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**SUBSTITUTE SENATE BILL 5859**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senator Benton)

READ FIRST TIME 03/05/03.

1       AN ACT Relating to creating the crime of mineral trespass;  
2 reenacting and amending RCW 9.94A.515, 9.94A.515, and 13.40.0357;  
3 adding new sections to chapter 78.44 RCW; prescribing penalties;  
4 providing an effective date; and 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 section 2 of this act unless the context clearly requires  
8 otherwise.

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

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

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

18       (4) "Mining claim" means a portion of the public lands claimed for  
19 the valuable minerals occurring in those lands and for which the

1 mineral rights are obtained under federal law or a right that is  
2 recognized by the United States bureau of land management and given an  
3 identification number.

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

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

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

11 NEW SECTION. **Sec. 2.** (1) A person commits the crime of mineral  
12 trespass if the person intentionally and without the permission of the  
13 claim holder or person conducting the mining operation:

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

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

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

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

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

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

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

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

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

35 (c) Judgments and orders of courts.

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

- 4
- 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)
- 29                                   Indecent Liberties (with forcible
- 30                                   compulsion) (RCW
- 31                                   9A.44.100(1)(a))
- 32                                   Kidnapping 1 (RCW 9A.40.020)
- 33                                   Leading Organized Crime (RCW
- 34                                   9A.82.060(1)(a))
- 35                                   Malicious explosion 3 (RCW
- 36                                   70.74.280(3))

1 Manufacture of methamphetamine  
2 (RCW 69.50.401(a)(1)(ii))  
3 Over 18 and deliver heroin,  
4 methamphetamine, a narcotic  
5 from Schedule I or II, or  
6 flunitrazepam from Schedule IV  
7 to someone under 18 (RCW  
8 69.50.406)  
9 Sexually Violent Predator Escape  
10 (RCW 9A.76.115)  
11 IX Assault of a Child 2 (RCW 9A.36.130)  
12 Controlled Substance Homicide (RCW  
13 69.50.415)  
14 Explosive devices prohibited (RCW  
15 70.74.180)  
16 Hit and Run--Death (RCW  
17 46.52.020(4)(a))  
18 Homicide by Watercraft, by being  
19 under the influence of intoxicating  
20 liquor or any drug (RCW  
21 79A.60.050)  
22 Inciting Criminal Profiteering (RCW  
23 9A.82.060(1)(b))  
24 Malicious placement of an explosive 2  
25 (RCW 70.74.270(2))  
26 Over 18 and deliver narcotic from  
27 Schedule III, IV, or V or a  
28 nonnarcotic, except flunitrazepam  
29 or methamphetamine, from  
30 Schedule I-V to someone under 18  
31 and 3 years junior (RCW  
32 69.50.406)  
33 Robbery 1 (RCW 9A.56.200)  
34 Sexual Exploitation (RCW 9.68A.040)

1 Vehicular Homicide, by being under  
2 the influence of intoxicating  
3 liquor or any drug (RCW  
4 46.61.520)

5 VIII Arson 1 (RCW 9A.48.020)

6 Deliver or possess with intent to  
7 deliver methamphetamine (RCW  
8 69.50.401(a)(1)(ii))

9 Homicide by Watercraft, by the  
10 operation of any vessel in a  
11 reckless manner (RCW  
12 79A.60.050)

13 Manslaughter 2 (RCW 9A.32.070)

14 Manufacture, deliver, or possess with  
15 intent to deliver amphetamine  
16 (RCW 69.50.401(a)(1)(ii))

17 Manufacture, deliver, or possess with  
18 intent to deliver heroin or cocaine  
19 (when the offender has a criminal  
20 history in this state or any other  
21 state that includes a sex offense or  
22 serious violent offense or the  
23 Washington equivalent) (RCW  
24 69.50.401(a)(1)(i))

25 Possession of Ephedrine or any of its  
26 Salts or Isomers or Salts of  
27 Isomers, Pseudoephedrine or any  
28 of its Salts or Isomers or Salts of  
29 Isomers, Pressurized Ammonia  
30 Gas, or Pressurized Ammonia Gas  
31 Solution with intent to  
32 manufacture methamphetamine  
33 (RCW 69.50.440)

