
SUBSTITUTE SENATE BILL 5305

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley, Wojahn, Goings, McAuliffe, Patterson and Kohl)

Read first time 02/27/97.

1 AN ACT Relating to controlling drugs used to facilitate rape;
2 amending RCW 69.50.401, 69.50.406, and 13.40.0357; reenacting and
3 amending RCW 9.94A.030 and 9.94A.320; and prescribing penalties.

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

5 **Sec. 1.** RCW 69.50.401 and 1996 c 205 s 2 are each amended to read
6 as follows:

7 (a) Except as authorized by this chapter, it is unlawful for any
8 person to manufacture, deliver, or possess with intent to manufacture
9 or deliver, a controlled substance.

10 (1) Any person who violates this subsection with respect to:

11 (i) a controlled substance classified in Schedule I or II which is
12 a narcotic drug, or flunitrazepam classified in Schedule IV, is guilty
13 of a crime and upon conviction may be imprisoned for not more than ten
14 years, or (A) fined not more than twenty-five thousand dollars if the
15 crime involved less than two kilograms of the drug, or both such
16 imprisonment and fine; or (B) if the crime involved two or more
17 kilograms of the drug, then fined not more than one hundred thousand
18 dollars for the first two kilograms and not more than fifty dollars for

1 each gram in excess of two kilograms, or both such imprisonment and
2 fine;

3 (ii) methamphetamine, is guilty of a crime and upon conviction may
4 be imprisoned for not more than ten years, or (A) fined not more than
5 twenty-five thousand dollars if the crime involved less than two
6 kilograms of the drug, or both such imprisonment and fine; or (B) if
7 the crime involved two or more kilograms of the drug, then fined not
8 more than one hundred thousand dollars for the first two kilograms and
9 not more than fifty dollars for each gram in excess of two kilograms,
10 or both such imprisonment and fine;

11 (iii) any other controlled substance classified in Schedule I, II,
12 or III, is guilty of a crime and upon conviction may be imprisoned for
13 not more than five years, fined not more than ten thousand dollars, or
14 both;

15 (iv) a substance classified in Schedule IV other than
16 flunitrazepam, is guilty of a crime and upon conviction may be
17 imprisoned for not more than five years, fined not more than ten
18 thousand dollars, or both;

19 (v) a substance classified in Schedule V, is guilty of a crime and
20 upon conviction may be imprisoned for not more than five years, fined
21 not more than ten thousand dollars, or both.

22 (b) Except as authorized by this chapter, it is unlawful for any
23 person to create, deliver, or possess a counterfeit substance.

24 (1) Any person who violates this subsection with respect to:

25 (i) a counterfeit substance classified in Schedule I or II which is
26 a narcotic drug or flunitrazepam classified in Schedule IV, is guilty
27 of a crime and upon conviction may be imprisoned for not more than ten
28 years, fined not more than twenty-five thousand dollars, or both;

29 (ii) a counterfeit substance which is methamphetamine, is guilty of
30 a crime and upon conviction may be imprisoned for not more than ten
31 years, fined not more than twenty-five thousand dollars, or both;

32 (iii) any other counterfeit substance classified in Schedule I, II,
33 or III, is guilty of a crime and upon conviction may be imprisoned for
34 not more than five years, fined not more than ten thousand dollars, or
35 both;

36 (iv) a counterfeit substance classified in Schedule IV except
37 flunitrazepam, is guilty of a crime and upon conviction may be
38 imprisoned for not more than five years, fined not more than ten
39 thousand dollars, or both;

1 (v) a counterfeit substance classified in Schedule V, is guilty of
2 a crime and upon conviction may be imprisoned for not more than five
3 years, fined not more than ten thousand dollars, or both.

4 (c) It is unlawful, except as authorized in this chapter and
5 chapter 69.41 RCW, for any person to offer, arrange, or negotiate for
6 the sale, gift, delivery, dispensing, distribution, or administration
7 of a controlled substance to any person and then sell, give, deliver,
8 dispense, distribute, or administer to that person any other liquid,
9 substance, or material in lieu of such controlled substance. Any
10 person who violates this subsection is guilty of a crime and upon
11 conviction may be imprisoned for not more than five years, fined not
12 more than ten thousand dollars, or both.

13 (d) It is unlawful for any person to possess a controlled substance
14 unless the substance was obtained directly from, or pursuant to, a
15 valid prescription or order of a practitioner while acting in the
16 course of his or her professional practice, or except as otherwise
17 authorized by this chapter. Any person who violates this subsection is
18 guilty of a crime, and upon conviction may be imprisoned for not more
19 than five years, fined not more than ten thousand dollars, or both,
20 except as provided for in subsection (e) of this section.

21 (e) Except as provided for in subsection (a)(1)(iii) of this
22 section any person found guilty of possession of forty grams or less of
23 marihuana shall be guilty of a misdemeanor.

24 (f) It is unlawful to compensate, threaten, solicit, or in any
25 other manner involve a person under the age of eighteen years in a
26 transaction unlawfully to manufacture, sell, or deliver a controlled
27 substance. A violation of this subsection shall be punished as a class
28 C felony punishable in accordance with RCW 9A.20.021.

29 This section shall not apply to offenses defined and punishable
30 under the provisions of RCW 69.50.410.

31 **Sec. 2.** RCW 69.50.406 and 1996 c 205 s 7 are each amended to read
32 as follows:

33 (a) Any person eighteen years of age or over who violates RCW
34 69.50.401(a) by distributing a controlled substance listed in Schedules
35 I or II which is a narcotic drug or methamphetamine, or flunitrazepam
36 listed in Schedule IV, to a person under eighteen years of age is
37 punishable by the fine authorized by RCW 69.50.401(a)(1) (i) or (ii),

1 by a term of imprisonment of up to twice that authorized by RCW
2 69.50.401(a)(1) (i) or (ii), or by both.

