
SENATE BILL 5807

State of Washington 59th Legislature 2005 Regular Session

By Senators Roach, Keiser, Rasmussen and Kohl-Welles

Read first time 02/08/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to auto theft; reenacting and amending RCW
2 9.94A.505, 9.94A.515, and 13.40.160; adding new sections to chapter
3 36.28A RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.28A RCW
6 to read as follows:

7 (1) The Washington association of sheriffs and police chiefs shall
8 create and facilitate the Washington state auto theft task force
9 program.

10 (2) The Washington association of sheriffs and police chiefs shall
11 appoint an auto theft task force program steering committee.

12 (a) The steering committee shall include, but is not limited to:
13 A chief of police, a county sheriff, the Washington state patrol, a
14 representative of the Washington association of prosecuting attorneys,
15 a representative of the Washington council of police and sheriffs, a
16 representative of the auto insurance industry, a representative of the
17 auto sales industry, a representative of the auto repair industry, and
18 a representative of the auto auction industry.

1 (b) The steering committee shall have the following
2 responsibilities:

3 (i) For the purpose of establishing regional auto theft task
4 forces, award grants to units of local governments or to teams
5 consisting of multiple units of local governments;

6 (ii) Develop grant criteria;

7 (iii) Develop general operational guidelines for regional auto
8 theft task forces;

9 (iv) Review all regional auto theft task force operations on an
10 annual basis; and

11 (v) Produce an annual report to the legislature.

12 (3) Prior to awarding any grants to regional auto theft task
13 forces, the Washington association of sheriffs and police chiefs must
14 verify that sufficient grant funding exists to cover all proposed task
15 force activities, which include but are not limited to: Regional auto
16 task force administration costs, law enforcement costs, prosecutor
17 costs, court costs, and county offender confinement costs.

18 (4) The Washington association of sheriffs and police chiefs is not
19 required to implement this section if adequate funding is not provided.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.28A RCW
21 to read as follows:

22 A unit of local government or a team consisting of multiple units
23 of local governments may apply to the Washington association of
24 sheriffs and police chiefs for the regional auto theft task force
25 grants. All grant applications must contain the following minimum
26 requirements:

27 (1) Statistically demonstrate an auto theft problem in the county
28 or counties covered in the grant application;

29 (2) Have at least one prosecuting attorney dedicated to the
30 prosecution of auto theft cases;

31 (3) County and city law enforcement officers must be
32 proportionately represented on each regional auto theft task force;

33 (4) Demonstrate a proposal to reimburse all participating units of
34 local governments for their costs, which include but are not limited
35 to: Regional auto theft task force administration costs, law
36 enforcement costs, prosecutor costs, court costs, and county offender
37 confinement costs; and

1 (5) If a regional auto theft task force crosses jurisdictional
2 boundaries, demonstrate that any necessary interlocal agreements can be
3 executed so that law enforcement officers and prosecutors can fulfill
4 the duties of the regional auto theft task force across jurisdictional
5 boundaries.

6 **Sec. 3.** RCW 9.94A.505 and 2002 c 290 s 17, 2002 c 289 s 6, and
7 2002 c 175 s 6 are each reenacted and amended to read as follows:

8 (1) When a person is convicted of a felony, the court shall impose
9 punishment as provided in this chapter.

10 (2)(a) The court shall impose a sentence as provided in the
11 following sections and as applicable in the case:

12 (i) Unless another term of confinement applies, the court shall
13 impose a sentence within the standard sentence range established in RCW
14 9.94A.510 or 9.94A.517;

15 (ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

16 (iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;

17 (iv) RCW 9.94A.545, relating to community custody for offenders
18 whose term of confinement is one year or less;

19 (v) RCW 9.94A.570, relating to persistent offenders;

20 (vi) RCW 9.94A.540, relating to mandatory minimum terms;

21 (vii) RCW 9.94A.650, relating to the first-time offender waiver;

22 (viii) RCW 9.94A.660, relating to the drug offender sentencing
23 alternative;

24 (ix) RCW 9.94A.670, relating to the special sex offender sentencing
25 alternative;

26 (x) RCW 9.94A.712, relating to certain sex offenses;

27 (xi) RCW 9.94A.535, relating to exceptional sentences;

28 (xii) RCW 9.94A.589, relating to consecutive and concurrent
29 sentences.

