
SENATE BILL 5480

State of Washington 59th Legislature 2005 Regular Session

By Senators Roach, Schoesler, Benson, Benton and Oke

Read first time 01/26/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to increasing penalties for manufacturing
2 methamphetamine; amending RCW 69.50.401, 69.50.406, 69.50.415,
3 9.94A.518, 9.94A.533, 9.94A.610, and 13.40.0357; and prescribing
4 penalties.

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

6 **Sec. 1.** RCW 69.50.401 and 2003 c 53 s 331 are each amended to read
7 as follows:

8 (1) Except as authorized by this chapter, it is unlawful for any
9 person to manufacture, deliver, or possess with intent to manufacture
10 or deliver, a controlled substance.

11 (2) Any person who violates this section with respect to:

12 (a) A controlled substance classified in Schedule I or II which is
13 a narcotic drug or flunitrazepam classified in Schedule IV, is guilty
14 of a class B felony and upon conviction may be imprisoned for not more
15 than ten years, or (i) fined not more than twenty-five thousand dollars
16 if the crime involved less than two kilograms of the drug, or both such
17 imprisonment and fine; or (ii) if the crime involved two or more
18 kilograms of the drug, then fined not more than one hundred thousand

1 dollars for the first two kilograms and not more than fifty dollars for
2 each gram in excess of two kilograms, or both such imprisonment and
3 fine;

4 (b) Amphetamine or delivery or possession with intent to deliver
5 methamphetamine, is guilty of a class B felony and upon conviction may
6 be imprisoned for not more than ten years, or (i) fined not more than
7 twenty-five thousand dollars if the crime involved less than two
8 kilograms of the drug, or both such imprisonment and fine; or (ii) if
9 the crime involved two or more kilograms of the drug, then fined not
10 more than one hundred thousand dollars for the first two kilograms and
11 not more than fifty dollars for each gram in excess of two kilograms,
12 or both such imprisonment and fine. Three thousand dollars of the fine
13 may not be suspended. As collected, the first three thousand dollars
14 of the fine must be deposited with the law enforcement agency having
15 responsibility for cleanup of laboratories, sites, or substances used
16 in the manufacture of the methamphetamine. The fine moneys deposited
17 with that law enforcement agency must be used for such clean-up cost;

18 (c) Manufacture of methamphetamine, is guilty of a class A felony
19 and upon conviction may be imprisoned for not more than twenty years,
20 or (i) fined not more than twenty-five thousand dollars if the crime
21 involved less than two kilograms of the drug, or both such imprisonment
22 and fine; or (ii) if the crime involved two or more kilograms of the
23 drug, then fined not more than one hundred thousand dollars for the
24 first two kilograms and not more than fifty dollars for each gram in
25 excess of two kilograms, or both such imprisonment and fine. Five
26 thousand dollars of the fine may not be suspended. As collected, the
27 first five thousand dollars of the fine must be deposited with the law
28 enforcement agency having responsibility for cleanup of laboratories,
29 sites, or substances used in the manufacture of the methamphetamine.
30 The fine moneys deposited with that law enforcement agency must be used
31 for such clean-up cost;

32 (d) Any other controlled substance classified in Schedule I, II, or
33 III, is guilty of a class C felony punishable according to chapter
34 9A.20 RCW;

35 ((+d)) (e) A substance classified in Schedule IV, except
36 flunitrazepam, is guilty of a class C felony punishable according to
37 chapter 9A.20 RCW; or

1 ~~((e))~~ (f) A substance classified in Schedule V, is guilty of a
2 class C felony punishable according to chapter 9A.20 RCW.

3 **Sec. 2.** RCW 69.50.406 and 2003 c 53 s 340 are each amended to read
4 as follows:

5 (1) Any person eighteen years of age or over who violates RCW
6 69.50.401 by distributing a controlled substance listed in Schedules I
7 or II which is a narcotic drug or methamphetamine, or flunitrazepam
8 listed in Schedule IV, to a person under eighteen years of age is
9 guilty of a class A felony punishable by the fine authorized by RCW
10 69.50.401(2) (a) or (b), by a term of imprisonment of up to twice that
11 authorized by RCW 69.50.401(2) (a) or (b), or by both.

