
SENATE BILL 5206

State of Washington 58th Legislature 2003 Regular Session

By Senators Roach, Swecker, Shin, Benton, Oke, Rasmussen and Winsley

Read first time 01/17/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to crimes related to mail; reenacting and amending
2 RCW 9.94A.515, 9.94A.515, and 13.40.0357; adding a new chapter to Title
3 9A RCW; prescribing penalties; providing an effective date; and
4 providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** The definitions in this section apply
7 throughout this chapter unless the context clearly requires otherwise.

8 (1) "Authorized depository" means a mailbox, post office box, or
9 rural box used by postal customers to deposit outgoing mail or used by
10 the postal service to deliver incoming mail.

11 (2) "Letter box" means a receptacle that is used for a specific
12 address intended or used for the receipt or delivery of mail on a mail
13 route.

14 (3)(a) "Mail" means a letter, card, parcel, or other material that:

15 (i) Is sent or delivered by means of the postal service;

16 (ii) Has postage affixed by the postal customer or postal service;

17 and

18 (iii) Is placed in an authorized depository or mail receptacle.

19 (b) "Mail" includes articles contained in mail.

1 (4) "Mail receptacle" means a place used by the postal service or
2 postal customers to place outgoing mail or receive incoming mail.

3 (5) "Postage" means a postal service stamp, permit imprint, meter
4 strip, or other authorized indication of prepayment for service
5 provided by the postal service for collection and delivery of mail.

6 (6) "Postal service" means the United States postal service.

7 (7) The phrase "of another" does not include persons with whom the
8 defendant has a familial, parental, spousal, employment, or other
9 relationship that would otherwise reasonably allow the defendant to
10 take, dispose of, or otherwise intercept the person's mail.

11 NEW SECTION. **Sec. 2.** (1) A person commits the crime of
12 obstruction of mail if the person intentionally obstructs or
13 unreasonably delays:

14 (a) The passage of the mail; or

15 (b) A carrier or conveyance carrying the mail.

16 (2) Obstruction of mail is a gross misdemeanor.

17 NEW SECTION. **Sec. 3.** (1) A person commits the crime of
18 destruction of letter boxes if the person knowingly and maliciously:

19 (a) Tears down or destroys a letter box belonging to another; or

20 (b) Breaks open a letter box belonging to another.

21 (2) Destruction of letter boxes is a gross misdemeanor.

22 NEW SECTION. **Sec. 4.** (1) A person commits the crime of
23 destruction of mail if the person knowingly and maliciously injures,
24 destroys, or defaces mail of another that has been deposited in an
25 authorized depository.

26 (2) Destruction of mail is a class C felony.

27 NEW SECTION. **Sec. 5.** (1) A person commits the crime of mail theft
28 or receipt of stolen mail if the person knowingly:

29 (a) Takes, or by fraud or deception, obtains mail of another from
30 a mail receptacle, authorized depository, or mail carrier;

31 (b) Secretes, embezzles, or destroys mail of another;

32 (c) Takes, or by fraud or deception, obtains mail of another that
33 has been left for collection on or adjacent to an authorized depository
34 or mail receptacle; or

1 (d) Buys, receives, conceals, or unlawfully possesses mail of
2 another knowing that the mail was taken, obtained, or embezzled as
3 described in this subsection.

4 (2) Mail theft or receipt of stolen mail is a class C felony.

5 NEW SECTION. **Sec. 6.** In a prosecution under this chapter, it is
6 a defense that the defendant acted under an honest claim of right in
7 that:

8 (1) The defendant was unaware that the property was that of another
9 person;

10 (2) The defendant reasonably believed that the defendant was
11 entitled to the property involved or had a right to acquire or dispose
12 of it as the defendant did; or

13 (3) The property involved was that of the defendant's minor child
14 or spouse, unless the parties were not living together as husband and
15 wife and were residing in, and intended to continually reside in,
16 separate abodes at the time of the alleged offense.