3 (b) Any person eighteen years of age or over who violates RCW
4 69.50.401(a) by distributing any other controlled substance listed in
5 Schedules I, II, III, IV, and V to a person under eighteen years of age
6 who is at least three years his junior is punishable by the fine
7 authorized by RCW 69.50.401(a)(1) (iii), (iv), or (v), by a term of
8 imprisonment up to twice that authorized by RCW 69.50.401(a)(1) (iii),
9 (iv), or (v), or both.

10 **Sec. 3.** RCW 9.94A.030 and 1996 c 289 s 1 and 1996 c 275 s 5 are
11 each reenacted and amended to read as follows:

12 Unless the context clearly requires otherwise, the definitions in
13 this section apply throughout this chapter.

14 (1) "Collect," or any derivative thereof, "collect and remit," or
15 "collect and deliver," when used with reference to the department of
16 corrections, means that the department is responsible for monitoring
17 and enforcing the offender's sentence with regard to the legal
18 financial obligation, receiving payment thereof from the offender, and,
19 consistent with current law, delivering daily the entire payment to the
20 superior court clerk without depositing it in a departmental account.

21 (2) "Commission" means the sentencing guidelines commission.

22 (3) "Community corrections officer" means an employee of the
23 department who is responsible for carrying out specific duties in
24 supervision of sentenced offenders and monitoring of sentence
25 conditions.

26 (4) "Community custody" means that portion of an inmate's sentence
27 of confinement in lieu of earned early release time or imposed pursuant
28 to RCW 9.94A.120 (6), (8), or (10) served in the community subject to
29 controls placed on the inmate's movement and activities by the
30 department of corrections.

31 (5) "Community placement" means that period during which the
32 offender is subject to the conditions of community custody and/or
33 postrelease supervision, which begins either upon completion of the
34 term of confinement (postrelease supervision) or at such time as the
35 offender is transferred to community custody in lieu of earned early
36 release. Community placement may consist of entirely community
37 custody, entirely postrelease supervision, or a combination of the two.

1 (6) "Community service" means compulsory service, without
2 compensation, performed for the benefit of the community by the
3 offender.

4 (7) "Community supervision" means a period of time during which a
5 convicted offender is subject to crime-related prohibitions and other
6 sentence conditions imposed by a court pursuant to this chapter or RCW
7 16.52.200(6) or 46.61.524. For first-time offenders, the supervision
8 may include crime-related prohibitions and other conditions imposed
9 pursuant to RCW 9.94A.120(5). For purposes of the interstate compact
10 for out-of-state supervision of parolees and probationers, RCW
11 9.95.270, community supervision is the functional equivalent of
12 probation and should be considered the same as probation by other
13 states.

14 (8) "Confinement" means total or partial confinement as defined in
15 this section.

16 (9) "Conviction" means an adjudication of guilt pursuant to Titles
17 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
18 acceptance of a plea of guilty.

19 (10) "Court-ordered legal financial obligation" means a sum of
20 money that is ordered by a superior court of the state of Washington
21 for legal financial obligations which may include restitution to the
22 victim, statutorily imposed crime victims' compensation fees as
23 assessed pursuant to RCW 7.68.035, court costs, county or interlocal
24 drug funds, court-appointed attorneys' fees, and costs of defense,
25 fines, and any other financial obligation that is assessed to the
26 offender as a result of a felony conviction. Upon conviction for
27 vehicular assault while under the influence of intoxicating liquor or
28 any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the
29 influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a),
30 legal financial obligations may also include payment to a public agency
31 of the expense of an emergency response to the incident resulting in
32 the conviction, subject to the provisions in RCW 38.52.430.

33 (11) "Crime-related prohibition" means an order of a court
34 prohibiting conduct that directly relates to the circumstances of the
35 crime for which the offender has been convicted, and shall not be
36 construed to mean orders directing an offender affirmatively to
37 participate in rehabilitative programs or to otherwise perform
38 affirmative conduct.

1 (12)(a) "Criminal history" means the list of a defendant's prior
2 convictions, whether in this state, in federal court, or elsewhere.
3 The history shall include, where known, for each conviction (i) whether
4 the defendant has been placed on probation and the length and terms
5 thereof; and (ii) whether the defendant has been incarcerated and the
6 length of incarceration.

7 (b) "Criminal history" shall always include juvenile convictions
8 for sex offenses and serious violent offenses and shall also include a
9 defendant's other prior convictions in juvenile court if: (i) The
10 conviction was for an offense which is a felony or a serious traffic
11 offense and is criminal history as defined in RCW 13.40.020(9); (ii)
12 the defendant was fifteen years of age or older at the time the offense
13 was committed; and (iii) with respect to prior juvenile class B and C
14 felonies or serious traffic offenses, the defendant was less than
15 twenty-three years of age at the time the offense for which he or she
16 is being sentenced was committed.

17 (13) "Day fine" means a fine imposed by the sentencing judge that
18 equals the difference between the offender's net daily income and the
19 reasonable obligations that the offender has for the support of the
20 offender and any dependents.

21 (14) "Day reporting" means a program of enhanced supervision
22 designed to monitor the defendant's daily activities and compliance
23 with sentence conditions, and in which the defendant is required to
24 report daily to a specific location designated by the department or the
25 sentencing judge.

26 (15) "Department" means the department of corrections.

27 (16) "Determinate sentence" means a sentence that states with
28 exactitude the number of actual years, months, or days of total
29 confinement, of partial confinement, of community supervision, the
30 number of actual hours or days of community service work, or dollars or
31 terms of a legal financial obligation. The fact that an offender
32 through "earned early release" can reduce the actual period of
33 confinement shall not affect the classification of the sentence as a
34 determinate sentence.

35 (17) "Disposable earnings" means that part of the earnings of an
36 individual remaining after the deduction from those earnings of any
37 amount required by law to be withheld. For the purposes of this
38 definition, "earnings" means compensation paid or payable for personal
39 services, whether denominated as wages, salary, commission, bonuses, or

1 otherwise, and, notwithstanding any other provision of law making the
2 payments exempt from garnishment, attachment, or other process to
3 satisfy a court-ordered legal financial obligation, specifically
4 includes periodic payments pursuant to pension or retirement programs,
5 or insurance policies of any type, but does not include payments made
6 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
7 or Title 74 RCW.