12 (2) Any person eighteen years of age or over who violates RCW
13 69.50.401 by distributing any other controlled substance listed in
14 Schedules I, II, III, IV, and V to a person under eighteen years of age
15 who is at least three years his or her junior is guilty of a class B
16 felony punishable by the fine authorized by RCW 69.50.401(2) ~~((e))~~
17 (d), ~~((d))~~ (e), or ~~((e))~~ (f), by a term of imprisonment up to twice
18 that authorized by RCW 69.50.401(2) ~~((e))~~ (d), ~~((d))~~ (e), or
19 ~~((e))~~ (f), or both.

20 **Sec. 3.** RCW 69.50.415 and 2003 c 53 s 343 are each amended to read
21 as follows:

22 (1) A person who unlawfully delivers a controlled substance in
23 violation of RCW 69.50.401(2) (a), (b), or ~~((e))~~ (d) which controlled
24 substance is subsequently used by the person to whom it was delivered,
25 resulting in the death of the user, is guilty of controlled substances
26 homicide.

27 (2) Controlled substances homicide is a class B felony punishable
28 according to chapter 9A.20 RCW.

29 **Sec. 4.** RCW 9.94A.518 and 2003 c 53 s 57 are each amended to read
30 as follows:

31 TABLE 4

1 DRUG OFFENSES

2 INCLUDED WITHIN EACH

3 SERIOUSNESS LEVEL

- 4 III Any felony offense under chapter
5 69.50 RCW with a deadly weapon
6 special verdict under RCW
7 9.94A.602
8 Controlled Substance Homicide (RCW
9 69.50.415)
10 Delivery of imitation controlled
11 substance by person eighteen or
12 over to person under eighteen
13 (RCW 69.52.030(2))
14 Involving a minor in drug dealing
15 (RCW 69.50.4015)
16 Manufacture of methamphetamine
17 (RCW 69.50.401(2)((b)) (c))
18 Over 18 and deliver heroin,
19 methamphetamine, a narcotic
20 from Schedule I or II, or
21 flunitrazepam from Schedule IV
22 to someone under 18 (RCW
23 69.50.406)
24 Over 18 and deliver narcotic from
25 Schedule III, IV, or V or a
26 nonnarcotic, except flunitrazepam
27 or methamphetamine, from
28 Schedule I-V to someone under 18
29 and 3 years junior (RCW
30 69.50.406)

1 Possession of Ephedrine or any of its
2 Salts or Isomers or Salts of
3 Isomers, Pseudoephedrine or any
4 of its Salts or Isomers or Salts of
5 Isomers, ((~~or Anhydrous~~))
6 Pressurized Ammonia Gas, or
7 Pressurized Ammonia Gas
8 Solution with intent to
9 manufacture methamphetamine
10 (RCW 69.50.440)
11 Selling for profit (controlled or
12 counterfeit) any controlled
13 substance (RCW 69.50.410)
14 II Create, deliver, or possess a counterfeit
15 controlled substance (RCW
16 69.50.4011)
17 Deliver or possess with intent to
18 deliver methamphetamine (RCW
19 69.50.401(2)(b))
20 Delivery of a material in lieu of a
21 controlled substance (RCW
22 69.50.4012)
23 Maintaining a Dwelling or Place for
24 Controlled Substances (RCW
25 69.50.402(1)(f))
26 Manufacture, deliver, or possess with
27 intent to deliver amphetamine
28 (RCW 69.50.401(2)(b))
29 Manufacture, deliver, or possess with
30 intent to deliver narcotics from
31 Schedule I or II or flunitrazepam
32 from Schedule IV (RCW
33 69.50.401(2)(a))

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(2) ~~((e))~~ (d) through
9 ~~((e))~~ (f))

10 Manufacture, distribute, or possess
11 with intent to distribute an
12 imitation controlled substance
13 (RCW 69.52.030(1))