30 (b) If a standard sentence range has not been established for the
31 offender's crime, the court shall impose a determinate sentence which
32 may include not more than one year of confinement; community
33 restitution work; until July 1, 2000, a term of community supervision
34 not to exceed one year and on and after July 1, 2000, a term of
35 community custody not to exceed one year, subject to conditions and
36 sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other

1 legal financial obligations. The court may impose a sentence which
2 provides more than one year of confinement if the court finds reasons
3 justifying an exceptional sentence as provided in RCW 9.94A.535.

4 (3) If the court imposes a sentence requiring confinement of thirty
5 days or less, the court may, in its discretion, specify that the
6 sentence be served on consecutive or intermittent days. A sentence
7 requiring more than thirty days of confinement shall be served on
8 consecutive days. Local jail administrators may schedule court-ordered
9 intermittent sentences as space permits.

10 (4) If a sentence imposed includes payment of a legal financial
11 obligation, it shall be imposed as provided in RCW 9.94A.750,
12 9.94A.753, 9.94A.760, and 43.43.7541.

13 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a
14 court may not impose a sentence providing for a term of confinement or
15 community supervision, community placement, or community custody which
16 exceeds the statutory maximum for the crime as provided in chapter
17 9A.20 RCW.

18 (6) The sentencing court shall give the offender credit for all
19 confinement time served before the sentencing if that confinement was
20 solely in regard to the offense for which the offender is being
21 sentenced.

22 (7) The court shall order restitution as provided in RCW 9.94A.750
23 and 9.94A.753.

24 (8) As a part of any sentence, the court may impose and enforce
25 crime-related prohibitions and affirmative conditions as provided in
26 this chapter.

27 (9) The court may order an offender whose sentence includes
28 community placement or community supervision to undergo a mental status
29 evaluation and to participate in available outpatient mental health
30 treatment, if the court finds that reasonable grounds exist to believe
31 that the offender is a mentally ill person as defined in RCW 71.24.025,
32 and that this condition is likely to have influenced the offense. An
33 order requiring mental status evaluation or treatment must be based on
34 a presentence report and, if applicable, mental status evaluations that
35 have been filed with the court to determine the offender's competency
36 or eligibility for a defense of insanity. The court may order
37 additional evaluations at a later date if deemed appropriate.

1 (10) In any sentence of partial confinement, the court may require
2 the offender to serve the partial confinement in work release, in a
3 program of home detention, on work crew, or in a combined program of
4 work crew and home detention.

5 (11) In sentencing an offender convicted of a crime of domestic
6 violence, as defined in RCW 10.99.020, if the offender has a minor
7 child, or if the victim of the offense for which the offender was
8 convicted has a minor child, the court may, as part of any term of
9 community supervision, community placement, or community custody, order
10 the offender to participate in a domestic violence perpetrator program
11 approved under RCW 26.50.150.

12 (12) For the first violation of RCW 9A.56.075, taking a motor
13 vehicle without permission in the second degree, the minimum sentence
14 that the court shall order is thirty days of home detention.

15 **Sec. 4.** RCW 9.94A.515 and 2004 c 176 s 2 and 2004 c 94 s 3 are
16 each reenacted and amended to read as follows:

17 TABLE 2
18 CRIMES INCLUDED WITHIN
19 EACH SERIOUSNESS LEVEL

20 XVI	Aggravated Murder 1 (RCW 21 10.95.020)
22 XV	Homicide by abuse (RCW 9A.32.055) 23 Malicious explosion 1 (RCW 24 70.74.280(1)) 25 Murder 1 (RCW 9A.32.030)
26 XIV	Murder 2 (RCW 9A.32.050) 27 Trafficking 1 (RCW 9A.40.100(1))
28 XIII	Malicious explosion 2 (RCW 29 70.74.280(2)) 30 Malicious placement of an explosive 1 31 (RCW 70.74.270(1))
32 XII	Assault 1 (RCW 9A.36.011) 33 Assault of a Child 1 (RCW 9A.36.120) 34 Malicious placement of an imitation 35 device 1 (RCW 70.74.272(1)(a))

