
HOUSE BILL 2116

State of Washington

64th Legislature

2015 Regular Session

By Representatives Holy and Goodman

Read first time 02/13/15. Referred to Committee on Public Safety.

1 AN ACT Relating to motor vehicle crimes; amending RCW 9.94A.030,
2 9.94A.525, 9.94A.734, 13.40.0357, 13.40.160, 13.40.210, 13.40.305,
3 13.40.308, and 9A.56.065; reenacting and amending RCW 9.94A.515;
4 repealing RCW 9A.56.075; and prescribing penalties.

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

6 **Sec. 1.** RCW 9.94A.030 and 2012 c 143 s 1 are each amended to
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Board" means the indeterminate sentence review board created
11 under chapter 9.95 RCW.

12 (2) "Collect," or any derivative thereof, "collect and remit," or
13 "collect and deliver," when used with reference to the department,
14 means that the department, either directly or through a collection
15 agreement authorized by RCW 9.94A.760, is responsible for monitoring
16 and enforcing the offender's sentence with regard to the legal
17 financial obligation, receiving payment thereof from the offender,
18 and, consistent with current law, delivering daily the entire payment
19 to the superior court clerk without depositing it in a departmental
20 account.

21 (3) "Commission" means the sentencing guidelines commission.

1 (4) "Community corrections officer" means an employee of the
2 department who is responsible for carrying out specific duties in
3 supervision of sentenced offenders and monitoring of sentence
4 conditions.

5 (5) "Community custody" means that portion of an offender's
6 sentence of confinement in lieu of earned release time or imposed as
7 part of a sentence under this chapter and served in the community
8 subject to controls placed on the offender's movement and activities
9 by the department.

10 (6) "Community protection zone" means the area within eight
11 hundred eighty feet of the facilities and grounds of a public or
12 private school.

13 (7) "Community restitution" means compulsory service, without
14 compensation, performed for the benefit of the community by the
15 offender.

16 (8) "Confinement" means total or partial confinement.

17 (9) "Conviction" means an adjudication of guilt pursuant to Title
18 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,
19 and acceptance of a plea of guilty.

20 (10) "Crime-related prohibition" means an order of a court
21 prohibiting conduct that directly relates to the circumstances of the
22 crime for which the offender has been convicted, and shall not be
23 construed to mean orders directing an offender affirmatively to
24 participate in rehabilitative programs or to otherwise perform
25 affirmative conduct. However, affirmative acts necessary to monitor
26 compliance with the order of a court may be required by the
27 department.

28 (11) "Criminal history" means the list of a defendant's prior
29 convictions and juvenile adjudications, whether in this state, in
30 federal court, or elsewhere.

31 (a) The history shall include, where known, for each conviction
32 (i) whether the defendant has been placed on probation and the length
33 and terms thereof; and (ii) whether the defendant has been
34 incarcerated and the length of incarceration.

35 (b) A conviction may be removed from a defendant's criminal
36 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,
37 9.95.240, or a similar out-of-state statute, or if the conviction has
38 been vacated pursuant to a governor's pardon.

39 (c) The determination of a defendant's criminal history is
40 distinct from the determination of an offender score. A prior

1 conviction that was not included in an offender score calculated
2 pursuant to a former version of the sentencing reform act remains
3 part of the defendant's criminal history.

4 (12) "Criminal street gang" means any ongoing organization,
5 association, or group of three or more persons, whether formal or
6 informal, having a common name or common identifying sign or symbol,
7 having as one of its primary activities the commission of criminal
8 acts, and whose members or associates individually or collectively
9 engage in or have engaged in a pattern of criminal street gang
10 activity. This definition does not apply to employees engaged in
11 concerted activities for their mutual aid and protection, or to the
12 activities of labor and bona fide nonprofit organizations or their
13 members or agents.

14 (13) "Criminal street gang associate or member" means any person
15 who actively participates in any criminal street gang and who
16 intentionally promotes, furthers, or assists in any criminal act by
17 the criminal street gang.

18 (14) "Criminal street gang-related offense" means any felony or
19 misdemeanor offense, whether in this state or elsewhere, that is
20 committed for the benefit of, at the direction of, or in association
21 with any criminal street gang, or is committed with the intent to
22 promote, further, or assist in any criminal conduct by the gang, or
23 is committed for one or more of the following reasons:

24 (a) To gain admission, prestige, or promotion within the gang;

25 (b) To increase or maintain the gang's size, membership,
26 prestige, dominance, or control in any geographical area;

27 (c) To exact revenge or retribution for the gang or any member of
28 the gang;

29 (d) To obstruct justice, or intimidate or eliminate any witness
30 against the gang or any member of the gang;

31 (e) To directly or indirectly cause any benefit, aggrandizement,
32 gain, profit, or other advantage for the gang, its reputation,
33 influence, or membership; or

34 (f) To provide the gang with any advantage in, or any control or
35 dominance over any criminal market sector, including, but not limited
36 to, manufacturing, delivering, or selling any controlled substance
37 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
38 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88
39 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual

1 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
2 9.68 RCW).

3 (15) "Day fine" means a fine imposed by the sentencing court that
4 equals the difference between the offender's net daily income and the
5 reasonable obligations that the offender has for the support of the
6 offender and any dependents.

7 (16) "Day reporting" means a program of enhanced supervision
8 designed to monitor the offender's daily activities and compliance
9 with sentence conditions, and in which the offender is required to
10 report daily to a specific location designated by the department or
11 the sentencing court.

12 (17) "Department" means the department of corrections.

13 (18) "Determinate sentence" means a sentence that states with
14 exactitude the number of actual years, months, or days of total
15 confinement, of partial confinement, of community custody, the number
16 of actual hours or days of community restitution work, or dollars or
17 terms of a legal financial obligation. The fact that an offender
18 through earned release can reduce the actual period of confinement
19 shall not affect the classification of the sentence as a determinate
20 sentence.

21 (19) "Disposable earnings" means that part of the earnings of an
22 offender remaining after the deduction from those earnings of any
23 amount required by law to be withheld. For the purposes of this
24 definition, "earnings" means compensation paid or payable for
25 personal services, whether denominated as wages, salary, commission,
26 bonuses, or otherwise, and, notwithstanding any other provision of
27 law making the payments exempt from garnishment, attachment, or other
28 process to satisfy a court-ordered legal financial obligation,
29 specifically includes periodic payments pursuant to pension or
30 retirement programs, or insurance policies of any type, but does not
31 include payments made under Title 50 RCW, except as provided in RCW
32 50.40.020 and 50.40.050, or Title 74 RCW.

33 (20) "Domestic violence" has the same meaning as defined in RCW
34 10.99.020 and 26.50.010.

35 (21) "Drug offender sentencing alternative" is a sentencing
36 option available to persons convicted of a felony offense other than
37 a violent offense or a sex offense and who are eligible for the
38 option under RCW 9.94A.660.

39 (22) "Drug offense" means:

1 (a) Any felony violation of chapter 69.50 RCW except possession
2 of a controlled substance (RCW 69.50.4013) or forged prescription for
3 a controlled substance (RCW 69.50.403);

4 (b) Any offense defined as a felony under federal law that
5 relates to the possession, manufacture, distribution, or
6 transportation of a controlled substance; or

7 (c) Any out-of-state conviction for an offense that under the
8 laws of this state would be a felony classified as a drug offense
9 under (a) of this subsection.

10 (23) "Earned release" means earned release from confinement as
11 provided in RCW 9.94A.728.

12 (24) "Escape" means:

13 (a) Sexually violent predator escape (RCW 9A.76.115), escape in
14 the first degree (RCW 9A.76.110), escape in the second degree (RCW
15 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
16 willful failure to return from work release (RCW 72.65.070), or
17 willful failure to be available for supervision by the department
18 while in community custody (RCW 72.09.310); or

19 (b) Any federal or out-of-state conviction for an offense that
20 under the laws of this state would be a felony classified as an
21 escape under (a) of this subsection.

22 (25) "Felony traffic offense" means:

23 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
24 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
25 run injury-accident (RCW 46.52.020(4)), felony driving while under
26 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),
27 or felony physical control of a vehicle while under the influence of
28 intoxicating liquor or any drug (RCW 46.61.504(6)); or

29 (b) Any federal or out-of-state conviction for an offense that
30 under the laws of this state would be a felony classified as a felony
31 traffic offense under (a) of this subsection.

32 (26) "Fine" means a specific sum of money ordered by the
33 sentencing court to be paid by the offender to the court over a
34 specific period of time.

35 (27) "First-time offender" means any person who has no prior
36 convictions for a felony and is eligible for the first-time offender
37 waiver under RCW 9.94A.650.

38 (28) "Home detention" means a program of partial confinement
39 available to offenders wherein the offender is confined in a private
40 residence subject to electronic surveillance.

1 (29) "Homelessness" or "homeless" means a condition where an
2 individual lacks a fixed, regular, and adequate nighttime residence
3 and who has a primary nighttime residence that is:

4 (a) A supervised, publicly or privately operated shelter designed
5 to provide temporary living accommodations;

6 (b) A public or private place not designed for, or ordinarily
7 used as, a regular sleeping accommodation for human beings; or

8 (c) A private residence where the individual stays as a transient
9 invitee.

10 (30) "Legal financial obligation" means a sum of money that is
11 ordered by a superior court of the state of Washington for legal
12 financial obligations which may include restitution to the victim,
13 statutorily imposed crime victims' compensation fees as assessed
14 pursuant to RCW 7.68.035, court costs, county or interlocal drug
15 funds, court-appointed attorneys' fees, and costs of defense, fines,
16 and any other financial obligation that is assessed to the offender
17 as a result of a felony conviction. Upon conviction for vehicular
18 assault while under the influence of intoxicating liquor or any drug,
19 RCW 46.61.522(1)(b), or vehicular homicide while under the influence
20 of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal
21 financial obligations may also include payment to a public agency of
22 the expense of an emergency response to the incident resulting in the
23 conviction, subject to RCW 38.52.430.

24 (31) "Minor child" means a biological or adopted child of the
25 offender who is under age eighteen at the time of the offender's
26 current offense.