14 I Forged Prescription (RCW 69.41.020)
15 Forged Prescription for a Controlled
16 Substance (RCW 69.50.403)

17 Manufacture, deliver, or possess with
18 intent to deliver marijuana (RCW
19 69.50.401(2) ~~((e))~~ (d))

20 Possess Controlled Substance that is a
21 Narcotic from Schedule III, IV, or
22 V or Nonnarcotic from Schedule
23 I-V (RCW 69.50.4013)

24 Possession of Controlled Substance
25 that is either heroin or narcotics
26 from Schedule I or II (RCW
27 69.50.4013)

28 Unlawful Use of Building for Drug
29 Purposes (RCW 69.53.010)

30 **Sec. 5.** RCW 9.94A.533 and 2003 c 53 s 58 are each amended to read
31 as follows:

32 (1) The provisions of this section apply to the standard sentence
33 ranges determined by RCW 9.94A.510 or 9.94A.517.

34 (2) For persons convicted of the anticipatory offenses of criminal
35 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
36 standard sentence range is determined by locating the sentencing grid

1 sentence range defined by the appropriate offender score and the
2 seriousness level of the completed crime, and multiplying the range by
3 seventy-five percent.

4 (3) The following additional times shall be added to the standard
5 sentence range for felony crimes committed after July 23, 1995, if the
6 offender or an accomplice was armed with a firearm as defined in RCW
7 9.41.010 and the offender is being sentenced for one of the crimes
8 listed in this subsection as eligible for any firearm enhancements
9 based on the classification of the completed felony crime. If the
10 offender is being sentenced for more than one offense, the firearm
11 enhancement or enhancements must be added to the total period of
12 confinement for all offenses, regardless of which underlying offense is
13 subject to a firearm enhancement. If the offender or an accomplice was
14 armed with a firearm as defined in RCW 9.41.010 and the offender is
15 being sentenced for an anticipatory offense under chapter 9A.28 RCW to
16 commit one of the crimes listed in this subsection as eligible for any
17 firearm enhancements, the following additional times shall be added to
18 the standard sentence range determined under subsection (2) of this
19 section based on the felony crime of conviction as classified under RCW
20 9A.28.020:

21 (a) Five years for any felony defined under any law as a class A
22 felony or with a statutory maximum sentence of at least twenty years,
23 or both, and not covered under (f) of this subsection;

24 (b) Three years for any felony defined under any law as a class B
25 felony or with a statutory maximum sentence of ten years, or both, and
26 not covered under (f) of this subsection;

27 (c) Eighteen months for any felony defined under any law as a class
28 C felony or with a statutory maximum sentence of five years, or both,
29 and not covered under (f) of this subsection;

30 (d) If the offender is being sentenced for any firearm enhancements
31 under (a), (b), and/or (c) of this subsection and the offender has
32 previously been sentenced for any deadly weapon enhancements after July
33 23, 1995, under (a), (b), and/or (c) of this subsection or subsection
34 (4)(a), (b), and/or (c) of this section, or both, all firearm
35 enhancements under this subsection shall be twice the amount of the
36 enhancement listed;

37 (e) Notwithstanding any other provision of law, all firearm
38 enhancements under this section are mandatory, shall be served in total

1 confinement, and shall run consecutively to all other sentencing
2 provisions, including other firearm or deadly weapon enhancements, for
3 all offenses sentenced under this chapter. However, whether or not a
4 mandatory minimum term has expired, an offender serving a sentence
5 under this subsection may be granted an extraordinary medical placement
6 when authorized under RCW 9.94A.728(4);

7 (f) The firearm enhancements in this section shall apply to all
8 felony crimes except the following: Possession of a machine gun,
9 possessing a stolen firearm, drive-by shooting, theft of a firearm,
10 unlawful possession of a firearm in the first and second degree, and
11 use of a machine gun in a felony;

12 (g) If the standard sentence range under this section exceeds the
13 statutory maximum sentence for the offense, the statutory maximum
14 sentence shall be the presumptive sentence unless the offender is a
15 persistent offender. If the addition of a firearm enhancement
16 increases the sentence so that it would exceed the statutory maximum
17 for the offense, the portion of the sentence representing the
18 enhancement may not be reduced.

