

E3SHB 1001 - S COMM AMD  
By Committee on Judiciary

OUT OF ORDER 04/04/2007

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

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that:

4 (a) Automobiles are an essential part of our everyday lives. The  
5 west coast is the only region of the United States with an increase of  
6 over three percent in motor vehicle thefts over the last several years.  
7 The family car is a priority of most individuals and families. The  
8 family car is typically the second largest investment a person has next  
9 to the home, so when a car is stolen, it causes a significant loss and  
10 inconvenience to people, imposes financial hardship, and negatively  
11 impacts their work, school, and personal activities. Appropriate and  
12 meaningful penalties that are proportionate to the crime committed must  
13 be imposed on those who steal motor vehicles;

14 (b) In Washington, more than one car is stolen every eleven  
15 minutes, one hundred thirty-eight cars are stolen every day, someone's  
16 car has a one in one hundred seventy-nine chance of being stolen, and  
17 more vehicles were stolen in 2005 than in any other previous year.  
18 Since 1994, auto theft has increased over fifty-five percent, while  
19 other property crimes like burglary are on the decline or holding  
20 steady. The national crime insurance bureau reports that Seattle and  
21 Tacoma ranked in the top ten places for the most auto thefts, ninth and  
22 tenth respectively, in 2004. In 2005, over fifty thousand auto thefts  
23 were reported costing Washington citizens more than three hundred  
24 twenty-five million dollars in higher insurance rates and lost  
25 vehicles. Nearly eighty percent of these crimes occurred in the  
26 central Puget Sound region consisting of the heavily populated areas of  
27 King, Pierce, and Snohomish counties;

28 (c) Law enforcement has determined that auto theft, along with all  
29 the grief it causes the immediate victims, is linked more and more to  
30 offenders engaged in other crimes. Many stolen vehicles are used by

1 criminals involved in such crimes as robbery, burglary, and assault.  
2 In addition, many people who are stopped in stolen vehicles are found  
3 to possess the personal identification of other persons, or to possess  
4 methamphetamine, precursors to methamphetamine, or equipment used to  
5 cook methamphetamine;

6 (d) Juveniles account for over half of the reported auto thefts  
7 with many of these thefts being their first criminal offense. It is  
8 critical that they, along with first time adult offenders, are  
9 appropriately punished for their crimes. However, it is also important  
10 that first time offenders who qualify receive appropriate counseling  
11 treatment for associated problems that may have contributed to the  
12 commission of the crime, such as drugs, alcohol, and anger management;  
13 and

14 (e) A coordinated and concentrated enforcement mechanism is  
15 critical to an effective statewide offensive against motor vehicle  
16 theft. Such a system provides for better communications between and  
17 among law enforcement agencies, more efficient implementation of  
18 efforts to discover, track, and arrest auto thieves, quicker recovery,  
19 and the return of stolen vehicles, saving millions of dollars in  
20 potential loss to victims and their insurers.

21 (2) It is the intent of this act to deter motor vehicle theft  
22 through a statewide cooperative effort by combating motor vehicle theft  
23 through tough laws, supporting law enforcement activities, improving  
24 enforcement and administration, effective prosecution, public  
25 awareness, and meaningful treatment for first time offenders where  
26 appropriate. It is also the intent of the legislature to ensure that  
27 adequate funding is provided to implement this act in order for real,  
28 observable reductions in the number of auto thefts in Washington state.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.56 RCW  
30 to read as follows:

31 (1) A person is guilty of theft of a motor vehicle if he or she  
32 commits theft of a motor vehicle.

33 (2) Theft of a motor vehicle is a class B felony.

34 **Sec. 3.** RCW 9A.56.030 and 2005 c 212 s 2 are each amended to read  
35 as follows:

1 (1) A person is guilty of theft in the first degree if he or she  
2 commits theft of:

3 (a) Property or services which exceed(s) one thousand five hundred  
4 dollars in value other than a firearm as defined in RCW 9.41.010;

5 (b) Property of any value, other than a firearm as defined in RCW  
6 9.41.010 or a motor vehicle, taken from the person of another; or

7 (c) A search and rescue dog, as defined in RCW 9.91.175, while the  
8 search and rescue dog is on duty.

9 (2) Theft in the first degree is a class B felony.

10 **Sec. 4.** RCW 9A.56.040 and 1995 c 129 s 12 are each amended to read  
11 as follows:

12 (1) A person is guilty of theft in the second degree if he or she  
13 commits theft of:

14 (a) Property or services which exceed(s) two hundred (~~and~~) fifty  
15 dollars in value (~~other than a firearm as defined in RCW 9.41.010,~~)  
16 but does not exceed one thousand five hundred dollars in value, other  
17 than a firearm as defined in RCW 9.41.010 or a motor vehicle; or

18 (b) A public record, writing, or instrument kept, filed, or  
19 deposited according to law with or in the keeping of any public office  
20 or public servant; or

21 (c) An access device(~~;~~ ~~or~~

22 ~~(d) A motor vehicle, of a value less than one thousand five hundred~~  
23 ~~dollars)).~~

24 (2) Theft in the second degree is a class C felony.

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 9A.56 RCW  
26 to read as follows:

27 (1) A person is guilty of possession of a stolen vehicle if he or  
28 she possess a stolen motor vehicle.

29 (2) Possession of a stolen motor vehicle is a class B felony.

30 **Sec. 6.** RCW 9A.56.150 and 1995 c 129 s 14 are each amended to read  
31 as follows:

32 (1) A person is guilty of possessing stolen property in the first  
33 degree if he or she possesses stolen property, other than a firearm as  
34 defined in RCW 9.41.010 or a motor vehicle, which exceeds one thousand  
35 five hundred dollars in value.

1 (2) Possessing stolen property in the first degree is a class B  
2 felony.

3 **Sec. 7.** RCW 9A.56.160 and 1995 c 129 s 15 are each amended to read  
4 as follows:

5 (1) A person is guilty of possessing stolen property in the second  
6 degree if:

7 (a) He or she possesses stolen property, other than a firearm as  
8 defined in RCW 9.41.010 or a motor vehicle, which exceeds two hundred  
9 fifty dollars in value but does not exceed one thousand five hundred  
10 dollars in value; or

11 (b) He or she possesses a stolen public record, writing or  
12 instrument kept, filed, or deposited according to law; or

13 (c) He or she possesses a stolen access device(~~or~~

14 ~~(d) He or she possesses a stolen motor vehicle of a value less than~~  
15 ~~one thousand five hundred dollars)).~~

16 (2) Possessing stolen property in the second degree is a class C  
17 felony.

18 **Sec. 8.** RCW 9.94A.525 and 2006 c 128 s 6 and 2006 c 73 s 7 are  
19 each reenacted and amended to read as follows:

20 The offender score is measured on the horizontal axis of the  
21 sentencing grid. The offender score rules are as follows:

22 The offender score is the sum of points accrued under this section  
23 rounded down to the nearest whole number.

24 (1) A prior conviction is a conviction which exists before the date  
25 of sentencing for the offense for which the offender score is being  
26 computed. Convictions entered or sentenced on the same date as the  
27 conviction for which the offender score is being computed shall be  
28 deemed "other current offenses" within the meaning of RCW 9.94A.589.

29 (2)(a) Class A and sex prior felony convictions shall always be  
30 included in the offender score.

31 (b) Class B prior felony convictions other than sex offenses shall  
32 not be included in the offender score, if since the last date of  
33 release from confinement (including full-time residential treatment)  
34 pursuant to a felony conviction, if any, or entry of judgment and  
35 sentence, the offender had spent ten consecutive years in the community  
36 without committing any crime that subsequently results in a conviction.

1 (c) Except as provided in (e) of this subsection, class C prior  
2 felony convictions other than sex offenses shall not be included in the  
3 offender score if, since the last date of release from confinement  
4 (including full-time residential treatment) pursuant to a felony  
5 conviction, if any, or entry of judgment and sentence, the offender had  
6 spent five consecutive years in the community without committing any  
7 crime that subsequently results in a conviction.

8 (d) Except as provided in (e) of this subsection, serious traffic  
9 convictions shall not be included in the offender score if, since the  
10 last date of release from confinement (including full-time residential  
11 treatment) pursuant to a felony conviction, if any, or entry of  
12 judgment and sentence, the offender spent five years in the community  
13 without committing any crime that subsequently results in a conviction.

14 (e) If the present conviction is felony driving while under the  
15 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or  
16 felony physical control of a vehicle while under the influence of  
17 intoxicating liquor or any drug (RCW 46.61.504(6)), prior convictions  
18 of felony driving while under the influence of intoxicating liquor or  
19 any drug, felony physical control of a vehicle while under the  
20 influence of intoxicating liquor or any drug, and serious traffic  
21 offenses shall be included in the offender score if: (i) The prior  
22 convictions were committed within five years since the last date of  
23 release from confinement (including full-time residential treatment) or  
24 entry of judgment and sentence; or (ii) the prior convictions would be  
25 considered "prior offenses within ten years" as defined in RCW  
26 46.61.5055.

27 (f) This subsection applies to both adult and juvenile prior  
28 convictions.

29 (3) Out-of-state convictions for offenses shall be classified  
30 according to the comparable offense definitions and sentences provided  
31 by Washington law. Federal convictions for offenses shall be  
32 classified according to the comparable offense definitions and  
33 sentences provided by Washington law. If there is no clearly  
34 comparable offense under Washington law or the offense is one that is  
35 usually considered subject to exclusive federal jurisdiction, the  
36 offense shall be scored as a class C felony equivalent if it was a  
37 felony under the relevant federal statute.

1 (4) Score prior convictions for felony anticipatory offenses  
2 (attempts, criminal solicitations, and criminal conspiracies) the same  
3 as if they were convictions for completed offenses.

4 (5)(a) In the case of multiple prior convictions, for the purpose  
5 of computing the offender score, count all convictions separately,  
6 except:

7 (i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to  
8 encompass the same criminal conduct, shall be counted as one offense,  
9 the offense that yields the highest offender score. The current  
10 sentencing court shall determine with respect to other prior adult  
11 offenses for which sentences were served concurrently or prior juvenile  
12 offenses for which sentences were served consecutively, whether those  
13 offenses shall be counted as one offense or as separate offenses using  
14 the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and  
15 if the court finds that they shall be counted as one offense, then the  
16 offense that yields the highest offender score shall be used. The  
17 current sentencing court may presume that such other prior offenses  
18 were not the same criminal conduct from sentences imposed on separate  
19 dates, or in separate counties or jurisdictions, or in separate  
20 complaints, indictments, or informations;

21 (ii) In the case of multiple prior convictions for offenses  
22 committed before July 1, 1986, for the purpose of computing the  
23 offender score, count all adult convictions served concurrently as one  
24 offense, and count all juvenile convictions entered on the same date as  
25 one offense. Use the conviction for the offense that yields the  
26 highest offender score.