34 Promoting Prostitution 1 (RCW  
35 9A.88.070)

1 Selling for profit (controlled or  
2 counterfeit) any controlled  
3 substance (RCW 69.50.410)  
4 Theft of Ammonia (RCW 69.55.010)  
5 Vehicular Homicide, by the operation  
6 of any vehicle in a reckless  
7 manner (RCW 46.61.520)  
8 VII Burglary 1 (RCW 9A.52.020)  
9 Child Molestation 2 (RCW 9A.44.086)  
10 Civil Disorder Training (RCW  
11 9A.48.120)  
12 Dealing in depictions of minor  
13 engaged in sexually explicit  
14 conduct (RCW 9.68A.050)  
15 Drive-by Shooting (RCW 9A.36.045)  
16 Homicide by Watercraft, by disregard  
17 for the safety of others (RCW  
18 79A.60.050)  
19 Indecent Liberties (without forcible  
20 compulsion) (RCW 9A.44.100(1)  
21 (b) and (c))  
22 Introducing Contraband 1 (RCW  
23 9A.76.140)  
24 Involving a minor in drug dealing  
25 (RCW 69.50.401(f))  
26 Malicious placement of an explosive 3  
27 (RCW 70.74.270(3))  
28 Manufacture, deliver, or possess with  
29 intent to deliver heroin or cocaine  
30 (except when the offender has a  
31 criminal history in this state or  
32 any other state that includes a sex  
33 offense or serious violent offense  
34 or the Washington equivalent)  
35 (RCW 69.50.401(a)(1)(i))

1 Sending, bringing into state depictions  
2 of minor engaged in sexually  
3 explicit conduct (RCW  
4 9.68A.060)  
5 Unlawful Possession of a Firearm in  
6 the first degree (RCW  
7 9.41.040(1)(a))  
8 Use of a Machine Gun in Commission  
9 of a Felony (RCW 9.41.225)  
10 Vehicular Homicide, by disregard for  
11 the safety of others (RCW  
12 46.61.520)  
13 VI Bail Jumping with Murder 1 (RCW  
14 9A.76.170(3)(a))  
15 Bribery (RCW 9A.68.010)  
16 Incest 1 (RCW 9A.64.020(1))  
17 Intimidating a Judge (RCW  
18 9A.72.160)  
19 Intimidating a Juror/Witness (RCW  
20 9A.72.110, 9A.72.130)  
21 Malicious placement of an imitation  
22 device 2 (RCW 70.74.272(1)(b))  
23 Manufacture, deliver, or possess with  
24 intent to deliver narcotics from  
25 Schedule I or II (except heroin or  
26 cocaine) or flunitrazepam from  
27 Schedule IV (RCW  
28 69.50.401(a)(1)(i))  
29 Rape of a Child 3 (RCW 9A.44.079)  
30 Theft of a Firearm (RCW 9A.56.300)  
31 Unlawful Storage of Ammonia (RCW  
32 69.55.020)  
33 V Abandonment of dependent person 1  
34 (RCW 9A.42.060)  
35 Advancing money or property for  
36 extortionate extension of credit  
37 (RCW 9A.82.030)

1 Bail Jumping with class A Felony  
2 (RCW 9A.76.170(3)(b))  
3 Child Molestation 3 (RCW 9A.44.089)  
4 Criminal Mistreatment 1 (RCW  
5 9A.42.020)  
6 Custodial Sexual Misconduct 1 (RCW  
7 9A.44.160)  
8 Delivery of imitation controlled  
9 substance by person eighteen or  
10 over to person under eighteen  
11 (RCW 69.52.030(2))  
12 Domestic Violence Court Order  
13 Violation (RCW 10.99.040,  
14 10.99.050, 26.09.300, 26.10.220,  
15 26.26.138, 26.50.110, 26.52.070,  
16 or 74.34.145)  
17 Extortion 1 (RCW 9A.56.120)  
18 Extortionate Extension of Credit  
19 (RCW 9A.82.020)  
20 Extortionate Means to Collect  
21 Extensions of Credit (RCW  
22 9A.82.040)  
23 Incest 2 (RCW 9A.64.020(2))  
24 Kidnapping 2 (RCW 9A.40.030)  
25 Perjury 1 (RCW 9A.72.020)  
26 Persistent prison misbehavior (RCW  
27 9.94.070)  
28 Possession of a Stolen Firearm (RCW  
29 9A.56.310)  
30 Rape 3 (RCW 9A.44.060)  
31 Rendering Criminal Assistance 1  
32 (RCW 9A.76.070)  
33 Sexual Misconduct with a Minor 1  
34 (RCW 9A.44.093)  
35 Sexually Violating Human Remains  
36 (RCW 9A.44.105)  
37 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)