27 (32) "Most serious offense" means any of the following felonies
28 or a felony attempt to commit any of the following felonies:

29 (a) Any felony defined under any law as a class A felony or
30 criminal solicitation of or criminal conspiracy to commit a class A
31 felony;

32 (b) Assault in the second degree;

33 (c) Assault of a child in the second degree;

34 (d) Child molestation in the second degree;

35 (e) Controlled substance homicide;

36 (f) Extortion in the first degree;

37 (g) Incest when committed against a child under age fourteen;

38 (h) Indecent liberties;

39 (i) Kidnapping in the second degree;

40 (j) Leading organized crime;

- 1 (k) Manslaughter in the first degree;
- 2 (l) Manslaughter in the second degree;
- 3 (m) Promoting prostitution in the first degree;
- 4 (n) Rape in the third degree;
- 5 (o) Robbery in the second degree;
- 6 (p) Sexual exploitation;
- 7 (q) Vehicular assault, when caused by the operation or driving of
- 8 a vehicle by a person while under the influence of intoxicating
- 9 liquor or any drug or by the operation or driving of a vehicle in a
- 10 reckless manner;
- 11 (r) Vehicular homicide, when proximately caused by the driving of
- 12 any vehicle by any person while under the influence of intoxicating
- 13 liquor or any drug as defined by RCW 46.61.502, or by the operation
- 14 of any vehicle in a reckless manner;
- 15 (s) Any other class B felony offense with a finding of sexual
- 16 motivation;
- 17 (t) Any other felony with a deadly weapon verdict under RCW
- 18 9.94A.825;
- 19 (u) Any felony offense in effect at any time prior to December 2,
- 20 1993, that is comparable to a most serious offense under this
- 21 subsection, or any federal or out-of-state conviction for an offense
- 22 that under the laws of this state would be a felony classified as a
- 23 most serious offense under this subsection;
- 24 (v)(i) A prior conviction for indecent liberties under RCW
- 25 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.
- 26 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),
- 27 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW
- 28 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,
- 29 until July 1, 1988;
- 30 (ii) A prior conviction for indecent liberties under RCW
- 31 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
- 32 if: (A) The crime was committed against a child under the age of
- 33 fourteen; or (B) the relationship between the victim and perpetrator
- 34 is included in the definition of indecent liberties under RCW
- 35 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,
- 36 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,
- 37 1993, through July 27, 1997;
- 38 (w) Any out-of-state conviction for a felony offense with a
- 39 finding of sexual motivation if the minimum sentence imposed was ten
- 40 years or more; provided that the out-of-state felony offense must be

1 comparable to a felony offense under this title and Title 9A RCW and
2 the out-of-state definition of sexual motivation must be comparable
3 to the definition of sexual motivation contained in this section.

4 (33) "Nonviolent offense" means an offense which is not a violent
5 offense.

6 (34) "Offender" means a person who has committed a felony
7 established by state law and is eighteen years of age or older or is
8 less than eighteen years of age but whose case is under superior
9 court jurisdiction under RCW 13.04.030 or has been transferred by the
10 appropriate juvenile court to a criminal court pursuant to RCW
11 13.40.110. In addition, for the purpose of community custody
12 requirements under this chapter, "offender" also means a misdemeanor
13 or gross misdemeanor probationer ordered by a superior court to
14 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and
15 supervised by the department pursuant to RCW 9.94A.501 and
16 9.94A.5011. Throughout this chapter, the terms "offender" and
17 "defendant" are used interchangeably.

18 (35) "Partial confinement" means confinement for no more than one
19 year in a facility or institution operated or utilized under contract
20 by the state or any other unit of government, or, if home detention
21 or work crew has been ordered by the court or home detention has been
22 ordered by the department as part of the parenting program, in an
23 approved residence, for a substantial portion of each day with the
24 balance of the day spent in the community. Partial confinement
25 includes work release, home detention, work crew, and a combination
26 of work crew and home detention.

27 (36) "Pattern of criminal street gang activity" means:

28 (a) The commission, attempt, conspiracy, or solicitation of, or
29 any prior juvenile adjudication of or adult conviction of, two or
30 more of the following criminal street gang-related offenses:

31 (i) Any "serious violent" felony offense as defined in this
32 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a
33 Child 1 (RCW 9A.36.120);

34 (ii) Any "violent" offense as defined by this section, excluding
35 Assault of a Child 2 (RCW 9A.36.130);

36 (iii) Deliver or Possession with Intent to Deliver a Controlled
37 Substance (chapter 69.50 RCW);

38 (iv) Any violation of the firearms and dangerous weapon act
39 (chapter 9.41 RCW);

40 (v) Theft of a Firearm (RCW 9A.56.300);

- 1 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);
2 (vii) Malicious Harassment (RCW 9A.36.080);
3 (viii) Harassment where a subsequent violation or deadly threat
4 is made (RCW 9A.46.020(2)(b));
5 (ix) Criminal Gang Intimidation (RCW 9A.46.120);
6 (x) Any felony conviction by a person eighteen years of age or
7 older with a special finding of involving a juvenile in a felony
8 offense under RCW 9.94A.833;
9 (xi) Residential Burglary (RCW 9A.52.025);
10 (xii) Burglary 2 (RCW 9A.52.030);
11 (xiii) Malicious Mischief 1 (RCW 9A.48.070);
12 (xiv) Malicious Mischief 2 (RCW 9A.48.080);
13 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);
14 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);
15 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW
16 9A.56.070);
17 (xviii) (~~Taking a Motor Vehicle Without Permission 2~~ (RCW
18 ~~9A.56.075~~);
19 ~~(xix)~~) Extortion 1 (RCW 9A.56.120);
20 (~~(xx)~~) (xix) Extortion 2 (RCW 9A.56.130);
21 (~~(xxi)~~) (xx) Intimidating a Witness (RCW 9A.72.110);
22 (~~(xxii)~~) (xxi) Tampering with a Witness (RCW 9A.72.120);
23 (~~(xxiii)~~) (xxii) Reckless Endangerment (RCW 9A.36.050);
24 (~~(xxiv)~~) (xxiii) Coercion (RCW 9A.36.070);
25 (~~(xxv)~~) (xxiv) Harassment (RCW 9A.46.020); or
26 (~~(xxvi)~~) (xxv) Malicious Mischief 3 (RCW 9A.48.090);
27 (b) That at least one of the offenses listed in (a) of this
28 subsection shall have occurred after July 1, 2008;
29 (c) That the most recent committed offense listed in (a) of this
30 subsection occurred within three years of a prior offense listed in
31 (a) of this subsection; and
32 (d) Of the offenses that were committed in (a) of this
33 subsection, the offenses occurred on separate occasions or were
34 committed by two or more persons.

35 (37) "Persistent offender" is an offender who:

36 (a)(i) Has been convicted in this state of any felony considered
37 a most serious offense; and

38 (ii) Has, before the commission of the offense under (a) of this
39 subsection, been convicted as an offender on at least two separate
40 occasions, whether in this state or elsewhere, of felonies that under

1 the laws of this state would be considered most serious offenses and
2 would be included in the offender score under RCW 9.94A.525; provided
3 that of the two or more previous convictions, at least one conviction
4 must have occurred before the commission of any of the other most
5 serious offenses for which the offender was previously convicted; or

6 (b)(i) Has been convicted of: (A) Rape in the first degree, rape
7 of a child in the first degree, child molestation in the first
8 degree, rape in the second degree, rape of a child in the second
9 degree, or indecent liberties by forcible compulsion; (B) any of the
10 following offenses with a finding of sexual motivation: Murder in the
11 first degree, murder in the second degree, homicide by abuse,
12 kidnapping in the first degree, kidnapping in the second degree,
13 assault in the first degree, assault in the second degree, assault of
14 a child in the first degree, assault of a child in the second degree,
15 or burglary in the first degree; or (C) an attempt to commit any
16 crime listed in this subsection (37)(b)(i); and

17 (ii) Has, before the commission of the offense under (b)(i) of
18 this subsection, been convicted as an offender on at least one
19 occasion, whether in this state or elsewhere, of an offense listed in
20 (b)(i) of this subsection or any federal or out-of-state offense or
21 offense under prior Washington law that is comparable to the offenses
22 listed in (b)(i) of this subsection. A conviction for rape of a child
23 in the first degree constitutes a conviction under (b)(i) of this
24 subsection only when the offender was sixteen years of age or older
25 when the offender committed the offense. A conviction for rape of a
26 child in the second degree constitutes a conviction under (b)(i) of
27 this subsection only when the offender was eighteen years of age or
28 older when the offender committed the offense.

29 (38) "Predatory" means: (a) The perpetrator of the crime was a
30 stranger to the victim, as defined in this section; (b) the
31 perpetrator established or promoted a relationship with the victim
32 prior to the offense and the victimization of the victim was a
33 significant reason the perpetrator established or promoted the
34 relationship; or (c) the perpetrator was: (i) A teacher, counselor,
35 volunteer, or other person in authority in any public or private
36 school and the victim was a student of the school under his or her
37 authority or supervision. For purposes of this subsection, "school"
38 does not include home-based instruction as defined in RCW
39 28A.225.010; (ii) a coach, trainer, volunteer, or other person in
40 authority in any recreational activity and the victim was a

1 participant in the activity under his or her authority or
2 supervision; (iii) a pastor, elder, volunteer, or other person in
3 authority in any church or religious organization, and the victim was
4 a member or participant of the organization under his or her
5 authority; or (iv) a teacher, counselor, volunteer, or other person
6 in authority providing home-based instruction and the victim was a
7 student receiving home-based instruction while under his or her
8 authority or supervision. For purposes of this subsection: (A) "Home-
9 based instruction" has the same meaning as defined in RCW
10 28A.225.010; and (B) "teacher, counselor, volunteer, or other person
11 in authority" does not include the parent or legal guardian of the
12 victim.

13 (39) "Private school" means a school regulated under chapter
14 28A.195 or 28A.205 RCW.

15 (40) "Public school" has the same meaning as in RCW 28A.150.010.