19 (4) The following additional times shall be added to the standard
20 sentence range for felony crimes committed after July 23, 1995, if the
21 offender or an accomplice was armed with a deadly weapon other than a
22 firearm as defined in RCW 9.41.010 and the offender is being sentenced
23 for one of the crimes listed in this subsection as eligible for any
24 deadly weapon enhancements based on the classification of the completed
25 felony crime. If the offender is being sentenced for more than one
26 offense, the deadly weapon enhancement or enhancements must be added to
27 the total period of confinement for all offenses, regardless of which
28 underlying offense is subject to a deadly weapon enhancement. If the
29 offender or an accomplice was armed with a deadly weapon other than a
30 firearm as defined in RCW 9.41.010 and the offender is being sentenced
31 for an anticipatory offense under chapter 9A.28 RCW to commit one of
32 the crimes listed in this subsection as eligible for any deadly weapon
33 enhancements, the following additional times shall be added to the
34 standard sentence range determined under subsection (2) of this section
35 based on the felony crime of conviction as classified under RCW
36 9A.28.020:

37 (a) Two years for any felony defined under any law as a class A

1 felony or with a statutory maximum sentence of at least twenty years,
2 or both, and not covered under (f) of this subsection;

3 (b) One year for any felony defined under any law as a class B
4 felony or with a statutory maximum sentence of ten years, or both, and
5 not covered under (f) of this subsection;

6 (c) Six months for any felony defined under any law as a class C
7 felony or with a statutory maximum sentence of five years, or both, and
8 not covered under (f) of this subsection;

9 (d) If the offender is being sentenced under (a), (b), and/or (c)
10 of this subsection for any deadly weapon enhancements and the offender
11 has previously been sentenced for any deadly weapon enhancements after
12 July 23, 1995, under (a), (b), and/or (c) of this subsection or
13 subsection (3)(a), (b), and/or (c) of this section, or both, all deadly
14 weapon enhancements under this subsection shall be twice the amount of
15 the enhancement listed;

16 (e) Notwithstanding any other provision of law, all deadly weapon
17 enhancements under this section are mandatory, shall be served in total
18 confinement, and shall run consecutively to all other sentencing
19 provisions, including other firearm or deadly weapon enhancements, for
20 all offenses sentenced under this chapter. However, whether or not a
21 mandatory minimum term has expired, an offender serving a sentence
22 under this subsection may be granted an extraordinary medical placement
23 when authorized under RCW 9.94A.728(4);

24 (f) The deadly weapon enhancements in this section shall apply to
25 all felony crimes except the following: Possession of a machine gun,
26 possessing a stolen firearm, drive-by shooting, theft of a firearm,
27 unlawful possession of a firearm in the first and second degree, and
28 use of a machine gun in a felony;

29 (g) If the standard sentence range under this section exceeds the
30 statutory maximum sentence for the offense, the statutory maximum
31 sentence shall be the presumptive sentence unless the offender is a
32 persistent offender. If the addition of a deadly weapon enhancement
33 increases the sentence so that it would exceed the statutory maximum
34 for the offense, the portion of the sentence representing the
35 enhancement may not be reduced.

36 (5) The following additional times shall be added to the standard
37 sentence range if the offender or an accomplice committed the offense
38 while in a county jail or state correctional facility and the offender

1 is being sentenced for one of the crimes listed in this subsection. If
2 the offender or an accomplice committed one of the crimes listed in
3 this subsection while in a county jail or state correctional facility,
4 and the offender is being sentenced for an anticipatory offense under
5 chapter 9A.28 RCW to commit one of the crimes listed in this
6 subsection, the following additional times shall be added to the
7 standard sentence range determined under subsection (2) of this
8 section:

9 (a) Eighteen months for offenses committed under RCW 69.50.401(2)
10 (a) ~~((e))~~, (b), or (c) or 69.50.410;

11 (b) Fifteen months for offenses committed under RCW 69.50.401(2)
12 ~~((e))~~ (d), ~~((e))~~ (e), or (f);

13 (c) Twelve months for offenses committed under RCW 69.50.4013.