1 Manufacture, deliver, or possess with  
2 intent to deliver narcotics from  
3 Schedule III, IV, or V or  
4 nonnarcotics from Schedule I-V  
5 (except marijuana, amphetamine,  
6 methamphetamines, or  
7 flunitrazepam) (RCW  
8 69.50.401(a)(1) (iii) through (v))  
9 Residential Burglary (RCW  
10 9A.52.025)  
11 Robbery 2 (RCW 9A.56.210)  
12 Theft of Livestock 1 (RCW 9A.56.080)  
13 Threats to Bomb (RCW 9.61.160)  
14 Use of Proceeds of Criminal  
15 Profiteering (RCW 9A.82.080 (1)  
16 and (2))  
17 Vehicular Assault, by being under the  
18 influence of intoxicating liquor or  
19 any drug, or by the operation or  
20 driving of a vehicle in a reckless  
21 manner (RCW 46.61.522)  
22 Willful Failure to Return from  
23 Furlough (RCW 72.66.060)  
24 III Abandonment of dependent person 2  
25 (RCW 9A.42.070)  
26 Assault 3 (RCW 9A.36.031)  
27 Assault of a Child 3 (RCW 9A.36.140)  
28 Bail Jumping with class B or C Felony  
29 (RCW 9A.76.170(3)(c))  
30 Burglary 2 (RCW 9A.52.030)  
31 Communication with a Minor for  
32 Immoral Purposes (RCW  
33 9.68A.090)  
34 Criminal Gang Intimidation (RCW  
35 9A.46.120)  
36 Criminal Mistreatment 2 (RCW  
37 9A.42.030)

1 Custodial Assault (RCW 9A.36.100)  
2 Delivery of a material in lieu of a  
3 controlled substance (RCW  
4 69.50.401(c))  
5 Escape 2 (RCW 9A.76.120)  
6 Extortion 2 (RCW 9A.56.130)  
7 Harassment (RCW 9A.46.020)  
8 Intimidating a Public Servant (RCW  
9 9A.76.180)  
10 Introducing Contraband 2 (RCW  
11 9A.76.150)  
12 Maintaining a Dwelling or Place for  
13 Controlled Substances (RCW  
14 69.50.402(a)(6))  
15 Malicious Injury to Railroad Property  
16 (RCW 81.60.070)  
17 Manufacture, deliver, or possess with  
18 intent to deliver marijuana (RCW  
19 69.50.401(a)(1)(iii))  
20 Manufacture, distribute, or possess  
21 with intent to distribute an  
22 imitation controlled substance  
23 (RCW 69.52.030(1))  
24 Patronizing a Juvenile Prostitute  
25 (RCW 9.68A.100)  
26 Perjury 2 (RCW 9A.72.030)  
27 Possession of Incendiary Device (RCW  
28 9.40.120)  
29 Possession of Machine Gun or Short-  
30 Barreled Shotgun or Rifle (RCW  
31 9.41.190)  
32 Promoting Prostitution 2 (RCW  
33 9A.88.080)  
34 Recklessly Trafficking in Stolen  
35 Property (RCW 9A.82.050(1))  
36 Securities Act violation (RCW  
37 21.20.400)

1 Tampering with a Witness (RCW  
2 9A.72.120)  
3 Telephone Harassment (subsequent  
4 conviction or threat of death)  
5 (RCW 9.61.230)  
6 Theft of Livestock 2 (RCW 9A.56.080)  
7 Unlawful Imprisonment (RCW  
8 9A.40.040)  
9 Unlawful possession of firearm in the  
10 second degree (RCW  
11 9.41.040(1)(b))  
12 Unlawful Use of Building for Drug  
13 Purposes (RCW 69.53.010)  
14 Vehicular Assault, by the operation or  
15 driving of a vehicle with disregard  
16 for the safety of others (RCW  
17 46.61.522)  
18 Willful Failure to Return from Work  
19 Release (RCW 72.65.070)  
20 II Computer Trespass 1 (RCW  
21 9A.52.110)  
22 Counterfeiting (RCW 9.16.035(3))  
23 Create, deliver, or possess a counterfeit  
24 controlled substance (RCW  
25 69.50.401(b))  
26 Escape from Community Custody  
27 (RCW 72.09.310)  
28 Health Care False Claims (RCW  
29 48.80.030)  
30 Identity Theft 2 (RCW 9.35.020(2)(b))  
31 Improperly Obtaining Financial  
32 Information (RCW 9.35.010)  
33 Malicious Mischief 1 (RCW  
34 9A.48.070)

