

2 2SHB 1522 - S COMM AMD

3 By Committee on Law & Justice

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW  
8 to read as follows:

9 (1)(a) A person convicted of a felony offense that is committed for  
10 the benefit of, at the direction of, or in association with any  
11 criminal street gang, with the intent to promote, further, or assist in  
12 criminal conduct by gang members, shall, in addition and consecutive to  
13 the punishment prescribed for the felony or attempted felony of which  
14 he or she has been convicted, be punished by an additional term of two  
15 years, except as provided in (b) of this subsection.

16 (b) If the court finds that there are aggravating factors, the  
17 court may order the imposition of a sentence enhancement in excess of  
18 two years, but not to exceed three years. If the court finds that  
19 there are mitigating circumstances, the court may order the imposition  
20 of a sentence enhancement that is less than two years, but not less  
21 than one year. The court shall state the reasons for its choice of  
22 sentence enhancements on the record at the time of the sentencing.

23 (c) The sentence enhancement imposed by the court under this  
24 section is mandatory and shall not run concurrently with any other  
25 sentence.

26 (2) As used in this section, "criminal street gang" means any  
27 ongoing organization, association, or group of three or more persons,  
28 whether formal or informal, having a common name or common identifying  
29 sign or symbol, and having as one of its primary activities the  
30 commission of one or more of the criminal acts enumerated in subsection  
31 (3) of this section, and whose members individually or collectively  
32 engage in or have engaged in a pattern of criminal gang activity.

33 (3) As used in this section, "pattern of criminal gang activity"  
34 means the conviction or juvenile adjudication of two or more of the  
35 following offenses, provided at least one of these offenses occurred  
36 after the effective date of this act, and the last of those offenses

1 occurred within three years after a prior offense, and the offenses  
2 were committed on separate occasions, or by two or more persons:

- 3 (a) Murder, as defined in RCW 9A.32.030 or 9A.32.050;
- 4 (b) Robbery, as defined in RCW 9A.56.200 or 9A.56.210;
- 5 (c) Kidnapping, as defined in RCW 9A.40.020 or 9A.40.030;
- 6 (d) Theft, as defined in RCW 9A.56.030, 9A.56.040, or 9A.56.050;
- 7 (e) Assault, as defined in RCW 9A.36.011 or 9A.36.021;
- 8 (f) Delivery or manufacture of controlled substances or possession  
9 with intent to deliver or manufacture controlled substances under  
10 chapter 69.50 RCW;
- 11 (g) Drive-by shooting, as defined in RCW 9A.36.045;
- 12 (h) Reckless endangerment, as defined in RCW 9A.36.050;
- 13 (i) Arson, as defined in RCW 9A.48.020 or 9A.48.030;
- 14 (j) Intimidating a witness, as defined in RCW 9A.72.110;
- 15 (k) Taking a motor vehicle without permission, as defined in RCW  
16 9A.56.070;
- 17 (l) Burglary, as defined in RCW 9A.52.020, 9A.52.025, or 9A.52.030;
- 18 (m) Rape, as defined in RCW 9A.44.040, 9A.44.050, or 9A.44.060;
- 19 (n) Money laundering, as defined in RCW 9A.83.020;
- 20 (o) Extortion, as defined in RCW 9A.56.120 or 9A.56.130; or
- 21 (p) Unlawful possession of a firearm, as defined in RCW 9.41.040(1)
- 22 (a) or (b).

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

25 (1) A juvenile adjudicated of a felony offense that is committed  
26 for the benefit of, at the direction of, or in association with a  
27 criminal street gang, as defined in section 1 of this act, with the  
28 intent to promote, further, or assist in criminal conduct by gang  
29 members, must receive a disposition enhancement as provided in  
30 subsection (2) of this section.

31 (2)(a) The court must determine the standard range disposition for  
32 the offense for which the respondent was adjudicated under RCW  
33 13.40.160. One hundred five days must be added to the entire standard  
34 range disposition of confinement, except as provided in (b) of this  
35 subsection.

