
HOUSE BILL 2835

State of Washington

66th Legislature

2020 Regular Session

By Representatives Appleton, Davis, and Pollet

Read first time 01/24/20. Referred to Committee on Public Safety.

1 AN ACT Relating to reducing the criminal penalty for unlawful
2 possession of a controlled substance; amending RCW 9.94A.518,
3 9.94A.533, 13.40.0357, 69.50.4013, and 69.50.430; reenacting and
4 amending RCW 9.94A.030; and prescribing penalties.

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

6 **Sec. 1.** RCW 9.94A.030 and 2019 c 331 s 5, 2019 c 271 s 6, 2019 c
7 187 s 1, and 2019 c 46 s 5007 are each reenacted and amended to read
8 as follows:

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

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

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

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

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

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

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

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

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

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

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

29 (11) "Criminal history" means the list of a defendant's prior
30 convictions and juvenile adjudications, whether in this state, in
31 federal court, or elsewhere, and any issued certificates of
32 restoration of opportunity pursuant to RCW 9.97.020.

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

37 (b) A conviction may be removed from a defendant's criminal
38 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,
39 9.95.240, or a similar out-of-state statute, or if the conviction has
40 been vacated pursuant to a governor's pardon. However, when a

1 defendant is charged with a recidivist offense, "criminal history"
2 includes a vacated prior conviction for the sole purpose of
3 establishing that such vacated prior conviction constitutes an
4 element of the present recidivist offense as provided in RCW
5 9.94A.640(3)(b) and 9.96.060(~~(+5)~~) (6)(c).

6 (c) The determination of a defendant's criminal history is
7 distinct from the determination of an offender score. A prior
8 conviction that was not included in an offender score calculated
9 pursuant to a former version of the sentencing reform act remains
10 part of the defendant's criminal history.

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

21 (13) "Criminal street gang associate or member" means any person
22 who actively participates in any criminal street gang and who
23 intentionally promotes, furthers, or assists in any criminal act by
24 the criminal street gang.

25 (14) "Criminal street gang-related offense" means any felony or
26 misdemeanor offense, whether in this state or elsewhere, that is
27 committed for the benefit of, at the direction of, or in association
28 with any criminal street gang, or is committed with the intent to
29 promote, further, or assist in any criminal conduct by the gang, or
30 is committed for one or more of the following reasons:

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

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

34 (c) To exact revenge or retribution for the gang or any member of
35 the gang;

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

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

1 (f) To provide the gang with any advantage in, or any control or
2 dominance over any criminal market sector, including, but not limited
3 to, manufacturing, delivering, or selling any controlled substance
4 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
5 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88
6 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual
7 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
8 9.68 RCW).

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

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

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

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

27 (19) "Disposable earnings" means that part of the earnings of an
28 offender remaining after the deduction from those earnings of any
29 amount required by law to be withheld. For the purposes of this
30 definition, "earnings" means compensation paid or payable for
31 personal services, whether denominated as wages, salary, commission,
32 bonuses, or otherwise, and, notwithstanding any other provision of
33 law making the payments exempt from garnishment, attachment, or other
34 process to satisfy a court-ordered legal financial obligation,
35 specifically includes periodic payments pursuant to pension or
36 retirement programs, or insurance policies of any type, but does not
37 include payments made under Title 50 RCW, except as provided in RCW
38 50.40.020 and 50.40.050, or Title 74 RCW.

39 (20) "Domestic violence" has the same meaning as defined in RCW
40 10.99.020 and 26.50.010.

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

5 (22) "Drug offense" means:

6 (a) Any felony violation of chapter 69.50 RCW except (~~possession~~
7 ~~of a controlled substance (RCW 69.50.4013) or~~) forged prescription
8 for a controlled substance (RCW 69.50.403);

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

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

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

17 (24) "Electronic monitoring" means tracking the location of an
18 individual, whether pretrial or posttrial, through the use of
19 technology that is capable of determining or identifying the
20 monitored individual's presence or absence at a particular location
21 including, but not limited to:

22 (a) Radio frequency signaling technology, which detects if the
23 monitored individual is or is not at an approved location and
24 notifies the monitoring agency of the time that the monitored
25 individual either leaves the approved location or tampers with or
26 removes the monitoring device; or

27 (b) Active or passive global positioning system technology, which
28 detects the location of the monitored individual and notifies the
29 monitoring agency of the monitored individual's location.

30 (25) "Escape" means:

31 (a) Sexually violent predator escape (RCW 9A.76.115), escape in
32 the first degree (RCW 9A.76.110), escape in the second degree (RCW
33 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
34 willful failure to return from work release (RCW 72.65.070), or
35 willful failure to be available for supervision by the department
36 while in community custody (RCW 72.09.310); or

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

40 (26) "Felony traffic offense" means:

1 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
2 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
3 run injury-accident (RCW 46.52.020(4)), felony driving while under
4 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),
5 or felony physical control of a vehicle while under the influence of
6 intoxicating liquor or any drug (RCW 46.61.504(6)); or

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

10 (27) "Fine" means a specific sum of money ordered by the
11 sentencing court to be paid by the offender to the court over a
12 specific period of time.

13 (28) "First-time offender" means any person who has no prior
14 convictions for a felony and is eligible for the first-time offender
15 waiver under RCW 9.94A.650.

16 (29) "Home detention" is a subset of electronic monitoring and
17 means a program of partial confinement available to offenders wherein
18 the offender is confined in a private residence twenty-four hours a
19 day, unless an absence from the residence is approved, authorized, or
20 otherwise permitted in the order by the court or other supervising
21 agency that ordered home detention, and the offender is subject to
22 electronic monitoring.

23 (30) "Homelessness" or "homeless" means a condition where an
24 individual lacks a fixed, regular, and adequate nighttime residence
25 and who has a primary nighttime residence that is:

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

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

30 (c) A private residence where the individual stays as a transient
31 invitee.

