
SENATE BILL 5987

State of Washington 60th Legislature 2007 Regular Session

By Senators Clements, Carrell, Marr, Holmquist, Schoesler and Rasmussen; by request of Attorney General

Read first time 02/12/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to gang-related offenses; amending RCW 13.40.0357;
2 reenacting and amending RCW 9.94A.533; adding a new section to chapter
3 9A.48 RCW; adding a new section to chapter 9.94A RCW; creating new
4 sections; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the people of
7 Washington state face a crisis brought upon by increased gang crime and
8 violence, which is threatening public safety in communities across the
9 state. Those who live in communities where gang membership is on the
10 rise find themselves living with the daily threat of intimidation and
11 harassment. Ordinary citizens are increasingly vulnerable to
12 gang-related crimes such as drug dealing, damage to real property,
13 theft of personal property and automobiles, or even assault, rape, and
14 murder. Even those not directly affected by gang-related crime, share
15 in the indirect costs such as lower property values, higher insurance
16 premiums, and the endangerment of our youth. Moreover, our first
17 responders find themselves increasingly vulnerable to personal injury
18 or death when responding to gang-related crimes such as drug dealing,

1 assault, driving without a license, or attempting to elude a police
2 vehicle.

3 Law enforcement officers and prosecutors require assistance to
4 combat this clear and present danger to the law-abiding residents of
5 Washington. Law enforcement officers need the threat of additional
6 sanctions to deter gang-related crime and hold those accountable who
7 are not deterred. Investigators need clear guidance for what
8 constitutes a criminal gang, gang member, and gang-related crime
9 codified in state law, so that they can collect and share critical
10 information with other law enforcement agencies and coordinate
11 enforcement strategies across jurisdictional lines. Those who
12 prosecute gang-related crimes need specific sanctions and sentencing
13 enhancements to ensure that those who commit gang-related crimes are
14 held accountable for the harm they inflict on society. It is the
15 intent of the legislature in enacting these provisions to begin to
16 provide the law enforcement community with the tools they need to
17 protect the citizens of Washington from violent street gangs, and the
18 evils those gangs visit upon us all.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.48 RCW
20 to read as follows:

21 (1) A person is guilty of tagging/gang graffiti if, as part of a
22 gang-related offense as defined by section 4 of this act he or she
23 knowingly and maliciously causes physical damage to the property of
24 another.

25 (2)(a) Except as provided in (b) of this subsection, tagging/gang
26 graffiti is a gross misdemeanor.

27 (b) Tagging/gang graffiti is a class C felony if the person has
28 previously been convicted under this section; or has previously been
29 convicted of any other gang-related offense as defined by section 4 of
30 this act.

31 **Sec. 3.** RCW 9.94A.533 and 2006 c 339 s 301 and 2006 c 123 s 1 are
32 each reenacted and amended to read as follows:

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

35 (2) For persons convicted of the anticipatory offenses of criminal
36 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the

1 standard sentence range is determined by locating the sentencing grid
2 sentence range defined by the appropriate offender score and the
3 seriousness level of the completed crime, and multiplying the range by
4 seventy-five percent.

5 (3) The following additional times shall be added to the standard
6 sentence range for felony crimes committed after July 23, 1995, if the
7 offender or an accomplice was armed with a firearm as defined in RCW
8 9.41.010 and the offender is being sentenced for one of the crimes
9 listed in this subsection as eligible for any firearm enhancements
10 based on the classification of the completed felony crime. If the
11 offender is being sentenced for more than one offense, the firearm
12 enhancement or enhancements must be added to the total period of
13 confinement for all offenses, regardless of which underlying offense is
14 subject to a firearm enhancement. If the offender or an accomplice was
15 armed with a firearm as defined in RCW 9.41.010 and the offender is
16 being sentenced for an anticipatory offense under chapter 9A.28 RCW to
17 commit one of the crimes listed in this subsection as eligible for any
18 firearm enhancements, the following additional times shall be added to
19 the standard sentence range determined under subsection (2) of this
20 section based on the felony crime of conviction as classified under RCW
21 9A.28.020:

