
SUBSTITUTE HOUSE BILL 1001

State of Washington

60th Legislature

2007 Regular Session

By House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Lovick, Priest, McCoy, Pearson, Kirby, Ross, Hunt, Skinner, Simpson, Newhouse, O'Brien, Armstrong, Ericks, Moeller, Miloscia, Grant, Sells, Green, Eickmeyer, Takko, Kelley, B. Sullivan, Hudgins, Cody, Haigh, Morrell, Chase, Ormsby, Kessler, Blake, Conway, Chandler, P. Sullivan, McDonald, Rodne, Haler, Jarrett, Roach, Walsh, Kristiansen, Wallace, McDermott, Condotta, VanDeWege, Dunshee, McCune, Kenney, Schual-Berke, Hinkle, Bailey, Lantz, Warnick, Upthegrove, Alexander, Campbell and Rolfes)

READ FIRST TIME 02/06/07.

1 AN ACT Relating to auto theft; amending RCW 9A.56.030, 9A.56.040,
2 9A.56.150, 9A.56.160, 9.94A.734, 13.40.0357, 13.40.038, 13.40.210, and
3 9A.56.096; reenacting and amending RCW 9.94A.525, 9.94A.515, and
4 46.63.110; adding new sections to chapter 9A.56 RCW; adding a new
5 section to chapter 13.40 RCW; adding a new chapter to Title 46 RCW;
6 creating new sections; and prescribing penalties.

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

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

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

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

15 (c) Law enforcement has determined that auto theft, along with all
16 the grief it causes the immediate victims, is linked more and more to
17 offenders engaged in other crimes. Many stolen vehicles are used by
18 criminals involved in such crimes as robbery, burglary, and assault.
19 In addition, many people who are stopped in stolen vehicles are found
20 to possess the personal identification of other persons, or to possess
21 methamphetamine, precursors to methamphetamine, or equipment used to
22 cook methamphetamine;

23 (d) Juveniles account for over half of the reported auto thefts
24 with many of these thefts being their first criminal offense. It is
25 critical that they, along with first time adult offenders, are
26 appropriately punished for their crimes. However, it is also important
27 that first time offenders who qualify receive appropriate counseling
28 treatment for associated problems that may have contributed to the
29 commission of the crime, such as drugs, alcohol, and anger management;
30 and

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

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

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

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

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

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

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

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

20 (b) Property of any value other than a firearm as defined in RCW
21 9.41.010 or a motor vehicle taken from the person of another; or

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

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

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

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

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

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

1 (c) An access device(~~(; or~~
2 ~~(d) A motor vehicle, of a value less than one thousand five hundred~~
3 ~~dollars))).~~

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

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

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

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

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

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

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

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

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

22 (a) He or she possesses stolen property other than a firearm as
23 defined in RCW 9.41.010 or a motor vehicle which exceeds two hundred
24 fifty dollars in value but does not exceed one thousand five hundred
25 dollars in value; or

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

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

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

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

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

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

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

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

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

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

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

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

31 (e) If the present conviction is felony driving while under the
32 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or
33 felony physical control of a vehicle while under the influence of
34 intoxicating liquor or any drug (RCW 46.61.504(6)), prior convictions
35 of felony driving while under the influence of intoxicating liquor or
36 any drug, felony physical control of a vehicle while under the
37 influence of intoxicating liquor or any drug, and serious traffic
38 offenses shall be included in the offender score if: (i) The prior

1 convictions were committed within five years since the last date of
2 release from confinement (including full-time residential treatment) or
3 entry of judgment and sentence; or (ii) the prior convictions would be
4 considered "prior offenses within ten years" as defined in RCW
5 46.61.5055.

6 (f) This subsection applies to both adult and juvenile prior
7 convictions.

8 (3) Out-of-state convictions for offenses shall be classified
9 according to the comparable offense definitions and sentences provided
10 by Washington law. Federal convictions for offenses shall be
11 classified according to the comparable offense definitions and
12 sentences provided by Washington law. If there is no clearly
13 comparable offense under Washington law or the offense is one that is
14 usually considered subject to exclusive federal jurisdiction, the
15 offense shall be scored as a class C felony equivalent if it was a
16 felony under the relevant federal statute.

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

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

23 (i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to
24 encompass the same criminal conduct, shall be counted as one offense,
25 the offense that yields the highest offender score. The current
26 sentencing court shall determine with respect to other prior adult
27 offenses for which sentences were served concurrently or prior juvenile
28 offenses for which sentences were served consecutively, whether those
29 offenses shall be counted as one offense or as separate offenses using
30 the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and
31 if the court finds that they shall be counted as one offense, then the
32 offense that yields the highest offender score shall be used. The
33 current sentencing court may presume that such other prior offenses
34 were not the same criminal conduct from sentences imposed on separate
35 dates, or in separate counties or jurisdictions, or in separate
36 complaints, indictments, or informations;

37 (ii) In the case of multiple prior convictions for offenses
38 committed before July 1, 1986, for the purpose of computing the

1 offender score, count all adult convictions served concurrently as one
2 offense, and count all juvenile convictions entered on the same date as
3 one offense. Use the conviction for the offense that yields the
4 highest offender score.

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

11 (6) If the present conviction is one of the anticipatory offenses
12 of criminal attempt, solicitation, or conspiracy, count each prior
13 conviction as if the present conviction were for a completed offense.
14 When these convictions are used as criminal history, score them the
15 same as a completed crime.

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

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

26 (9) If the present conviction is for a serious violent offense,
27 count three points for prior adult and juvenile convictions for crimes
28 in this category, two points for each prior adult and juvenile violent
29 conviction (not already counted), one point for each prior adult
30 nonviolent felony conviction, and 1/2 point for each prior juvenile
31 nonviolent felony conviction.

32 (10) If the present conviction is for Burglary 1, count prior
33 convictions as in subsection (8) of this section; however count two
34 points for each prior adult Burglary 2 or residential burglary
35 conviction, and one point for each prior juvenile Burglary 2 or
36 residential burglary conviction.

37 (11) If the present conviction is for a felony traffic offense
38 count two points for each adult or juvenile prior conviction for

1 Vehicular Homicide or Vehicular Assault; for each felony offense count
2 one point for each adult and 1/2 point for each juvenile prior
3 conviction; for each serious traffic offense, other than those used for
4 an enhancement pursuant to RCW 46.61.520(2), count one point for each
5 adult and 1/2 point for each juvenile prior conviction.

6 (12) If the present conviction is for manufacture of
7 methamphetamine count three points for each adult prior manufacture of
8 methamphetamine conviction and two points for each juvenile manufacture
9 of methamphetamine offense. If the present conviction is for a drug
10 offense and the offender has a criminal history that includes a sex
11 offense or serious violent offense, count three points for each adult
12 prior felony drug offense conviction and two points for each juvenile
13 drug offense. All other adult and juvenile felonies are scored as in
14 subsection (8) of this section if the current drug offense is violent,
15 or as in subsection (7) of this section if the current drug offense is
16 nonviolent.

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

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

24 (15) If the present conviction is for Burglary 2 or residential
25 burglary, count priors as in subsection (7) of this section; however,
26 count two points for each adult and juvenile prior Burglary 1
27 conviction, two points for each adult prior Burglary 2 or residential
28 burglary conviction, and one point for each juvenile prior Burglary 2
29 or residential burglary conviction.