1 Possession of controlled substance that  
2 is either heroin or narcotics from  
3 Schedule I or II or flunitrazepam  
4 from Schedule IV (RCW  
5 69.50.401(d))  
6 Possession of phencyclidine (PCP)  
7 (RCW 69.50.401(d))  
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 Forged Prescription (RCW 69.41.020)  
26 Forged Prescription for a Controlled  
27 Substance (RCW 69.50.403)  
28 Forgery (RCW 9A.60.020)  
29 Malicious Mischief 2 (RCW  
30 9A.48.080)  
31 Mineral Trespass (section 2 of this act)  
32 Possess Controlled Substance that is a  
33 Narcotic from Schedule III, IV, or  
34 V or Non-narcotic from Schedule  
35 I-V (except phencyclidine or  
36 flunitrazepam) (RCW  
37 69.50.401(d))

1 Possession of Stolen Property 2 (RCW  
 2 9A.56.160)  
 3 Reckless Burning 1 (RCW 9A.48.040)  
 4 Taking Motor Vehicle Without  
 5 Permission 2 (RCW  
 6 9A.56.070(2))  
 7 Theft 2 (RCW 9A.56.040)  
 8 Theft of Rental, Leased, or Lease-  
 9 purchased Property (valued at two  
 10 hundred fifty dollars or more but  
 11 less than one thousand five  
 12 hundred dollars) (RCW  
 13 9A.56.096(4))  
 14 Unlawful Issuance of Checks or Drafts  
 15 (RCW 9A.56.060)  
 16 Unlawful Use of Food Stamps (RCW  
 17 9.91.140 (2) and (3))  
 18 Vehicle Prowl 1 (RCW 9A.52.095)

19 **Sec. 5.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c  
 20 290 s 7, 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  
 23 CRIMES INCLUDED WITHIN  
 24 EACH SERIOUSNESS LEVEL

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))
34		Malicious placement of an explosive 1
35		(RCW 70.74.270(1))

1 XII Assault 1 (RCW 9A.36.011)  
2 Assault of a Child 1 (RCW 9A.36.120)  
3 Malicious placement of an imitation  
4 device 1 (RCW 70.74.272(1)(a))  
5 Rape 1 (RCW 9A.44.040)  
6 Rape of a Child 1 (RCW 9A.44.073)  
7 XI Manslaughter 1 (RCW 9A.32.060)  
8 Rape 2 (RCW 9A.44.050)  
9 Rape of a Child 2 (RCW 9A.44.076)  
10 X Child Molestation 1 (RCW 9A.44.083)  
11 Indecent Liberties (with forcible  
12 compulsion) (RCW  
13 9A.44.100(1)(a))  
14 Kidnapping 1 (RCW 9A.40.020)  
15 Leading Organized Crime (RCW  
16 9A.82.060(1)(a))  
17 Malicious explosion 3 (RCW  
18 70.74.280(3))  
19 Sexually Violent Predator Escape  
20 (RCW 9A.76.115)  
21 IX Assault of a Child 2 (RCW 9A.36.130)  
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))  
34 Robbery 1 (RCW 9A.56.200)  
35 Sexual Exploitation (RCW 9.68A.040)