1 Rape 1 (RCW 9A.44.040)
2 Rape of a Child 1 (RCW 9A.44.073)
3 Trafficking 2 (RCW 9A.40.100(2))
4 XI Manslaughter 1 (RCW 9A.32.060)
5 Rape 2 (RCW 9A.44.050)
6 Rape of a Child 2 (RCW 9A.44.076)
7 X Child Molestation 1 (RCW 9A.44.083)
8 Indecent Liberties (with forcible
9 compulsion) (RCW
10 9A.44.100(1)(a))
11 Kidnapping 1 (RCW 9A.40.020)
12 Leading Organized Crime (RCW
13 9A.82.060(1)(a))
14 Malicious explosion 3 (RCW
15 70.74.280(3))
16 Sexually Violent Predator Escape
17 (RCW 9A.76.115)
18 IX Assault of a Child 2 (RCW 9A.36.130)
19 Explosive devices prohibited (RCW
20 70.74.180)
21 Hit and Run--Death (RCW
22 46.52.020(4)(a))
23 Homicide by Watercraft, by being
24 under the influence of intoxicating
25 liquor or any drug (RCW
26 79A.60.050)
27 Inciting Criminal Profiteering (RCW
28 9A.82.060(1)(b))
29 Malicious placement of an explosive 2
30 (RCW 70.74.270(2))
31 Robbery 1 (RCW 9A.56.200)
32 Sexual Exploitation (RCW 9.68A.040)
33 Vehicular Homicide, by being under
34 the influence of intoxicating
35 liquor or any drug (RCW
36 46.61.520)
37 VIII Arson 1 (RCW 9A.48.020)

1 Homicide by Watercraft, by the
2 operation of any vessel in a
3 reckless manner (RCW
4 79A.60.050)
5 Manslaughter 2 (RCW 9A.32.070)
6 Promoting Prostitution 1 (RCW
7 9A.88.070)
8 Theft of Ammonia (RCW 69.55.010)
9 Vehicular Homicide, by the operation
10 of any vehicle in a reckless
11 manner (RCW 46.61.520)
12 VII Burglary 1 (RCW 9A.52.020)
13 Child Molestation 2 (RCW 9A.44.086)
14 Civil Disorder Training (RCW
15 9A.48.120)
16 Dealing in depictions of minor
17 engaged in sexually explicit
18 conduct (RCW 9.68A.050)
19 Drive-by Shooting (RCW 9A.36.045)
20 Homicide by Watercraft, by disregard
21 for the safety of others (RCW
22 79A.60.050)
23 Indecent Liberties (without forcible
24 compulsion) (RCW 9A.44.100(1)
25 (b) and (c))
26 Introducing Contraband 1 (RCW
27 9A.76.140)
28 Malicious placement of an explosive 3
29 (RCW 70.74.270(3))
30 Sending, bringing into state depictions
31 of minor engaged in sexually
32 explicit conduct (RCW
33 9.68A.060)
34 Unlawful Possession of a Firearm in
35 the first degree (RCW
36 9.41.040(1))

1 Use of a Machine Gun in Commission
2 of a Felony (RCW 9A.41.225)
3 Vehicular Homicide, by disregard for
4 the safety of others (RCW
5 46.61.520)

6 VI Bail Jumping with Murder 1 (RCW
7 9A.76.170(3)(a))
8 Bribery (RCW 9A.68.010)
9 Incest 1 (RCW 9A.64.020(1))
10 Intimidating a Judge (RCW
11 9A.72.160)
12 Intimidating a Juror/Witness (RCW
13 9A.72.110, 9A.72.130)
14 Malicious placement of an imitation
15 device 2 (RCW 70.74.272(1)(b))
16 Rape of a Child 3 (RCW 9A.44.079)
17 Theft of a Firearm (RCW 9A.56.300)
18 Unlawful Storage of Ammonia (RCW
19 69.55.020)

20 V Abandonment of dependent person 1
21 (RCW 9A.42.060)
22 Advancing money or property for
23 extortionate extension of credit
24 (RCW 9A.82.030)
25 Bail Jumping with class A Felony
26 (RCW 9A.76.170(3)(b))
27 Child Molestation 3 (RCW 9A.44.089)
28 Criminal Mistreatment 1 (RCW
29 9A.42.020)
30 Custodial Sexual Misconduct 1 (RCW
31 9A.44.160)
32 Domestic Violence Court Order
33 Violation (RCW 10.99.040,
34 10.99.050, 26.09.300, 26.10.220,
35 26.26.138, 26.50.110, 26.52.070,
36 or 74.34.145)
37 Extortion 1 (RCW 9A.56.120)