36 (b) If the court finds that there are aggravating circumstances,  
37 the court may order the imposition of a disposition enhancement that is  
38 in excess of one hundred five days, but not to exceed one hundred

1 twenty days. If the court finds that there are mitigating  
2 circumstances, the court may impose a disposition enhancement of less  
3 than one hundred five days, but not less than ninety days. The court  
4 must state the reasons for its choice of sentence enhancements on the  
5 record at the time of the disposition.

6 (3) When a disposition under this section would effectuate a  
7 manifest injustice, the court may impose another disposition. When a  
8 judge finds a manifest injustice and imposes a disposition of  
9 confinement exceeding thirty days, the judge must commit the juvenile  
10 to the maximum term, and the provisions of RCW 13.40.030(2) shall be  
11 used to determine the range. When a judge finds a manifest injustice  
12 and imposes a disposition of confinement less than thirty days, the  
13 disposition may be comprised of confinement, community supervision, or  
14 both.

15 (4) Any term of confinement ordered under this section must run  
16 consecutively to any term of confinement imposed in the same  
17 disposition for other offenses.

18 **Sec. 3.** RCW 9.94A.310 and 1997 c 365 s 3 and 1997 c 338 s 50 are  
19 each reenacted and amended to read as follows:

20 (1) TABLE 1

21 Sentencing Grid

22 SERIOUSNESS

23 SCORE

OFFENDER SCORE

24 9 or  
25 0 1 2 3 4 5 6 7 8 more

26  
27 XV Life Sentence without Parole/Death Penalty

28  
29 XIV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m 36y 40y  
30 240- 250- 261- 271- 281- 291- 312- 338- 370- 411-  
31 320 333 347 361 374 388 416 450 493 548

32  
33 XIII 14y4m 15y4m 16y2m 17y 17y11m 18y9m 20y5m 22y2m 25y7m 29y  
34 123- 134- 144- 154- 165- 175- 195- 216- 257- 298-  
35 220 234 244 254 265 275 295 316 357 397

36

1	XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
2		93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
3		123	136	147	160	171	184	216	236	277	318
4											
5	XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
6		78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
7		102	114	125	136	147	158	194	211	245	280
8											
9	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
10		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
11		68	75	82	89	96	102	130	144	171	198
12											
13	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
14		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
15		41	48	54	61	68	75	102	116	144	171
16											
17	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
18		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
19		27	34	41	48	54	61	89	102	116	144
20											
21	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
22		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
23		20	27	34	41	48	54	75	89	102	116
24											
25	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
26		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
27		14	20	27	34	41	48	61	75	89	102
28											
29	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
30		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
31		12	14	17	20	29	43	54	68	82	96
32											
33	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
34		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
35		9	12	14	17	20	29	43	57	70	84
36											
37	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
38		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
39		3	8	12	12	16	22	29	43	57	68

1  
2  
3  
4  
5  
6  
7  
8  
9

---

II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
	0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
	Days	6	9	12	14	18	22	29	43	57

---

I			3m	4m	5m	8m	13m	16m	20m	2y2m
	0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
	Days	Days	5	6	8	12	14	18	22	29

---

10 NOTE: Numbers in the first horizontal row of each seriousness category  
11 represent sentencing midpoints in years(y) and months(m). Numbers in  
12 the second and third rows represent presumptive sentencing ranges in  
13 months, or in days if so designated. 12+ equals one year and one day.

14 (2) For persons convicted of the anticipatory offenses of criminal  
15 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the  
16 presumptive sentence is determined by locating the sentencing grid  
17 sentence range defined by the appropriate offender score and the  
18 seriousness level of the completed crime, and multiplying the range by  
19 75 percent.

20 (3) The following additional times shall be added to the  
21 presumptive sentence for felony crimes committed after July 23, 1995,  
22 if the offender or an accomplice was armed with a firearm as defined in  
23 RCW 9.41.010 and the offender is being sentenced for one of the crimes  
24 listed in this subsection as eligible for any firearm enhancements  
25 based on the classification of the completed felony crime. If the  
26 offender or an accomplice was armed with a firearm as defined in RCW  
27 9.41.010 and the offender is being sentenced for an anticipatory  
28 offense under chapter 9A.28 RCW to commit one of the crimes listed in  
29 this subsection as eligible for any firearm enhancements, the following  
30 additional times shall be added to the presumptive sentence determined  
31 under subsection (2) of this section based on the felony crime of  
32 conviction as classified under RCW 9A.28.020:

33 (a) Five years for any felony defined under any law as a class A  
34 felony or with a maximum sentence of at least twenty years, or both,  
35 and not covered under (f) of this subsection.

