
HOUSE BILL 2234

State of Washington 61st Legislature 2009 Regular Session

By Representatives Takko and Blake

Read first time 02/17/09. Referred to Committee on Human Services.

1 AN ACT Relating to creating a sentence for treatment program for
2 juvenile offenders; amending RCW 13.40.0357; reenacting and amending
3 RCW 13.40.0357; adding a new section to chapter 13.40 RCW; creating a
4 new section; providing an effective date; and providing an expiration
5 date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that:

8 (1) The continuum of care for the juvenile rehabilitation
9 administration has been stretched to the limit since the closure of
10 Indian Ridge youth camp in 1999 and Mission Creek youth camp in 2001.

11 (2) Closing the last remaining medium security, step-down facility
12 in the department would seriously impede capacity to deliver effective
13 rehabilitative services.

14 (3) In a period of fiscal restraint, understandable consideration
15 has been made to achieve savings by closing a medium security
16 institution and consolidating the population in the bed space of
17 remaining close security facilities. Further shrinking of the
18 institutional continuum would require mixing incompatible
19 subpopulations, resulting in genuine safety and security risks.

1 (4) Furthermore, it would not be in the interest of the state to
2 place youth who are appropriate for youth camp placement in an
3 unnecessarily restrictive setting, such as an institution.

4 (5) Unless the services and environment in a close security
5 facility support and match the developmental, treatment, and security
6 needs of the young people currently being served in a medium security
7 facility, there is genuine potential some will be harmed rather than
8 helped.

9 (6) The legislature hereby recognizes and concurs with the findings
10 of the juvenile rehabilitation administration strategic plan: 2009-
11 2013, "It would serve nobody's best interests to place youth who are
12 appropriate for youth camp placement in an unnecessarily restrictive
13 setting like an institution. A "bed" is not just a bed. It is a
14 facility placement for a young person. Unless the services and
15 environment in a facility support and match the developmental,
16 treatment, and security needs of the young people being served, there
17 is genuine potential some will be harmed rather than helped..."

18 (7) The legislature also recognizes that, "It is mission critical
19 that JRA retain a continuum of care capable of responding to the
20 complicated developmental, management, and treatment needs of this
21 population."

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.40 RCW
23 to read as follows:

24 (1) The department shall maintain a medium security youth camp to
25 fulfill the department's obligation to provide education, treatment,
26 and job training to juvenile offenders in the least restrictive
27 continuum of care. Juvenile offenders sentenced for treatment shall be
28 placed in a medium security youth camp which offers education;
29 treatment options to include sex offender, aggression reduction, and
30 intensive inpatient chemical dependency programs; job training; and
31 community-based work experience. This program for juvenile offenders
32 serving a term of confinement under the supervision of the department
33 is exempt from the licensing requirements of chapter 74.15 RCW.

34 (2) The medium security youth camp for juvenile offenders shall be
35 a structured and regimented model emphasizing the building up of an
36 offender's self-esteem, confidence, and discipline. The sentence for
37 treatment program shall provide participants with basic education,

1 vocational training, work-based learning, work experience, work ethic
2 skills, conflict resolution counseling, substance abuse intervention as
3 assessed, including intensive inpatient chemical dependency treatment,
4 anger management counseling, and victim awareness.

5 (3) The department shall develop standards for the safe and
6 effective operation of the sentence for treatment program, for
7 successful program completion by the offender, and for the continued
8 aftercare supervision of offenders who have successfully completed the
9 program, including assistance with housing and job placement if needed.

10 (4) Admission to the sentence for treatment program is voluntary.
11 If the court determines that the offender is eligible for the sentence
12 for treatment program, the court shall order the department to place
13 the offender directly in the medium security youth camp where the
14 department shall evaluate the offender and provide the court with
15 recommended educational attainment, treatment, and length and type of
16 work experience needed by the offender. Length of satisfactory work
17 experience established by the court shall not exceed the length of time
18 needed to complete educational attainment and treatment minus the time
19 needed for assessment, orientation, and time off from work needed to
20 meet treatment requirements. Time accrued as unsatisfactory work
21 performance shall extend the sentence for treatment an equal number of
22 days. No juvenile who is assessed as a high risk offender or suffers
23 from any mental or physical problems that could endanger his or her
24 health or drastically affect his or her performance in the program
25 shall be retained in the sentence for treatment program.

