

E3SHB 1001 - S COMM AMD
By Committee on Ways & Means

ADOPTED 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 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**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
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		Firearms and Weapons	
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		Homicide	
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		Kidnapping	
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		Obstructing Governmental Operation	
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		Public Disturbance	
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		Sex Crimes	
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		Theft, Robbery, Extortion, and Forgery	
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	(C)	Taking Motor Vehicle Without Permission (D)	
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	<u>Theft of a Motor Vehicle (section 2 of this</u>	
2		<u>act)</u>	C
3		Motor Vehicle Related Crimes	
4	E	Driving Without a License (46.20.005)	E
5	B+	Hit and Run - Death (46.52.020(4)(a))	C+
6	C	Hit and Run - Injury (46.52.020(4)(b))	D
7	D	Hit and Run-Attended (46.52.020(5))	E
8	E	Hit and Run-Unattended (46.52.010)	E
9	C	Vehicular Assault (46.61.522)	D
10	C	Attempting to Elude Pursuing Police	
11		Vehicle (46.61.024)	D
12	E	Reckless Driving (46.61.500)	E
13	D	Driving While Under the Influence	
14		(46.61.502 and 46.61.504)	E
15	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		Other	
20	B	Animal Cruelty 1 (16.52.205)	C
21	B	Bomb Threat (9.61.160)	C
22	C	Escape 1 ¹ (9A.76.110)	C
23	C	Escape 2 ¹ (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)² V

¹Escape 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

²If 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
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B	LOCAL SANCTIONS (LS)	15-36 WEEKS	52-65 WEEKS
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1	C+	LS							
2									
3									
4	C	LS							
5									
6									
7	D+	LS							
8									
9	D	LS							
10									
11	E	LS							
12									
13									
14									
15									

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

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

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

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

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

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

OR

OPTION B

SUSPENDED DISPOSITION ALTERNATIVE

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or

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(~~or~~), 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 36.28A
22 RCW to read as follows:

23 There is hereby created in the Washington association of sheriffs
24 and police chiefs the Washington auto theft prevention authority which
25 shall be under the direction of the executive director of the
26 Washington association of sheriffs and police chiefs.

27 NEW SECTION. **Sec. 20.** (1) The Washington auto theft prevention
28 authority is established. The authority shall consist of the following
29 members, appointed by the governor:

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

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

34 (c) Two police chiefs;

35 (d) Two sheriffs;

36 (e) One prosecuting attorney;

1 (f) A representative from the insurance industry who is responsible
2 for writing property and casualty liability insurance in the state of
3 Washington;

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

5 (h) One member of the general public.

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

9 NEW SECTION. **Sec. 21.** (1) The Washington auto theft prevention
10 authority shall initially convene at the call of the executive director
11 of the Washington association of sheriffs and police chiefs, or the
12 executive director's designee, no later than the third Monday in
13 January 2008. Subsequent meetings of the authority shall be at the
14 call of the chair or seven members.

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

17 (3) Members of the authority shall serve terms of four years each
18 on a staggered schedule to be established by the first authority. For
19 purposes of initiating a staggered schedule of terms, some members of
20 the first authority may initially serve two years and some members may
21 initially serve four years.

22 NEW SECTION. **Sec. 22.** (1) The Washington auto theft prevention
23 authority may obtain or contract for staff services, including an
24 executive director, and any facilities and equipment as the authority
25 requires to carry out its duties.

26 (2) The director may enter into contracts with any public or
27 private organization to carry out the purposes of this section and
28 sections 20, 21, and 23 through 27 of this act.

29 (3) The authority shall review and make recommendations to the
30 legislature and the governor regarding motor vehicle theft in
31 Washington state. In preparing the recommendations, the authority
32 shall, at a minimum, review the following issues:

33 (a) Determine the scope of the problem of motor vehicle theft,
34 including:

35 (i) Particular areas of the state where the problem is the
36 greatest;

1 (ii) Annual data reported by local law enforcement regarding the
2 number of reported thefts, investigations, recovered vehicles, arrests,
3 and convictions; and

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

6 (b) Analyze the various methods of combating the problem of motor
7 vehicle theft;

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

9 (d) Develop and implement a financial plan.