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

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

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

3 (19) If the present conviction is for Theft of a Motor Vehicle,
4 Possession of a Stolen Vehicle, Taking a Motor Vehicle Without
5 Permission 1, or Taking a Motor Vehicle Without Permission 2, count
6 priors as in subsections (7) through (18) of this section; however
7 count one point for prior convictions of Vehicle Prowling 2, and three
8 points for each adult and juvenile prior Theft of a Motor Vehicle,
9 Possession of a Stolen Vehicle, Taking a Motor Vehicle Without
10 Permission 1, or Taking a Motor Vehicle Without Permission 2
11 conviction.

12 (20) The fact that a prior conviction was not included in an
13 offender's offender score or criminal history at a previous sentencing
14 shall have no bearing on whether it is included in the criminal history
15 or offender score for the current offense. Accordingly, prior
16 convictions that were not counted in the offender score or included in
17 criminal history under repealed or previous versions of the sentencing
18 reform act shall be included in criminal history and shall count in the
19 offender score if the current version of the sentencing reform act
20 requires including or counting those convictions.

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

23 (1) Home detention may not be imposed for offenders convicted of:

24 (a) A violent offense;

25 (b) Any sex offense;

26 (c) Any drug offense;

27 (d) Reckless burning in the first or second degree as defined in
28 RCW 9A.48.040 or 9A.48.050;

29 (e) Assault in the third degree as defined in RCW 9A.36.031;

30 (f) Assault of a child in the third degree;

31 (g) Unlawful imprisonment as defined in RCW 9A.40.040; or

32 (h) Harassment as defined in RCW 9A.46.020.

33 Home detention may be imposed for offenders convicted of possession of
34 a controlled substance under RCW 69.50.4013 or forged prescription for
35 a controlled substance under RCW 69.50.403 if the offender fulfills the
36 participation conditions set forth in this section and is monitored for

1 drug use by a treatment alternatives to street crime program or a
2 comparable court or agency-referred program.

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

6 (a) Successfully completing twenty-one days in a work release
7 program;

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

11 (c) Having no convictions for a violent felony offense during the
12 preceding two years and not more than two prior convictions for a
13 violent felony offense;

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

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

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

21 (a) Having no convictions for taking a motor vehicle without
22 permission, theft of a motor vehicle or possession of a stolen motor
23 vehicle during the preceding five years and not more than two prior
24 convictions for taking a motor vehicle without permission, theft of a
25 motor vehicle or possession of a stolen motor vehicle;

26 (b) Having no convictions for a violent felony offense during the
27 preceding two years and not more than two prior convictions for a
28 violent felony offense;

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

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

31 (4) Participation in a home detention program shall be conditioned
32 upon:

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

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

1 (c) Compliance with court-ordered legal financial obligations. The
2 home detention program may also be made available to offenders whose
3 charges and convictions do not otherwise disqualify them if medical or
4 health-related conditions, concerns or treatment would be better
5 addressed under the home detention program, or where the health and
6 welfare of the offender, other inmates, or staff would be jeopardized
7 by the offender's incarceration. Participation in the home detention
8 program for medical or health-related reasons is conditioned on the
9 offender abiding by the rules of the home detention program and
10 complying with court-ordered restitution.

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

14

15 TABLE 2
16 CRIMES INCLUDED WITHIN
17 EACH SERIOUSNESS LEVEL

18	XVI	Aggravated Murder 1 (RCW 10.95.020)
19	XV	Homicide by abuse (RCW 9A.32.055)
20		Malicious explosion 1 (RCW 21 70.74.280(1))
22		Murder 1 (RCW 9A.32.030)
23	XIV	Murder 2 (RCW 9A.32.050)
24		Trafficking 1 (RCW 9A.40.100(1))
25	XIII	Malicious explosion 2 (RCW 26 70.74.280(2))
27		Malicious placement of an explosive 1 28 (RCW 70.74.270(1))
29	XII	Assault 1 (RCW 9A.36.011)
30		Assault of a Child 1 (RCW 9A.36.120)
31		Malicious placement of an imitation 32 device 1 (RCW 70.74.272(1)(a))
33		Rape 1 (RCW 9A.44.040)
34		Rape of a Child 1 (RCW 9A.44.073)
35		Trafficking 2 (RCW 9A.40.100(2))

1 XI Manslaughter 1 (RCW 9A.32.060)
2 Rape 2 (RCW 9A.44.050)
3 Rape of a Child 2 (RCW 9A.44.076)
4 X Child Molestation 1 (RCW 9A.44.083)
5 Indecent Liberties (with forcible
6 compulsion) (RCW
7 9A.44.100(1)(a))
8 Kidnapping 1 (RCW 9A.40.020)
9 Leading Organized Crime (RCW
10 9A.82.060(1)(a))
11 Malicious explosion 3 (RCW
12 70.74.280(3))
13 Sexually Violent Predator Escape
14 (RCW 9A.76.115)
15 IX Abandonment of Dependent Person 1
16 (RCW 9A.42.060)
17 Assault of a Child 2 (RCW 9A.36.130)
18 Criminal Mistreatment 1 (RCW
19 9A.42.020)
20 Explosive devices prohibited (RCW
21 70.74.180)
22 Hit and Run--Death (RCW
23 46.52.020(4)(a))
24 Homicide by Watercraft, by being
25 under the influence of intoxicating
26 liquor or any drug (RCW
27 79A.60.050)
28 Inciting Criminal Profiteering (RCW
29 9A.82.060(1)(b))
30 Malicious placement of an explosive 2
31 (RCW 70.74.270(2))
32 Robbery 1 (RCW 9A.56.200)
33 Sexual Exploitation (RCW 9.68A.040)
34 Vehicular Homicide, by being under
35 the influence of intoxicating liquor
36 or any drug (RCW 46.61.520)
37 VIII Arson 1 (RCW 9A.48.020)

1 Homicide by Watercraft, by the
2 operation of any vessel in a
3 reckless manner (RCW
4 79A.60.050)
5 Manslaughter 2 (RCW 9A.32.070)
6 Promoting Prostitution 1 (RCW
7 9A.88.070)
8 Theft of Ammonia (RCW 69.55.010)
9 Vehicular Homicide, by the operation
10 of any vehicle in a reckless manner
11 (RCW 46.61.520)
12 VII Burglary 1 (RCW 9A.52.020)
13 Child Molestation 2 (RCW 9A.44.086)
14 Civil Disorder Training (RCW
15 9A.48.120)
16 Dealing in depictions of minor engaged
17 in sexually explicit conduct (RCW
18 9.68A.050)
19 Drive-by Shooting (RCW 9A.36.045)
20 Homicide by Watercraft, by disregard
21 for the safety of others (RCW
22 79A.60.050)
23 Indecent Liberties (without forcible
24 compulsion) (RCW 9A.44.100(1)
25 (b) and (c))
26 Introducing Contraband 1 (RCW
27 9A.76.140)
28 Malicious placement of an explosive 3
29 (RCW 70.74.270(3))
30 Negligently Causing Death By Use of a
31 Signal Preemption Device (RCW
32 46.37.675)
33 Sending, bringing into state depictions
34 of minor engaged in sexually
35 explicit conduct (RCW 9.68A.060)
36 Unlawful Possession of a Firearm in
37 the first degree (RCW 9.41.040(1))

