

SENATE BILL 5257

State of Washington 69th Legislature 2025 Regular Session

By Senators Christian, Braun, and Fortunato

Read first time 01/14/25. Referred to Committee on Human Services.

1 AN ACT Relating to modifying sentencing standards for juvenile
2 firearm offenses; and amending RCW 13.40.0357.

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

4 **Sec. 1.** RCW 13.40.0357 and 2023 c 295 s 8 are each amended to
5 read as follows:

DESCRIPTION AND OFFENSE CATEGORY

		JUVENILE DISPOSITION
	JUVENILE	CATEGORY FOR
	DISPOSITION	ATTEMPT, BAILJUMP,
	OFFENSE	CONSPIRACY, OR
	CATEGORY	SOLICITATION

Arson and Malicious Mischief

13	A	Arson 1 (9A.48.020)	B+
14	B	Arson 2 (9A.48.030)	C
15	C	Reckless Burning 1 (9A.48.040)	D
16	D	Reckless Burning 2 (9A.48.050)	E
17	B	Malicious Mischief 1 (9A.48.070)	C
18	C	Malicious Mischief 2 (9A.48.080)	D
19	D	Malicious Mischief 3 (9A.48.090)	E

1	E	Tampering with Fire Alarm	E
2		Apparatus (9.40.100)	
3	E	Tampering with Fire Alarm	E
4		Apparatus with Intent to Commit	
5		Arson (9.40.105)	
6	A	Possession of Incendiary Device	B+
7		(9.40.120)	
8		Assault and Other Crimes	
9		Involving Physical Harm	
10	A	Assault 1 (9A.36.011)	B+
11	B+	Assault 2 (9A.36.021)	C+
12	C+	Assault 3 (9A.36.031)	D+
13	D+	Assault 4 (9A.36.041)	E
14	B+	Drive-By Shooting (9A.36.045)	C+
15		committed at age 15 or under	
16	A++	Drive-By Shooting (9A.36.045)	A
17		committed at age 16 or 17	
18	D+	Reckless Endangerment	E
19		(9A.36.050)	
20	C+	Promoting Suicide Attempt	D+
21		(9A.36.060)	
22	D+	Coercion (9A.36.070)	E
23	C+	Custodial Assault (9A.36.100)	D+
24		Burglary and Trespass	
25	B+	Burglary 1 (9A.52.020) committed	C+
26		at	
27		age 15 or under	
28	A-	Burglary 1 (9A.52.020) committed	B+
29		at	
30		age 16 or 17	
31	B	Residential Burglary (9A.52.025)	C
32	B	Burglary 2 (9A.52.030)	C
33	D	Burglary Tools (Possession of)	E
34		(9A.52.060)	
35	D	Criminal Trespass 1 (9A.52.070)	E
36	E	Criminal Trespass 2 (9A.52.080)	E
37	C	Mineral Trespass (78.44.330)	C

1	C	Vehicle Prowling 1 (9A.52.095)	D
2	D	Vehicle Prowling 2 (9A.52.100)	E
3		Drugs	
4	E	Possession/Consumption of	E
5		Alcohol (66.44.270)	
6	C	Illegally Obtaining Legend Drug	D
7		(69.41.020)	
8	C+	Sale, Delivery, Possession of	D+
9		Legend Drug with Intent to Sell	
10		(69.41.030(2)(a))	
11	E	Possession of Legend	E
12		Drug (69.41.030(2)(b))	
13	B+	Violation of Uniform Controlled	B+
14		Substances Act - Narcotic,	
15		Methamphetamine, or	
16		Flunitrazepam Sale (69.50.401(2)	
17		(a) or (b))	
18	C	Violation of Uniform Controlled	C
19		Substances Act - Nonnarcotic Sale	
20		(69.50.401(2)(c))	
21	E	Possession of Cannabis <40 grams	E
22		(69.50.4014)	
23	C	Fraudulently Obtaining Controlled	C
24		Substance (69.50.403)	
25	C+	Sale of Controlled Substance for	C+
26		Profit (69.50.410)	
27	E	Unlawful Inhalation (9.47A.020)	E
28	B	Violation of Uniform Controlled	B
29		Substances Act - Narcotic,	
30		Methamphetamine, or	
31		Flunitrazepam Counterfeit	
32		Substances (69.50.4011(2) (a) or	
33		(b))	
34	C	Violation of Uniform Controlled	C
35		Substances Act - Nonnarcotic	
36		Counterfeit Substances	
37		(69.50.4011(2) (c), (d), or (e))	