17 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute
18 a new chapter in Title 9A RCW.

19 **Sec. 8.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c
20 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133
21 s 4 are each reenacted and amended to read as follows:

22

TABLE 2

CRIMES INCLUDED WITHIN

EACH SERIOUSNESS LEVEL

23

24

25 XVI Aggravated Murder 1 (RCW

26 10.95.020)

27 XV Homicide by abuse (RCW 9A.32.055)

28 Malicious explosion 1 (RCW

29 70.74.280(1))

30 Murder 1 (RCW 9A.32.030)

31 XIV Murder 2 (RCW 9A.32.050)

32 XIII Malicious explosion 2 (RCW

33 70.74.280(2))

1 Malicious placement of an explosive 1
2 (RCW 70.74.270(1))
3 XII Assault 1 (RCW 9A.36.011)
4 Assault of a Child 1 (RCW 9A.36.120)
5 Malicious placement of an imitation
6 device 1 (RCW 70.74.272(1)(a))
7 Rape 1 (RCW 9A.44.040)
8 Rape of a Child 1 (RCW 9A.44.073)
9 XI Manslaughter 1 (RCW 9A.32.060)
10 Rape 2 (RCW 9A.44.050)
11 Rape of a Child 2 (RCW 9A.44.076)
12 X Child Molestation 1 (RCW 9A.44.083)
13 Indecent Liberties (with forcible
14 compulsion) (RCW
15 9A.44.100(1)(a))
16 Kidnapping 1 (RCW 9A.40.020)
17 Leading Organized Crime (RCW
18 9A.82.060(1)(a))
19 Malicious explosion 3 (RCW
20 70.74.280(3))
21 Manufacture of methamphetamine
22 (RCW 69.50.401(a)(1)(ii))
23 Over 18 and deliver heroin,
24 methamphetamine, a narcotic
25 from Schedule I or II, or
26 flunitrazepam from Schedule IV
27 to someone under 18 (RCW
28 69.50.406)
29 Sexually Violent Predator Escape
30 (RCW 9A.76.115)
31 IX Assault of a Child 2 (RCW 9A.36.130)
32 Controlled Substance Homicide (RCW
33 69.50.415)
34 Explosive devices prohibited (RCW
35 70.74.180)
36 Hit and Run--Death (RCW
37 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 Over 18 and deliver narcotic from
10 Schedule III, IV, or V or a
11 nonnarcotic, except flunitrazepam
12 or methamphetamine, from
13 Schedule I-V to someone under 18
14 and 3 years junior (RCW
15 69.50.406)
16 Robbery 1 (RCW 9A.56.200)
17 Sexual Exploitation (RCW 9.68A.040)
18 Vehicular Homicide, by being under
19 the influence of intoxicating
20 liquor or any drug (RCW
21 46.61.520)
22 VIII Arson 1 (RCW 9A.48.020)
23 Deliver or possess with intent to
24 deliver methamphetamine (RCW
25 69.50.401(a)(1)(ii))
26 Homicide by Watercraft, by the
27 operation of any vessel in a
28 reckless manner (RCW
29 79A.60.050)
30 Manslaughter 2 (RCW 9A.32.070)
31 Manufacture, deliver, or possess with
32 intent to deliver amphetamine
33 (RCW 69.50.401(a)(1)(ii))

