

HOUSE BILL 2603

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Goodman, Kagi, and Walsh

Read first time 01/18/12. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to juvenile offender sentencing standards; and
2 reenacting and amending RCW 13.40.0357.

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

4 Sec. 1. RCW 13.40.0357 and 2008 c 230 s 3 and 2008 c 158 s 1 are
5 each reenacted and amended to read as follows:
6

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+
B	Arson 2 (9A.48.030)	C

1	C	Reckless Burning 1 (9A.48.040)	D
2	D	Reckless Burning 2 (9A.48.050)	E
3	B	Malicious Mischief 1 (9A.48.070)	C
4	C	Malicious Mischief 2 (9A.48.080)	D
5	D	Malicious Mischief 3 (9A.48.090(2) (a) and	
6		(c))	E
7	E	Malicious Mischief 3 (9A.48.090(2)(b))	E
8	E	Tampering with Fire Alarm Apparatus	
9		(9.40.100)	E
10	E	Tampering with Fire Alarm Apparatus with	
11		Intent to Commit Arson (9.40.105)	E
12	A	Possession of Incendiary Device (9.40.120)	B+
13		Assault and Other Crimes Involving	
14		Physical Harm	
15	A	Assault 1 (9A.36.011)	B+
16	B+	Assault 2 (9A.36.021)	C+
17	C+	Assault 3 (9A.36.031)	D+
18	D+	Assault 4 (9A.36.041)	E
19	B+	Drive-By Shooting (9A.36.045)	C+
20	D+	Reckless Endangerment (9A.36.050)	E
21	C+	Promoting Suicide Attempt (9A.36.060)	D+
22	D+	Coercion (9A.36.070)	E
23	C+	Custodial Assault (9A.36.100)	D+
24		Burglary and Trespass	
25	B+	Burglary 1 (9A.52.020)	C+
26	B	Residential Burglary (9A.52.025)	C
27	B	Burglary 2 (9A.52.030)	C
28	D	Burglary Tools (Possession of) (9A.52.060)	E
29	D	Criminal Trespass 1 (9A.52.070)	E
30	E	Criminal Trespass 2 (9A.52.080)	E
31	C	Mineral Trespass (78.44.330)	C
32	C	Vehicle Prowling 1 (9A.52.095)	D
33	D	Vehicle Prowling 2 (9A.52.100)	E
34		Drugs	
35	E	Possession/Consumption of Alcohol	
36		(66.44.270)	E

1	C	Illegally Obtaining Legend Drug	
2		(69.41.020)	D
3	C+	Sale, Delivery, Possession of Legend Drug	
4		with Intent to Sell (69.41.030(2)(a))	D+
5	E	Possession of Legend Drug	
6		(69.41.030(2)(b))	E
7	B+	Violation of Uniform Controlled Substances	
8		Act - Narcotic, Methamphetamine, or	
9		Flunitrazepam Sale (69.50.401(2) (a) or	
10		(b))	B+
11	C	Violation of Uniform Controlled Substances	
12		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
13	E	Possession of Marihuana <40 grams	
14		(69.50.4014)	E
15	C	Fraudulently Obtaining Controlled	
16		Substance (69.50.403)	C
17	C+	Sale of Controlled Substance for Profit	
18		(69.50.410)	C+
19	E	Unlawful Inhalation (9.47A.020)	E
20	B	Violation of Uniform Controlled Substances	
21		Act - Narcotic, Methamphetamine, or	
22		Flunitrazepam Counterfeit Substances	
23		(69.50.4011(2) (a) or (b))	B
24	C	Violation of Uniform Controlled Substances	
25		Act - Nonnarcotic Counterfeit Substances	
26		(69.50.4011(2) (c), (d), or (e))	C
27	C	Violation of Uniform Controlled Substances	
28		Act - Possession of a Controlled Substance	
29		(69.50.4013)	C
30	C	Violation of Uniform Controlled Substances	
31		Act - Possession of a Controlled Substance	
32		(69.50.4012)	C
33		Firearms and Weapons	
34	B	Theft of Firearm (9A.56.300)	C
35	B	Possession of Stolen Firearm (9A.56.310)	C
36	E	Carrying Loaded Pistol Without Permit	
37		(9.41.050)	E

