

SSB 6240 - H AMD TO ELHS COMM AMD (H4442.1) 1293  
By Representative Goodman

ADOPTED 03/02/2012

1 On page 11, after line 21 of the amendment, insert the following:

2 "Sec. 4. RCW 13.40.0357 and 2008 c 230 s 3 and 2008 c 158 s 1 are  
3 each reenacted and amended to read as follows:  
4

5 **DESCRIPTION AND OFFENSE CATEGORY**

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

11 .....

12 **Arson and Malicious Mischief**

13	A	Arson 1 (9A.48.020)	B+
14	B	Arson 2 (9A.48.030)	C
15	C	Reckless Burning 1 (9A.48.040)	D
16	D	Reckless Burning 2 (9A.48.050)	E
17	B	Malicious Mischief 1 (9A.48.070)	C
18	C	Malicious Mischief 2 (9A.48.080)	D
19	D	Malicious Mischief 3 (9A.48.090( <del>(2)</del> (a)	
20		and (c)))	E
21	( <del>E</del>	Malicious Mischief 3 (9A.48.090(2)(b))	( <del>E</del> )
22	E	Tampering with Fire Alarm Apparatus	
23		(9.40.100)	E
24	E	Tampering with Fire Alarm Apparatus with	
25		Intent to Commit Arson (9.40.105)	E
26	A	Possession of Incendiary Device (9.40.120)	B+

27 **Assault and Other Crimes Involving**

28 **Physical Harm**

1	A	Assault 1 (9A.36.011)	B+
2	B+	Assault 2 (9A.36.021)	C+
3	C+	Assault 3 (9A.36.031)	D+
4	D+	Assault 4 (9A.36.041)	E
5	B+	Drive-By Shooting (9A.36.045)	C+
6	D+	Reckless Endangerment (9A.36.050)	E
7	C+	Promoting Suicide Attempt (9A.36.060)	D+
8	D+	Coercion (9A.36.070)	E
9	C+	Custodial Assault (9A.36.100)	D+
10		<b>Burglary and Trespass</b>	
11	B+	Burglary 1 (9A.52.020)	C+
12	B	Residential Burglary (9A.52.025)	C
13	B	Burglary 2 (9A.52.030)	C
14	D	Burglary Tools (Possession of) (9A.52.060)	E
15	D	Criminal Trespass 1 (9A.52.070)	E
16	E	Criminal Trespass 2 (9A.52.080)	E
17	C	Mineral Trespass (78.44.330)	C
18	C	Vehicle Prowling 1 (9A.52.095)	D
19	D	Vehicle Prowling 2 (9A.52.100)	E
20		<b>Drugs</b>	
21	E	Possession/Consumption of Alcohol	
22		(66.44.270)	E
23	C	Illegally Obtaining Legend Drug	
24		(69.41.020)	D
25	C+	Sale, Delivery, Possession of Legend Drug	
26		with Intent to Sell (69.41.030(2)(a))	D+
27	E	Possession of Legend Drug	
28		(69.41.030(2)(b))	E
29	B+	Violation of Uniform Controlled Substances	
30		Act - Narcotic, Methamphetamine, or	
31		Flunitrazepam Sale (69.50.401(2) (a) or	
32		(b))	B+
33	C	Violation of Uniform Controlled Substances	
34		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
35	E	Possession of Marihuana <40 grams	
36		(69.50.4014)	E

1	C	Fraudulently Obtaining Controlled	
2		Substance (69.50.403)	C
3	C+	Sale of Controlled Substance for Profit	
4		(69.50.410)	C+
5	E	Unlawful Inhalation (9.47A.020)	E
6	B	Violation of Uniform Controlled Substances	
7		Act - Narcotic, Methamphetamine, or	
8		Flunitrazepam Counterfeit Substances	
9		(69.50.4011(2) (a) or (b))	B
10	C	Violation of Uniform Controlled Substances	
11		Act - Nonnarcotic Counterfeit Substances	
12		(69.50.4011(2) (c), (d), or (e))	C
13	C	Violation of Uniform Controlled Substances	
14		Act - Possession of a Controlled Substance	
15		(69.50.4013)	C
16	C	Violation of Uniform Controlled Substances	
17		Act - Possession of a Controlled Substance	
18		(69.50.4012)	C
19		<b>Firearms and Weapons</b>	
20	B	Theft of Firearm (9A.56.300)	C
21	B	Possession of Stolen Firearm (9A.56.310)	C
22	E	Carrying Loaded Pistol Without Permit	
23		(9.41.050)	E
24	C	Possession of Firearms by Minor (<18)	
25		(9.41.040(2)(a)(iii))	C
26	D+	Possession of Dangerous Weapon	
27		(9.41.250)	E
28	D	Intimidating Another Person by use of	
29		Weapon (9.41.270)	E
30		<b>Homicide</b>	
31	A+	Murder 1 (9A.32.030)	A
32	A+	Murder 2 (9A.32.050)	B+
33	B+	Manslaughter 1 (9A.32.060)	C+
34	C+	Manslaughter 2 (9A.32.070)	D+
35	B+	Vehicular Homicide (46.61.520)	C+
36		<b>Kidnapping</b>	