1 Manufacture, deliver, or possess with
2 intent to deliver heroin or cocaine
3 (when the offender has a criminal
4 history in this state or any other
5 state that includes a sex offense or
6 serious violent offense or the
7 Washington equivalent) (RCW
8 69.50.401(a)(1)(i))
9 Possession of Ephedrine or any of its
10 Salts or Isomers or Salts of
11 Isomers, Pseudoephedrine or any
12 of its Salts or Isomers or Salts of
13 Isomers, Pressurized Ammonia
14 Gas, or Pressurized Ammonia Gas
15 Solution with intent to
16 manufacture methamphetamine
17 (RCW 69.50.440)
18 Promoting Prostitution 1 (RCW
19 9A.88.070)
20 Selling for profit (controlled or
21 counterfeit) any controlled
22 substance (RCW 69.50.410)
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 Involving a minor in drug dealing
7 (RCW 69.50.401(f))
8 Malicious placement of an explosive 3
9 (RCW 70.74.270(3))
10 Manufacture, deliver, or possess with
11 intent to deliver heroin or cocaine
12 (except when the offender has a
13 criminal history in this state or
14 any other state that includes a sex
15 offense or serious violent offense
16 or the Washington equivalent)
17 (RCW 69.50.401(a)(1)(i))
18 Sending, bringing into state depictions
19 of minor engaged in sexually
20 explicit conduct (RCW
21 9.68A.060)
22 Unlawful Possession of a Firearm in
23 the first degree (RCW
24 9.41.040(1)(a))
25 Use of a Machine Gun in Commission
26 of a Felony (RCW 9.41.225)
27 Vehicular Homicide, by disregard for
28 the safety of others (RCW
29 46.61.520)
30 VI Bail Jumping with Murder 1 (RCW
31 9A.76.170(3)(a))
32 Bribery (RCW 9A.68.010)
33 Incest 1 (RCW 9A.64.020(1))
34 Intimidating a Judge (RCW
35 9A.72.160)
36 Intimidating a Juror/Witness (RCW
37 9A.72.110, 9A.72.130)

1 Malicious placement of an imitation
2 device 2 (RCW 70.74.272(1)(b))
3 Manufacture, deliver, or possess with
4 intent to deliver narcotics from
5 Schedule I or II (except heroin or
6 cocaine) or flunitrazepam from
7 Schedule IV (RCW
8 69.50.401(a)(1)(i))
9 Rape of a Child 3 (RCW 9A.44.079)
10 Theft of a Firearm (RCW 9A.56.300)
11 Unlawful Storage of Ammonia (RCW
12 69.55.020)
13 V Abandonment of dependent person 1
14 (RCW 9A.42.060)
15 Advancing money or property for
16 extortionate extension of credit
17 (RCW 9A.82.030)
18 Bail Jumping with class A Felony
19 (RCW 9A.76.170(3)(b))
20 Child Molestation 3 (RCW 9A.44.089)
21 Criminal Mistreatment 1 (RCW
22 9A.42.020)
23 Custodial Sexual Misconduct 1 (RCW
24 9A.44.160)
25 Delivery of imitation controlled
26 substance by person eighteen or
27 over to person under eighteen
28 (RCW 69.52.030(2))
29 Domestic Violence Court Order
30 Violation (RCW 10.99.040,
31 10.99.050, 26.09.300, 26.10.220,
32 26.26.138, 26.50.110, 26.52.070,
33 or 74.34.145)
34 Extortion 1 (RCW 9A.56.120)
35 Extortionate Extension of Credit
36 (RCW 9A.82.020)

1 Extortionate Means to Collect
2 Extensions of Credit (RCW
3 9A.82.040)
4 Incest 2 (RCW 9A.64.020(2))
5 Kidnapping 2 (RCW 9A.40.030)
6 Perjury 1 (RCW 9A.72.020)
7 Persistent prison misbehavior (RCW
8 9.94.070)
9 Possession of a Stolen Firearm (RCW
10 9A.56.310)
11 Rape 3 (RCW 9A.44.060)
12 Rendering Criminal Assistance 1
13 (RCW 9A.76.070)
14 Sexual Misconduct with a Minor 1
15 (RCW 9A.44.093)
16 Sexually Violating Human Remains
17 (RCW 9A.44.105)
18 Stalking (RCW 9A.46.110)
19 Taking Motor Vehicle Without
20 Permission 1 (RCW
21 9A.56.070(1))
22 IV Arson 2 (RCW 9A.48.030)
23 Assault 2 (RCW 9A.36.021)
24 Assault by Watercraft (RCW
25 79A.60.060)
26 Bribing a Witness/Bribe Received by
27 Witness (RCW 9A.72.090,
28 9A.72.100)
29 Cheating 1 (RCW 9.46.1961)
30 Commercial Bribery (RCW
31 9A.68.060)
32 Counterfeiting (RCW 9.16.035(4))
33 Endangerment with a Controlled
34 Substance (RCW 9A.42.100)
35 Escape 1 (RCW 9A.76.110)
36 Hit and Run--Injury (RCW
37 46.52.020(4)(b))

