (RCW  
28 9A.56.096(4))  
29 Unlawful Issuance of Checks or Drafts  
30 (RCW 9A.56.060)  
31 Unlawful Use of Food Stamps (RCW  
32 9.91.140 (2) and (3))  
33 Vehicle Prowl 1 (RCW 9A.52.095)

34 **Sec. 5.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c  
35 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133  
36 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN  
EACH SERIOUSNESS LEVEL

|      |                                                                                                                                                                                                                                                                                                            |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| XVI  | Aggravated Murder 1 (RCW<br>10.95.020)                                                                                                                                                                                                                                                                     |
| XV   | Homicide by abuse (RCW 9A.32.055)<br>Malicious explosion 1 (RCW<br>70.74.280(1))<br>Murder 1 (RCW 9A.32.030)                                                                                                                                                                                               |
| XIV  | Murder 2 (RCW 9A.32.050)                                                                                                                                                                                                                                                                                   |
| XIII | Malicious explosion 2 (RCW<br>70.74.280(2))<br>Malicious placement of an explosive 1<br>(RCW 70.74.270(1))                                                                                                                                                                                                 |
| XII  | Assault 1 (RCW 9A.36.011)<br>Assault of a Child 1 (RCW 9A.36.120)<br>Malicious placement of an imitation<br>device 1 (RCW 70.74.272(1)(a))<br>Rape 1 (RCW 9A.44.040)<br>Rape of a Child 1 (RCW 9A.44.073)                                                                                                  |
| XI   | Manslaughter 1 (RCW 9A.32.060)<br>Rape 2 (RCW 9A.44.050)<br>Rape of a Child 2 (RCW 9A.44.076)                                                                                                                                                                                                              |
| X    | Child Molestation 1 (RCW 9A.44.083)<br>Indecent Liberties (with forcible<br>compulsion) (RCW<br>9A.44.100(1)(a))<br>Kidnapping 1 (RCW 9A.40.020)<br>Leading Organized Crime (RCW<br>9A.82.060(1)(a))<br>Malicious explosion 3 (RCW<br>70.74.280(3))<br>Sexually Violent Predator Escape<br>(RCW 9A.76.115) |
| IX   | Assault of a Child 2 (RCW 9A.36.130)<br>Explosive devices prohibited (RCW<br>70.74.180)                                                                                                                                                                                                                    |

1 Hit and Run--Death (RCW  
2 46.52.020(4)(a))  
3 Homicide by Watercraft, by being  
4 under the influence of intoxicating  
5 liquor or any drug (RCW  
6 79A.60.050)  
7 Inciting Criminal Profiteering (RCW  
8 9A.82.060(1)(b))  
9 Malicious placement of an explosive 2  
10 (RCW 70.74.270(2))  
11 Robbery 1 (RCW 9A.56.200)  
12 Sexual Exploitation (RCW 9.68A.040)  
13 Vehicular Homicide, by being under  
14 the influence of intoxicating  
15 liquor or any drug (RCW  
16 46.61.520)  
17 VIII Arson 1 (RCW 9A.48.020)  
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 Promoting Prostitution 1 (RCW  
24 9A.88.070)  
25 Theft of Ammonia (RCW 69.55.010)  
26 Vehicular Homicide, by the operation  
27 of any vehicle in a reckless  
28 manner (RCW 46.61.520)  
29 VII Burglary 1 (RCW 9A.52.020)  
30 Child Molestation 2 (RCW 9A.44.086)  
31 Civil Disorder Training (RCW  
32 9A.48.120)  
33 Dealing in depictions of minor  
34 engaged in sexually explicit  
35 conduct (RCW 9.68A.050)  
36 Drive-by Shooting (RCW 9A.36.045)

1 Homicide by Watercraft, by disregard  
2 for the safety of others (RCW  
3 79A.60.050)  
4 Indecent Liberties (without forcible  
5 compulsion) (RCW 9A.44.100(1)  
6 (b) and (c))  
7 Introducing Contraband 1 (RCW  
8 9A.76.140)  
9 Malicious placement of an explosive 3  
10 (RCW 70.74.270(3))  
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))  
33 Rape of a Child 3 (RCW 9A.44.079)  
34 Theft of a Firearm (RCW 9A.56.300)  
35 Unlawful Storage of Ammonia (RCW  
36 69.55.020)