8 (18) "Drug offense" means:

9 (a) Any felony violation of chapter 69.50 RCW except possession of
10 a controlled substance (RCW 69.50.401(d)) or forged prescription for a
11 controlled substance (RCW 69.50.403);

12 (b) Any offense defined as a felony under federal law that relates
13 to the possession, manufacture, distribution, or transportation of a
14 controlled substance; or

15 (c) Any out-of-state conviction for an offense that under the laws
16 of this state would be a felony classified as a drug offense under (a)
17 of this subsection.

18 (19) "Escape" means:

19 (a) Escape in the first degree (RCW 9A.76.110), escape in the
20 second degree (RCW 9A.76.120), willful failure to return from furlough
21 (RCW 72.66.060), willful failure to return from work release (RCW
22 72.65.070), or willful failure to be available for supervision by the
23 department while in community custody (RCW 72.09.310); or

24 (b) Any federal or out-of-state conviction for an offense that
25 under the laws of this state would be a felony classified as an escape
26 under (a) of this subsection.

27 (20) "Felony traffic offense" means:

28 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
29 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
30 and-run injury-accident (RCW 46.52.020(4)); or

31 (b) Any federal or out-of-state conviction for an offense that
32 under the laws of this state would be a felony classified as a felony
33 traffic offense under (a) of this subsection.

34 (21) "Fines" means the requirement that the offender pay a specific
35 sum of money over a specific period of time to the court.

36 (22)(a) "First-time offender" means any person who is convicted of
37 a felony (i) not classified as a violent offense or a sex offense under
38 this chapter, or (ii) that is not the manufacture, delivery, or
39 possession with intent to manufacture or deliver a controlled substance

1 classified in Schedule I or II that is a narcotic drug or flunitrazepam
2 classified in Schedule IV, nor the manufacture, delivery, or possession
3 with intent to deliver methamphetamine, its salts, isomers, and salts
4 of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for
5 profit of any controlled substance or counterfeit substance classified
6 in Schedule I, RCW 69.50.204, except leaves and flowering tops of
7 marihuana, and except as provided in (b) of this subsection, who
8 previously has never been convicted of a felony in this state, federal
9 court, or another state, and who has never participated in a program of
10 deferred prosecution for a felony offense.

11 (b) For purposes of (a) of this subsection, a juvenile adjudication
12 for an offense committed before the age of fifteen years is not a
13 previous felony conviction except for adjudications of sex offenses and
14 serious violent offenses.

15 (23) "Most serious offense" means any of the following felonies or
16 a felony attempt to commit any of the following felonies, as now
17 existing or hereafter amended:

18 (a) Any felony defined under any law as a class A felony or
19 criminal solicitation of or criminal conspiracy to commit a class A
20 felony;

21 (b) Assault in the second degree;

22 (c) Assault of a child in the second degree;

23 (d) Child molestation in the second degree;

24 (e) Controlled substance homicide;

25 (f) Extortion in the first degree;

26 (g) Incest when committed against a child under age fourteen;

27 (h) Indecent liberties;

28 (i) Kidnapping in the second degree;

29 (j) Leading organized crime;

30 (k) Manslaughter in the first degree;

31 (l) Manslaughter in the second degree;

32 (m) Promoting prostitution in the first degree;

33 (n) Rape in the third degree;

34 (o) Robbery in the second degree;

35 (p) Sexual exploitation;

36 (q) Vehicular assault;

37 (r) Vehicular homicide, when proximately caused by the driving of
38 any vehicle by any person while under the influence of intoxicating

1 liquor or any drug as defined by RCW 46.61.502, or by the operation of
2 any vehicle in a reckless manner;

3 (s) Any other class B felony offense with a finding of sexual
4 motivation, as "sexual motivation" is defined under this section;

5 (t) Any other felony with a deadly weapon verdict under RCW
6 9.94A.125;

7 (u) Any felony offense in effect at any time prior to December 2,
8 1993, that is comparable to a most serious offense under this
9 subsection, or any federal or out-of-state conviction for an offense
10 that under the laws of this state would be a felony classified as a
11 most serious offense under this subsection.

12 (24) "Nonviolent offense" means an offense which is not a violent
13 offense.

14 (25) "Offender" means a person who has committed a felony
15 established by state law and is eighteen years of age or older or is
16 less than eighteen years of age but whose case has been transferred by
17 the appropriate juvenile court to a criminal court pursuant to RCW
18 13.40.110. Throughout this chapter, the terms "offender" and
19 "defendant" are used interchangeably.

20 (26) "Partial confinement" means confinement for no more than one
21 year in a facility or institution operated or utilized under contract
22 by the state or any other unit of government, or, if home detention or
23 work crew has been ordered by the court, in an approved residence, for
24 a substantial portion of each day with the balance of the day spent in
25 the community. Partial confinement includes work release, home
26 detention, work crew, and a combination of work crew and home detention
27 as defined in this section.

28 (27) "Persistent offender" is an offender who:

29 (a)(i) Has been convicted in this state of any felony considered a
30 most serious offense; and

31 (ii) Has, before the commission of the offense under (a) of this
32 subsection, been convicted as an offender on at least two separate
33 occasions, whether in this state or elsewhere, of felonies that under
34 the laws of this state would be considered most serious offenses and
35 would be included in the offender score under RCW 9.94A.360; provided
36 that of the two or more previous convictions, at least one conviction
37 must have occurred before the commission of any of the other most
38 serious offenses for which the offender was previously convicted; or

1 (b)(i) Has been convicted of (A) rape in the first degree, rape in
2 the second degree, or indecent liberties by forcible compulsion; (B)
3 murder in the first degree, murder in the second degree, kidnapping in
4 the first degree, kidnapping in the second degree, assault in the first
5 degree, assault in the second degree, or burglary in the first degree,
6 with a finding of sexual motivation; or (C) an attempt to commit any
7 crime listed in this subsection (27)(b)(i); and

8 (ii) Has, before the commission of the offense under (b)(i) of this
9 subsection, been convicted as an offender on at least one occasion,
10 whether in this state or elsewhere, of an offense listed in (b)(i) of
11 this subsection.