36 (b) Three years for any felony defined under any law as a class B  
37 felony or with a maximum sentence of ten years, or both, and not  
38 covered under (f) of this subsection.

1 (c) Eighteen months for any felony defined under any law as a  
2 class C felony or with a maximum sentence of five years, or both, and  
3 not covered under (f) of this subsection.

4 (d) If the offender is being sentenced for any firearm  
5 enhancements under (a), (b), and/or (c) of this subsection and the  
6 offender has previously been sentenced for any deadly weapon  
7 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
8 subsection or subsection (4)(a), (b), and/or (c) of this section, or  
9 both, any and all firearm enhancements under this subsection shall be  
10 twice the amount of the enhancement listed.

11 (e) Notwithstanding any other provision of law, any and all  
12 firearm enhancements under this section are mandatory, shall be served  
13 in total confinement, and shall not run concurrently with any other  
14 sentencing provisions.

15 (f) The firearm enhancements in this section shall apply to all  
16 felony crimes except the following: Possession of a machine gun,  
17 possessing a stolen firearm, drive-by shooting, theft of a firearm,  
18 unlawful possession of a firearm in the first and second degree, and  
19 use of a machine gun in a felony.

20 (g) If the presumptive sentence under this section exceeds the  
21 statutory maximum for the offense, the statutory maximum sentence shall  
22 be the presumptive sentence unless the offender is a persistent  
23 offender as defined in RCW 9.94A.030.

24 (4) The following additional times shall be added to the  
25 presumptive sentence for felony crimes committed after July 23, 1995,  
26 if the offender or an accomplice was armed with a deadly weapon as  
27 defined in this chapter other than a firearm as defined in RCW 9.41.010  
28 and the offender is being sentenced for one of the crimes listed in  
29 this subsection as eligible for any deadly weapon enhancements based on  
30 the classification of the completed felony crime. If the offender or  
31 an accomplice was armed with a deadly weapon other than a firearm as  
32 defined in RCW 9.41.010 and the offender is being sentenced for an  
33 anticipatory offense under chapter 9A.28 RCW to commit one of the  
34 crimes listed in this subsection as eligible for any deadly weapon  
35 enhancements, the following additional times shall be added to the  
36 presumptive sentence 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 maximum sentence of at least twenty years, or both,  
3 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 maximum sentence of ten years, or both, and not  
6 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 maximum sentence of five years, or both, and not  
9 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, any and  
15 all deadly weapon enhancements under this subsection shall be twice the  
16 amount of the enhancement listed.

17 (e) Notwithstanding any other provision of law, any and all deadly  
18 weapon enhancements under this section are mandatory, shall be served  
19 in total confinement, and shall not run concurrently with any other  
20 sentencing provisions.

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

26 (g) If the presumptive sentence under this section exceeds the  
27 statutory maximum for the offense, the statutory maximum sentence shall  
28 be the presumptive sentence unless the offender is a persistent  
29 offender as defined in RCW 9.94A.030.

30 (5) The following additional times shall be added to the  
31 presumptive sentence if the offender or an accomplice committed the  
32 offense while in a county jail or state correctional facility as that  
33 term is defined in this chapter and the offender is being sentenced for  
34 one of the crimes listed in this subsection. If the offender or an  
35 accomplice committed one of the crimes listed in this subsection while  
36 in a county jail or state correctional facility as that term is defined  
37 in this chapter, and the offender is being sentenced for an  
38 anticipatory offense under chapter 9A.28 RCW to commit one of the  
39 crimes listed in this subsection, the following additional times shall

1 be added to the presumptive sentence determined under subsection (2) of  
2 this section:

3 (a) Eighteen months for offenses committed under RCW  
4 69.50.401(a)(1) (i) or (ii) or 69.50.410;

5 (b) Fifteen months for offenses committed under RCW  
6 69.50.401(a)(1) (iii), (iv), and (v);

7 (c) Twelve months for offenses committed under RCW 69.50.401(d).