1	E	Violation of Uniform Controlled	E
2		Substances Act - Possession of a	
3		Controlled Substance (69.50.4013)	
4	C	Violation of Uniform Controlled	C
5		Substances Act - Possession of a	
6		Controlled Substance (69.50.4012)	
7		Firearms and Weapons	
8	<u>B++</u>	Theft of Firearm (9A.56.300)	((E)) <u>B</u>
9	<u>B++</u>	Possession of Stolen Firearm	((E)) <u>B</u>
10		(9A.56.310)	
11	((E)) <u>D</u>	Carrying Loaded Pistol Without	((E)) <u>D</u>
12		Permit (9.41.050)	
13	((E)) <u>B+</u>	Possession of Firearms by Minor	((E)) <u>B+</u>
14		(<18) (9.41.040(2)(a) (v))	
15	((D+)) <u>C+</u>	Possession of Dangerous Weapon	((E)) <u>D</u>
16		(9.41.250)	
17	D±	Intimidating Another Person by	((E)) <u>D</u>
18		use of Weapon (9.41.270)	
19		Homicide	
20	A+	Murder 1 (9A.32.030)	A
21	A+	Murder 2 (9A.32.050)	B+
22	B+	Manslaughter 1 (9A.32.060)	C+
23	C+	Manslaughter 2 (9A.32.070)	D+
24	B+	Vehicular Homicide (46.61.520)	C+
25		Kidnapping	
26	A	Kidnap 1 (9A.40.020)	B+
27	B+	Kidnap 2 (9A.40.030)	C+
28	C+	Unlawful Imprisonment	D+
29		(9A.40.040)	
30		Obstructing Governmental	
31		Operation	
32	D	Obstructing a Law Enforcement	E
33		Officer (9A.76.020)	
34	E	Resisting Arrest (9A.76.040)	E
35	B	Introducing Contraband 1	C
36		(9A.76.140)	

1	C	Introducing Contraband 2	D
2		(9A.76.150)	
3	E	Introducing Contraband 3	E
4		(9A.76.160)	
5	B+	Intimidating a Public Servant	C+
6		(9A.76.180)	
7	B+	Intimidating a Witness	C+
8		(9A.72.110)	
9		Public Disturbance	
10	C+	Criminal Mischief with Weapon	D+
11		(9A.84.010(2)(b))	
12	D+	Criminal Mischief Without	E
13		Weapon (9A.84.010(2)(a))	
14	E	Failure to Disperse (9A.84.020)	E
15	E	Disorderly Conduct (9A.84.030)	E
16		Sex Crimes	
17	A	Rape 1 (9A.44.040)	B+
18	B++	Rape 2 (9A.44.050) committed at	B+
19		age 14 or under	
20	A-	Rape 2 (9A.44.050) committed at	B+
21		age 15 through age 17	
22	C+	Rape 3 (9A.44.060)	D+
23	B++	Rape of a Child 1 (9A.44.073)	B+
24		committed at age 14 or under	
25	A-	Rape of a Child 1 (9A.44.073)	B+
26		committed at age 15	
27	B+	Rape of a Child 2 (9A.44.076)	C+
28	B	Incest 1 (9A.64.020(1))	C
29	C	Incest 2 (9A.64.020(2))	D
30	D+	Indecent Exposure (Victim <14)	E
31		(9A.88.010)	
32	E	Indecent Exposure (Victim 14 or	E
33		over) (9A.88.010)	
34	B+	Promoting Prostitution 1	C+
35		(9A.88.070)	
36	C+	Promoting Prostitution 2	D+
37		(9A.88.080)	