14 For the purposes of this subsection, all of the real property of a
15 state correctional facility or county jail shall be deemed to be part
16 of that facility or county jail.

17 (6) An additional twenty-four months shall be added to the standard
18 sentence range for any ranked offense involving a violation of chapter
19 69.50 RCW if the offense was also a violation of RCW 69.50.435 or
20 9.94A.605.

21 (7) An additional two years shall be added to the standard sentence
22 range for vehicular homicide committed while under the influence of
23 intoxicating liquor or any drug as defined by RCW 46.61.502 for each
24 prior offense as defined in RCW 46.61.5055.

25 **Sec. 6.** RCW 9.94A.610 and 2003 c 53 s 61 are each amended to read
26 as follows:

27 (1) At the earliest possible date, and in no event later than ten
28 days before release except in the event of escape or emergency
29 furloughs as defined in RCW 72.66.010, the department of corrections
30 shall send written notice of parole, community placement, work release
31 placement, furlough, or escape about a specific inmate convicted of a
32 serious drug offense to the following if such notice has been requested
33 in writing about a specific inmate convicted of a serious drug offense:

34 (a) Any witnesses who testified against the inmate in any court
35 proceedings involving the serious drug offense; and

36 (b) Any person specified in writing by the prosecuting attorney.
37 Information regarding witnesses requesting the notice, information

1 regarding any other person specified in writing by the prosecuting
2 attorney to receive the notice, and the notice are confidential and
3 shall not be available to the inmate.

4 (2) If an inmate convicted of a serious drug offense escapes from
5 a correctional facility, the department of corrections shall
6 immediately notify, by the most reasonable and expedient means
7 available, the chief of police of the city and the sheriff of the
8 county in which the inmate resided immediately before the inmate's
9 arrest and conviction. If previously requested, the department shall
10 also notify the witnesses who are entitled to notice under this
11 section. If the inmate is recaptured, the department shall send notice
12 to the persons designated in this subsection as soon as possible but in
13 no event later than two working days after the department learns of
14 such recapture.

15 (3) If any witness is under the age of sixteen, the notice required
16 by this section shall be sent to the parents or legal guardian of the
17 child.

18 (4) The department of corrections shall send the notices required
19 by this section to the last address provided to the department by the
20 requesting party. The requesting party shall furnish the department
21 with a current address.

22 (5) For purposes of this section, "serious drug offense" means an
23 offense under RCW 69.50.401(2) (a) (~~(a)~~), (b), or (c) or 69.50.4011(2)
24 (a) or (b).

25 **Sec. 7.** RCW 13.40.0357 and 2004 c 117 s 1 are each amended to read
26 as follows:

27 **DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
28		
29	JUVENILE	CATEGORY FOR
30	DISPOSITION	ATTEMPT, BAILJUMP,
31	OFFENSE	CONSPIRACY, OR
32	CATEGORY DESCRIPTION (RCW CITATION)	SOLICITATION
33	
34	Arson and Malicious Mischief	
35	A Arson 1 (9A.48.020)	B+

