

**SUBSTITUTE HOUSE BILL 2551**

**State of Washington                      60th Legislature                      2008 Regular Session**

**By House Human Services (originally sponsored by Representatives Dickerson, Appleton, McCoy, Roberts, Kenney, and Kagi)**

READ FIRST TIME 01/28/08.

1            AN ACT Relating to expanding the types of treatment programs  
2 provided under the suspended disposition alternative for juveniles; and  
3 amending RCW 13.40.0357.

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

5            **Sec. 1.** RCW 13.40.0357 and 2007 c 199 s 11 are each amended to  
6 read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

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

**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
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1	B	Arson 2 (9A.48.030)	C
2	C	Reckless Burning 1 (9A.48.040)	D
3	D	Reckless Burning 2 (9A.48.050)	E
4	B	Malicious Mischief 1 (9A.48.070)	C
5	C	Malicious Mischief 2 (9A.48.080)	D
6	D	Malicious Mischief 3 (9A.48.090(2) (a) and	
7		(c))	E
8	E	Malicious Mischief 3 (9A.48.090(2)(b))	E
9	E	Tampering with Fire Alarm Apparatus	
10		(9.40.100)	E
11	E	Tampering with Fire Alarm Apparatus with	
12		Intent to Commit Arson (9.40.105)	E
13	A	Possession of Incendiary Device (9.40.120)	B+
14		<b>Assault and Other Crimes Involving</b>	
15		<b>Physical Harm</b>	
16	A	Assault 1 (9A.36.011)	B+
17	B+	Assault 2 (9A.36.021)	C+
18	C+	Assault 3 (9A.36.031)	D+
19	D+	Assault 4 (9A.36.041)	E
20	B+	Drive-By Shooting (9A.36.045)	C+
21	D+	Reckless Endangerment (9A.36.050)	E
22	C+	Promoting Suicide Attempt (9A.36.060)	D+
23	D+	Coercion (9A.36.070)	E
24	C+	Custodial Assault (9A.36.100)	D+
25		<b>Burglary and Trespass</b>	
26	B+	Burglary 1 (9A.52.020)	C+
27	B	Residential Burglary (9A.52.025)	C
28	B	Burglary 2 (9A.52.030)	C
29	D	Burglary Tools (Possession of) (9A.52.060)	E
30	D	Criminal Trespass 1 (9A.52.070)	E
31	E	Criminal Trespass 2 (9A.52.080)	E
32	C	Mineral Trespass (78.44.330)	C
33	C	Vehicle Prowling 1 (9A.52.095)	D
34	D	Vehicle Prowling 2 (9A.52.100)	E
35		<b>Drugs</b>	

1	E	Possession/Consumption of Alcohol	
2		(66.44.270)	E
3	C	Illegally Obtaining Legend Drug	
4		(69.41.020)	D
5	C+	Sale, Delivery, Possession of Legend Drug	
6		with Intent to Sell (69.41.030(2)(a))	D+
7	E	Possession of Legend Drug	
8		(69.41.030(2)(b))	E
9	B+	Violation of Uniform Controlled Substances	
10		Act - Narcotic, Methamphetamine, or	
11		Flunitrazepam Sale (69.50.401(2) (a) or	
12		(b))	B+
13	C	Violation of Uniform Controlled Substances	
14		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
15	E	Possession of Marihuana <40 grams	
16		(69.50.4014)	E
17	C	Fraudulently Obtaining Controlled	
18		Substance (69.50.403)	C
19	C+	Sale of Controlled Substance for Profit	
20		(69.50.410)	C+
21	E	Unlawful Inhalation (9.47A.020)	E
22	B	Violation of Uniform Controlled Substances	
23		Act - Narcotic, Methamphetamine, or	
24		Flunitrazepam Counterfeit Substances	
25		(69.50.4011(2) (a) or (b))	B
26	C	Violation of Uniform Controlled Substances	
27		Act - Nonnarcotic Counterfeit Substances	
28		(69.50.4011(2) (c), (d), or (e))	C
29	C	Violation of Uniform Controlled Substances	
30		Act - Possession of a Controlled Substance	
31		(69.50.4013)	C
32	C	Violation of Uniform Controlled Substances	
33		Act - Possession of a Controlled Substance	
34		(69.50.4012)	C
35		<b>Firearms and Weapons</b>	
36	B	Theft of Firearm (9A.56.300)	C
37	B	Possession of Stolen Firearm (9A.56.310)	C