27 (b) As used in this subsection (5), "served concurrently" means  
28 that: (i) The latter sentence was imposed with specific reference to  
29 the former; (ii) the concurrent relationship of the sentences was  
30 judicially imposed; and (iii) the concurrent timing of the sentences  
31 was not the result of a probation or parole revocation on the former  
32 offense.

33 (6) If the present conviction is one of the anticipatory offenses  
34 of criminal attempt, solicitation, or conspiracy, count each prior  
35 conviction as if the present conviction were for a completed offense.  
36 When these convictions are used as criminal history, score them the  
37 same as a completed crime.

1 (7) If the present conviction is for a nonviolent offense and not  
2 covered by subsection (11) or (12) of this section, count one point for  
3 each adult prior felony conviction and one point for each juvenile  
4 prior violent felony conviction and 1/2 point for each juvenile prior  
5 nonviolent felony conviction.

6 (8) If the present conviction is for a violent offense and not  
7 covered in subsection (9), (10), (11), or (12) of this section, count  
8 two points for each prior adult and juvenile violent felony conviction,  
9 one point for each prior adult nonviolent felony conviction, and 1/2  
10 point for each prior juvenile nonviolent felony conviction.

11 (9) If the present conviction is for a serious violent offense,  
12 count three points for prior adult and juvenile convictions for crimes  
13 in this category, two points for each prior adult and juvenile violent  
14 conviction (not already counted), one point for each prior adult  
15 nonviolent felony conviction, and 1/2 point for each prior juvenile  
16 nonviolent felony conviction.

17 (10) If the present conviction is for Burglary 1, count prior  
18 convictions as in subsection (8) of this section; however count two  
19 points for each prior adult Burglary 2 or residential burglary  
20 conviction, and one point for each prior juvenile Burglary 2 or  
21 residential burglary conviction.

22 (11) If the present conviction is for a felony traffic offense  
23 count two points for each adult or juvenile prior conviction for  
24 Vehicular Homicide or Vehicular Assault; for each felony offense count  
25 one point for each adult and 1/2 point for each juvenile prior  
26 conviction; for each serious traffic offense, other than those used for  
27 an enhancement pursuant to RCW 46.61.520(2), count one point for each  
28 adult and 1/2 point for each juvenile prior conviction.

29 (12) If the present conviction is for manufacture of  
30 methamphetamine count three points for each adult prior manufacture of  
31 methamphetamine conviction and two points for each juvenile manufacture  
32 of methamphetamine offense. If the present conviction is for a drug  
33 offense and the offender has a criminal history that includes a sex  
34 offense or serious violent offense, count three points for each adult  
35 prior felony drug offense conviction and two points for each juvenile  
36 drug offense. All other adult and juvenile felonies are scored as in  
37 subsection (8) of this section if the current drug offense is violent,

1 or as in subsection (7) of this section if the current drug offense is  
2 nonviolent.

3 (13) If the present conviction is for Escape from Community  
4 Custody, RCW 72.09.310, count only prior escape convictions in the  
5 offender score. Count adult prior escape convictions as one point and  
6 juvenile prior escape convictions as 1/2 point.

7 (14) If the present conviction is for Escape 1, RCW 9A.76.110, or  
8 Escape 2, RCW 9A.76.120, count adult prior convictions as one point and  
9 juvenile prior convictions as 1/2 point.

10 (15) If the present conviction is for Burglary 2 or residential  
11 burglary, count priors as in subsection (7) of this section; however,  
12 count two points for each adult and juvenile prior Burglary 1  
13 conviction, two points for each adult prior Burglary 2 or residential  
14 burglary conviction, and one point for each juvenile prior Burglary 2  
15 or residential burglary conviction.

16 (16) If the present conviction is for a sex offense, count priors  
17 as in subsections (7) through (15) of this section; however count three  
18 points for each adult and juvenile prior sex offense conviction.

19 (17) If the present conviction is for failure to register as a sex  
20 offender under RCW 9A.44.130(10), count priors as in subsections (7)  
21 through (15) of this section; however count three points for each adult  
22 and juvenile prior sex offense conviction, excluding prior convictions  
23 for failure to register as a sex offender under RCW 9A.44.130(10),  
24 which shall count as one point.

25 (18) If the present conviction is for an offense committed while  
26 the offender was under community placement, add one point.

27 (19) If the present conviction is for Theft of a Motor Vehicle,  
28 Possession of a Stolen Vehicle, Taking a Motor Vehicle Without  
29 Permission 1, or Taking a Motor Vehicle Without Permission 2, count  
30 priors as in subsections (7) through (18) of this section; however  
31 count one point for prior convictions of Vehicle Prowling 2, and three  
32 points for each adult and juvenile prior Theft 1 (of a motor vehicle),  
33 Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a  
34 motor vehicle), Possession of Stolen Property 2 (of a motor vehicle),  
35 Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a  
36 Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without  
37 Permission 2 conviction.



1        (20) The fact that a prior conviction was not included in an  
2 offender's offender score or criminal history at a previous sentencing  
3 shall have no bearing on whether it is included in the criminal history  
4 or offender score for the current offense. Accordingly, prior  
5 convictions that were not counted in the offender score or included in  
6 criminal history under repealed or previous versions of the sentencing  
7 reform act shall be included in criminal history and shall count in the  
8 offender score if the current version of the sentencing reform act  
9 requires including or counting those convictions.

10        **Sec. 9.** RCW 9.94A.734 and 2003 c 53 s 62 are each amended to read  
11 as follows:

- 12        (1) Home detention may not be imposed for offenders convicted of:  
13        (a) A violent offense;  
14        (b) Any sex offense;  
15        (c) Any drug offense;  
16        (d) Reckless burning in the first or second degree as defined in  
17 RCW 9A.48.040 or 9A.48.050;  
18        (e) Assault in the third degree as defined in RCW 9A.36.031;  
19        (f) Assault of a child in the third degree;  
20        (g) Unlawful imprisonment as defined in RCW 9A.40.040; or  
21        (h) Harassment as defined in RCW 9A.46.020.

22 Home detention may be imposed for offenders convicted of possession of  
23 a controlled substance under RCW 69.50.4013 or forged prescription for  
24 a controlled substance under RCW 69.50.403 if the offender fulfills the  
25 participation conditions set forth in this section and is monitored for  
26 drug use by a treatment alternatives to street crime program or a  
27 comparable court or agency-referred program.

28        (2) Home detention may be imposed for offenders convicted of  
29 burglary in the second degree as defined in RCW 9A.52.030 or  
30 residential burglary conditioned upon the offender:

31        (a) Successfully completing twenty-one days in a work release  
32 program;

33        (b) Having no convictions for burglary in the second degree or  
34 residential burglary during the preceding two years and not more than  
35 two prior convictions for burglary or residential burglary;

36        (c) Having no convictions for a violent felony offense during the

1 preceding two years and not more than two prior convictions for a  
2 violent felony offense;

3 (d) Having no prior charges of escape; and

4 (e) Fulfilling the other conditions of the home detention program.

5 (3) Home detention may be imposed for offenders convicted of taking  
6 a motor vehicle without permission in the second degree as defined in  
7 RCW 9A.56.075, theft of a motor vehicle as defined under section 2 of  
8 this act, or possession of a stolen motor vehicle as defined under  
9 section 5 of this act conditioned upon the offender:

10 (a) Having no convictions for taking a motor vehicle without  
11 permission, theft of a motor vehicle or possession of a stolen motor  
12 vehicle during the preceding five years and not more than two prior  
13 convictions for taking a motor vehicle without permission, theft of a  
14 motor vehicle or possession of a stolen motor vehicle;

15 (b) Having no convictions for a violent felony offense during the  
16 preceding two years and not more than two prior convictions for a  
17 violent felony offense;

18 (c) Having no prior charges of escape; and

19 (d) Fulfilling the other conditions of the home detention program.

20 (4) Participation in a home detention program shall be conditioned  
21 upon:

22 (a) The offender obtaining or maintaining current employment or  
23 attending a regular course of school study at regularly defined hours,  
24 or the offender performing parental duties to offspring or minors  
25 normally in the custody of the offender;

26 (b) Abiding by the rules of the home detention program; and

27 (c) Compliance with court-ordered legal financial obligations. The  
28 home detention program may also be made available to offenders whose  
29 charges and convictions do not otherwise disqualify them if medical or  
30 health-related conditions, concerns or treatment would be better  
31 addressed under the home detention program, or where the health and  
32 welfare of the offender, other inmates, or staff would be jeopardized  
33 by the offender's incarceration. Participation in the home detention  
34 program for medical or health-related reasons is conditioned on the  
35 offender abiding by the rules of the home detention program and  
36 complying with court-ordered restitution.