10 (4) The authority is not a law enforcement agency and may not
11 gather, collect, or disseminate intelligence information for the
12 purpose of investigating specific crimes or pursuing or capturing
13 specific perpetrators. Members of the authority may not exercise
14 general authority peace officer powers while acting in their capacity
15 as members of the authority, unless the exercise of peace officer
16 powers is necessary to prevent an imminent threat to persons or
17 property.

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

21 NEW SECTION. **Sec. 23.** The Washington auto theft prevention
22 authority may solicit and accept gifts, grants, bequests, devises, or
23 other funds from public and private sources to support its activities.

24 NEW SECTION. **Sec. 24.** The governor may remove any member of the
25 Washington auto theft prevention authority for cause including but not
26 limited to neglect of duty, misconduct, malfeasance or misfeasance in
27 office, or upon written request of two-thirds of the members of the
28 authority under this chapter. Upon the death, resignation, or removal
29 of a member, the governor shall appoint a replacement to fill the
30 remainder of the unexpired term.

31 NEW SECTION. **Sec. 25.** Members of the Washington auto theft
32 prevention authority who are not public employees shall be compensated
33 in accordance with RCW 43.03.250 and shall be reimbursed for travel
34 expenses incurred in carrying out the duties of the authority in
35 accordance with RCW 43.03.050 and 43.03.060.

1 NEW SECTION. **Sec. 26.** Any member serving in their official
2 capacity on the Washington auto theft prevention authority, or either
3 their employer or employers, or other entity that selected the members
4 to serve, are immune from a civil action based upon an act performed in
5 good faith.

6 NEW SECTION. **Sec. 27.** (1) The Washington auto theft prevention
7 authority account is created in the state treasury, subject to
8 appropriation. All revenues from the traffic infraction surcharge in
9 RCW 46.63.110(7)(b) and all receipts from gifts, grants, bequests,
10 devises, or other funds from public and private sources to support the
11 activities of the auto theft prevention authority must be deposited
12 into the account. Expenditures from the account may be used only for
13 activities relating to motor vehicle theft, including education,
14 prevention, law enforcement, investigation, prosecution, and
15 confinement.

16 (2) The authority shall allocate moneys appropriated from the
17 account to public agencies for the purpose of establishing,
18 maintaining, and supporting programs that are designed to prevent motor
19 vehicle theft, including:

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

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

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

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

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

34 (4) Prior to awarding any moneys from the Washington auto theft
35 prevention authority account for motor vehicle theft enforcement, the
36 auto theft prevention authority must verify that the financial award
37 includes sufficient funding to cover proposed activities, which

1 include, but are not limited to: (a) State, municipal, and county
2 offender and juvenile confinement costs; (b) administration costs; (c)
3 law enforcement costs; (d) prosecutor costs; and (e) court costs, with
4 a priority being given to ensuring that sufficient funding is available
5 to cover state, municipal, and county offender and juvenile confinement
6 costs.

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

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

13 **Sec. 28.** RCW 46.63.110 and 2005 c 413 s 2, 2005 c 320 s 2, and
14 2005 c 288 s 8 are each reenacted and amended to read as follows:

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

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

23 (3) The supreme court shall prescribe by rule a schedule of
24 monetary penalties for designated traffic infractions. This rule shall
25 also specify the conditions under which local courts may exercise
26 discretion in assessing fines and penalties for traffic infractions.
27 The legislature respectfully requests the supreme court to adjust this
28 schedule every two years for inflation.

29 (4) There shall be a penalty of twenty-five dollars for failure to
30 respond to a notice of traffic infraction except where the infraction
31 relates to parking as defined by local law, ordinance, regulation, or
32 resolution or failure to pay a monetary penalty imposed pursuant to
33 this chapter. A local legislative body may set a monetary penalty not
34 to exceed twenty-five dollars for failure to respond to a notice of
35 traffic infraction relating to parking as defined by local law,
36 ordinance, regulation, or resolution. The local court, whether a

1 municipal, police, or district court, shall impose the monetary penalty
2 set by the local legislative body.

