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SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1059

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State of Washington

56th Legislature

1999 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives O'Brien, Ballasiotes, Kastama, Van Luven, McMorris, Cody, Carlson, Lantz, Parlette, Bush, Keiser, Skinner, Constantine, Anderson, Haigh, K. Schmidt, Regala, Fisher, Hurst, Delvin, Lovick, Ruderman, Radcliff, Kenney, Stensen, Kessler, Dunshee, Dickerson, D. Schmidt, Ogden, Rockefeller, Poulsen, Cooper, Quall, Scott, Lisk, Esser, McDonald, DeBolt, Conway, Mielke, Kagi, Morris and McIntire)

Read first time 03/08/1999.

1 AN ACT Relating to crimes relating to mail theft and destruction;  
2 amending RCW 13.40.0357; reenacting and amending RCW 9.94A.320; adding  
3 a new chapter to Title 9A RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Authorized depository" means a mailbox, post office box, or  
8 rural box used by postal customers to deposit outgoing mail or used by  
9 the postal service to deliver incoming mail.

10 (2) "Letter box" means a receptacle that is used for a specific  
11 address intended or used for the receipt or delivery of mail on a mail  
12 route.

13 (3)(a) "Mail" means a letter, card, parcel, or other material that:

14 (i) Is sent or delivered by means of the postal service;

15 (ii) Has postage affixed by the postal customer or postal service;

16 and

17 (iii) Is placed in an authorized depository or mail receptacle.

18 (b) "Mail" includes articles contained in mail.

1 (4) "Mail receptacle" means a place used by the postal service or  
2 postal customers to place outgoing mail or receive incoming mail.

3 (5) "Postage" means a postal service stamp, permit imprint, meter  
4 strip, or other authorized indication of prepayment for service  
5 provided by the postal service for collection and delivery of mail.

6 (6) "Postal service" means the United States postal service.

7 (7) The phrase "of another" does not include persons with whom the  
8 defendant has a familial, parental, spousal, employment, or other  
9 relationship that would otherwise reasonably allow the defendant to  
10 take, dispose of, or otherwise intercept the person's mail.

11 NEW SECTION. **Sec. 2.** (1) A person commits the crime of  
12 obstruction of mail if the person intentionally obstructs or  
13 unreasonably delays:

14 (a) The passage of the mail; or

15 (b) A carrier or conveyance carrying the mail.

16 (2) Obstruction of mail is a gross misdemeanor.

17 NEW SECTION. **Sec. 3.** (1) A person commits the crime of  
18 destruction of letter boxes if the person knowingly and maliciously:

19 (a) Tears down or destroys a letter box belonging to another; or

20 (b) Breaks open a letter box belonging to another.

21 (2) Destruction of letter boxes is a gross misdemeanor.

22 NEW SECTION. **Sec. 4.** (1) A person commits the crime of  
23 destruction of mail if the person knowingly and maliciously injures,  
24 destroys, or defaces mail of another that has been deposited in an  
25 authorized depository.

26 (2) Destruction of mail is a class C felony.

27 NEW SECTION. **Sec. 5.** (1) A person commits the crime of mail theft  
28 or receipt of stolen mail if the person knowingly:

29 (a) Takes, or by fraud or deception, obtains mail of another from  
30 a mail receptacle, authorized depository, or mail carrier;

31 (b) Secretes, embezzles, or destroys mail of another;

32 (c) Takes, or by fraud or deception, obtains mail of another that  
33 has been left for collection on or adjacent to an authorized depository  
34 or mail receptacle; or

1 (d) Buys, receives, conceals, or unlawfully possesses mail of  
2 another knowing that the mail was taken, obtained, or embezzled as  
3 described in this subsection.

4 (2) Mail theft or receipt of stolen mail is a class C felony.

5 NEW SECTION. **Sec. 6.** In a prosecution under this chapter, it is  
6 a defense that the defendant acted under an honest claim of right in  
7 that:

8 (1) The defendant was unaware that the property was that of another  
9 person;

10 (2) The defendant reasonably believed that the defendant was  
11 entitled to the property involved or had a right to acquire or dispose  
12 of it as the defendant did; or

13 (3) The property involved was that of the defendant's minor child  
14 or spouse, unless the parties were not living together as husband and  
15 wife and were residing in, and intended to continually reside in,  
16 separate abodes at the time of the alleged offense.

17 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute  
18 a new chapter in Title 9A RCW.