1           **Sec. 10.** RCW 9.94A.515 and 2006 c 277 s 6, 2006 c 228 s 9, 2006 c  
2 191 s 2, 2006 c 139 s 2, 2006 c 128 s 3, and 2006 c 73 s 12 are each  
3 reenacted and amended to read as follows:

	TABLE 2
	CRIMES INCLUDED WITHIN
	EACH SERIOUSNESS LEVEL
4	
5	
6	
7	XVI Aggravated Murder 1 (RCW
8	10.95.020)
9	XV Homicide by abuse (RCW 9A.32.055)
10	Malicious explosion 1 (RCW
11	70.74.280(1))
12	Murder 1 (RCW 9A.32.030)
13	XIV Murder 2 (RCW 9A.32.050)
14	Trafficking 1 (RCW 9A.40.100(1))
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	Trafficking 2 (RCW 9A.40.100(2))
26	XI Manslaughter 1 (RCW 9A.32.060)
27	Rape 2 (RCW 9A.44.050)
28	Rape of a Child 2 (RCW 9A.44.076)
29	X Child Molestation 1 (RCW 9A.44.083)
30	Indecent Liberties (with forcible
31	compulsion) (RCW
32	9A.44.100(1)(a))
33	Kidnapping 1 (RCW 9A.40.020)
34	Leading Organized Crime (RCW
35	9A.82.060(1)(a))

1 Malicious explosion 3 (RCW  
2 70.74.280(3))  
3 Sexually Violent Predator Escape  
4 (RCW 9A.76.115)  
5 IX Abandonment of Dependent Person 1  
6 (RCW 9A.42.060)  
7 Assault of a Child 2 (RCW 9A.36.130)  
8 Criminal Mistreatment 1 (RCW  
9 9A.42.020)  
10 Explosive devices prohibited (RCW  
11 70.74.180)  
12 Hit and Run--Death (RCW  
13 46.52.020(4)(a))  
14 Homicide by Watercraft, by being  
15 under the influence of intoxicating  
16 liquor or any drug (RCW  
17 79A.60.050)  
18 Inciting Criminal Profiteering (RCW  
19 9A.82.060(1)(b))  
20 Malicious placement of an explosive 2  
21 (RCW 70.74.270(2))  
22 Robbery 1 (RCW 9A.56.200)  
23 Sexual Exploitation (RCW 9.68A.040)  
24 Vehicular Homicide, by being under  
25 the influence of intoxicating liquor  
26 or any drug (RCW 46.61.520)  
27 VIII Arson 1 (RCW 9A.48.020)  
28 Homicide by Watercraft, by the  
29 operation of any vessel in a  
30 reckless manner (RCW  
31 79A.60.050)  
32 Manslaughter 2 (RCW 9A.32.070)  
33 Promoting Prostitution 1 (RCW  
34 9A.88.070)  
35 Theft of Ammonia (RCW 69.55.010)

1 Vehicular Homicide, by the operation  
2 of any vehicle in a reckless manner  
3 (RCW 46.61.520)  
4 VII Burglary 1 (RCW 9A.52.020)  
5 Child Molestation 2 (RCW 9A.44.086)  
6 Civil Disorder Training (RCW  
7 9A.48.120)  
8 Dealing in depictions of minor engaged  
9 in sexually explicit conduct (RCW  
10 9.68A.050)  
11 Drive-by Shooting (RCW 9A.36.045)  
12 Homicide by Watercraft, by disregard  
13 for the safety of others (RCW  
14 79A.60.050)  
15 Indecent Liberties (without forcible  
16 compulsion) (RCW 9A.44.100(1)  
17 (b) and (c))  
18 Introducing Contraband 1 (RCW  
19 9A.76.140)  
20 Malicious placement of an explosive 3  
21 (RCW 70.74.270(3))  
22 Negligently Causing Death By Use of a  
23 Signal Preemption Device (RCW  
24 46.37.675)  
25 Sending, bringing into state depictions  
26 of minor engaged in sexually  
27 explicit conduct (RCW 9.68A.060)  
28 Unlawful Possession of a Firearm in  
29 the first degree (RCW 9.41.040(1))  
30 Use of a Machine Gun in Commission  
31 of a Felony (RCW 9.41.225)  
32 Vehicular Homicide, by disregard for  
33 the safety of others (RCW  
34 46.61.520)  
35 VI Bail Jumping with Murder 1 (RCW  
36 9A.76.170(3)(a))  
37 Bribery (RCW 9A.68.010)

1 Incest 1 (RCW 9A.64.020(1))  
2 Intimidating a Judge (RCW 9A.72.160)  
3 Intimidating a Juror/Witness (RCW  
4 9A.72.110, 9A.72.130)  
5 Malicious placement of an imitation  
6 device 2 (RCW 70.74.272(1)(b))  
7 Possession of Depictions of a Minor  
8 Engaged in Sexually Explicit  
9 Conduct (RCW 9.68A.070)  
10 Rape of a Child 3 (RCW 9A.44.079)  
11 Theft of a Firearm (RCW 9A.56.300)  
12 Unlawful Storage of Ammonia (RCW  
13 69.55.020)  
14 V Abandonment of Dependent Person 2  
15 (RCW 9A.42.070)  
16 Advancing money or property for  
17 extortionate extension of credit  
18 (RCW 9A.82.030)  
19 Bail Jumping with class A Felony  
20 (RCW 9A.76.170(3)(b))  
21 Child Molestation 3 (RCW 9A.44.089)  
22 Criminal Mistreatment 2 (RCW  
23 9A.42.030)  
24 Custodial Sexual Misconduct 1 (RCW  
25 9A.44.160)  
26 Domestic Violence Court Order  
27 Violation (RCW 10.99.040,  
28 10.99.050, 26.09.300, 26.10.220,  
29 26.26.138, 26.50.110, 26.52.070,  
30 or 74.34.145)  
31 Driving While Under the Influence  
32 (RCW 46.61.502(6))  
33 Extortion 1 (RCW 9A.56.120)  
34 Extortionate Extension of Credit (RCW  
35 9A.82.020)

1 Extortionate Means to Collect  
2 Extensions of Credit (RCW  
3 9A.82.040)  
4 Incest 2 (RCW 9A.64.020(2))  
5 Kidnapping 2 (RCW 9A.40.030)  
6 Perjury 1 (RCW 9A.72.020)  
7 Persistent prison misbehavior (RCW  
8 9.94.070)  
9 Physical Control of a Vehicle While  
10 Under the Influence (RCW  
11 46.61.504(6))  
12 Possession of a Stolen Firearm (RCW  
13 9A.56.310)  
14 Rape 3 (RCW 9A.44.060)  
15 Rendering Criminal Assistance 1  
16 (RCW 9A.76.070)  
17 Sexual Misconduct with a Minor 1  
18 (RCW 9A.44.093)  
19 Sexually Violating Human Remains  
20 (RCW 9A.44.105)  
21 Stalking (RCW 9A.46.110)  
22 Taking Motor Vehicle Without  
23 Permission 1 (RCW 9A.56.070)  
24 IV Arson 2 (RCW 9A.48.030)  
25 Assault 2 (RCW 9A.36.021)  
26 Assault 3 (of a Peace Officer with a  
27 Projectile Stun Gun) (RCW  
28 9A.36.031(1)(h))  
29 Assault by Watercraft (RCW  
30 79A.60.060)  
31 Bribing a Witness/Bribe Received by  
32 Witness (RCW 9A.72.090,  
33 9A.72.100)  
34 Cheating 1 (RCW 9.46.1961)  
35 Commercial Bribery (RCW 9A.68.060)  
36 Counterfeiting (RCW 9.16.035(4))





1 Use of Proceeds of Criminal  
2 Profiteering (RCW 9A.82.080 (1)  
3 and (2))  
4 Vehicular Assault, by being under the  
5 influence of intoxicating liquor or  
6 any drug, or by the operation or  
7 driving of a vehicle in a reckless  
8 manner (RCW 46.61.522)  
9 Willful Failure to Return from  
10 Furlough (RCW 72.66.060)  
11 III Animal Cruelty 1 (Sexual Conduct or  
12 Contact) (RCW 16.52.205(3))  
13 Assault 3 (Except Assault 3 of a Peace  
14 Officer With a Projectile Stun  
15 Gun) (RCW 9A.36.031 except  
16 subsection (1)(h))  
17 Assault of a Child 3 (RCW 9A.36.140)  
18 Bail Jumping with class B or C Felony  
19 (RCW 9A.76.170(3)(c))  
20 Burglary 2 (RCW 9A.52.030)  
21 Communication with a Minor for  
22 Immoral Purposes (RCW  
23 9.68A.090)  
24 Criminal Gang Intimidation (RCW  
25 9A.46.120)  
26 Custodial Assault (RCW 9A.36.100)  
27 Cyberstalking (subsequent conviction  
28 or threat of death) (RCW  
29 9.61.260(3))  
30 Escape 2 (RCW 9A.76.120)  
31 Extortion 2 (RCW 9A.56.130)  
32 Harassment (RCW 9A.46.020)  
33 Intimidating a Public Servant (RCW  
34 9A.76.180)  
35 Introducing Contraband 2 (RCW  
36 9A.76.150)

1 Malicious Injury to Railroad Property  
2 (RCW 81.60.070)  
3 Negligently Causing Substantial Bodily  
4 Harm By Use of a Signal  
5 Preemption Device (RCW  
6 46.37.674)  
7 Organized Retail Theft 1 (RCW  
8 9A.56.350(2))  
9 Patronizing a Juvenile Prostitute (RCW  
10 9.68A.100)  
11 Perjury 2 (RCW 9A.72.030)  
12 Possession of Incendiary Device (RCW  
13 9.40.120)  
14 Possession of Machine Gun or Short-  
15 Barreled Shotgun or Rifle (RCW  
16 9.41.190)  
17 Promoting Prostitution 2 (RCW  
18 9A.88.080)  
19 (~~(Retail)~~) Retail Theft with  
20 Extenuating Circumstances 1  
21 (RCW 9A.56.360(2))  
22 Securities Act violation (RCW  
23 21.20.400)  
24 Tampering with a Witness (RCW  
25 9A.72.120)  
26 Telephone Harassment (subsequent  
27 conviction or threat of death)  
28 (RCW 9.61.230(2))  
29 Theft of Livestock 2 (RCW 9A.56.083)  
30 Theft with the Intent to Resell 1 (RCW  
31 9A.56.340(2))  
32 Trafficking in Stolen Property 2 (RCW  
33 9A.82.055)  
34 Unlawful Imprisonment (RCW  
35 9A.40.040)  
36 Unlawful possession of firearm in the  
37 second degree (RCW 9.41.040(2))

1 Vehicular Assault, by the operation or  
2 driving of a vehicle with disregard  
3 for the safety of others (RCW  
4 46.61.522)  
5 Willful Failure to Return from Work  
6 Release (RCW 72.65.070)  
7 II Computer Trespass 1 (RCW  
8 9A.52.110)  
9 Counterfeiting (RCW 9.16.035(3))  
10 Escape from Community Custody  
11 (RCW 72.09.310)  
12 Failure to Register as a Sex Offender  
13 (second or subsequent offense)  
14 (RCW 9A.44.130(10)(a))  
15 Health Care False Claims (RCW  
16 48.80.030)  
17 Identity Theft 2 (RCW 9.35.020(3))  
18 Improperly Obtaining Financial  
19 Information (RCW 9.35.010)  
20 Malicious Mischief 1 (RCW  
21 9A.48.070)  
22 Organized Retail Theft 2 (RCW  
23 9A.56.350(3))  
24 Possession of Stolen Property 1 (RCW  
25 9A.56.150)  
26 Possession of a Stolen Vehicle (section  
27 5 of this act)  
28 (~~(Retail))~~ Retail Theft with  
29 Extenuating Circumstances 2  
30 (RCW 9A.56.360(3))  
31 Theft 1 (RCW 9A.56.030)  
32 Theft of a Motor Vehicle (section 2 of  
33 this act)  
34 Theft of Rental, Leased, or Lease-  
35 purchased Property (valued at one  
36 thousand five hundred dollars or  
37 more) (RCW 9A.56.096(5)(a))