1 Use of a Machine Gun in Commission
2 of a Felony (RCW 9A.41.225)
3 Vehicular Homicide, by disregard for
4 the safety of others (RCW
5 46.61.520)
6 VI Bail Jumping with Murder 1 (RCW
7 9A.76.170(3)(a))
8 Bribery (RCW 9A.68.010)
9 Incest 1 (RCW 9A.64.020(1))
10 Intimidating a Judge (RCW 9A.72.160)
11 Intimidating a Juror/Witness (RCW
12 9A.72.110, 9A.72.130)
13 Malicious placement of an imitation
14 device 2 (RCW 70.74.272(1)(b))
15 Possession of Depictions of a Minor
16 Engaged in Sexually Explicit
17 Conduct (RCW 9.68A.070)
18 Rape of a Child 3 (RCW 9A.44.079)
19 Theft of a Firearm (RCW 9A.56.300)
20 Unlawful Storage of Ammonia (RCW
21 69.55.020)
22 V Abandonment of Dependent Person 2
23 (RCW 9A.42.070)
24 Advancing money or property for
25 extortionate extension of credit
26 (RCW 9A.82.030)
27 Bail Jumping with class A Felony
28 (RCW 9A.76.170(3)(b))
29 Child Molestation 3 (RCW 9A.44.089)
30 Criminal Mistreatment 2 (RCW
31 9A.42.030)
32 Custodial Sexual Misconduct 1 (RCW
33 9A.44.160)

1 Domestic Violence Court Order
2 Violation (RCW 10.99.040,
3 10.99.050, 26.09.300, 26.10.220,
4 26.26.138, 26.50.110, 26.52.070,
5 or 74.34.145)
6 Driving While Under the Influence
7 (RCW 46.61.502(6))
8 Extortion 1 (RCW 9A.56.120)
9 Extortionate Extension of Credit (RCW
10 9A.82.020)
11 Extortionate Means to Collect
12 Extensions of Credit (RCW
13 9A.82.040)
14 Incest 2 (RCW 9A.64.020(2))
15 Kidnapping 2 (RCW 9A.40.030)
16 Perjury 1 (RCW 9A.72.020)
17 Persistent prison misbehavior (RCW
18 9.94.070)
19 Physical Control of a Vehicle While
20 Under the Influence (RCW
21 46.61.504(6))
22 Possession of a Stolen Firearm (RCW
23 9A.56.310)
24 Rape 3 (RCW 9A.44.060)
25 Rendering Criminal Assistance 1
26 (RCW 9A.76.070)
27 Sexual Misconduct with a Minor 1
28 (RCW 9A.44.093)
29 Sexually Violating Human Remains
30 (RCW 9A.44.105)
31 Stalking (RCW 9A.46.110)
32 Taking Motor Vehicle Without
33 Permission 1 (RCW 9A.56.070)
34 IV Arson 2 (RCW 9A.48.030)
35 Assault 2 (RCW 9A.36.021)

1 Assault 3 (of a Peace Officer with a
2 Projectile Stun Gun) (RCW
3 9A.36.031(1)(h))
4 Assault by Watercraft (RCW
5 79A.60.060)
6 Bribing a Witness/Bribe Received by
7 Witness (RCW 9A.72.090,
8 9A.72.100)
9 Cheating 1 (RCW 9.46.1961)
10 Commercial Bribery (RCW 9A.68.060)
11 Counterfeiting (RCW 9.16.035(4))
12 Endangerment with a Controlled
13 Substance (RCW 9A.42.100)
14 Escape 1 (RCW 9A.76.110)
15 Hit and Run--Injury (RCW
16 46.52.020(4)(b))
17 Hit and Run with Vessel--Injury
18 Accident (RCW 79A.60.200(3))
19 Identity Theft 1 (RCW 9.35.020(2))
20 Indecent Exposure to Person Under
21 Age Fourteen (subsequent sex
22 offense) (RCW 9A.88.010)
23 Influencing Outcome of Sporting Event
24 (RCW 9A.82.070)
25 Malicious Harassment (RCW
26 9A.36.080)
27 Residential Burglary (RCW
28 9A.52.025)
29 Robbery 2 (RCW 9A.56.210)
30 Theft of Livestock 1 (RCW 9A.56.080)
31 Threats to Bomb (RCW 9.61.160)
32 Trafficking in Stolen Property 1 (RCW
33 9A.82.050)
34 Unlawful factoring of a credit card or
35 payment card transaction (RCW
36 9A.56.290(4)(b))

1 Unlawful transaction of health
2 coverage as a health care service
3 contractor (RCW 48.44.016(3))
4 Unlawful transaction of health
5 coverage as a health maintenance
6 organization (RCW 48.46.033(3))
7 Unlawful transaction of insurance
8 business (RCW 48.15.023(3))
9 Unlicensed practice as an insurance
10 professional (RCW 48.17.063(3))
11 Use of Proceeds of Criminal
12 Profiteering (RCW 9A.82.080 (1)
13 and (2))
14 Vehicular Assault, by being under the
15 influence of intoxicating liquor or
16 any drug, or by the operation or
17 driving of a vehicle in a reckless
18 manner (RCW 46.61.522)
19 Willful Failure to Return from
20 Furlough (RCW 72.66.060)
21 III Animal Cruelty 1 (Sexual Conduct or
22 Contact) (RCW 16.52.205(3))
23 Assault 3 (Except Assault 3 of a Peace
24 Officer With a Projectile Stun
25 Gun) (RCW 9A.36.031 except
26 subsection (1)(h))
27 Assault of a Child 3 (RCW 9A.36.140)
28 Bail Jumping with class B or C Felony
29 (RCW 9A.76.170(3)(c))
30 Burglary 2 (RCW 9A.52.030)
31 Communication with a Minor for
32 Immoral Purposes (RCW
33 9.68A.090)
34 Criminal Gang Intimidation (RCW
35 9A.46.120)
36 Custodial Assault (RCW 9A.36.100)

1 Cyberstalking (subsequent conviction
2 or threat of death) (RCW
3 9.61.260(3))
4 Escape 2 (RCW 9A.76.120)
5 Extortion 2 (RCW 9A.56.130)
6 Harassment (RCW 9A.46.020)
7 Intimidating a Public Servant (RCW
8 9A.76.180)
9 Introducing Contraband 2 (RCW
10 9A.76.150)
11 Malicious Injury to Railroad Property
12 (RCW 81.60.070)
13 Negligently Causing Substantial Bodily
14 Harm By Use of a Signal
15 Preemption Device (RCW
16 46.37.674)
17 Organized Retail Theft 1 (RCW
18 9A.56.350(2))
19 Patronizing a Juvenile Prostitute (RCW
20 9.68A.100)
21 Perjury 2 (RCW 9A.72.030)
22 Possession of Incendiary Device (RCW
23 9.40.120)
24 Possession of Machine Gun or Short-
25 Barreled Shotgun or Rifle (RCW
26 9.41.190)
27 Promoting Prostitution 2 (RCW
28 9A.88.080)
29 (~~[[Retail]]~~) Retail Theft with
30 Extenuating Circumstances 1
31 (RCW 9A.56.360(2))
32 Securities Act violation (RCW
33 21.20.400)
34 Tampering with a Witness (RCW
35 9A.72.120)