1 Hit and Run with Vessel--Injury
2 Accident (RCW 79A.60.200(3))
3 Identity Theft 1 (RCW 9.35.020(2)(a))
4 Indecent Exposure to Person Under
5 Age Fourteen (subsequent sex
6 offense) (RCW 9A.88.010)
7 Influencing Outcome of Sporting
8 Event (RCW 9A.82.070)
9 Knowingly Trafficking in Stolen
10 Property (RCW 9A.82.050(2))
11 Malicious Harassment (RCW
12 9A.36.080)
13 Manufacture, deliver, or possess with
14 intent to deliver narcotics from
15 Schedule III, IV, or V or
16 nonnarcotics from Schedule I-V
17 (except marijuana, amphetamine,
18 methamphetamines, or
19 flunitrazepam) (RCW
20 69.50.401(a)(1) (iii) through (v))
21 Residential Burglary (RCW
22 9A.52.025)
23 Robbery 2 (RCW 9A.56.210)
24 Theft of Livestock 1 (RCW 9A.56.080)
25 Threats to Bomb (RCW 9.61.160)
26 Use of Proceeds of Criminal
27 Profiteering (RCW 9A.82.080 (1)
28 and (2))
29 Vehicular Assault, by being under the
30 influence of intoxicating liquor or
31 any drug, or by the operation or
32 driving of a vehicle in a reckless
33 manner (RCW 46.61.522)
34 Willful Failure to Return from
35 Furlough (RCW 72.66.060)
36 III Abandonment of dependent person 2
37 (RCW 9A.42.070)

1 Assault 3 (RCW 9A.36.031)
2 Assault of a Child 3 (RCW 9A.36.140)
3 Bail Jumping with class B or C Felony
4 (RCW 9A.76.170(3)(c))
5 Burglary 2 (RCW 9A.52.030)
6 Communication with a Minor for
7 Immoral Purposes (RCW
8 9.68A.090)
9 Criminal Gang Intimidation (RCW
10 9A.46.120)
11 Criminal Mistreatment 2 (RCW
12 9A.42.030)
13 Custodial Assault (RCW 9A.36.100)
14 Delivery of a material in lieu of a
15 controlled substance (RCW
16 69.50.401(c))
17 Escape 2 (RCW 9A.76.120)
18 Extortion 2 (RCW 9A.56.130)
19 Harassment (RCW 9A.46.020)
20 Intimidating a Public Servant (RCW
21 9A.76.180)
22 Introducing Contraband 2 (RCW
23 9A.76.150)
24 Maintaining a Dwelling or Place for
25 Controlled Substances (RCW
26 69.50.402(a)(6))
27 Malicious Injury to Railroad Property
28 (RCW 81.60.070)
29 Manufacture, deliver, or possess with
30 intent to deliver marijuana (RCW
31 69.50.401(a)(1)(iii))
32 Manufacture, distribute, or possess
33 with intent to distribute an
34 imitation controlled substance
35 (RCW 69.52.030(1))
36 Patronizing a Juvenile Prostitute
37 (RCW 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-
5 Barreled Shotgun or Rifle (RCW
6 9.41.190)
7 Promoting Prostitution 2 (RCW
8 9A.88.080)
9 Recklessly Trafficking in Stolen
10 Property (RCW 9A.82.050(1))
11 Securities Act violation (RCW
12 21.20.400)
13 Tampering with a Witness (RCW
14 9A.72.120)
15 Telephone Harassment (subsequent
16 conviction or threat of death)
17 (RCW 9.61.230)
18 Theft of Livestock 2 (RCW 9A.56.080)
19 Unlawful Imprisonment (RCW
20 9A.40.040)
21 Unlawful possession of firearm in the
22 second degree (RCW
23 9.41.040(1)(b))
24 Unlawful Use of Building for Drug
25 Purposes (RCW 69.53.010)
26 Vehicular Assault, by the operation or
27 driving of a vehicle with disregard
28 for the safety of others (RCW
29 46.61.522)
30 Willful Failure to Return from Work
31 Release (RCW 72.65.070)
32 II Computer Trespass 1 (RCW
33 9A.52.110)
34 Counterfeiting (RCW 9.16.035(3))
35 Create, deliver, or possess a counterfeit
36 controlled substance (RCW
37 69.50.401(b))