16 (41) "Repetitive domestic violence offense" means any:

17 (a)(i) Domestic violence assault that is not a felony offense
18 under RCW 9A.36.041;

19 (ii) Domestic violence violation of a no-contact order under
20 chapter 10.99 RCW that is not a felony offense;

21 (iii) Domestic violence violation of a protection order under
22 chapter 26.09, 26.10, 26.26, or 26.50 RCW that is not a felony
23 offense;

24 (iv) Domestic violence harassment offense under RCW 9A.46.020
25 that is not a felony offense; or

26 (v) Domestic violence stalking offense under RCW 9A.46.110 that
27 is not a felony offense; or

28 (b) Any federal, out-of-state, tribal court, military, county, or
29 municipal conviction for an offense that under the laws of this state
30 would be classified as a repetitive domestic violence offense under
31 (a) of this subsection.

32 (42) "Restitution" means a specific sum of money ordered by the
33 sentencing court to be paid by the offender to the court over a
34 specified period of time as payment of damages. The sum may include
35 both public and private costs.

36 (43) "Risk assessment" means the application of the risk
37 instrument recommended to the department by the Washington state
38 institute for public policy as having the highest degree of
39 predictive accuracy for assessing an offender's risk of reoffense.

40 (44) "Serious traffic offense" means:

1 (a) Nonfelony driving while under the influence of intoxicating
2 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
3 while under the influence of intoxicating liquor or any drug (RCW
4 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
5 attended vehicle (RCW 46.52.020(5)); or

6 (b) Any federal, out-of-state, county, or municipal conviction
7 for an offense that under the laws of this state would be classified
8 as a serious traffic offense under (a) of this subsection.

9 (45) "Serious violent offense" is a subcategory of violent
10 offense and means:

11 (a)(i) Murder in the first degree;

12 (ii) Homicide by abuse;

13 (iii) Murder in the second degree;

14 (iv) Manslaughter in the first degree;

15 (v) Assault in the first degree;

16 (vi) Kidnapping in the first degree;

17 (vii) Rape in the first degree;

18 (viii) Assault of a child in the first degree; or

19 (ix) An attempt, criminal solicitation, or criminal conspiracy to
20 commit one of these felonies; or

21 (b) Any federal or out-of-state conviction for an offense that
22 under the laws of this state would be a felony classified as a
23 serious violent offense under (a) of this subsection.

24 (46) "Sex offense" means:

25 (a)(i) A felony that is a violation of chapter 9A.44 RCW other
26 than RCW 9A.44.132;

27 (ii) A violation of RCW 9A.64.020;

28 (iii) A felony that is a violation of chapter 9.68A RCW other
29 than RCW 9.68A.080;

30 (iv) A felony that is, under chapter 9A.28 RCW, a criminal
31 attempt, criminal solicitation, or criminal conspiracy to commit such
32 crimes; or

33 (v) A felony violation of RCW 9A.44.132(1) (failure to register)
34 if the person has been convicted of violating RCW 9A.44.132(1)
35 (failure to register) on at least one prior occasion;

36 (b) Any conviction for a felony offense in effect at any time
37 prior to July 1, 1976, that is comparable to a felony classified as a
38 sex offense in (a) of this subsection;

39 (c) A felony with a finding of sexual motivation under RCW
40 9.94A.835 or 13.40.135; or

1 (d) Any federal or out-of-state conviction for an offense that
2 under the laws of this state would be a felony classified as a sex
3 offense under (a) of this subsection.

4 (47) "Sexual motivation" means that one of the purposes for which
5 the defendant committed the crime was for the purpose of his or her
6 sexual gratification.

7 (48) "Standard sentence range" means the sentencing court's
8 discretionary range in imposing a nonappealable sentence.

9 (49) "Statutory maximum sentence" means the maximum length of
10 time for which an offender may be confined as punishment for a crime
11 as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute
12 defining the crime, or other statute defining the maximum penalty for
13 a crime.

14 (50) "Stranger" means that the victim did not know the offender
15 twenty-four hours before the offense.

16 (51) "Total confinement" means confinement inside the physical
17 boundaries of a facility or institution operated or utilized under
18 contract by the state or any other unit of government for twenty-four
19 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

20 (52) "Transition training" means written and verbal instructions
21 and assistance provided by the department to the offender during the
22 two weeks prior to the offender's successful completion of the work
23 ethic camp program. The transition training shall include
24 instructions in the offender's requirements and obligations during
25 the offender's period of community custody.

26 (53) "Victim" means any person who has sustained emotional,
27 psychological, physical, or financial injury to person or property as
28 a direct result of the crime charged.

29 (54) "Violent offense" means:

30 (a) Any of the following felonies:

31 (i) Any felony defined under any law as a class A felony or an
32 attempt to commit a class A felony;

33 (ii) Criminal solicitation of or criminal conspiracy to commit a
34 class A felony;

35 (iii) Manslaughter in the first degree;

36 (iv) Manslaughter in the second degree;

37 (v) Indecent liberties if committed by forcible compulsion;

38 (vi) Kidnapping in the second degree;

39 (vii) Arson in the second degree;

40 (viii) Assault in the second degree;

1 (ix) Assault of a child in the second degree;
2 (x) Extortion in the first degree;
3 (xi) Robbery in the second degree;
4 (xii) Drive-by shooting;
5 (xiii) Vehicular assault, when caused by the operation or driving
6 of a vehicle by a person while under the influence of intoxicating
7 liquor or any drug or by the operation or driving of a vehicle in a
8 reckless manner; and
9 (xiv) Vehicular homicide, when proximately caused by the driving
10 of any vehicle by any person while under the influence of
11 intoxicating liquor or any drug as defined by RCW 46.61.502, or by
12 the operation of any vehicle in a reckless manner;
13 (b) Any conviction for a felony offense in effect at any time
14 prior to July 1, 1976, that is comparable to a felony classified as a
15 violent offense in (a) of this subsection; and
16 (c) Any federal or out-of-state conviction for an offense that
17 under the laws of this state would be a felony classified as a
18 violent offense under (a) or (b) of this subsection.
19 (55) "Work crew" means a program of partial confinement
20 consisting of civic improvement tasks for the benefit of the
21 community that complies with RCW 9.94A.725.
22 (56) "Work ethic camp" means an alternative incarceration program
23 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
24 the cost of corrections by requiring offenders to complete a
25 comprehensive array of real-world job and vocational experiences,
26 character-building work ethics training, life management skills
27 development, substance abuse rehabilitation, counseling, literacy
28 training, and basic adult education.
29 (57) "Work release" means a program of partial confinement
30 available to offenders who are employed or engaged as a student in a
31 regular course of study at school.

32 **Sec. 2.** RCW 9.94A.515 and 2013 c 322 s 26, 2013 c 290 s 8, 2013
33 c 267 s 2, and 2013 c 153 s 2 are each reenacted and amended to read
34 as follows:

35 TABLE 2
36 CRIMES INCLUDED WITHIN
37 EACH SERIOUSNESS LEVEL

1 XVI Aggravated Murder 1 (RCW
2 10.95.020)
3 XV Homicide by abuse (RCW 9A.32.055)
4 Malicious explosion 1 (RCW
5 70.74.280(1))
6 Murder 1 (RCW 9A.32.030)
7 XIV Murder 2 (RCW 9A.32.050)
8 Trafficking 1 (RCW 9A.40.100(1))
9 XIII Malicious explosion 2 (RCW
10 70.74.280(2))
11 Malicious placement of an explosive 1
12 (RCW 70.74.270(1))
13 XII Assault 1 (RCW 9A.36.011)
14 Assault of a Child 1 (RCW 9A.36.120)
15 Malicious placement of an imitation
16 device 1 (RCW 70.74.272(1)(a))
17 Promoting Commercial Sexual Abuse
18 of a Minor (RCW 9.68A.101)
19 Rape 1 (RCW 9A.44.040)
20 Rape of a Child 1 (RCW 9A.44.073)
21 Trafficking 2 (RCW 9A.40.100(~~(2)~~))
22 (3)
23 XI Manslaughter 1 (RCW 9A.32.060)
24 Rape 2 (RCW 9A.44.050)
25 Rape of a Child 2 (RCW 9A.44.076)
26 Vehicular Homicide, by being under
27 the influence of intoxicating liquor
28 or any drug (RCW 46.61.520)
29 X Child Molestation 1 (RCW 9A.44.083)
30 Criminal Mistreatment 1 (RCW
31 9A.42.020)
32 Indecent Liberties (with forcible
33 compulsion) (RCW
34 9A.44.100(1)(a))
35 Kidnapping 1 (RCW 9A.40.020)

1 Leading Organized Crime (RCW
2 9A.82.060(1)(a))
3 Malicious explosion 3 (RCW
4 70.74.280(3))
5 Sexually Violent Predator Escape
6 (RCW 9A.76.115)
7 IX Abandonment of Dependent Person 1
8 (RCW 9A.42.060)
9 Assault of a Child 2 (RCW 9A.36.130)
10 Explosive devices prohibited (RCW
11 70.74.180)
12 Hit and Run—Death (RCW
13 46.52.020(4)(a))
14 Homicide by Watercraft, by being
15 under the influence of intoxicating
16 liquor or any drug (RCW
17 79A.60.050)
18 Inciting Criminal Profiteering (RCW
19 9A.82.060(1)(b))
20 Malicious placement of an explosive 2
21 (RCW 70.74.270(2))
22 Robbery 1 (RCW 9A.56.200)
23 Sexual Exploitation (RCW 9.68A.040)
24 VIII Arson 1 (RCW 9A.48.020)
25 Commercial Sexual Abuse of a Minor
26 (RCW 9.68A.100)
27 Homicide by Watercraft, by the
28 operation of any vessel in a
29 reckless manner (RCW
30 79A.60.050)
31 Manslaughter 2 (RCW 9A.32.070)
32 Promoting Prostitution 1 (RCW
33 9A.88.070)
34 Theft of Ammonia (RCW 69.55.010)