1 Telephone Harassment (subsequent
2 conviction or threat of death)
3 (RCW 9.61.230(2))
4 Theft of Livestock 2 (RCW 9A.56.083)
5 Theft with the Intent to Resell 1 (RCW
6 9A.56.340(2))
7 Trafficking in Stolen Property 2 (RCW
8 9A.82.055)
9 Unlawful Imprisonment (RCW
10 9A.40.040)
11 Unlawful possession of firearm in the
12 second degree (RCW 9.41.040(2))
13 Vehicular Assault, by the operation or
14 driving of a vehicle with disregard
15 for the safety of others (RCW
16 46.61.522)
17 Willful Failure to Return from Work
18 Release (RCW 72.65.070)
19 II Computer Trespass 1 (RCW
20 9A.52.110)
21 Counterfeiting (RCW 9.16.035(3))
22 Escape from Community Custody
23 (RCW 72.09.310)
24 Failure to Register as a Sex Offender
25 (second or subsequent offense)
26 (RCW 9A.44.130(10)(a))
27 Health Care False Claims (RCW
28 48.80.030)
29 Identity Theft 2 (RCW 9.35.020(3))
30 Improperly Obtaining Financial
31 Information (RCW 9.35.010)
32 Malicious Mischief 1 (RCW
33 9A.48.070)
34 Organized Retail Theft 2 (RCW
35 9A.56.350(3))
36 Possession of Stolen Property 1 (RCW
37 9A.56.150)

1 Possession of a Stolen Vehicle (section
2 5 of this act)
3 ~~((Retail))~~ Retail Theft with
4 Extenuating Circumstances 2
5 (RCW 9A.56.360(3))
6 Theft 1 (RCW 9A.56.030)
7 Theft of a Motor Vehicle (section 2 of
8 this act)
9 Theft of Rental, Leased, or Lease-
10 purchased Property (valued at one
11 thousand five hundred dollars or
12 more) (RCW 9A.56.096(5)(a))
13 Theft with the Intent to Resell 2 (RCW
14 9A.56.340(3))
15 Trafficking in Insurance Claims (RCW
16 48.30A.015)
17 Unlawful factoring of a credit card or
18 payment card transaction (RCW
19 9A.56.290(4)(a))
20 Unlawful Practice of Law (RCW
21 2.48.180)
22 Unlicensed Practice of a Profession or
23 Business (RCW 18.130.190(7))
24 Voyeurism (RCW 9A.44.115)
25 I Attempting to Elude a Pursuing Police
26 Vehicle (RCW 46.61.024)
27 False Verification for Welfare (RCW
28 74.08.055)
29 Forgery (RCW 9A.60.020)
30 Fraudulent Creation or Revocation of a
31 Mental Health Advance Directive
32 (RCW 9A.60.060)
33 Malicious Mischief 2 (RCW
34 9A.48.080)
35 Mineral Trespass (RCW 78.44.330)
36 Possession of Stolen Property 2 (RCW
37 9A.56.160)

1 Reckless Burning 1 (RCW 9A.48.040)
2 Taking Motor Vehicle Without
3 Permission 2 (RCW 9A.56.075)
4 Theft 2 (RCW 9A.56.040)
5 Theft of Rental, Leased, or Lease-
6 purchased Property (valued at two
7 hundred fifty dollars or more but
8 less than one thousand five
9 hundred dollars) (RCW
10 9A.56.096(5)(b))
11 Transaction of insurance business
12 beyond the scope of licensure
13 (RCW 48.17.063(4))
14 Unlawful Issuance of Checks or Drafts
15 (RCW 9A.56.060)
16 Unlawful Possession of Fictitious
17 Identification (RCW 9A.56.320)
18 Unlawful Possession of Instruments of
19 Financial Fraud (RCW 9A.56.320)
20 Unlawful Possession of Payment
21 Instruments (RCW 9A.56.320)
22 Unlawful Possession of a Personal
23 Identification Device (RCW
24 9A.56.320)
25 Unlawful Production of Payment
26 Instruments (RCW 9A.56.320)
27 Unlawful Trafficking in Food Stamps
28 (RCW 9.91.142)
29 Unlawful Use of Food Stamps (RCW
30 9.91.144)
31 Vehicle Prowl 1 (RCW 9A.52.095)

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

34 **DESCRIPTION AND OFFENSE CATEGORY**

1		JUVENILE DISPOSITION
2	JUVENILE	CATEGORY FOR
3	DISPOSITION	ATTEMPT, BAILJUMP,
4	OFFENSE	CONSPIRACY, OR
5	CATEGORY	DESCRIPTION (RCW CITATION)
6		SOLICITATION
7	
	Arson and Malicious Mischief	
8	A	Arson 1 (9A.48.020) B+
9	B	Arson 2 (9A.48.030) C
10	C	Reckless Burning 1 (9A.48.040) D
11	D	Reckless Burning 2 (9A.48.050) E
12	B	Malicious Mischief 1 (9A.48.070) C
13	C	Malicious Mischief 2 (9A.48.080) D
14	D	Malicious Mischief 3 (9A.48.090(2) (a) and
15		(c)) E
16	E	Malicious Mischief 3 (9A.48.090(2)(b)) E
17	E	Tampering with Fire Alarm Apparatus
18		(9.40.100) E
19	E	Tampering with Fire Alarm Apparatus with
20		Intent to Commit Arson (9.40.105) E
21	A	Possession of Incendiary Device (9.40.120) B+
22	Assault and Other Crimes Involving	
23	Physical Harm	
24	A	Assault 1 (9A.36.011) B+
25	B+	Assault 2 (9A.36.021) C+
26	C+	Assault 3 (9A.36.031) D+
27	D+	Assault 4 (9A.36.041) E
28	B+	Drive-By Shooting (9A.36.045) C+
29	D+	Reckless Endangerment (9A.36.050) E
30	C+	Promoting Suicide Attempt (9A.36.060) D+
31	D+	Coercion (9A.36.070) E
32	C+	Custodial Assault (9A.36.100) D+
33	Burglary and Trespass	
34	B+	Burglary 1 (9A.52.020) C+
35	B	Residential Burglary (9A.52.025) C
36	B	Burglary 2 (9A.52.030) C
37	D	Burglary Tools (Possession of) (9A.52.060) E

1	D	Criminal Trespass 1 (9A.52.070)	E
2	E	Criminal Trespass 2 (9A.52.080)	E
3	C	Mineral Trespass (78.44.330)	C
4	C	Vehicle Prowling 1 (9A.52.095)	D
5	D	Vehicle Prowling 2 (9A.52.100)	E
6		Drugs	
7	E	Possession/Consumption of Alcohol	
8		(66.44.270)	E
9	C	Illegally Obtaining Legend Drug	
10		(69.41.020)	D
11	C+	Sale, Delivery, Possession of Legend Drug	
12		with Intent to Sell (69.41.030(2)(a))	D+
13	E	Possession of Legend Drug	
14		(69.41.030(2)(b))	E
15	B+	Violation of Uniform Controlled Substances	
16		Act - Narcotic, Methamphetamine, or	
17		Flunitrazepam Sale (69.50.401(2) (a) or	
18		(b))	B+
19	C	Violation of Uniform Controlled Substances	
20		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
21	E	Possession of Marihuana <40 grams	
22		(69.50.4014)	E
23	C	Fraudulently Obtaining Controlled	
24		Substance (69.50.403)	C
25	C+	Sale of Controlled Substance for Profit	
26		(69.50.410)	C+
27	E	Unlawful Inhalation (9.47A.020)	E
28	B	Violation of Uniform Controlled Substances	
29		Act - Narcotic, Methamphetamine, or	
30		Flunitrazepam Counterfeit Substances	
31		(69.50.4011(2) (a) or (b))	B
32	C	Violation of Uniform Controlled Substances	
33		Act - Nonnarcotic Counterfeit Substances	
34		(69.50.4011(2) (c), (d), or (e))	C
35	C	Violation of Uniform Controlled Substances	
36		Act - Possession of a Controlled Substance	
37		(69.50.4013)	C