12 (28) "Postrelease supervision" is that portion of an offender's
13 community placement that is not community custody.

14 (29) "Restitution" means the requirement that the offender pay a
15 specific sum of money over a specific period of time to the court as
16 payment of damages. The sum may include both public and private costs.
17 The imposition of a restitution order does not preclude civil redress.

18 (30) "Serious traffic offense" means:

19 (a) Driving while under the influence of intoxicating liquor or any
20 drug (RCW 46.61.502), actual physical control while under the influence
21 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
22 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
23 or

24 (b) Any federal, out-of-state, county, or municipal conviction for
25 an offense that under the laws of this state would be classified as a
26 serious traffic offense under (a) of this subsection.

27 (31) "Serious violent offense" is a subcategory of violent offense
28 and means:

29 (a) Murder in the first degree, homicide by abuse, murder in the
30 second degree, assault in the first degree, kidnapping in the first
31 degree, or rape in the first degree, assault of a child in the first
32 degree, or an attempt, criminal solicitation, or criminal conspiracy to
33 commit one of these felonies; or

34 (b) Any federal or out-of-state conviction for an offense that
35 under the laws of this state would be a felony classified as a serious
36 violent offense under (a) of this subsection.

37 (32) "Sentence range" means the sentencing court's discretionary
38 range in imposing a nonappealable sentence.

39 (33) "Sex offense" means:

1 (a) A felony that is a violation of chapter 9A.44 RCW or RCW
2 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a
3 criminal attempt, criminal solicitation, or criminal conspiracy to
4 commit such crimes;

5 (b) A felony with a finding of sexual motivation under RCW
6 9.94A.127 or 13.40.135; or

7 (c) Any federal or out-of-state conviction for an offense that
8 under the laws of this state would be a felony classified as a sex
9 offense under (a) of this subsection.

10 (34) "Sexual motivation" means that one of the purposes for which
11 the defendant committed the crime was for the purpose of his or her
12 sexual gratification.

13 (35) "Total confinement" means confinement inside the physical
14 boundaries of a facility or institution operated or utilized under
15 contract by the state or any other unit of government for twenty-four
16 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

17 (36) "Transition training" means written and verbal instructions
18 and assistance provided by the department to the offender during the
19 two weeks prior to the offender's successful completion of the work
20 ethic camp program. The transition training shall include instructions
21 in the offender's requirements and obligations during the offender's
22 period of community custody.

23 (37) "Victim" means any person who has sustained emotional,
24 psychological, physical, or financial injury to person or property as
25 a direct result of the crime charged.

26 (38) "Violent offense" means:

27 (a) Any of the following felonies, as now existing or hereafter
28 amended: Any felony defined under any law as a class A felony or an
29 attempt to commit a class A felony, criminal solicitation of or
30 criminal conspiracy to commit a class A felony, manslaughter in the
31 first degree, manslaughter in the second degree, indecent liberties if
32 committed by forcible compulsion, kidnapping in the second degree,
33 arson in the second degree, assault in the second degree, assault of a
34 child in the second degree, extortion in the first degree, robbery in
35 the second degree, vehicular assault, and vehicular homicide, when
36 proximately caused by the driving of any vehicle by any person while
37 under the influence of intoxicating liquor or any drug as defined by
38 RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

1 (b) Any conviction for a felony offense in effect at any time prior
2 to July 1, 1976, that is comparable to a felony classified as a violent
3 offense in (a) of this subsection; and

4 (c) Any federal or out-of-state conviction for an offense that
5 under the laws of this state would be a felony classified as a violent
6 offense under (a) or (b) of this subsection.

7 (39) "Work crew" means a program of partial confinement consisting
8 of civic improvement tasks for the benefit of the community of not less
9 than thirty-five hours per week that complies with RCW 9.94A.135. The
10 civic improvement tasks shall have minimal negative impact on existing
11 private industries or the labor force in the county where the service
12 or labor is performed. The civic improvement tasks shall not affect
13 employment opportunities for people with developmental disabilities
14 contracted through sheltered workshops as defined in RCW 82.04.385.
15 Only those offenders sentenced to a facility operated or utilized under
16 contract by a county or the state are eligible to participate on a work
17 crew. Offenders sentenced for a sex offense as defined in subsection
18 (33) of this section are not eligible for the work crew program.

19 (40) "Work ethic camp" means an alternative incarceration program
20 designed to reduce recidivism and lower the cost of corrections by
21 requiring offenders to complete a comprehensive array of real-world job
22 and vocational experiences, character-building work ethics training,
23 life management skills development, substance abuse rehabilitation,
24 counseling, literacy training, and basic adult education.

25 (41) "Work release" means a program of partial confinement
26 available to offenders who are employed or engaged as a student in a
27 regular course of study at school. Participation in work release shall
28 be conditioned upon the offender attending work or school at regularly
29 defined hours and abiding by the rules of the work release facility.

30 (42) "Home detention" means a program of partial confinement
31 available to offenders wherein the offender is confined in a private
32 residence subject to electronic surveillance.