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

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

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

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

1 (e) Notwithstanding any other provision of law, all firearm
2 enhancements under this section are mandatory, shall be served in total
3 confinement, and shall run consecutively to all other sentencing
4 provisions, including other firearm or deadly weapon enhancements, for
5 all offenses sentenced under this chapter. However, whether or not a
6 mandatory minimum term has expired, an offender serving a sentence
7 under this subsection may be granted an extraordinary medical placement
8 when authorized under RCW 9.94A.728(4);

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

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

21 (4) The following additional times shall be added to the standard
22 sentence range for felony crimes committed after July 23, 1995, if the
23 offender or an accomplice was armed with a deadly weapon other than a
24 firearm as defined in RCW 9.41.010 and the offender is being sentenced
25 for one of the crimes listed in this subsection as eligible for any
26 deadly weapon enhancements based on the classification of the completed
27 felony crime. If the offender is being sentenced for more than one
28 offense, the deadly weapon enhancement or enhancements must be added to
29 the total period of confinement for all offenses, regardless of which
30 underlying offense is subject to a deadly weapon enhancement. If the
31 offender or an accomplice was armed with a deadly weapon other than a
32 firearm as defined in RCW 9.41.010 and the offender is being sentenced
33 for an anticipatory offense under chapter 9A.28 RCW to commit one of
34 the crimes listed in this subsection as eligible for any deadly weapon
35 enhancements, the following additional times shall be added to the
36 standard sentence range determined under subsection (2) of this section
37 based on the felony crime of conviction as classified under RCW
38 9A.28.020:

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

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

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

10 (d) If the offender is being sentenced under (a), (b), and/or (c)
11 of this subsection for any deadly weapon enhancements and the offender
12 has previously been sentenced for any deadly weapon enhancements after
13 July 23, 1995, under (a), (b), and/or (c) of this subsection or
14 subsection (3)(a), (b), and/or (c) of this section, or both, all deadly
15 weapon enhancements under this subsection shall be twice the amount of
16 the enhancement listed;

17 (e) Notwithstanding any other provision of law, all deadly weapon
18 enhancements under this section are mandatory, shall be served in total
19 confinement, and shall run consecutively to all other sentencing
20 provisions, including other firearm or deadly weapon enhancements, for
21 all offenses sentenced under this chapter. However, whether or not a
22 mandatory minimum term has expired, an offender serving a sentence
23 under this subsection may be granted an extraordinary medical placement
24 when authorized under RCW 9.94A.728(4);

25 (f) The deadly weapon enhancements in this section shall apply to
26 all felony crimes except the following: Possession of a machine gun,
27 possessing a stolen firearm, drive-by shooting, theft of a firearm,
28 unlawful possession of a firearm in the first and second degree, and
29 use of a machine gun in a felony;

30 (g) If the standard sentence range under this section exceeds the
31 statutory maximum sentence for the offense, the statutory maximum
32 sentence shall be the presumptive sentence unless the offender is a
33 persistent offender. If the addition of a deadly weapon enhancement
34 increases the sentence so that it would exceed the statutory maximum
35 for the offense, the portion of the sentence representing the
36 enhancement may not be reduced.

37 (5) The following additional times shall be added to the standard
38 sentence range if the offender or an accomplice committed the offense

1 while in a county jail or state correctional facility and the offender
2 is being sentenced for one of the crimes listed in this subsection. If
3 the offender or an accomplice committed one of the crimes listed in
4 this subsection while in a county jail or state correctional facility,
5 and the offender is being sentenced for an anticipatory offense under
6 chapter 9A.28 RCW to commit one of the crimes listed in this
7 subsection, the following additional times shall be added to the
8 standard sentence range determined under subsection (2) of this
9 section:

10 (a) Eighteen months for offenses committed under RCW 69.50.401(2)

11 (a) or (b) or 69.50.410;

12 (b) Fifteen months for offenses committed under RCW 69.50.401(2)

13 (c), (d), or (e);

14 (c) Twelve months for offenses committed under RCW 69.50.4013.