1	C	Violation of Uniform Controlled Substances	
2		Act - Possession of a Controlled Substance	
3		(69.50.4012)	C
4		Firearms and Weapons	
5	B	Theft of Firearm (9A.56.300)	C
6	B	Possession of Stolen Firearm (9A.56.310)	C
7	E	Carrying Loaded Pistol Without Permit	
8		(9.41.050)	E
9	C	Possession of Firearms by Minor (<18)	
10		(9.41.040(2)(a)(iii))	C
11	D+	Possession of Dangerous Weapon	
12		(9.41.250)	E
13	D	Intimidating Another Person by use of	
14		Weapon (9.41.270)	E
15		Homicide	
16	A+	Murder 1 (9A.32.030)	A
17	A+	Murder 2 (9A.32.050)	B+
18	B+	Manslaughter 1 (9A.32.060)	C+
19	C+	Manslaughter 2 (9A.32.070)	D+
20	B+	Vehicular Homicide (46.61.520)	C+
21		Kidnapping	
22	A	Kidnap 1 (9A.40.020)	B+
23	B+	Kidnap 2 (9A.40.030)	C+
24	C+	Unlawful Imprisonment (9A.40.040)	D+
25		Obstructing Governmental Operation	
26	D	Obstructing a Law Enforcement Officer	
27		(9A.76.020)	E
28	E	Resisting Arrest (9A.76.040)	E
29	B	Introducing Contraband 1 (9A.76.140)	C
30	C	Introducing Contraband 2 (9A.76.150)	D
31	E	Introducing Contraband 3 (9A.76.160)	E
32	B+	Intimidating a Public Servant (9A.76.180)	C+
33	B+	Intimidating a Witness (9A.72.110)	C+
34		Public Disturbance	
35	C+	Riot with Weapon (9A.84.010(2)(b))	D+
36	D+	Riot Without Weapon (9A.84.010(2)(a))	E

1	E	Failure to Disperse (9A.84.020)	E
2	E	Disorderly Conduct (9A.84.030)	E
3		Sex Crimes	
4	A	Rape 1 (9A.44.040)	B+
5	A-	Rape 2 (9A.44.050)	B+
6	C+	Rape 3 (9A.44.060)	D+
7	A-	Rape of a Child 1 (9A.44.073)	B+
8	B+	Rape of a Child 2 (9A.44.076)	C+
9	B	Incest 1 (9A.64.020(1))	C
10	C	Incest 2 (9A.64.020(2))	D
11	D+	Indecent Exposure (Victim <14)	
12		(9A.88.010)	E
13	E	Indecent Exposure (Victim 14 or over)	
14		(9A.88.010)	E
15	B+	Promoting Prostitution 1 (9A.88.070)	C+
16	C+	Promoting Prostitution 2 (9A.88.080)	D+
17	E	O & A (Prostitution) (9A.88.030)	E
18	B+	Indecent Liberties (9A.44.100)	C+
19	A-	Child Molestation 1 (9A.44.083)	B+
20	B	Child Molestation 2 (9A.44.086)	C+
21		Theft, Robbery, Extortion, and Forgery	
22	B	Theft 1 (9A.56.030)	C
23	C	Theft 2 (9A.56.040)	D
24	D	Theft 3 (9A.56.050)	E
25	B	Theft of Livestock 1 and 2 (9A.56.080 and	
26		9A.56.083)	C
27	C	Forgery (9A.60.020)	D
28	A	Robbery 1 (9A.56.200)	B+
29	B+	Robbery 2 (9A.56.210)	C+
30	B+	Extortion 1 (9A.56.120)	C+
31	C+	Extortion 2 (9A.56.130)	D+
32	C	Identity Theft 1 (9.35.020(2))	D
33	D	Identity Theft 2 (9.35.020(3))	E
34	D	Improperly Obtaining Financial Information	
35		(9.35.010)	E
36	<u>B</u>	<u>Possession of a Stolen Vehicle (section 5 of</u>	
37		<u>this act)</u>	<u>C</u>

1	B	Possession of Stolen Property 1	
2		(9A.56.150)	C
3	C	Possession of Stolen Property 2	
4		(9A.56.160)	D
5	D	Possession of Stolen Property 3	
6		(9A.56.170)	E
7	((C))	Taking Motor Vehicle Without Permission ((D))	
8	B	1 ((and 2)) (9A.56.070 ((and 9A.56.075)))	C
9	B	<u>Taking Motor Vehicle Without Permission</u>	
10		<u>2 (9A.56.075)</u>	C
11	B	<u>Theft of a Motor Vehicle (section 2 of this</u>	
12		<u>act)</u>	C
13		Motor Vehicle Related Crimes	
14	E	Driving Without a License (46.20.005)	E
15	B+	Hit and Run - Death (46.52.020(4)(a))	C+
16	C	Hit and Run - Injury (46.52.020(4)(b))	D
17	D	Hit and Run-Attended (46.52.020(5))	E
18	E	Hit and Run-Unattended (46.52.010)	E
19	C	Vehicular Assault (46.61.522)	D
20	C	Attempting to Elude Pursuing Police	
21		Vehicle (46.61.024)	D
22	E	Reckless Driving (46.61.500)	E
23	D	Driving While Under the Influence	
24		(46.61.502 and 46.61.504)	E
25	B+	Felony Driving While Under the Influence	
26		(46.61.502(6))	B
27	B+	Felony Physical Control of a Vehicle While	
28		Under the Influence (46.61.504(6))	B
29		Other	
30	B	Animal Cruelty 1 (16.52.205)	C
31	B	Bomb Threat (9.61.160)	C
32	C	Escape 1 ¹ (9A.76.110)	C
33	C	Escape 2 ¹ (9A.76.120)	C
34	D	Escape 3 (9A.76.130)	E
35	E	Obscene, Harassing, Etc., Phone Calls	
36		(9.61.230)	E

- 1 A Other Offense Equivalent to an Adult Class
- 2 A Felony B+
- 3 B Other Offense Equivalent to an Adult Class
- 4 B Felony C
- 5 C Other Offense Equivalent to an Adult Class
- 6 C Felony D
- 7 D Other Offense Equivalent to an Adult Gross
- 8 Misdemeanor E
- 9 E Other Offense Equivalent to an Adult
- 10 Misdemeanor E
- 11 V Violation of Order of Restitution,
- 12 Community Supervision, or Confinement
- 13 (13.40.200)² V

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

16 1st escape or attempted escape during 12-month period - 4 weeks
 17 confinement