1 Theft with the Intent to Resell 2 (RCW  
2 9A.56.340(3))  
3 Trafficking in Insurance Claims (RCW  
4 48.30A.015)  
5 Unlawful factoring of a credit card or  
6 payment card transaction (RCW  
7 9A.56.290(4)(a))  
8 Unlawful Practice of Law (RCW  
9 2.48.180)  
10 Unlicensed Practice of a Profession or  
11 Business (RCW 18.130.190(7))  
12 Voyeurism (RCW 9A.44.115)  
13 I Attempting to Elude a Pursuing Police  
14 Vehicle (RCW 46.61.024)  
15 False Verification for Welfare (RCW  
16 74.08.055)  
17 Forgery (RCW 9A.60.020)  
18 Fraudulent Creation or Revocation of a  
19 Mental Health Advance Directive  
20 (RCW 9A.60.060)  
21 Malicious Mischief 2 (RCW  
22 9A.48.080)  
23 Mineral Trespass (RCW 78.44.330)  
24 Possession of Stolen Property 2 (RCW  
25 9A.56.160)  
26 Reckless Burning 1 (RCW 9A.48.040)  
27 Taking Motor Vehicle Without  
28 Permission 2 (RCW 9A.56.075)  
29 Theft 2 (RCW 9A.56.040)  
30 Theft of Rental, Leased, or Lease-  
31 purchased Property (valued at two  
32 hundred fifty dollars or more but  
33 less than one thousand five  
34 hundred dollars) (RCW  
35 9A.56.096(5)(b))

1 Transaction of insurance business  
 2 beyond the scope of licensure  
 3 (RCW 48.17.063(4))  
 4 Unlawful Issuance of Checks or Drafts  
 5 (RCW 9A.56.060)  
 6 Unlawful Possession of Fictitious  
 7 Identification (RCW 9A.56.320)  
 8 Unlawful Possession of Instruments of  
 9 Financial Fraud (RCW 9A.56.320)  
 10 Unlawful Possession of Payment  
 11 Instruments (RCW 9A.56.320)  
 12 Unlawful Possession of a Personal  
 13 Identification Device (RCW  
 14 9A.56.320)  
 15 Unlawful Production of Payment  
 16 Instruments (RCW 9A.56.320)  
 17 Unlawful Trafficking in Food Stamps  
 18 (RCW 9.91.142)  
 19 Unlawful Use of Food Stamps (RCW  
 20 9.91.144)  
 21 Vehicle Prowl 1 (RCW 9A.52.095)

22 **Sec. 11.** RCW 13.40.0357 and 2006 c 73 s 14 are each amended to  
 23 read as follows:

24 **DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION

30 .....

31 **Arson and Malicious Mischief**

32	A	Arson 1 (9A.48.020)	B+
33	B	Arson 2 (9A.48.030)	C
34	C	Reckless Burning 1 (9A.48.040)	D
35	D	Reckless Burning 2 (9A.48.050)	E

1	B	Malicious Mischief 1 (9A.48.070)	C
2	C	Malicious Mischief 2 (9A.48.080)	D
3	D	Malicious Mischief 3 (9A.48.090(2) (a) and	
4		(c))	E
5	E	Malicious Mischief 3 (9A.48.090(2)(b))	E
6	E	Tampering with Fire Alarm Apparatus	
7		(9.40.100)	E
8	E	Tampering with Fire Alarm Apparatus with	
9		Intent to Commit Arson (9.40.105)	E
10	A	Possession of Incendiary Device (9.40.120)	B+

### **Assault and Other Crimes Involving**

#### **Physical Harm**

13	A	Assault 1 (9A.36.011)	B+
14	B+	Assault 2 (9A.36.021)	C+
15	C+	Assault 3 (9A.36.031)	D+
16	D+	Assault 4 (9A.36.041)	E
17	B+	Drive-By Shooting (9A.36.045)	C+
18	D+	Reckless Endangerment (9A.36.050)	E
19	C+	Promoting Suicide Attempt (9A.36.060)	D+
20	D+	Coercion (9A.36.070)	E
21	C+	Custodial Assault (9A.36.100)	D+

#### **Burglary and Trespass**

23	B+	Burglary 1 (9A.52.020)	C+
24	B	Residential Burglary (9A.52.025)	C
25	B	Burglary 2 (9A.52.030)	C
26	D	Burglary Tools (Possession of) (9A.52.060)	E
27	D	Criminal Trespass 1 (9A.52.070)	E
28	E	Criminal Trespass 2 (9A.52.080)	E
29	C	Mineral Trespass (78.44.330)	C
30	C	Vehicle Prowling 1 (9A.52.095)	D
31	D	Vehicle Prowling 2 (9A.52.100)	E

#### **Drugs**

33	E	Possession/Consumption of Alcohol	
34		(66.44.270)	E
35	C	Illegally Obtaining Legend Drug	
36		(69.41.020)	D

1	C+	Sale, Delivery, Possession of Legend Drug	
2		with Intent to Sell (69.41.030(2)(a))	D+
3	E	Possession of Legend Drug	
4		(69.41.030(2)(b))	E
5	B+	Violation of Uniform Controlled Substances	
6		Act - Narcotic, Methamphetamine, or	
7		Flunitrazepam Sale (69.50.401(2) (a) or	
8		(b))	B+
9	C	Violation of Uniform Controlled Substances	
10		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
11	E	Possession of Marihuana <40 grams	
12		(69.50.4014)	E
13	C	Fraudulently Obtaining Controlled	
14		Substance (69.50.403)	C
15	C+	Sale of Controlled Substance for Profit	
16		(69.50.410)	C+
17	E	Unlawful Inhalation (9.47A.020)	E
18	B	Violation of Uniform Controlled Substances	
19		Act - Narcotic, Methamphetamine, or	
20		Flunitrazepam Counterfeit Substances	
21		(69.50.4011(2) (a) or (b))	B
22	C	Violation of Uniform Controlled Substances	
23		Act - Nonnarcotic Counterfeit Substances	
24		(69.50.4011(2) (c), (d), or (e))	C
25	C	Violation of Uniform Controlled Substances	
26		Act - Possession of a Controlled Substance	
27		(69.50.4013)	C
28	C	Violation of Uniform Controlled Substances	
29		Act - Possession of a Controlled Substance	
30		(69.50.4012)	C
31		<b>Firearms and Weapons</b>	
32	B	Theft of Firearm (9A.56.300)	C
33	B	Possession of Stolen Firearm (9A.56.310)	C
34	E	Carrying Loaded Pistol Without Permit	
35		(9.41.050)	E
36	C	Possession of Firearms by Minor (<18)	
37		(9.41.040(2)(a)(iii))	C

1	D+	Possession of Dangerous Weapon	
2		(9.41.250)	E
3	D	Intimidating Another Person by use of	
4		Weapon (9.41.270)	E
5		<b>Homicide</b>	
6	A+	Murder 1 (9A.32.030)	A
7	A+	Murder 2 (9A.32.050)	B+
8	B+	Manslaughter 1 (9A.32.060)	C+
9	C+	Manslaughter 2 (9A.32.070)	D+
10	B+	Vehicular Homicide (46.61.520)	C+
11		<b>Kidnapping</b>	
12	A	Kidnap 1 (9A.40.020)	B+
13	B+	Kidnap 2 (9A.40.030)	C+
14	C+	Unlawful Imprisonment (9A.40.040)	D+
15		<b>Obstructing Governmental Operation</b>	
16	D	Obstructing a Law Enforcement Officer	
17		(9A.76.020)	E
18	E	Resisting Arrest (9A.76.040)	E
19	B	Introducing Contraband 1 (9A.76.140)	C
20	C	Introducing Contraband 2 (9A.76.150)	D
21	E	Introducing Contraband 3 (9A.76.160)	E
22	B+	Intimidating a Public Servant (9A.76.180)	C+
23	B+	Intimidating a Witness (9A.72.110)	C+
24		<b>Public Disturbance</b>	
25	C+	Riot with Weapon (9A.84.010(2)(b))	D+
26	D+	Riot Without Weapon (9A.84.010(2)(a))	E
27	E	Failure to Disperse (9A.84.020)	E
28	E	Disorderly Conduct (9A.84.030)	E
29		<b>Sex Crimes</b>	
30	A	Rape 1 (9A.44.040)	B+
31	A-	Rape 2 (9A.44.050)	B+
32	C+	Rape 3 (9A.44.060)	D+
33	A-	Rape of a Child 1 (9A.44.073)	B+
34	B+	Rape of a Child 2 (9A.44.076)	C+
35	B	Incest 1 (9A.64.020(1))	C
36	C	Incest 2 (9A.64.020(2))	D



1	D+	Indecent Exposure (Victim <14)	
2		(9A.88.010)	E
3	E	Indecent Exposure (Victim 14 or over)	
4		(9A.88.010)	E
5	B+	Promoting Prostitution 1 (9A.88.070)	C+
6	C+	Promoting Prostitution 2 (9A.88.080)	D+
7	E	O & A (Prostitution) (9A.88.030)	E
8	B+	Indecent Liberties (9A.44.100)	C+
9	A-	Child Molestation 1 (9A.44.083)	B+
10	B	Child Molestation 2 (9A.44.086)	C+
11		<b>Theft, Robbery, Extortion, and Forgery</b>	
12	B	Theft 1 (9A.56.030)	C
13	C	Theft 2 (9A.56.040)	D
14	D	Theft 3 (9A.56.050)	E
15	B	Theft of Livestock 1 and 2 (9A.56.080 and	
16		9A.56.083)	C
17	C	Forgery (9A.60.020)	D
18	A	Robbery 1 (9A.56.200)	B+
19	B+	Robbery 2 (9A.56.210)	C+
20	B+	Extortion 1 (9A.56.120)	C+
21	C+	Extortion 2 (9A.56.130)	D+
22	C	Identity Theft 1 (9.35.020(2))	D
23	D	Identity Theft 2 (9.35.020(3))	E
24	D	Improperly Obtaining Financial Information	
25		(9.35.010)	E
26	<u>B</u>	<u>Possession of a Stolen Vehicle (section 5 of</u>	
27		<u>this act)</u>	<u>C</u>
28	B	Possession of Stolen Property 1	
29		(9A.56.150)	C
30	C	Possession of Stolen Property 2	
31		(9A.56.160)	D
32	D	Possession of Stolen Property 3	
33		(9A.56.170)	E
34	<del>(C)</del>	Taking Motor Vehicle Without Permission <del>(D)</del>	
35	<u>B</u>	<u>1 ((and 2)) (9A.56.070 ((and 9A.56.075)))</u>	<u>C</u>
36	<u>C</u>	<u>Taking Motor Vehicle Without Permission</u>	
37		<u>2 (9A.56.075)</u>	<u>D</u>