33 **Sec. 4.** RCW 9.94A.320 and 1996 c 302 s 6, 1996 c 205 s 3, and 1996
34 c 36 s 2 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

1		
2		
3	XV	Aggravated Murder 1 (RCW 10.95.020)
4	XIV	Murder 1 (RCW 9A.32.030)
5		Homicide by abuse (RCW 9A.32.055)
6	XIII	Murder 2 (RCW 9A.32.050)
7	XII	Assault 1 (RCW 9A.36.011)
8		Assault of a Child 1 (RCW 9A.36.120)
9	XI	Rape 1 (RCW 9A.44.040)
10		Rape of a Child 1 (RCW 9A.44.073)
11	X	Kidnapping 1 (RCW 9A.40.020)
12		Rape 2 (RCW 9A.44.050)
13		Rape of a Child 2 (RCW 9A.44.076)
14		Child Molestation 1 (RCW 9A.44.083)
15		Damaging building, etc., by explosion with
16		threat to human being (RCW
17		70.74.280(1))
18		Over 18 and deliver heroin ((or)), <u>a</u>
19		narcotic from Schedule I or II, <u>or</u>
20		<u>flunitrazepam from Schedule IV</u> to
21		someone under 18 (RCW 69.50.406)
22		Leading Organized Crime (RCW
23		9A.82.060(1)(a))
24	IX	Assault of a Child 2 (RCW 9A.36.130)
25		Robbery 1 (RCW 9A.56.200)
26		Manslaughter 1 (RCW 9A.32.060)
27		Explosive devices prohibited (RCW
28		70.74.180)
29		Indecent Liberties (with forcible
30		compulsion) (RCW 9A.44.100(1)(a))
31		Endangering life and property by explosives
32		with threat to human being (RCW
33		70.74.270)

1 Over 18 and deliver narcotic from Schedule
2 III, IV, or V or a nonnarcotic except
3 for flunitrazepam from Schedule I-V to
4 someone under 18 and 3 years junior
5 (RCW 69.50.406)
6 Controlled Substance Homicide (RCW
7 69.50.415)
8 Sexual Exploitation (RCW 9.68A.040)
9 Inciting Criminal Profiteering (RCW
10 9A.82.060(1)(b))
11 Vehicular Homicide, by being under the
12 influence of intoxicating liquor or
13 any drug (RCW 46.61.520)

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

31 VII Burglary 1 (RCW 9A.52.020)
32 Vehicular Homicide, by disregard for the
33 safety of others (RCW 46.61.520)
34 Introducing Contraband 1 (RCW 9A.76.140)
35 Indecent Liberties (without forcible
36 compulsion) (RCW 9A.44.100(1) (b) and
37 (c))
38 Child Molestation 2 (RCW 9A.44.086)

1 Dealing in depictions of minor engaged in
2 sexually explicit conduct (RCW
3 9.68A.050)
4 Sending, bringing into state depictions of
5 minor engaged in sexually explicit
6 conduct (RCW 9.68A.060)
7 Involving a minor in drug dealing (RCW
8 69.50.401(f))
9 Reckless Endangerment 1 (RCW 9A.36.045)
10 Unlawful Possession of a Firearm in the
11 first degree (RCW 9.41.040(1)(a))
12 VI Bribery (RCW 9A.68.010)
13 Manslaughter 2 (RCW 9A.32.070)
14 Rape of a Child 3 (RCW 9A.44.079)
15 Intimidating a Juror/Witness (RCW
16 9A.72.110, 9A.72.130)
17 Damaging building, etc., by explosion with
18 no threat to human being (RCW
19 70.74.280(2))
20 Endangering life and property by explosives
21 with no threat to human being (RCW
22 70.74.270)
23 Incest 1 (RCW 9A.64.020(1))
24 Manufacture, deliver, or possess with
25 intent to deliver narcotics from
26 Schedule I or II (except heroin or
27 cocaine) or flunitrazepam from
28 Schedule IV (RCW 69.50.401(a)(1)(i))
29 Intimidating a Judge (RCW 9A.72.160)
30 Bail Jumping with Murder 1 (RCW
31 9A.76.170(2)(a))
32 Theft of a Firearm (RCW 9A.56.300)

1 V Persistent prison misbehavior (RCW
2 9.94.070)
3 Criminal Mistreatment 1 (RCW 9A.42.020)
4 Abandonment of dependent person 1 (RCW
5 9A.42.060)
6 Rape 3 (RCW 9A.44.060)
7 Sexual Misconduct with a Minor 1 (RCW
8 9A.44.093)
9 Child Molestation 3 (RCW 9A.44.089)
10 Kidnapping 2 (RCW 9A.40.030)
11 Extortion 1 (RCW 9A.56.120)
12 Incest 2 (RCW 9A.64.020(2))
13 Perjury 1 (RCW 9A.72.020)
14 Extortionate Extension of Credit (RCW
15 9A.82.020)
16 Advancing money or property for
17 extortionate extension of credit (RCW
18 9A.82.030)
19 Extortionate Means to Collect Extensions of
20 Credit (RCW 9A.82.040)
21 Rendering Criminal Assistance 1 (RCW
22 9A.76.070)
23 Bail Jumping with class A Felony (RCW
24 9A.76.170(2)(b))
25 Sexually Violating Human Remains (RCW
26 9A.44.105)
27 Delivery of imitation controlled substance
28 by person eighteen or over to person
29 under eighteen (RCW 69.52.030(2))
30 Possession of a Stolen Firearm (RCW
31 9A.56.310)

32 IV Residential Burglary (RCW 9A.52.025)
33 Theft of Livestock 1 (RCW 9A.56.080)
34 Robbery 2 (RCW 9A.56.210)
35 Assault 2 (RCW 9A.36.021)
36 Escape 1 (RCW 9A.76.110)
37 Arson 2 (RCW 9A.48.030)
38 Commercial Bribery (RCW 9A.68.060)