18 2nd escape or attempted escape during 12-month period - 8 weeks
 19 confinement

20 3rd and subsequent escape or attempted escape during 12-month
 21 period - 12 weeks confinement

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

24 **JUVENILE SENTENCING STANDARDS**

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

27 **OPTION A**

28 **JUVENILE OFFENDER SENTENCING GRID**

29 **STANDARD RANGE**

30 A+ 180 WEEKS TO AGE 21 YEARS

31

32 A 103 WEEKS TO 129 WEEKS

33

34 A- 15-36 | 52-65 | 80-100 | 103-129
 35 WEEKS | WEEKS | WEEKS | WEEKS

1		EXCEPT			
2		30-40			
3		WEEKS FOR			
4		15-17			
5		YEAR OLDS			
6					
7	Current	B+	15-36	52-65	80-100
8	Offense		WEEKS	WEEKS	WEEKS
9	Category				
10		B	LOCAL		52-65
11			SANCTIONS (LS)	15-36 WEEKS	WEEKS
12					
13		C+	LS		
14				15-36 WEEKS	
15					
16		C	LS		15-36 WEEKS
17			Local Sanctions:		
18			0 to 30 Days		
19		D+	LS	0 to 12 Months Community Supervision	
20				0 to 150 Hours Community Restitution	
21		D	LS	\$0 to \$500 Fine	
22					
23		E	LS		
24					
25				0	1
26				2	3
27				4	or more
				PRIOR ADJUDICATIONS	

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

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

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

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

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

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

4 OR

5 OPTION B

6 SUSPENDED DISPOSITION ALTERNATIVE

7 (1) If the offender is subject to a standard range disposition
8 involving confinement by the department, the court may impose the
9 standard range and suspend the disposition on condition that the
10 offender comply with one or more local sanctions and any educational or
11 treatment requirement. The treatment programs provided to the offender
12 must be research-based best practice programs as identified by the
13 Washington state institute for public policy or the joint legislative
14 audit and review committee.

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

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

20 (a) Adjudicated of an A+ offense;

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

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

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

26 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
27 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW
28 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential
29 burglary (RCW 9A.52.025), burglary in the second degree (RCW
30 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW
31 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a
32 witness (RCW 9A.72.110), violation of the uniform controlled substances
33 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),
34 when the offense includes infliction of bodily harm upon another or
35 when during the commission or immediate withdrawal from the offense the
36 respondent was armed with a deadly weapon;

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

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

4 OR

5 **OPTION C**

6 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

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

11 OR

12 **OPTION D**

13 **MANIFEST INJUSTICE**

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

17 **Sec. 12.** RCW 13.40.038 and 1992 c 205 s 105 are each amended to
18 read as follows:

19 It is the policy of this state that all county juvenile detention
20 facilities provide a humane, safe, and rehabilitative environment and
21 that unadjudicated youth remain in the community whenever possible,
22 consistent with public safety and the provisions of chapter 13.40 RCW.

23 The counties shall develop and implement detention intake standards
24 and risk assessment standards to determine whether detention is
25 warranted and if so whether the juvenile should be placed in secure,
26 nonsecure, or home detention to implement the goals of this section.
27 Additionally, in any case where a juvenile is arrested for an offense
28 involving theft of a motor vehicle as defined under section 2 of this
29 act, possession of a stolen motor vehicle as defined under section 5 of
30 this act, taking a motor vehicle without permission in the first degree
31 as defined in RCW 9A.56.070(1), or taking a motor vehicle without
32 permission in the second degree as defined in RCW 9A.56.075(1), the
33 juvenile shall be given a risk assessment to determine whether the
34 juvenile is in need of treatment. Inability to pay for a less
35 restrictive detention placement shall not be a basis for denying a

1 respondent a less restrictive placement in the community. The
2 detention and risk assessment standards shall be developed and
3 implemented no later than December 31, 1992.

4 NEW SECTION. **Sec. 13.** A new section is added to chapter 13.40 RCW
5 to read as follows:

6 (1) If a respondent is adjudicated of an offense involving theft of
7 a motor vehicle as defined under section 2 of this act, possession of
8 a stolen motor vehicle as defined under section 5 of this act, or
9 taking a motor vehicle without permission in the first degree as
10 defined in RCW 9A.56.070, the court shall impose a standard range as
11 follows:

12 (a) Juveniles with no prior adjudications of an offense involving
13 theft of a motor vehicle, possession of a stolen motor vehicle, or
14 taking a motor vehicle without permission 1 or 2, shall be sentenced to
15 no less than five days home detention, forty-five hours of community
16 service, and a two hundred dollar fine;

17 (b) Juveniles with one prior adjudication of an offense involving
18 theft of a motor vehicle, possession of a stolen motor vehicle, or
19 taking a motor vehicle without permission 1 or 2, shall be sentenced to
20 no less than ten days detention, ninety hours of community service, and
21 a four hundred dollar fine; and

22 (c) Juveniles with two or more prior adjudications of an offense
23 involving theft of a motor vehicle, possession of a stolen motor
24 vehicle, or taking a motor vehicle without permission 1 or 2, shall be
25 sentenced to no less than 15-36 weeks confinement, seven days home
26 detention, four months supervision, ninety hours of community service,
27 and a four hundred dollar fine.

28 (2) If a respondent is adjudicated of an offense involving taking
29 a motor vehicle without permission in the second degree as defined in
30 RCW 9A.56.075, the court shall impose a standard range as follows:

31 (a) Juveniles with no prior adjudications of an offense involving
32 theft of a motor vehicle, possession of a stolen motor vehicle, or
33 taking a motor vehicle without permission 1 or 2, shall be sentenced to
34 no less than one day home detention, one month supervision, fifteen
35 hours of community service, and a fifty dollar fine;

36 (b) Juveniles with one prior adjudication of an offense involving
37 theft of a motor vehicle, possession of a stolen motor vehicle, or

1 taking a motor vehicle without permission 1 or 2, shall be sentenced to
2 no less than one day detention, two days home detention, two months
3 supervision, thirty hours of community service, and a one hundred fifty
4 dollar fine; and

5 (c) Juveniles with two or more prior adjudications of an offense
6 involving theft of a motor vehicle, possession of a stolen motor
7 vehicle, or taking a motor vehicle without permission 1 or 2, shall be
8 sentenced to no less than three days detention, seven days home
9 detention, three months supervision, forty-five hours of community
10 service, and a one hundred fifty dollar fine.

11 **Sec. 14.** RCW 13.40.210 and 2002 c 175 s 27 are each amended to
12 read as follows:

13 (1) The secretary shall set a release date for each juvenile
14 committed to its custody. The release date shall be within the
15 prescribed range to which a juvenile has been committed under RCW
16 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning
17 offenders the department determines are eligible for the juvenile
18 offender basic training camp program. Such dates shall be determined
19 prior to the expiration of sixty percent of a juvenile's minimum term
20 of confinement included within the prescribed range to which the
21 juvenile has been committed. The secretary shall release any juvenile
22 committed to the custody of the department within four calendar days
23 prior to the juvenile's release date or on the release date set under
24 this chapter. Days spent in the custody of the department shall be
25 tolled by any period of time during which a juvenile has absented
26 himself or herself from the department's supervision without the prior
27 approval of the secretary or the secretary's designee.