1	<b>B</b>	<u>Theft of a Motor Vehicle (section 2 of this</u>	
2		<u>act)</u>	<b>C</b>
3		<b>Motor Vehicle Related Crimes</b>	
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	B+	Felony Driving While Under the Influence	
16		(46.61.502(6))	B
17	B+	Felony Physical Control of a Vehicle While	
18		Under the Influence (46.61.504(6))	B
19		<b>Other</b>	
20	B	Animal Cruelty 1 (16.52.205)	C
21	B	Bomb Threat (9.61.160)	C
22	C	Escape 1 <sup>1</sup> (9A.76.110)	C
23	C	Escape 2 <sup>1</sup> (9A.76.120)	C
24	D	Escape 3 (9A.76.130)	E
25	E	Obscene, Harassing, Etc., Phone Calls	
26		(9.61.230)	E
27	A	Other Offense Equivalent to an Adult Class	
28		A Felony	B+
29	B	Other Offense Equivalent to an Adult Class	
30		B Felony	C
31	C	Other Offense Equivalent to an Adult Class	
32		C Felony	D
33	D	Other Offense Equivalent to an Adult Gross	
34		Misdemeanor	E
35	E	Other Offense Equivalent to an Adult	
36		Misdemeanor	E

V Violation of Order of Restitution,  
 Community Supervision, or Confinement  
 (13.40.200)<sup>2</sup> V

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

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

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

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

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

**JUVENILE SENTENCING STANDARDS**

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

**OPTION A  
 JUVENILE OFFENDER SENTENCING GRID  
 STANDARD RANGE**

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A-	15-36 WEEKS EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
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Current Offense Category	B+	15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
B	LOCAL SANCTIONS (LS)		15-36 WEEKS		52-65 WEEKS



1 treatment requirement. The treatment programs provided to the offender  
2 must be research-based best practice programs as identified by the  
3 Washington state institute for public policy or the joint legislative  
4 audit and review committee.

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

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

10 (a) Adjudicated of an A+ offense;

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

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

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

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

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

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

30 **OR**

31 **OPTION C**

32 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

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

37 **OR**



1 hundred five percent of the rated bed capacity specified in statute, or  
2 in absence of such specification, as specified by the department in  
3 rule, the secretary may recommend reductions to the governor. On  
4 certification by the governor that the recommended reductions are  
5 necessary, the secretary has authority to administratively release a  
6 sufficient number of offenders to reduce in-residence population to one  
7 hundred percent of rated bed capacity. The secretary shall release  
8 those offenders who have served the greatest proportion of their  
9 sentence. However, the secretary may deny release in a particular case  
10 at the request of an offender, or if the secretary finds that there is  
11 no responsible custodian, as determined by the department, to whom to  
12 release the offender, or if the release of the offender would pose a  
13 clear danger to society. The department shall notify the committing  
14 court of the release at the time of release if any such early releases  
15 have occurred as a result of excessive in-residence population. In no  
16 event shall an offender adjudicated of a violent offense be granted  
17 release under the provisions of this subsection.

18 (3)(a) Following the release of any juvenile under subsection (1)  
19 of this section, the secretary may require the juvenile to comply with  
20 a program of parole to be administered by the department in his or her  
21 community which shall last no longer than eighteen months, except that  
22 in the case of a juvenile sentenced for rape in the first or second  
23 degree, rape of a child in the first or second degree, child  
24 molestation in the first degree, or indecent liberties with forcible  
25 compulsion, the period of parole shall be twenty-four months and, in  
26 the discretion of the secretary, may be up to thirty-six months when  
27 the secretary finds that an additional period of parole is necessary  
28 and appropriate in the interests of public safety or to meet the  
29 ongoing needs of the juvenile. A parole program is mandatory for  
30 offenders released under subsection (2) of this section and for  
31 offenders who receive a juvenile residential commitment sentence of  
32 theft of a motor vehicle 1, possession of a stolen motor vehicle, or  
33 taking a motor vehicle without permission 1. The decision to place an  
34 offender on parole shall be based on an assessment by the department of  
35 the offender's risk for reoffending upon release. The department shall  
36 prioritize available parole resources to provide supervision and  
37 services to offenders at moderate to high risk for reoffending.

1 (b) The secretary shall, for the period of parole, facilitate the  
2 juvenile's reintegration into his or her community and to further this  
3 goal shall require the juvenile to refrain from possessing a firearm or  
4 using a deadly weapon and refrain from committing new offenses and may  
5 require the juvenile to: (i) Undergo available medical, psychiatric,  
6 drug and alcohol, sex offender, mental health, and other offense-  
7 related treatment services; (ii) report as directed to a parole officer  
8 and/or designee; (iii) pursue a course of study, vocational training,  
9 or employment; (iv) notify the parole officer of the current address  
10 where he or she resides; (v) be present at a particular address during  
11 specified hours; (vi) remain within prescribed geographical boundaries;  
12 (vii) submit to electronic monitoring; (viii) refrain from using  
13 illegal drugs and alcohol, and submit to random urinalysis when  
14 requested by the assigned parole officer; (ix) refrain from contact  
15 with specific individuals or a specified class of individuals; (x) meet  
16 other conditions determined by the parole officer to further enhance  
17 the juvenile's reintegration into the community; (xi) pay any court-  
18 ordered fines or restitution; and (xii) perform community restitution.  
19 Community restitution for the purpose of this section means compulsory  
20 service, without compensation, performed for the benefit of the  
21 community by the offender. Community restitution may be performed  
22 through public or private organizations or through work crews.

23 (c) The secretary may further require up to twenty-five percent of  
24 the highest risk juvenile offenders who are placed on parole to  
25 participate in an intensive supervision program. Offenders  
26 participating in an intensive supervision program shall be required to  
27 comply with all terms and conditions listed in (b) of this subsection  
28 and shall also be required to comply with the following additional  
29 terms and conditions: (i) Obey all laws and refrain from any conduct  
30 that threatens public safety; (ii) report at least once a week to an  
31 assigned community case manager; and (iii) meet all other requirements  
32 imposed by the community case manager related to participating in the  
33 intensive supervision program. As a part of the intensive supervision  
34 program, the secretary may require day reporting.

35 (d) After termination of the parole period, the juvenile shall be  
36 discharged from the department's supervision.

37 (4)(a) The department may also modify parole for violation thereof.  
38 If, after affording a juvenile all of the due process rights to which



1 he or she would be entitled if the juvenile were an adult, the  
2 secretary finds that a juvenile has violated a condition of his or her  
3 parole, the secretary shall order one of the following which is  
4 reasonably likely to effectuate the purpose of the parole and to  
5 protect the public: (i) Continued supervision under the same  
6 conditions previously imposed; (ii) intensified supervision with  
7 increased reporting requirements; (iii) additional conditions of  
8 supervision authorized by this chapter; (iv) except as provided in  
9 (a)(v) and (vi) of this subsection, imposition of a period of  
10 confinement not to exceed thirty days in a facility operated by or  
11 pursuant to a contract with the state of Washington or any city or  
12 county for a portion of each day or for a certain number of days each  
13 week with the balance of the days or weeks spent under supervision; (v)  
14 the secretary may order any of the conditions or may return the  
15 offender to confinement for the remainder of the sentence range if the  
16 offense for which the offender was sentenced is rape in the first or  
17 second degree, rape of a child in the first or second degree, child  
18 molestation in the first degree, indecent liberties with forcible  
19 compulsion, or a sex offense that is also a serious violent offense as  
20 defined by RCW 9.94A.030; and (vi) the secretary may order any of the  
21 conditions or may return the offender to confinement for the remainder  
22 of the sentence range if the youth has completed the basic training  
23 camp program as described in RCW 13.40.320.

24 (b) If the department finds that any juvenile in a program of  
25 parole has possessed a firearm or used a deadly weapon during the  
26 program of parole, the department shall modify the parole under (a) of  
27 this subsection and confine the juvenile for at least thirty days.  
28 Confinement shall be in a facility operated by or pursuant to a  
29 contract with the state or any county.

30 (5) A parole officer of the department of social and health  
31 services shall have the power to arrest a juvenile under his or her  
32 supervision on the same grounds as a law enforcement officer would be  
33 authorized to arrest the person.

34 (6) If so requested and approved under chapter 13.06 RCW, the  
35 secretary shall permit a county or group of counties to perform  
36 functions under subsections (3) through (5) of this section.

1       **Sec. 14.** RCW 13.40.160 and 2004 c 120 s 4 and 2004 c 38 s 11 are  
2 each reenacted and amended to read as follows:

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

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

10       (b) When the court sentences an offender to a standard range as  
11 provided in RCW 13.40.0357 option A that includes a term of confinement  
12 exceeding thirty days, commitment shall be to the department for the  
13 standard range of confinement, except as provided in subsection (2),  
14 (3), (4), (5), or (6) of this section.

15       (2) If the court concludes, and enters reasons for its conclusion,  
16 that disposition within the standard range would effectuate a manifest  
17 injustice the court shall impose a disposition outside the standard  
18 range, as indicated in option D of RCW 13.40.0357. The court's finding  
19 of manifest injustice shall be supported by clear and convincing  
20 evidence.