1	B	Arson 2 (9A.48.030)	C
2	C	Reckless Burning 1 (9A.48.040)	D
3	D	Reckless Burning 2 (9A.48.050)	E
4	B	Malicious Mischief 1 (9A.48.070)	C
5	C	Malicious Mischief 2 (9A.48.080)	D
6	D	Malicious Mischief 3 (9A.48.090(2) (a)	
7		and (c))	E
8	E	Malicious Mischief 3 (9A.48.090(2)(b))	E
9	E	Tampering with Fire Alarm Apparatus	
10		(9.40.100)	E
11	E	Tampering with Fire Alarm Apparatus	
12		with Intent to Commit Arson (9.40.105)	E
13	A	Possession of Incendiary Device (9.40.120)	B+
14		Assault and Other Crimes Involving	
15		Physical Harm	
16	A	Assault 1 (9A.36.011)	B+
17	B+	Assault 2 (9A.36.021)	C+
18	C+	Assault 3 (9A.36.031)	D+
19	D+	Assault 4 (9A.36.041)	E
20	B+	Drive-By Shooting (9A.36.045)	C+
21	D+	Reckless Endangerment (9A.36.050)	E
22	C+	Promoting Suicide Attempt (9A.36.060)	D+
23	D+	Coercion (9A.36.070)	E
24	C+	Custodial Assault (9A.36.100)	D+
25		Burglary and Trespass	
26	B+	Burglary 1 (9A.52.020)	C+
27	B	Residential Burglary (9A.52.025)	C
28	B	Burglary 2 (9A.52.030)	C
29	D	Burglary Tools (Possession of) (9A.52.060)	E
30	D	Criminal Trespass 1 (9A.52.070)	E
31	E	Criminal Trespass 2 (9A.52.080)	E
32	C	Mineral Trespass (78.44.330)	C
33	C	Vehicle Prowling 1 (9A.52.095)	D
34	D	Vehicle Prowling 2 (9A.52.100)	E
35		Drugs	

1	E	Possession/Consumption of Alcohol	
2		(66.44.270)	E
3	C	Illegally Obtaining Legend Drug	
4		(69.41.020)	D
5	C+	Sale, Delivery, Possession of Legend Drug	
6		with Intent to Sell (69.41.030(2)(a))	D+
7	E	Possession of Legend Drug	
8		(69.41.030(2)(b))	E
9	B+	Violation of Uniform Controlled	
10		Substances Act - Narcotic,	
11		Methamphetamine, or Flunitrazepam Sale	
12		(69.50.401(2) (a) ((e)) , (b), or (c))	B+
13	C	Violation of Uniform Controlled	
14		Substances Act - Nonnarcotic Sale	
15		(69.50.401(2) ((e)) (d))	C
16	E	Possession of Marihuana <40 grams	
17		(69.50.4014)	E
18	C	Fraudulently Obtaining Controlled	
19		Substance (69.50.403)	C
20	C+	Sale of Controlled Substance for Profit	
21		(69.50.410)	C+
22	E	Unlawful Inhalation (9.47A.020)	E
23	B	Violation of Uniform Controlled	
24		Substances Act - Narcotic,	
25		Methamphetamine, or Flunitrazepam	
26		Counterfeit Substances (69.50.4011(2) (a)	
27		or (b))	B
28	C	Violation of Uniform Controlled	
29		Substances Act - Nonnarcotic Counterfeit	
30		Substances (69.50.4011(2) (c), (d), or (e))	C
31	C	Violation of Uniform Controlled	
32		Substances Act - Possession of a Controlled	
33		Substance (69.50.4013)	C
34	C	Violation of Uniform Controlled	
35		Substances Act - Possession of a Controlled	
36		Substance (69.50.4012)	C

37 **Firearms and Weapons**

1	B	Theft of Firearm (9A.56.300)	C
2	B	Possession of Stolen Firearm (9A.56.310)	C
3	E	Carrying Loaded Pistol Without Permit	
4		(9.41.050)	E
5	C	Possession of Firearms by Minor (<18)	
6		(9.41.040(2)(a)(iii))	C
7	D+	Possession of Dangerous Weapon	
8		(9.41.250)	E
9	D	Intimidating Another Person by use of	
10		Weapon (9.41.270)	E
11		Homicide	
12	A+	Murder 1 (9A.32.030)	A
13	A+	Murder 2 (9A.32.050)	B+
14	B+	Manslaughter 1 (9A.32.060)	C+
15	C+	Manslaughter 2 (9A.32.070)	D+
16	B+	Vehicular Homicide (46.61.520)	C+
17		Kidnapping	
18	A	Kidnap 1 (9A.40.020)	B+
19	B+	Kidnap 2 (9A.40.030)	C+
20	C+	Unlawful Imprisonment (9A.40.040)	D+
21		Obstructing Governmental Operation	
22	D	Obstructing a Law Enforcement Officer	
23		(9A.76.020)	E
24	E	Resisting Arrest (9A.76.040)	E
25	B	Introducing Contraband 1 (9A.76.140)	C
26	C	Introducing Contraband 2 (9A.76.150)	D
27	E	Introducing Contraband 3 (9A.76.160)	E
28	B+	Intimidating a Public Servant (9A.76.180)	C+
29	B+	Intimidating a Witness (9A.72.110)	C+
30		Public Disturbance	
31	C+	Riot with Weapon (9A.84.010(2)(b))	D+
32	D+	Riot Without Weapon (9A.84.010(2)(a))	E
33	E	Failure to Disperse (9A.84.020)	E
34	E	Disorderly Conduct (9A.84.030)	E
35		Sex Crimes	
36	A	Rape 1 (9A.44.040)	B+