19 **Sec. 8.** RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999  
20 c 45 s 4 are each reenacted and amended to read as follows:

21 TABLE 2

22 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

23 XVI	Aggravated Murder 1 (RCW 10.95.020)
24 XV	Homicide by abuse (RCW 9A.32.055)
25	Malicious explosion 1 (RCW 70.74.280(1))
26	Murder 1 (RCW 9A.32.030)
27 XIV	Murder 2 (RCW 9A.32.050)
28 XIII	Malicious explosion 2 (RCW 70.74.280(2))
29	Malicious placement of an explosive 1 (RCW
30	70.74.270(1))
31 XII	Assault 1 (RCW 9A.36.011)
32	Assault of a Child 1 (RCW 9A.36.120)

1 Malicious placement of an imitation device  
 2 1 (RCW 70.74.272(1)(a))  
 3 Rape 1 (RCW 9A.44.040)  
 4 Rape of a Child 1 (RCW 9A.44.073)  
 5 XI Manslaughter 1 (RCW 9A.32.060)  
 6 Rape 2 (RCW 9A.44.050)  
 7 Rape of a Child 2 (RCW 9A.44.076)  
 8 X Child Molestation 1 (RCW 9A.44.083)  
 9 Indecent Liberties (with forcible  
 10 compulsion) (RCW 9A.44.100(1)(a))  
 11 Kidnapping 1 (RCW 9A.40.020)  
 12 Leading Organized Crime (RCW  
 13 9A.82.060(1)(a))  
 14 Malicious explosion 3 (RCW 70.74.280(3))  
 15 Manufacture of methamphetamine (RCW  
 16 69.50.401(a)(1)(ii))  
 17 Over 18 and deliver heroin,  
 18 methamphetamine, a narcotic from  
 19 Schedule I or II, or flunitrazepam  
 20 from Schedule IV to someone under 18  
 21 (RCW 69.50.406)  
 22 IX Assault of a Child 2 (RCW 9A.36.130)  
 23 Controlled Substance Homicide (RCW  
 24 69.50.415)  
 25 Explosive devices prohibited (RCW  
 26 70.74.180)  
 27 Homicide by Watercraft, by being under the  
 28 influence of intoxicating liquor or  
 29 any drug (~~(RCW 88.12.029)~~) (RCW  
 30 79A.60.050)  
 31 Inciting Criminal Profiteering (RCW  
 32 9A.82.060(1)(b))  
 33 Malicious placement of an explosive 2 (RCW  
 34 70.74.270(2))  
 35 Over 18 and deliver narcotic from Schedule  
 36 III, IV, or V or a nonnarcotic, except  
 37 flunitrazepam or methamphetamine, from

1 Schedule I-V to someone under 18 and 3  
2 years junior (RCW 69.50.406)  
3 Robbery 1 (RCW 9A.56.200)  
4 Sexual Exploitation (RCW 9.68A.040)  
5 Vehicular Homicide, by being under the  
6 influence of intoxicating liquor or  
7 any drug (RCW 46.61.520)

8 VIII Arson 1 (RCW 9A.48.020)  
9 Deliver or possess with intent to deliver  
10 methamphetamine (RCW  
11 69.50.401(a)(1)(ii))  
12 Homicide by Watercraft, by the operation of  
13 any vessel in a reckless manner (~~(RCW~~  
14 ~~88.12.029)) (RCW 79A.60.050)~~  
15 Manslaughter 2 (RCW 9A.32.070)  
16 Manufacture, deliver, or possess with  
17 intent to deliver amphetamine (RCW  
18 69.50.401(a)(1)(ii))  
19 Manufacture, deliver, or possess with  
20 intent to deliver heroin or cocaine  
21 (RCW 69.50.401(a)(1)(i))  
22 Possession of ephedrine or pseudoephedrine  
23 with intent to manufacture  
24 methamphetamine (RCW 69.50.440)  
25 Promoting Prostitution 1 (RCW 9A.88.070)  
26 Selling for profit (controlled or  
27 counterfeit) any controlled substance  
28 (RCW 69.50.410)  
29 Vehicular Homicide, by the operation of any  
30 vehicle in a reckless manner (RCW  
31 46.61.520)

32 VII Burglary 1 (RCW 9A.52.020)  
33 Child Molestation 2 (RCW 9A.44.086)  
34 Dealing in depictions of minor engaged in  
35 sexually explicit conduct (RCW  
36 9.68A.050)  
37 Drive-by Shooting (RCW 9A.36.045)