1	C	Possession of Firearms by Minor (<18)	
2		(9.41.040(2)(a)(iii))	C
3	D+	Possession of Dangerous Weapon	
4		(9.41.250)	E
5	D	Intimidating Another Person by use of	
6		Weapon (9.41.270)	E
7		Homicide	
8	A+	Murder 1 (9A.32.030)	A
9	A+	Murder 2 (9A.32.050)	B+
10	B+	Manslaughter 1 (9A.32.060)	C+
11	C+	Manslaughter 2 (9A.32.070)	D+
12	B+	Vehicle Homicide (46.61.520)	C+
13		Kidnapping	
14	A	Kidnap 1 (9A.40.020)	B+
15	B+	Kidnap 2 (9A.40.030)	C+
16	C+	Unlawful Imprisonment (9A.40.040)	D+
17		Obstructing Governmental Operation	
18	D	Obstructing a Law Enforcement Officer	
19		(9A.76.020)	E
20	E	Resisting Arrest (9A.76.040)	E
21	B	Introducing Contraband 1 (9A.76.140)	C
22	C	Introducing Contraband 2 (9A.76.150)	D
23	E	Introducing Contraband 3 (9A.76.160)	E
24	B+	Intimidating a Public Servant (9A.76.180)	C+
25	B+	Intimidating a Witness (9A.72.110)	C+
26		Public Disturbance	
27	C+	Riot with Weapon (9A.84.010(2)(b))	D+
28	D+	Riot Without Weapon (9A.84.010(2)(a))	E
29	E	Failure to Disperse (9A.84.020)	E
30	E	Disorderly Conduct (9A.84.030)	E
31		Sex Crimes	
32	A	Rape 1 (9A.44.040)	B+
33	A-	Rape 2 (9A.44.050)	B+
34	C+	Rape 3 (9A.44.060)	D+
35	A-	Rape of a Child 1 (9A.44.073)	B+
36	B+	Rape of a Child 2 (9A.44.076)	C+

1	B	Incest 1 (9A.64.020(1))	C
2	C	Incest 2 (9A.64.020(2))	D
3	D+	Indecent Exposure (Victim <14)	
4		(9A.88.010)	E
5	E	Indecent Exposure (Victim 14 or over)	
6		(9A.88.010)	E
7	B+	Promoting Prostitution 1 (9A.88.070)	C+
8	C+	Promoting Prostitution 2 (9A.88.080)	D+
9	E	O & A (Prostitution) (9A.88.030)	E
10	B+	Indecent Liberties (9A.44.100)	C+
11	A-	Child Molestation 1 (9A.44.083)	B+
12	B	Child Molestation 2 (9A.44.086)	C+
13	C	Failure to Register as a Sex Offender	
14		((9A.44.130) <u>9A.44.132</u>)	D
15		Theft, Robbery, Extortion, and Forgery	
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		Motor Vehicle Related Crimes	
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		Other	
23	B	Animal Cruelty 1 (16.52.205)	C
24	B	Bomb Threat (9.61.160)	C
25	C	Escape 1 ¹ (9A.76.110)	C
26	C	Escape 2 ¹ (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)² V

8 ¹Escape 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 ²If 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**

24 A+ 180 WEEKS TO AGE 21 YEARS

25
 26 A 103 WEEKS TO 129 WEEKS

27	A-	15-36	52-65	80-100	103-129
28		WEEKS	WEEKS	WEEKS	WEEKS
29		EXCEPT			
30		30-40			
31		WEEKS FOR			
32		15-17			
33		YEAR OLDS			
34					
35					

1	Current	B+	15-36	52-65	80-100	103-129
2	Offense		WEEKS	WEEKS	WEEKS	WEEKS
3	Category					
4		B	LOCAL			52-65
5			SANCTIONS (LS)	15-36 WEEKS		WEEKS
6						
7		C+	LS			
8					15-36 WEEKS	
9						
10		C	LS			15-36 WEEKS
11			Local Sanctions:			
12			0 to 30 Days			
13		D+	LS	0 to 12 Months Community Supervision		
14				0 to 150 Hours Community Restitution		
15		D	LS	\$0 to \$500 Fine		
16						
17		E	LS			
18						
19				0	+	2
20						3
21						4
						or more
				PRIOR ADJUDICATIONS))		

22 OPTION A
 23 JUVENILE OFFENDER SENTENCING GRID
 24 STANDARD RANGE

25	<u>A+</u>	<u>180 weeks to age 21 for all category A+ offenses</u>					
26	<u>A</u>	<u>103-129 weeks for all category A offenses</u>					
27	<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>	
28		<u>Except 30-40 weeks</u>					
29		<u>for 15 to 17 year olds</u>					
30	<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>
31	<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>
32	<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>
33		<u>C</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>15-36 weeks</u>
34		<u>D+</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>
35		<u>D</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>
36		<u>E</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>
37							

1 multiple site random controlled trials across heterogeneous populations
2 demonstrating that the program or practice is effective for the
3 population; and

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

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

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

12 (a) Adjudicated of an A+ offense;

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

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

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

18 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
19 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW
20 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential
21 burglary (RCW 9A.52.025), burglary in the second degree (RCW
22 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW
23 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a
24 witness (RCW 9A.72.110), violation of the uniform controlled substances
25 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),
26 when the offense includes infliction of bodily harm upon another or
27 when during the commission or immediate withdrawal from the offense the
28 respondent was armed with a deadly weapon;

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

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

32 **OR**

33 **OPTION C**

34 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

35 If the juvenile offender is subject to a standard range disposition
36 of local sanctions or 15 to 36 weeks of confinement and has not

1 committed an A- or B+ offense, the court may impose a disposition under
2 RCW 13.40.160(4) and 13.40.165.

3 OR

4 OPTION D

5 **MANIFEST INJUSTICE**

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

--- END ---