1	A-	Rape 2 (9A.44.050)	B+
2	C+	Rape 3 (9A.44.060)	D+
3	A-	Rape of a Child 1 (9A.44.073)	B+
4	B+	Rape of a Child 2 (9A.44.076)	C+
5	B	Incest 1 (9A.64.020(1))	C
6	C	Incest 2 (9A.64.020(2))	D
7	D+	Indecent Exposure (Victim <14)	
8		(9A.88.010)	E
9	E	Indecent Exposure (Victim 14 or over)	
10		(9A.88.010)	E
11	B+	Promoting Prostitution 1 (9A.88.070)	C+
12	C+	Promoting Prostitution 2 (9A.88.080)	D+
13	E	O & A (Prostitution) (9A.88.030)	E
14	B+	Indecent Liberties (9A.44.100)	C+
15	A-	Child Molestation 1 (9A.44.083)	B+
16	B	Child Molestation 2 (9A.44.086)	C+
17		Theft, Robbery, Extortion, and Forgery	
18	B	Theft 1 (9A.56.030)	C
19	C	Theft 2 (9A.56.040)	D
20	D	Theft 3 (9A.56.050)	E
21	B	Theft of Livestock 1 and 2 (9A.56.080 and	
22		9A.56.083)	C
23	C	Forgery (9A.60.020)	D
24	A	Robbery 1 (9A.56.200)	B+
25	B+	Robbery 2 (9A.56.210)	C+
26	B+	Extortion 1 (9A.56.120)	C+
27	C+	Extortion 2 (9A.56.130)	D+
28	C	Identity Theft 1 (9.35.020(2))	D
29	D	Identity Theft 2 (9.35.020(3))	E
30	D	Improperly Obtaining Financial	
31		Information (9.35.010)	E
32	B	Possession of Stolen Property 1	
33		(9A.56.150)	C
34	C	Possession of Stolen Property 2	
35		(9A.56.160)	D
36	D	Possession of Stolen Property 3	
37		(9A.56.170)	E

1	C	Taking Motor Vehicle Without Permission	
2		1 and 2 (9A.56.070 and 9A.56.075)	D
3		Motor Vehicle Related Crimes	
4	E	Driving Without a License (46.20.005)	E
5	B+	Hit and Run - Death (46.52.020(4)(a))	C+
6	C	Hit and Run - Injury (46.52.020(4)(b))	D
7	D	Hit and Run-Attended (46.52.020(5))	E
8	E	Hit and Run-Unattended (46.52.010)	E
9	C	Vehicular Assault (46.61.522)	D
10	C	Attempting to Elude Pursuing Police	
11		Vehicle (46.61.024)	D
12	E	Reckless Driving (46.61.500)	E
13	D	Driving While Under the Influence	
14		(46.61.502 and 46.61.504)	E
15		Other	
16	B	Animal Cruelty 1 (16.52.205)	C
17	B	Bomb Threat (9.61.160)	C
18	C	Escape 1 ¹ (9A.76.110)	C
19	C	Escape 2 ¹ (9A.76.120)	C
20	D	Escape 3 (9A.76.130)	E
21	E	Obscene, Harassing, Etc., Phone Calls	
22		(9.61.230)	E
23	A	Other Offense Equivalent to an Adult Class	
24		A Felony	B+
25	B	Other Offense Equivalent to an Adult Class	
26		B Felony	C
27	C	Other Offense Equivalent to an Adult Class	
28		C Felony	D
29	D	Other Offense Equivalent to an Adult	
30		Gross Misdemeanor	E
31	E	Other Offense Equivalent to an Adult	
32		Misdemeanor	E
33	V	Violation of Order of Restitution,	
34		Community Supervision, or Confinement	
35		(13.40.200) ²	V

