
THIRD SUBSTITUTE HOUSE BILL 1001

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Lovick, Priest, McCoy, Pearson, Kirby, Ross, Hunt, Skinner, Simpson, Newhouse, O'Brien, Armstrong, Ericks, Moeller, Miloscia, Grant, Sells, Green, Eickmeyer, Takko, Kelley, B. Sullivan, Hudgins, Cody, Haigh, Morrell, Chase, Ormsby, Kessler, Blake, Conway, Chandler, P. Sullivan, McDonald, Rodne, Haler, Jarrett, Roach, Walsh, Kristiansen, Wallace, McDermott, Condotta, VanDeWege, Dunshee, McCune, Kenney, Schual-Berke, Hinkle, Bailey, Lantz, Warnick, Upthegrove, Alexander, Campbell and Rolfes)

READ FIRST TIME 3/5/07.

1 AN ACT Relating to auto theft; amending RCW 9A.56.030, 9A.56.040,
2 9A.56.150, 9A.56.160, 9.94A.734, 13.40.0357, 13.40.210, and 9A.56.096;
3 reenacting and amending RCW 9.94A.525, 9.94A.515, 13.40.160, and
4 46.63.110; adding new sections to chapter 9A.56 RCW; adding new
5 sections to chapter 13.40 RCW; adding a new section to chapter 36.28A
6 RCW; adding a new chapter to Title 46 RCW; creating new sections; and
7 prescribing penalties.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

10 (a) Automobiles are an essential part of our everyday lives. The
11 west coast is the only region of the United States with an increase of
12 over three percent in motor vehicle thefts over the last several years.
13 The family car is a priority of most individuals and families. The
14 family car is typically the second largest investment a person has next
15 to the home, so when a car is stolen, it causes a significant loss and
16 inconvenience to people, imposes financial hardship, and negatively
17 impacts their work, school, and personal activities. Appropriate and
18 meaningful penalties that are proportionate to the crime committed must
19 be imposed on those who steal motor vehicles;

1 (b) In Washington, more than one car is stolen every eleven
2 minutes, one hundred thirty-eight cars are stolen every day, someone's
3 car has a one in one hundred seventy-nine chance of being stolen, and
4 more vehicles were stolen in 2005 than in any other previous year.
5 Since 1994, auto theft has increased over fifty-five percent, while
6 other property crimes like burglary are on the decline or holding
7 steady. The national crime insurance bureau reports that Seattle and
8 Tacoma ranked in the top ten places for the most auto thefts, ninth and
9 tenth respectively, in 2004. In 2005, over fifty thousand auto thefts
10 were reported costing Washington citizens more than three hundred
11 twenty-five million dollars in higher insurance rates and lost
12 vehicles. Nearly eighty percent of these crimes occurred in the
13 central Puget Sound region consisting of the heavily populated areas of
14 King, Pierce, and Snohomish counties;

15 (c) Law enforcement has determined that auto theft, along with all
16 the grief it causes the immediate victims, is linked more and more to
17 offenders engaged in other crimes. Many stolen vehicles are used by
18 criminals involved in such crimes as robbery, burglary, and assault.
19 In addition, many people who are stopped in stolen vehicles are found
20 to possess the personal identification of other persons, or to possess
21 methamphetamine, precursors to methamphetamine, or equipment used to
22 cook methamphetamine;

23 (d) Juveniles account for over half of the reported auto thefts
24 with many of these thefts being their first criminal offense. It is
25 critical that they, along with first time adult offenders, are
26 appropriately punished for their crimes. However, it is also important
27 that first time offenders who qualify receive appropriate counseling
28 treatment for associated problems that may have contributed to the
29 commission of the crime, such as drugs, alcohol, and anger management;
30 and

31 (e) A coordinated and concentrated enforcement mechanism is
32 critical to an effective statewide offensive against motor vehicle
33 theft. Such a system provides for better communications between and
34 among law enforcement agencies, more efficient implementation of
35 efforts to discover, track, and arrest auto thieves, quicker recovery,
36 and the return of stolen vehicles, saving millions of dollars in
37 potential loss to victims and their insurers.

1 (2) It is the intent of this act to deter motor vehicle theft
2 through a statewide cooperative effort by combating motor vehicle theft
3 through tough laws, supporting law enforcement activities, improving
4 enforcement and administration, effective prosecution, public
5 awareness, and meaningful treatment for first time offenders where
6 appropriate. It is also the intent of the legislature to ensure that
7 adequate funding is provided to implement this act in order for real,
8 observable reductions in the number of auto thefts in Washington state.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.56 RCW
10 to read as follows:

11 (1) A person is guilty of theft of a motor vehicle if he or she
12 commits theft of a motor vehicle.

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

14 **Sec. 3.** RCW 9A.56.030 and 2005 c 212 s 2 are each amended to read
15 as follows:

16 (1) A person is guilty of theft in the first degree if he or she
17 commits theft of:

18 (a) Property or services which exceed(s) one thousand five hundred
19 dollars in value other than a firearm as defined in RCW 9.41.010;

20 (b) Property of any value, other than a firearm as defined in RCW
21 9.41.010 or a motor vehicle, taken from the person of another; or

22 (c) A search and rescue dog, as defined in RCW 9.91.175, while the
23 search and rescue dog is on duty.

24 (2) Theft in the first degree is a class B felony.

25 **Sec. 4.** RCW 9A.56.040 and 1995 c 129 s 12 are each amended to read
26 as follows:

27 (1) A person is guilty of theft in the second degree if he or she
28 commits theft of:

29 (a) Property or services which exceed(s) two hundred (~~and~~) fifty
30 dollars in value (~~other than a firearm as defined in RCW 9.41.010,~~)
31 but does not exceed one thousand five hundred dollars in value, other
32 than a firearm as defined in RCW 9.41.010 or a motor vehicle; or

33 (b) A public record, writing, or instrument kept, filed, or
34 deposited according to law with or in the keeping of any public office
35 or public servant; or

1 (c) An access device(~~(; or~~
2 ~~(d) A motor vehicle, of a value less than one thousand five hundred~~
3 ~~dollars))~~).

4 (2) Theft in the second degree is a class C felony.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 9A.56 RCW
6 to read as follows:

7 (1) A person is guilty of possession of a stolen vehicle if he or
8 she possess a stolen motor vehicle.

9 (2) Possession of a stolen motor vehicle is a class B felony.

10 **Sec. 6.** RCW 9A.56.150 and 1995 c 129 s 14 are each amended to read
11 as follows:

12 (1) A person is guilty of possessing stolen property in the first
13 degree if he or she possesses stolen property, other than a firearm as
14 defined in RCW 9.41.010 or a motor vehicle, which exceeds one thousand
15 five hundred dollars in value.

16 (2) Possessing stolen property in the first degree is a class B
17 felony.

18 **Sec. 7.** RCW 9A.56.160 and 1995 c 129 s 15 are each amended to read
19 as follows:

20 (1) A person is guilty of possessing stolen property in the second
21 degree if:

22 (a) He or she possesses stolen property, other than a firearm as
23 defined in RCW 9.41.010 or a motor vehicle, which exceeds two hundred
24 fifty dollars in value but does not exceed one thousand five hundred
25 dollars in value; or

26 (b) He or she possesses a stolen public record, writing or
27 instrument kept, filed, or deposited according to law; or

28 (c) He or she possesses a stolen access device(~~(; or~~

29 ~~(d) He or she possesses a stolen motor vehicle of a value less than~~
30 ~~one thousand five hundred dollars))~~).

31 (2) Possessing stolen property in the second degree is a class C
32 felony.

33 **Sec. 8.** RCW 9.94A.525 and 2006 c 128 s 6 and 2006 c 73 s 7 are
34 each reenacted and amended to read as follows:

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

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

5 (1) A prior conviction is a conviction which exists before the date
6 of sentencing for the offense for which the offender score is being
7 computed. Convictions entered or sentenced on the same date as the
8 conviction for which the offender score is being computed shall be
9 deemed "other current offenses" within the meaning of RCW 9.94A.589.

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

12 (b) Class B prior felony convictions other than sex offenses shall
13 not be included in the offender score, if since the last date of
14 release from confinement (including full-time residential treatment)
15 pursuant to a felony conviction, if any, or entry of judgment and
16 sentence, the offender had spent ten consecutive years in the community
17 without committing any crime that subsequently results in a conviction.

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

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

31 (e) If the present conviction is felony driving while under the
32 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or
33 felony physical control of a vehicle while under the influence of
34 intoxicating liquor or any drug (RCW 46.61.504(6)), prior convictions
35 of felony driving while under the influence of intoxicating liquor or
36 any drug, felony physical control of a vehicle while under the
37 influence of intoxicating liquor or any drug, and serious traffic
38 offenses shall be included in the offender score if: (i) The prior

1 convictions were committed within five years since the last date of
2 release from confinement (including full-time residential treatment) or
3 entry of judgment and sentence; or (ii) the prior convictions would be
4 considered "prior offenses within ten years" as defined in RCW
5 46.61.5055.

6 (f) This subsection applies to both adult and juvenile prior
7 convictions.

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

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

20 (5)(a) In the case of multiple prior convictions, for the purpose
21 of computing the offender score, count all convictions separately,
22 except:

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

37 (ii) In the case of multiple prior convictions for offenses
38 committed before July 1, 1986, for the purpose of computing the

1 offender score, count all adult convictions served concurrently as one
2 offense, and count all juvenile convictions entered on the same date as
3 one offense. Use the conviction for the offense that yields the
4 highest offender score.