1 Vehicular Homicide, by the operation
2 of any vehicle in a reckless
3 manner (RCW 46.61.520)

4 VII Burglary 1 (RCW 9A.52.020)

5 Child Molestation 2 (RCW 9A.44.086)

6 Civil Disorder Training (RCW
7 9A.48.120)

8 Dealing in depictions of minor engaged
9 in sexually explicit conduct 1
10 (RCW 9.68A.050(1))

11 Drive-by Shooting (RCW 9A.36.045)

12 Homicide by Watercraft, by disregard
13 for the safety of others (RCW
14 79A.60.050)

15 Indecent Liberties (without forcible
16 compulsion) (RCW 9A.44.100(1)
17 (b) and (c))

18 Introducing Contraband 1 (RCW
19 9A.76.140)

20 Malicious placement of an explosive 3
21 (RCW 70.74.270(3))

22 Negligently Causing Death By Use of a
23 Signal Preemption Device (RCW
24 46.37.675)

25 Sending, bringing into state depictions
26 of minor engaged in sexually
27 explicit conduct 1 (RCW
28 9.68A.060(1))

29 Unlawful Possession of a Firearm in
30 the first degree (RCW
31 9.41.040(1))

32 Use of a Machine Gun in Commission
33 of a Felony (RCW 9.41.225)

34 Vehicular Homicide, by disregard for
35 the safety of others (RCW
36 46.61.520)

1 VI Bail Jumping with Murder 1 (RCW
2 9A.76.170(3)(a))
3 Bribery (RCW 9A.68.010)
4 Incest 1 (RCW 9A.64.020(1))
5 Intimidating a Judge (RCW 9A.72.160)
6 Intimidating a Juror/Witness (RCW
7 9A.72.110, 9A.72.130)
8 Malicious placement of an imitation
9 device 2 (RCW 70.74.272(1)(b))
10 Possession of Depictions of a Minor
11 Engaged in Sexually Explicit
12 Conduct 1 (RCW 9.68A.070(1))
13 Rape of a Child 3 (RCW 9A.44.079)
14 Theft of a Firearm (RCW 9A.56.300)
15 Unlawful Storage of Ammonia (RCW
16 69.55.020)
17 V Abandonment of Dependent Person 2
18 (RCW 9A.42.070)
19 Advancing money or property for
20 extortionate extension of credit
21 (RCW 9A.82.030)
22 Bail Jumping with class A Felony
23 (RCW 9A.76.170(3)(b))
24 Child Molestation 3 (RCW 9A.44.089)
25 Criminal Mistreatment 2 (RCW
26 9A.42.030)
27 Custodial Sexual Misconduct 1 (RCW
28 9A.44.160)
29 Dealing in Depictions of Minor
30 Engaged in Sexually Explicit
31 Conduct 2 (RCW 9.68A.050(2))
32 Domestic Violence Court Order
33 Violation (RCW 10.99.040,
34 10.99.050, 26.09.300, 26.10.220,
35 26.26.138, 26.50.110, 26.52.070,
36 or 74.34.145)

1 Driving While Under the Influence
2 (RCW 46.61.502(6))
3 Extortion 1 (RCW 9A.56.120)
4 Extortionate Extension of Credit (RCW
5 9A.82.020)
6 Extortionate Means to Collect
7 Extensions of Credit (RCW
8 9A.82.040)
9 Incest 2 (RCW 9A.64.020(2))
10 Kidnapping 2 (RCW 9A.40.030)
11 Perjury 1 (RCW 9A.72.020)
12 Persistent prison misbehavior (RCW
13 9.94.070)
14 Physical Control of a Vehicle While
15 Under the Influence (RCW
16 46.61.504(6))
17 Possession of a Stolen Firearm (RCW
18 9A.56.310)
19 Rape 3 (RCW 9A.44.060)
20 Rendering Criminal Assistance 1
21 (RCW 9A.76.070)
22 Sending, Bringing into State
23 Depictions of Minor Engaged in
24 Sexually Explicit Conduct 2
25 (RCW 9.68A.060(2))
26 Sexual Misconduct with a Minor 1
27 (RCW 9A.44.093)
28 Sexually Violating Human Remains
29 (RCW 9A.44.105)
30 Stalking (RCW 9A.46.110)
31 Taking Motor Vehicle Without
32 Permission 1 (RCW 9A.56.070)
33 IV Arson 2 (RCW 9A.48.030)
34 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
11 9A.68.060)
12 Counterfeiting (RCW 9.16.035(4))
13 Endangerment with a Controlled
14 Substance (RCW 9A.42.100)
15 Escape 1 (RCW 9A.76.110)
16 Hit and Run—Injury (RCW
17 46.52.020(4)(b))
18 Hit and Run with Vessel—Injury
19 Accident (RCW 79A.60.200(3))
20 Identity Theft 1 (RCW 9.35.020(2))
21 Indecent Exposure to Person Under
22 Age Fourteen (subsequent sex
23 offense) (RCW 9A.88.010)
24 Influencing Outcome of Sporting Event
25 (RCW 9A.82.070)
26 Malicious Harassment (RCW
27 9A.36.080)
28 Possession of Depictions of a Minor
29 Engaged in Sexually Explicit
30 Conduct 2 (RCW 9.68A.070(2))
31 Residential Burglary (RCW
32 9A.52.025)
33 Robbery 2 (RCW 9A.56.210)
34 Theft of Livestock 1 (RCW 9A.56.080)
35 Threats to Bomb (RCW 9.61.160)

1 Trafficking in Stolen Property 1 (RCW
2 9A.82.050)
3 Unlawful factoring of a credit card or
4 payment card transaction (RCW
5 9A.56.290(4)(b))
6 Unlawful transaction of health
7 coverage as a health care service
8 contractor (RCW 48.44.016(3))
9 Unlawful transaction of health
10 coverage as a health maintenance
11 organization (RCW 48.46.033(3))
12 Unlawful transaction of insurance
13 business (RCW 48.15.023(3))
14 Unlicensed practice as an insurance
15 professional (RCW 48.17.063(2))
16 Use of Proceeds of Criminal
17 Profiteering (RCW 9A.82.080 (1)
18 and (2))
19 Vehicle Prowling 2 (third or
20 subsequent offense) (RCW
21 9A.52.100(3))
22 Vehicular Assault, by being under the
23 influence of intoxicating liquor or
24 any drug, or by the operation or
25 driving of a vehicle in a reckless
26 manner (RCW 46.61.522)
27 Viewing of Depictions of a Minor
28 Engaged in Sexually Explicit
29 Conduct 1 (RCW 9.68A.075(1))
30 Willful Failure to Return from
31 Furlough (RCW 72.66.060)
32 III Animal Cruelty 1 (Sexual Conduct or
33 Contact) (RCW 16.52.205(3))
34 Assault 3 (Except Assault 3 of a Peace
35 Officer With a Projectile Stun
36 Gun) (RCW 9A.36.031 except
37 subsection (1)(h))

1 Assault of a Child 3 (RCW 9A.36.140)
2 Bail Jumping with class B or C Felony
3 (RCW 9A.76.170(3)(c))
4 Burglary 2 (RCW 9A.52.030)
5 Communication with a Minor for
6 Immoral Purposes (RCW
7 9.68A.090)
8 Criminal Gang Intimidation (RCW
9 9A.46.120)
10 Custodial Assault (RCW 9A.36.100)
11 Cyberstalking (subsequent conviction
12 or threat of death) (RCW
13 9.61.260(3))
14 Escape 2 (RCW 9A.76.120)
15 Extortion 2 (RCW 9A.56.130)
16 Harassment (RCW 9A.46.020)
17 Intimidating a Public Servant (RCW
18 9A.76.180)
19 Introducing Contraband 2 (RCW
20 9A.76.150)
21 Malicious Injury to Railroad Property
22 (RCW 81.60.070)
23 Mortgage Fraud (RCW 19.144.080)
24 Negligently Causing Substantial
25 Bodily Harm By Use of a Signal
26 Preemption Device (RCW
27 46.37.674)
28 Organized Retail Theft 1 (RCW
29 9A.56.350(2))
30 Perjury 2 (RCW 9A.72.030)
31 Possession of Incendiary Device (RCW
32 9.40.120)
33 Possession of Machine Gun or Short-
34 Barreled Shotgun or Rifle (RCW
35 9.41.190)

1 Promoting Prostitution 2 (RCW
2 9A.88.080)
3 Retail Theft with Special
4 Circumstances 1 (RCW
5 9A.56.360(2))
6 Securities Act violation (RCW
7 21.20.400)
8 Tampering with a Witness (RCW
9 9A.72.120)
10 Telephone Harassment (subsequent
11 conviction or threat of death)
12 (RCW 9.61.230(2))
13 Theft of Livestock 2 (RCW 9A.56.083)
14 Theft with the Intent to Resell 1 (RCW
15 9A.56.340(2))
16 Trafficking in Stolen Property 2 (RCW
17 9A.82.055)
18 Unlawful Hunting of Big Game 1
19 (RCW 77.15.410(3)(b))
20 Unlawful Imprisonment (RCW
21 9A.40.040)
22 Unlawful Misbranding of Food Fish or
23 Shellfish 1 (RCW 69.04.938(3))
24 Unlawful possession of firearm in the
25 second degree (RCW 9.41.040(2))
26 Unlawful Taking of Endangered Fish
27 or Wildlife 1 (RCW
28 77.15.120(3)(b))
29 Unlawful Trafficking in Fish, Shellfish,
30 or Wildlife 1 (RCW
31 77.15.260(3)(b))
32 Unlawful Use of a Nondesignated
33 Vessel (RCW 77.15.530(4))

1 Vehicular Assault, by the operation or
2 driving of a vehicle with disregard
3 for the safety of others (RCW
4 46.61.522)