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

18 (6) An additional twenty-four months shall be added to the standard
19 sentence range for any ranked offense involving a violation of chapter
20 69.50 RCW if the offense was also a violation of RCW 69.50.435 or
21 9.94A.605. All enhancements under this subsection shall run
22 consecutively to all other sentencing provisions, for all offenses
23 sentenced under this chapter.

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

28 (8)(a) The following additional times shall be added to the
29 standard sentence range for felony crimes committed on or after July 1,
30 2006, if the offense was committed with sexual motivation, as that term
31 is defined in RCW 9.94A.030. If the offender is being sentenced for
32 more than one offense, the sexual motivation enhancement must be added
33 to the total period of total confinement for all offenses, regardless
34 of which underlying offense is subject to a sexual motivation
35 enhancement. If the offender committed the offense with sexual
36 motivation and the offender is being sentenced for an anticipatory
37 offense under chapter 9A.28 RCW, the following additional times shall

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

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

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

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

12 (iv) If the offender is being sentenced for any sexual motivation
13 enhancements under (i), (ii), and/or (iii) of this subsection and the
14 offender has previously been sentenced for any sexual motivation
15 enhancements on or after July 1, 2006, under (i), (ii), and/or (iii) of
16 this subsection, all sexual motivation enhancements under this
17 subsection shall be twice the amount of the enhancement listed;

18 (b) Notwithstanding any other provision of law, all sexual
19 motivation enhancements under this subsection are mandatory, shall be
20 served in total confinement, and shall run consecutively to all other
21 sentencing provisions, including other sexual motivation enhancements,
22 for all offenses sentenced under this chapter. However, whether or not
23 a mandatory minimum term has expired, an offender serving a sentence
24 under this subsection may be granted an extraordinary medical placement
25 when authorized under RCW 9.94A.728(4);

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

28 (d) If the standard sentence range under this subsection exceeds
29 the statutory maximum sentence for the offense, the statutory maximum
30 sentence shall be the presumptive sentence unless the offender is a
31 persistent offender. If the addition of a sexual motivation
32 enhancement increases the sentence so that it would exceed the
33 statutory maximum for the offense, the portion of the sentence
34 representing the enhancement may not be reduced;

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

1 (f) Nothing in this subsection prevents a sentencing court from
2 imposing a sentence outside the standard sentence range pursuant to RCW
3 9.94A.535.

4 (9) The following additional times shall be added to the standard
5 sentence range for felony crimes, if the offender or an accomplice was
6 found to be either a gang member or associate as defined in section 4
7 of this act, and the offense for which the offender is being sentenced
8 is a gang-related offense as defined in section 4 of this act. If the
9 offender is being sentenced for more than one offense, the gang
10 sentencing enhancement or enhancements must be added to the total
11 period of confinement for all offenses, regardless of which underlying
12 offense is subject to a gang sentencing enhancement:

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

16 (b) Eighteen months for any felony defined under any law as a class
17 B felony or with a statutory maximum sentence of ten years, or both,
18 and not covered under (f) of this subsection;

19 (c) Twelve months for any felony defined under any law as a class
20 C felony or with a statutory maximum sentence of five years, or both,
21 and not covered under (f) of this subsection;

22 (d) If the offender is being sentenced for any gang sentencing
23 enhancements under (a), (b), and/or (c) of this subsection and the
24 offender has previously been sentenced for any gang sentencing
25 enhancement and/or any deadly weapon enhancement, or both, all
26 enhancements under this subsection shall be twice the amount of the
27 enhancement listed;

28 (e) Notwithstanding any other provision of law, all gang sentencing
29 enhancements under this section are mandatory, shall be served in total
30 confinement, and shall run consecutively to all other sentencing
31 provisions, including other gang sentencing, firearm, or deadly weapon
32 enhancements, for all offenses sentenced under this chapter. However,
33 whether or not a mandatory minimum term has expired, an offender
34 serving a sentence under this subsection may be granted an
35 extraordinary medical placement when authorized under RCW 9.94A.728(4);

36 (f) If the standard sentence range under this section exceeds the
37 statutory maximum sentence for the offense, the statutory maximum
38 sentence shall be the presumptive sentence unless the offender is a

1 persistent offender. If the addition of a firearm enhancement
2 increases the sentence so that it would exceed the statutory maximum
3 for the offense, the portion of the sentence representing the
4 enhancement may not be reduced.