5 (b) As used in this subsection (5), "served concurrently" means
6 that: (i) The latter sentence was imposed with specific reference to
7 the former; (ii) the concurrent relationship of the sentences was
8 judicially imposed; and (iii) the concurrent timing of the sentences
9 was not the result of a probation or parole revocation on the former
10 offense.

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

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

21 (8) If the present conviction is for a violent offense and not
22 covered in subsection (9), (10), (11), or (12) of this section, count
23 two points for each prior adult and juvenile violent felony conviction,
24 one point for each prior adult nonviolent felony conviction, and 1/2
25 point for each prior juvenile nonviolent felony conviction.

26 (9) If the present conviction is for a serious violent offense,
27 count three points for prior adult and juvenile convictions for crimes
28 in this category, two points for each prior adult and juvenile violent
29 conviction (not already counted), one point for each prior adult
30 nonviolent felony conviction, and 1/2 point for each prior juvenile
31 nonviolent felony conviction.

32 (10) If the present conviction is for Burglary 1, count prior
33 convictions as in subsection (8) of this section; however count two
34 points for each prior adult Burglary 2 or residential burglary
35 conviction, and one point for each prior juvenile Burglary 2 or
36 residential burglary conviction.

37 (11) If the present conviction is for a felony traffic offense
38 count two points for each adult or juvenile prior conviction for

1 Vehicular Homicide or Vehicular Assault; for each felony offense count
2 one point for each adult and 1/2 point for each juvenile prior
3 conviction; for each serious traffic offense, other than those used for
4 an enhancement pursuant to RCW 46.61.520(2), count one point for each
5 adult and 1/2 point for each juvenile prior conviction.

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

17 (13) If the present conviction is for Escape from Community
18 Custody, RCW 72.09.310, count only prior escape convictions in the
19 offender score. Count adult prior escape convictions as one point and
20 juvenile prior escape convictions as 1/2 point.

21 (14) If the present conviction is for Escape 1, RCW 9A.76.110, or
22 Escape 2, RCW 9A.76.120, count adult prior convictions as one point and
23 juvenile prior convictions as 1/2 point.

24 (15) If the present conviction is for Burglary 2 or residential
25 burglary, count priors as in subsection (7) of this section; however,
26 count two points for each adult and juvenile prior Burglary 1
27 conviction, two points for each adult prior Burglary 2 or residential
28 burglary conviction, and one point for each juvenile prior Burglary 2
29 or residential burglary conviction.

30 (16) If the present conviction is for a sex offense, count priors
31 as in subsections (7) through (15) of this section; however count three
32 points for each adult and juvenile prior sex offense conviction.

33 (17) If the present conviction is for failure to register as a sex
34 offender under RCW 9A.44.130(10), count priors as in subsections (7)
35 through (15) of this section; however count three points for each adult
36 and juvenile prior sex offense conviction, excluding prior convictions
37 for failure to register as a sex offender under RCW 9A.44.130(10),
38 which shall count as one point.

1 (18) If the present conviction is for an offense committed while
2 the offender was under community placement, add one point.

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

14 (20) The fact that a prior conviction was not included in an
15 offender's offender score or criminal history at a previous sentencing
16 shall have no bearing on whether it is included in the criminal history
17 or offender score for the current offense. Accordingly, prior
18 convictions that were not counted in the offender score or included in
19 criminal history under repealed or previous versions of the sentencing
20 reform act shall be included in criminal history and shall count in the
21 offender score if the current version of the sentencing reform act
22 requires including or counting those convictions.

23 **Sec. 9.** RCW 9.94A.734 and 2003 c 53 s 62 are each amended to read
24 as follows:

- 25 (1) Home detention may not be imposed for offenders convicted of:
26 (a) A violent offense;
27 (b) Any sex offense;
28 (c) Any drug offense;
29 (d) Reckless burning in the first or second degree as defined in
30 RCW 9A.48.040 or 9A.48.050;
31 (e) Assault in the third degree as defined in RCW 9A.36.031;
32 (f) Assault of a child in the third degree;
33 (g) Unlawful imprisonment as defined in RCW 9A.40.040; or
34 (h) Harassment as defined in RCW 9A.46.020.

35 Home detention may be imposed for offenders convicted of possession of
36 a controlled substance under RCW 69.50.4013 or forged prescription for
37 a controlled substance under RCW 69.50.403 if the offender fulfills the

1 participation conditions set forth in this section and is monitored for
2 drug use by a treatment alternatives to street crime program or a
3 comparable court or agency-referred program.

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

7 (a) Successfully completing twenty-one days in a work release
8 program;

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

12 (c) Having no convictions for a violent felony offense during the
13 preceding two years and not more than two prior convictions for a
14 violent felony offense;

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

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

17 (3) Home detention may be imposed for offenders convicted of taking
18 a motor vehicle without permission in the second degree as defined in
19 RCW 9A.56.075, theft of a motor vehicle as defined under section 2 of
20 this act, or possession of a stolen motor vehicle as defined under
21 section 5 of this act conditioned upon the offender:

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

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

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

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

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

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

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

1 (c) Compliance with court-ordered legal financial obligations. The
2 home detention program may also be made available to offenders whose
3 charges and convictions do not otherwise disqualify them if medical or
4 health-related conditions, concerns or treatment would be better
5 addressed under the home detention program, or where the health and
6 welfare of the offender, other inmates, or staff would be jeopardized
7 by the offender's incarceration. Participation in the home detention
8 program for medical or health-related reasons is conditioned on the
9 offender abiding by the rules of the home detention program and
10 complying with court-ordered restitution.

11 **Sec. 10.** RCW 9.94A.515 and 2006 c 277 s 6, 2006 c 228 s 9, 2006 c
12 191 s 2, 2006 c 139 s 2, 2006 c 128 s 3, and 2006 c 73 s 12 are each
13 reenacted and amended to read as follows:

	TABLE 2
	CRIMES INCLUDED WITHIN
	EACH SERIOUSNESS LEVEL
14	
15	
16	
17	XVI Aggravated Murder 1 (RCW
18	10.95.020)
19	XV Homicide by abuse (RCW 9A.32.055)
20	Malicious explosion 1 (RCW
21	70.74.280(1))
22	Murder 1 (RCW 9A.32.030)
23	XIV Murder 2 (RCW 9A.32.050)
24	Trafficking 1 (RCW 9A.40.100(1))
25	XIII Malicious explosion 2 (RCW
26	70.74.280(2))
27	Malicious placement of an explosive 1
28	(RCW 70.74.270(1))
29	XII Assault 1 (RCW 9A.36.011)
30	Assault of a Child 1 (RCW 9A.36.120)
31	Malicious placement of an imitation
32	device 1 (RCW 70.74.272(1)(a))
33	Rape 1 (RCW 9A.44.040)
34	Rape of a Child 1 (RCW 9A.44.073)
35	Trafficking 2 (RCW 9A.40.100(2))

1 XI Manslaughter 1 (RCW 9A.32.060)
2 Rape 2 (RCW 9A.44.050)
3 Rape of a Child 2 (RCW 9A.44.076)
4 X Child Molestation 1 (RCW 9A.44.083)
5 Indecent Liberties (with forcible
6 compulsion) (RCW
7 9A.44.100(1)(a))
8 Kidnapping 1 (RCW 9A.40.020)
9 Leading Organized Crime (RCW
10 9A.82.060(1)(a))
11 Malicious explosion 3 (RCW
12 70.74.280(3))
13 Sexually Violent Predator Escape
14 (RCW 9A.76.115)
15 IX Abandonment of Dependent Person 1
16 (RCW 9A.42.060)
17 Assault of a Child 2 (RCW 9A.36.130)
18 Criminal Mistreatment 1 (RCW
19 9A.42.020)
20 Explosive devices prohibited (RCW
21 70.74.180)
22 Hit and Run--Death (RCW
23 46.52.020(4)(a))
24 Homicide by Watercraft, by being
25 under the influence of intoxicating
26 liquor or any drug (RCW
27 79A.60.050)
28 Inciting Criminal Profiteering (RCW
29 9A.82.060(1)(b))
30 Malicious placement of an explosive 2
31 (RCW 70.74.270(2))
32 Robbery 1 (RCW 9A.56.200)
33 Sexual Exploitation (RCW 9.68A.040)
34 Vehicular Homicide, by being under
35 the influence of intoxicating liquor
36 or any drug (RCW 46.61.520)
37 VIII Arson 1 (RCW 9A.48.020)

1 Homicide by Watercraft, by the
2 operation of any vessel in a
3 reckless manner (RCW
4 79A.60.050)
5 Manslaughter 2 (RCW 9A.32.070)
6 Promoting Prostitution 1 (RCW
7 9A.88.070)
8 Theft of Ammonia (RCW 69.55.010)
9 Vehicular Homicide, by the operation
10 of any vehicle in a reckless manner
11 (RCW 46.61.520)
12 VII Burglary 1 (RCW 9A.52.020)
13 Child Molestation 2 (RCW 9A.44.086)
14 Civil Disorder Training (RCW
15 9A.48.120)
16 Dealing in depictions of minor engaged
17 in sexually explicit conduct (RCW
18 9.68A.050)
19 Drive-by Shooting (RCW 9A.36.045)
20 Homicide by Watercraft, by disregard
21 for the safety of others (RCW
22 79A.60.050)
23 Indecent Liberties (without forcible
24 compulsion) (RCW 9A.44.100(1)
25 (b) and (c))
26 Introducing Contraband 1 (RCW
27 9A.76.140)
28 Malicious placement of an explosive 3
29 (RCW 70.74.270(3))
30 Negligently Causing Death By Use of a
31 Signal Preemption Device (RCW
32 46.37.675)
33 Sending, bringing into state depictions
34 of minor engaged in sexually
35 explicit conduct (RCW 9.68A.060)
36 Unlawful Possession of a Firearm in
37 the first degree (RCW 9.41.040(1))