1 V Abandonment of dependent person 1  
2 (RCW 9A.42.060)  
3 Advancing money or property for  
4 extortionate extension of credit  
5 (RCW 9A.82.030)  
6 Bail Jumping with class A Felony  
7 (RCW 9A.76.170(3)(b))  
8 Child Molestation 3 (RCW 9A.44.089)  
9 Criminal Mistreatment 1 (RCW  
10 9A.42.020)  
11 Custodial Sexual Misconduct 1 (RCW  
12 9A.44.160)  
13 Domestic Violence Court Order  
14 Violation (RCW 10.99.040,  
15 10.99.050, 26.09.300, 26.10.220,  
16 26.26.138, 26.50.110, 26.52.070,  
17 or 74.34.145)  
18 Extortion 1 (RCW 9A.56.120)  
19 Extortionate Extension of Credit  
20 (RCW 9A.82.020)  
21 Extortionate Means to Collect  
22 Extensions of Credit (RCW  
23 9A.82.040)  
24 Incest 2 (RCW 9A.64.020(2))  
25 Kidnapping 2 (RCW 9A.40.030)  
26 Perjury 1 (RCW 9A.72.020)  
27 Persistent prison misbehavior (RCW  
28 9.94.070)  
29 Possession of a Stolen Firearm (RCW  
30 9A.56.310)  
31 Rape 3 (RCW 9A.44.060)  
32 Rendering Criminal Assistance 1  
33 (RCW 9A.76.070)  
34 Sexual Misconduct with a Minor 1  
35 (RCW 9A.44.093)  
36 Sexually Violating Human Remains  
37 (RCW 9A.44.105)

1 Stalking (RCW 9A.46.110)  
2 Taking Motor Vehicle Without  
3 Permission 1 (RCW  
4 9A.56.070(1))  
5 IV Arson 2 (RCW 9A.48.030)  
6 Assault 2 (RCW 9A.36.021)  
7 Assault by Watercraft (RCW  
8 79A.60.060)  
9 Bribing a Witness/Bribe Received by  
10 Witness (RCW 9A.72.090,  
11 9A.72.100)  
12 Cheating 1 (RCW 9.46.1961)  
13 Commercial Bribery (RCW  
14 9A.68.060)  
15 Counterfeiting (RCW 9.16.035(4))  
16 Endangerment with a Controlled  
17 Substance (RCW 9A.42.100)  
18 Escape 1 (RCW 9A.76.110)  
19 Hit and Run--Injury (RCW  
20 46.52.020(4)(b))  
21 Hit and Run with Vessel--Injury  
22 Accident (RCW 79A.60.200(3))  
23 Identity Theft 1 (RCW 9.35.020(2)(a))  
24 Indecent Exposure to Person Under  
25 Age Fourteen (subsequent sex  
26 offense) (RCW 9A.88.010)  
27 Influencing Outcome of Sporting  
28 Event (RCW 9A.82.070)  
29 Knowingly Trafficking in Stolen  
30 Property (RCW 9A.82.050(2))  
31 Malicious Harassment (RCW  
32 9A.36.080)  
33 Residential Burglary (RCW  
34 9A.52.025)  
35 Robbery 2 (RCW 9A.56.210)  
36 Theft of Livestock 1 (RCW 9A.56.080)  
37 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 Health Care False Claims (RCW  
35 48.80.030)  
36 Identity Theft 2 (RCW 9.35.020(2)(b))