1	E	O & A (Prostitution) (9A.88.030)	E
2	B+	Indecent Liberties (9A.44.100)	C+
3	B++	Child Molestation 1 (9A.44.083)	B+
4		committed at age 14 or under	
5	A-	Child Molestation 1 (9A.44.083)	B+
6		committed at age 15 through age	
7		17	
8	B	Child Molestation 2 (9A.44.086)	C+
9	C	Failure to Register as a Sex	D
10		Offender (9A.44.132)	
11		Theft, Robbery, Extortion, and	
12		Forgery	
13	B	Theft 1 (9A.56.030)	C
14	C	Theft 2 (9A.56.040)	D
15	D	Theft 3 (9A.56.050)	E
16	B	Theft of Livestock 1 and 2	C
17		(9A.56.080 and 9A.56.083)	
18	C	Forgery (9A.60.020)	D
19	A	Robbery 1 (9A.56.200) committed	B+
20		at	
21		age 15 or under	
22	A++	Robbery 1 (9A.56.200) committed	A
23		at	
24		age 16 or 17	
25	B+	Robbery 2 (9A.56.210)	C+
26	B+	Extortion 1 (9A.56.120)	C+
27	C+	Extortion 2 (9A.56.130)	D+
28	C	Identity Theft 1 (9.35.020(2))	D
29	D	Identity Theft 2 (9.35.020(3))	E
30	D	Improperly Obtaining Financial	E
31		Information (9.35.010)	
32	B	Possession of a Stolen Vehicle	C
33		(9A.56.068)	
34	B	Possession of Stolen Property 1	C
35		(9A.56.150)	
36	C	Possession of Stolen Property 2	D
37		(9A.56.160)	

1	D	Possession of Stolen Property 3	E
2		(9A.56.170)	
3	B	Taking Motor Vehicle Without	C
4		Permission 1 (9A.56.070)	
5	C	Taking Motor Vehicle Without	D
6		Permission 2 (9A.56.075)	
7	B	Theft of a Motor Vehicle	C
8		(9A.56.065)	
9		Motor Vehicle Related Crimes	
10	E	Driving Without a License	E
11		(46.20.005)	
12	B+	Hit and Run - Death	C+
13		(46.52.020(4)(a))	
14	C	Hit and Run - Injury	D
15		(46.52.020(4)(b))	
16	D	Hit and Run-Attended	E
17		(46.52.020(5))	
18	E	Hit and Run-Unattended	E
19		(46.52.010)	
20	C	Vehicular Assault (46.61.522)	D
21	C	Attempting to Elude Pursuing	D
22		Police Vehicle (46.61.024)	
23	E	Reckless Driving (46.61.500)	E
24	D	Driving While Under the	E
25		Influence (46.61.502 and	
26		46.61.504)	
27	B+	Felony Driving While Under the	B
28		Influence (46.61.502(6))	
29	B+	Felony Physical Control of a	B
30		Vehicle While Under the Influence	
31		(46.61.504(6))	
32		Other	
33	B	Animal Cruelty 1 (16.52.205)	C
34	B	Bomb Threat (9.61.160)	C
35	C	Escape 1 ¹ (9A.76.110)	C
36	C	Escape 2 ¹ (9A.76.120)	C
37	D	Escape 3 (9A.76.130)	E

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

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

18 1st escape or attempted escape during 12-month period - 28 days
19 confinement

20 2nd escape or attempted escape during 12-month period - 8 weeks
21 confinement

22 3rd and subsequent escape or attempted escape during 12-month
23 period - 12 weeks confinement

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

26 **JUVENILE SENTENCING STANDARDS**

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

29 **OPTION A**

30 **JUVENILE OFFENDER SENTENCING GRID**

31 **STANDARD RANGE**

32	A++	129 to 260 weeks for all category A++ offenses
33	A+	180 weeks to age 21 for all category A+ offenses
34	A	103-129 weeks for all category A offenses

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

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

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

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

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

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

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

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

34 (1) If the offender is subject to a standard range disposition
35 involving confinement by the department, the court may impose the

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

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

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

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

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

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

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

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

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

29 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
30 the first degree (RCW 9A.56.120), kidnapping in the second degree
31 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular
32 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)),
33 (~~(e)~~) manslaughter 2 (RCW 9A.32.070), unlawful possession of a
34 firearm in the first or second degree (RCW 9.41.040), theft of a
35 firearm (RCW 9A.56.300), or possession of a stolen firearm
36 (9A.56.310); or

37 (iv) Violation of the uniform controlled substances act (RCW
38 69.50.401(2) (a) and (b)), when the offense includes infliction of
39 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).

--- END ---