1 Vehicular Homicide, by being under  
2 the influence of intoxicating  
3 liquor or any drug (RCW  
4 46.61.520)  
5 VIII Arson 1 (RCW 9A.48.020)  
6 Homicide by Watercraft, by the  
7 operation of any vessel in a  
8 reckless manner (RCW  
9 79A.60.050)  
10 Manslaughter 2 (RCW 9A.32.070)  
11 Promoting Prostitution 1 (RCW  
12 9A.88.070)  
13 Theft of Ammonia (RCW 69.55.010)  
14 Vehicular Homicide, by the operation  
15 of any vehicle in a reckless  
16 manner (RCW 46.61.520)  
17 VII Burglary 1 (RCW 9A.52.020)  
18 Child Molestation 2 (RCW 9A.44.086)  
19 Civil Disorder Training (RCW  
20 9A.48.120)  
21 Dealing in depictions of minor  
22 engaged in sexually explicit  
23 conduct (RCW 9.68A.050)  
24 Drive-by Shooting (RCW 9A.36.045)  
25 Homicide by Watercraft, by disregard  
26 for the safety of others (RCW  
27 79A.60.050)  
28 Indecent Liberties (without forcible  
29 compulsion) (RCW 9A.44.100(1)  
30 (b) and (c))  
31 Introducing Contraband 1 (RCW  
32 9A.76.140)  
33 Malicious placement of an explosive 3  
34 (RCW 70.74.270(3))



1 Sending, bringing into state depictions  
2 of minor engaged in sexually  
3 explicit conduct (RCW  
4 9.68A.060)  
5 Unlawful Possession of a Firearm in  
6 the first degree (RCW  
7 9.41.040(1)(a))  
8 Use of a Machine Gun in Commission  
9 of a Felony (RCW 9.41.225)  
10 Vehicular Homicide, by disregard for  
11 the safety of others (RCW  
12 46.61.520)  
13 VI Bail Jumping with Murder 1 (RCW  
14 9A.76.170(3)(a))  
15 Bribery (RCW 9A.68.010)  
16 Incest 1 (RCW 9A.64.020(1))  
17 Intimidating a Judge (RCW  
18 9A.72.160)  
19 Intimidating a Juror/Witness (RCW  
20 9A.72.110, 9A.72.130)  
21 Malicious placement of an imitation  
22 device 2 (RCW 70.74.272(1)(b))  
23 Rape of a Child 3 (RCW 9A.44.079)  
24 Theft of a Firearm (RCW 9A.56.300)  
25 Unlawful Storage of Ammonia (RCW  
26 69.55.020)  
27 V Abandonment of dependent person 1  
28 (RCW 9A.42.060)  
29 Advancing money or property for  
30 extortionate extension of credit  
31 (RCW 9A.82.030)  
32 Bail Jumping with class A Felony  
33 (RCW 9A.76.170(3)(b))  
34 Child Molestation 3 (RCW 9A.44.089)  
35 Criminal Mistreatment 1 (RCW  
36 9A.42.020)

1 Custodial Sexual Misconduct 1 (RCW  
2 9A.44.160)  
3 Domestic Violence Court Order  
4 Violation (RCW 10.99.040,  
5 10.99.050, 26.09.300, 26.10.220,  
6 26.26.138, 26.50.110, 26.52.070,  
7 or 74.34.145)  
8 Extortion 1 (RCW 9A.56.120)  
9 Extortionate Extension of Credit  
10 (RCW 9A.82.020)  
11 Extortionate Means to Collect  
12 Extensions of Credit (RCW  
13 9A.82.040)  
14 Incest 2 (RCW 9A.64.020(2))  
15 Kidnapping 2 (RCW 9A.40.030)  
16 Perjury 1 (RCW 9A.72.020)  
17 Persistent prison misbehavior (RCW  
18 9.94.070)  
19 Possession of a Stolen Firearm (RCW  
20 9A.56.310)  
21 Rape 3 (RCW 9A.44.060)  
22 Rendering Criminal Assistance 1  
23 (RCW 9A.76.070)  
24 Sexual Misconduct with a Minor 1  
25 (RCW 9A.44.093)  
26 Sexually Violating Human Remains  
27 (RCW 9A.44.105)  
28 Stalking (RCW 9A.46.110)  
29 Taking Motor Vehicle Without  
30 Permission 1 (RCW  
31 9A.56.070(1))  
32 IV Arson 2 (RCW 9A.48.030)  
33 Assault 2 (RCW 9A.36.021)  
34 Assault by Watercraft (RCW  
35 79A.60.060)