5 Willful Failure to Return from Work
6 Release (RCW 72.65.070)

7 II Commercial Fishing Without a License
8 1 (RCW 77.15.500(3)(b))

9 Computer Trespass 1 (RCW
10 9A.52.110)

11 Counterfeiting (RCW 9.16.035(3))

12 Engaging in Fish Dealing Activity
13 Unlicensed 1 (RCW 77.15.620(3))

14 Escape from Community Custody
15 (RCW 72.09.310)

16 Failure to Register as a Sex Offender
17 (second or subsequent offense)
18 (RCW 9A.44.132)

19 Health Care False Claims (RCW
20 48.80.030)

21 Identity Theft 2 (RCW 9.35.020(3))

22 Improperly Obtaining Financial
23 Information (RCW 9.35.010)

24 Malicious Mischief 1 (RCW
25 9A.48.070)

26 Organized Retail Theft 2 (RCW
27 9A.56.350(3))

28 Possession of Stolen Property 1 (RCW
29 9A.56.150)

30 Possession of a Stolen Vehicle (RCW
31 9A.56.068)

32 Retail Theft with Special
33 Circumstances 2 (RCW
34 9A.56.360(3))

1 Scrap Processing, Recycling, or
2 Supplying Without a License
3 (second or subsequent offense)
4 (RCW 19.290.100)
5 Theft 1 (RCW 9A.56.030)
6 Theft of a Motor Vehicle (RCW
7 9A.56.065)
8 Theft of Rental, Leased, or Lease-
9 purchased Property (valued at one
10 thousand five hundred dollars or
11 more) (RCW 9A.56.096(5)(a))
12 Theft with the Intent to Resell 2 (RCW
13 9A.56.340(3))
14 Trafficking in Insurance Claims (RCW
15 48.30A.015)
16 Unlawful factoring of a credit card or
17 payment card transaction (RCW
18 9A.56.290(4)(a))
19 Unlawful Participation of Non-Indians
20 in Indian Fishery (RCW
21 77.15.570(2))
22 Unlawful Practice of Law (RCW
23 2.48.180)
24 Unlawful Purchase or Use of a License
25 (RCW 77.15.650(3)(b))
26 Unlawful Trafficking in Fish, Shellfish,
27 or Wildlife 2 (RCW
28 77.15.260(3)(a))
29 Unlicensed Practice of a Profession or
30 Business (RCW 18.130.190(7))
31 Voyeurism (RCW 9A.44.115)
32 I Attempting to Elude a Pursuing Police
33 Vehicle (RCW 46.61.024)
34 False Verification for Welfare (RCW
35 74.08.055)
36 Forgery (RCW 9A.60.020)

1 Fraudulent Creation or Revocation of a
2 Mental Health Advance Directive
3 (RCW 9A.60.060)
4 Malicious Mischief 2 (RCW
5 9A.48.080)
6 Mineral Trespass (RCW 78.44.330)
7 Possession of Stolen Property 2 (RCW
8 9A.56.160)
9 Reckless Burning 1 (RCW 9A.48.040)
10 Spotlighting Big Game 1 (RCW
11 77.15.450(3)(b))
12 Suspension of Department Privileges 1
13 (RCW 77.15.670(3)(b))
14 ~~((Taking Motor Vehicle Without
15 Permission 2 (RCW 9A.56.075)))~~
16 Theft 2 (RCW 9A.56.040)
17 Theft of Rental, Leased, or Lease-
18 purchased Property (valued at two
19 hundred fifty dollars or more but
20 less than one thousand five
21 hundred dollars) (RCW
22 9A.56.096(5)(b))
23 Transaction of insurance business
24 beyond the scope of licensure
25 (RCW 48.17.063)
26 Unlawful Fish and Shellfish Catch
27 Accounting (RCW
28 77.15.630(3)(b))
29 Unlawful Issuance of Checks or Drafts
30 (RCW 9A.56.060)
31 Unlawful Possession of Fictitious
32 Identification (RCW 9A.56.320)
33 Unlawful Possession of Instruments of
34 Financial Fraud (RCW 9A.56.320)
35 Unlawful Possession of Payment
36 Instruments (RCW 9A.56.320)

1 Unlawful Possession of a Personal
2 Identification Device (RCW
3 9A.56.320)
4 Unlawful Production of Payment
5 Instruments (RCW 9A.56.320)
6 ~~((Unlawful Release of))~~ Unlawfully
7 Releasing, Planting, Possessing, or
8 Placing Deleterious Exotic
9 Wildlife (RCW 77.15.250(2)(b))
10 Unlawful Trafficking in Food Stamps
11 (RCW 9.91.142)
12 Unlawful Use of Food Stamps (RCW
13 9.91.144)
14 Unlawful Use of Net to Take Fish 1
15 (RCW 77.15.580(3)(b))
16 Unlawful Use of Prohibited Aquatic
17 Animal Species (RCW
18 77.15.253(3))
19 Vehicle Prowl 1 (RCW 9A.52.095)
20 Violating Commercial Fishing Area or
21 Time 1 (RCW 77.15.550(3)(b))

22 **Sec. 3.** RCW 9.94A.525 and 2013 2nd sp.s. c 35 s 8 are each
23 amended to read as follows:

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

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

28 (1) A prior conviction is a conviction which exists before the
29 date of sentencing for the offense for which the offender score is
30 being computed. Convictions entered or sentenced on the same date as
31 the conviction for which the offender score is being computed shall
32 be deemed "other current offenses" within the meaning of RCW
33 9.94A.589.

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

36 (b) Class B prior felony convictions other than sex offenses
37 shall not be included in the offender score, if since the last date

1 of release from confinement (including full-time residential
2 treatment) pursuant to a felony conviction, if any, or entry of
3 judgment and sentence, the offender had spent ten consecutive years
4 in the community without committing any crime that subsequently
5 results in a conviction.

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

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

20 (e) If the present conviction is felony driving while under the
21 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or
22 felony physical control of a vehicle while under the influence of
23 intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate
24 crimes for the offense as defined by RCW 46.61.5055(14) shall be
25 included in the offender score, and prior convictions for felony
26 driving while under the influence of intoxicating liquor or any drug
27 (RCW 46.61.502(6)) or felony physical control of a vehicle while
28 under the influence of intoxicating liquor or any drug (RCW
29 46.61.504(6)) shall always be included in the offender score. All
30 other convictions of the defendant shall be scored according to this
31 section.

32 (f) Prior convictions for a repetitive domestic violence offense,
33 as defined in RCW 9.94A.030, shall not be included in the offender
34 score if, since the last date of release from confinement or entry of
35 judgment and sentence, the offender had spent ten consecutive years
36 in the community without committing any crime that subsequently
37 results in a conviction.

38 (g) This subsection applies to both adult and juvenile prior
39 convictions.

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

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

13 (5)(a) In the case of multiple prior convictions, for the purpose
14 of computing the offender score, count all convictions separately,
15 except:

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

31 (ii) In the case of multiple prior convictions for offenses
32 committed before July 1, 1986, for the purpose of computing the
33 offender score, count all adult convictions served concurrently as
34 one offense, and count all juvenile convictions entered on the same
35 date as one offense. Use the conviction for the offense that yields
36 the highest offender score.

37 (b) As used in this subsection (5), "served concurrently" means
38 that: (i) The latter sentence was imposed with specific reference to
39 the former; (ii) the concurrent relationship of the sentences was
40 judicially imposed; and (iii) the concurrent timing of the sentences

1 was not the result of a probation or parole revocation on the former
2 offense.

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

8 (7) If the present conviction is for a nonviolent offense and not
9 covered by subsection (11), (12), or (13) of this section, count one
10 point for each adult prior felony conviction and one point for each
11 juvenile prior violent felony conviction and 1/2 point for each
12 juvenile prior nonviolent felony conviction.

13 (8) If the present conviction is for a violent offense and not
14 covered in subsection (9), (10), (11), (12), or (13) of this section,
15 count two points for each prior adult and juvenile violent felony
16 conviction, one point for each prior adult nonviolent felony
17 conviction, and 1/2 point for each prior juvenile nonviolent felony
18 conviction.

19 (9) If the present conviction is for a serious violent offense,
20 count three points for prior adult and juvenile convictions for
21 crimes in this category, two points for each prior adult and juvenile
22 violent conviction (not already counted), one point for each prior
23 adult nonviolent felony conviction, and 1/2 point for each prior
24 juvenile nonviolent felony conviction.

25 (10) If the present conviction is for Burglary 1, count prior
26 convictions as in subsection (8) of this section; however count two
27 points for each prior adult Burglary 2 or residential burglary
28 conviction, and one point for each prior juvenile Burglary 2 or
29 residential burglary conviction.

30 (11) If the present conviction is for a felony traffic offense
31 count two points for each adult or juvenile prior conviction for
32 Vehicular Homicide or Vehicular Assault; for each felony offense
33 count one point for each adult and 1/2 point for each juvenile prior
34 conviction; for each serious traffic offense, other than those used
35 for an enhancement pursuant to RCW 46.61.520(2), count one point for
36 each adult and 1/2 point for each juvenile prior conviction; count
37 one point for each adult and 1/2 point for each juvenile prior
38 conviction for operation of a vessel while under the influence of
39 intoxicating liquor or any drug.

1 (12) If the present conviction is for homicide by watercraft or
2 assault by watercraft count two points for each adult or juvenile
3 prior conviction for homicide by watercraft or assault by watercraft;
4 for each felony offense count one point for each adult and 1/2 point
5 for each juvenile prior conviction; count one point for each adult
6 and 1/2 point for each juvenile prior conviction for driving under
7 the influence of intoxicating liquor or any drug, actual physical
8 control of a motor vehicle while under the influence of intoxicating
9 liquor or any drug, or operation of a vessel while under the
10 influence of intoxicating liquor or any drug.

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

22 (14) If the present conviction is for Escape from Community
23 Custody, RCW 72.09.310, count only prior escape convictions in the
24 offender score. Count adult prior escape convictions as one point and
25 juvenile prior escape convictions as 1/2 point.

26 (15) If the present conviction is for Escape 1, RCW 9A.76.110, or
27 Escape 2, RCW 9A.76.120, count adult prior convictions as one point
28 and juvenile prior convictions as 1/2 point.

29 (16) If the present conviction is for Burglary 2 or residential
30 burglary, count priors as in subsection (7) of this section; however,
31 count two points for each adult and juvenile prior Burglary 1
32 conviction, two points for each adult prior Burglary 2 or residential
33 burglary conviction, and one point for each juvenile prior Burglary 2
34 or residential burglary conviction.

35 (17) If the present conviction is for a sex offense, count priors
36 as in subsections (7) through (11) and (13) through (16) of this
37 section; however count three points for each adult and juvenile prior
38 sex offense conviction.

39 (18) If the present conviction is for failure to register as a
40 sex offender under RCW (~~(9A.44.130 or)~~) 9A.44.132, count priors as in

1 subsections (7) through (11) and (13) through (16) of this section;
2 however count three points for each adult and juvenile prior sex
3 offense conviction, excluding prior convictions for failure to
4 register as a sex offender under RCW (~~9A.44.130 or~~) 9A.44.132,
5 which shall count as one point.

6 (19) If the present conviction is for an offense committed while
7 the offender was under community custody, add one point. For purposes
8 of this subsection, community custody includes community placement or
9 postrelease supervision, as defined in chapter 9.94B RCW.