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

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

31 **Sec. 9.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c
32 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133
33 s 4 are each reenacted and amended to read as follows:

34 TABLE 2

1 CRIMES INCLUDED WITHIN

2 EACH SERIOUSNESS LEVEL

- 3 XVI Aggravated Murder 1 (RCW
4 10.95.020)
- 5 XV Homicide by abuse (RCW 9A.32.055)
6 Malicious explosion 1 (RCW
7 70.74.280(1))
8 Murder 1 (RCW 9A.32.030)
- 9 XIV Murder 2 (RCW 9A.32.050)
- 10 XIII Malicious explosion 2 (RCW
11 70.74.280(2))
12 Malicious placement of an explosive 1
13 (RCW 70.74.270(1))
- 14 XII Assault 1 (RCW 9A.36.011)
15 Assault of a Child 1 (RCW 9A.36.120)
16 Malicious placement of an imitation
17 device 1 (RCW 70.74.272(1)(a))
18 Rape 1 (RCW 9A.44.040)
19 Rape of a Child 1 (RCW 9A.44.073)
- 20 XI Manslaughter 1 (RCW 9A.32.060)
21 Rape 2 (RCW 9A.44.050)
22 Rape of a Child 2 (RCW 9A.44.076)
- 23 X Child Molestation 1 (RCW 9A.44.083)
24 Indecent Liberties (with forcible
25 compulsion) (RCW
26 9A.44.100(1)(a))
27 Kidnapping 1 (RCW 9A.40.020)
28 Leading Organized Crime (RCW
29 9A.82.060(1)(a))
30 Malicious explosion 3 (RCW
31 70.74.280(3))
32 Sexually Violent Predator Escape
33 (RCW 9A.76.115)
- 34 IX Assault of a Child 2 (RCW 9A.36.130)
35 Explosive devices prohibited (RCW
36 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 9A.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 Mail Theft or Receipt of Stolen Mail
4 (section 5 of this act)
5 Malicious Mischief 1 (RCW
6 9A.48.070)
7 Possession of Stolen Property 1 (RCW
8 9A.56.150)
9 Theft 1 (RCW 9A.56.030)
10 Theft of Rental, Leased, or Lease-
11 purchased Property (valued at one
12 thousand five hundred dollars or
13 more) (RCW 9A.56.096(4))
14 Trafficking in Insurance Claims (RCW
15 48.30A.015)
16 Unlawful Practice of Law (RCW
17 2.48.180)
18 Unlicensed Practice of a Profession or
19 Business (RCW 18.130.190(7))
20 I Attempting to Elude a Pursuing Police
21 Vehicle (RCW 46.61.024)
22 Destruction of Mail (section 4 of this
23 act)
24 False Verification for Welfare (RCW
25 74.08.055)
26 Forgery (RCW 9A.60.020)
27 Malicious Mischief 2 (RCW
28 9A.48.080)
29 Possession of Stolen Property 2 (RCW
30 9A.56.160)
31 Reckless Burning 1 (RCW 9A.48.040)
32 Taking Motor Vehicle Without
33 Permission 2 (RCW
34 9A.56.070(2))
35 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. 10.** 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		Public Disturbance	
15	C+	Riot with Weapon (9A.84.010)	D+
16	D+	Riot Without Weapon (9A.84.010)	E
17	E	Failure to Disperse (9A.84.020)	E
18	E	Disorderly Conduct (9A.84.030)	E
19		Sex Crimes	
20	A	Rape 1 (9A.44.040)	B+
21	A-	Rape 2 (9A.44.050)	B+
22	C+	Rape 3 (9A.44.060)	D+
23	A-	Rape of a Child 1 (9A.44.073)	B+
24	B+	Rape of a Child 2 (9A.44.076)	C+
25	B	Incest 1 (9A.64.020(1))	C
26	C	Incest 2 (9A.64.020(2))	D
27	D+	Indecent Exposure (Victim <14)	
28		(9A.88.010)	E
29	E	Indecent Exposure (Victim 14 or over)	
30		(9A.88.010)	E
31	B+	Promoting Prostitution 1 (9A.88.070)	C+
32	C+	Promoting Prostitution 2 (9A.88.080)	D+
33	E	O & A (Prostitution) (9A.88.030)	E
34	B+	Indecent Liberties (9A.44.100)	C+
35	A-	Child Molestation 1 (9A.44.083)	B+
36	B	Child Molestation 2 (9A.44.086)	C+