1 Bribing a Witness/Bribe Received by  
2 Witness (RCW 9A.72.090,  
3 9A.72.100)  
4 Cheating 1 (RCW 9.46.1961)  
5 Commercial Bribery (RCW  
6 9A.68.060)  
7 Counterfeiting (RCW 9.16.035(4))  
8 Endangerment with a Controlled  
9 Substance (RCW 9A.42.100)  
10 Escape 1 (RCW 9A.76.110)  
11 Hit and Run--Injury (RCW  
12 46.52.020(4)(b))  
13 Hit and Run with Vessel--Injury  
14 Accident (RCW 79A.60.200(3))  
15 Identity Theft 1 (RCW 9.35.020(2)(a))  
16 Indecent Exposure to Person Under  
17 Age Fourteen (subsequent sex  
18 offense) (RCW 9A.88.010)  
19 Influencing Outcome of Sporting  
20 Event (RCW 9A.82.070)  
21 Knowingly Trafficking in Stolen  
22 Property (RCW 9A.82.050(2))  
23 Malicious Harassment (RCW  
24 9A.36.080)  
25 Residential Burglary (RCW  
26 9A.52.025)  
27 Robbery 2 (RCW 9A.56.210)  
28 Theft of Livestock 1 (RCW 9A.56.080)  
29 Threats to Bomb (RCW 9.61.160)  
30 Use of Proceeds of Criminal  
31 Profiteering (RCW 9A.82.080 (1)  
32 and (2))  
33 Vehicular Assault, by being under the  
34 influence of intoxicating liquor or  
35 any drug, or by the operation or  
36 driving of a vehicle in a reckless  
37 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 Escape 2 (RCW 9A.76.120)  
19 Extortion 2 (RCW 9A.56.130)  
20 Harassment (RCW 9A.46.020)  
21 Intimidating a Public Servant (RCW  
22 9A.76.180)  
23 Introducing Contraband 2 (RCW  
24 9A.76.150)  
25 Malicious Injury to Railroad Property  
26 (RCW 81.60.070)  
27 Patronizing a Juvenile Prostitute  
28 (RCW 9.68A.100)  
29 Perjury 2 (RCW 9A.72.030)  
30 Possession of Incendiary Device (RCW  
31 9.40.120)  
32 Possession of Machine Gun or Short-  
33 Barreled Shotgun or Rifle (RCW  
34 9.41.190)  
35 Promoting Prostitution 2 (RCW  
36 9A.88.080)

1 Recklessly Trafficking in Stolen  
2 Property (RCW 9A.82.050(1))  
3 Securities Act violation (RCW  
4 21.20.400)  
5 Tampering with a Witness (RCW  
6 9A.72.120)  
7 Telephone Harassment (subsequent  
8 conviction or threat of death)  
9 (RCW 9.61.230)  
10 Theft of Livestock 2 (RCW 9A.56.080)  
11 Unlawful Imprisonment (RCW  
12 9A.40.040)  
13 Unlawful possession of firearm in the  
14 second degree (RCW  
15 9.41.040(1)(b))  
16 Vehicular Assault, by the operation or  
17 driving of a vehicle with disregard  
18 for the safety of others (RCW  
19 46.61.522)  
20 Willful Failure to Return from Work  
21 Release (RCW 72.65.070)  
22 II Computer Trespass 1 (RCW  
23 9A.52.110)  
24 Counterfeiting (RCW 9.16.035(3))  
25 Escape from Community Custody  
26 (RCW 72.09.310)  
27 Health Care False Claims (RCW  
28 48.80.030)  
29 Identity Theft 2 (RCW 9.35.020(2)(b))  
30 Improperly Obtaining Financial  
31 Information (RCW 9.35.010)  
32 Malicious Mischief 1 (RCW  
33 9A.48.070)  
34 Possession of Stolen Property 1 (RCW  
35 9A.56.150)  
36 Theft 1 (RCW 9A.56.030)