26 (5) If the activities of the juvenile offender while in the
27 juvenile offender youth camp are so disruptive to the sentence for
28 treatment program, as determined by the secretary according to
29 standards developed by the department, which results in the removal of
30 the juvenile offender from the youth camp, or if the offender cannot
31 complete the sentence for treatment program due to medical problems,
32 the secretary shall require that the offender be committed to a
33 juvenile institution to serve the entire remainder of his or her
34 disposition, less the amount of time already served in the sentence for
35 treatment program.

36 (6) All offenders who successfully complete the sentence for
37 treatment program shall spend the remainder of his or her disposition
38 on parole in a juvenile rehabilitation administration intensive

1 aftercare program in the local community. Violations of the conditions
2 of parole are subject to sanctions specified in RCW 13.40.210. The
3 aftercare program shall provide for the needs of the offender based on
4 his or her progress in the aftercare program as indicated by ongoing
5 assessment of those needs and progress. The aftercare program shall
6 monitor postprogram juvenile offenders and assist them to successfully
7 reintegrate into the community. In addition, the aftercare program
8 shall develop a process for closely monitoring and assessing public
9 safety risks, and be designed and funded by the department.

10 (7) The department shall also develop and maintain a database to
11 measure recidivism rates specific to the sentence for treatment
12 program. The database shall maintain data on all juvenile offenders
13 who complete the sentence for treatment program for a period of two
14 years following the completion of the program. The database shall also
15 maintain data on the criminal activity, educational progress, and
16 employment activities of all juvenile offender programs. Data by
17 facility and program shall be updated every six months and available to
18 the public by means of the internet.

19 (8) For the purposes of this section:

20 (a) "Medium security youth camp" or "youth camp" means a medium
21 security forestry camp that accepts juvenile offenders of a minimum or
22 medium security risk.

23 (b) "Sentence for treatment" means an alternative sentencing option
24 offered at the discretion of the court which carries a comprehensive
25 mandate of certain educational attainment, successful completion of
26 substance abuse, chemical dependency or sex offender treatment, and/or
27 vocational experience for a particular juvenile offender. Upon
28 successful completion of the specified treatment or attainment of the
29 prescribed educational or vocational achievement, the extent of the
30 standard disposition remaining is served by the offender on an
31 intensive supervision program administered by the administration.

32 **Sec. 3.** RCW 13.40.0357 and 2008 c 158 s 1 are each amended to read
33 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

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090(2) (a) and	
	(c))	E
E	Malicious Mischief 3 (9A.48.090(2)(b))	E
E	Tampering with Fire Alarm Apparatus	
	(9.40.100)	E
E	Tampering with Fire Alarm Apparatus with	
	Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+

Assault and Other Crimes Involving

Physical Harm

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045)	C+
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+

Burglary and Trespass

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

1	C	Violation of Uniform Controlled Substances	
2		Act - Possession of a Controlled Substance	
3		(69.50.4013)	C
4	C	Violation of Uniform Controlled Substances	
5		Act - Possession of a Controlled Substance	
6		(69.50.4012)	C
7		Firearms and Weapons	
8	B	Theft of Firearm (9A.56.300)	C
9	B	Possession of Stolen Firearm (9A.56.310)	C
10	E	Carrying Loaded Pistol Without Permit	
11		(9.41.050)	E
12	C	Possession of Firearms by Minor (<18)	
13		(9.41.040(2)(a)(iii))	C
14	D+	Possession of Dangerous Weapon	
15		(9.41.250)	E
16	D	Intimidating Another Person by use of	
17		Weapon (9.41.270)	E
18		Homicide	
19	A+	Murder 1 (9A.32.030)	A
20	A+	Murder 2 (9A.32.050)	B+
21	B+	Manslaughter 1 (9A.32.060)	C+
22	C+	Manslaughter 2 (9A.32.070)	D+
23	B+	Vehicle Homicide (46.61.520)	C+
24		Kidnapping	
25	A	Kidnap 1 (9A.40.020)	B+
26	B+	Kidnap 2 (9A.40.030)	C+
27	C+	Unlawful Imprisonment (9A.40.040)	D+
28		Obstructing Governmental Operation	
29	D	Obstructing a Law Enforcement Officer	
30		(9A.76.020)	E
31	E	Resisting Arrest (9A.76.040)	E
32	B	Introducing Contraband 1 (9A.76.140)	C
33	C	Introducing Contraband 2 (9A.76.150)	D
34	E	Introducing Contraband 3 (9A.76.160)	E
35	B+	Intimidating a Public Servant (9A.76.180)	C+
36	B+	Intimidating a Witness (9A.72.110)	C+