1 Homicide by Watercraft, by disregard for  
2 the safety of others ((~~RCW~~  
3 ~~88.12.029~~)) (RCW 79A.60.050)  
4 Indecent Liberties (without forcible  
5 compulsion) (RCW 9A.44.100(1) (b) and  
6 (c))  
7 Introducing Contraband 1 (RCW 9A.76.140)  
8 Involving a minor in drug dealing (RCW  
9 69.50.401(f))  
10 Malicious placement of an explosive 3 (RCW  
11 70.74.270(3))  
12 Sending, bringing into state depictions of  
13 minor engaged in sexually explicit  
14 conduct (RCW 9.68A.060)  
15 Unlawful Possession of a Firearm in the  
16 first degree (RCW 9.41.040(1)(a))  
17 Use of a Machine Gun in Commission of a  
18 Felony (RCW 9.41.225)  
19 Vehicular Homicide, by disregard for the  
20 safety of others (RCW 46.61.520)  
21 VI Bail Jumping with Murder 1 (RCW  
22 9A.76.170(2)(a))  
23 Bribery (RCW 9A.68.010)  
24 Incest 1 (RCW 9A.64.020(1))  
25 Intimidating a Judge (RCW 9A.72.160)  
26 Intimidating a Juror/Witness (RCW  
27 9A.72.110, 9A.72.130)  
28 Malicious placement of an imitation device  
29 2 (RCW 70.74.272(1)(b))  
30 Manufacture, deliver, or possess with  
31 intent to deliver narcotics from  
32 Schedule I or II (except heroin or  
33 cocaine) or flunitrazepam from  
34 Schedule IV (RCW 69.50.401(a)(1)(i))  
35 Rape of a Child 3 (RCW 9A.44.079)  
36 Theft of a Firearm (RCW 9A.56.300)  
37 V Abandonment of dependent person 1 (RCW  
38 9A.42.060)

1 Advancing money or property for  
2 extortionate extension of credit (RCW  
3 9A.82.030)  
4 Bail Jumping with class A Felony (RCW  
5 9A.76.170(2)(b))  
6 Child Molestation 3 (RCW 9A.44.089)  
7 Criminal Mistreatment 1 (RCW 9A.42.020)  
8 Custodial Sexual Misconduct 1 (RCW  
9 9A.44.160)  
10 Delivery of imitation controlled substance  
11 by person eighteen or over to person  
12 under eighteen (RCW 69.52.030(2))  
13 Extortion 1 (RCW 9A.56.120)  
14 Extortionate Extension of Credit (RCW  
15 9A.82.020)  
16 Extortionate Means to Collect Extensions of  
17 Credit (RCW 9A.82.040)  
18 Incest 2 (RCW 9A.64.020(2))  
19 Kidnapping 2 (RCW 9A.40.030)  
20 On and after July 1, 2000: No-Contact  
21 Order Violation: Domestic Violence  
22 Pretrial Condition (RCW 10.99.040(4)  
23 (b) and (c))  
24 On and after July 1, 2000: No-Contact  
25 Order Violation: Domestic Violence  
26 Sentence Condition (RCW 10.99.050(2))  
27 On and after July 1, 2000: Protection  
28 Order Violation: Domestic Violence  
29 Civil Action (RCW 26.50.110 (4) and  
30 (5))  
31 On and after July 1, 2000: Stalking (RCW  
32 9A.46.110)  
33 Perjury 1 (RCW 9A.72.020)  
34 Persistent prison misbehavior (RCW  
35 9.94.070)  
36 Possession of a Stolen Firearm (RCW  
37 9A.56.310)  
38 Rape 3 (RCW 9A.44.060)

1           Rendering Criminal Assistance 1 (RCW  
2                           9A.76.070)  
3           Sexual Misconduct with a Minor 1 (RCW  
4                           9A.44.093)  
5           Sexually Violating Human Remains (RCW  
6                           9A.44.105)