1 Theft of Rental, Leased, or Lease-  
2 purchased Property (valued at one  
3 thousand five hundred dollars or  
4 more) (RCW 9A.56.096(4))  
5 Trafficking in Insurance Claims (RCW  
6 48.30A.015)  
7 Unlawful Practice of Law (RCW  
8 2.48.180)  
9 Unlicensed Practice of a Profession or  
10 Business (RCW 18.130.190(7))  
11 I Attempting to Elude a Pursuing Police  
12 Vehicle (RCW 46.61.024)  
13 False Verification for Welfare (RCW  
14 74.08.055)  
15 Forgery (RCW 9A.60.020)  
16 Malicious Mischief 2 (RCW  
17 9A.48.080)  
18 Mineral Trespass (section 2 of this act)  
19 Possession of Stolen Property 2 (RCW  
20 9A.56.160)  
21 Reckless Burning 1 (RCW 9A.48.040)  
22 Taking Motor Vehicle Without  
23 Permission 2 (RCW  
24 9A.56.070(2))  
25 Theft 2 (RCW 9A.56.040)  
26 Theft of Rental, Leased, or Lease-  
27 purchased Property (valued at two  
28 hundred fifty dollars or more but  
29 less than one thousand five  
30 hundred dollars) (RCW  
31 9A.56.096(4))  
32 Unlawful Issuance of Checks or Drafts  
33 (RCW 9A.56.060)  
34 Unlawful Use of Food Stamps (RCW  
35 9.91.140 (2) and (3))  
36 Vehicle Prowl 1 (RCW 9A.52.095)



1	B	Residential Burglary (9A.52.025)	C
2	B	Burglary 2 (9A.52.030)	C
3	D	Burglary Tools (Possession of) (9A.52.060)	E
4	D	Criminal Trespass 1 (9A.52.070)	E
5	E	Criminal Trespass 2 (9A.52.080)	E
6	<u>C</u>	<u>Mineral Trespass (Section 2 of this act)</u>	<u>C</u>
7	C	Vehicle Prowling 1 (9A.52.095)	D
8	D	Vehicle Prowling 2 (9A.52.100)	E
9		<b>Drugs</b>	
10	E	Possession/Consumption of Alcohol	
11		(66.44.270)	E
12	C	Illegally Obtaining Legend Drug	
13		(69.41.020)	D
14	C+	Sale, Delivery, Possession of Legend Drug	
15		with Intent to Sell (69.41.030)	D+
16	E	Possession of Legend Drug (69.41.030)	E
17	B+	Violation of Uniform Controlled	
18		Substances Act - Narcotic,	
19		Methamphetamine, or Flunitrazepam Sale	
20		(69.50.401(a)(1) (i) or (ii))	B+
21	C	Violation of Uniform Controlled	
22		Substances Act - Nonnarcotic Sale	
23		(69.50.401(a)(1)(iii))	C
24	E	Possession of Marihuana <40 grams	
25		(69.50.401(e))	E
26	C	Fraudulently Obtaining Controlled	
27		Substance (69.50.403)	C
28	C+	Sale of Controlled Substance for Profit	
29		(69.50.410)	C+
30	E	Unlawful Inhalation (9.47A.020)	E
31	B	Violation of Uniform Controlled	
32		Substances Act - Narcotic,	
33		Methamphetamine, or Flunitrazepam	
34		Counterfeit Substances (69.50.401(b)(1) (i)	
35		or (ii))	B



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

1	E	Introducing Contraband 3 (9A.76.160)	E
2	B+	Intimidating a Public Servant (9A.76.180)	C+
3	B+	Intimidating a Witness (9A.72.110)	C+
4		<b>Public Disturbance</b>	
5	C+	Riot with Weapon (9A.84.010)	D+
6	D+	Riot Without Weapon (9A.84.010)	E
7	E	Failure to Disperse (9A.84.020)	E
8	E	Disorderly Conduct (9A.84.030)	E
9		<b>Sex Crimes</b>	
10	A	Rape 1 (9A.44.040)	B+
11	A-	Rape 2 (9A.44.050)	B+
12	C+	Rape 3 (9A.44.060)	D+
13	A-	Rape of a Child 1 (9A.44.073)	B+
14	B+	Rape of a Child 2 (9A.44.076)	C+
15	B	Incest 1 (9A.64.020(1))	C
16	C	Incest 2 (9A.64.020(2))	D
17	D+	Indecent Exposure (Victim <14)	
18		(9A.88.010)	E
19	E	Indecent Exposure (Victim 14 or over)	
20		(9A.88.010)	E
21	B+	Promoting Prostitution 1 (9A.88.070)	C+
22	C+	Promoting Prostitution 2 (9A.88.080)	D+
23	E	O & A (Prostitution) (9A.88.030)	E
24	B+	Indecent Liberties (9A.44.100)	C+
25	A-	Child Molestation 1 (9A.44.083)	B+
26	B	Child Molestation 2 (9A.44.086)	C+
27		<b>Theft, Robbery, Extortion, and Forgery</b>	
28	B	Theft 1 (9A.56.030)	C
29	C	Theft 2 (9A.56.040)	D
30	D	Theft 3 (9A.56.050)	E
31	B	Theft of Livestock (9A.56.080)	C
32	C	Forgery (9A.60.020)	D
33	A	Robbery 1 (9A.56.200)	B+
34	B+	Robbery 2 (9A.56.210)	C+
35	B+	Extortion 1 (9A.56.120)	C+
36	C+	Extortion 2 (9A.56.130)	D+