1 Improperly Obtaining Financial  
2 Information (RCW 9.35.010)  
3 Malicious Mischief 1 (RCW  
4 9A.48.070)  
5 Possession of Stolen Property 1 (RCW  
6 9A.56.150)  
7 Theft 1 (RCW 9A.56.030)  
8 Theft of Rental, Leased, or Lease-  
9 purchased Property (valued at one  
10 thousand five hundred dollars or  
11 more) (RCW 9A.56.096(4))  
12 Trafficking in Insurance Claims (RCW  
13 48.30A.015)  
14 Unlawful Practice of Law (RCW  
15 2.48.180)  
16 Unlicensed Practice of a Profession or  
17 Business (RCW 18.130.190(7))  
18 I Attempting to Elude a Pursuing Police  
19 Vehicle (RCW 46.61.024)  
20 False Verification for Welfare (RCW  
21 74.08.055)  
22 Forgery (RCW 9A.60.020)  
23 Malicious Mischief 2 (RCW  
24 9A.48.080)  
25 Mineral Trespass (section 2 of this act)  
26 Possession of Stolen Property 2 (RCW  
27 9A.56.160)  
28 Reckless Burning 1 (RCW 9A.48.040)  
29 Taking Motor Vehicle Without  
30 Permission 2 (RCW  
31 9A.56.070(2))  
32 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. 6.** 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  |          | <b>Assault and Other Crimes Involving</b>       |          |
| 2  |          | <b>Physical Harm</b>                            |          |
| 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 |          | <b>Burglary and Trespass</b>                    |          |
| 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 | <u>C</u> | <u>Mineral Trespass (Section 2 of this act)</u> | <u>C</u> |
| 20 | C        | Vehicle Prowling 1 (9A.52.095)                  | D        |
| 21 | D        | Vehicle Prowling 2 (9A.52.100)                  | E        |
| 22 |          | <b>Drugs</b>                                    |          |
| 23 | E        | Possession/Consumption of Alcohol               |          |
| 24 |          | (66.44.270)                                     | E        |
| 25 | C        | Illegally Obtaining Legend Drug                 |          |
| 26 |          | (69.41.020)                                     | D        |
| 27 | C+       | Sale, Delivery, Possession of Legend Drug       |          |
| 28 |          | with Intent to Sell (69.41.030)                 | D+       |
| 29 | E        | Possession of Legend Drug (69.41.030)           | E        |
| 30 | B+       | Violation of Uniform Controlled                 |          |
| 31 |          | Substances Act - Narcotic,                      |          |
| 32 |          | Methamphetamine, or Flunitrazepam Sale          |          |
| 33 |          | (69.50.401(a)(1) (i) or (ii))                   | B+       |
| 34 | C        | Violation of Uniform Controlled                 |          |
| 35 |          | Substances Act - Nonnarcotic Sale               |          |
| 36 |          | (69.50.401(a)(1)(iii))                          | C        |

|    |    |                                               |    |
|----|----|-----------------------------------------------|----|
| 1  | E  | Possession of Marihuana <40 grams             |    |
| 2  |    | (69.50.401(e))                                | E  |
| 3  | C  | Fraudulently Obtaining Controlled             |    |
| 4  |    | Substance (69.50.403)                         | C  |
| 5  | C+ | Sale of Controlled Substance for Profit       |    |
| 6  |    | (69.50.410)                                   | C+ |
| 7  | E  | Unlawful Inhalation (9.47A.020)               | E  |
| 8  | B  | Violation of Uniform Controlled               |    |
| 9  |    | Substances Act - Narcotic,                    |    |
| 10 |    | Methamphetamine, or Flunitrazepam             |    |
| 11 |    | Counterfeit Substances (69.50.401(b)(1) (i)   |    |
| 12 |    | or (ii))                                      | B  |
| 13 | C  | Violation of Uniform Controlled               |    |
| 14 |    | Substances Act - Nonnarcotic Counterfeit      |    |
| 15 |    | Substances (69.50.401(b)(1) (iii), (iv), (v)) | C  |
| 16 | C  | Violation of Uniform Controlled               |    |
| 17 |    | Substances Act - Possession of a Controlled   |    |
| 18 |    | Substance (69.50.401(d))                      | C  |
| 19 | C  | Violation of Uniform Controlled               |    |
| 20 |    | Substances Act - Possession of a Controlled   |    |
| 21 |    | Substance (69.50.401(c))                      | C  |
| 22 |    | <b>Firearms and Weapons</b>                   |    |
| 23 | B  | Theft of Firearm (9A.56.300)                  | C  |
| 24 | B  | Possession of Stolen Firearm (9A.56.310)      | C  |
| 25 | E  | Carrying Loaded Pistol Without Permit         |    |
| 26 |    | (9.41.050)                                    | E  |
| 27 | C  | Possession of Firearms by Minor (<18)         |    |
| 28 |    | (9.41.040(1)(b)(iii))                         | C  |
| 29 | D+ | Possession of Dangerous Weapon                |    |
| 30 |    | (9.41.250)                                    | E  |
| 31 | D  | Intimidating Another Person by use of         |    |
| 32 |    | Weapon (9.41.270)                             | E  |
| 33 |    | <b>Homicide</b>                               |    |
| 34 | A+ | Murder 1 (9A.32.030)                          | A  |
| 35 | A+ | Murder 2 (9A.32.050)                          | B+ |
| 36 | B+ | Manslaughter 1 (9A.32.060)                    | C+ |
| 37 | C+ | Manslaughter 2 (9A.32.070)                    | D+ |