1 Extortionate Extension of Credit
2 (RCW 9A.82.020)
3 Extortionate Means to Collect
4 Extensions of Credit (RCW
5 9A.82.040)
6 Incest 2 (RCW 9A.64.020(2))
7 Kidnapping 2 (RCW 9A.40.030)
8 Perjury 1 (RCW 9A.72.020)
9 Persistent prison misbehavior (RCW
10 9.94.070)
11 Possession of a Stolen Firearm (RCW
12 9A.56.310)
13 Rape 3 (RCW 9A.44.060)
14 Rendering Criminal Assistance 1
15 (RCW 9A.76.070)
16 Sexual Misconduct with a Minor 1
17 (RCW 9A.44.093)
18 Sexually Violating Human Remains
19 (RCW 9A.44.105)
20 Stalking (RCW 9A.46.110)
21 Taking Motor Vehicle Without
22 Permission 1 (RCW 9A.56.070)
23 IV Arson 2 (RCW 9A.48.030)
24 Assault 2 (RCW 9A.36.021)
25 Assault by Watercraft (RCW
26 79A.60.060)
27 Bribing a Witness/Bribe Received by
28 Witness (RCW 9A.72.090,
29 9A.72.100)
30 Cheating 1 (RCW 9.46.1961)
31 Commercial Bribery (RCW
32 9A.68.060)
33 Counterfeiting (RCW 9.16.035(4))
34 Endangerment with a Controlled
35 Substance (RCW 9A.42.100)
36 Escape 1 (RCW 9A.76.110)

1 Hit and Run--Injury (RCW
2 46.52.020(4)(b))
3 Hit and Run with Vessel--Injury
4 Accident (RCW 79A.60.200(3))
5 Identity Theft 1 (RCW 9.35.020(2))
6 Indecent Exposure to Person Under
7 Age Fourteen (subsequent sex
8 offense) (RCW 9A.88.010)
9 Influencing Outcome of Sporting
10 Event (RCW 9A.82.070)
11 Malicious Harassment (RCW
12 9A.36.080)
13 Residential Burglary (RCW
14 9A.52.025)
15 Robbery 2 (RCW 9A.56.210)
16 Theft of Livestock 1 (RCW 9A.56.080)
17 Threats to Bomb (RCW 9.61.160)
18 Trafficking in Stolen Property 1 (RCW
19 9A.82.050)
20 Unlawful factoring of a credit card or
21 payment card transaction (RCW
22 9A.56.290(4)(b))
23 Unlawful transaction of health
24 coverage as a health care service
25 contractor (RCW 48.44.016(3))
26 Unlawful transaction of health
27 coverage as a health maintenance
28 organization (RCW 48.46.033(3))
29 Unlawful transaction of insurance
30 business (RCW 48.15.023(3))
31 Unlicensed practice as an insurance
32 professional (RCW 48.17.063(3))
33 Use of Proceeds of Criminal
34 Profiteering (RCW 9A.82.080 (1)
35 and (2))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)
6 Willful Failure to Return from
7 Furlough (RCW 72.66.060)
8 III Abandonment of dependent person 2
9 (RCW 9A.42.070)
10 Assault 3 (RCW 9A.36.031)
11 Assault of a Child 3 (RCW 9A.36.140)
12 Bail Jumping with class B or C Felony
13 (RCW 9A.76.170(3)(c))
14 Burglary 2 (RCW 9A.52.030)
15 Communication with a Minor for
16 Immoral Purposes (RCW
17 9.68A.090)
18 Criminal Gang Intimidation (RCW
19 9A.46.120)
20 Criminal Mistreatment 2 (RCW
21 9A.42.030)
22 Custodial Assault (RCW 9A.36.100)
23 Cyberstalking (subsequent conviction
24 or threat of death) (RCW
25 9.61.260(3))
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 Securities Act violation (RCW
9 21.20.400)
10 Tampering with a Witness (RCW
11 9A.72.120)
12 Telephone Harassment (subsequent
13 conviction or threat of death)
14 (RCW 9.61.230(2))
15 Theft of Livestock 2 (RCW 9A.56.083)
16 Trafficking in Stolen Property 2 (RCW
17 9A.82.055)
18 Unlawful Imprisonment (RCW
19 9A.40.040)
20 Unlawful possession of firearm in the
21 second degree (RCW 9.41.040(2))
22 Vehicular Assault, by the operation or
23 driving of a vehicle with disregard
24 for the safety of others (RCW
25 46.61.522)
26 Willful Failure to Return from Work
27 Release (RCW 72.65.070)
28 II Computer Trespass 1 (RCW
29 9A.52.110)
30 Counterfeiting (RCW 9.16.035(3))
31 Escape from Community Custody
32 (RCW 72.09.310)
33 Health Care False Claims (RCW
34 48.80.030)
35 Identity Theft 2 (RCW 9.35.020(3))
36 Improperly Obtaining Financial
37 Information (RCW 9.35.010)