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

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

3 2nd escape or attempted escape during 12-month period - 8 weeks
4 confinement

5 3rd and subsequent escape or attempted escape during 12-month
6 period - 12 weeks confinement

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

9 **JUVENILE SENTENCING STANDARDS**

10 This schedule must be used for juvenile offenders. The court may
11 select sentencing option A, B, C, D, or RCW 13.40.167.

12 **OPTION A**
13 **JUVENILE OFFENDER SENTENCING GRID**
14 **STANDARD RANGE**

15 A+ 180 WEEKS TO AGE 21 YEARS

16
17 A 103 WEEKS TO 129 WEEKS

18 A-	15-36	52-65	80-100	103-129
	WEEKS	WEEKS	WEEKS	WEEKS
	EXCEPT			
	30-40			
	WEEKS FOR			
	15-17			
	YEAR OLDS			

26	Current	B+	15-36	52-65	80-100	103-129
27	Offense		WEEKS	WEEKS	WEEKS	WEEKS

28 Category

29	B	LOCAL				52-65
30		SANCTIONS (LS)		15-36 WEEKS		WEEKS

31	C+	LS				
32					15-36 WEEKS	

33	C	LS				15-36 WEEKS
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34 Local Sanctions:
35 0 to 30 Days

1	D+	LS	0 to 12 Months Community Supervision				
2			0 to 150 Hours Community Restitution				
3	D	LS	\$0 to \$500 Fine				
4							
5	E	LS					
6	<hr/>						
7			0	1	2	3	4
8							or more
9	PRIOR ADJUDICATIONS						

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

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

15 (2) The horizontal axis of the grid is the number of prior
16 adjudications included in the juvenile's criminal history. Each prior
17 felony adjudication shall count as one point. Each prior violation,
18 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
19 point. Fractional points shall be rounded down.

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

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

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

28 **OR**

29 **OPTION B**

30 **SUSPENDED DISPOSITION ALTERNATIVE**

31 (1) If the offender is subject to a standard range disposition
32 involving confinement by the department, the court may impose the
33 standard range and suspend the disposition on condition that the
34 offender comply with one or more local sanctions and any educational or
35 treatment requirement. The treatment programs provided to the offender
36 must be research-based best practice programs as identified by the
37 Washington state institute for public policy or the joint legislative
38 audit and review committee.

1 (2) If the offender fails to comply with the suspended disposition,
2 the court may impose sanctions pursuant to RCW 13.40.200 or may revoke
3 the suspended disposition and order the disposition's execution.

4 (3) An offender is ineligible for the suspended disposition option
5 under this section if the offender is:

6 (a) Adjudicated of an A+ offense;

7 (b) Fourteen years of age or older and is adjudicated of one or
8 more of the following offenses:

9 (i) A class A offense, or an attempt, conspiracy, or solicitation
10 to commit a class A offense;

11 (ii) Manslaughter in the first degree (RCW 9A.32.060); or

12 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
13 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW
14 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential
15 burglary (RCW 9A.52.025), burglary in the second degree (RCW
16 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW
17 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a
18 witness (RCW 9A.72.110), violation of the uniform controlled substances
19 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),
20 when the offense includes infliction of bodily harm upon another or
21 when during the commission or immediate withdrawal from the offense the
22 respondent was armed with a deadly weapon;

23 (c) Ordered to serve a disposition for a firearm violation under
24 RCW 13.40.193; or

25 (d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

26 **OR**

27 **OPTION C**

28 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

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

33 **OR**

34 **OPTION D**

35 **MANIFEST INJUSTICE**

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

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