1		Public Disturbance	
2	C+	Riot with Weapon (9A.84.010(2)(b))	D+
3	D+	Riot Without Weapon (9A.84.010(2)(a))	E
4	E	Failure to Disperse (9A.84.020)	E
5	E	Disorderly Conduct (9A.84.030)	E
6		Sex Crimes	
7	A	Rape 1 (9A.44.040)	B+
8	A-	Rape 2 (9A.44.050)	B+
9	C+	Rape 3 (9A.44.060)	D+
10	A-	Rape of a Child 1 (9A.44.073)	B+
11	B+	Rape of a Child 2 (9A.44.076)	C+
12	B	Incest 1 (9A.64.020(1))	C
13	C	Incest 2 (9A.64.020(2))	D
14	D+	Indecent Exposure (Victim <14)	
15		(9A.88.010)	E
16	E	Indecent Exposure (Victim 14 or over)	
17		(9A.88.010)	E
18	B+	Promoting Prostitution 1 (9A.88.070)	C+
19	C+	Promoting Prostitution 2 (9A.88.080)	D+
20	E	O & A (Prostitution) (9A.88.030)	E
21	B+	Indecent Liberties (9A.44.100)	C+
22	A-	Child Molestation 1 (9A.44.083)	B+
23	B	Child Molestation 2 (9A.44.086)	C+
24		Theft, Robbery, Extortion, and Forgery	
25	B	Theft 1 (9A.56.030)	C
26	C	Theft 2 (9A.56.040)	D
27	D	Theft 3 (9A.56.050)	E
28	B	Theft of Livestock 1 and 2 (9A.56.080 and	
29		9A.56.083)	C
30	C	Forgery (9A.60.020)	D
31	A	Robbery 1 (9A.56.200)	B+
32	B+	Robbery 2 (9A.56.210)	C+
33	B+	Extortion 1 (9A.56.120)	C+
34	C+	Extortion 2 (9A.56.130)	D+
35	C	Identity Theft 1 (9.35.020(2))	D
36	D	Identity Theft 2 (9.35.020(3))	E

1	D	Improperly Obtaining Financial Information	
2		(9.35.010)	E
3	B	Possession of a Stolen Vehicle (9A.56.068)	C
4	B	Possession of Stolen Property 1	
5		(9A.56.150)	C
6	C	Possession of Stolen Property 2	
7		(9A.56.160)	D
8	D	Possession of Stolen Property 3	
9		(9A.56.170)	E
10	B	Taking Motor Vehicle Without Permission	
11		1 (9A.56.070)	C
12	C	Taking Motor Vehicle Without Permission	
13		2 (9A.56.075)	D
14	B	Theft of a Motor Vehicle (9A.56.065)	C
15		Motor Vehicle Related Crimes	
16	E	Driving Without a License (46.20.005)	E
17	B+	Hit and Run - Death (46.52.020(4)(a))	C+
18	C	Hit and Run - Injury (46.52.020(4)(b))	D
19	D	Hit and Run-Attended (46.52.020(5))	E
20	E	Hit and Run-Unattended (46.52.010)	E
21	C	Vehicular Assault (46.61.522)	D
22	C	Attempting to Elude Pursuing Police	
23		Vehicle (46.61.024)	D
24	E	Reckless Driving (46.61.500)	E
25	D	Driving While Under the Influence	
26		(46.61.502 and 46.61.504)	E
27	B+	Felony Driving While Under the Influence	
28		(46.61.502(6))	B
29	B+	Felony Physical Control of a Vehicle While	
30		Under the Influence (46.61.504(6))	B
31		Other	
32	B	Animal Cruelty 1 (16.52.205)	C
33	B	Bomb Threat (9.61.160)	C
34	C	Escape 1 ¹ (9A.76.110)	C
35	C	Escape 2 ¹ (9A.76.120)	C
36	D	Escape 3 (9A.76.130)	E

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

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

18 1st escape or attempted escape during 12-month period - 4 weeks
19 confinement

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

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

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

26 **JUVENILE SENTENCING STANDARDS**

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

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

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

34 (1) The vertical axis of the grid is the current offense category.
35 The current offense category is determined by the offense of
36 adjudication.