1		Theft, Robbery, Extortion, and Forgery	
2	B	Theft 1 (9A.56.030)	C
3	C	Theft 2 (9A.56.040)	D
4	D	Theft 3 (9A.56.050)	E
5	B	Theft of Livestock (9A.56.080)	C
6	C	Forgery (9A.60.020)	D
7	A	Robbery 1 (9A.56.200)	B+
8	B+	Robbery 2 (9A.56.210)	C+
9	B+	Extortion 1 (9A.56.120)	C+
10	C+	Extortion 2 (9A.56.130)	D+
11	C	Identity Theft 1 (9.35.020(2)(a))	D
12	D	Identity Theft 2 (9.35.020(2)(b))	E
13	D	Improperly Obtaining Financial	
14		Information (9.35.010)	E
15	<u>C</u>	<u>Mail Theft or Receipt of Stolen Mail</u>	
16		<u>(section 5 of this act)</u>	<u>D</u>
17	<u>D</u>	<u>Destruction of Mail (section 4 of this act)</u>	<u>E</u>
18	B	Possession of Stolen Property 1	
19		(9A.56.150)	C
20	C	Possession of Stolen Property 2	
21		(9A.56.160)	D
22	D	Possession of Stolen Property 3	
23		(9A.56.170)	E
24	C	Taking Motor Vehicle Without Permission	
25		1 and 2 (9A.56.070 (1) and (2))	D
26		Motor Vehicle Related Crimes	
27	E	Driving Without a License (46.20.005)	E
28	B+	Hit and Run - Death (46.52.020(4)(a))	C+
29	C	Hit and Run - Injury (46.52.020(4)(b))	D
30	D	Hit and Run-Attended (46.52.020(5))	E
31	E	Hit and Run-Unattended (46.52.010)	E
32	C	Vehicular Assault (46.61.522)	D
33	C	Attempting to Elude Pursuing Police	
34		Vehicle (46.61.024)	D
35	E	Reckless Driving (46.61.500)	E
36	D	Driving While Under the Influence	
37		(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. 11.** Section 8 of this act expires July 1, 2004.

26 NEW SECTION. **Sec. 12.** Section 9 of this act takes effect July 1,
27 2004.

--- END ---