1 Use of a Machine Gun in Commission
2 of a Felony (RCW 9A.41.225)
3 Vehicular Homicide, by disregard for
4 the safety of others (RCW
5 46.61.520)
6 VI Bail Jumping with Murder 1 (RCW
7 9A.76.170(3)(a))
8 Bribery (RCW 9A.68.010)
9 Incest 1 (RCW 9A.64.020(1))
10 Intimidating a Judge (RCW 9A.72.160)
11 Intimidating a Juror/Witness (RCW
12 9A.72.110, 9A.72.130)
13 Malicious placement of an imitation
14 device 2 (RCW 70.74.272(1)(b))
15 Possession of Depictions of a Minor
16 Engaged in Sexually Explicit
17 Conduct (RCW 9.68A.070)
18 Rape of a Child 3 (RCW 9A.44.079)
19 Theft of a Firearm (RCW 9A.56.300)
20 Unlawful Storage of Ammonia (RCW
21 69.55.020)
22 V Abandonment of Dependent Person 2
23 (RCW 9A.42.070)
24 Advancing money or property for
25 extortionate extension of credit
26 (RCW 9A.82.030)
27 Bail Jumping with class A Felony
28 (RCW 9A.76.170(3)(b))
29 Child Molestation 3 (RCW 9A.44.089)
30 Criminal Mistreatment 2 (RCW
31 9A.42.030)
32 Custodial Sexual Misconduct 1 (RCW
33 9A.44.160)

1 Domestic Violence Court Order
2 Violation (RCW 10.99.040,
3 10.99.050, 26.09.300, 26.10.220,
4 26.26.138, 26.50.110, 26.52.070,
5 or 74.34.145)
6 Driving While Under the Influence
7 (RCW 46.61.502(6))
8 Extortion 1 (RCW 9A.56.120)
9 Extortionate Extension of Credit (RCW
10 9A.82.020)
11 Extortionate Means to Collect
12 Extensions of Credit (RCW
13 9A.82.040)
14 Incest 2 (RCW 9A.64.020(2))
15 Kidnapping 2 (RCW 9A.40.030)
16 Perjury 1 (RCW 9A.72.020)
17 Persistent prison misbehavior (RCW
18 9.94.070)
19 Physical Control of a Vehicle While
20 Under the Influence (RCW
21 46.61.504(6))
22 Possession of a Stolen Firearm (RCW
23 9A.56.310)
24 Rape 3 (RCW 9A.44.060)
25 Rendering Criminal Assistance 1
26 (RCW 9A.76.070)
27 Sexual Misconduct with a Minor 1
28 (RCW 9A.44.093)
29 Sexually Violating Human Remains
30 (RCW 9A.44.105)
31 Stalking (RCW 9A.46.110)
32 Taking Motor Vehicle Without
33 Permission 1 (RCW 9A.56.070)
34 IV Arson 2 (RCW 9A.48.030)
35 Assault 2 (RCW 9A.36.021)

1 Assault 3 (of a Peace Officer with a
2 Projectile Stun Gun) (RCW
3 9A.36.031(1)(h))
4 Assault by Watercraft (RCW
5 79A.60.060)
6 Bribing a Witness/Bribe Received by
7 Witness (RCW 9A.72.090,
8 9A.72.100)
9 Cheating 1 (RCW 9.46.1961)
10 Commercial Bribery (RCW 9A.68.060)
11 Counterfeiting (RCW 9.16.035(4))
12 Endangerment with a Controlled
13 Substance (RCW 9A.42.100)
14 Escape 1 (RCW 9A.76.110)
15 Hit and Run--Injury (RCW
16 46.52.020(4)(b))
17 Hit and Run with Vessel--Injury
18 Accident (RCW 79A.60.200(3))
19 Identity Theft 1 (RCW 9.35.020(2))
20 Indecent Exposure to Person Under
21 Age Fourteen (subsequent sex
22 offense) (RCW 9A.88.010)
23 Influencing Outcome of Sporting Event
24 (RCW 9A.82.070)
25 Malicious Harassment (RCW
26 9A.36.080)
27 Residential Burglary (RCW
28 9A.52.025)
29 Robbery 2 (RCW 9A.56.210)
30 Theft of Livestock 1 (RCW 9A.56.080)
31 Threats to Bomb (RCW 9.61.160)
32 Trafficking in Stolen Property 1 (RCW
33 9A.82.050)
34 Unlawful factoring of a credit card or
35 payment card transaction (RCW
36 9A.56.290(4)(b))

1 Unlawful transaction of health
2 coverage as a health care service
3 contractor (RCW 48.44.016(3))
4 Unlawful transaction of health
5 coverage as a health maintenance
6 organization (RCW 48.46.033(3))
7 Unlawful transaction of insurance
8 business (RCW 48.15.023(3))
9 Unlicensed practice as an insurance
10 professional (RCW 48.17.063(3))
11 Use of Proceeds of Criminal
12 Profiteering (RCW 9A.82.080 (1)
13 and (2))
14 Vehicular Assault, by being under the
15 influence of intoxicating liquor or
16 any drug, or by the operation or
17 driving of a vehicle in a reckless
18 manner (RCW 46.61.522)
19 Willful Failure to Return from
20 Furlough (RCW 72.66.060)
21 III Animal Cruelty 1 (Sexual Conduct or
22 Contact) (RCW 16.52.205(3))
23 Assault 3 (Except Assault 3 of a Peace
24 Officer With a Projectile Stun
25 Gun) (RCW 9A.36.031 except
26 subsection (1)(h))
27 Assault of a Child 3 (RCW 9A.36.140)
28 Bail Jumping with class B or C Felony
29 (RCW 9A.76.170(3)(c))
30 Burglary 2 (RCW 9A.52.030)
31 Communication with a Minor for
32 Immoral Purposes (RCW
33 9.68A.090)
34 Criminal Gang Intimidation (RCW
35 9A.46.120)
36 Custodial Assault (RCW 9A.36.100)

1 Cyberstalking (subsequent conviction
2 or threat of death) (RCW
3 9.61.260(3))
4 Escape 2 (RCW 9A.76.120)
5 Extortion 2 (RCW 9A.56.130)
6 Harassment (RCW 9A.46.020)
7 Intimidating a Public Servant (RCW
8 9A.76.180)
9 Introducing Contraband 2 (RCW
10 9A.76.150)
11 Malicious Injury to Railroad Property
12 (RCW 81.60.070)
13 Negligently Causing Substantial Bodily
14 Harm By Use of a Signal
15 Preemption Device (RCW
16 46.37.674)
17 Organized Retail Theft 1 (RCW
18 9A.56.350(2))
19 Patronizing a Juvenile Prostitute (RCW
20 9.68A.100)
21 Perjury 2 (RCW 9A.72.030)
22 Possession of Incendiary Device (RCW
23 9.40.120)
24 Possession of Machine Gun or Short-
25 Barreled Shotgun or Rifle (RCW
26 9.41.190)
27 Promoting Prostitution 2 (RCW
28 9A.88.080)
29 (~~[[Retail]]~~) Retail Theft with
30 Extenuating Circumstances 1
31 (RCW 9A.56.360(2))
32 Securities Act violation (RCW
33 21.20.400)
34 Tampering with a Witness (RCW
35 9A.72.120)

1 Telephone Harassment (subsequent
2 conviction or threat of death)
3 (RCW 9.61.230(2))
4 Theft of Livestock 2 (RCW 9A.56.083)
5 Theft with the Intent to Resell 1 (RCW
6 9A.56.340(2))
7 Trafficking in Stolen Property 2 (RCW
8 9A.82.055)
9 Unlawful Imprisonment (RCW
10 9A.40.040)
11 Unlawful possession of firearm in the
12 second degree (RCW 9.41.040(2))
13 Vehicular Assault, by the operation or
14 driving of a vehicle with disregard
15 for the safety of others (RCW
16 46.61.522)
17 Willful Failure to Return from Work
18 Release (RCW 72.65.070)
19 II Computer Trespass 1 (RCW
20 9A.52.110)
21 Counterfeiting (RCW 9.16.035(3))
22 Escape from Community Custody
23 (RCW 72.09.310)
24 Failure to Register as a Sex Offender
25 (second or subsequent offense)
26 (RCW 9A.44.130(10)(a))
27 Health Care False Claims (RCW
28 48.80.030)
29 Identity Theft 2 (RCW 9.35.020(3))
30 Improperly Obtaining Financial
31 Information (RCW 9.35.010)
32 Malicious Mischief 1 (RCW
33 9A.48.070)
34 Organized Retail Theft 2 (RCW
35 9A.56.350(3))
36 Possession of Stolen Property 1 (RCW
37 9A.56.150)