5 NEW SECTION. Sec. 4. A new section is added to chapter 9.94A RCW
6 to read as follows:

7 (1) In a criminal case wherein there has been a special allegation
8 and evidence establishing that the accused or an accomplice was a
9 criminal gang member or associate and that the crime was a gang-related
10 offense, the court shall make a finding of fact of whether or not the
11 accused or an accomplice was a criminal gang member or associate and
12 whether or not the crime was a gang-related offense, or if a jury trial
13 is had, the jury shall, if it finds the defendant guilty, also find a
14 special verdict as to whether or not the defendant or an accomplice was
15 a criminal gang member or associate and whether or not the crime was a
16 gang-related offense.

17 (2) For the purpose of this chapter, unless the context indicates
18 otherwise:

19 (a) "Criminal gang" means any ongoing formal or informal
20 association, consisting of three or more individuals, that has as one
21 of its primary purposes the commission of criminal activity.

22 (b) "Criminal gang member or associate" is a person who
23 participates in the activity of a criminal gang by committing or
24 attempting to commit criminal acts for the benefit of, at the direction
25 of, or in association with any criminal gang with the intent to
26 promote, further, or assist in any criminal conduct by the criminal
27 gang. A criminal gang member or associate is also a person who has
28 been previously found to be such in a court of record.

29 (c) "Gang-related offense" means any criminal act or attempted
30 criminal act, conducted for the benefit of, at the direction of, or in
31 association with a criminal gang, or conducted to gain admission to or
32 promotion within a criminal gang.

33 **Sec. 5.** RCW 13.40.0357 and 2006 c 73 s 14 are each amended to read
34 as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
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Arson and Malicious Mischief

9	A	Arson 1 (9A.48.020)	B+
10	B	Arson 2 (9A.48.030)	C
11	C	Reckless Burning 1 (9A.48.040)	D
12	D	Reckless Burning 2 (9A.48.050)	E
13	B	Malicious Mischief 1 (9A.48.070)	C
14	C	Malicious Mischief 2 (9A.48.080)	D
15	D	Malicious Mischief 3 (9A.48.090(2) (a) and	
16		(c))	E
17	E	Malicious Mischief 3 (9A.48.090(2)(b))	E
18	E	Tampering with Fire Alarm Apparatus	
19		(9.40.100)	E
20	E	Tampering with Fire Alarm Apparatus with	
21		Intent to Commit Arson (9.40.105)	E
22	A	Possession of Incendiary Device (9.40.120)	B+
23	<u>C</u>	<u>Tagging/Gang Graffiti, 2nd or subsequent</u>	
24		<u>offense (section 2(2)(b) of this act)</u>	<u>D</u>
25	<u>D</u>	<u>Tagging/Gang Graffiti, 1st offense (section</u>	
26		<u>2(2)(a) of this act)</u>	<u>E</u>
27		Assault and Other Crimes Involving	
28		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 (9A.36.045)	C+
34	D+	Reckless Endangerment (9A.36.050)	E
35	C+	Promoting Suicide Attempt (9A.36.060)	D+
36	D+	Coercion (9A.36.070)	E