1 Malicious Mischief 1 (RCW
2 9A.48.070)
3 Possession of Stolen Property 1 (RCW
4 9A.56.150)
5 Taking Motor Vehicle Without
6 Permission 2 (RCW 9A.56.075)
7 Theft 1 (RCW 9A.56.030)
8 Theft of Rental, Leased, or Lease-
9 purchased Property (valued at one
10 thousand five hundred dollars or
11 more) (RCW 9A.56.096(5)(a))
12 Trafficking in Insurance Claims (RCW
13 48.30A.015)
14 Unlawful factoring of a credit card or
15 payment card transaction (RCW
16 9A.56.290(4)(a))
17 Unlawful Practice of Law (RCW
18 2.48.180)
19 Unlicensed Practice of a Profession or
20 Business (RCW 18.130.190(7))
21 I Attempting to Elude a Pursuing Police
22 Vehicle (RCW 46.61.024)
23 False Verification for Welfare (RCW
24 74.08.055)
25 Forgery (RCW 9A.60.020)
26 Fraudulent Creation or Revocation of a
27 Mental Health Advance Directive
28 (RCW 9A.60.060)
29 Malicious Mischief 2 (RCW
30 9A.48.080)
31 Mineral Trespass (RCW 78.44.330)
32 Possession of Stolen Property 2 (RCW
33 9A.56.160)
34 Reckless Burning 1 (RCW 9A.48.040)
35 Taking Motor Vehicle Without
36 Permission 2 (RCW 9A.56.075)
37 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(5)(b))
7 Transaction of insurance business
8 beyond the scope of licensure
9 (RCW 48.17.063(4))
10 Unlawful Issuance of Checks or Drafts
11 (RCW 9A.56.060)
12 Unlawful Possession of Fictitious
13 Identification (RCW 9A.56.320)
14 Unlawful Possession of Instruments of
15 Financial Fraud (RCW
16 9A.56.320)
17 Unlawful Possession of Payment
18 Instruments (RCW 9A.56.320)
19 Unlawful Possession of a Personal
20 Identification Device (RCW
21 9A.56.320)
22 Unlawful Production of Payment
23 Instruments (RCW 9A.56.320)
24 Unlawful Trafficking in Food Stamps
25 (RCW 9.91.142)
26 Unlawful Use of Food Stamps (RCW
27 9.91.144)
28 Vehicle Prowl 1 (RCW 9A.52.095)

29 **Sec. 5.** RCW 13.40.160 and 2004 c 120 s 4 and 2004 c 38 s 11 are
30 each reenacted and amended to read as follows:

31 (1) The standard range disposition for a juvenile adjudicated of an
32 offense is determined according to RCW 13.40.0357.

33 (a) When the court sentences an offender to a local sanction as
34 provided in RCW 13.40.0357 option A, the court shall impose a
35 determinate disposition within the standard ranges, except as provided
36 in subsection (2), (3), (4), (5), or (6) of this section. The
37 disposition may be comprised of one or more local sanctions.

1 (b) When the court sentences an offender to a standard range as
2 provided in RCW 13.40.0357 option A that includes a term of confinement
3 exceeding thirty days, commitment shall be to the department for the
4 standard range of confinement, except as provided in subsection (2),
5 (3), (4), (5), or (6) of this section.

6 (2) If the court concludes, and enters reasons for its conclusion,
7 that disposition within the standard range would effectuate a manifest
8 injustice the court shall impose a disposition outside the standard
9 range, as indicated in option D of RCW 13.40.0357. The court's finding
10 of manifest injustice shall be supported by clear and convincing
11 evidence.