10 (20) If the present conviction is for Theft of a Motor Vehicle,
11 Possession of a Stolen Vehicle, or Taking a Motor Vehicle Without
12 Permission 1, (~~or Taking a Motor Vehicle Without Permission 2,~~)
13 count priors as in subsections (7) through (18) of this section;
14 however count one point for prior convictions of Vehicle Prowling 2,
15 and three points for each adult and juvenile prior Theft 1 (of a
16 motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen
17 Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of
18 a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen
19 Vehicle, or Taking a Motor Vehicle Without Permission 1(~~, or Taking
20 a Motor Vehicle Without Permission 2~~) conviction.

21 (21) If the present conviction is for a felony domestic violence
22 offense where domestic violence as defined in RCW 9.94A.030 was plead
23 and proven, count priors as in subsections (7) through (20) of this
24 section; however, count points as follows:

25 (a) Count two points for each adult prior conviction where
26 domestic violence as defined in RCW 9.94A.030 was plead and proven
27 after August 1, 2011, for the following offenses: A violation of a
28 no-contact order that is a felony offense, a violation of a
29 protection order that is a felony offense, a felony domestic violence
30 harassment offense, a felony domestic violence stalking offense, a
31 domestic violence Burglary 1 offense, a domestic violence Kidnapping
32 1 offense, a domestic violence Kidnapping 2 offense, a domestic
33 violence unlawful imprisonment offense, a domestic violence Robbery 1
34 offense, a domestic violence Robbery 2 offense, a domestic violence
35 Assault 1 offense, a domestic violence Assault 2 offense, a domestic
36 violence Assault 3 offense, a domestic violence Arson 1 offense, or a
37 domestic violence Arson 2 offense;

38 (b) Count one point for each second and subsequent juvenile
39 conviction where domestic violence as defined in RCW 9.94A.030 was

1 plead and proven after August 1, 2011, for the offenses listed in (a)
2 of this subsection; and

3 (c) Count one point for each adult prior conviction for a
4 repetitive domestic violence offense as defined in RCW 9.94A.030,
5 where domestic violence as defined in RCW 9.94A.030, was plead and
6 proven after August 1, 2011.

7 (22) The fact that a prior conviction was not included in an
8 offender's offender score or criminal history at a previous
9 sentencing shall have no bearing on whether it is included in the
10 criminal history or offender score for the current offense. Prior
11 convictions that were not counted in the offender score or included
12 in criminal history under repealed or previous versions of the
13 sentencing reform act shall be included in criminal history and shall
14 count in the offender score if the current version of the sentencing
15 reform act requires including or counting those convictions. Prior
16 convictions that were not included in criminal history or in the
17 offender score shall be included upon any resentencing to ensure
18 imposition of an accurate sentence.

19 **Sec. 4.** RCW 9.94A.734 and 2010 c 224 s 9 are each amended to
20 read as follows:

21 (1) Home detention may not be imposed for offenders convicted of
22 the following offenses, unless imposed as partial confinement in the
23 department's parenting program under RCW 9.94A.6551:

- 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
34 of a controlled substance under RCW 69.50.4013 or forged prescription
35 for a controlled substance under RCW 69.50.403 if the offender
36 fulfills the participation conditions set forth in this section and
37 is monitored for drug use by a treatment alternatives to street crime
38 program or a comparable court or agency-referred program.

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

4 (a) Successfully completing twenty-one days in a work release
5 program;

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

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

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

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

15 (3) Home detention may be imposed for offenders convicted of
16 (~~taking a motor vehicle without permission in the second degree as~~
17 ~~defined in RCW 9A.56.075,~~) theft of a motor vehicle as defined under
18 RCW 9A.56.065(~~(7)~~) or possession of a stolen motor vehicle as defined
19 under RCW 9A.56.068 conditioned upon the offender:

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

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

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

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

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

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

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

38 (c) Compliance with court-ordered legal financial obligations.
39 The home detention program may also be made available to offenders
40 whose charges and convictions do not otherwise disqualify them if

1 medical or health-related conditions, concerns or treatment would be
 2 better addressed under the home detention program, or where the
 3 health and welfare of the offender, other inmates, or staff would be
 4 jeopardized by the offender's incarceration. Participation in the
 5 home detention program for medical or health-related reasons is
 6 conditioned on the offender abiding by the rules of the home
 7 detention program and complying with court-ordered restitution.

8 **Sec. 5.** RCW 13.40.0357 and 2013 c 20 s 2 are each amended to
 9 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+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090)	E

E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+

Assault and Other Crimes Involving

Physical Harm

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E

1	B+	Drive-By Shooting (9A.36.045)	C+
2	D+	Reckless Endangerment (9A.36.050)	E
3	C+	Promoting Suicide Attempt (9A.36.060)	D+
4	D+	Coercion (9A.36.070)	E
5	C+	Custodial Assault (9A.36.100)	D+
6		Burglary and Trespass	
7	B+	Burglary 1 (9A.52.020)	C+
8	B	Residential Burglary (9A.52.025)	C
9	B	Burglary 2 (9A.52.030)	C
10	D	Burglary Tools (Possession of) (9A.52.060)	E
11	D	Criminal Trespass 1 (9A.52.070)	E
12	E	Criminal Trespass 2 (9A.52.080)	E
13	C	Mineral Trespass (78.44.330)	C
14	C	Vehicle Prowling 1 (9A.52.095)	D
15	D	Vehicle Prowling 2 (9A.52.100)	E
16		Drugs	
17	E	Possession/Consumption of Alcohol	
18		(66.44.270)	E
19	C	Illegally Obtaining Legend Drug	
20		(69.41.020)	D
21	C+	Sale, Delivery, Possession of Legend Drug	
22		with Intent to Sell (69.41.030(2)(a))	D+
23	E	Possession of Legend Drug	
24		(69.41.030(2)(b))	E
25	B+	Violation of Uniform Controlled	
26		Substances Act - Narcotic,	
27		Methamphetamine, or Flunitrazepam Sale	
28		(69.50.401(2) (a) or (b))	B+
29	C	Violation of Uniform Controlled	
30		Substances Act - Nonnarcotic Sale	
31		(69.50.401(2)(c))	C
32	E	Possession of Marihuana <40 grams	
33		(69.50.4014)	E
34	C	Fraudulently Obtaining Controlled	
35		Substance (69.50.403)	C
36	C+	Sale of Controlled Substance for Profit	
37		(69.50.410)	C+

1	E	Unlawful Inhalation (9.47A.020)	E
2	B	Violation of Uniform Controlled	
3		Substances Act - Narcotic,	
4		Methamphetamine, or Flunitrazepam	
5		Counterfeit Substances (69.50.4011(2) (a)	
6		or (b))	B
7	C	Violation of Uniform Controlled	
8		Substances Act - Nonnarcotic Counterfeit	
9		Substances (69.50.4011(2) (c), (d), or (e))	C
10	C	Violation of Uniform Controlled	
11		Substances Act - Possession of a Controlled	
12		Substance (69.50.4013)	C
13	C	Violation of Uniform Controlled	
14		Substances Act - Possession of a Controlled	
15		Substance (69.50.4012)	C
16		Firearms and Weapons	
17	B	Theft of Firearm (9A.56.300)	C
18	B	Possession of Stolen Firearm (9A.56.310)	C
19	E	Carrying Loaded Pistol Without Permit	
20		(9.41.050)	E
21	C	Possession of Firearms by Minor (<18)	
22		(9.41.040(2)(a)((iii)) (iv))	C
23	D+	Possession of Dangerous Weapon	
24		(9.41.250)	E
25	D	Intimidating Another Person by use of	
26		Weapon (9.41.270)	E
27		Homicide	
28	A+	Murder 1 (9A.32.030)	A
29	A+	Murder 2 (9A.32.050)	B+
30	B+	Manslaughter 1 (9A.32.060)	C+
31	C+	Manslaughter 2 (9A.32.070)	D+
32	B+	Vehicular Homicide (46.61.520)	C+
33		Kidnapping	
34	A	Kidnap 1 (9A.40.020)	B+
35	B+	Kidnap 2 (9A.40.030)	C+
36	C+	Unlawful Imprisonment (9A.40.040)	D+

1		Obstructing Governmental Operation	
2	D	Obstructing a Law Enforcement Officer	
3		(9A.76.020)	E
4	E	Resisting Arrest (9A.76.040)	E
5	B	Introducing Contraband 1 (9A.76.140)	C
6	C	Introducing Contraband 2 (9A.76.150)	D
7	E	Introducing Contraband 3 (9A.76.160)	E
8	B+	Intimidating a Public Servant (9A.76.180)	C+
9	B+	Intimidating a Witness (9A.72.110)	C+
10		Public Disturbance	
11	C+	Criminal Mischief with Weapon	
12		(9A.84.010(2)(b))	D+
13	D+	Criminal Mischief Without Weapon	
14		(9A.84.010(2)(a))	E
15	E	Failure to Disperse (9A.84.020)	E
16	E	Disorderly Conduct (9A.84.030)	E
17		Sex Crimes	
18	A	Rape 1 (9A.44.040)	B+
19	A-	Rape 2 (9A.44.050)	B+
20	C+	Rape 3 (9A.44.060)	D+
21	A-	Rape of a Child 1 (9A.44.073)	B+
22	B+	Rape of a Child 2 (9A.44.076)	C+
23	B	Incest 1 (9A.64.020(1))	C
24	C	Incest 2 (9A.64.020(2))	D
25	D+	Indecent Exposure (Victim <14)	
26		(9A.88.010)	E
27	E	Indecent Exposure (Victim 14 or over)	
28		(9A.88.010)	E
29	B+	Promoting Prostitution 1 (9A.88.070)	C+
30	C+	Promoting Prostitution 2 (9A.88.080)	D+
31	E	O & A (Prostitution) (9A.88.030)	E
32	B+	Indecent Liberties (9A.44.100)	C+
33	A-	Child Molestation 1 (9A.44.083)	B+
34	B	Child Molestation 2 (9A.44.086)	C+
35	C	Failure to Register as a Sex Offender	
36		(9A.44.132)	D