1	C+	Custodial Assault (9A.36.100)	D+
2		Burglary and Trespass	
3	B+	Burglary 1 (9A.52.020)	C+
4	B	Residential Burglary (9A.52.025)	C
5	B	Burglary 2 (9A.52.030)	C
6	D	Burglary Tools (Possession of) (9A.52.060)	E
7	D	Criminal Trespass 1 (9A.52.070)	E
8	E	Criminal Trespass 2 (9A.52.080)	E
9	C	Mineral Trespass (78.44.330)	C
10	C	Vehicle Prowling 1 (9A.52.095)	D
11	D	Vehicle Prowling 2 (9A.52.100)	E
12		Drugs	
13	E	Possession/Consumption of Alcohol	
14		(66.44.270)	E
15	C	Illegally Obtaining Legend Drug	
16		(69.41.020)	D
17	C+	Sale, Delivery, Possession of Legend Drug	
18		with Intent to Sell (69.41.030(2)(a))	D+
19	E	Possession of Legend Drug	
20		(69.41.030(2)(b))	E
21	B+	Violation of Uniform Controlled Substances	
22		Act - Narcotic, Methamphetamine, or	
23		Flunitrazepam Sale (69.50.401(2) (a) or	
24		(b))	B+
25	C	Violation of Uniform Controlled Substances	
26		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
27	E	Possession of Marihuana <40 grams	
28		(69.50.4014)	E
29	C	Fraudulently Obtaining Controlled	
30		Substance (69.50.403)	C
31	C+	Sale of Controlled Substance for Profit	
32		(69.50.410)	C+
33	E	Unlawful Inhalation (9.47A.020)	E
34	B	Violation of Uniform Controlled Substances	
35		Act - Narcotic, Methamphetamine, or	
36		Flunitrazepam Counterfeit Substances	
37		(69.50.4011(2) (a) or (b))	B

1	C	Violation of Uniform Controlled Substances	
2		Act - Nonnarcotic Counterfeit Substances	
3		(69.50.4011(2) (c), (d), or (e))	C
4	C	Violation of Uniform Controlled Substances	
5		Act - Possession of a Controlled Substance	
6		(69.50.4013)	C
7	C	Violation of Uniform Controlled Substances	
8		Act - Possession of a Controlled Substance	
9		(69.50.4012)	C
10		Firearms and Weapons	
11	B	Theft of Firearm (9A.56.300)	C
12	B	Possession of Stolen Firearm (9A.56.310)	C
13	E	Carrying Loaded Pistol Without Permit	
14		(9.41.050)	E
15	C	Possession of Firearms by Minor (<18)	
16		(9.41.040(2)(a)(iii))	C
17	D+	Possession of Dangerous Weapon	
18		(9.41.250)	E
19	D	Intimidating Another Person by use of	
20		Weapon (9.41.270)	E
21		Homicide	
22	A+	Murder 1 (9A.32.030)	A
23	A+	Murder 2 (9A.32.050)	B+
24	B+	Manslaughter 1 (9A.32.060)	C+
25	C+	Manslaughter 2 (9A.32.070)	D+
26	B+	Vehicular Homicide (46.61.520)	C+
27		Kidnapping	
28	A	Kidnap 1 (9A.40.020)	B+
29	B+	Kidnap 2 (9A.40.030)	C+
30	C+	Unlawful Imprisonment (9A.40.040)	D+
31		Obstructing Governmental Operation	
32	D	Obstructing a Law Enforcement Officer	
33		(9A.76.020)	E
34	E	Resisting Arrest (9A.76.040)	E
35	B	Introducing Contraband 1 (9A.76.140)	C
36	C	Introducing Contraband 2 (9A.76.150)	D