1 Possession of a Stolen Vehicle (section
2 5 of this act)
3 (~~[[Retail]]~~) Retail Theft with
4 Extenuating Circumstances 2
5 (RCW 9A.56.360(3))
6 Theft 1 (RCW 9A.56.030)
7 Theft of a Motor Vehicle (section 2 of
8 this act)
9 Theft of Rental, Leased, or Lease-
10 purchased Property (valued at one
11 thousand five hundred dollars or
12 more) (RCW 9A.56.096(5)(a))
13 Theft with the Intent to Resell 2 (RCW
14 9A.56.340(3))
15 Trafficking in Insurance Claims (RCW
16 48.30A.015)
17 Unlawful factoring of a credit card or
18 payment card transaction (RCW
19 9A.56.290(4)(a))
20 Unlawful Practice of Law (RCW
21 2.48.180)
22 Unlicensed Practice of a Profession or
23 Business (RCW 18.130.190(7))
24 Voyeurism (RCW 9A.44.115)
25 I Attempting to Elude a Pursuing Police
26 Vehicle (RCW 46.61.024)
27 False Verification for Welfare (RCW
28 74.08.055)
29 Forgery (RCW 9A.60.020)
30 Fraudulent Creation or Revocation of a
31 Mental Health Advance Directive
32 (RCW 9A.60.060)
33 Malicious Mischief 2 (RCW
34 9A.48.080)
35 Mineral Trespass (RCW 78.44.330)
36 Possession of Stolen Property 2 (RCW
37 9A.56.160)

1 Reckless Burning 1 (RCW 9A.48.040)
2 Taking Motor Vehicle Without
3 Permission 2 (RCW 9A.56.075)
4 Theft 2 (RCW 9A.56.040)
5 Theft of Rental, Leased, or Lease-
6 purchased Property (valued at two
7 hundred fifty dollars or more but
8 less than one thousand five
9 hundred dollars) (RCW
10 9A.56.096(5)(b))
11 Transaction of insurance business
12 beyond the scope of licensure
13 (RCW 48.17.063(4))
14 Unlawful Issuance of Checks or Drafts
15 (RCW 9A.56.060)
16 Unlawful Possession of Fictitious
17 Identification (RCW 9A.56.320)
18 Unlawful Possession of Instruments of
19 Financial Fraud (RCW 9A.56.320)
20 Unlawful Possession of Payment
21 Instruments (RCW 9A.56.320)
22 Unlawful Possession of a Personal
23 Identification Device (RCW
24 9A.56.320)
25 Unlawful Production of Payment
26 Instruments (RCW 9A.56.320)
27 Unlawful Trafficking in Food Stamps
28 (RCW 9.91.142)
29 Unlawful Use of Food Stamps (RCW
30 9.91.144)
31 Vehicle Prowl 1 (RCW 9A.52.095)

32 **Sec. 11.** RCW 13.40.0357 and 2006 c 73 s 14 are each amended to
33 read as follows:

34 **DESCRIPTION AND OFFENSE CATEGORY**

1		JUVENILE DISPOSITION
2	JUVENILE	CATEGORY FOR
3	DISPOSITION	ATTEMPT, BAILJUMP,
4	OFFENSE	CONSPIRACY, OR
5	CATEGORY	DESCRIPTION (RCW CITATION)
6		SOLICITATION
7	
7	Arson and Malicious Mischief	
8	A	Arson 1 (9A.48.020) B+
9	B	Arson 2 (9A.48.030) C
10	C	Reckless Burning 1 (9A.48.040) D
11	D	Reckless Burning 2 (9A.48.050) E
12	B	Malicious Mischief 1 (9A.48.070) C
13	C	Malicious Mischief 2 (9A.48.080) D
14	D	Malicious Mischief 3 (9A.48.090(2) (a) and
15		(c)) E
16	E	Malicious Mischief 3 (9A.48.090(2)(b)) E
17	E	Tampering with Fire Alarm Apparatus
18		(9.40.100) E
19	E	Tampering with Fire Alarm Apparatus with
20		Intent to Commit Arson (9.40.105) E
21	A	Possession of Incendiary Device (9.40.120) B+
22	Assault and Other Crimes Involving	
23	Physical Harm	
24	A	Assault 1 (9A.36.011) B+
25	B+	Assault 2 (9A.36.021) C+
26	C+	Assault 3 (9A.36.031) D+
27	D+	Assault 4 (9A.36.041) E
28	B+	Drive-By Shooting (9A.36.045) C+
29	D+	Reckless Endangerment (9A.36.050) E
30	C+	Promoting Suicide Attempt (9A.36.060) D+
31	D+	Coercion (9A.36.070) E
32	C+	Custodial Assault (9A.36.100) D+
33	Burglary and Trespass	
34	B+	Burglary 1 (9A.52.020) C+
35	B	Residential Burglary (9A.52.025) C
36	B	Burglary 2 (9A.52.030) C
37	D	Burglary Tools (Possession of) (9A.52.060) E

1	D	Criminal Trespass 1 (9A.52.070)	E
2	E	Criminal Trespass 2 (9A.52.080)	E
3	C	Mineral Trespass (78.44.330)	C
4	C	Vehicle Prowling 1 (9A.52.095)	D
5	D	Vehicle Prowling 2 (9A.52.100)	E
6		Drugs	
7	E	Possession/Consumption of Alcohol	
8		(66.44.270)	E
9	C	Illegally Obtaining Legend Drug	
10		(69.41.020)	D
11	C+	Sale, Delivery, Possession of Legend Drug	
12		with Intent to Sell (69.41.030(2)(a))	D+
13	E	Possession of Legend Drug	
14		(69.41.030(2)(b))	E
15	B+	Violation of Uniform Controlled Substances	
16		Act - Narcotic, Methamphetamine, or	
17		Flunitrazepam Sale (69.50.401(2) (a) or	
18		(b))	B+
19	C	Violation of Uniform Controlled Substances	
20		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
21	E	Possession of Marihuana <40 grams	
22		(69.50.4014)	E
23	C	Fraudulently Obtaining Controlled	
24		Substance (69.50.403)	C
25	C+	Sale of Controlled Substance for Profit	
26		(69.50.410)	C+
27	E	Unlawful Inhalation (9.47A.020)	E
28	B	Violation of Uniform Controlled Substances	
29		Act - Narcotic, Methamphetamine, or	
30		Flunitrazepam Counterfeit Substances	
31		(69.50.4011(2) (a) or (b))	B
32	C	Violation of Uniform Controlled Substances	
33		Act - Nonnarcotic Counterfeit Substances	
34		(69.50.4011(2) (c), (d), or (e))	C
35	C	Violation of Uniform Controlled Substances	
36		Act - Possession of a Controlled Substance	
37		(69.50.4013)	C

1	C	Violation of Uniform Controlled Substances	
2		Act - Possession of a Controlled Substance	
3		(69.50.4012)	C
4		Firearms and Weapons	
5	B	Theft of Firearm (9A.56.300)	C
6	B	Possession of Stolen Firearm (9A.56.310)	C
7	E	Carrying Loaded Pistol Without Permit	
8		(9.41.050)	E
9	C	Possession of Firearms by Minor (<18)	
10		(9.41.040(2)(a)(iii))	C
11	D+	Possession of Dangerous Weapon	
12		(9.41.250)	E
13	D	Intimidating Another Person by use of	
14		Weapon (9.41.270)	E
15		Homicide	
16	A+	Murder 1 (9A.32.030)	A
17	A+	Murder 2 (9A.32.050)	B+
18	B+	Manslaughter 1 (9A.32.060)	C+
19	C+	Manslaughter 2 (9A.32.070)	D+
20	B+	Vehicular Homicide (46.61.520)	C+
21		Kidnapping	
22	A	Kidnap 1 (9A.40.020)	B+
23	B+	Kidnap 2 (9A.40.030)	C+
24	C+	Unlawful Imprisonment (9A.40.040)	D+
25		Obstructing Governmental Operation	
26	D	Obstructing a Law Enforcement Officer	
27		(9A.76.020)	E
28	E	Resisting Arrest (9A.76.040)	E
29	B	Introducing Contraband 1 (9A.76.140)	C
30	C	Introducing Contraband 2 (9A.76.150)	D
31	E	Introducing Contraband 3 (9A.76.160)	E
32	B+	Intimidating a Public Servant (9A.76.180)	C+
33	B+	Intimidating a Witness (9A.72.110)	C+
34		Public Disturbance	
35	C+	Riot with Weapon (9A.84.010(2)(b))	D+
36	D+	Riot Without Weapon (9A.84.010(2)(a))	E