1	A	Kidnap 1 (9A.40.020)	B+
2	B+	Kidnap 2 (9A.40.030)	C+
3	C+	Unlawful Imprisonment (9A.40.040)	D+
4		<b>Obstructing Governmental Operation</b>	
5	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
6			
7	E	Resisting Arrest (9A.76.040)	E
8	B	Introducing Contraband 1 (9A.76.140)	C
9	C	Introducing Contraband 2 (9A.76.150)	D
10	E	Introducing Contraband 3 (9A.76.160)	E
11	B+	Intimidating a Public Servant (9A.76.180)	C+
12	B+	Intimidating a Witness (9A.72.110)	C+
13		<b>Public Disturbance</b>	
14	C+	Riot with Weapon (9A.84.010(2)(b))	D+
15	D+	Riot Without Weapon (9A.84.010(2)(a))	E
16	E	Failure to Disperse (9A.84.020)	E
17	E	Disorderly Conduct (9A.84.030)	E
18		<b>Sex Crimes</b>	
19	A	Rape 1 (9A.44.040)	B+
20	A-	Rape 2 (9A.44.050)	B+
21	C+	Rape 3 (9A.44.060)	D+
22	A-	Rape of a Child 1 (9A.44.073)	B+
23	B+	Rape of a Child 2 (9A.44.076)	C+
24	B	Incest 1 (9A.64.020(1))	C
25	C	Incest 2 (9A.64.020(2))	D
26	D+	Indecent Exposure (Victim <14)	
27		(9A.88.010)	E
28	E	Indecent Exposure (Victim 14 or over)	
29		(9A.88.010)	E
30	B+	Promoting Prostitution 1 (9A.88.070)	C+
31	C+	Promoting Prostitution 2 (9A.88.080)	D+
32	E	O & A (Prostitution) (9A.88.030)	E
33	B+	Indecent Liberties (9A.44.100)	C+
34	A-	Child Molestation 1 (9A.44.083)	B+
35	B	Child Molestation 2 (9A.44.086)	C+

1	C	Failure to Register as a Sex Offender	
2		<del>((9A.44.130))</del> <u>9A.44.132</u>	D
3		<b>Theft, Robbery, Extortion, and Forgery</b>	
4	B	Theft 1 (9A.56.030)	C
5	C	Theft 2 (9A.56.040)	D
6	D	Theft 3 (9A.56.050)	E
7	B	Theft of Livestock 1 and 2 (9A.56.080 and	
8		9A.56.083)	C
9	C	Forgery (9A.60.020)	D
10	A	Robbery 1 (9A.56.200)	B+
11	B+	Robbery 2 (9A.56.210)	C+
12	B+	Extortion 1 (9A.56.120)	C+
13	C+	Extortion 2 (9A.56.130)	D+
14	C	Identity Theft 1 (9.35.020(2))	D
15	D	Identity Theft 2 (9.35.020(3))	E
16	D	Improperly Obtaining Financial Information	
17		(9.35.010)	E
18	B	Possession of a Stolen Vehicle (9A.56.068)	C
19	B	Possession of Stolen Property 1	
20		(9A.56.150)	C
21	C	Possession of Stolen Property 2	
22		(9A.56.160)	D
23	D	Possession of Stolen Property 3	
24		(9A.56.170)	E
25	B	Taking Motor Vehicle Without Permission	
26		1 (9A.56.070)	C
27	C	Taking Motor Vehicle Without Permission	
28		2 (9A.56.075)	D
29	B	Theft of a Motor Vehicle (9A.56.065)	C
30		<b>Motor Vehicle Related Crimes</b>	
31	E	Driving Without a License (46.20.005)	E
32	B+	Hit and Run - Death (46.52.020(4)(a))	C+
33	C	Hit and Run - Injury (46.52.020(4)(b))	D
34	D	Hit and Run-Attended (46.52.020(5))	E
35	E	Hit and Run-Unattended (46.52.010)	E
36	C	Vehicle Assault (46.61.522)	D

1	C	Attempting to Elude Pursuing Police	
2		Vehicle (46.61.024)	D
3	E	Reckless Driving (46.61.500)	E
4	D	Driving While Under the Influence	
5		(46.61.502 and 46.61.504)	E
6	B+	Felony Driving While Under the Influence	
7		(46.61.502(6))	B
8	B+	Felony Physical Control of a Vehicle While	
9		Under the Influence (46.61.504(6))	B
10		<b>Other</b>	
11	B	Animal Cruelty 1 (16.52.205)	C
12	B	Bomb Threat (9.61.160)	C
13	C	Escape 1 <sup>1</sup> (9A.76.110)	C
14	C	Escape 2 <sup>1</sup> (9A.76.120)	C
15	D	Escape 3 (9A.76.130)	E
16	E	Obscene, Harassing, Etc., Phone Calls	
17		(9.61.230)	E
18	A	Other Offense Equivalent to an Adult Class	
19		A Felony	B+
20	B	Other Offense Equivalent to an Adult Class	
21		B Felony	C
22	C	Other Offense Equivalent to an Adult Class	
23		C Felony	D
24	D	Other Offense Equivalent to an Adult Gross	
25		Misdemeanor	E
26	E	Other Offense Equivalent to an Adult	
27		Misdemeanor	E
28	V	Violation of Order of Restitution,	
29		Community Supervision, or Confinement	
30		(13.40.200) <sup>2</sup>	V