12 A disposition outside the standard range shall be determinate and
13 shall be comprised of confinement or community supervision, or a
14 combination thereof. When a judge finds a manifest injustice and
15 imposes a sentence of confinement exceeding thirty days, the court
16 shall sentence the juvenile to a maximum term, and the provisions of
17 RCW 13.40.030(2) shall be used to determine the range. A disposition
18 outside the standard range is appealable under RCW 13.40.230 by the
19 state or the respondent. A disposition within the standard range is
20 not appealable under RCW 13.40.230.

21 (3) When a juvenile offender is found to have committed a sex
22 offense, other than a sex offense that is also a serious violent
23 offense as defined by RCW 9.94A.030, and has no history of a prior sex
24 offense, the court, on its own motion or the motion of the state or the
25 respondent, may order an examination to determine whether the
26 respondent is amenable to treatment.

27 The report of the examination shall include at a minimum the
28 following: The respondent's version of the facts and the official
29 version of the facts, the respondent's offense history, an assessment
30 of problems in addition to alleged deviant behaviors, the respondent's
31 social, educational, and employment situation, and other evaluation
32 measures used. The report shall set forth the sources of the
33 evaluator's information.

34 The examiner shall assess and report regarding the respondent's
35 amenability to treatment and relative risk to the community. A
36 proposed treatment plan shall be provided and shall include, at a
37 minimum:

1 (a)(i) Frequency and type of contact between the offender and
2 therapist;

3 (ii) Specific issues to be addressed in the treatment and
4 description of planned treatment modalities;

5 (iii) Monitoring plans, including any requirements regarding living
6 conditions, lifestyle requirements, and monitoring by family members,
7 legal guardians, or others;

8 (iv) Anticipated length of treatment; and

9 (v) Recommended crime-related prohibitions.

10 The court on its own motion may order, or on a motion by the state
11 shall order, a second examination regarding the offender's amenability
12 to treatment. The evaluator shall be selected by the party making the
13 motion. The defendant shall pay the cost of any second examination
14 ordered unless the court finds the defendant to be indigent in which
15 case the state shall pay the cost.

16 After receipt of reports of the examination, the court shall then
17 consider whether the offender and the community will benefit from use
18 of this special sex offender disposition alternative and consider the
19 victim's opinion whether the offender should receive a treatment
20 disposition under this section. If the court determines that this
21 special sex offender disposition alternative is appropriate, then the
22 court shall impose a determinate disposition within the standard range
23 for the offense, or if the court concludes, and enters reasons for its
24 conclusions, that such disposition would cause a manifest injustice,
25 the court shall impose a disposition under option D, and the court may
26 suspend the execution of the disposition and place the offender on
27 community supervision for at least two years. As a condition of the
28 suspended disposition, the court may impose the conditions of community
29 supervision and other conditions, including up to thirty days of
30 confinement and requirements that the offender do any one or more of
31 the following:

32 (b)(i) Devote time to a specific education, employment, or
33 occupation;

34 (ii) Undergo available outpatient sex offender treatment for up to
35 two years, or inpatient sex offender treatment not to exceed the
36 standard range of confinement for that offense. A community mental
37 health center may not be used for such treatment unless it has an
38 appropriate program designed for sex offender treatment. The

1 respondent shall not change sex offender treatment providers or
2 treatment conditions without first notifying the prosecutor, the
3 probation counselor, and the court, and shall not change providers
4 without court approval after a hearing if the prosecutor or probation
5 counselor object to the change;

6 (iii) Remain within prescribed geographical boundaries and notify
7 the court or the probation counselor prior to any change in the
8 offender's address, educational program, or employment;

9 (iv) Report to the prosecutor and the probation counselor prior to
10 any change in a sex offender treatment provider. This change shall
11 have prior approval by the court;

12 (v) Report as directed to the court and a probation counselor;

13 (vi) Pay all court-ordered legal financial obligations, perform
14 community restitution, or any combination thereof;

15 (vii) Make restitution to the victim for the cost of any counseling
16 reasonably related to the offense;

17 (viii) Comply with the conditions of any court-ordered probation
18 bond; or

19 (ix) The court shall order that the offender shall not attend the
20 public or approved private elementary, middle, or high school attended
21 by the victim or the victim's siblings. The parents or legal guardians
22 of the offender are responsible for transportation or other costs
23 associated with the offender's change of school that would otherwise be
24 paid by the school district. The court shall send notice of the
25 disposition and restriction on attending the same school as the victim
26 or victim's siblings to the public or approved private school the
27 juvenile will attend, if known, or if unknown, to the approved private
28 schools and the public school district board of directors of the
29 district in which the juvenile resides or intends to reside. This
30 notice must be sent at the earliest possible date but not later than
31 ten calendar days after entry of the disposition.