21       A disposition outside the standard range shall be determinate and  
22 shall be comprised of confinement or community supervision, or a  
23 combination thereof. When a judge finds a manifest injustice and  
24 imposes a sentence of confinement exceeding thirty days, the court  
25 shall sentence the juvenile to a maximum term, and the provisions of  
26 RCW 13.40.030(2) shall be used to determine the range. A disposition  
27 outside the standard range is appealable under RCW 13.40.230 by the  
28 state or the respondent. A disposition within the standard range is  
29 not appealable under RCW 13.40.230.

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

36       The report of the examination shall include at a minimum the  
37 following: The respondent's version of the facts and the official  
38 version of the facts, the respondent's offense history, an assessment

1 of problems in addition to alleged deviant behaviors, the respondent's  
2 social, educational, and employment situation, and other evaluation  
3 measures used. The report shall set forth the sources of the  
4 evaluator's information.

5 The examiner shall assess and report regarding the respondent's  
6 amenability to treatment and relative risk to the community. A  
7 proposed treatment plan shall be provided and shall include, at a  
8 minimum:

9 (a)(i) Frequency and type of contact between the offender and  
10 therapist;

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

13 (iii) Monitoring plans, including any requirements regarding living  
14 conditions, lifestyle requirements, and monitoring by family members,  
15 legal guardians, or others;

16 (iv) Anticipated length of treatment; and

17 (v) Recommended crime-related prohibitions.

18 The court on its own motion may order, or on a motion by the state  
19 shall order, a second examination regarding the offender's amenability  
20 to treatment. The evaluator shall be selected by the party making the  
21 motion. The defendant shall pay the cost of any second examination  
22 ordered unless the court finds the defendant to be indigent in which  
23 case the state shall pay the cost.

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

1 confinement and requirements that the offender do any one or more of  
2 the following:

3 (b)(i) Devote time to a specific education, employment, or  
4 occupation;

5 (ii) Undergo available outpatient sex offender treatment for up to  
6 two years, or inpatient sex offender treatment not to exceed the  
7 standard range of confinement for that offense. A community mental  
8 health center may not be used for such treatment unless it has an  
9 appropriate program designed for sex offender treatment. The  
10 respondent shall not change sex offender treatment providers or  
11 treatment conditions without first notifying the prosecutor, the  
12 probation counselor, and the court, and shall not change providers  
13 without court approval after a hearing if the prosecutor or probation  
14 counselor object to the change;

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

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

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

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

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

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

28 (ix) The court shall order that the offender shall not attend the  
29 public or approved private elementary, middle, or high school attended  
30 by the victim or the victim's siblings. The parents or legal guardians  
31 of the offender are responsible for transportation or other costs  
32 associated with the offender's change of school that would otherwise be  
33 paid by the school district. The court shall send notice of the  
34 disposition and restriction on attending the same school as the victim  
35 or victim's siblings to the public or approved private school the  
36 juvenile will attend, if known, or if unknown, to the approved private  
37 schools and the public school district board of directors of the

1 district in which the juvenile resides or intends to reside. This  
2 notice must be sent at the earliest possible date but not later than  
3 ten calendar days after entry of the disposition.

4 The sex offender treatment provider shall submit quarterly reports  
5 on the respondent's progress in treatment to the court and the parties.  
6 The reports shall reference the treatment plan and include at a minimum  
7 the following: Dates of attendance, respondent's compliance with  
8 requirements, treatment activities, the respondent's relative progress  
9 in treatment, and any other material specified by the court at the time  
10 of the disposition.

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

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

28 If the offender violates any condition of the disposition or the  
29 court finds that the respondent is failing to make satisfactory  
30 progress in treatment, the court may revoke the suspension and order  
31 execution of the disposition or the court may impose a penalty of up to  
32 thirty days' confinement for violating conditions of the disposition.  
33 The court may order both execution of the disposition and up to thirty  
34 days' confinement for the violation of the conditions of the  
35 disposition. The court shall give credit for any confinement time  
36 previously served if that confinement was for the offense for which the  
37 suspension is being revoked.

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

6 A disposition entered under this subsection (3) is not appealable  
7 under RCW 13.40.230.

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

12 (5) If a juvenile is subject to a commitment of 15 to 65 weeks of  
13 confinement, the court may impose the disposition alternative under RCW  
14 13.40.167.

15 (6) When the offender is subject to a standard range commitment of  
16 15 to 36 weeks and is ineligible for a suspended disposition  
17 alternative, a manifest injustice disposition below the standard range,  
18 special sex offender disposition alternative, chemical dependency  
19 disposition alternative, or mental health disposition alternative, the  
20 court in a county with a pilot program under RCW 13.40.169 may impose  
21 the disposition alternative under RCW 13.40.169.

22 (7) RCW 13.40.193 shall govern the disposition of any juvenile  
23 adjudicated of possessing a firearm in violation of RCW  
24 9.41.040(2)(a)(iii) or any crime in which a special finding is entered  
25 that the juvenile was armed with a firearm.

26 (8) Section 15 of this act shall govern the disposition of any  
27 juvenile adjudicated of theft of a motor vehicle as defined under  
28 section 2 of this act, possession of a stolen motor vehicle as defined  
29 under section 5 of this act, taking a motor vehicle without permission  
30 in the first degree under RCW 9A.56.070, and taking a motor vehicle  
31 without permission in the second degree under RCW 9A.56.075.

32 (9) Whenever a juvenile offender is entitled to credit for time  
33 spent in detention prior to a dispositional order, the dispositional  
34 order shall specifically state the number of days of credit for time  
35 served.

36 ((+9)) (10) Except as provided under subsection (3), (4), (5), or  
37 (6) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127,

1 the court shall not suspend or defer the imposition or the execution of  
2 the disposition.

3 ~~((10))~~ (11) In no case shall the term of confinement imposed by  
4 the court at disposition exceed that to which an adult could be  
5 subjected for the same offense.

6 NEW SECTION. **Sec. 15.** A new section is added to chapter 13.40 RCW  
7 to read as follows:

8 (1) If a respondent is adjudicated of taking a motor vehicle  
9 without permission in the first degree as defined in RCW 9A.56.070, the  
10 court shall impose the following minimum sentence, in addition to any  
11 restitution the court may order payable to the victim:

12 (a) Juveniles with a prior criminal history score of zero to one-  
13 half points shall be sentenced to a standard range sentence that  
14 includes no less than five days of home detention, forty-five hours of  
15 community restitution, and a two hundred dollar fine;

16 (b) Juveniles with a prior criminal history score of three-quarters  
17 to one and one-half points shall be sentenced to standard range  
18 sentence that includes no less than ten days of detention, ninety hours  
19 of community restitution, and a four hundred dollar fine; and

20 (c) Juveniles with a prior criminal history score of two or more  
21 points shall be sentenced to no less than fifteen to thirty-six weeks  
22 of confinement, seven days of home detention, four months of  
23 supervision, ninety hours of community restitution, and a four hundred  
24 dollar fine.

25 (2) If a respondent is adjudicated of theft of a motor vehicle as  
26 defined under section 2 of this act, or possession of a stolen vehicle  
27 as defined under section 5 of this act, the court shall impose the  
28 following minimum sentence, in addition to any restitution the court  
29 may order payable to the victim:

30 (a) Juveniles with a prior criminal history score of zero to one-  
31 half points shall be sentenced to a standard range sentence that  
32 includes either: (i) No less than five days of home detention and  
33 forty-five hours of community restitution; or (ii) no home detention  
34 and ninety hours of community restitution;

35 (b) Juveniles with a prior criminal history score of three-quarters  
36 to one and one-half points shall be sentenced to standard range

1 sentence that includes no less than ten days of detention, ninety hours  
2 of community restitution, and a four hundred dollar fine; and

3 (c) Juveniles with a prior criminal history score of two or more  
4 points shall be sentenced to no less than fifteen to thirty-six weeks  
5 of confinement, seven days of home detention, four months of  
6 supervision, ninety hours of community restitution, and a four hundred  
7 dollar fine.

8 (3) If a respondent is adjudicated of taking a motor vehicle  
9 without permission in the second degree as defined in RCW 9A.56.075,  
10 the court shall impose a standard range as follows:

11 (a) Juveniles with a prior criminal history score of zero to one-  
12 half points shall be sentenced to a standard range sentence that  
13 includes either: (i) No less than one day of home detention, one month  
14 of supervision, and fifteen hours of community restitution; or (ii) no  
15 home detention, one month of supervision, and thirty hours of community  
16 restitution;

17 (b) Juveniles with a prior criminal history score of three-quarters  
18 to one and one-half points shall be sentenced to a standard range  
19 sentence that includes no less than one day of detention, two days of  
20 home detention, two months of supervision, thirty hours of community  
21 restitution, and a one hundred fifty dollar fine; and

22 (c) Juveniles with a prior criminal history score of two or more  
23 points shall be sentenced to no less than three days of detention,  
24 seven days of home detention, three months of supervision, forty-five  
25 hours of community restitution, and a one hundred fifty dollar fine.

26 **Sec. 16.** RCW 9A.56.070 and 2003 c 53 s 72 are each amended to read  
27 as follows:

28 (1) A person is guilty of taking a motor vehicle without permission  
29 in the first degree if he or she, without the permission of the owner  
30 or person entitled to possession, intentionally takes or drives away an  
31 automobile or motor vehicle, whether propelled by steam, electricity,  
32 or internal combustion engine, that is the property of another, and he  
33 or she:

34 (a) Alters the motor vehicle for the purpose of changing its  
35 appearance or primary identification, including obscuring, removing, or  
36 changing the manufacturer's serial number or the vehicle identification  
37 number plates;



1 (b) Removes, or participates in the removal of, parts from the  
2 motor vehicle with the intent to sell the parts;

3 (c) Exports, or attempts to export, the motor vehicle across state  
4 lines or out of the United States for profit;

5 (d) Intends to sell the motor vehicle; or

6 (e) Is engaged in a conspiracy and the central object of the  
7 conspiratorial agreement is the theft of motor vehicles for sale to  
8 others for profit or is engaged in a conspiracy and has solicited a  
9 juvenile to participate in the theft of a motor vehicle.

10 (2) Taking a motor vehicle without permission in the first degree  
11 is a class B felony.

12 **Sec. 17.** RCW 9A.56.096 and 2003 c 53 s 77 are each amended to read  
13 as follows:

14 (1) A person who, with intent to deprive the owner or owner's  
15 agent, wrongfully obtains, or exerts unauthorized control over, or by  
16 color or aid of deception gains control of personal property that is  
17 rented ((~~or~~)), leased, or loaned by written agreement to the person, is  
18 guilty of theft of rental, leased, ((~~or~~)) lease-purchased, or loaned  
19 property.