7    IV       Arson 2 (RCW 9A.48.030)  
8           Assault 2 (RCW 9A.36.021)  
9           Assault by Watercraft (~~((RCW 88.12.032))~~)  
10                       (RCW 79A.60.060)  
11           Bribing a Witness/Bribe Received by Witness  
12                       (RCW 9A.72.090, 9A.72.100)  
13           Commercial Bribery (RCW 9A.68.060)  
14           Counterfeiting (RCW 9.16.035(4))  
15           Escape 1 (RCW 9A.76.110)  
16           Hit and Run--Injury Accident (RCW  
17                       46.52.020(4))  
18           Hit and Run with Vessel--Injury Accident  
19                       (~~((RCW 88.12.155(3))~~) (RCW  
20                       79A.60.200(3)))  
21           Indecent Exposure to Person Under Age  
22                       Fourteen (subsequent sex offense) (RCW  
23                       9A.88.010)  
24           Influencing Outcome of Sporting Event (RCW  
25                       9A.82.070)  
26           Knowingly Trafficking in Stolen Property  
27                       (RCW 9A.82.050(2))  
28           Malicious Harassment (RCW 9A.36.080)  
29           Manufacture, deliver, or possess with  
30                       intent to deliver narcotics from  
31                       Schedule III, IV, or V or nonnarcotics  
32                       from Schedule I-V (except marijuana,  
33                       amphetamine, methamphetamines, or  
34                       flunitrazepam) (RCW 69.50.401(a)(1)  
35                       (iii) through (v))  
36           Residential Burglary (RCW 9A.52.025)  
37           Robbery 2 (RCW 9A.56.210)  
38           Theft of Livestock 1 (RCW 9A.56.080)  
39           Threats to Bomb (RCW 9.61.160)

1 Use of Proceeds of Criminal Profiteering  
2 (RCW 9A.82.080 (1) and (2))  
3 Vehicular Assault (RCW 46.61.522)  
4 Willful Failure to Return from Furlough  
5 (RCW 72.66.060)

6 III Abandonment of dependent person 2 (RCW  
7 9A.42.070)  
8 Assault 3 (RCW 9A.36.031)  
9 Assault of a Child 3 (RCW 9A.36.140)  
10 Bail Jumping with class B or C Felony (RCW  
11 9A.76.170(2)(c))  
12 Burglary 2 (RCW 9A.52.030)  
13 Communication with a Minor for Immoral  
14 Purposes (RCW 9.68A.090)  
15 Criminal Gang Intimidation (RCW 9A.46.120)  
16 Criminal Mistreatment 2 (RCW 9A.42.030)  
17 Custodial Assault (RCW 9A.36.100)  
18 Delivery of a material in lieu of a  
19 controlled substance (RCW  
20 69.50.401(c))  
21 Escape 2 (RCW 9A.76.120)  
22 Extortion 2 (RCW 9A.56.130)  
23 Harassment (RCW 9A.46.020)  
24 Intimidating a Public Servant (RCW  
25 9A.76.180)  
26 Introducing Contraband 2 (RCW 9A.76.150)  
27 Maintaining a Dwelling or Place for  
28 Controlled Substances (RCW  
29 69.50.402(a)(6))  
30 Malicious Injury to Railroad Property (RCW  
31 81.60.070)  
32 Manufacture, deliver, or possess with  
33 intent to deliver marijuana (RCW  
34 69.50.401(a)(1)(iii))  
35 Manufacture, distribute, or possess with  
36 intent to distribute an imitation  
37 controlled substance (RCW  
38 69.52.030(1))

1 Patronizing a Juvenile Prostitute (RCW  
2 9.68A.100)  
3 Perjury 2 (RCW 9A.72.030)  
4 Possession of Incendiary Device (RCW  
5 9.40.120)  
6 Possession of Machine Gun or Short-Barreled  
7 Shotgun or Rifle (RCW 9.41.190)  
8 Promoting Prostitution 2 (RCW 9A.88.080)  
9 Recklessly Trafficking in Stolen Property  
10 (RCW 9A.82.050(1))  
11 Securities Act violation (RCW 21.20.400)  
12 Tampering with a Witness (RCW 9A.72.120)  
13 Telephone Harassment (subsequent conviction  
14 or threat of death) (RCW 9.61.230)  
15 Theft of Livestock 2 (RCW 9A.56.080)  
16 Unlawful Imprisonment (RCW 9A.40.040)  
17 Unlawful possession of firearm in the  
18 second degree (RCW 9.41.040(1)(b))  
19 Unlawful Use of Building for Drug Purposes  
20 (RCW 69.53.010)  
21 Willful Failure to Return from Work Release  
22 (RCW 72.65.070)