1 Bribing a Witness/Bribe Received by Witness
2 (RCW 9A.72.090, 9A.72.100)
3 Malicious Harassment (RCW 9A.36.080)
4 Threats to Bomb (RCW 9.61.160)
5 Willful Failure to Return from Furlough
6 (RCW 72.66.060)
7 Hit and Run -- Injury Accident (RCW
8 46.52.020(4))
9 Hit and Run with Vessel -- Injury Accident
10 (RCW 88.12.155(3))
11 Vehicular Assault (RCW 46.61.522)
12 Manufacture, deliver, or possess with
13 intent to deliver narcotics from
14 Schedule III, IV, or V or nonnarcotics
15 from Schedule I-V (except marijuana
16 (~~or~~), methamphetamines, or
17 flunitrazepam) (RCW 69.50.401(a)(1)
18 (iii) through (v))
19 Influencing Outcome of Sporting Event (RCW
20 9A.82.070)
21 Use of Proceeds of Criminal Profiteering
22 (RCW 9A.82.080 (1) and (2))
23 Knowingly Trafficking in Stolen Property
24 (RCW 9A.82.050(2))

25 III Criminal Mistreatment 2 (RCW 9A.42.030)
26 Abandonment of dependent person 2 (RCW
27 9A.42.070)
28 Extortion 2 (RCW 9A.56.130)
29 Unlawful Imprisonment (RCW 9A.40.040)
30 Assault 3 (RCW 9A.36.031)
31 Assault of a Child 3 (RCW 9A.36.140)
32 Custodial Assault (RCW 9A.36.100)
33 Unlawful possession of firearm in the
34 second degree (RCW 9.41.040(1)(b))
35 Harassment (RCW 9A.46.020)
36 Promoting Prostitution 2 (RCW 9A.88.080)
37 Willful Failure to Return from Work Release
38 (RCW 72.65.070)
39 Burglary 2 (RCW 9A.52.030)

1 Introducing Contraband 2 (RCW 9A.76.150)
2 Communication with a Minor for Immoral
3 Purposes (RCW 9.68A.090)
4 Patronizing a Juvenile Prostitute (RCW
5 9.68A.100)
6 Escape 2 (RCW 9A.76.120)
7 Perjury 2 (RCW 9A.72.030)
8 Bail Jumping with class B or C Felony (RCW
9 9A.76.170(2)(c))
10 Intimidating a Public Servant (RCW
11 9A.76.180)
12 Tampering with a Witness (RCW 9A.72.120)
13 Manufacture, deliver, or possess with
14 intent to deliver marijuana (RCW
15 69.50.401(a)(1)(iii))
16 Delivery of a material in lieu of a
17 controlled substance (RCW
18 69.50.401(c))
19 Manufacture, distribute, or possess with
20 intent to distribute an imitation
21 controlled substance (RCW
22 69.52.030(1))
23 Recklessly Trafficking in Stolen Property
24 (RCW 9A.82.050(1))
25 Theft of livestock 2 (RCW 9A.56.080)
26 Securities Act violation (RCW 21.20.400)
27 II Unlawful Practice of Law (RCW 2.48.180)
28 Malicious Mischief 1 (RCW 9A.48.070)
29 Possession of Stolen Property 1 (RCW
30 9A.56.150)
31 Theft 1 (RCW 9A.56.030)
32 Trafficking in Insurance Claims (RCW
33 48.30A.015)
34 Unlicensed Practice of a Profession or
35 Business (RCW 18.130.190(7))
36 Health Care False Claims (RCW 48.80.030)
37 Possession of controlled substance that is
38 either heroin or narcotics from

1 Schedule I or II or flunitrazepam from
2 Schedule IV (RCW 69.50.401(d))
3 Possession of phencyclidine (PCP) (RCW
4 69.50.401(d))
5 Create, deliver, or possess a counterfeit
6 controlled substance (RCW
7 69.50.401(b))
8 Computer Trespass 1 (RCW 9A.52.110)
9 Escape from Community Custody (RCW
10 72.09.310)

11 I Theft 2 (RCW 9A.56.040)
12 Possession of Stolen Property 2 (RCW
13 9A.56.160)
14 Forgery (RCW 9A.60.020)
15 Taking Motor Vehicle Without Permission
16 (RCW 9A.56.070)
17 Vehicle Prowl 1 (RCW 9A.52.095)
18 Attempting to Elude a Pursuing Police
19 Vehicle (RCW 46.61.024)
20 Malicious Mischief 2 (RCW 9A.48.080)
21 Reckless Burning 1 (RCW 9A.48.040)
22 Unlawful Issuance of Checks or Drafts (RCW
23 9A.56.060)
24 Unlawful Use of Food Stamps (RCW 9.91.140
25 (2) and (3))
26 False Verification for Welfare (RCW
27 74.08.055)
28 Forged Prescription (RCW 69.41.020)
29 Forged Prescription for a Controlled
30 Substance (RCW 69.50.403)
31 Possess Controlled Substance that is a
32 Narcotic from Schedule III, IV, or V
33 or Non-narcotic from Schedule I-V
34 (except phencyclidine or
35 flunitrazepam) (RCW 69.50.401(d))

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

1		Counterfeit Substances	
2		(69.50.401(b)(1) (iii), (iv),	
3		(v))	C
4	C	Violation of Uniform Controlled	
5		Substances Act - Possession of a	
6		Controlled Substance	
7		(69.50.401(d))	C
8	C	Violation of Uniform Controlled	
9		Substances Act - Possession of a	
10		Controlled Substance	
11		(69.50.401(c))	C
12		Firearms and Weapons	
13	E	Carrying Loaded Pistol Without	
14		Permit (9.41.050)	E
15	C	Possession of Firearms by	
16		Minor (<18) (9.41.040(1) (b)((iv)))	
17		(iii))	C
18	D+	Possession of Dangerous Weapon	
19		(9.41.250)	E
20	D	Intimidating Another Person by use	
21		of Weapon (9.41.270)	E
22		Homicide	
23	A+	Murder 1 (9A.32.030)	A
24	A+	Murder 2 (9A.32.050)	B+
25	B+	Manslaughter 1 (9A.32.060)	C+
26	C+	Manslaughter 2 (9A.32.070)	D+
27	B+	Vehicular Homicide (46.61.520)	C+
28		Kidnapping	
29	A	Kidnap 1 (9A.40.020)	B+
30	B+	Kidnap 2 (9A.40.030)	C+
31	C+	Unlawful Imprisonment	
32		(9A.40.040)	D+
33		Obstructing Governmental Operation	
34	E	Obstructing a	
35		Law Enforcement Officer	
36		(9A.76.020)	E
37	E	Resisting Arrest (9A.76.040)	E