32 (31) "Legal financial obligation" means a sum of money that is
33 ordered by a superior court of the state of Washington for legal
34 financial obligations which may include restitution to the victim,
35 statutorily imposed crime victims' compensation fees as assessed
36 pursuant to RCW 7.68.035, court costs, county or interlocal drug
37 funds, court-appointed attorneys' fees, and costs of defense, fines,
38 and any other financial obligation that is assessed to the offender
39 as a result of a felony conviction. Upon conviction for vehicular
40 assault while under the influence of intoxicating liquor or any drug,

1 RCW 46.61.522(1)(b), or vehicular homicide while under the influence
2 of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal
3 financial obligations may also include payment to a public agency of
4 the expense of an emergency response to the incident resulting in the
5 conviction, subject to RCW 38.52.430.

6 (32) "Minor child" means a biological or adopted child of the
7 offender who is under age eighteen at the time of the offender's
8 current offense.

9 (33) "Most serious offense" means any of the following felonies
10 or a felony attempt to commit any of the following felonies:

11 (a) Any felony defined under any law as a class A felony or
12 criminal solicitation of or criminal conspiracy to commit a class A
13 felony;

14 (b) Assault in the second degree;

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

16 (d) Child molestation in the second degree;

17 (e) Controlled substance homicide;

18 (f) Extortion in the first degree;

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

20 (h) Indecent liberties;

21 (i) Kidnapping in the second degree;

22 (j) Leading organized crime;

23 (k) Manslaughter in the first degree;

24 (l) Manslaughter in the second degree;

25 (m) Promoting prostitution in the first degree;

26 (n) Rape in the third degree;

27 (o) Sexual exploitation;

28 (p) Vehicular assault, when caused by the operation or driving of
29 a vehicle by a person while under the influence of intoxicating
30 liquor or any drug or by the operation or driving of a vehicle in a
31 reckless manner;

32 (q) Vehicular homicide, when proximately caused by the driving of
33 any vehicle by any person while under the influence of intoxicating
34 liquor or any drug as defined by RCW 46.61.502, or by the operation
35 of any vehicle in a reckless manner;

36 (r) Any other class B felony offense with a finding of sexual
37 motivation;

38 (s) Any other felony with a deadly weapon verdict under RCW
39 9.94A.825;

1 (t) Any felony offense in effect at any time prior to December 2,
2 1993, that is comparable to a most serious offense under this
3 subsection, or any federal or out-of-state conviction for an offense
4 that under the laws of this state would be a felony classified as a
5 most serious offense under this subsection;

6 (u)(i) A prior conviction for indecent liberties under RCW
7 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.
8 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),
9 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW
10 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,
11 until July 1, 1988;

12 (ii) A prior conviction for indecent liberties under RCW
13 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
14 if: (A) The crime was committed against a child under the age of
15 fourteen; or (B) the relationship between the victim and perpetrator
16 is included in the definition of indecent liberties under RCW
17 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,
18 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,
19 1993, through July 27, 1997;

20 (v) Any out-of-state conviction for a felony offense with a
21 finding of sexual motivation if the minimum sentence imposed was ten
22 years or more; provided that the out-of-state felony offense must be
23 comparable to a felony offense under this title and Title 9A RCW and
24 the out-of-state definition of sexual motivation must be comparable
25 to the definition of sexual motivation contained in this section.

26 (34) "Nonviolent offense" means an offense which is not a violent
27 offense.

28 (35) "Offender" means a person who has committed a felony
29 established by state law and is eighteen years of age or older or is
30 less than eighteen years of age but whose case is under superior
31 court jurisdiction under RCW 13.04.030 or has been transferred by the
32 appropriate juvenile court to a criminal court pursuant to RCW
33 13.40.110. In addition, for the purpose of community custody
34 requirements under this chapter, "offender" also means a misdemeanor
35 or gross misdemeanor probationer ordered by a superior court to
36 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and
37 supervised by the department pursuant to RCW 9.94A.501 and
38 9.94A.5011. Throughout this chapter, the terms "offender" and
39 "defendant" are used interchangeably.

1 (36) "Partial confinement" means confinement for no more than one
2 year in a facility or institution operated or utilized under contract
3 by the state or any other unit of government, or, if home detention,
4 electronic monitoring, or work crew has been ordered by the court or
5 home detention has been ordered by the department as part of the
6 parenting program or the graduated reentry program, in an approved
7 residence, for a substantial portion of each day with the balance of
8 the day spent in the community. Partial confinement includes work
9 release, home detention, work crew, electronic monitoring, and a
10 combination of work crew, electronic monitoring, and home detention.

11 (37) "Pattern of criminal street gang activity" means:

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

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

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

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

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

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

25 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);

26 (vii) Hate Crime (RCW 9A.36.080);

27 (viii) Harassment where a subsequent violation or deadly threat
28 is made (RCW 9A.46.020(2)(b));

29 (ix) Criminal Gang Intimidation (RCW 9A.46.120);

30 (x) Any felony conviction by a person eighteen years of age or
31 older with a special finding of involving a juvenile in a felony
32 offense under RCW 9.94A.833;

33 (xi) Residential Burglary (RCW 9A.52.025);

34 (xii) Burglary 2 (RCW 9A.52.030);

35 (xiii) Malicious Mischief 1 (RCW 9A.48.070);

36 (xiv) Malicious Mischief 2 (RCW 9A.48.080);

37 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);

38 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

39 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW
40 9A.56.070);

1 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
2 9A.56.075);
3 (xix) Extortion 1 (RCW 9A.56.120);
4 (xx) Extortion 2 (RCW 9A.56.130);
5 (xxi) Intimidating a Witness (RCW 9A.72.110);
6 (xxii) Tampering with a Witness (RCW 9A.72.120);
7 (xxiii) Reckless Endangerment (RCW 9A.36.050);
8 (xxiv) Coercion (RCW 9A.36.070);
9 (xxv) Harassment (RCW 9A.46.020); or
10 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);
11 (b) That at least one of the offenses listed in (a) of this
12 subsection shall have occurred after July 1, 2008;
13 (c) That the most recent committed offense listed in (a) of this
14 subsection occurred within three years of a prior offense listed in
15 (a) of this subsection; and
16 (d) Of the offenses that were committed in (a) of this
17 subsection, the offenses occurred on separate occasions or were
18 committed by two or more persons.
19 (38) "Persistent offender" is an offender who:
20 (a) (i) Has been convicted in this state of any felony considered
21 a most serious offense; and
22 (ii) Has, before the commission of the offense under (a) of this
23 subsection, been convicted as an offender on at least two separate
24 occasions, whether in this state or elsewhere, of felonies that under
25 the laws of this state would be considered most serious offenses and
26 would be included in the offender score under RCW 9.94A.525; provided
27 that of the two or more previous convictions, at least one conviction
28 must have occurred before the commission of any of the other most
29 serious offenses for which the offender was previously convicted; or
30 (b) (i) Has been convicted of: (A) Rape in the first degree, rape
31 of a child in the first degree, child molestation in the first
32 degree, rape in the second degree, rape of a child in the second
33 degree, or indecent liberties by forcible compulsion; (B) any of the
34 following offenses with a finding of sexual motivation: Murder in the
35 first degree, murder in the second degree, homicide by abuse,
36 kidnapping in the first degree, kidnapping in the second degree,
37 assault in the first degree, assault in the second degree, assault of
38 a child in the first degree, assault of a child in the second degree,
39 or burglary in the first degree; or (C) an attempt to commit any
40 crime listed in this subsection (38) (b) (i); and