1	E	Failure to Disperse (9A.84.020)	E
2	E	Disorderly Conduct (9A.84.030)	E
3		Sex Crimes	
4	A	Rape 1 (9A.44.040)	B+
5	A-	Rape 2 (9A.44.050)	B+
6	C+	Rape 3 (9A.44.060)	D+
7	A-	Rape of a Child 1 (9A.44.073)	B+
8	B+	Rape of a Child 2 (9A.44.076)	C+
9	B	Incest 1 (9A.64.020(1))	C
10	C	Incest 2 (9A.64.020(2))	D
11	D+	Indecent Exposure (Victim <14)	
12		(9A.88.010)	E
13	E	Indecent Exposure (Victim 14 or over)	
14		(9A.88.010)	E
15	B+	Promoting Prostitution 1 (9A.88.070)	C+
16	C+	Promoting Prostitution 2 (9A.88.080)	D+
17	E	O & A (Prostitution) (9A.88.030)	E
18	B+	Indecent Liberties (9A.44.100)	C+
19	A-	Child Molestation 1 (9A.44.083)	B+
20	B	Child Molestation 2 (9A.44.086)	C+
21		Theft, Robbery, Extortion, and Forgery	
22	B	Theft 1 (9A.56.030)	C
23	C	Theft 2 (9A.56.040)	D
24	D	Theft 3 (9A.56.050)	E
25	B	Theft of Livestock 1 and 2 (9A.56.080 and	
26		9A.56.083)	C
27	C	Forgery (9A.60.020)	D
28	A	Robbery 1 (9A.56.200)	B+
29	B+	Robbery 2 (9A.56.210)	C+
30	B+	Extortion 1 (9A.56.120)	C+
31	C+	Extortion 2 (9A.56.130)	D+
32	C	Identity Theft 1 (9.35.020(2))	D
33	D	Identity Theft 2 (9.35.020(3))	E
34	D	Improperly Obtaining Financial Information	
35		(9.35.010)	E
36	<u>B</u>	<u>Possession of a Stolen Vehicle (section 5 of</u>	
37		<u>this act)</u>	<u>C</u>

1	B	Possession of Stolen Property 1	
2		(9A.56.150)	C
3	C	Possession of Stolen Property 2	
4		(9A.56.160)	D
5	D	Possession of Stolen Property 3	
6		(9A.56.170)	E
7	((C))	Taking Motor Vehicle Without Permission ((D))	
8	B	1 ((and 2)) (9A.56.070 ((and 9A.56.075)))	C
9	C	<u>Taking Motor Vehicle Without Permission</u>	
10		<u>2 (9A.56.075)</u>	D
11	B	<u>Theft of a Motor Vehicle (section 2 of this</u>	
12		<u>act)</u>	C
13		Motor Vehicle Related Crimes	
14	E	Driving Without a License (46.20.005)	E
15	B+	Hit and Run - Death (46.52.020(4)(a))	C+
16	C	Hit and Run - Injury (46.52.020(4)(b))	D
17	D	Hit and Run-Attended (46.52.020(5))	E
18	E	Hit and Run-Unattended (46.52.010)	E
19	C	Vehicular Assault (46.61.522)	D
20	C	Attempting to Elude Pursuing Police	
21		Vehicle (46.61.024)	D
22	E	Reckless Driving (46.61.500)	E
23	D	Driving While Under the Influence	
24		(46.61.502 and 46.61.504)	E
25	B+	Felony Driving While Under the Influence	
26		(46.61.502(6))	B
27	B+	Felony Physical Control of a Vehicle While	
28		Under the Influence (46.61.504(6))	B
29		Other	
30	B	Animal Cruelty 1 (16.52.205)	C
31	B	Bomb Threat (9.61.160)	C
32	C	Escape 1 ¹ (9A.76.110)	C
33	C	Escape 2 ¹ (9A.76.120)	C
34	D	Escape 3 (9A.76.130)	E
35	E	Obscene, Harassing, Etc., Phone Calls	
36		(9.61.230)	E

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

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

16 1st escape or attempted escape during 12-month period - 4 weeks
 17 confinement

18 2nd escape or attempted escape during 12-month period - 8 weeks
 19 confinement

20 3rd and subsequent escape or attempted escape during 12-month
 21 period - 12 weeks confinement

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

24 **JUVENILE SENTENCING STANDARDS**

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

27 **OPTION A**
 28 **JUVENILE OFFENDER SENTENCING GRID**
 29 **STANDARD RANGE**

A+	180 WEEKS TO AGE 21 YEARS			
A	103 WEEKS TO 129 WEEKS			
A-	15-36	52-65	80-100	103-129
	WEEKS	WEEKS	WEEKS	WEEKS

1		EXCEPT			
2		30-40			
3		WEEKS FOR			
4		15-17			
5		YEAR OLDS			
6					
7	Current	B+	15-36	52-65	80-100
8	Offense		WEEKS	WEEKS	WEEKS
9	Category				
10		B	LOCAL		52-65
11			SANCTIONS (LS)	15-36 WEEKS	WEEKS
12					
13		C+	LS		
14				15-36 WEEKS	
15					
16		C	LS		15-36 WEEKS
17			Local Sanctions:		
18			0 to 30 Days		
19		D+	LS	0 to 12 Months Community Supervision	
20				0 to 150 Hours Community Restitution	
21		D	LS	\$0 to \$500 Fine	
22					
23		E	LS		
24					
25				0	1
26				2	3
27				4	or more
				PRIOR ADJUDICATIONS	

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

30 (1) The vertical axis of the grid is the current offense category.
31 The current offense category is determined by the offense of
32 adjudication.

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

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

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

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

4 OR

5 OPTION B

6 SUSPENDED DISPOSITION ALTERNATIVE

7 (1) If the offender is subject to a standard range disposition
8 involving confinement by the department, the court may impose the
9 standard range and suspend the disposition on condition that the
10 offender comply with one or more local sanctions and any educational or
11 treatment requirement. The treatment programs provided to the offender
12 must be research-based best practice programs as identified by the
13 Washington state institute for public policy or the joint legislative
14 audit and review committee.

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

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

20 (a) Adjudicated of an A+ offense;

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

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

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

26 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
27 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW
28 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential
29 burglary (RCW 9A.52.025), burglary in the second degree (RCW
30 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW
31 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a
32 witness (RCW 9A.72.110), violation of the uniform controlled substances
33 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),
34 when the offense includes infliction of bodily harm upon another or
35 when during the commission or immediate withdrawal from the offense the
36 respondent was armed with a deadly weapon;

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

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

4 OR

5 **OPTION C**

6 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

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

11 OR

12 **OPTION D**

13 **MANIFEST INJUSTICE**

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

17 NEW SECTION. **Sec. 12.** A new section is added to chapter 13.40 RCW
18 to read as follows:

19 If a juvenile is adjudicated of theft of a motor vehicle under
20 section 2 of this act, possession of a stolen vehicle under section 5
21 of this act, taking a motor vehicle without permission in the first
22 degree as defined in RCW 9A.56.070(1), or taking a motor vehicle
23 without permission in the second degree as defined in RCW 9A.56.075(1)
24 and is sentenced to local sanctions, the juvenile's disposition shall
25 include an evaluation to determine whether the juvenile is in need of
26 community-based rehabilitation services and to complete any treatment
27 recommended by the evaluation.

28 **Sec. 13.** RCW 13.40.210 and 2002 c 175 s 27 are each amended to
29 read as follows:

30 (1) The secretary shall set a release date for each juvenile
31 committed to its custody. The release date shall be within the
32 prescribed range to which a juvenile has been committed under RCW
33 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning
34 offenders the department determines are eligible for the juvenile

1 offender basic training camp program. Such dates shall be determined
2 prior to the expiration of sixty percent of a juvenile's minimum term
3 of confinement included within the prescribed range to which the
4 juvenile has been committed. The secretary shall release any juvenile
5 committed to the custody of the department within four calendar days
6 prior to the juvenile's release date or on the release date set under
7 this chapter. Days spent in the custody of the department shall be
8 tolled by any period of time during which a juvenile has absented
9 himself or herself from the department's supervision without the prior
10 approval of the secretary or the secretary's designee.

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

31 (3)(a) Following the release of any juvenile under subsection (1)
32 of this section, the secretary may require the juvenile to comply with
33 a program of parole to be administered by the department in his or her
34 community which shall last no longer than eighteen months, except that
35 in the case of a juvenile sentenced for rape in the first or second
36 degree, rape of a child in the first or second degree, child
37 molestation in the first degree, or indecent liberties with forcible
38 compulsion, the period of parole shall be twenty-four months and, in

1 the discretion of the secretary, may be up to thirty-six months when
2 the secretary finds that an additional period of parole is necessary
3 and appropriate in the interests of public safety or to meet the
4 ongoing needs of the juvenile. A parole program is mandatory for
5 offenders released under subsection (2) of this section and for
6 offenders who receive a juvenile residential commitment sentence of
7 theft of a motor vehicle 1, possession of a stolen motor vehicle, or
8 taking a motor vehicle without permission 1. The decision to place an
9 offender on parole shall be based on an assessment by the department of
10 the offender's risk for reoffending upon release. The department shall
11 prioritize available parole resources to provide supervision and
12 services to offenders at moderate to high risk for reoffending.

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

35 (c) The secretary may further require up to twenty-five percent of
36 the highest risk juvenile offenders who are placed on parole to
37 participate in an intensive supervision program. Offenders
38 participating in an intensive supervision program shall be required to

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

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

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

36 (b) If the department finds that any juvenile in a program of
37 parole has possessed a firearm or used a deadly weapon during the
38 program of parole, the department shall modify the parole under (a) of

1 this subsection and confine the juvenile for at least thirty days.
2 Confinement shall be in a facility operated by or pursuant to a
3 contract with the state or any county.

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

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

11 **Sec. 14.** RCW 13.40.160 and 2004 c 120 s 4 and 2004 c 38 s 11 are
12 each reenacted and amended to read as follows:

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

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

20 (b) When the court sentences an offender to a standard range as
21 provided in RCW 13.40.0357 option A that includes a term of confinement
22 exceeding thirty days, commitment shall be to the department for the
23 standard range of confinement, except as provided in subsection (2),
24 (3), (4), (5), or (6) of this section.