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

8 (6) Whenever a monetary penalty, fee, cost, assessment, or other
9 monetary obligation is imposed by a court under this chapter it is
10 immediately payable. If the court determines, in its discretion, that
11 a person is not able to pay a monetary obligation in full, and not more
12 than one year has passed since the later of July 1, 2005, or the date
13 the monetary obligation initially became due and payable, the court
14 shall enter into a payment plan with the person, unless the person has
15 previously been granted a payment plan with respect to the same
16 monetary obligation, or unless the person is in noncompliance of any
17 existing or prior payment plan, in which case the court may, at its
18 discretion, implement a payment plan. If the court has notified the
19 department that the person has failed to pay or comply and the person
20 has subsequently entered into a payment plan and made an initial
21 payment, the court shall notify the department that the infraction has
22 been adjudicated, and the department shall rescind any suspension of
23 the person's driver's license or driver's privilege based on failure to
24 respond to that infraction. "Payment plan," as used in this section,
25 means a plan that requires reasonable payments based on the financial
26 ability of the person to pay. The person may voluntarily pay an amount
27 at any time in addition to the payments required under the payment
28 plan.

29 (a) If a payment required to be made under the payment plan is
30 delinquent or the person fails to complete a community restitution
31 program on or before the time established under the payment plan,
32 unless the court determines good cause therefor and adjusts the payment
33 plan or the community restitution plan accordingly, the court shall
34 notify the department of the person's failure to meet the conditions of
35 the plan, and the department shall suspend the person's driver's
36 license or driving privilege until all monetary obligations, including
37 those imposed under subsections (3) and (4) of this section, have been

1 paid, and court authorized community restitution has been completed, or
2 until the department has been notified that the court has entered into
3 a new time payment or community restitution agreement with the person.

4 (b) If a person has not entered into a payment plan with the court
5 and has not paid the monetary obligation in full on or before the time
6 established for payment, the court shall notify the department of the
7 delinquency. The department shall suspend the person's driver's
8 license or driving privilege until all monetary obligations have been
9 paid, including those imposed under subsections (3) and (4) of this
10 section, or until the person has entered into a payment plan under this
11 section.

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

17 (d) Nothing in this section precludes a court from contracting with
18 outside entities to administer its payment plan system. When outside
19 entities are used for the administration of a payment plan, the court
20 may assess the person a reasonable fee for such administrative
21 services, which fee may be calculated on a periodic, percentage, or
22 other basis.

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

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

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

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

1 (8)(a) In addition to any other penalties imposed under this
2 section and not subject to the limitation of subsection (1) of this
3 section, a person found to have committed a traffic infraction other
4 than of RCW 46.61.527 shall be assessed an additional penalty of twenty
5 dollars. The court may not reduce, waive, or suspend the additional
6 penalty unless the court finds the offender to be indigent. If a court
7 authorized community restitution program for offenders is available in
8 the jurisdiction, the court shall allow offenders to offset all or a
9 part of the penalty due under this subsection (8) by participation in
10 the court authorized community restitution program.

11 (b) Eight dollars and fifty cents of the additional penalty under
12 (a) of this subsection shall be remitted to the state treasurer. The
13 remaining revenue from the additional penalty must be remitted under
14 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
15 under this subsection to the state treasurer must be deposited as
16 provided in RCW 43.08.250. The balance of the revenue received by the
17 county or city treasurer under this subsection must be deposited into
18 the county or city current expense fund. Moneys retained by the city
19 or county under this subsection shall constitute reimbursement for any
20 liabilities under RCW 43.135.060.

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

25 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
26 hundred fifty dollars for the first violation; (b) five hundred dollars
27 for the second violation; and (c) seven hundred fifty dollars for each
28 violation thereafter.

29 NEW SECTION. **Sec. 29.** This act shall be known as the Elizabeth
30 Nowak-Washington auto theft prevention act.

31 NEW SECTION. **Sec. 30.** Sections 20 through 27 of this act
32 constitute a new chapter in Title 46 RCW."

ADOPTED 04/04/2007

1 On page 1, line 1 of the title, after "theft;" strike the remainder
2 of the title and insert "amending RCW 9A.56.030, 9A.56.040, 9A.56.150,
3 9A.56.160, 9.94A.734, 13.40.0357, 13.40.210, 9A.56.070, and 9A.56.096;
4 reenacting and amending RCW 9.94A.525, 9.94A.515, 13.40.160, and
5 46.63.110; adding new sections to chapter 9A.56 RCW; adding new
6 sections to chapter 13.40 RCW; adding a new section to chapter 36.28A
7 RCW; adding a new chapter to Title 46 RCW; creating new sections; and
8 prescribing penalties."

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