23 II Computer Trespass 1 (RCW 9A.52.110)  
24 Counterfeiting (RCW 9.16.035(3))  
25 Create, deliver, or possess a counterfeit  
26 controlled substance (RCW  
27 69.50.401(b))  
28 Escape from Community Custody (RCW  
29 72.09.310)  
30 Health Care False Claims (RCW 48.80.030)  
31 Mail Theft or Receipt of Stolen Mail  
32 (section 5 of this act)  
33 Malicious Mischief 1 (RCW 9A.48.070)  
34 Possession of controlled substance that is  
35 either heroin or narcotics from  
36 Schedule I or II or flunitrazepam from  
37 Schedule IV (RCW 69.50.401(d))  
38 Possession of phencyclidine (PCP) (RCW  
39 69.50.401(d))

1 Possession of Stolen Property 1 (RCW  
2 9A.56.150)  
3 Theft 1 (RCW 9A.56.030)  
4 Theft of Rental, Leased, or Lease-purchased  
5 Property (valued at one thousand five  
6 hundred dollars or more) (RCW  
7 9A.56.096(4))  
8 Trafficking in Insurance Claims (RCW  
9 48.30A.015)  
10 Unlawful Practice of Law (RCW 2.48.180)  
11 Unlicensed Practice of a Profession or  
12 Business (RCW 18.130.190(7))  
13 I Attempting to Elude a Pursuing Police  
14 Vehicle (RCW 46.61.024)  
15 Destruction of Mail (section 4 of this act)  
16 False Verification for Welfare (RCW  
17 74.08.055)  
18 Forged Prescription (RCW 69.41.020)  
19 Forged Prescription for a Controlled  
20 Substance (RCW 69.50.403)  
21 Forgery (RCW 9A.60.020)  
22 Malicious Mischief 2 (RCW 9A.48.080)  
23 Possess Controlled Substance that is a  
24 Narcotic from Schedule III, IV, or V  
25 or Non-narcotic from Schedule I-V  
26 (except phencyclidine or  
27 flunitrazepam) (RCW 69.50.401(d))  
28 Possession of Stolen Property 2 (RCW  
29 9A.56.160)  
30 Reckless Burning 1 (RCW 9A.48.040)  
31 Taking Motor Vehicle Without Permission  
32 (RCW 9A.56.070)  
33 Theft 2 (RCW 9A.56.040)  
34 Theft of Rental, Leased, or Lease-purchased  
35 Property (valued at two hundred fifty  
36 dollars or more but less than one  
37 thousand five hundred dollars) (RCW  
38 9A.56.096(4))

1 Unlawful Issuance of Checks or Drafts (RCW  
 2 9A.56.060)  
 3 Unlawful Use of Food Stamps (RCW 9.91.140  
 4 (2) and (3))  
 5 Vehicle Prowl 1 (RCW 9A.52.095)

6 **Sec. 9.** RCW 13.40.0357 and 1998 c 290 s 5 are each amended to read  
 7 as follows:

8 **DESCRIPTION AND OFFENSE CATEGORY**

9 JUVENILE DISPOSITION  
 10 DISPOSITION CATEGORY FOR ATTEMPT,  
 11 OFFENSE BAILJUMP, CONSPIRACY,  
 12 CATEGORY DESCRIPTION (RCW CITATION) OR SOLICITATION  
 13 .....

14 ***Arson and Malicious Mischief***

15 A Arson 1 (9A.48.020) B+  
 16 B Arson 2 (9A.48.030) C  
 17 C Reckless Burning 1 (9A.48.040) D  
 18 D Reckless Burning 2 (9A.48.050) E  
 19 B Malicious Mischief 1 (9A.48.070) C  
 20 C Malicious Mischief 2 (9A.48.080) D  
 21 D Malicious Mischief 3 (<\$50 is  
 22 E class) (9A.48.090) E  
 23 E Tampering with Fire Alarm  
 24 Apparatus (9.40.100) E  
 25 A Possession of Incendiary Device  
 26 (9.40.120) B+

27 ***Assault and Other Crimes***

28 ***Involving Physical Harm***

29 A Assault 1 (9A.36.011) B+  
 30 B+ Assault 2 (9A.36.021) C+  
 31 C+ Assault 3 (9A.36.031) D+  
 32 D+ Assault 4 (9A.36.041) E  
 33 B+ Drive-By Shooting  
 34 (9A.36.045) C+  
 35 D+ Reckless Endangerment  
 36 (9A.36.050) E

