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**SUBSTITUTE SENATE BILL 5746**

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**State of Washington                      61st Legislature                      2009 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by Senator Hargrove)

READ FIRST TIME 02/25/09.

1            AN ACT Relating to sentencing provisions for juveniles adjudicated  
2 of certain crimes; amending RCW 13.40.308; and prescribing penalties.

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

4            **Sec. 1.** RCW 13.40.308 and 2007 c 199 s 15 are each amended to read  
5 as follows:

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

10            (a) Juveniles with a prior criminal history score of zero to one-  
11 half points shall be sentenced to a standard range sentence that  
12 includes no less than ~~((five days of home detention))~~ three months of  
13 community supervision, forty-five hours of community restitution, and  
14 a two hundred dollar fine. The juvenile may be subject to no less than  
15 five days of electronic monitoring where available;

16            (b) Juveniles with a prior criminal history score of three-quarters  
17 to one and one-half points shall be sentenced to ~~((a))~~ a standard  
18 range sentence that includes six months of community supervision, no

1 less than ten days of detention, ninety hours of community restitution,  
2 and a four hundred dollar fine; and

3 (c) Juveniles with a prior criminal history score of two or more  
4 points shall be sentenced to no less than fifteen to thirty-six weeks  
5 (~~(of confinement, seven days of home detention)~~) commitment to the  
6 juvenile rehabilitation administration, four months of parole  
7 supervision, ninety hours of community restitution, and a four hundred  
8 dollar fine. The juvenile may be subject to no less than seven days of  
9 electronic monitoring where available.

10 (2) If a respondent is adjudicated of theft of a motor vehicle as  
11 defined under RCW 9A.56.065, or possession of a stolen vehicle as  
12 defined under RCW 9A.56.068, the court shall impose the following  
13 minimum sentence, in addition to any restitution the court may order  
14 payable to the victim:

15 (a) Juveniles with a prior criminal history score of zero to one-  
16 half points shall be sentenced to a standard range sentence that  
17 includes (~~(either: (i) No less than five days of home detention and~~)  
18 no less than three months of community supervision, forty-five hours of  
19 community restitution(~~(; or (ii) no home detention and ninety hours of~~  
20 ~~community restitution)~~), a two hundred dollar fine, and either ninety  
21 hours of community restitution or no less than five days of electronic  
22 monitoring where available;

23 (b) Juveniles with a prior criminal history score of three-quarters  
24 to one and one-half points shall be sentenced to (~~{a}~~) a standard  
25 range sentence that includes no less than six months of community  
26 supervision, no less than ten days of detention, ninety hours of  
27 community restitution, and a four hundred dollar fine; and

28 (c) Juveniles with a prior criminal history score of two or more  
29 points shall be sentenced to no less than fifteen to thirty-six weeks  
30 (~~(of confinement, seven days of home detention)~~) commitment to the  
31 juvenile rehabilitation administration, four months of parole  
32 supervision, ninety hours of community restitution, and a four hundred  
33 dollar fine. The juvenile may be subject to no less than seven days of  
34 electronic monitoring where available.

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

1 (a) Juveniles with a prior criminal history score of zero to one-  
2 half points shall be sentenced to a standard range sentence that  
3 includes (~~either: (i) No less than one day of home detention, one~~)  
4 three months of community supervision(~~(7)~~) and fifteen hours of  
5 community restitution(~~(; or (ii) no home detention, one month of~~  
6 ~~supervision, and thirty hours of community restitution)~~). The juvenile  
7 may be subject to no less than one day of electronic monitoring where  
8 available;

9 (b) Juveniles with a prior criminal history score of three-quarters  
10 to one and one-half points shall be sentenced to a standard range  
11 sentence that includes no less than one day of detention, (~~two days of~~  
12 ~~home detention, two~~) three months of community supervision, thirty  
13 hours of community restitution, and a one hundred fifty dollar fine.  
14 The juvenile may be subject to no less than two days of electronic  
15 monitoring where available; and

16 (c) Juveniles with a prior criminal history score of two or more  
17 points shall be sentenced to no less than three days of detention,  
18 (~~seven days of home detention, three~~) six months of community  
19 supervision, forty-five hours of community restitution, and a one  
20 hundred fifty dollar fine. The juvenile may be subject to no less than  
21 seven days of home monitoring where available.

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