25 (2) If the court concludes, and enters reasons for its conclusion,
26 that disposition within the standard range would effectuate a manifest
27 injustice the court shall impose a disposition outside the standard
28 range, as indicated in option D of RCW 13.40.0357. The court's finding
29 of manifest injustice shall be supported by clear and convincing
30 evidence.

31 A disposition outside the standard range shall be determinate and
32 shall be comprised of confinement or community supervision, or a
33 combination thereof. When a judge finds a manifest injustice and
34 imposes a sentence of confinement exceeding thirty days, the court
35 shall sentence the juvenile to a maximum term, and the provisions of
36 RCW 13.40.030(2) shall be used to determine the range. A disposition

1 outside the standard range is appealable under RCW 13.40.230 by the
2 state or the respondent. A disposition within the standard range is
3 not appealable under RCW 13.40.230.

4 (3) When a juvenile offender is found to have committed a sex
5 offense, other than a sex offense that is also a serious violent
6 offense as defined by RCW 9.94A.030, and has no history of a prior sex
7 offense, the court, on its own motion or the motion of the state or the
8 respondent, may order an examination to determine whether the
9 respondent is amenable to treatment.

10 The report of the examination shall include at a minimum the
11 following: The respondent's version of the facts and the official
12 version of the facts, the respondent's offense history, an assessment
13 of problems in addition to alleged deviant behaviors, the respondent's
14 social, educational, and employment situation, and other evaluation
15 measures used. The report shall set forth the sources of the
16 evaluator's information.

17 The examiner shall assess and report regarding the respondent's
18 amenability to treatment and relative risk to the community. A
19 proposed treatment plan shall be provided and shall include, at a
20 minimum:

21 (a)(i) Frequency and type of contact between the offender and
22 therapist;

23 (ii) Specific issues to be addressed in the treatment and
24 description of planned treatment modalities;

25 (iii) Monitoring plans, including any requirements regarding living
26 conditions, lifestyle requirements, and monitoring by family members,
27 legal guardians, or others;

28 (iv) Anticipated length of treatment; and

29 (v) Recommended crime-related prohibitions.

30 The court on its own motion may order, or on a motion by the state
31 shall order, a second examination regarding the offender's amenability
32 to treatment. The evaluator shall be selected by the party making the
33 motion. The defendant shall pay the cost of any second examination
34 ordered unless the court finds the defendant to be indigent in which
35 case the state shall pay the cost.

36 After receipt of reports of the examination, the court shall then
37 consider whether the offender and the community will benefit from use
38 of this special sex offender disposition alternative and consider the

1 victim's opinion whether the offender should receive a treatment
2 disposition under this section. If the court determines that this
3 special sex offender disposition alternative is appropriate, then the
4 court shall impose a determinate disposition within the standard range
5 for the offense, or if the court concludes, and enters reasons for its
6 conclusions, that such disposition would cause a manifest injustice,
7 the court shall impose a disposition under option D, and the court may
8 suspend the execution of the disposition and place the offender on
9 community supervision for at least two years. As a condition of the
10 suspended disposition, the court may impose the conditions of community
11 supervision and other conditions, including up to thirty days of
12 confinement and requirements that the offender do any one or more of
13 the following:

14 (b)(i) Devote time to a specific education, employment, or
15 occupation;

16 (ii) Undergo available outpatient sex offender treatment for up to
17 two years, or inpatient sex offender treatment not to exceed the
18 standard range of confinement for that offense. A community mental
19 health center may not be used for such treatment unless it has an
20 appropriate program designed for sex offender treatment. The
21 respondent shall not change sex offender treatment providers or
22 treatment conditions without first notifying the prosecutor, the
23 probation counselor, and the court, and shall not change providers
24 without court approval after a hearing if the prosecutor or probation
25 counselor object to the change;

26 (iii) Remain within prescribed geographical boundaries and notify
27 the court or the probation counselor prior to any change in the
28 offender's address, educational program, or employment;

29 (iv) Report to the prosecutor and the probation counselor prior to
30 any change in a sex offender treatment provider. This change shall
31 have prior approval by the court;

32 (v) Report as directed to the court and a probation counselor;

33 (vi) Pay all court-ordered legal financial obligations, perform
34 community restitution, or any combination thereof;

35 (vii) Make restitution to the victim for the cost of any counseling
36 reasonably related to the offense;

37 (viii) Comply with the conditions of any court-ordered probation
38 bond; or

1 (ix) The court shall order that the offender shall not attend the
2 public or approved private elementary, middle, or high school attended
3 by the victim or the victim's siblings. The parents or legal guardians
4 of the offender are responsible for transportation or other costs
5 associated with the offender's change of school that would otherwise be
6 paid by the school district. The court shall send notice of the
7 disposition and restriction on attending the same school as the victim
8 or victim's siblings to the public or approved private school the
9 juvenile will attend, if known, or if unknown, to the approved private
10 schools and the public school district board of directors of the
11 district in which the juvenile resides or intends to reside. This
12 notice must be sent at the earliest possible date but not later than
13 ten calendar days after entry of the disposition.

14 The sex offender treatment provider shall submit quarterly reports
15 on the respondent's progress in treatment to the court and the parties.
16 The reports shall reference the treatment plan and include at a minimum
17 the following: Dates of attendance, respondent's compliance with
18 requirements, treatment activities, the respondent's relative progress
19 in treatment, and any other material specified by the court at the time
20 of the disposition.

21 At the time of the disposition, the court may set treatment review
22 hearings as the court considers appropriate.

23 Except as provided in this subsection (3), after July 1, 1991,
24 examinations and treatment ordered pursuant to this subsection shall
25 only be conducted by certified sex offender treatment providers or
26 certified affiliate sex offender treatment providers under chapter
27 18.155 RCW. A sex offender therapist who examines or treats a juvenile
28 sex offender pursuant to this subsection does not have to be certified
29 by the department of health pursuant to chapter 18.155 RCW if the court
30 finds that: (A) The offender has already moved to another state or
31 plans to move to another state for reasons other than circumventing the
32 certification requirements; (B) no certified sex offender treatment
33 providers or certified affiliate sex offender treatment providers are
34 available for treatment within a reasonable geographical distance of
35 the offender's home; and (C) the evaluation and treatment plan comply
36 with this subsection (3) and the rules adopted by the department of
37 health.

1 If the offender violates any condition of the disposition or the
2 court finds that the respondent is failing to make satisfactory
3 progress in treatment, the court may revoke the suspension and order
4 execution of the disposition or the court may impose a penalty of up to
5 thirty days' confinement for violating conditions of the disposition.
6 The court may order both execution of the disposition and up to thirty
7 days' confinement for the violation of the conditions of the
8 disposition. The court shall give credit for any confinement time
9 previously served if that confinement was for the offense for which the
10 suspension is being revoked.

11 For purposes of this section, "victim" means any person who has
12 sustained emotional, psychological, physical, or financial injury to
13 person or property as a direct result of the crime charged. "Victim"
14 may also include a known parent or guardian of a victim who is a minor
15 child unless the parent or guardian is the perpetrator of the offense.

16 A disposition entered under this subsection (3) is not appealable
17 under RCW 13.40.230.

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

22 (5) If a juvenile is subject to a commitment of 15 to 65 weeks of
23 confinement, the court may impose the disposition alternative under RCW
24 13.40.167.

25 (6) When the offender is subject to a standard range commitment of
26 15 to 36 weeks and is ineligible for a suspended disposition
27 alternative, a manifest injustice disposition below the standard range,
28 special sex offender disposition alternative, chemical dependency
29 disposition alternative, or mental health disposition alternative, the
30 court in a county with a pilot program under RCW 13.40.169 may impose
31 the disposition alternative under RCW 13.40.169.

32 (7) RCW 13.40.193 shall govern the disposition of any juvenile
33 adjudicated of possessing a firearm in violation of RCW
34 9.41.040(2)(a)(iii) or any crime in which a special finding is entered
35 that the juvenile was armed with a firearm.

36 (8) Section 15 of this act shall govern the disposition of any
37 juvenile adjudicated of theft of a motor vehicle as defined under
38 section 2 of this act, possession of a stolen motor vehicle as defined

1 under section 5 of this act, taking a motor vehicle without permission
2 in the first degree under RCW 9A.56.070, and taking a motor vehicle
3 without permission in the second degree under RCW 9A.56.075.

4 (9) Whenever a juvenile offender is entitled to credit for time
5 spent in detention prior to a dispositional order, the dispositional
6 order shall specifically state the number of days of credit for time
7 served.

8 ~~((+9))~~ (10) Except as provided under subsection (3), (4), (5), or
9 (6) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127,
10 the court shall not suspend or defer the imposition or the execution of
11 the disposition.

12 ~~((+10))~~ (11) In no case shall the term of confinement imposed by
13 the court at disposition exceed that to which an adult could be
14 subjected for the same offense.

15 **NEW SECTION.** **Sec. 15.** A new section is added to chapter 13.40 RCW
16 to read as follows:

17 A juvenile adjudicated of theft of a motor vehicle as defined under
18 section 2 of this act, possession of a stolen motor vehicle as defined
19 under section 5 of this act, taking a motor vehicle without permission
20 in the first degree under RCW 9A.56.070, or taking a motor vehicle
21 without permission in the second degree under RCW 9A.56.075 shall be
22 ordered by the court to perform community restitution, in addition to
23 any sentence imposed by the court. The court shall order a minimum of
24 fifty hours of community restitution for all juveniles who have a prior
25 offender score below one point. For juveniles with a prior offender
26 score greater than one point, the court shall impose a minimum of one
27 hundred hours of community restitution. Community restitution shall be
28 imposed regardless of whether the juvenile is sentenced to confinement
29 in a detention facility or to an institution operated by the
30 department.