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

11 (6) An additional twenty-four months shall be added to the  
12 presumptive sentence for any ranked offense involving a violation of  
13 chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

14 (7) An additional one to three years shall be added to the  
15 presumptive sentence for any felony offense committed for the benefit  
16 of, at the direction of, or in association with a criminal street gang,  
17 with the intent to promote, further, or assist in criminal conduct by  
18 gang members, as provided in section 1 of this act.

19 **Sec. 4.** RCW 13.40.160 and 1997 c 338 s 25 and 1997 c 265 s 1 are  
20 each reenacted and amended to read as follows:

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

23 (a) When the court sentences an offender to a local sanction as  
24 provided in RCW 13.40.0357 option A, the court shall impose a  
25 determinate disposition within the standard ranges, except as provided  
26 in subsections (2), (4), (~~(and)~~) (5), and (7) of this section. The  
27 disposition may be comprised of one or more local sanctions.

28 (b) When the court sentences an offender to a standard range as  
29 provided in RCW 13.40.0357 option A that includes a term of confinement  
30 exceeding thirty days, commitment shall be to the department for the  
31 standard range of confinement, except as provided in subsections (2),  
32 (4), (~~(and)~~) (5), and (7) of this section.

33 (2) If the court concludes, and enters reasons for its conclusion,  
34 that disposition within the standard range would effectuate a manifest  
35 injustice the court shall impose a disposition outside the standard  
36 range, as indicated in option C of RCW 13.40.0357. The court's finding  
37 of manifest injustice shall be supported by clear and convincing  
38 evidence.



1 A disposition outside the standard range shall be determinate and  
2 shall be comprised of confinement or community supervision, or a  
3 combination thereof. When a judge finds a manifest injustice and  
4 imposes a sentence of confinement exceeding thirty days, the court  
5 shall sentence the juvenile to a maximum term, and the provisions of  
6 RCW 13.40.030(2) shall be used to determine the range. A disposition  
7 outside the standard range is appealable under RCW 13.40.230 by the  
8 state or the respondent. A disposition within the standard range is  
9 not appealable under RCW 13.40.230.

10 (3) Where a respondent is found to have committed an offense for  
11 which the respondent declined to enter into a diversion agreement, the  
12 court shall impose a term of community supervision limited to the  
13 conditions allowed in a diversion agreement as provided in RCW  
14 13.40.080(2).

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

21 The report of the examination shall include at a minimum the  
22 following: The respondent's version of the facts and the official  
23 version of the facts, the respondent's offense history, an assessment  
24 of problems in addition to alleged deviant behaviors, the respondent's  
25 social, educational, and employment situation, and other evaluation  
26 measures used. The report shall set forth the sources of the  
27 evaluator's information.

28 The examiner shall assess and report regarding the respondent's  
29 amenability to treatment and relative risk to the community. A  
30 proposed treatment plan shall be provided and shall include, at a  
31 minimum:

32 (a)(i) Frequency and type of contact between the offender and  
33 therapist;

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

36 (iii) Monitoring plans, including any requirements regarding  
37 living conditions, lifestyle requirements, and monitoring by family  
38 members, legal guardians, or others;

39 (iv) Anticipated length of treatment; and

1 (v) Recommended crime-related prohibitions.

2 The court on its own motion may order, or on a motion by the state  
3 shall order, a second examination regarding the offender's amenability  
4 to treatment. The evaluator shall be selected by the party making the  
5 motion. The defendant shall pay the cost of any second examination  
6 ordered unless the court finds the defendant to be indigent in which  
7 case the state shall pay the cost.