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

1	<i>E</i>	<i>Unlawful Inhalation (9.47A.020)</i>	<i>E</i>
2	<i>B</i>	<i>Violation of Uniform Controlled</i>	
3		<i>Substances Act - Narcotic,</i>	
4		<i>Methamphetamine, or Flunitrazepam</i>	
5		<i>Counterfeit Substances</i>	
6		<i>(69.50.401(b)(1) (i) or (ii))</i>	<i>B</i>
7	<i>C</i>	<i>Violation of Uniform Controlled</i>	
8		<i>Substances Act - Nonnarcotic</i>	
9		<i>Counterfeit Substances</i>	
10		<i>(69.50.401(b)(1) (iii), (iv), (v))</i>	<i>C</i>
11	<i>C</i>	<i>Violation of Uniform Controlled</i>	
12		<i>Substances Act - Possession of a</i>	
13		<i>Controlled Substance</i>	
14		<i>(69.50.401(d))</i>	<i>C</i>
15	<i>C</i>	<i>Violation of Uniform Controlled</i>	
16		<i>Substances Act - Possession of a</i>	
17		<i>Controlled Substance</i>	
18		<i>(69.50.401(c))</i>	<i>C</i>
19		<b><i>Firearms and Weapons</i></b>	
20	<i>B</i>	<i>Theft of Firearm (9A.56.300)</i>	<i>C</i>
21	<i>B</i>	<i>Possession of Stolen Firearm</i>	
22		<i>(9A.56.310)</i>	<i>C</i>
23	<i>E</i>	<i>Carrying Loaded Pistol Without</i>	
24		<i>Permit (9.41.050)</i>	<i>E</i>
25	<i>C</i>	<i>Possession of Firearms by Minor (&lt;18)</i>	
26		<i>(9.41.040(1)(b)(iii))</i>	<i>C</i>
27	<i>D+</i>	<i>Possession of Dangerous Weapon</i>	
28		<i>(9.41.250)</i>	<i>E</i>
29	<i>D</i>	<i>Intimidating Another Person by use</i>	
30		<i>of Weapon (9.41.270)</i>	<i>E</i>
31		<b><i>Homicide</i></b>	
32	<i>A+</i>	<i>Murder 1 (9A.32.030)</i>	<i>A</i>
33	<i>A+</i>	<i>Murder 2 (9A.32.050)</i>	<i>B+</i>
34	<i>B+</i>	<i>Manslaughter 1 (9A.32.060)</i>	<i>C+</i>
35	<i>C+</i>	<i>Manslaughter 2 (9A.32.070)</i>	<i>D+</i>
36	<i>B+</i>	<i>Vehicular Homicide (46.61.520)</i>	<i>C+</i>

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

1		(9A.88.070)	C+
2	C+	<i>Promoting Prostitution 2</i>	
3		(9A.88.080)	D+
4	E	<i>O &amp; A (Prostitution) (9A.88.030)</i>	E
5	B+	<i>Indecent Liberties (9A.44.100)</i>	C+
6	A-	<i>Child Molestation 1 (9A.44.083)</i>	B+
7	B	<i>Child Molestation 2 (9A.44.086)</i>	C+
8		<b><i>Theft, Robbery, Extortion, and Forgery</i></b>	
9	B	<i>Theft 1 (9A.56.030)</i>	C
10	C	<i>Theft 2 (9A.56.040)</i>	D
11	D	<i>Theft 3 (9A.56.050)</i>	E
12	B	<i>Theft of Livestock (9A.56.080)</i>	C
13	C	<i>Forgery (9A.60.020)</i>	D
14	A	<i>Robbery 1 (9A.56.200)</i>	B+
15	B+	<i>Robbery 2 (9A.56.210)</i>	C+
16	B+	<i>Extortion 1 (9A.56.120)</i>	C+
17	C+	<i>Extortion 2 (9A.56.130)</i>	D+
18	C	<u><i>Mail Theft or Receipt of Stolen</i></u>	
19		<u><i>Mail (section 5 of this act)</i></u>	D
20	D	<u><i>Destruction of Mail (section 4</i></u>	
21		<u><i>of this act)</i></u>	E
22	B	<i>Possession of Stolen Property 1</i>	
23		(9A.56.150)	C
24	C	<i>Possession of Stolen Property 2</i>	
25		(9A.56.160)	D
26	D	<i>Possession of Stolen Property 3</i>	
27		(9A.56.170)	E
28	C	<i>Taking Motor Vehicle Without</i>	
29		<i>Owner's Permission (9A.56.070)</i>	D
30		<b><i>Motor Vehicle Related Crimes</i></b>	
31	E	<i>Driving Without a License</i>	
32		(46.20.005)	E
33	C	<i>Hit and Run - Injury</i>	
34		(46.52.020(4))	D
35	D	<i>Hit and Run-Attended</i>	
36		(46.52.020(5))	E
37	E	<i>Hit and Run-Unattended</i>	
38		(46.52.010)	E