31 **Sec. 16.** RCW 9A.56.096 and 2003 c 53 s 77 are each amended to read
32 as follows:

33 (1) A person who, with intent to deprive the owner or owner's
34 agent, wrongfully obtains, or exerts unauthorized control over, or by
35 color or aid of deception gains control of personal property that is

1 rented (~~(e)~~), leased, or loaned by written agreement to the person, is
2 guilty of theft of rental, leased, (~~(e)~~) lease-purchased, or loaned
3 property.

4 (2) The finder of fact may presume intent to deprive if the finder
5 of fact finds either of the following:

6 (a) That the person who rented or leased the property failed to
7 return or make arrangements acceptable to the owner of the property or
8 the owner's agent to return the property to the owner or the owner's
9 agent within seventy-two hours after receipt of proper notice following
10 the due date of the rental, lease, (~~(e)~~) lease-purchase, or loan
11 agreement; or

12 (b) That the renter (~~(e)~~), lessee, or borrower presented
13 identification to the owner or the owner's agent that was materially
14 false, fictitious, or not current with respect to name, address, place
15 of employment, or other appropriate items.

16 (3) As used in subsection (2) of this section, "proper notice"
17 consists of a written demand by the owner or the owner's agent made
18 after the due date of the rental, lease, (~~(e)~~) lease-purchase, or loan
19 period, mailed by certified or registered mail to the renter (~~(e)~~),
20 lessee, or borrower at: (a) The address the renter (~~(e)~~), lessee, or
21 borrower gave when the contract was made; or (b) the renter (~~(e)~~),
22 lessee(~~(s)~~), or borrower's last known address if later furnished in
23 writing by the renter, lessee, borrower, or the agent of the renter
24 (~~(e)~~), lessee, or borrower.

25 (4) The replacement value of the property obtained must be utilized
26 in determining the amount involved in the theft of rental, leased,
27 (~~(e)~~) lease-purchased, or loaned property.

28 (5)(a) Theft of rental, leased, (~~(e)~~) lease-purchased, or loaned
29 property is a class B felony if the rental, leased, (~~(e)~~) lease-
30 purchased, or loaned property is valued at one thousand five hundred
31 dollars or more.

32 (b) Theft of rental, leased, (~~(e)~~) lease-purchased, or loaned
33 property is a class C felony if the rental, leased, (~~(e)~~) lease-
34 purchased, or loaned property is valued at two hundred fifty dollars or
35 more but less than one thousand five hundred dollars.

36 (c) Theft of rental, leased, (~~(e)~~) lease-purchased, or loaned
37 property is a gross misdemeanor if the rental, leased, (~~(e)~~) lease-

1 purchased, or loaned property is valued at less than two hundred fifty
2 dollars.

3 (6) This section applies to rental agreements that provide that the
4 renter may return the property any time within the rental period and
5 pay only for the time the renter actually retained the property, in
6 addition to any minimum rental fee, to lease agreements, ~~((and))~~ to
7 lease-purchase agreements as defined under RCW 63.19.010, and to
8 vehicles loaned to prospective purchasers borrowing a vehicle by
9 written agreement from a motor vehicle dealer licensed under chapter
10 46.70 RCW. This section does not apply to rental or leasing of real
11 property under the residential landlord-tenant act, chapter 59.18 RCW.

12 NEW SECTION. Sec. 17. A new section is added to chapter 9A.56 RCW
13 to read as follows:

14 (1) Any person who makes or mends, or causes to be made or mended,
15 uses, or has in his or her possession any motor vehicle theft tool,
16 that is adapted, designed, or commonly used for the commission of motor
17 vehicle related theft, under circumstances evincing an intent to use or
18 employ, or allow the same to be used or employed, in the commission of
19 motor vehicle theft, or knowing that the same is intended to be so
20 used, is guilty of making or having motor vehicle theft tools.

21 (2) For the purpose of this section, motor vehicle theft tool
22 includes, but is not limited to, the following: Slim jim, false master
23 key, master purpose key, altered or shaved key, trial or jiggler key,
24 slide hammer, lock puller, picklock, bit, nipper, any other implement
25 shown by facts and circumstances that is intended to be used in the
26 commission of a motor vehicle related theft, or knowing that the same
27 is intended to be so used.

28 (3) For the purposes of this section, the following definitions
29 apply:

30 (a) "False master" or "master key" is any key or other device made
31 or altered to fit locks or ignitions of multiple vehicles, or vehicles
32 other than that for which the key was originally manufactured.

33 (b) "Altered or shaved key" is any key so altered, by cutting,
34 filing, or other means, to fit multiple vehicles or vehicles other than
35 the vehicles for which the key was originally manufactured.

36 (c) "Trial keys" or "jiggler keys" are keys or sets designed or

1 altered to manipulate a vehicle locking mechanism other than the lock
2 for which the key was originally manufactured.

3 (4) Making or having motor vehicle theft tools is a gross
4 misdemeanor.

5 NEW SECTION. **Sec. 18.** A new section is added to chapter 36.28A
6 RCW to read as follows:

7 There is hereby created in the Washington association of sheriffs
8 and police chiefs the Washington auto theft prevention authority which
9 shall be under the direction of the executive director of the
10 Washington association of sheriffs and police chiefs.

11 NEW SECTION. **Sec. 19.** (1) The Washington auto theft prevention
12 authority is established. The authority shall consist of the following
13 members, appointed by the governor:

14 (a) The executive director of the Washington association of
15 sheriffs and police chiefs, or the executive director's designee;

16 (b) The chief of the Washington state patrol, or the chief's
17 designee;

18 (c) Two police chiefs;

19 (d) Two sheriffs;

20 (e) One prosecuting attorney;

21 (f) A representative from the insurance industry who is responsible
22 for writing property and casualty liability insurance in the state of
23 Washington;

24 (g) A representative from the automobile industry; and

25 (h) One member of the general public.

26 (2) In addition, the authority may, where feasible, consult with
27 other governmental entities or individuals from the public and private
28 sector in carrying out its duties under this section.

29 NEW SECTION. **Sec. 20.** (1) The Washington auto theft prevention
30 authority shall initially convene at the call of the executive director
31 of the Washington association of sheriffs and police chiefs, or the
32 executive director's designee, no later than the third Monday in
33 January 2008. Subsequent meetings of the authority shall be at the
34 call of the chair or seven members.

1 (2) The authority shall annually elect a chairperson and other such
2 officers as it deems appropriate from its membership.

3 (3) Members of the authority shall serve terms of four years each
4 on a staggered schedule to be established by the first authority. For
5 purposes of initiating a staggered schedule of terms, some members of
6 the first authority may initially serve two years and some members may
7 initially serve four years.

8 NEW SECTION. **Sec. 21.** (1) The Washington auto theft prevention
9 authority may obtain or contract for staff services, including an
10 executive director, and any facilities and equipment as the authority
11 requires to carry out its duties.

12 (2) The director may enter into contracts with any public or
13 private organization to carry out the purposes of this section and
14 sections 19, 20, and 22 through 26 of this act.

15 (3) The authority shall review and make recommendations to the
16 legislature and the governor regarding motor vehicle theft in
17 Washington state. In preparing the recommendations, the authority
18 shall, at a minimum, review the following issues:

19 (a) Determine the scope of the problem of motor vehicle theft,
20 including:

21 (i) Particular areas of the state where the problem is the
22 greatest;

23 (ii) Annual data reported by local law enforcement regarding the
24 number of reported thefts, investigations, recovered vehicles, arrests,
25 and convictions; and

26 (iii) An assessment of estimated funds needed to hire sufficient
27 investigators to respond to all reported thefts.

28 (b) Analyze the various methods of combating the problem of motor
29 vehicle theft;

30 (c) Develop and implement a plan of operation; and

31 (d) Develop and implement a financial plan.

32 (4) The authority is not a law enforcement agency and may not
33 gather, collect, or disseminate intelligence information for the
34 purpose of investigating specific crimes or pursuing or capturing
35 specific perpetrators. Members of the authority may not exercise
36 general authority peace officer powers while acting in their capacity

1 as members of the authority, unless the exercise of peace officer
2 powers is necessary to prevent an imminent threat to persons or
3 property.

4 (5) The authority shall annually report its activities, findings,
5 and recommendations during the preceding year to the legislature by
6 December 31st.

7 NEW SECTION. **Sec. 22.** The Washington auto theft prevention
8 authority may solicit and accept gifts, grants, bequests, devises, or
9 other funds from public and private sources to support its activities.

10 NEW SECTION. **Sec. 23.** The governor may remove any member of the
11 Washington auto theft prevention authority for cause including but not
12 limited to neglect of duty, misconduct, malfeasance or misfeasance in
13 office, or upon written request of two-thirds of the members of the
14 authority under this chapter. Upon the death, resignation, or removal
15 of a member, the governor shall appoint a replacement to fill the
16 remainder of the unexpired term.

17 NEW SECTION. **Sec. 24.** Members of the Washington auto theft
18 prevention authority who are not public employees shall be compensated
19 in accordance with RCW 43.03.250 and shall be reimbursed for travel
20 expenses incurred in carrying out the duties of the authority in
21 accordance with RCW 43.03.050 and 43.03.060.