8 After receipt of reports of the examination, the court shall then  
9 consider whether the offender and the community will benefit from use  
10 of this special sex offender disposition alternative and consider the  
11 victim's opinion whether the offender should receive a treatment  
12 disposition under this section. If the court determines that this  
13 special sex offender disposition alternative is appropriate, then the  
14 court shall impose a determinate disposition within the standard range  
15 for the offense, or if the court concludes, and enters reasons for its  
16 conclusions, that such disposition would cause a manifest injustice,  
17 the court shall impose a disposition under option C, and the court may  
18 suspend the execution of the disposition and place the offender on  
19 community supervision for at least two years. As a condition of the  
20 suspended disposition, the court may impose the conditions of community  
21 supervision and other conditions, including up to thirty days of  
22 confinement and requirements that the offender do any one or more of  
23 the following:

24 (b)(i) Devote time to a specific education, employment, or  
25 occupation;

26 (ii) Undergo available outpatient sex offender treatment for up to  
27 two years, or inpatient sex offender treatment not to exceed the  
28 standard range of confinement for that offense. A community mental  
29 health center may not be used for such treatment unless it has an  
30 appropriate program designed for sex offender treatment. The  
31 respondent shall not change sex offender treatment providers or  
32 treatment conditions without first notifying the prosecutor, the  
33 probation counselor, and the court, and shall not change providers  
34 without court approval after a hearing if the prosecutor or probation  
35 counselor object to the change;

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

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

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

5 (vi) Pay all court-ordered legal financial obligations, perform  
6 community service, or any combination thereof;

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

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

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

24 The sex offender treatment provider shall submit quarterly reports  
25 on the respondent's progress in treatment to the court and the parties.  
26 The reports shall reference the treatment plan and include at a minimum  
27 the following: Dates of attendance, respondent's compliance with  
28 requirements, treatment activities, the respondent's relative progress  
29 in treatment, and any other material specified by the court at the time  
30 of the disposition.

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

33 Except as provided in this subsection (4), after July 1, 1991,  
34 examinations and treatment ordered pursuant to this subsection shall  
35 only be conducted by sex offender treatment providers certified by the  
36 department of health pursuant to chapter 18.155 RCW. A sex offender  
37 therapist who examines or treats a juvenile sex offender pursuant to  
38 this subsection does not have to be certified by the department of  
39 health pursuant to chapter 18.155 RCW if the court finds that: (A) The

1 offender has already moved to another state or plans to move to another  
2 state for reasons other than circumventing the certification  
3 requirements; (B) no certified providers are available for treatment  
4 within a reasonable geographical distance of the offender's home; and  
5 (C) the evaluation and treatment plan comply with this subsection (4)  
6 and the rules adopted by the department of health.

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

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

22 A disposition entered under this subsection (4) is not appealable  
23 under RCW 13.40.230.

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

28 (6) RCW 13.40.193 shall govern the disposition of any juvenile  
29 adjudicated of possessing a firearm in violation of RCW  
30 9.41.040(1)(b)(iii) or any crime in which a special finding is entered  
31 that the juvenile was armed with a firearm.

32 (7) Section 2 of this act governs the disposition of any juvenile  
33 adjudicated of a felony offense committed for the benefit of, at the  
34 direction of, or in association with a criminal street gang, with the  
35 intent of promoting, furthering, or assisting in criminal conduct by  
36 gang members.

37 (8) Whenever a juvenile offender is entitled to credit for time  
38 spent in detention prior to a dispositional order, the dispositional

1 order shall specifically state the number of days of credit for time  
2 served.

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

6 ~~((+9))~~ (10) In no case shall the term of confinement imposed by  
7 the court at disposition exceed that to which an adult could be  
8 subjected for the same offense.

9 NEW SECTION. **Sec. 5.** This act takes effect July 1, 1998.

10 NEW SECTION. **Sec. 6.** If specific funding for the purposes of  
11 this act, referencing this act by bill or chapter number, is not  
12 provided by June 30, 1998, in the omnibus appropriations act, this act  
13 is null and void."

14 **2SHB 1522** - S COMM AMD  
15 By Committee on Law & Justice

16  
17 On page 1, line 1 of the title, after "sentencing;" strike the  
18 remainder of the title and insert "reenacting and amending RCW  
19 9.94A.310 and 13.40.160; adding a new section to chapter 9.94A RCW;  
20 adding a new section to chapter 13.40 RCW; creating a new section;  
21 prescribing penalties; and providing an effective date."

--- END ---