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

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

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

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

9 OR

10 **OPTION B**

11 **SUSPENDED DISPOSITION ALTERNATIVE**

12 (1) If the offender is subject to a standard range disposition
13 involving confinement by the department, the court may impose the
14 standard range and suspend the disposition on condition that the
15 offender comply with one or more local sanctions and any educational or
16 treatment requirement. The treatment programs provided to the offender
17 must be either research-based best practice programs as identified by
18 the Washington state institute for public policy or the joint
19 legislative audit and review committee, or for chemical dependency
20 treatment programs or services, they must be evidence-based or
21 research-based best practice programs. For the purposes of this
22 subsection:

23 (a) "Evidence-based" means a program or practice that has had
24 multiple site random controlled trials across heterogeneous populations
25 demonstrating that the program or practice is effective for the
26 population; and

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

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

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

35 (a) Adjudicated of an A+ offense;

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

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

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

4 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
5 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW
6 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential
7 burglary (RCW 9A.52.025), burglary in the second degree (RCW
8 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW
9 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a
10 witness (RCW 9A.72.110), violation of the uniform controlled substances
11 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),
12 when the offense includes infliction of bodily harm upon another or
13 when during the commission or immediate withdrawal from the offense the
14 respondent was armed with a deadly weapon;

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

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

18 **OR**

19 **OPTION C**

20 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

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

25 **OR**

26 **OPTION D**

27 **MANIFEST INJUSTICE**

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

31 **OR**

32 **OPTION E**

33 **SENTENCE FOR TREATMENT**

34 If the juvenile offender is subject to a disposition of more than 15

1 weeks and is not deemed to require confinement in a close security
 2 facility by the department, the court may impose a sentence for
 3 treatment as established in section 2 of this act.

4 **Sec. 4.** RCW 13.40.0357 and 2008 c 230 s 3 and 2008 c 158 s 1 are
 5 each reenacted and amended to read as follows:
 6

7 **DESCRIPTION AND OFFENSE CATEGORY**

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

13
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14 **Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090(2) (a) and	
	(c))	E
E	Malicious Mischief 3 (9A.48.090(2)(b))	E
E	Tampering with Fire Alarm Apparatus	
	(9.40.100)	E
E	Tampering with Fire Alarm Apparatus with	
	Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+

29 **Assault and Other Crimes Involving**

30 **Physical Harm**

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045)	C+

1	D+	Reckless Endangerment (9A.36.050)	E
2	C+	Promoting Suicide Attempt (9A.36.060)	D+
3	D+	Coercion (9A.36.070)	E
4	C+	Custodial Assault (9A.36.100)	D+
5		Burglary and Trespass	
6	B+	Burglary 1 (9A.52.020)	C+
7	B	Residential Burglary (9A.52.025)	C
8	B	Burglary 2 (9A.52.030)	C
9	D	Burglary Tools (Possession of) (9A.52.060)	E
10	D	Criminal Trespass 1 (9A.52.070)	E
11	E	Criminal Trespass 2 (9A.52.080)	E
12	C	Mineral Trespass (78.44.330)	C
13	C	Vehicle Prowling 1 (9A.52.095)	D
14	D	Vehicle Prowling 2 (9A.52.100)	E
15		Drugs	
16	E	Possession/Consumption of Alcohol	
17		(66.44.270)	E
18	C	Illegally Obtaining Legend Drug	
19		(69.41.020)	D
20	C+	Sale, Delivery, Possession of Legend Drug	
21		with Intent to Sell (69.41.030(2)(a))	D+
22	E	Possession of Legend Drug	
23		(69.41.030(2)(b))	E
24	B+	Violation of Uniform Controlled Substances	
25		Act - Narcotic, Methamphetamine, or	
26		Flunitrazepam Sale (69.50.401(2) (a) or	
27		(b))	B+
28	C	Violation of Uniform Controlled Substances	
29		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
30	E	Possession of Marihuana <40 grams	
31		(69.50.4014)	E
32	C	Fraudulently Obtaining Controlled	
33		Substance (69.50.403)	C
34	C+	Sale of Controlled Substance for Profit	
35		(69.50.410)	C+
36	E	Unlawful Inhalation (9.47A.020)	E