28 (2) The secretary shall monitor the average daily population of the
29 state's juvenile residential facilities. When the secretary concludes
30 that in-residence population of residential facilities exceeds one
31 hundred five percent of the rated bed capacity specified in statute, or
32 in absence of such specification, as specified by the department in
33 rule, the secretary may recommend reductions to the governor. On
34 certification by the governor that the recommended reductions are
35 necessary, the secretary has authority to administratively release a
36 sufficient number of offenders to reduce in-residence population to one
37 hundred percent of rated bed capacity. The secretary shall release

1 those offenders who have served the greatest proportion of their
2 sentence. However, the secretary may deny release in a particular case
3 at the request of an offender, or if the secretary finds that there is
4 no responsible custodian, as determined by the department, to whom to
5 release the offender, or if the release of the offender would pose a
6 clear danger to society. The department shall notify the committing
7 court of the release at the time of release if any such early releases
8 have occurred as a result of excessive in-residence population. In no
9 event shall an offender adjudicated of a violent offense be granted
10 release under the provisions of this subsection.

11 (3)(a) Following the release of any juvenile under subsection (1)
12 of this section, the secretary may require the juvenile to comply with
13 a program of parole to be administered by the department in his or her
14 community which shall last no longer than eighteen months, except that
15 in the case of a juvenile sentenced for rape in the first or second
16 degree, rape of a child in the first or second degree, child
17 molestation in the first degree, or indecent liberties with forcible
18 compulsion, the period of parole shall be twenty-four months and, in
19 the discretion of the secretary, may be up to thirty-six months when
20 the secretary finds that an additional period of parole is necessary
21 and appropriate in the interests of public safety or to meet the
22 ongoing needs of the juvenile. A parole program is mandatory for
23 offenders released under subsection (2) of this section and for
24 offenders who receive a juvenile residential commitment sentence under
25 section 13 of this act. The decision to place an offender on parole
26 shall be based on an assessment by the department of the offender's
27 risk for reoffending upon release. The department shall prioritize
28 available parole resources to provide supervision and services to
29 offenders at moderate to high risk for reoffending.

30 (b) The secretary shall, for the period of parole, facilitate the
31 juvenile's reintegration into his or her community and to further this
32 goal shall require the juvenile to refrain from possessing a firearm or
33 using a deadly weapon and refrain from committing new offenses and may
34 require the juvenile to: (i) Undergo available medical, psychiatric,
35 drug and alcohol, sex offender, mental health, and other offense-
36 related treatment services; (ii) report as directed to a parole officer
37 and/or designee; (iii) pursue a course of study, vocational training,
38 or employment; (iv) notify the parole officer of the current address

1 where he or she resides; (v) be present at a particular address during
2 specified hours; (vi) remain within prescribed geographical boundaries;
3 (vii) submit to electronic monitoring; (viii) refrain from using
4 illegal drugs and alcohol, and submit to random urinalysis when
5 requested by the assigned parole officer; (ix) refrain from contact
6 with specific individuals or a specified class of individuals; (x) meet
7 other conditions determined by the parole officer to further enhance
8 the juvenile's reintegration into the community; (xi) pay any court-
9 ordered fines or restitution; and (xii) perform community restitution.
10 Community restitution for the purpose of this section means compulsory
11 service, without compensation, performed for the benefit of the
12 community by the offender. Community restitution may be performed
13 through public or private organizations or through work crews.

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

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

28 (4)(a) The department may also modify parole for violation thereof.
29 If, after affording a juvenile all of the due process rights to which
30 he or she would be entitled if the juvenile were an adult, the
31 secretary finds that a juvenile has violated a condition of his or her
32 parole, the secretary shall order one of the following which is
33 reasonably likely to effectuate the purpose of the parole and to
34 protect the public: (i) Continued supervision under the same
35 conditions previously imposed; (ii) intensified supervision with
36 increased reporting requirements; (iii) additional conditions of
37 supervision authorized by this chapter; (iv) except as provided in
38 (a)(v) and (vi) of this subsection, imposition of a period of

1 confinement not to exceed thirty days in a facility operated by or
2 pursuant to a contract with the state of Washington or any city or
3 county for a portion of each day or for a certain number of days each
4 week with the balance of the days or weeks spent under supervision; (v)
5 the secretary may order any of the conditions or may return the
6 offender to confinement for the remainder of the sentence range if the
7 offense for which the offender was sentenced is rape in the first or
8 second degree, rape of a child in the first or second degree, child
9 molestation in the first degree, indecent liberties with forcible
10 compulsion, or a sex offense that is also a serious violent offense as
11 defined by RCW 9.94A.030; and (vi) the secretary may order any of the
12 conditions or may return the offender to confinement for the remainder
13 of the sentence range if the youth has completed the basic training
14 camp program as described in RCW 13.40.320.

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

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

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

28 **Sec. 15.** RCW 9A.56.096 and 2003 c 53 s 77 are each amended to read
29 as follows:

30 (1) A person who, with intent to deprive the owner or owner's
31 agent, wrongfully obtains, or exerts unauthorized control over, or by
32 color or aid of deception gains control of personal property that is
33 rented (~~((~~or~~))~~), leased, or loaned by written agreement to the person, is
34 guilty of theft of rental, leased, (~~((~~or~~))~~) lease-purchased, or loaned
35 property.

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

1 (a) That the person who rented or leased the property failed to
2 return or make arrangements acceptable to the owner of the property or
3 the owner's agent to return the property to the owner or the owner's
4 agent within seventy-two hours after receipt of proper notice following
5 the due date of the rental, lease, ~~((or))~~ lease-purchase, or loan
6 agreement; or

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

11 (3) As used in subsection (2) of this section, "proper notice"
12 consists of a written demand by the owner or the owner's agent made
13 after the due date of the rental, lease, ~~((or))~~ lease-purchase, or loan
14 period, mailed by certified or registered mail to the renter ~~((or))~~,
15 lessee, or borrower at: (a) The address the renter ~~((or))~~, lessee, or
16 borrower gave when the contract was made; or (b) the renter ~~((or))~~,
17 lessee~~((or))~~, or borrower's last known address if later furnished in
18 writing by the renter, lessee, borrower, or the agent of the renter
19 ~~((or))~~, lessee, or borrower.

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

23 (5)(a) Theft of rental, leased, ~~((or))~~ lease-purchased, or loaned
24 property is a class B felony if the rental, leased, ~~((or))~~ lease-
25 purchased, or loaned property is valued at one thousand five hundred
26 dollars or more.

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

31 (c) Theft of rental, leased, ~~((or))~~ lease-purchased, or loaned
32 property is a gross misdemeanor if the rental, leased, ~~((or))~~ lease-
33 purchased, or loaned property is valued at less than two hundred fifty
34 dollars.

35 (6) This section applies to rental agreements that provide that the
36 renter may return the property any time within the rental period and
37 pay only for the time the renter actually retained the property, in
38 addition to any minimum rental fee, to lease agreements, ~~((and))~~ to

1 lease-purchase agreements as defined under RCW 63.19.010, and to
2 vehicles loaned to prospective purchasers borrowing a vehicle by
3 written agreement from a motor vehicle dealer licensed under chapter
4 46.70 RCW. This section does not apply to rental or leasing of real
5 property under the residential landlord-tenant act, chapter 59.18 RCW.