20 (2) The finder of fact may presume intent to deprive if the finder  
21 of fact finds either of the following:

22 (a) That the person who rented or leased the property failed to  
23 return or make arrangements acceptable to the owner of the property or  
24 the owner's agent to return the property to the owner or the owner's  
25 agent within seventy-two hours after receipt of proper notice following  
26 the due date of the rental, lease, ((~~or~~)) lease-purchase, or loan  
27 agreement; or

28 (b) That the renter ((~~or~~)), lessee, or borrower presented  
29 identification to the owner or the owner's agent that was materially  
30 false, fictitious, or not current with respect to name, address, place  
31 of employment, or other appropriate items.

32 (3) As used in subsection (2) of this section, "proper notice"  
33 consists of a written demand by the owner or the owner's agent made  
34 after the due date of the rental, lease, ((~~or~~)) lease-purchase, or loan  
35 period, mailed by certified or registered mail to the renter ((~~or~~)),  
36 lessee, or borrower at: (a) The address the renter ((~~or~~)), lessee, or  
37 borrower gave when the contract was made; or (b) the renter ((~~or~~)),

1 lessee(~~(-s)~~), or borrower's last known address if later furnished in  
2 writing by the renter, lessee, borrower, or the agent of the renter  
3 (~~(or)~~), lessee, or borrower.

4 (4) The replacement value of the property obtained must be utilized  
5 in determining the amount involved in the theft of rental, leased,  
6 (~~(or)~~) lease-purchased, or loaned property.

7 (5)(a) Theft of rental, leased, (~~(or)~~) lease-purchased, or loaned  
8 property is a class B felony if the rental, leased, (~~(or)~~) lease-  
9 purchased, or loaned property is valued at one thousand five hundred  
10 dollars or more.

11 (b) Theft of rental, leased, (~~(or)~~) lease-purchased, or loaned  
12 property is a class C felony if the rental, leased, (~~(or)~~) lease-  
13 purchased, or loaned property is valued at two hundred fifty dollars or  
14 more but less than one thousand five hundred dollars.

15 (c) Theft of rental, leased, (~~(or)~~) lease-purchased, or loaned  
16 property is a gross misdemeanor if the rental, leased, (~~(or)~~) lease-  
17 purchased, or loaned property is valued at less than two hundred fifty  
18 dollars.

19 (6) This section applies to rental agreements that provide that the  
20 renter may return the property any time within the rental period and  
21 pay only for the time the renter actually retained the property, in  
22 addition to any minimum rental fee, to lease agreements, (~~(and)~~) to  
23 lease-purchase agreements as defined under RCW 63.19.010, and to  
24 vehicles loaned to prospective purchasers borrowing a vehicle by  
25 written agreement from a motor vehicle dealer licensed under chapter  
26 46.70 RCW. This section does not apply to rental or leasing of real  
27 property under the residential landlord-tenant act, chapter 59.18 RCW.

28 NEW SECTION. Sec. 18. A new section is added to chapter 9A.56 RCW  
29 to read as follows:

30 (1) Any person who makes or mends, or causes to be made or mended,  
31 uses, or has in his or her possession any motor vehicle theft tool,  
32 that is adapted, designed, or commonly used for the commission of motor  
33 vehicle related theft, under circumstances evincing an intent to use or  
34 employ, or allow the same to be used or employed, in the commission of  
35 motor vehicle theft, or knowing that the same is intended to be so  
36 used, is guilty of making or having motor vehicle theft tools.

1 (2) For the purpose of this section, motor vehicle theft tool  
2 includes, but is not limited to, the following: Slim jim, false master  
3 key, master purpose key, altered or shaved key, trial or jigglers key,  
4 slide hammer, lock puller, picklock, bit, nipper, any other implement  
5 shown by facts and circumstances that is intended to be used in the  
6 commission of a motor vehicle related theft, or knowing that the same  
7 is intended to be so used.

8 (3) For the purposes of this section, the following definitions  
9 apply:

10 (a) "False master" or "master key" is any key or other device made  
11 or altered to fit locks or ignitions of multiple vehicles, or vehicles  
12 other than that for which the key was originally manufactured.

13 (b) "Altered or shaved key" is any key so altered, by cutting,  
14 filing, or other means, to fit multiple vehicles or vehicles other than  
15 the vehicles for which the key was originally manufactured.

16 (c) "Trial keys" or "jiggler keys" are keys or sets designed or  
17 altered to manipulate a vehicle locking mechanism other than the lock  
18 for which the key was originally manufactured.

19 (4) Making or having motor vehicle theft tools is a gross  
20 misdemeanor.

21 NEW SECTION. **Sec. 19.** A new section is added to chapter 9A.56 RCW  
22 to read as follows:

23 (1) A person is guilty of taking a motor vehicle without permission  
24 in the third degree if:

25 (a) He or she, without the permission of the owner or person  
26 entitled to possession, intentionally takes or drives away any  
27 automobile or motor vehicle, whether propelled by steam, electricity,  
28 or internal combustion engine, that is the property of another, and has  
29 an established relationship with the owner of the automobile or motor  
30 vehicle; or

31 (b) He or she voluntarily rides in or upon the automobile or motor  
32 vehicle with knowledge of the fact that the automobile or motor vehicle  
33 was unlawfully taken, regardless of the relationship between the driver  
34 of the automobile or motor vehicle and the owner of the automobile or  
35 motor vehicle.

36 (2) Taking a motor vehicle in the third degree is a gross  
37 misdemeanor.

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

3        There is hereby created in the Washington association of sheriffs  
4    and police chiefs the Washington auto theft prevention authority which  
5    shall be under the direction of the executive director of the  
6    Washington association of sheriffs and police chiefs.

7        NEW SECTION.    **Sec. 21.**    (1) The Washington auto theft prevention  
8    authority is established. The authority shall consist of the following  
9    members, appointed by the governor:

10        (a) The executive director of the Washington association of  
11    sheriffs and police chiefs, or the executive director's designee;

12        (b) The chief of the Washington state patrol, or the chief's  
13    designee;

14        (c) Two police chiefs;

15        (d) Two sheriffs;

16        (e) One prosecuting attorney;

17        (f) A representative from the insurance industry who is responsible  
18    for writing property and casualty liability insurance in the state of  
19    Washington;

20        (g) A representative from the automobile industry; and

21        (h) One member of the general public.

22        (2) In addition, the authority may, where feasible, consult with  
23    other governmental entities or individuals from the public and private  
24    sector in carrying out its duties under this section.

25        NEW SECTION.    **Sec. 22.**    (1) The Washington auto theft prevention  
26    authority shall initially convene at the call of the executive director  
27    of the Washington association of sheriffs and police chiefs, or the  
28    executive director's designee, no later than the third Monday in  
29    January 2008. Subsequent meetings of the authority shall be at the  
30    call of the chair or seven members.

31        (2) The authority shall annually elect a chairperson and other such  
32    officers as it deems appropriate from its membership.

33        (3) Members of the authority shall serve terms of four years each  
34    on a staggered schedule to be established by the first authority. For  
35    purposes of initiating a staggered schedule of terms, some members of

1 the first authority may initially serve two years and some members may  
2 initially serve four years.

3 NEW SECTION. **Sec. 23.** (1) The Washington auto theft prevention  
4 authority may obtain or contract for staff services, including an  
5 executive director, and any facilities and equipment as the authority  
6 requires to carry out its duties.

7 (2) The director may enter into contracts with any public or  
8 private organization to carry out the purposes of this section and  
9 sections 21, 22, and 24 through 28 of this act.

10 (3) The authority shall review and make recommendations to the  
11 legislature and the governor regarding motor vehicle theft in  
12 Washington state. In preparing the recommendations, the authority  
13 shall, at a minimum, review the following issues:

14 (a) Determine the scope of the problem of motor vehicle theft,  
15 including:

16 (i) Particular areas of the state where the problem is the  
17 greatest;

18 (ii) Annual data reported by local law enforcement regarding the  
19 number of reported thefts, investigations, recovered vehicles, arrests,  
20 and convictions; and

21 (iii) An assessment of estimated funds needed to hire sufficient  
22 investigators to respond to all reported thefts.

23 (b) Analyze the various methods of combating the problem of motor  
24 vehicle theft;

25 (c) Develop and implement a plan of operation; and

26 (d) Develop and implement a financial plan.

27 (4) The authority is not a law enforcement agency and may not  
28 gather, collect, or disseminate intelligence information for the  
29 purpose of investigating specific crimes or pursuing or capturing  
30 specific perpetrators. Members of the authority may not exercise  
31 general authority peace officer powers while acting in their capacity  
32 as members of the authority, unless the exercise of peace officer  
33 powers is necessary to prevent an imminent threat to persons or  
34 property.

35 (5) The authority shall annually report its activities, findings,  
36 and recommendations during the preceding year to the legislature by  
37 December 31st.

1        NEW SECTION.    **Sec. 24.** The Washington auto theft prevention  
2 authority may solicit and accept gifts, grants, bequests, devises, or  
3 other funds from public and private sources to support its activities.

4        NEW SECTION.    **Sec. 25.** The governor may remove any member of the  
5 Washington auto theft prevention authority for cause including but not  
6 limited to neglect of duty, misconduct, malfeasance or misfeasance in  
7 office, or upon written request of two-thirds of the members of the  
8 authority under this chapter. Upon the death, resignation, or removal  
9 of a member, the governor shall appoint a replacement to fill the  
10 remainder of the unexpired term.

11       NEW SECTION.    **Sec. 26.** Members of the Washington auto theft  
12 prevention authority who are not public employees shall be compensated  
13 in accordance with RCW 43.03.250 and shall be reimbursed for travel  
14 expenses incurred in carrying out the duties of the authority in  
15 accordance with RCW 43.03.050 and 43.03.060.

16       NEW SECTION.    **Sec. 27.** Any member serving in their official  
17 capacity on the Washington auto theft prevention authority, or either  
18 their employer or employers, or other entity that selected the members  
19 to serve, are immune from a civil action based upon an act performed in  
20 good faith.