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

1	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
2			
3	E	Resisting Arrest (9A.76.040)	E
4	B	Introducing Contraband 1 (9A.76.140)	C
5	C	Introducing Contraband 2 (9A.76.150)	D
6	E	Introducing Contraband 3 (9A.76.160)	E
7	B+	Intimidating a Public Servant (9A.76.180)	C+
8	B+	Intimidating a Witness (9A.72.110)	C+
9		Public Disturbance	
10	C+	Riot with Weapon (9A.84.010(2)(b))	D+
11	D+	Riot Without Weapon (9A.84.010(2)(a))	E
12	E	Failure to Disperse (9A.84.020)	E
13	E	Disorderly Conduct (9A.84.030)	E
14		Sex Crimes	
15	A	Rape 1 (9A.44.040)	B+
16	A-	Rape 2 (9A.44.050)	B+
17	C+	Rape 3 (9A.44.060)	D+
18	A-	Rape of a Child 1 (9A.44.073)	B+
19	B+	Rape of a Child 2 (9A.44.076)	C+
20	B	Incest 1 (9A.64.020(1))	C
21	C	Incest 2 (9A.64.020(2))	D
22	D+	Indecent Exposure (Victim <14)	
23		(9A.88.010)	E
24	E	Indecent Exposure (Victim 14 or over)	
25		(9A.88.010)	E
26	B+	Promoting Prostitution 1 (9A.88.070)	C+
27	C+	Promoting Prostitution 2 (9A.88.080)	D+
28	E	O & A (Prostitution) (9A.88.030)	E
29	B+	Indecent Liberties (9A.44.100)	C+
30	A-	Child Molestation 1 (9A.44.083)	B+
31	B	Child Molestation 2 (9A.44.086)	C+
32	C	Failure to Register as a Sex Offender	
33		(9A.44.130)	D
34		Theft, Robbery, Extortion, and Forgery	
35	B	Theft 1 (9A.56.030)	C
36	C	Theft 2 (9A.56.040)	D

1	D	Theft 3 (9A.56.050)	E
2	B	Theft of Livestock 1 and 2 (9A.56.080 and	
3		9A.56.083)	C
4	C	Forgery (9A.60.020)	D
5	A	Robbery 1 (9A.56.200)	B+
6	B+	Robbery 2 (9A.56.210)	C+
7	B+	Extortion 1 (9A.56.120)	C+
8	C+	Extortion 2 (9A.56.130)	D+
9	C	Identity Theft 1 (9.35.020(2))	D
10	D	Identity Theft 2 (9.35.020(3))	E
11	D	Improperly Obtaining Financial Information	
12		(9.35.010)	E
13	B	Possession of a Stolen Vehicle (9A.56.068)	C
14	B	Possession of Stolen Property 1	
15		(9A.56.150)	C
16	C	Possession of Stolen Property 2	
17		(9A.56.160)	D
18	D	Possession of Stolen Property 3	
19		(9A.56.170)	E
20	B	Taking Motor Vehicle Without Permission	
21		1 (9A.56.070)	C
22	C	Taking Motor Vehicle Without Permission	
23		2 (9A.56.075)	D
24	B	Theft of a Motor Vehicle (9A.56.065)	C
25		Motor Vehicle Related Crimes	
26	E	Driving Without a License (46.20.005)	E
27	B+	Hit and Run - Death (46.52.020(4)(a))	C+
28	C	Hit and Run - Injury (46.52.020(4)(b))	D
29	D	Hit and Run-Attended (46.52.020(5))	E
30	E	Hit and Run-Unattended (46.52.010)	E
31	C	Vehicular Assault (46.61.522)	D
32	C	Attempting to Elude Pursuing Police	
33		Vehicle (46.61.024)	D
34	E	Reckless Driving (46.61.500)	E
35	D	Driving While Under the Influence	
36		(46.61.502 and 46.61.504)	E