1		Theft, Robbery, Extortion, and Forgery	
2	B	Theft 1 (9A.56.030)	C
3	C	Theft 2 (9A.56.040)	D
4	D	Theft 3 (9A.56.050)	E
5	B	Theft of Livestock 1 and 2 (9A.56.080 and	
6		9A.56.083)	C
7	C	Forgery (9A.60.020)	D
8	A	Robbery 1 (9A.56.200)	B+
9	B+	Robbery 2 (9A.56.210)	C+
10	B+	Extortion 1 (9A.56.120)	C+
11	C+	Extortion 2 (9A.56.130)	D+
12	C	Identity Theft 1 (9.35.020(2))	D
13	D	Identity Theft 2 (9.35.020(3))	E
14	D	Improperly Obtaining Financial	
15		Information (9.35.010)	E
16	B	Possession of a Stolen Vehicle (9A.56.068)	C
17	B	Possession of Stolen Property 1	
18		(9A.56.150)	C
19	C	Possession of Stolen Property 2	
20		(9A.56.160)	D
21	D	Possession of Stolen Property 3	
22		(9A.56.170)	E
23	B	Taking Motor Vehicle Without Permission	
24		1 (9A.56.070)	C
25	((C	Taking Motor Vehicle Without Permission	
26		2 (9A.56.075)	D))
27	B	Theft of a Motor Vehicle (9A.56.065)	C
28		Motor Vehicle Related Crimes	
29	E	Driving Without a License (46.20.005)	E
30	B+	Hit and Run - Death (46.52.020(4)(a))	C+
31	C	Hit and Run - Injury (46.52.020(4)(b))	D
32	D	Hit and Run-Attended (46.52.020(5))	E
33	E	Hit and Run-Unattended (46.52.010)	E
34	C	Vehicular Assault (46.61.522)	D
35	C	Attempting to Elude Pursuing Police	
36		Vehicle (46.61.024)	D

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

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

31 1st escape or attempted escape during 12-month period - 4 weeks
32 confinement

33 2nd escape or attempted escape during 12-month period - 8 weeks
34 confinement

35 3rd and subsequent escape or attempted escape during 12-month
36 period - 12 weeks confinement

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

3 **JUVENILE SENTENCING STANDARDS**

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

6 **OPTION A**

7 **JUVENILE OFFENDER SENTENCING GRID**

8 **STANDARD RANGE**

9		A+	180 weeks to age 21 for all category A+ offenses				
10		A	103-129 weeks for all category A offenses				
11		A-	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
12			Except 30-40 weeks				
13			for 15 to 17 year olds				
14	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
15	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
16	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
17		C	LS	LS	LS	LS	15-36 weeks
18		D+	LS	LS	LS	LS	LS
19		D	LS	LS	LS	LS	LS
20		E	LS	LS	LS	LS	LS
21							
22	PRIOR		0	1	2	3	4 or more
23	ADJUDICATIONS						

24 NOTE: References in the grid to days or weeks mean periods of
 25 confinement. "LS" means "local sanctions" as defined in RCW
 26 13.40.020.

27 (1) The vertical axis of the grid is the current offense
 28 category. The current offense category is determined by the offense
 29 of adjudication.

30 (2) The horizontal axis of the grid is the number of prior
 31 adjudications included in the juvenile's criminal history. Each prior
 32 felony adjudication shall count as one point. Each prior violation,

1 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
2 point. Fractional points shall be rounded down.

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

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

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

11 **OR**

12 **OPTION B**

13 **SUSPENDED DISPOSITION ALTERNATIVE**

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

25 (a) "Evidence-based" means a program or practice that has had
26 multiple site random controlled trials across heterogeneous
27 populations demonstrating that the program or practice is effective
28 for the population; and

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

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

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

38 (a) Adjudicated of an A+ offense;

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

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

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

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

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

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

21 OR

22 **OPTION C**

23 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

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

28 OR

29 **OPTION D**

30 **MANIFEST INJUSTICE**

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

34 **Sec. 6.** RCW 13.40.160 and 2011 c 338 s 2 are each amended to
35 read as follows:

36 (1) The standard range disposition for a juvenile adjudicated of
37 an offense is determined according to RCW 13.40.0357.

1 (a) When the court sentences an offender to a local sanction as
2 provided in RCW 13.40.0357 option A, the court shall impose a
3 determinate disposition within the standard ranges, except as
4 provided in subsection (2), (3), (4), (5), or (6) of this section.
5 The disposition may be comprised of one or more local sanctions.

6 (b) When the court sentences an offender to a standard range as
7 provided in RCW 13.40.0357 option A that includes a term of
8 confinement exceeding thirty days, commitment shall be to the
9 department for the standard range of confinement, except as provided
10 in subsection (2), (3), (4), (5), or (6) of this section.

11 (2) If the court concludes, and enters reasons for its
12 conclusion, that disposition within the standard range would
13 effectuate a manifest injustice the court shall impose a disposition
14 outside the standard range, as indicated in option D of RCW
15 13.40.0357. The court's finding of manifest injustice shall be
16 supported by clear and convincing evidence.

17 A disposition outside the standard range shall be determinate and
18 shall be comprised of confinement or community supervision, or a
19 combination thereof. When a judge finds a manifest injustice and
20 imposes a sentence of confinement exceeding thirty days, the court
21 shall sentence the juvenile to a maximum term, and the provisions of
22 RCW 13.40.030(2) shall be used to determine the range. A disposition
23 outside the standard range is appealable under RCW 13.40.230 by the
24 state or the respondent. A disposition within the standard range is
25 not appealable under RCW 13.40.230.

26 (3) If a juvenile offender is found to have committed a sex
27 offense, other than a sex offense that is also a serious violent
28 offense as defined by RCW 9.94A.030, and has no history of a prior
29 sex offense, the court may impose the special sex offender
30 disposition alternative under RCW 13.40.162.

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

35 (5) If a juvenile is subject to a commitment of 15 to 65 weeks of
36 confinement, the court may impose the disposition alternative under
37 RCW 13.40.167.

38 (6) When the offender is subject to a standard range commitment
39 of 15 to 36 weeks and is ineligible for a suspended disposition
40 alternative, a manifest injustice disposition below the standard

1 range, special sex offender disposition alternative, chemical
2 dependency disposition alternative, or mental health disposition
3 alternative, the court in a county with a pilot program under RCW
4 13.40.169 may impose the disposition alternative under RCW 13.40.169.

5 (7) RCW 13.40.193 shall govern the disposition of any juvenile
6 adjudicated of possessing a firearm in violation of RCW
7 9.41.040(2)(a)(~~(iii)~~) (iv) or any crime in which a special finding
8 is entered that the juvenile was armed with a firearm.

9 (8) RCW 13.40.308 shall govern the disposition of any juvenile
10 adjudicated of theft of a motor vehicle as defined under RCW
11 9A.56.065, possession of a stolen motor vehicle as defined under RCW
12 9A.56.068, or taking a motor vehicle without permission in the first
13 degree under RCW 9A.56.070(~~(, and taking a motor vehicle without~~
14 ~~permission in the second degree under RCW 9A.56.075.)~~)

15 (9) Whenever a juvenile offender is entitled to credit for time
16 spent in detention prior to a dispositional order, the dispositional
17 order shall specifically state the number of days of credit for time
18 served.

19 (10) Except as provided under subsection (3), (4), (5), or (6) of
20 this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the
21 court shall not suspend or defer the imposition or the execution of
22 the disposition.

23 (11) In no case shall the term of confinement imposed by the
24 court at disposition exceed that to which an adult could be subjected
25 for the same offense.

26 **Sec. 7.** RCW 13.40.210 and 2014 c 117 s 3 are each amended to
27 read as follows:

28 (1) The secretary shall set a release date for each juvenile
29 committed to its custody. The release date shall be within the
30 prescribed range to which a juvenile has been committed under RCW
31 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320
32 concerning offenders the department determines are eligible for the
33 juvenile offender basic training camp program. Such dates shall be
34 determined prior to the expiration of sixty percent of a juvenile's
35 minimum term of confinement included within the prescribed range to
36 which the juvenile has been committed. The secretary shall release
37 any juvenile committed to the custody of the department within four
38 calendar days prior to the juvenile's release date or on the release
39 date set under this chapter. Days spent in the custody of the

1 department shall be tolled by any period of time during which a
2 juvenile has absented himself or herself from the department's
3 supervision without the prior approval of the secretary or the
4 secretary's designee.

5 (2) The secretary shall monitor the average daily population of
6 the state's juvenile residential facilities. When the secretary
7 concludes that in-residence population of residential facilities
8 exceeds one hundred five percent of the rated bed capacity specified
9 in statute, or in absence of such specification, as specified by the
10 department in rule, the secretary may recommend reductions to the
11 governor. On certification by the governor that the recommended
12 reductions are necessary, the secretary has authority to
13 administratively release a sufficient number of offenders to reduce
14 in-residence population to one hundred percent of rated bed capacity.
15 The secretary shall release those offenders who have served the
16 greatest proportion of their sentence. However, the secretary may
17 deny release in a particular case at the request of an offender, or
18 if the secretary finds that there is no responsible custodian, as
19 determined by the department, to whom to release the offender, or if
20 the release of the offender would pose a clear danger to society. The
21 department shall notify the committing court of the release at the
22 time of release if any such early releases have occurred as a result
23 of excessive in-residence population. In no event shall an offender
24 adjudicated of a violent offense be granted release under the
25 provisions of this subsection.

26 (3)(a) Following the release of any juvenile under subsection (1)
27 of this section, the secretary may require the juvenile to comply
28 with a program of parole to be administered by the department in his
29 or her community which shall last no longer than eighteen months,
30 except that in the case of a juvenile sentenced for rape in the first
31 or second degree, rape of a child in the first or second degree,
32 child molestation in the first degree, or indecent liberties with
33 forcible compulsion, the period of parole shall be twenty-four months
34 and, in the discretion of the secretary, may be up to thirty-six
35 months when the secretary finds that an additional period of parole
36 is necessary and appropriate in the interests of public safety or to
37 meet the ongoing needs of the juvenile. A parole program is mandatory
38 for offenders released under subsection (2) of this section and for
39 offenders who receive a juvenile residential commitment sentence for
40 theft of a motor vehicle((τ)) or possession of a stolen motor

1 vehicle(~~(, or taking a motor vehicle without permission~~)). A
2 juvenile adjudicated for unlawful possession of a firearm, possession
3 of a stolen firearm, theft of a firearm, or drive-by shooting may
4 participate in aggression replacement training, functional family
5 therapy, or functional family parole aftercare if the juvenile meets
6 eligibility requirements for these services. The decision to place an
7 offender in an evidence-based parole program shall be based on an
8 assessment by the department of the offender's risk for reoffending
9 upon release and an assessment of the ongoing treatment needs of the
10 juvenile. The department shall prioritize available parole resources
11 to provide supervision and services to offenders at moderate to high
12 risk for reoffending.