1	E	Introducing Contraband 3 (9A.76.160)	E
2	B+	Intimidating a Public Servant (9A.76.180)	C+
3	B+	Intimidating a Witness (9A.72.110)	C+
4		Public Disturbance	
5	C+	Riot with Weapon (9A.84.010(2)(b))	D+
6	D+	Riot Without Weapon (9A.84.010(2)(a))	E
7	E	Failure to Disperse (9A.84.020)	E
8	E	Disorderly Conduct (9A.84.030)	E
9		Sex Crimes	
10	A	Rape 1 (9A.44.040)	B+
11	A-	Rape 2 (9A.44.050)	B+
12	C+	Rape 3 (9A.44.060)	D+
13	A-	Rape of a Child 1 (9A.44.073)	B+
14	B+	Rape of a Child 2 (9A.44.076)	C+
15	B	Incest 1 (9A.64.020(1))	C
16	C	Incest 2 (9A.64.020(2))	D
17	D+	Indecent Exposure (Victim <14)	
18		(9A.88.010)	E
19	E	Indecent Exposure (Victim 14 or over)	
20		(9A.88.010)	E
21	B+	Promoting Prostitution 1 (9A.88.070)	C+
22	C+	Promoting Prostitution 2 (9A.88.080)	D+
23	E	O & A (Prostitution) (9A.88.030)	E
24	B+	Indecent Liberties (9A.44.100)	C+
25	A-	Child Molestation 1 (9A.44.083)	B+
26	B	Child Molestation 2 (9A.44.086)	C+
27		Theft, Robbery, Extortion, and Forgery	
28	B	Theft 1 (9A.56.030)	C
29	C	Theft 2 (9A.56.040)	D
30	D	Theft 3 (9A.56.050)	E
31	B	Theft of Livestock 1 and 2 (9A.56.080 and	
32		9A.56.083)	C
33	C	Forgery (9A.60.020)	D
34	A	Robbery 1 (9A.56.200)	B+
35	B+	Robbery 2 (9A.56.210)	C+
36	B+	Extortion 1 (9A.56.120)	C+

1	C+	Extortion 2 (9A.56.130)	D+
2	C	Identity Theft 1 (9.35.020(2))	D
3	D	Identity Theft 2 (9.35.020(3))	E
4	D	Improperly Obtaining Financial Information	
5		(9.35.010)	E
6	B	Possession of Stolen Property 1	
7		(9A.56.150)	C
8	C	Possession of Stolen Property 2	
9		(9A.56.160)	D
10	D	Possession of Stolen Property 3	
11		(9A.56.170)	E
12	C	Taking Motor Vehicle Without Permission	
13		1 and 2 (9A.56.070 and 9A.56.075)	D
14		Motor Vehicle Related Crimes	
15	E	Driving Without a License (46.20.005)	E
16	B+	Hit and Run - Death (46.52.020(4)(a))	C+
17	C	Hit and Run - Injury (46.52.020(4)(b))	D
18	D	Hit and Run-Attended (46.52.020(5))	E
19	E	Hit and Run-Unattended (46.52.010)	E
20	C	Vehicle Assault (46.61.522)	D
21	C	Attempting to Elude Pursuing Police	
22		Vehicle (46.61.024)	D
23	E	Reckless Driving (46.61.500)	E
24	D	Driving While Under the Influence	
25		(46.61.502 and 46.61.504)	E
26	B+	Felony Driving While Under the Influence	
27		(46.61.502(6))	B
28	B+	Felony Physical Control of a Vehicle While	
29		Under the Influence (46.61.504(6))	B
30		Other	
31	B	Animal Cruelty 1 (16.52.205)	C
32	B	Bomb Threat (9.61.160)	C
33	C	Escape 1 ¹ (9A.76.110)	C
34	C	Escape 2 ¹ (9A.76.120)	C
35	D	Escape 3 (9A.76.130)	E
36	E	Obscene, Harassing, Etc., Phone Calls	
37		(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 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 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. 6.** The office of the attorney general is
18 directed to establish a work group to evaluate the problem of
19 gang-related crime in Washington state. Members shall include
20 representatives of local law enforcement, prosecutors and municipal
21 attorneys, district and superior court judges, prison administrators
22 and probation officers, and experts in gang prevention including the
23 governor's council on juvenile justice. The work group shall evaluate
24 and make recommendations regarding additional legislative measures to
25 combat gang-related crime, the creation of a statewide gang information
26 database, possible reforms to the juvenile justice system for
27 gang-related juvenile offenses, best practices for preventing youth
28 gang membership, and the adoption of a California-style civil antigang
29 injunction. The office of the attorney general shall report back to
30 the legislature on its findings and the recommendations of the work
31 group or groups on or before January 1, 2008.

--- END ---