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

1		Theft, Robbery, Extortion, and Forgery	
2	B	Theft 1 (9A.56.030)	C
3	C	Theft 2 (9A.56.040)	D
4	D	Theft 3 (9A.56.050)	E
5	B	Theft of Livestock (9A.56.080)	C
6	C	Forgery (9A.60.020)	D
7	A	Robbery 1 (9A.56.200)	B+
8	B+	Robbery 2 (9A.56.210)	C+
9	B+	Extortion 1 (9A.56.120)	C+
10	C+	Extortion 2 (9A.56.130)	D+
11	B	Possession of Stolen Property 1	
12		(9A.56.150)	C
13	C	Possession of Stolen Property 2	
14		(9A.56.160)	D
15	D	Possession of Stolen Property 3	
16		(9A.56.170)	E
17	C	Taking Motor Vehicle Without	
18		Owner's Permission (9A.56.070)	D
19		Motor Vehicle Related Crimes	
20	E	Driving Without a License	
21		(46.20.021)	E
22	C	Hit and Run - Injury	
23		(46.52.020(4))	D
24	D	Hit and Run-Attended	
25		(46.52.020(5))	E
26	E	Hit and Run-Unattended	
27		(46.52.010)	E
28	C	Vehicular Assault (46.61.522)	D
29	C	Attempting to Elude Pursuing	
30		Police Vehicle (46.61.024)	D
31	E	Reckless Driving (46.61.500)	E
32	D	Driving While Under the Influence	
33		(46.61.502 and 46.61.504)	E
34	D	Vehicle Prowling (9A.52.100)	E
35	C	Taking Motor Vehicle Without	
36		Owner's Permission (9A.56.070)	D
37		Other	
38	B	Bomb Threat (9.61.160)	C

1	<i>C</i>	<i>Escape 1 (9A.76.110)</i>	<i>C</i>
2	<i>C</i>	<i>Escape 2 (9A.76.120)</i>	<i>C</i>
3	<i>D</i>	<i>Escape 3 (9A.76.130)</i>	<i>E</i>
4	<i>E</i>	<i>Obscene, Harassing, Etc.,</i>	
5		<i>Phone Calls (9.61.230)</i>	<i>E</i>
6	<i>A</i>	<i>Other Offense Equivalent to an</i>	
7		<i>Adult Class A Felony</i>	<i>B+</i>
8	<i>B</i>	<i>Other Offense Equivalent to an</i>	
9		<i>Adult Class B Felony</i>	<i>C</i>
10	<i>C</i>	<i>Other Offense Equivalent to an</i>	
11		<i>Adult Class C Felony</i>	<i>D</i>
12	<i>D</i>	<i>Other Offense Equivalent to an</i>	
13		<i>Adult Gross Misdemeanor</i>	<i>E</i>
14	<i>E</i>	<i>Other Offense Equivalent to an</i>	
15		<i>Adult Misdemeanor</i>	<i>E</i>
16	<i>V</i>	<i>Violation of Order of Restitution,</i>	
17		<i>Community Supervision, or</i>	
18		<i>Confinement (13.40.200)</i>	<i>V</i>

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

21 1st escape or attempted escape during 12-month period - 4 weeks
22 confinement

23 2nd escape or attempted escape during 12-month period - 8 weeks
24 confinement

25 3rd and subsequent escape or attempted escape during 12-month
26 period - 12 weeks confinement

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

29 **SCHEDULE B**

30 **PRIOR OFFENSE INCREASE FACTOR**

31 For use with all CURRENT OFFENSES occurring on or after July 1,
32 1989.

TIME SPAN

<i>OFFENSE</i>	<i>0-12</i>	<i>13-24</i>	<i>25 Months</i>
<i>CATEGORY</i>	<i>Months</i>	<i>Months</i>	<i>or More</i>
<i>A+</i>	<i>.9</i>	<i>.9</i>	<i>.9</i>
<i>A</i>	<i>.9</i>	<i>.8</i>	<i>.6</i>
<i>A-</i>	<i>.9</i>	<i>.8</i>	<i>.5</i>
<i>B+</i>	<i>.9</i>	<i>.7</i>	<i>.4</i>
<i>B</i>	<i>.9</i>	<i>.6</i>	<i>.3</i>
<i>C+</i>	<i>.6</i>	<i>.3</i>	<i>.2</i>
<i>C</i>	<i>.5</i>	<i>.2</i>	<i>.2</i>
<i>D+</i>	<i>.3</i>	<i>.2</i>	<i>.1</i>
<i>D</i>	<i>.2</i>	<i>.1</i>	<i>.1</i>
<i>E</i>	<i>.1</i>	<i>.1</i>	<i>.1</i>

Prior history - Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

SCHEDULE C

CURRENT OFFENSE POINTS

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

AGE

<i>OFFENSE</i>	<i>12 &</i>					
<i>CATEGORY</i>	<i>Under</i>	<i>13</i>	<i>14</i>	<i>15</i>	<i>16</i>	<i>17</i>
<i>A+</i>	<i>STANDARD RANGE 180-224 WEEKS</i>					
<i>A</i>	<i>250</i>	<i>300</i>	<i>350</i>	<i>375</i>	<i>375</i>	<i>375</i>
<i>A-</i>	<i>150</i>	<i>150</i>	<i>150</i>	<i>200</i>	<i>200</i>	<i>200</i>
<i>B+</i>	<i>110</i>	<i>110</i>	<i>120</i>	<i>130</i>	<i>140</i>	<i>150</i>
<i>B</i>	<i>45</i>	<i>45</i>	<i>50</i>	<i>50</i>	<i>57</i>	<i>57</i>
<i>C+</i>	<i>44</i>	<i>44</i>	<i>49</i>	<i>49</i>	<i>55</i>	<i>55</i>
<i>C</i>	<i>40</i>	<i>40</i>	<i>45</i>	<i>45</i>	<i>50</i>	<i>50</i>
<i>D+</i>	<i>16</i>	<i>18</i>	<i>20</i>	<i>22</i>	<i>24</i>	<i>26</i>
<i>D</i>	<i>14</i>	<i>16</i>	<i>18</i>	<i>20</i>	<i>22</i>	<i>24</i>

1

2

JUVENILE SENTENCING STANDARDS

3

SCHEDULE D-1

4 This schedule may only be used for minor/first offenders. After the
5 determination is made that a youth is a minor/first offender, the court
6 has the discretion to select sentencing option A, B, or C.