21       NEW SECTION.    **Sec. 28.** (1) The Washington auto theft prevention  
22 authority account is created in the custody of the state treasurer.  
23 All revenues from the traffic infraction surcharge in RCW  
24 46.63.110(7)(b) and all receipts from gifts, grants, bequests, devises,  
25 or other funds from public and private sources to support the  
26 activities of the auto theft prevention authority must be deposited  
27 into the account. Expenditures from the account may be used only for  
28 purposes of this act. Only the director of the authority or the  
29 director's designee may authorize expenditures from the account. The  
30 account is subject to allotment procedures under chapter 43.88 RCW, but  
31 an appropriation is not required for expenditures.

32       (2) The authority shall allocate moneys in the account to public  
33 agencies for the purpose of establishing, maintaining, and supporting  
34 programs that are designed to prevent motor vehicle theft, including:

1 (a) Financial support to prosecution agencies to increase the  
2 effectiveness of motor vehicle theft prosecution;

3 (b) Financial support to a unit of local government or a team  
4 consisting of units of local governments to increase the effectiveness  
5 of motor vehicle theft enforcement;

6 (c) Financial support for the procurement of equipment and  
7 technologies for use by law enforcement agencies for the purpose of  
8 enforcing motor vehicle theft laws; and

9 (d) Financial support for programs that are designed to educate and  
10 assist the public in the prevention of motor vehicle theft.

11 (3) The costs of administration shall not exceed ten percent of the  
12 moneys in the account in any one year so that the greatest possible  
13 portion of the moneys available to the authority is expended on  
14 combating motor vehicle theft.

15 (4) Prior to awarding any moneys from the Washington auto theft  
16 prevention authority account for motor vehicle theft enforcement, the  
17 auto theft prevention authority must verify that the financial award  
18 includes sufficient funding to cover proposed activities, which  
19 include, but are not limited to: (a) State, municipal, and county  
20 offender and juvenile confinement costs; (b) administration costs; (c)  
21 law enforcement costs; (d) prosecutor costs; and (e) court costs, with  
22 a priority being given to ensuring that sufficient funding is available  
23 to cover state, municipal, and county offender and juvenile confinement  
24 costs.

25 (5) Moneys expended from the Washington auto theft prevention  
26 authority account under subsection (2) of this section shall be used to  
27 supplement, not supplant, other moneys that are available for motor  
28 vehicle theft prevention.

29 (6) Grants provided under subsection (2) of this section constitute  
30 reimbursement for purposes of RCW 43.135.060(1).

31 **Sec. 29.** RCW 46.63.110 and 2005 c 413 s 2, 2005 c 320 s 2, and  
32 2005 c 288 s 8 are each reenacted and amended to read as follows:

33 (1) A person found to have committed a traffic infraction shall be  
34 assessed a monetary penalty. No penalty may exceed two hundred and  
35 fifty dollars for each offense unless authorized by this chapter or  
36 title.

1 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is  
2 two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is  
3 five hundred dollars for each offense. No penalty assessed under this  
4 subsection (2) may be reduced.

5 (3) The supreme court shall prescribe by rule a schedule of  
6 monetary penalties for designated traffic infractions. This rule shall  
7 also specify the conditions under which local courts may exercise  
8 discretion in assessing fines and penalties for traffic infractions.  
9 The legislature respectfully requests the supreme court to adjust this  
10 schedule every two years for inflation.

11 (4) There shall be a penalty of twenty-five dollars for failure to  
12 respond to a notice of traffic infraction except where the infraction  
13 relates to parking as defined by local law, ordinance, regulation, or  
14 resolution or failure to pay a monetary penalty imposed pursuant to  
15 this chapter. A local legislative body may set a monetary penalty not  
16 to exceed twenty-five dollars for failure to respond to a notice of  
17 traffic infraction relating to parking as defined by local law,  
18 ordinance, regulation, or resolution. The local court, whether a  
19 municipal, police, or district court, shall impose the monetary penalty  
20 set by the local legislative body.

21 (5) Monetary penalties provided for in chapter 46.70 RCW which are  
22 civil in nature and penalties which may be assessed for violations of  
23 chapter 46.44 RCW relating to size, weight, and load of motor vehicles  
24 are not subject to the limitation on the amount of monetary penalties  
25 which may be imposed pursuant to this chapter.

26 (6) Whenever a monetary penalty, fee, cost, assessment, or other  
27 monetary obligation is imposed by a court under this chapter it is  
28 immediately payable. If the court determines, in its discretion, that  
29 a person is not able to pay a monetary obligation in full, and not more  
30 than one year has passed since the later of July 1, 2005, or the date  
31 the monetary obligation initially became due and payable, the court  
32 shall enter into a payment plan with the person, unless the person has  
33 previously been granted a payment plan with respect to the same  
34 monetary obligation, or unless the person is in noncompliance of any  
35 existing or prior payment plan, in which case the court may, at its  
36 discretion, implement a payment plan. If the court has notified the  
37 department that the person has failed to pay or comply and the person  
38 has subsequently entered into a payment plan and made an initial



1 payment, the court shall notify the department that the infraction has  
2 been adjudicated, and the department shall rescind any suspension of  
3 the person's driver's license or driver's privilege based on failure to  
4 respond to that infraction. "Payment plan," as used in this section,  
5 means a plan that requires reasonable payments based on the financial  
6 ability of the person to pay. The person may voluntarily pay an amount  
7 at any time in addition to the payments required under the payment  
8 plan.

9 (a) If a payment required to be made under the payment plan is  
10 delinquent or the person fails to complete a community restitution  
11 program on or before the time established under the payment plan,  
12 unless the court determines good cause therefor and adjusts the payment  
13 plan or the community restitution plan accordingly, the court shall  
14 notify the department of the person's failure to meet the conditions of  
15 the plan, and the department shall suspend the person's driver's  
16 license or driving privilege until all monetary obligations, including  
17 those imposed under subsections (3) and (4) of this section, have been  
18 paid, and court authorized community restitution has been completed, or  
19 until the department has been notified that the court has entered into  
20 a new time payment or community restitution agreement with the person.

21 (b) If a person has not entered into a payment plan with the court  
22 and has not paid the monetary obligation in full on or before the time  
23 established for payment, the court shall notify the department of the  
24 delinquency. The department shall suspend the person's driver's  
25 license or driving privilege until all monetary obligations have been  
26 paid, including those imposed under subsections (3) and (4) of this  
27 section, or until the person has entered into a payment plan under this  
28 section.

29 (c) If the payment plan is to be administered by the court, the  
30 court may assess the person a reasonable administrative fee to be  
31 wholly retained by the city or county with jurisdiction. The  
32 administrative fee shall not exceed ten dollars per infraction or  
33 twenty-five dollars per payment plan, whichever is less.

34 (d) Nothing in this section precludes a court from contracting with  
35 outside entities to administer its payment plan system. When outside  
36 entities are used for the administration of a payment plan, the court  
37 may assess the person a reasonable fee for such administrative

1 services, which fee may be calculated on a periodic, percentage, or  
2 other basis.

3 (e) If a court authorized community restitution program for  
4 offenders is available in the jurisdiction, the court may allow  
5 conversion of all or part of the monetary obligations due under this  
6 section to court authorized community restitution in lieu of time  
7 payments if the person is unable to make reasonable time payments.

8 (7) In addition to any other penalties imposed under this section  
9 and not subject to the limitation of subsection (1) of this section, a  
10 person found to have committed a traffic infraction shall be assessed:

11 (a) A fee of five dollars per infraction. Under no circumstances  
12 shall this fee be reduced or waived. Revenue from this fee shall be  
13 forwarded to the state treasurer for deposit in the emergency medical  
14 services and trauma care system trust account under RCW 70.168.040; and

15 (b) A fee of ten dollars per infraction. Under no circumstances  
16 shall this fee be reduced or waived. Revenue from this fee shall be  
17 forwarded to the state treasurer for deposit in the Washington auto  
18 theft prevention authority account.

19 (8)(a) In addition to any other penalties imposed under this  
20 section and not subject to the limitation of subsection (1) of this  
21 section, a person found to have committed a traffic infraction other  
22 than of RCW 46.61.527 shall be assessed an additional penalty of twenty  
23 dollars. The court may not reduce, waive, or suspend the additional  
24 penalty unless the court finds the offender to be indigent. If a court  
25 authorized community restitution program for offenders is available in  
26 the jurisdiction, the court shall allow offenders to offset all or a  
27 part of the penalty due under this subsection (8) by participation in  
28 the court authorized community restitution program.

29 (b) Eight dollars and fifty cents of the additional penalty under  
30 (a) of this subsection shall be remitted to the state treasurer. The  
31 remaining revenue from the additional penalty must be remitted under  
32 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted  
33 under this subsection to the state treasurer must be deposited as  
34 provided in RCW 43.08.250. The balance of the revenue received by the  
35 county or city treasurer under this subsection must be deposited into  
36 the county or city current expense fund. Moneys retained by the city  
37 or county under this subsection shall constitute reimbursement for any  
38 liabilities under RCW 43.135.060.

1 (9) If a legal proceeding, such as garnishment, has commenced to  
2 collect any delinquent amount owed by the person for any penalty  
3 imposed by the court under this section, the court may, at its  
4 discretion, enter into a payment plan.

5 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two  
6 hundred fifty dollars for the first violation; (b) five hundred dollars  
7 for the second violation; and (c) seven hundred fifty dollars for each  
8 violation thereafter.

9 NEW SECTION. **Sec. 30.** This act shall be known as the Elizabeth  
10 Nowak-Washington auto theft prevention act.

11 NEW SECTION. **Sec. 31.** Sections 21 through 28 of this act  
12 constitute a new chapter in Title 46 RCW."

**E3SHB 1001** - S COMM AMD  
By Committee on Judiciary

**OUT OF ORDER 04/04/2007**

13 On page 1, line 1 of the title, after "theft;" strike the remainder  
14 of the title and insert "amending RCW 9A.56.030, 9A.56.040, 9A.56.150,  
15 9A.56.160, 9.94A.734, 13.40.0357, 13.40.210, 9A.56.070, and 9A.56.096;  
16 reenacting and amending RCW 9.94A.525, 9.94A.515, 13.40.160, and  
17 46.63.110; adding new sections to chapter 9A.56 RCW; adding new  
18 sections to chapter 13.40 RCW; adding a new section to chapter 36.28A  
19 RCW; adding a new chapter to Title 46 RCW; creating new sections; and  
20 prescribing penalties."

--- END ---