1	E	Carrying Loaded Pistol Without Permit (9.41.050)	E
2			
3	C	Possession of Firearms by Minor (<18) (9.41.040(2)(a)(iii))	C
4			
5	D+	Possession of Dangerous Weapon (9.41.250)	E
6			
7	D	Intimidating Another Person by use of Weapon (9.41.270)	E
8			
9		<b>Homicide</b>	
10	A+	Murder 1 (9A.32.030)	A
11	A+	Murder 2 (9A.32.050)	B+
12	B+	Manslaughter 1 (9A.32.060)	C+
13	C+	Manslaughter 2 (9A.32.070)	D+
14	B+	Vehicular Homicide (46.61.520)	C+
15		<b>Kidnapping</b>	
16	A	Kidnap 1 (9A.40.020)	B+
17	B+	Kidnap 2 (9A.40.030)	C+
18	C+	Unlawful Imprisonment (9A.40.040)	D+
19		<b>Obstructing Governmental Operation</b>	
20	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
21			
22	E	Resisting Arrest (9A.76.040)	E
23	B	Introducing Contraband 1 (9A.76.140)	C
24	C	Introducing Contraband 2 (9A.76.150)	D
25	E	Introducing Contraband 3 (9A.76.160)	E
26	B+	Intimidating a Public Servant (9A.76.180)	C+
27	B+	Intimidating a Witness (9A.72.110)	C+
28		<b>Public Disturbance</b>	
29	C+	Riot with Weapon (9A.84.010(2)(b))	D+
30	D+	Riot Without Weapon (9A.84.010(2)(a))	E
31	E	Failure to Disperse (9A.84.020)	E
32	E	Disorderly Conduct (9A.84.030)	E
33		<b>Sex Crimes</b>	
34	A	Rape 1 (9A.44.040)	B+
35	A-	Rape 2 (9A.44.050)	B+
36	C+	Rape 3 (9A.44.060)	D+

1	A-	Rape of a Child 1 (9A.44.073)	B+
2	B+	Rape of a Child 2 (9A.44.076)	C+
3	B	Incest 1 (9A.64.020(1))	C
4	C	Incest 2 (9A.64.020(2))	D
5	D+	Indecent Exposure (Victim <14)	
6		(9A.88.010)	E
7	E	Indecent Exposure (Victim 14 or over)	
8		(9A.88.010)	E
9	B+	Promoting Prostitution 1 (9A.88.070)	C+
10	C+	Promoting Prostitution 2 (9A.88.080)	D+
11	E	O & A (Prostitution) (9A.88.030)	E
12	B+	Indecent Liberties (9A.44.100)	C+
13	A-	Child Molestation 1 (9A.44.083)	B+
14	B	Child Molestation 2 (9A.44.086)	C+
15		<b>Theft, Robbery, Extortion, and Forgery</b>	
16	B	Theft 1 (9A.56.030)	C
17	C	Theft 2 (9A.56.040)	D
18	D	Theft 3 (9A.56.050)	E
19	B	Theft of Livestock 1 and 2 (9A.56.080 and	
20		9A.56.083)	C
21	C	Forgery (9A.60.020)	D
22	A	Robbery 1 (9A.56.200)	B+
23	B+	Robbery 2 (9A.56.210)	C+
24	B+	Extortion 1 (9A.56.120)	C+
25	C+	Extortion 2 (9A.56.130)	D+
26	C	Identity Theft 1 (9.35.020(2))	D
27	D	Identity Theft 2 (9.35.020(3))	E
28	D	Improperly Obtaining Financial Information	
29		(9.35.010)	E
30	B	Possession of a Stolen Vehicle (9A.56.068)	C
31	B	Possession of Stolen Property 1	
32		(9A.56.150)	C
33	C	Possession of Stolen Property 2	
34		(9A.56.160)	D
35	D	Possession of Stolen Property 3	
36		(9A.56.170)	E