6 NEW SECTION. Sec. 16. A new section is added to chapter 9A.56 RCW
7 to read as follows:

8 (1) Any person who makes or mends, or causes to be made or mended,
9 uses, or has in his or her possession any motor vehicle theft tool,
10 that is adapted, designed, or commonly used for the commission of motor
11 vehicle related theft, under circumstances evincing an intent to use or
12 employ, or allow the same to be used or employed, in the commission of
13 motor vehicle theft, or knowing that the same is intended to be so
14 used, is guilty of making or having motor vehicle theft tools.

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

22 (3) For the purposes of this section, the following definitions
23 apply:

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

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

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

33 (4) Making or having motor vehicle theft tools is a gross
34 misdemeanor.

35 NEW SECTION. Sec. 17. (1) The Washington auto theft prevention

1 authority is established. The authority shall consist of the following
2 members, appointed by the governor:

3 (a) The chief of the Washington state patrol, or the chief's
4 designee;

5 (b) Two police chiefs;

6 (c) Two sheriffs;

7 (d) One prosecuting attorney;

8 (e) A representative from the insurance industry who is responsible
9 for writing property and casualty liability insurance in the state of
10 Washington;

11 (f) A representative from the automobile industry; and

12 (g) One member of the general public.

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

16 NEW SECTION. **Sec. 18.** (1) The Washington auto theft prevention
17 authority shall initially convene at the call of the chief of the
18 Washington state patrol, or the chief's designee, no later than the
19 third Monday in January 2008. Subsequent meetings of the authority
20 shall be at the call of the chair or seven members.

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

23 (3) Members of the authority shall serve terms of four years each
24 on a staggered schedule to be established by the first authority. For
25 purposes of initiating a staggered schedule of terms, some members of
26 the first authority may initially serve two years and some members may
27 initially serve four years.

28 NEW SECTION. **Sec. 19.** (1) The Washington auto theft prevention
29 authority may obtain or contract for staff services, including an
30 executive director, and any facilities and equipment as the authority
31 requires to carry out its duties.

32 (2) The director may enter into contracts with any public or
33 private organization to carry out the purposes of this section and
34 sections 17, 18, and 20 through 24 of this act.

35 (3) The authority shall review and make recommendations to the

1 legislature and the governor regarding motor vehicle theft in
2 Washington state. In preparing the recommendations, the authority
3 shall, at a minimum, review the following issues:

4 (a) Determine the scope of the problem of motor vehicle theft,
5 including particular areas of the state where the problem is the
6 greatest;

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

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

10 (d) Develop and implement a financial plan.

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

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

22 NEW SECTION. **Sec. 20.** The Washington auto theft prevention
23 authority may solicit and accept gifts, grants, bequests, devises, or
24 other funds from public and private sources to support its activities.

25 NEW SECTION. **Sec. 21.** The governor may remove any member of the
26 Washington auto theft prevention authority for cause including but not
27 limited to neglect of duty, misconduct, malfeasance or misfeasance in
28 office, or upon written request of two-thirds of the members of the
29 authority under this chapter. Upon the death, resignation, or removal
30 of a member, the governor shall appoint a replacement to fill the
31 remainder of the unexpired term.

32 NEW SECTION. **Sec. 22.** Members of the Washington auto theft
33 prevention authority who are not public employees shall be compensated
34 in accordance with RCW 43.03.250 and shall be reimbursed for travel

1 expenses incurred in carrying out the duties of the authority in
2 accordance with RCW 43.03.050 and 43.03.060.

3 NEW SECTION. **Sec. 23.** Any member serving in their official
4 capacity on the Washington auto theft prevention authority, or either
5 their employer or employers, or other entity that selected the members
6 to serve, are immune from a civil action based upon an act performed in
7 good faith.

8 NEW SECTION. **Sec. 24.** (1) The Washington auto theft prevention
9 authority account is created in the custody of the state treasurer.
10 All revenues from the traffic infraction surcharge in RCW
11 46.63.110(7)(b) and all receipts from gifts, grants, bequests, devises,
12 or other funds from public and private sources to support the
13 activities of the auto theft prevention authority must be deposited
14 into the account. Expenditures from the account may be used only for
15 purposes of this act. Only the director of the authority or the
16 director's designee may authorize expenditures from the account. The
17 account is subject to allotment procedures under chapter 43.88 RCW, but
18 an appropriation is not required for expenditures.

19 (2) The authority shall distribute moneys in the account as
20 follows:

21 (a) Fifty percent to the department of corrections, the juvenile
22 rehabilitation administration, and counties and municipalities to fund
23 their respective increased costs of incarceration related to the
24 sentencing changes in sections 1 through 16 of this act;

25 (b) Fifty percent to be used by the auto theft prevention authority
26 as follows:

27 (i) Ten percent for administration of the authority; and

28 (ii) Of the remaining amount:

29 (A) Fifty percent to counties for diversion programs targeted to
30 youth involved in motor vehicle theft-related offenses in order to
31 provide drug, alcohol, and mental health assessments and treatment as
32 appropriate; and

33 (B) Fifty percent for grants to be awarded by the authority to
34 public agencies for the purpose of establishing, maintaining, and
35 supporting programs that are designed to prevent and prosecute motor
36 vehicle theft-related offenses, including:

1 (I) Grants to counties and municipalities to increase the
2 effectiveness of motor vehicle theft prosecution;

3 (II) Grants to local governments or teams of local governments to
4 increase the effectiveness of motor vehicle theft enforcement;

5 (III) Grants to law enforcement agencies for the procurement of
6 equipment and technologies for use by law enforcement agencies for the
7 purpose of enforcing motor vehicle theft laws; and

8 (IV) Grants to local governments for programs that are designed to
9 educate and assist the public in the prevention of motor vehicle theft.

10 (3) Moneys expended from the Washington auto theft prevention
11 authority account under subsection (2)(b)(ii) of this section shall be
12 used to supplement, not supplant, other moneys that are available for
13 motor vehicle theft prevention.

14 (4) Grants provided under subsection (2)(b)(ii) of this section
15 constitute reimbursement for purposes of RCW 43.135.060(1).

16 **Sec. 25.** RCW 46.63.110 and 2005 c 413 s 2, 2005 c 320 s 2, and
17 2005 c 288 s 8 are each reenacted and amended to read as follows:

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

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

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

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

1 traffic infraction relating to parking as defined by local law,
2 ordinance, regulation, or resolution. The local court, whether a
3 municipal, police, or district court, shall impose the monetary penalty
4 set by the local legislative body.

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

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

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

1 those imposed under subsections (3) and (4) of this section, have been
2 paid, and court authorized community restitution has been completed, or
3 until the department has been notified that the court has entered into
4 a new time payment or community restitution agreement with the person.

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

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

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

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

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

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

36 (b) A fee of ten dollars per infraction. Under no circumstances
37 shall this fee be reduced or waived. Revenue from this fee shall be

1 forwarded to the state treasurer for deposit in the Washington auto
2 theft prevention authority account.

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

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

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

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

31 NEW SECTION. Sec. 26. This act shall be known as the Elizabeth
32 Nowak-Washington auto theft prevention act.

33 NEW SECTION. Sec. 27. Sections 17 through 24 of this act
34 constitute a new chapter in Title 46 RCW.

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