7

MINOR/FIRST OFFENDER

8

OPTION A

9

STANDARD RANGE

10

Community

11

Community Service

12

Points Supervision Hours Fine

13

.....

14

1-9 0-3 months and/or 0-8 and/or 0-\$10

15

10-19 0-3 months and/or 0-8 and/or 0-\$10

16

20-29 0-3 months and/or 0-16 and/or 0-\$10

17

30-39 0-3 months and/or 8-24 and/or 0-\$25

18

40-49 3-6 months and/or 16-32 and/or 0-\$25

19

50-59 3-6 months and/or 24-40 and/or 0-\$25

20

60-69 6-9 months and/or 32-48 and/or 0-\$50

21

70-79 6-9 months and/or 40-56 and/or 0-\$50

22

80-89 9-12 months and/or 48-64 and/or 10-\$100

23

90-109 9-12 months and/or 56-72 and/or 10-\$100

24

OR

25

OPTION B

26

STATUTORY OPTION

27 0-12 Months Community Supervision

28 0-150 Hours Community Service

29 0-100 Fine

30 Posting of a Probation Bond

31 A term of community supervision with a maximum of 150 hours, \$100.00
32 fine, and 12 months supervision.

1 OR

2 OPTION C

3 MANIFEST INJUSTICE

4 When a term of community supervision would effectuate a manifest
5 injustice, another disposition may be imposed. When a judge imposes a
6 sentence of confinement exceeding 30 days, the court shall sentence the
7 juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall
8 be used to determine the range.

9 JUVENILE SENTENCING STANDARDS

10 SCHEDULE D-2

11 This schedule may only be used for middle offenders. After the
12 determination is made that a youth is a middle offender, the court has
13 the discretion to select sentencing option A, B, or C.

14 MIDDLE OFFENDER

15 OPTION A

16 STANDARD RANGE

	<i>Community Supervision</i>	<i>Community Service Hours</i>	<i>Fine</i>	<i>Confinement Days Weeks</i>	
17					
18					
19	<i>Points</i>				
20				
21	1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
22	10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
23	20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
24	30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
25	40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
26	50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
27	60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
28	70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
29	80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
30	90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30
31	110-129				8-12
32	130-149				13-16
33	150-199				21-28
34	200-249				30-40
35	250-299				52-65
36	300-374				80-100
37	375+				103-129

1 Middle offenders with 110 points or more do not have to be committed.
2 They may be assigned community supervision under option B.
3 All A+ offenses 180-224 weeks

4 **OR**

5 **OPTION B**
6 **STATUTORY OPTION**

7 0-12 Months Community Supervision
8 0-150 Hours Community Service
9 0-100 Fine
10 Posting of a Probation Bond

11 If the offender has less than 110 points, the court may impose a
12 determinate disposition of community supervision and/or up to 30 days
13 confinement; in which case, if confinement has been imposed, the court
14 shall state either aggravating or mitigating factors as set forth in
15 RCW 13.40.150.

16 If the middle offender has 110 points or more, the court may impose
17 a disposition under option A and may suspend the disposition on the
18 condition that the offender serve up to thirty days of confinement and
19 follow all conditions of community supervision. If the offender fails
20 to comply with the terms of community supervision, the court may impose
21 sanctions pursuant to RCW 13.40.200 or may revoke the suspended
22 disposition and order execution of the disposition. If the court
23 imposes confinement for offenders with 110 points or more, the court
24 shall state either aggravating or mitigating factors set forth in RCW
25 13.40.150.

26 **OR**

27 **OPTION C**
28 **MANIFEST INJUSTICE**

29 If the court determines that a disposition under A or B would
30 effectuate a manifest injustice, the court shall sentence the juvenile
31 to a maximum term and the provisions of RCW 13.40.030(2) shall be used
32 to determine the range.

1 **JUVENILE SENTENCING STANDARDS**

2 **SCHEDULE D-3**

3 This schedule may only be used for serious offenders. After the
4 determination is made that a youth is a serious offender, the court has
5 the discretion to select sentencing option A or B.

6 **SERIOUS OFFENDER**

7 **OPTION A**

8 **STANDARD RANGE**

9 *Points* *Institution Time*

10

11	<i>0-129</i>	<i>8-12 weeks</i>
12	<i>130-149</i>	<i>13-16 weeks</i>
13	<i>150-199</i>	<i>21-28 weeks</i>
14	<i>200-249</i>	<i>30-40 weeks</i>
15	<i>250-299</i>	<i>52-65 weeks</i>
16	<i>300-374</i>	<i>80-100 weeks</i>
17	<i>375+</i>	<i>103-129 weeks</i>
18	<i>All A+ Offenses</i>	<i>180-224 weeks</i>

19 **OR**

20 **OPTION B**

21 **MANIFEST INJUSTICE**

22 A disposition outside the standard range shall be determined and shall
23 be comprised of confinement or community supervision including posting
24 a probation bond or a combination thereof. When a judge finds a
25 manifest injustice and imposes a sentence of confinement exceeding 30
26 days, the court shall sentence the juvenile to a maximum term, and the
27 provisions of RCW 13.40.030(2) shall be used to determine the range.

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