1 (ii) Has, before the commission of the offense under (b)(i) of
2 this subsection, been convicted as an offender on at least one
3 occasion, whether in this state or elsewhere, of an offense listed in
4 (b)(i) of this subsection or any federal or out-of-state offense or
5 offense under prior Washington law that is comparable to the offenses
6 listed in (b)(i) of this subsection. A conviction for rape of a child
7 in the first degree constitutes a conviction under (b)(i) of this
8 subsection only when the offender was sixteen years of age or older
9 when the offender committed the offense. A conviction for rape of a
10 child in the second degree constitutes a conviction under (b)(i) of
11 this subsection only when the offender was eighteen years of age or
12 older when the offender committed the offense.

13 (39) "Predatory" means: (a) The perpetrator of the crime was a
14 stranger to the victim, as defined in this section; (b) the
15 perpetrator established or promoted a relationship with the victim
16 prior to the offense and the victimization of the victim was a
17 significant reason the perpetrator established or promoted the
18 relationship; or (c) the perpetrator was: (i) A teacher, counselor,
19 volunteer, or other person in authority in any public or private
20 school and the victim was a student of the school under his or her
21 authority or supervision. For purposes of this subsection, "school"
22 does not include home-based instruction as defined in RCW
23 28A.225.010; (ii) a coach, trainer, volunteer, or other person in
24 authority in any recreational activity and the victim was a
25 participant in the activity under his or her authority or
26 supervision; (iii) a pastor, elder, volunteer, or other person in
27 authority in any church or religious organization, and the victim was
28 a member or participant of the organization under his or her
29 authority; or (iv) a teacher, counselor, volunteer, or other person
30 in authority providing home-based instruction and the victim was a
31 student receiving home-based instruction while under his or her
32 authority or supervision. For purposes of this subsection: (A) "Home-
33 based instruction" has the same meaning as defined in RCW
34 28A.225.010; and (B) "teacher, counselor, volunteer, or other person
35 in authority" does not include the parent or legal guardian of the
36 victim.

37 (40) "Private school" means a school regulated under chapter
38 28A.195 or 28A.205 RCW.

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

1 (42) "Recidivist offense" means a felony offense where a prior
2 conviction of the same offense or other specified offense is an
3 element of the crime including, but not limited to:

4 (a) Assault in the fourth degree where domestic violence is
5 pleaded and proven, RCW 9A.36.041(3);

6 (b) Cyberstalking, RCW 9.61.260(3)(a);

7 (c) Harassment, RCW 9A.46.020(2)(b)(i);

8 (d) Indecent exposure, RCW 9A.88.010(2)(c);

9 (e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);

10 (f) Telephone harassment, RCW 9.61.230(2)(a); and

11 (g) Violation of a no-contact or protection order, RCW
12 26.50.110(5).

13 (43) "Repetitive domestic violence offense" means any:

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

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

18 (iii) Domestic violence violation of a protection order under
19 chapter 26.09, 26.10, 26.26A, 26.26B, or 26.50 RCW that is not a
20 felony offense;

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

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

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

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

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

37 (46) "Serious traffic offense" means:

38 (a) Nonfelony driving while under the influence of intoxicating
39 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
40 while under the influence of intoxicating liquor or any drug (RCW

1 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
2 attended vehicle (RCW 46.52.020(5)); or

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

6 (47) "Serious violent offense" is a subcategory of violent
7 offense and means:

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

9 (ii) Homicide by abuse;

10 (iii) Murder in the second degree;

11 (iv) Manslaughter in the first degree;

12 (v) Assault in the first degree;

13 (vi) Kidnapping in the first degree;

14 (vii) Rape in the first degree;

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

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

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

21 (48) "Sex offense" means:

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

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

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

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

30 (v) A felony violation of RCW 9A.44.132(1) (failure to register
31 as a sex offender) if the person has been convicted of violating RCW
32 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130
33 prior to June 10, 2010, on at least one prior occasion;

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

37 (c) A felony with a finding of sexual motivation under RCW
38 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 (49) "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 (50) "Standard sentence range" means the sentencing court's
8 discretionary range in imposing a nonappealable sentence.

9 (51) "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 (52) "Stranger" means that the victim did not know the offender
15 twenty-four hours before the offense.

16 (53) "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 (54) "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 (55) "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 (56) "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 (57) "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 (58) "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 (59) "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.518 and 2003 c 53 s 57 are each amended to
33 read as follows:

34 TABLE 4
35 DRUG OFFENSES
36 INCLUDED WITHIN EACH
37 SERIOUSNESS LEVEL

1 III Any felony offense under chapter
2 69.50 RCW with a deadly weapon
3 special verdict under RCW
4 ~~((9.94A.602))~~ 9.94A.825
5 Controlled Substance Homicide (RCW
6 69.50.415)
7 Delivery of imitation controlled
8 substance by person eighteen or
9 over to person under eighteen
10 (RCW 69.52.030(2))
11 Involving a minor in drug dealing
12 (RCW 69.50.4015)
13 Manufacture of methamphetamine
14 (RCW 69.50.401(2)(b))
15 Over 18 and deliver heroin,
16 methamphetamine, a narcotic from
17 Schedule I or II, or flunitrazepam
18 from Schedule IV to someone
19 under 18 (RCW 69.50.406)
20 Over 18 and deliver narcotic from
21 Schedule III, IV, or V or a
22 nonnarcotic, except flunitrazepam
23 or methamphetamine, from
24 Schedule I-V to someone under 18
25 and 3 years junior (RCW
26 69.50.406)
27 Possession of Ephedrine,
28 Pseudoephedrine, or Anhydrous
29 Ammonia with intent to
30 manufacture
31 methamphetamine (RCW
32 69.50.440)
33 Selling for profit (controlled or
34 counterfeit) any controlled
35 substance (RCW 69.50.410)