1	C	Identity Theft 1 (9.35.020(2)(a))	D
2	D	Identity Theft 2 (9.35.020(2)(b))	E
3	D	Improperly Obtaining Financial	
4		Information (9.35.010)	E
5	B	Possession of Stolen Property 1	
6		(9A.56.150)	C
7	C	Possession of Stolen Property 2	
8		(9A.56.160)	D
9	D	Possession of Stolen Property 3	
10		(9A.56.170)	E
11	C	Taking Motor Vehicle Without Permission	
12		1 and 2 (9A.56.070 (1) and (2))	D
13		<b>Motor Vehicle Related Crimes</b>	
14	E	Driving Without a License (46.20.005)	E
15	B+	Hit and Run - Death (46.52.020(4)(a))	C+
16	C	Hit and Run - Injury (46.52.020(4)(b))	D
17	D	Hit and Run-Attended (46.52.020(5))	E
18	E	Hit and Run-Unattended (46.52.010)	E
19	C	Vehicular Assault (46.61.522)	D
20	C	Attempting to Elude Pursuing Police	
21		Vehicle (46.61.024)	D
22	E	Reckless Driving (46.61.500)	E
23	D	Driving While Under the Influence	
24		(46.61.502 and 46.61.504)	E
25		<b>Other</b>	
26	B	Bomb Threat (9.61.160)	C
27	C	Escape 1 <sup>1</sup> (9A.76.110)	C
28	C	Escape 2 <sup>1</sup> (9A.76.120)	C
29	D	Escape 3 (9A.76.130)	E
30	E	Obscene, Harassing, Etc., Phone Calls	
31		(9.61.230)	E
32	A	Other Offense Equivalent to an Adult Class	
33		A Felony	B+
34	B	Other Offense Equivalent to an Adult Class	
35		B Felony	C
36	C	Other Offense Equivalent to an Adult Class	
37		C Felony	D

- 1                   D    Other Offense Equivalent to an Adult
- 2                            Gross Misdemeanor                   E
- 3                   E    Other Offense Equivalent to an Adult
- 4                            Misdemeanor                   E
- 5                   V    Violation of Order of Restitution,
- 6                            Community Supervision, or Confinement
- 7                            (13.40.200)<sup>2</sup>                   V

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

10        1st escape or attempted escape during 12-month period - 4 weeks  
 11        confinement

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

14        3rd and subsequent escape or attempted escape during 12-month  
 15        period - 12 weeks confinement

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

18                                   **JUVENILE SENTENCING STANDARDS**

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

21                                   **OPTION A**  
 22                                   **JUVENILE OFFENDER SENTENCING GRID**  
 23                                   **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
Current	B+ 15-36	52-65	80-100	103-129

Offense Category	WEEKS	WEEKS	WEEKS	WEEKS
B LOCAL SANCTIONS (LS)		15-36 WEEKS		52-65 WEEKS
C+ LS			15-36 WEEKS	
C LS				15-36 WEEKS
D+ LS	Local Sanctions: 0 to 30 Days			
D LS	0 to 12 Months Community Supervision 0 to 150 Hours Community Restitution			
E LS	\$0 to \$500 Fine			
	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 felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

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

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

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

**OR**

**OPTION B**

**CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

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

5

**OR**

6

**OPTION C**

7

**MANIFEST INJUSTICE**

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

11        NEW SECTION.   **Sec. 7.**   Section 4 of this act expires July 1, 2004.

12        NEW SECTION.   **Sec. 8.**   Section 5 of this act takes effect July 1,  
13 2004.

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

**--- END ---**