|    |    |                                           |    |
|----|----|-------------------------------------------|----|
| 1  | B+ | Vehicular Homicide (46.61.520)            | C+ |
| 2  |    | <b>Kidnapping</b>                         |    |
| 3  | A  | Kidnap 1 (9A.40.020)                      | B+ |
| 4  | B+ | Kidnap 2 (9A.40.030)                      | C+ |
| 5  | C+ | Unlawful Imprisonment (9A.40.040)         | D+ |
| 6  |    | <b>Obstructing Governmental Operation</b> |    |
| 7  | D  | Obstructing a Law Enforcement Officer     |    |
| 8  |    | (9A.76.020)                               | E  |
| 9  | E  | Resisting Arrest (9A.76.040)              | E  |
| 10 | B  | Introducing Contraband 1 (9A.76.140)      | C  |
| 11 | C  | Introducing Contraband 2 (9A.76.150)      | D  |
| 12 | E  | Introducing Contraband 3 (9A.76.160)      | E  |
| 13 | B+ | Intimidating a Public Servant (9A.76.180) | C+ |
| 14 | B+ | Intimidating a Witness (9A.72.110)        | C+ |
| 15 |    | <b>Public Disturbance</b>                 |    |
| 16 | C+ | Riot with Weapon (9A.84.010)              | D+ |
| 17 | D+ | Riot Without Weapon (9A.84.010)           | E  |
| 18 | E  | Failure to Disperse (9A.84.020)           | E  |
| 19 | E  | Disorderly Conduct (9A.84.030)            | E  |
| 20 |    | <b>Sex Crimes</b>                         |    |
| 21 | A  | Rape 1 (9A.44.040)                        | B+ |
| 22 | A- | Rape 2 (9A.44.050)                        | B+ |
| 23 | C+ | Rape 3 (9A.44.060)                        | D+ |
| 24 | A- | Rape of a Child 1 (9A.44.073)             | B+ |
| 25 | B+ | Rape of a Child 2 (9A.44.076)             | C+ |
| 26 | B  | Incest 1 (9A.64.020(1))                   | C  |
| 27 | C  | Incest 2 (9A.64.020(2))                   | D  |
| 28 | D+ | Indecent Exposure (Victim <14)            |    |
| 29 |    | (9A.88.010)                               | E  |
| 30 | E  | Indecent Exposure (Victim 14 or over)     |    |
| 31 |    | (9A.88.010)                               | E  |
| 32 | B+ | Promoting Prostitution 1 (9A.88.070)      | C+ |
| 33 | C+ | Promoting Prostitution 2 (9A.88.080)      | D+ |
| 34 | E  | O & A (Prostitution) (9A.88.030)          | E  |
| 35 | B+ | Indecent Liberties (9A.44.100)            | C+ |
| 36 | A- | Child Molestation 1 (9A.44.083)           | B+ |

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

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

20 <sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
21 and the standard range is established as follows:

22 1st escape or attempted escape during 12-month period - 4 weeks  
23 confinement

24 2nd escape or attempted escape during 12-month period - 8 weeks  
25 confinement

26 3rd and subsequent escape or attempted escape during 12-month  
27 period - 12 weeks confinement

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

30 **JUVENILE SENTENCING STANDARDS**

31 This schedule must be used for juvenile offenders. The court may  
32 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<br>WEEKS<br>EXCEPT<br>30-40<br>WEEKS FOR<br>15-17<br>YEAR OLDS | 52-65<br>WEEKS | 80-100<br>WEEKS | 103-129<br>WEEKS |
|----|----------------------------------------------------------------------|----------------|-----------------|------------------|

|                          |    |                |                |                 |                  |
|--------------------------|----|----------------|----------------|-----------------|------------------|
| Current Offense Category | B+ | 15-36<br>WEEKS | 52-65<br>WEEKS | 80-100<br>WEEKS | 103-129<br>WEEKS |
|--------------------------|----|----------------|----------------|-----------------|------------------|

|   |                         |  |             |                |
|---|-------------------------|--|-------------|----------------|
| B | LOCAL<br>SANCTIONS (LS) |  | 15-36 WEEKS | 52-65<br>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 Restitution

D LS \$0 to \$500 Fine

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. 7.** Section 4 of this act expires July 1, 2004.

26 NEW SECTION. **Sec. 8.** Section 5 of this act takes effect July 1,  
27 2004.

28 NEW SECTION. **Sec. 9.** Sections 1 through 3 of this act are each  
29 added to chapter 78.44 RCW."

**SHB 1380** - S COMM AMD

By Committee on Natural Resources, Energy & Water

**ADOPTED 04/08/2003**

1        On page 1, line 1 of the title, after "trespass;" strike the  
2 remainder of the title and insert "reenacting and amending RCW  
3 9.94A.515, 9.94A.515, and 13.40.0357; adding new sections to chapter  
4 78.44 RCW; prescribing penalties; providing an effective date; and  
5 providing an expiration date."

--- END ---