1 II Create, deliver, or possess a counterfeit
2 controlled substance (RCW
3 69.50.4011)
4 Deliver or possess with intent to
5 deliver methamphetamine (RCW
6 69.50.401(2)(b))
7 Delivery of a material in lieu of a
8 controlled substance (RCW
9 69.50.4012)
10 Maintaining a Dwelling or Place for
11 Controlled Substances (RCW
12 69.50.402(1)(f))
13 Manufacture, deliver, or possess with
14 intent to deliver amphetamine
15 (RCW 69.50.401(2)(b))
16 Manufacture, deliver, or possess with
17 intent to deliver narcotics from
18 Schedule I or II or flunitrazepam
19 from Schedule IV (RCW
20 69.50.401(2)(a))
21 Manufacture, deliver, or possess with
22 intent to deliver narcotics from
23 Schedule III, IV, or V or
24 nonnarcotics from Schedule I-V
25 (except marijuana, amphetamine,
26 methamphetamines, or
27 flunitrazepam) (RCW
28 69.50.401(2) (c) through (e))
29 Manufacture, distribute, or possess
30 with intent to distribute an
31 imitation controlled substance
32 (RCW 69.52.030(1))
33 I Forged Prescription (RCW 69.41.020)
34 Forged Prescription for a Controlled
35 Substance (RCW 69.50.403)

1 Manufacture, deliver, or possess with
2 intent to deliver marijuana (RCW
3 69.50.401(2)(c))

4 ~~((Possess Controlled Substance that is
5 a Narcotic from Schedule III, IV,
6 or V or Nonnarcotic from
7 Schedule I-V (RCW 69.50.4013)~~

8 Possession of Controlled Substance
9 that is either heroin or narcotics
10 from Schedule I or II (RCW
11 69.50.4013)))

12 Unlawful Use of Building for Drug
13 Purposes (RCW 69.53.010)

14 **Sec. 3.** RCW 9.94A.533 and 2018 c 7 s 8 are each amended to read
15 as follows:

16 (1) The provisions of this section apply to the standard sentence
17 ranges determined by RCW 9.94A.510 or 9.94A.517.

18 (2) For persons convicted of the anticipatory offenses of
19 criminal attempt, solicitation, or conspiracy under chapter 9A.28
20 RCW, the standard sentence range is determined by locating the
21 sentencing grid sentence range defined by the appropriate offender
22 score and the seriousness level of the completed crime, and
23 multiplying the range by seventy-five percent.

24 (3) The following additional times shall be added to the standard
25 sentence range for felony crimes committed after July 23, 1995, if
26 the offender or an accomplice was armed with a firearm as defined in
27 RCW 9.41.010 and the offender is being sentenced for one of the
28 crimes listed in this subsection as eligible for any firearm
29 enhancements based on the classification of the completed felony
30 crime. If the offender is being sentenced for more than one offense,
31 the firearm enhancement or enhancements must be added to the total
32 period of confinement for all offenses, regardless of which
33 underlying offense is subject to a firearm enhancement. If the
34 offender or an accomplice was armed with a firearm as defined in RCW
35 9.41.010 and the offender is being sentenced for an anticipatory
36 offense under chapter 9A.28 RCW to commit one of the crimes listed in
37 this subsection as eligible for any firearm enhancements, the
38 following additional times shall be added to the standard sentence

1 range determined under subsection (2) of this section based on the
2 felony crime of conviction as classified under RCW 9A.28.020:

3 (a) Five years for any felony defined under any law as a class A
4 felony or with a statutory maximum sentence of at least twenty years,
5 or both, and not covered under (f) of this subsection;

6 (b) Three years for any felony defined under any law as a class B
7 felony or with a statutory maximum sentence of ten years, or both,
8 and not covered under (f) of this subsection;

9 (c) Eighteen months for any felony defined under any law as a
10 class C felony or with a statutory maximum sentence of five years, or
11 both, and not covered under (f) of this subsection;

12 (d) If the offender is being sentenced for any firearm
13 enhancements under (a), (b), and/or (c) of this subsection and the
14 offender has previously been sentenced for any deadly weapon
15 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
16 subsection or subsection (4)(a), (b), and/or (c) of this section, or
17 both, all firearm enhancements under this subsection shall be twice
18 the amount of the enhancement listed;

19 (e) Notwithstanding any other provision of law, all firearm
20 enhancements under this section are mandatory, shall be served in
21 total confinement, and shall run consecutively to all other
22 sentencing provisions, including other firearm or deadly weapon
23 enhancements, for all offenses sentenced under this chapter. However,
24 whether or not a mandatory minimum term has expired, an offender
25 serving a sentence under this subsection may be:

26 (i) Granted an extraordinary medical placement when authorized
27 under RCW 9.94A.728(1)(c); or

28 (ii) Released under the provisions of RCW 9.94A.730;

29 (f) The firearm enhancements in this section shall apply to all
30 felony crimes except the following: Possession of a machine gun or
31 bump-fire stock, possessing a stolen firearm, drive-by shooting,
32 theft of a firearm, unlawful possession of a firearm in the first and
33 second degree, and use of a machine gun or bump-fire stock in a
34 felony;

35 (g) If the standard sentence range under this section exceeds the
36 statutory maximum sentence for the offense, the statutory maximum
37 sentence shall be the presumptive sentence unless the offender is a
38 persistent offender. If the addition of a firearm enhancement
39 increases the sentence so that it would exceed the statutory maximum

1 for the offense, the portion of the sentence representing the
2 enhancement may not be reduced.