1	B	Taking Motor Vehicle Without Permission	
2		1 (9A.56.070)	C
3	C	Taking Motor Vehicle Without Permission	
4		2 (9A.56.075)	D
5	B	Theft of a Motor Vehicle (9A.56.065)	C
6		<b>Motor Vehicle Related Crimes</b>	
7	E	Driving Without a License (46.20.005)	E
8	B+	Hit and Run - Death (46.52.020(4)(a))	C+
9	C	Hit and Run - Injury (46.52.020(4)(b))	D
10	D	Hit and Run-Attended (46.52.020(5))	E
11	E	Hit and Run-Unattended (46.52.010)	E
12	C	Vehicular Assault (46.61.522)	D
13	C	Attempting to Elude Pursuing Police	
14		Vehicle (46.61.024)	D
15	E	Reckless Driving (46.61.500)	E
16	D	Driving While Under the Influence	
17		(46.61.502 and 46.61.504)	E
18	B+	Felony Driving While Under the Influence	
19		(46.61.502(6))	B
20	B+	Felony Physical Control of a Vehicle While	
21		Under the Influence (46.61.504(6))	B
22		<b>Other</b>	
23	B	Animal Cruelty 1 (16.52.205)	C
24	B	Bomb Threat (9.61.160)	C
25	C	Escape 1 <sup>1</sup> (9A.76.110)	C
26	C	Escape 2 <sup>1</sup> (9A.76.120)	C
27	D	Escape 3 (9A.76.130)	E
28	E	Obscene, Harassing, Etc., Phone Calls	
29		(9.61.230)	E
30	A	Other Offense Equivalent to an Adult Class	
31		A Felony	B+
32	B	Other Offense Equivalent to an Adult Class	
33		B Felony	C
34	C	Other Offense Equivalent to an Adult Class	
35		C Felony	D

- 1                   D     Other Offense Equivalent to an Adult Gross
- 2                             Misdemeanor                             E
- 3                   E     Other Offense Equivalent to an Adult
- 4                             Misdemeanor                             E
- 5                   V     Violation of Order of Restitution,
- 6                             Community Supervision, or Confinement
- 7                             (13.40.200)<sup>2</sup>                             V

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

10         1st escape or attempted escape during 12-month period - 4 weeks  
 11         confinement

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

14         3rd and subsequent escape or attempted escape during 12-month  
 15         period - 12 weeks confinement

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

18                             **JUVENILE SENTENCING STANDARDS**

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

21   **OPTION A**  
 22   **JUVENILE OFFENDER SENTENCING GRID**  
 23   **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
Current	B+ 15-36	52-65	80-100	103-129

Offense	WEEKS	WEEKS	WEEKS	WEEKS	
Category					
B	LOCAL SANCTIONS (LS)	15-36 WEEKS		52-65 WEEKS	
C+	LS		15-36 WEEKS		
C	LS			15-36 WEEKS	
	Local Sanctions:				
	0 to 30 Days				
D+	LS	0 to 12 Months Community Supervision			
		0 to 150 Hours Community Restitution			
D	LS	\$0 to \$500 Fine			
E	LS				
		0	1	2	
				3	
				4	
				or more	
		PRIOR ADJUDICATIONS			

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 (1) If the offender is subject to a standard range disposition  
2 involving confinement by the department, the court may impose the  
3 standard range and suspend the disposition on condition that the  
4 offender comply with one or more local sanctions and any educational or  
5 treatment requirement. The treatment programs provided to the offender  
6 must be (~~research-based~~) evidence-based best practice programs as  
7 identified by the Washington state institute for public policy (~~or the~~  
8 ~~joint legislative audit and review committee~~), or if there are no  
9 evidence-based programs available to meet the treatment needs of the  
10 juvenile, then the treatment programs must be approaches that have the  
11 potential to demonstrate positive returns to the state or local  
12 government, such as chemical dependency treatment of juveniles.

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

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

18 (a) Adjudicated of an A+ offense;

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

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

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

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

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

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

38 OR

1                                   **OPTION C**

2                                   **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

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

7                                   **OR**

8                                   **OPTION D**

9                                   **MANIFEST INJUSTICE**

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

**--- END ---**