22 NEW SECTION. **Sec. 25.** Any member serving in their official
23 capacity on the Washington auto theft prevention authority, or either
24 their employer or employers, or other entity that selected the members
25 to serve, are immune from a civil action based upon an act performed in
26 good faith.

27 NEW SECTION. **Sec. 26.** (1) The Washington auto theft prevention
28 authority account is created in the custody of the state treasurer.
29 All revenues from the traffic infraction surcharge in RCW
30 46.63.110(7)(b) and all receipts from gifts, grants, bequests, devises,
31 or other funds from public and private sources to support the
32 activities of the auto theft prevention authority must be deposited
33 into the account. Expenditures from the account may be used only for

1 purposes of this act. Only the director of the authority or the
2 director's designee may authorize expenditures from the account. The
3 account is subject to allotment procedures under chapter 43.88 RCW, but
4 an appropriation is not required for expenditures.

5 (2) The authority shall allocate moneys in the account to public
6 agencies for the purpose of establishing, maintaining, and supporting
7 programs that are designed to prevent motor vehicle theft, including:

8 (a) Financial support to prosecution agencies to increase the
9 effectiveness of motor vehicle theft prosecution;

10 (b) Financial support to a unit of local government or a team
11 consisting of units of local governments to increase the effectiveness
12 of motor vehicle theft enforcement;

13 (c) Financial support for the procurement of equipment and
14 technologies for use by law enforcement agencies for the purpose of
15 enforcing motor vehicle theft laws; and

16 (d) Financial support for programs that are designed to educate and
17 assist the public in the prevention of motor vehicle theft.

18 (3) The costs of administration shall not exceed ten percent of the
19 moneys in the account in any one year so that the greatest possible
20 portion of the moneys available to the authority is expended on
21 combating motor vehicle theft.

22 (4) Prior to awarding any moneys from the Washington auto theft
23 prevention authority account for motor vehicle theft enforcement or
24 prosecution efforts, the auto theft prevention authority must verify
25 that the financial award includes sufficient funding to cover proposed
26 activities, which include, but are not limited to: (a) Administration
27 costs; (b) law enforcement costs; (c) prosecutor costs; (d) court
28 costs; and (e) county offender confinement costs.

29 (5) Moneys expended from the Washington auto theft prevention
30 authority account under subsection (2) of this section shall be used to
31 supplement, not supplant, other moneys that are available for motor
32 vehicle theft prevention.

33 (6) Grants provided under subsection (2) of this section constitute
34 reimbursement for purposes of RCW 43.135.060(1).

35 **Sec. 27.** RCW 46.63.110 and 2005 c 413 s 2, 2005 c 320 s 2, and
36 2005 c 288 s 8 are each reenacted and amended to read as follows:

37 (1) A person found to have committed a traffic infraction shall be

1 assessed a monetary penalty. No penalty may exceed two hundred and
2 fifty dollars for each offense unless authorized by this chapter or
3 title.

4 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is
5 two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is
6 five hundred dollars for each offense. No penalty assessed under this
7 subsection (2) may be reduced.

8 (3) The supreme court shall prescribe by rule a schedule of
9 monetary penalties for designated traffic infractions. This rule shall
10 also specify the conditions under which local courts may exercise
11 discretion in assessing fines and penalties for traffic infractions.
12 The legislature respectfully requests the supreme court to adjust this
13 schedule every two years for inflation.

14 (4) There shall be a penalty of twenty-five dollars for failure to
15 respond to a notice of traffic infraction except where the infraction
16 relates to parking as defined by local law, ordinance, regulation, or
17 resolution or failure to pay a monetary penalty imposed pursuant to
18 this chapter. A local legislative body may set a monetary penalty not
19 to exceed twenty-five dollars for failure to respond to a notice of
20 traffic infraction relating to parking as defined by local law,
21 ordinance, regulation, or resolution. The local court, whether a
22 municipal, police, or district court, shall impose the monetary penalty
23 set by the local legislative body.

24 (5) Monetary penalties provided for in chapter 46.70 RCW which are
25 civil in nature and penalties which may be assessed for violations of
26 chapter 46.44 RCW relating to size, weight, and load of motor vehicles
27 are not subject to the limitation on the amount of monetary penalties
28 which may be imposed pursuant to this chapter.

29 (6) Whenever a monetary penalty, fee, cost, assessment, or other
30 monetary obligation is imposed by a court under this chapter it is
31 immediately payable. If the court determines, in its discretion, that
32 a person is not able to pay a monetary obligation in full, and not more
33 than one year has passed since the later of July 1, 2005, or the date
34 the monetary obligation initially became due and payable, the court
35 shall enter into a payment plan with the person, unless the person has
36 previously been granted a payment plan with respect to the same
37 monetary obligation, or unless the person is in noncompliance of any
38 existing or prior payment plan, in which case the court may, at its

1 discretion, implement a payment plan. If the court has notified the
2 department that the person has failed to pay or comply and the person
3 has subsequently entered into a payment plan and made an initial
4 payment, the court shall notify the department that the infraction has
5 been adjudicated, and the department shall rescind any suspension of
6 the person's driver's license or driver's privilege based on failure to
7 respond to that infraction. "Payment plan," as used in this section,
8 means a plan that requires reasonable payments based on the financial
9 ability of the person to pay. The person may voluntarily pay an amount
10 at any time in addition to the payments required under the payment
11 plan.

12 (a) If a payment required to be made under the payment plan is
13 delinquent or the person fails to complete a community restitution
14 program on or before the time established under the payment plan,
15 unless the court determines good cause therefor and adjusts the payment
16 plan or the community restitution plan accordingly, the court shall
17 notify the department of the person's failure to meet the conditions of
18 the plan, and the department shall suspend the person's driver's
19 license or driving privilege until all monetary obligations, including
20 those imposed under subsections (3) and (4) of this section, have been
21 paid, and court authorized community restitution has been completed, or
22 until the department has been notified that the court has entered into
23 a new time payment or community restitution agreement with the person.

24 (b) If a person has not entered into a payment plan with the court
25 and has not paid the monetary obligation in full on or before the time
26 established for payment, the court shall notify the department of the
27 delinquency. The department shall suspend the person's driver's
28 license or driving privilege until all monetary obligations have been
29 paid, including those imposed under subsections (3) and (4) of this
30 section, or until the person has entered into a payment plan under this
31 section.

32 (c) If the payment plan is to be administered by the court, the
33 court may assess the person a reasonable administrative fee to be
34 wholly retained by the city or county with jurisdiction. The
35 administrative fee shall not exceed ten dollars per infraction or
36 twenty-five dollars per payment plan, whichever is less.

37 (d) Nothing in this section precludes a court from contracting with
38 outside entities to administer its payment plan system. When outside

1 entities are used for the administration of a payment plan, the court
2 may assess the person a reasonable fee for such administrative
3 services, which fee may be calculated on a periodic, percentage, or
4 other basis.

5 (e) If a court authorized community restitution program for
6 offenders is available in the jurisdiction, the court may allow
7 conversion of all or part of the monetary obligations due under this
8 section to court authorized community restitution in lieu of time
9 payments if the person is unable to make reasonable time payments.

10 (7) In addition to any other penalties imposed under this section
11 and not subject to the limitation of subsection (1) of this section, a
12 person found to have committed a traffic infraction shall be assessed:

13 (a) A fee of five dollars per infraction. Under no circumstances
14 shall this fee be reduced or waived. Revenue from this fee shall be
15 forwarded to the state treasurer for deposit in the emergency medical
16 services and trauma care system trust account under RCW 70.168.040; and

17 (b) A fee of ten dollars per infraction. Under no circumstances
18 shall this fee be reduced or waived. Revenue from this fee shall be
19 forwarded to the state treasurer for deposit in the Washington auto
20 theft prevention authority account.

21 (8)(a) In addition to any other penalties imposed under this
22 section and not subject to the limitation of subsection (1) of this
23 section, a person found to have committed a traffic infraction other
24 than of RCW 46.61.527 shall be assessed an additional penalty of twenty
25 dollars. The court may not reduce, waive, or suspend the additional
26 penalty unless the court finds the offender to be indigent. If a court
27 authorized community restitution program for offenders is available in
28 the jurisdiction, the court shall allow offenders to offset all or a
29 part of the penalty due under this subsection (8) by participation in
30 the court authorized community restitution program.

31 (b) Eight dollars and fifty cents of the additional penalty under
32 (a) of this subsection shall be remitted to the state treasurer. The
33 remaining revenue from the additional penalty must be remitted under
34 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
35 under this subsection to the state treasurer must be deposited as
36 provided in RCW 43.08.250. The balance of the revenue received by the
37 county or city treasurer under this subsection must be deposited into

1 the county or city current expense fund. Moneys retained by the city
2 or county under this subsection shall constitute reimbursement for any
3 liabilities under RCW 43.135.060.

4 (9) If a legal proceeding, such as garnishment, has commenced to
5 collect any delinquent amount owed by the person for any penalty
6 imposed by the court under this section, the court may, at its
7 discretion, enter into a payment plan.

8 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
9 hundred fifty dollars for the first violation; (b) five hundred dollars
10 for the second violation; and (c) seven hundred fifty dollars for each
11 violation thereafter.

12 NEW SECTION. **Sec. 28.** This act shall be known as the Elizabeth
13 Nowak-Washington auto theft prevention act.

14 NEW SECTION. **Sec. 29.** Sections 19 through 26 of this act
15 constitute a new chapter in Title 46 RCW.

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