3 (4) The following additional times shall be added to the standard
4 sentence range for felony crimes committed after July 23, 1995, if
5 the offender or an accomplice was armed with a deadly weapon other
6 than a firearm as defined in RCW 9.41.010 and the offender is being
7 sentenced for one of the crimes listed in this subsection as eligible
8 for any deadly weapon enhancements based on the classification of the
9 completed felony crime. If the offender is being sentenced for more
10 than one offense, the deadly weapon enhancement or enhancements must
11 be added to the total period of confinement for all offenses,
12 regardless of which underlying offense is subject to a deadly weapon
13 enhancement. If the offender or an accomplice was armed with a deadly
14 weapon other than a firearm as defined in RCW 9.41.010 and the
15 offender is being sentenced for an anticipatory offense under chapter
16 9A.28 RCW to commit one of the crimes listed in this subsection as
17 eligible for any deadly weapon enhancements, the following additional
18 times shall be added to the standard sentence range determined under
19 subsection (2) of this section based on the felony crime of
20 conviction as classified under RCW 9A.28.020:

21 (a) Two years for any felony defined under any law as a class A
22 felony or with a statutory maximum sentence of at least twenty years,
23 or both, and not covered under (f) of this subsection;

24 (b) One year for any felony defined under any law as a class B
25 felony or with a statutory maximum sentence of ten years, or both,
26 and not covered under (f) of this subsection;

27 (c) Six months for any felony defined under any law as a class C
28 felony or with a statutory maximum sentence of five years, or both,
29 and not covered under (f) of this subsection;

30 (d) If the offender is being sentenced under (a), (b), and/or (c)
31 of this subsection for any deadly weapon enhancements and the
32 offender has previously been sentenced for any deadly weapon
33 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
34 subsection or subsection (3)(a), (b), and/or (c) of this section, or
35 both, all deadly weapon enhancements under this subsection shall be
36 twice the amount of the enhancement listed;

37 (e) Notwithstanding any other provision of law, all deadly weapon
38 enhancements under this section are mandatory, shall be served in
39 total confinement, and shall run consecutively to all other
40 sentencing provisions, including other firearm or deadly weapon

1 enhancements, for all offenses sentenced under this chapter. However,
2 whether or not a mandatory minimum term has expired, an offender
3 serving a sentence under this subsection may be:

4 (i) Granted an extraordinary medical placement when authorized
5 under RCW 9.94A.728(1)(c); or

6 (ii) Released under the provisions of RCW 9.94A.730;

7 (f) The deadly weapon enhancements in this section shall apply to
8 all felony crimes except the following: Possession of a machine gun
9 or bump-fire stock, possessing a stolen firearm, drive-by shooting,
10 theft of a firearm, unlawful possession of a firearm in the first and
11 second degree, and use of a machine gun or bump-fire stock in a
12 felony;

13 (g) If the standard sentence range under this section exceeds the
14 statutory maximum sentence for the offense, the statutory maximum
15 sentence shall be the presumptive sentence unless the offender is a
16 persistent offender. If the addition of a deadly weapon enhancement
17 increases the sentence so that it would exceed the statutory maximum
18 for the offense, the portion of the sentence representing the
19 enhancement may not be reduced.

20 (5) The following additional times shall be added to the standard
21 sentence range if the offender or an accomplice committed the offense
22 while in a county jail or state correctional facility and the
23 offender is being sentenced for one of the crimes listed in this
24 subsection. If the offender or an accomplice committed one of the
25 crimes listed in this subsection while in a county jail or state
26 correctional facility, and the offender is being sentenced for an
27 anticipatory offense under chapter 9A.28 RCW to commit one of the
28 crimes listed in this subsection, the following additional times
29 shall be added to the standard sentence range determined under
30 subsection (2) of this section:

31 (a) Eighteen months for offenses committed under RCW 69.50.401(2)
32 (a) or (b) or 69.50.410;

33 (b) Fifteen months for offenses committed under RCW 69.50.401(2)
34 (c), (d), or (e) (~~(f)~~

35 ~~(c) Twelve months for offenses committed under RCW 69.50.401(3))~~).

36 For the purposes of this subsection, all of the real property of
37 a state correctional facility or county jail shall be deemed to be
38 part of that facility or county jail.

39 (6) An additional twenty-four months shall be added to the
40 standard sentence range for any ranked offense involving a violation

1 of chapter 69.50 RCW if the offense was also a violation of RCW
2 69.50.435 or 9.94A.827. All enhancements under this subsection shall
3 run consecutively to all other sentencing provisions, for all
4 offenses sentenced under this chapter.

5 (7) An additional two years shall be added to the standard
6 sentence range for vehicular homicide committed while under the
7 influence of intoxicating liquor or any drug as defined by RCW
8 46.61.502 for each prior offense as defined in RCW 46.61.5055.

9 Notwithstanding any other provision of law, all impaired driving
10 enhancements under this subsection are mandatory, shall be served in
11 total confinement, and shall run consecutively to all other
12 sentencing provisions, including other impaired driving enhancements,
13 for all offenses sentenced under this chapter.

14 An offender serving a sentence under this subsection may be
15 granted an extraordinary medical placement when authorized under RCW
16 9.94A.728(1)(c).

17 (8)(a) The following additional times shall be added to the
18 standard sentence range for felony crimes committed on or after July
19 1, 2006, if the offense was committed with sexual motivation, as that
20 term is defined in RCW 9.94A.030. If the offender is being sentenced
21 for more than one offense, the sexual motivation enhancement must be
22 added to the total period of total confinement for all offenses,
23 regardless of which underlying offense is subject to a sexual
24 motivation enhancement. If the offender committed the offense with
25 sexual motivation and the offender is being sentenced for an
26 anticipatory offense under chapter 9A.28 RCW, the following
27 additional times shall be added to the standard sentence range
28 determined under subsection (2) of this section based on the felony
29 crime of conviction as classified under RCW 9A.28.020:

30 (i) Two years for any felony defined under the law as a class A
31 felony or with a statutory maximum sentence of at least twenty years,
32 or both;

33 (ii) Eighteen months for any felony defined under any law as a
34 class B felony or with a statutory maximum sentence of ten years, or
35 both;

36 (iii) One year for any felony defined under any law as a class C
37 felony or with a statutory maximum sentence of five years, or both;

38 (iv) If the offender is being sentenced for any sexual motivation
39 enhancements under (a)(i), (ii), and/or (iii) of this subsection and
40 the offender has previously been sentenced for any sexual motivation