32 The sex offender treatment provider shall submit quarterly reports
33 on the respondent's progress in treatment to the court and the parties.
34 The reports shall reference the treatment plan and include at a minimum
35 the following: Dates of attendance, respondent's compliance with
36 requirements, treatment activities, the respondent's relative progress
37 in treatment, and any other material specified by the court at the time
38 of the disposition.

1 At the time of the disposition, the court may set treatment review
2 hearings as the court considers appropriate.

3 Except as provided in this subsection (3), after July 1, 1991,
4 examinations and treatment ordered pursuant to this subsection shall
5 only be conducted by certified sex offender treatment providers or
6 certified affiliate sex offender treatment providers under chapter
7 18.155 RCW. A sex offender therapist who examines or treats a juvenile
8 sex offender pursuant to this subsection does not have to be certified
9 by the department of health pursuant to chapter 18.155 RCW if the court
10 finds that: (A) The offender has already moved to another state or
11 plans to move to another state for reasons other than circumventing the
12 certification requirements; (B) no certified sex offender treatment
13 providers or certified affiliate sex offender treatment providers are
14 available for treatment within a reasonable geographical distance of
15 the offender's home; and (C) the evaluation and treatment plan comply
16 with this subsection (3) and the rules adopted by the department of
17 health.

18 If the offender violates any condition of the disposition or the
19 court finds that the respondent is failing to make satisfactory
20 progress in treatment, the court may revoke the suspension and order
21 execution of the disposition or the court may impose a penalty of up to
22 thirty days' confinement for violating conditions of the disposition.
23 The court may order both execution of the disposition and up to thirty
24 days' confinement for the violation of the conditions of the
25 disposition. The court shall give credit for any confinement time
26 previously served if that confinement was for the offense for which the
27 suspension is being revoked.

28 For purposes of this section, "victim" means any person who has
29 sustained emotional, psychological, physical, or financial injury to
30 person or property as a direct result of the crime charged. "Victim"
31 may also include a known parent or guardian of a victim who is a minor
32 child unless the parent or guardian is the perpetrator of the offense.

33 A disposition entered under this subsection (3) is not appealable
34 under RCW 13.40.230.

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

1 (5) If a juvenile is subject to a commitment of 15 to 65 weeks of
2 confinement, the court may impose the disposition alternative under RCW
3 13.40.167.

4 (6) When the offender is subject to a standard range commitment of
5 15 to 36 weeks and is ineligible for a suspended disposition
6 alternative, a manifest injustice disposition below the standard range,
7 special sex offender disposition alternative, chemical dependency
8 disposition alternative, or mental health disposition alternative, the
9 court in a county with a pilot program under RCW 13.40.169 may impose
10 the disposition alternative under RCW 13.40.169.

11 (7) RCW 13.40.193 shall govern the disposition of any juvenile
12 adjudicated of possessing a firearm in violation of RCW
13 9.41.040(2)(a)(iii) or any crime in which a special finding is entered
14 that the juvenile was armed with a firearm.

15 (8) For the first three violations of RCW 9A.56.075, taking a motor
16 vehicle in the second degree, the minimum sentence that the court shall
17 order is thirty days of home detention.

18 (9) Whenever a juvenile offender is entitled to credit for time
19 spent in detention prior to a dispositional order, the dispositional
20 order shall specifically state the number of days of credit for time
21 served.

22 ((+9)) (10) Except as provided under subsection (3), (4), (5), or
23 (6) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127,
24 the court shall not suspend or defer the imposition or the execution of
25 the disposition.

26 ((+10)) (11) In no case shall the term of confinement imposed by
27 the court at disposition exceed that to which an adult could be
28 subjected for the same offense.

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