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

33 1st escape or attempted escape during 12-month period - 4 weeks  
34 confinement

35 2nd escape or attempted escape during 12-month period - 8 weeks  
36 confinement

1 3rd and subsequent escape or attempted escape during 12-month  
 2 period - 12 weeks confinement

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

5 **JUVENILE SENTENCING STANDARDS**

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

8 ((OPTION A  
 9 JUVENILE OFFENDER SENTENCING GRID  
 10 STANDARD RANGE

11 A+ 180 WEEKS TO AGE 21 YEARS

12  
 13 A 103 WEEKS TO 129 WEEKS

14	A-	15-36	52-65	80-100	103-129
15		WEEKS	WEEKS	WEEKS	WEEKS
16		EXCEPT			
17		30-40			
18		WEEKS FOR			
19		15-17			
20		YEAR OLDS			

22	Current	B+	15-36	52-65	80-100	103-129
23	Offense		WEEKS	WEEKS	WEEKS	WEEKS
24	Category					

25	B	LOCAL			52-65
26		SANCTIONS (LS)		15-36 WEEKS	WEEKS

27	C+	LS			
28				15-36 WEEKS	

29	E	LS			15-36 WEEKS
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30 Local Sanctions:

31 0 to 30 Days

32 D+ LS 0 to 12 Months Community Supervision

33 0 to 150 Hours Community Restitution

34 D LS \$0 to \$500 Fine

35 E LS

0            +            2            3            4  
or more  
PRIOR ADJUDICATIONS))

OPTION A  
JUVENILE OFFENDER SENTENCING GRID  
STANDARD RANGE

	<u>A+</u>	<u>180 weeks to age 21 for all category A+ offenses</u>				
	<u>A</u>	<u>103-129 weeks for all category A offenses</u>				
	<u>A-</u>	<u>15-36 weeks</u>	<u>52-65 weeks</u>	<u>80-100 weeks</u>	<u>103-129 weeks</u>	<u>103-129 weeks</u>
		<u>Except 30-40 weeks</u>				
		<u>for 15 to 17 year olds</u>				
<u>CURRENT</u>	<u>B+</u>	<u>15-36 weeks</u>	<u>15-36 weeks</u>	<u>52-65 weeks</u>	<u>80-100 weeks</u>	<u>103-129 weeks</u>
<u>OFFENSE</u>	<u>B</u>	<u>LS</u>	<u>LS</u>	<u>15-36 weeks</u>	<u>15-36 weeks</u>	<u>52-65 weeks</u>
<u>CATEGORY</u>	<u>C+</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>15-36 weeks</u>	<u>15-36 weeks</u>
	<u>C</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>15-36 weeks</u>
	<u>D+</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>
	<u>D</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>
	<u>E</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>
<u>PRIOR</u>		<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4 or more</u>
<u>ADJUDICATIONS</u>						

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(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.



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

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

6 OR

7 **OPTION B**

8 **SUSPENDED DISPOSITION ALTERNATIVE**

9 (1) If the offender is subject to a standard range disposition  
10 involving confinement by the department, the court may impose the  
11 standard range and suspend the disposition on condition that the  
12 offender comply with one or more local sanctions and any educational or  
13 treatment requirement. The treatment programs provided to the offender  
14 must be either research-based best practice programs as identified by  
15 the Washington state institute for public policy or the joint  
16 legislative audit and review committee, or for chemical dependency  
17 treatment programs or services, they must be evidence-based or  
18 research-based best practice programs. For the purposes of this  
19 subsection:

20 (a) "Evidence-based" means a program or practice that has had  
21 multiple site random controlled trials across heterogeneous populations  
22 demonstrating that the program or practice is effective for the  
23 population; and

24 (b) "Research-based" means a program or practice that has some  
25 research demonstrating effectiveness, but that does not yet meet the  
26 standard of evidence-based practices.

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

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

32 (a) Adjudicated of an A+ offense;

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

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

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

1 (iii) Assault in the second degree (RCW 9A.36.021), extortion in  
2 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW  
3 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential  
4 burglary (RCW 9A.52.025), burglary in the second degree (RCW  
5 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW  
6 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a  
7 witness (RCW 9A.72.110), violation of the uniform controlled substances  
8 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),  
9 when the offense includes infliction of bodily harm upon another or  
10 when during the commission or immediate withdrawal from the offense the  
11 respondent was armed with a deadly weapon;

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

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

15 OR

16 OPTION C

17 CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

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

22 OR

23 OPTION D

24 MANIFEST INJUSTICE

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

--- END ---