1 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or
2 (iii) of this subsection, all sexual motivation enhancements under
3 this subsection shall be twice the amount of the enhancement listed;

4 (b) Notwithstanding any other provision of law, all sexual
5 motivation enhancements under this subsection are mandatory, shall be
6 served in total confinement, and shall run consecutively to all other
7 sentencing provisions, including other sexual motivation
8 enhancements, for all offenses sentenced under this chapter. However,
9 whether or not a mandatory minimum term has expired, an offender
10 serving a sentence under this subsection may be:

11 (i) Granted an extraordinary medical placement when authorized
12 under RCW 9.94A.728(1)(c); or

13 (ii) Released under the provisions of RCW 9.94A.730;

14 (c) The sexual motivation enhancements in this subsection apply
15 to all felony crimes;

16 (d) If the standard sentence range under this subsection exceeds
17 the statutory maximum sentence for the offense, the statutory maximum
18 sentence shall be the presumptive sentence unless the offender is a
19 persistent offender. If the addition of a sexual motivation
20 enhancement increases the sentence so that it would exceed the
21 statutory maximum for the offense, the portion of the sentence
22 representing the enhancement may not be reduced;

23 (e) The portion of the total confinement sentence which the
24 offender must serve under this subsection shall be calculated before
25 any earned early release time is credited to the offender;

26 (f) Nothing in this subsection prevents a sentencing court from
27 imposing a sentence outside the standard sentence range pursuant to
28 RCW 9.94A.535.

29 (9) An additional one-year enhancement shall be added to the
30 standard sentence range for the felony crimes of RCW 9A.44.073,
31 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on
32 or after July 22, 2007, if the offender engaged, agreed, or offered
33 to engage the victim in the sexual conduct in return for a fee. If
34 the offender is being sentenced for more than one offense, the
35 one-year enhancement must be added to the total period of total
36 confinement for all offenses, regardless of which underlying offense
37 is subject to the enhancement. If the offender is being sentenced for
38 an anticipatory offense for the felony crimes of RCW 9A.44.073,
39 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the
40 offender attempted, solicited another, or conspired to engage, agree,

1 or offer to engage the victim in the sexual conduct in return for a
2 fee, an additional one-year enhancement shall be added to the
3 standard sentence range determined under subsection (2) of this
4 section. For purposes of this subsection, "sexual conduct" means
5 sexual intercourse or sexual contact, both as defined in chapter
6 9A.44 RCW.

7 (10)(a) For a person age eighteen or older convicted of any
8 criminal street gang-related felony offense for which the person
9 compensated, threatened, or solicited a minor in order to involve the
10 minor in the commission of the felony offense, the standard sentence
11 range is determined by locating the sentencing grid sentence range
12 defined by the appropriate offender score and the seriousness level
13 of the completed crime, and multiplying the range by one hundred
14 twenty-five percent. If the standard sentence range under this
15 subsection exceeds the statutory maximum sentence for the offense,
16 the statutory maximum sentence is the presumptive sentence unless the
17 offender is a persistent offender.

18 (b) This subsection does not apply to any criminal street gang-
19 related felony offense for which involving a minor in the commission
20 of the felony offense is an element of the offense.

21 (c) The increased penalty specified in (a) of this subsection is
22 unavailable in the event that the prosecution gives notice that it
23 will seek an exceptional sentence based on an aggravating factor
24 under RCW 9.94A.535.

25 (11) An additional twelve months and one day shall be added to
26 the standard sentence range for a conviction of attempting to elude a
27 police vehicle as defined by RCW 46.61.024, if the conviction
28 included a finding by special allegation of endangering one or more
29 persons under RCW 9.94A.834.

30 (12) An additional twelve months shall be added to the standard
31 sentence range for an offense that is also a violation of RCW
32 9.94A.831.

33 (13) An additional twelve months shall be added to the standard
34 sentence range for vehicular homicide committed while under the
35 influence of intoxicating liquor or any drug as defined by RCW
36 46.61.520 or for vehicular assault committed while under the
37 influence of intoxicating liquor or any drug as defined by RCW
38 46.61.522, or for any felony driving under the influence (RCW
39 46.61.502(6)) or felony physical control under the influence (RCW
40 46.61.504(6)) for each child passenger under the age of sixteen who

1 is an occupant in the defendant's vehicle. These enhancements shall
 2 be mandatory, shall be served in total confinement, and shall run
 3 consecutively to all other sentencing provisions. If the addition of
 4 a minor child enhancement increases the sentence so that it would
 5 exceed the statutory maximum for the offense, the portion of the
 6 sentence representing the enhancement may not be reduced.

7 (14) An additional twelve months shall be added to the standard
 8 sentence range for an offense that is also a violation of RCW
 9 9.94A.832.

10 **Sec. 4.** RCW 13.40.0357 and 2019 c 322 s 8 are each amended to
 11 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+

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

1	C	Violation of Uniform Controlled	C
2		Substances Act - Nonnarcotic Sale	
3		(69.50.401(2)(c))	
4	E	Possession of Marihuana <40 grams	E
5		(69.50.4014)	
6	C	Fraudulently Obtaining Controlled	C
7		Substance (69.50.403)	
8	C+	Sale of Controlled Substance for Profit	C+
9		(69.50.410)	
10	E	Unlawful Inhalation (9.47A.020)	E
11	B	Violation of Uniform Controlled	B
12		Substances Act - Narcotic,	
13		Methamphetamine, or Flunitrazepam	
14		Counterfeit Substances (69.50.4011(2)	
15		(a) or (b))	
16	C	Violation of Uniform Controlled	C
17		Substances Act - Nonnarcotic Counterfeit	
18		Substances (69.50.4011(2) (c), (d), or (e))	
19	((€)) <u>D</u>	Violation of Uniform Controlled	((€)) <u>E</u>
20		Substances Act - Possession of a	
21		Controlled Substance (69.50.4013)	
22	C	Violation of Uniform Controlled	C
23		Substances Act - Possession of a	
24		Controlled Substance (69.50.4012)	
25		Firearms and Weapons	
26	B	Theft of Firearm (9A.56.300)	C
27	B	Possession of Stolen Firearm	C
28		(9A.56.310)	
29	E	Carrying Loaded Pistol Without Permit	E
30		(9.41.050)	
31	C	Possession of Firearms by Minor (<18)	C
32		(9.41.040(2)(a)((+)) (vi))	
33	D+	Possession of Dangerous Weapon	E
34		(9.41.250)	
35	D	Intimidating Another Person by use of	E
36		Weapon (9.41.270)	
37		Homicide	