1	B+	Felony Driving While Under the Influence	
2		(46.61.502(6))	B
3	B+	Felony Physical Control of a Vehicle While	
4		Under the Influence (46.61.504(6))	B
5		Other	
6	B	Animal Cruelty 1 (16.52.205)	C
7	B	Bomb Threat (9.61.160)	C
8	C	Escape 1 ¹ (9A.76.110)	C
9	C	Escape 2 ¹ (9A.76.120)	C
10	D	Escape 3 (9A.76.130)	E
11	E	Obscene, Harassing, Etc., Phone Calls	
12		(9.61.230)	E
13	A	Other Offense Equivalent to an Adult Class	
14		A Felony	B+
15	B	Other Offense Equivalent to an Adult Class	
16		B Felony	C
17	C	Other Offense Equivalent to an Adult Class	
18		C Felony	D
19	D	Other Offense Equivalent to an Adult Gross	
20		Misdemeanor	E
21	E	Other Offense Equivalent to an Adult	
22		Misdemeanor	E
23	V	Violation of Order of Restitution,	
24		Community Supervision, or Confinement	
25		(13.40.200) ²	V

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

28 1st escape or attempted escape during 12-month period - 4 weeks
29 confinement

30 2nd escape or attempted escape during 12-month period - 8 weeks
31 confinement

32 3rd and subsequent escape or attempted escape during 12-month
33 period - 12 weeks confinement

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

JUVENILE SENTENCING STANDARDS

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

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

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A-	15-36 WEEKS EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
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Current Offense Category	B+	15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
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B	LOCAL SANCTIONS (LS)	15-36 WEEKS	52-65 WEEKS
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C+	LS	15-36 WEEKS
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C	LS	15-36 WEEKS
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Local Sanctions:
0 to 30 Days

D+	LS	0 to 12 Months Community Supervision 0 to 150 Hours Community Restitution
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D	LS	\$0 to \$500 Fine
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E	LS	
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0 1 2 3 4
or more

PRIOR ADJUDICATIONS

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

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

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

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

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

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

17 OR

18 **OPTION B**

19 **SUSPENDED DISPOSITION ALTERNATIVE**

20 (1) If the offender is subject to a standard range disposition
21 involving confinement by the department, the court may impose the
22 standard range and suspend the disposition on condition that the
23 offender comply with one or more local sanctions and any educational or
24 treatment requirement. The treatment programs provided to the offender
25 must be either research-based best practice programs as identified by
26 the Washington state institute for public policy or the joint
27 legislative audit and review committee, or for chemical dependency
28 treatment programs or services, they must be evidence-based or
29 research-based best practice programs. For the purposes of this
30 subsection:

31 (a) "Evidence-based" means a program or practice that has had
32 multiple site random controlled trials across heterogeneous populations
33 demonstrating that the program or practice is effective for the
34 population; and

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

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

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

6 (a) Adjudicated of an A+ offense;

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

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

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

12 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
13 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW
14 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential
15 burglary (RCW 9A.52.025), burglary in the second degree (RCW
16 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW
17 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a
18 witness (RCW 9A.72.110), violation of the uniform controlled substances
19 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),
20 when the offense includes infliction of bodily harm upon another or
21 when during the commission or immediate withdrawal from the offense the
22 respondent was armed with a deadly weapon;

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

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

26 **OR**

27 **OPTION C**

28 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

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

33 **OR**

34 **OPTION D**

35 **MANIFEST INJUSTICE**

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

4 OR

5 OPTION E

6 SENTENCE FOR TREATMENT

7 If the juvenile offender is subject to a disposition of more than 15
8 weeks and is not deemed to require confinement in a close security
9 facility by the department, the court may impose a sentence for
10 treatment as established in section 2 of this act.

11 NEW SECTION. Sec. 5. Section 4 of this act takes effect ninety
12 days after adjournment sine die of the 2010 legislative session.

13 NEW SECTION. Sec. 6. Section 3 of this act takes expires ninety
14 days after adjournment sine die of the 2010 legislative session.

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