13 (b) The secretary shall, for the period of parole, facilitate the
14 juvenile's reintegration into his or her community and to further
15 this goal shall require the juvenile to refrain from possessing a
16 firearm or using a deadly weapon and refrain from committing new
17 offenses and may require the juvenile to: (i) Undergo available
18 medical, psychiatric, drug and alcohol, sex offender, mental health,
19 and other offense-related treatment services; (ii) report as directed
20 to a parole officer and/or designee; (iii) pursue a course of study,
21 vocational training, or employment; (iv) notify the parole officer of
22 the current address where he or she resides; (v) be present at a
23 particular address during specified hours; (vi) remain within
24 prescribed geographical boundaries; (vii) submit to electronic
25 monitoring; (viii) refrain from using illegal drugs and alcohol, and
26 submit to random urinalysis when requested by the assigned parole
27 officer; (ix) refrain from contact with specific individuals or a
28 specified class of individuals; (x) meet other conditions determined
29 by the parole officer to further enhance the juvenile's reintegration
30 into the community; (xi) pay any court-ordered fines or restitution;
31 and (xii) perform community restitution. Community restitution for
32 the purpose of this section means compulsory service, without
33 compensation, performed for the benefit of the community by the
34 offender. Community restitution may be performed through public or
35 private organizations or through work crews.

36 (c) The secretary may further require up to twenty-five percent
37 of the highest risk juvenile offenders who are placed on parole to
38 participate in an intensive supervision program. Offenders
39 participating in an intensive supervision program shall be required
40 to comply with all terms and conditions listed in (b) of this

1 subsection and shall also be required to comply with the following
2 additional terms and conditions: (i) Obey all laws and refrain from
3 any conduct that threatens public safety; (ii) report at least once a
4 week to an assigned community case manager; and (iii) meet all other
5 requirements imposed by the community case manager related to
6 participating in the intensive supervision program. As a part of the
7 intensive supervision program, the secretary may require day
8 reporting.

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

11 (4)(a) The department may also modify parole for violation
12 thereof. If, after affording a juvenile all of the due process rights
13 to which he or she would be entitled if the juvenile were an adult,
14 the secretary finds that a juvenile has violated a condition of his
15 or her parole, the secretary shall order one of the following which
16 is reasonably likely to effectuate the purpose of the parole and to
17 protect the public: (i) Continued supervision under the same
18 conditions previously imposed; (ii) intensified supervision with
19 increased reporting requirements; (iii) additional conditions of
20 supervision authorized by this chapter; (iv) except as provided in
21 (a)(v) and (vi) of this subsection, imposition of a period of
22 confinement not to exceed thirty days in a facility operated by or
23 pursuant to a contract with the state of Washington or any city or
24 county for a portion of each day or for a certain number of days each
25 week with the balance of the days or weeks spent under supervision;
26 (v) the secretary may order any of the conditions or may return the
27 offender to confinement for the remainder of the sentence range if
28 the offense for which the offender was sentenced is rape in the first
29 or second degree, rape of a child in the first or second degree,
30 child molestation in the first degree, indecent liberties with
31 forcible compulsion, or a sex offense that is also a serious violent
32 offense as defined by RCW 9.94A.030; and (vi) the secretary may order
33 any of the conditions or may return the offender to confinement for
34 the remainder of the sentence range if the youth has completed the
35 basic training camp program as described in RCW 13.40.320.

36 (b) The secretary may modify parole and order any of the
37 conditions or may return the offender to confinement for up to
38 twenty-four weeks if the offender was sentenced for a sex offense as
39 defined under RCW (~~9A.44.130~~) 9A.44.128 and is known to have
40 violated the terms of parole. Confinement beyond thirty days is

1 intended to only be used for a small and limited number of sex
2 offenders. It shall only be used when other graduated sanctions or
3 interventions have not been effective or the behavior is so egregious
4 it warrants the use of the higher level intervention and the
5 violation: (i) Is a known pattern of behavior consistent with a
6 previous sex offense that puts the youth at high risk for reoffending
7 sexually; (ii) consists of sexual behavior that is determined to be
8 predatory as defined in RCW 71.09.020; or (iii) requires a review
9 under chapter 71.09 RCW, due to a recent overt act. The total number
10 of days of confinement for violations of parole conditions during the
11 parole period shall not exceed the number of days provided by the
12 maximum sentence imposed by the disposition for the underlying
13 offense pursuant to RCW 13.40.0357. The department shall not
14 aggregate multiple parole violations that occur prior to the parole
15 revocation hearing and impose consecutive twenty-four week periods of
16 confinement for each parole violation. The department is authorized
17 to engage in rule making pursuant to chapter 34.05 RCW, to implement
18 this subsection, including narrowly defining the behaviors that could
19 lead to this higher level intervention.

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

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

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

33 **Sec. 8.** RCW 13.40.305 and 2007 c 199 s 12 are each amended to
34 read as follows:

35 If a juvenile is adjudicated of theft of a motor vehicle under
36 RCW 9A.56.065, possession of a stolen vehicle under RCW 9A.56.068, or
37 taking a motor vehicle without permission in the first degree as
38 defined in RCW 9A.56.070(1)(~~(, or taking a motor vehicle without~~
39 ~~permission in the second degree as defined in RCW 9A.56.075(1))~~) and

1 is sentenced to local sanctions, the juvenile's disposition shall
2 include an evaluation to determine whether the juvenile is in need of
3 community-based rehabilitation services and to complete any treatment
4 recommended by the evaluation.

5 **Sec. 9.** RCW 13.40.308 and 2009 c 454 s 4 are each amended to
6 read as follows:

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

11 (a) Juveniles with a prior criminal history score of zero to one-
12 half points shall be sentenced to a standard range sentence that
13 includes no less than three months of community supervision,
14 forty-five hours of community restitution, a two hundred dollar fine,
15 and a requirement that the juvenile remain at home such that the
16 juvenile is confined to a private residence for no less than five
17 days. The juvenile may be subject to electronic monitoring where
18 available. If the juvenile is enrolled in school, the confinement
19 shall be served on nonschool days;

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

25 (c) Juveniles with a prior criminal history score of two or more
26 points shall be sentenced to no less than fifteen to thirty-six weeks
27 commitment to the juvenile rehabilitation administration, four months
28 of parole supervision, ninety hours of community restitution, and a
29 four hundred dollar fine.

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

35 (a) Juveniles with a prior criminal history score of zero to one-
36 half points shall be sentenced to a standard range sentence that
37 includes no less than three months of community supervision,
38 forty-five hours of community restitution, a two hundred dollar fine,
39 and either ninety hours of community restitution or a requirement

1 that the juvenile remain at home such that the juvenile is confined
2 in a private residence for no less than five days. The juvenile may
3 be subject to electronic monitoring where available;

4 (b) Juveniles with a prior criminal history score of three-
5 quarters to one and one-half points shall be sentenced to a standard
6 range sentence that includes no less than six months of community
7 supervision, no less than ten days of detention, ninety hours of
8 community restitution, and a four hundred dollar fine; and

9 (c) Juveniles with a prior criminal history score of two or more
10 points shall be sentenced to no less than fifteen to thirty-six weeks
11 commitment to the juvenile rehabilitation administration, four months
12 of parole supervision, ninety hours of community restitution, and a
13 four hundred dollar fine.

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

17 ~~(a) Juveniles with a prior criminal history score of zero to one-~~
18 ~~half points shall be sentenced to a standard range sentence that~~
19 ~~includes three months of community supervision, fifteen hours of~~
20 ~~community restitution, and a requirement that the juvenile remain at~~
21 ~~home such that the juvenile is confined in a private residence for no~~
22 ~~less than one day. If the juvenile is enrolled in school, the~~
23 ~~confinement shall be served on nonschool days. The juvenile may be~~
24 ~~subject to electronic monitoring where available;~~

25 ~~(b) Juveniles with a prior criminal history score of three-~~
26 ~~quarters to one and one-half points shall be sentenced to a standard~~
27 ~~range sentence that includes no less than one day of detention, three~~
28 ~~months of community supervision, thirty hours of community~~
29 ~~restitution, a one hundred fifty dollar fine, and a requirement that~~
30 ~~the juvenile remain at home such that the juvenile is confined in a~~
31 ~~private residence for no less than two days. If the juvenile is~~
32 ~~enrolled in school, the confinement shall be served on nonschool~~
33 ~~days. The juvenile may be subject to electronic monitoring where~~
34 ~~available; and~~

35 ~~(c) Juveniles with a prior criminal history score of two or more~~
36 ~~points shall be sentenced to no less than three days of detention,~~
37 ~~six months of community supervision, forty-five hours of community~~
38 ~~restitution, a one hundred fifty dollar fine, and a requirement that~~
39 ~~the juvenile remain at home such that the juvenile is confined in a~~
40 ~~private residence for no less than seven days. If the juvenile is~~

1 ~~enrolled in school, the confinement shall be served on nonschool~~
2 ~~days. The juvenile may be subject to electronic monitoring where~~
3 ~~available.))~~

4 **Sec. 10.** RCW 9A.56.065 and 2007 c 199 s 2 are each amended to
5 read as follows:

6 (1) A person is guilty of theft of a motor vehicle if he or she:
7 (a) Commits theft of a motor vehicle, (b) without the permission of
8 the owner or person entitled to possession, intentionally takes or
9 drives away any motor vehicle that is the property of another, or (c)
10 voluntarily rides in or upon a motor vehicle with knowledge of the
11 fact that the motor vehicle was unlawfully taken.

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

13 NEW SECTION. **Sec. 11.** RCW 9A.56.075 (Taking motor vehicle
14 without permission in the second degree) and 2003 c 53 s 73 are each
15 repealed.

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