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

1	A-	Rape of a Child 1 (9A.44.073)	B+
2		committed at age 15	
3	B+	Rape of a Child 2 (9A.44.076)	C+
4	B	Incest 1 (9A.64.020(1))	C
5	C	Incest 2 (9A.64.020(2))	D
6	D+	Indecent Exposure (Victim <14)	E
7		(9A.88.010)	
8	E	Indecent Exposure (Victim 14 or over)	E
9		(9A.88.010)	
10	B+	Promoting Prostitution 1 (9A.88.070)	C+
11	C+	Promoting Prostitution 2 (9A.88.080)	D+
12	E	O & A (Prostitution) (9A.88.030)	E
13	B+	Indecent Liberties (9A.44.100)	C+
14	B++	Child Molestation 1 (9A.44.083)	B+
15		committed at age 14 or under	
16	A-	Child Molestation 1 (9A.44.083)	B+
17		committed at age 15 through age 17	
18	B	Child Molestation 2 (9A.44.086)	C+
19	C	Failure to Register as a Sex Offender	D
20		(9A.44.132)	
21		Theft, Robbery, Extortion, and	
22		Forgery	
23	B	Theft 1 (9A.56.030)	C
24	C	Theft 2 (9A.56.040)	D
25	D	Theft 3 (9A.56.050)	E
26	B	Theft of Livestock 1 and 2 (9A.56.080	C
27		and 9A.56.083)	
28	C	Forgery (9A.60.020)	D
29	A	Robbery 1 (9A.56.200) committed at	B+
30		age 15 or under	
31	A++	Robbery 1 (9A.56.200) committed at	A
32		age 16 or 17	
33	B+	Robbery 2 (9A.56.210)	C+
34	B+	Extortion 1 (9A.56.120)	C+
35	C+	Extortion 2 (9A.56.130)	D+
36	C	Identity Theft 1 (9.35.020(2))	D

1	D	Identity Theft 2 (9.35.020(3))	E
2	D	Improperly Obtaining Financial	E
3		Information (9.35.010)	
4	B	Possession of a Stolen Vehicle	C
5		(9A.56.068)	
6	B	Possession of Stolen Property 1	C
7		(9A.56.150)	
8	C	Possession of Stolen Property 2	D
9		(9A.56.160)	
10	D	Possession of Stolen Property 3	E
11		(9A.56.170)	
12	B	Taking Motor Vehicle Without	C
13		Permission 1 (9A.56.070)	
14	C	Taking Motor Vehicle Without	D
15		Permission 2 (9A.56.075)	
16	B	Theft of a Motor Vehicle (9A.56.065)	C
17		Motor Vehicle Related Crimes	
18	E	Driving Without a License (46.20.005)	E
19	B+	Hit and Run - Death (46.52.020(4)(a))	C+
20	C	Hit and Run - Injury (46.52.020(4)(b))	D
21	D	Hit and Run-Attended (46.52.020(5))	E
22	E	Hit and Run-Unattended (46.52.010)	E
23	C	Vehicular Assault (46.61.522)	D
24	C	Attempting to Elude Pursuing Police	D
25		Vehicle (46.61.024)	
26	E	Reckless Driving (46.61.500)	E
27	D	Driving While Under the Influence	E
28		(46.61.502 and 46.61.504)	
29	B+	Felony Driving While Under the	B
30		Influence (46.61.502(6))	
31	B+	Felony Physical Control of a Vehicle	B
32		While Under the Influence (46.61.504(6))	
33		Other	
34	B	Animal Cruelty 1 (16.52.205)	C
35	B	Bomb Threat (9.61.160)	C
36	C	Escape 1 ¹ (9A.76.110)	C

1	C	Escape 2 ¹ (9A.76.120)	C
2	D	Escape 3 (9A.76.130)	E
3	E	Obscene, Harassing, Etc., Phone Calls	E
4		(9.61.230)	
5	A	Other Offense Equivalent to an Adult	B+
6		Class A Felony	
7	B	Other Offense Equivalent to an Adult	C
8		Class B Felony	
9	C	Other Offense Equivalent to an Adult	D
10		Class C Felony	
11	D	Other Offense Equivalent to an Adult	E
12		Gross Misdemeanor	
13	E	Other Offense Equivalent to an Adult	E
14		Misdemeanor	
15	V	Violation of Order of Restitution,	V
16		Community Supervision, or Confinement	
17		(13.40.200) ²	

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

20 1st escape or attempted escape during 12-month period - 28 days
21 confinement

22 2nd escape or attempted escape during 12-month period - 8 weeks
23 confinement

24 3rd and subsequent escape or attempted escape during 12-month
25 period - 12 weeks confinement

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

28 **JUVENILE SENTENCING STANDARDS**

29 This schedule must be used for juvenile offenders. The court may
30 select sentencing option A, B, C, or D.

31 **OPTION A**

32 **JUVENILE OFFENDER SENTENCING GRID**

33 **STANDARD RANGE**

34 A++ 129 to 260 weeks for all category A++ offenses

35 A+ 180 weeks to age 21 for all category A+ offenses

1	A	103-129 weeks for all category A offenses					
2	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
3	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
4	CURRENT OFFENSE CATEGORY	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
5		B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
6		C+	LS	LS	LS	15-36 weeks	15-36 weeks
7		C	LS	LS	LS	LS	15-36 weeks
8		D+	LS	LS	LS	LS	LS
9		D	LS	LS	LS	LS	LS
10		E	LS	LS	LS	LS	LS
11	PRIOR ADJUDICATIONS		0	1	2	3	4 or more

13 NOTE: References in the grid to days or weeks mean periods of
14 confinement. "LS" means "local sanctions" as defined in RCW
15 13.40.020.

16 (1) The vertical axis of the grid is the current offense
17 category. The current offense category is determined by the offense
18 of adjudication.