1	<i>C</i>	<i>Vehicular Assault (46.61.522)</i>	<i>D</i>
2	<i>C</i>	<i>Attempting to Elude Pursuing</i>	
3		<i>Police Vehicle (46.61.024)</i>	<i>D</i>
4	<i>E</i>	<i>Reckless Driving (46.61.500)</i>	<i>E</i>
5	<i>D</i>	<i>Driving While Under the Influence</i>	
6		<i>(46.61.502 and 46.61.504)</i>	<i>E</i>
7		<b><i>Other</i></b>	
8	<i>B</i>	<i>Bomb Threat (9.61.160)</i>	<i>C</i>
9	<i>C</i>	<i>Escape 1 (9A.76.110)</i>	<i>C</i>
10	<i>C</i>	<i>Escape 2 (9A.76.120)</i>	<i>C</i>
11	<i>D</i>	<i>Escape 3 (9A.76.130)</i>	<i>E</i>
12	<i>E</i>	<i>Obscene, Harassing, Etc.,</i>	
13		<i>Phone Calls (9.61.230)</i>	<i>E</i>
14	<i>A</i>	<i>Other Offense Equivalent to an</i>	
15		<i>Adult Class A Felony</i>	<i>B+</i>
16	<i>B</i>	<i>Other Offense Equivalent to an</i>	
17		<i>Adult Class B Felony</i>	<i>C</i>
18	<i>C</i>	<i>Other Offense Equivalent to an</i>	
19		<i>Adult Class C Felony</i>	<i>D</i>
20	<i>D</i>	<i>Other Offense Equivalent to an</i>	
21		<i>Adult Gross Misdemeanor</i>	<i>E</i>
22	<i>E</i>	<i>Other Offense Equivalent to an</i>	
23		<i>Adult Misdemeanor</i>	<i>E</i>
24	<i>V</i>	<i>Violation of Order of Restitution,</i>	
25		<i>Community Supervision, or</i>	
26		<i>Confinement (13.40.200)</i>	<i>V</i>

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

29 1st escape or attempted escape during 12-month period - 4 weeks  
30 confinement

31 2nd escape or attempted escape during 12-month period - 8 weeks  
32 confinement

33 3rd and subsequent escape or attempted escape during 12-month  
34 period - 12 weeks confinement

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

**JUVENILE SENTENCING STANDARDS**

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

**OPTION A  
JUVENILE OFFENDER SENTENCING GRID  
STANDARD RANGE**

	A+		180 WEEKS TO AGE 21 YEARS			
	A		103 WEEKS TO 129 WEEKS			
	A-		15-36 WEEKS EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
Current Offense Category	B+		15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
	B	LOCAL SANCTIONS (LS)		15-36 WEEKS		52-65 WEEKS
	C+	LS			15-36 WEEKS	
	C	LS				15-36 WEEKS
				Local Sanctions: 0 to 30 Days		
	D+	LS	0 to 12 Months Community Supervision 0 to 150 Hours Community Service			
	D	LS	\$0 to \$500 Fine			
	E	LS				
			0	1	2	3
						4 or more
			PRIOR ADJUDICATIONS			

NOTE: References in the grid to days or weeks mean periods of confinement.

1 (1) The vertical axis of the grid is the current offense category.  
2 The current offense category is determined by the offense of  
3 adjudication.

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

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

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

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

17 **OR**

18 **OPTION B**

19 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

20 If the juvenile offender is subject to a standard range  
21 disposition of local sanctions or 15 to 36 weeks of confinement and has  
22 not committed an A- or B+ offense, the court may impose a disposition  
23 under RCW 13.40.160(~~((+5+))~~) (4) and 13.40.165.

24 **OR**

25 **OPTION C**

26 **MANIFEST INJUSTICE**

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

**--- END ---**