19 (2) The horizontal axis of the grid is the number of prior
20 adjudications included in the juvenile's criminal history. Each prior
21 felony adjudication shall count as one point. Each prior violation,
22 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
23 point. Fractional points shall be rounded down.

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

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

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

32 **OR**
33 **OPTION B**
34 **SUSPENDED DISPOSITION ALTERNATIVE**

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

12 (a) "Evidence-based" means a program or practice that has had
13 multiple site random controlled trials across heterogeneous
14 populations demonstrating that the program or practice is effective
15 for the population; and

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

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

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

25 (a) Is adjudicated of an A+ or A++ offense;

26 (b) Is fourteen years of age or older and is adjudicated of one
27 or more of the following offenses:

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

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

31 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
32 the first degree (RCW 9A.56.120), kidnapping in the second degree
33 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular
34 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or
35 manslaughter 2 (RCW 9A.32.070); or

36 (iv) Violation of the uniform controlled substances act (RCW
37 69.50.401(2) (a) and (b)), when the offense includes infliction of
38 bodily harm upon another or when during the commission or immediate

1 withdrawal from the offense the respondent was armed with a deadly
2 weapon;

3 (c) Is ordered to serve a disposition for a firearm violation
4 under RCW 13.40.193;

5 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;
6 or

7 (e) Has a prior option B disposition.

8 **OR**

9 **OPTION C**

10 **CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

11 If the juvenile offender is subject to a standard range
12 disposition of local sanctions or 15 to 36 weeks of confinement and
13 has not committed a B++ or B+ offense, the court may impose a
14 disposition under RCW 13.40.160(4) and 13.40.165.

15 **OR**

16 **OPTION D**

17 **MANIFEST INJUSTICE**

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

21 **Sec. 5.** RCW 69.50.4013 and 2017 c 317 s 15 are each amended to
22 read as follows:

23 (1) It is unlawful for any person to possess a controlled
24 substance unless the substance was obtained directly from, or
25 pursuant to, a valid prescription or order of a practitioner while
26 acting in the course of his or her professional practice, or except
27 as otherwise authorized by this chapter.

28 (2) Except as provided in RCW 69.50.4014, any person who violates
29 this section is guilty of a (~~class C felony~~) gross misdemeanor
30 punishable under chapter 9A.20 RCW.

31 (3)(a) The possession, by a person twenty-one years of age or
32 older, of useable marijuana, marijuana concentrates, or marijuana-
33 infused products in amounts that do not exceed those set forth in RCW
34 69.50.360(3) is not a violation of this section, this chapter, or any
35 other provision of Washington state law.

36 (b) The possession of marijuana, useable marijuana, marijuana
37 concentrates, and marijuana-infused products being physically

1 transported or delivered within the state, in amounts not exceeding
2 those that may be established under RCW 69.50.385(3), by a licensed
3 employee of a common carrier when performing the duties authorized in
4 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
5 this section, this chapter, or any other provision of Washington
6 state law.

7 (4) (a) The delivery by a person twenty-one years of age or older
8 to one or more persons twenty-one years of age or older, during a
9 single twenty-four hour period, for noncommercial purposes and not
10 conditioned upon or done in connection with the provision or receipt
11 of financial consideration, of any of the following marijuana
12 products, is not a violation of this section, this chapter, or any
13 other provisions of Washington state law:

14 (i) One-half ounce of useable marijuana;

15 (ii) Eight ounces of marijuana-infused product in solid form;

16 (iii) Thirty-six ounces of marijuana-infused product in liquid
17 form; or

18 (iv) Three and one-half grams of marijuana concentrates.

19 (b) The act of delivering marijuana or a marijuana product as
20 authorized under this subsection (4) must meet one of the following
21 requirements:

22 (i) The delivery must be done in a location outside of the view
23 of general public and in a nonpublic place; or

24 (ii) The marijuana or marijuana product must be in the original
25 packaging as purchased from the marijuana retailer.

26 (5) No person under twenty-one years of age may possess,
27 manufacture, sell, or distribute marijuana, marijuana-infused
28 products, or marijuana concentrates, regardless of THC concentration.
29 This does not include qualifying patients with a valid authorization.

30 (6) The possession by a qualifying patient or designated provider
31 of marijuana concentrates, useable marijuana, marijuana-infused
32 products, or plants in accordance with chapter 69.51A RCW is not a
33 violation of this section, this chapter, or any other provision of
34 Washington state law.

35 **Sec. 6.** RCW 69.50.430 and 2015 2nd sp.s. c 4 s 1204 are each
36 amended to read as follows:

37 (1) Every adult offender convicted of a felony violation of RCW
38 69.50.401 through (~~69.50.4013~~) 69.50.4012, 69.50.4015, 69.50.402,
39 69.50.403, 69.50.406, 69.50.407, 69.50.410, or 69.50.415 must be

1 fined one thousand dollars in addition to any other fine or penalty
2 imposed. Unless the court finds the adult offender to be indigent,
3 this additional fine may not be suspended or deferred by the court.

4 (2) On a second or subsequent conviction for violation of any of
5 the laws listed in subsection (1) of this section, the adult offender
6 must be fined two thousand dollars in addition to any other fine or
7 penalty imposed. Unless the court finds the adult offender to be
8 indigent, this additional fine may not be suspended or deferred by
9 the court.

10 (3) In addition to any other civil or criminal penalty, every
11 person who violates or causes another to violate RCW 69.50.401 by
12 distributing, dispensing, manufacturing, displaying for sale,
13 offering for sale, attempting to sell, or selling to a purchaser any
14 product that contains any amount of any synthetic cannabinoid, as
15 identified in RCW 69.50.204, must be fined not less than ten thousand
16 dollars and not more than five hundred thousand dollars. If, however,
17 the person who violates or causes another to violate RCW 69.50.401 by
18 distributing, dispensing, manufacturing, displaying for sale,
19 offering for sale, attempting to sell, or selling any product that
20 contains any amount of any synthetic cannabinoid, as identified in
21 RCW 69.50.204, to a purchaser under the age of eighteen, the minimum
22 penalty is twenty-five thousand dollars if the person is at least two
23 years older than the minor. Unless the court finds the person to be
24 indigent, this additional fine may not be suspended or deferred by
25 the court.

--- END ---