
HOUSE BILL 1255

State of Washington

56th Legislature

1999 Regular Session

By Representatives Koster, O'Brien, Ballasiotes, Dunn, Radcliff and Esser

Read first time 01/20/1999. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to motor vehicle theft; amending RCW 9A.56.070,
2 9.94A.360, and 13.40.0357; reenacting and amending RCW 9.94A.320; and
3 prescribing penalties.

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

5 **Sec. 1.** RCW 9A.56.070 and 1975 1st ex.s. c 260 s 9A.56.070 are
6 each amended to read as follows:

7 (1) Every person who shall without the permission of the owner or
8 person entitled to the possession thereof intentionally take or drive
9 away any automobile or motor vehicle, whether propelled by steam,
10 electricity, or internal combustion engine, the property of another,
11 shall be deemed guilty of a felony, and every person voluntarily riding
12 in or upon said automobile or motor vehicle with knowledge of the fact
13 that the same was unlawfully taken shall be equally guilty with the
14 person taking or driving said automobile or motor vehicle and shall be
15 deemed guilty of taking a motor vehicle without permission.

16 (2) Taking a motor vehicle without permission is a class ((E)) B
17 felony.

1 IX Assault of a Child 2 (RCW 9A.36.130)
2 Robbery 1 (RCW 9A.56.200)
3 Explosive devices prohibited (RCW
4 70.74.180)
5 Malicious placement of an explosive 2 (RCW
6 70.74.270(2))
7 Over 18 and deliver narcotic from Schedule
8 III, IV, or V or a nonnarcotic, except
9 flunitrazepam, from Schedule I-V to
10 someone under 18 and 3 years junior
11 (RCW 69.50.406)
12 Controlled Substance Homicide (RCW
13 69.50.415)
14 Sexual Exploitation (RCW 9.68A.040)
15 Inciting Criminal Profiteering (RCW
16 9A.82.060(1)(b))
17 Vehicular Homicide, by being under the
18 influence of intoxicating liquor or
19 any drug (RCW 46.61.520)
20 Homicide by Watercraft, by being under the
21 influence of intoxicating liquor or
22 any drug (RCW 88.12.029)

23 VIII Arson 1 (RCW 9A.48.020)
24 Promoting Prostitution 1 (RCW 9A.88.070)
25 Selling for profit (controlled or
26 counterfeit) any controlled substance
27 (RCW 69.50.410)
28 Manufacture, deliver, or possess with
29 intent to deliver heroin or cocaine
30 (RCW 69.50.401(a)(1)(i))
31 Deliver or possess with intent to deliver
32 methamphetamine (RCW
33 69.50.401(a)(1)(ii))
34 Manufacture, deliver, or possess with
35 intent to deliver amphetamine (RCW
36 69.50.401(a)(1)(ii))
37 Possession of ephedrine or pseudoephedrine
38 with intent to manufacture
39 methamphetamine (RCW 69.50.440)

1 Vehicular Homicide, by the operation of any
2 vehicle in a reckless manner (RCW
3 46.61.520)
4 Homicide by Watercraft, by the operation of
5 any vessel in a reckless manner (RCW
6 88.12.029)
7 Manslaughter 2 (RCW 9A.32.070)

8 VII Burglary 1 (RCW 9A.52.020)
9 Vehicular Homicide, by disregard for the
10 safety of others (RCW 46.61.520)
11 Homicide by Watercraft, by disregard for
12 the safety of others (RCW 88.12.029)
13 Introducing Contraband 1 (RCW 9A.76.140)
14 Indecent Liberties (without forcible
15 compulsion) (RCW 9A.44.100(1) (b) and
16 (c))
17 Child Molestation 2 (RCW 9A.44.086)
18 Dealing in depictions of minor engaged in
19 sexually explicit conduct (RCW
20 9.68A.050)
21 Sending, bringing into state depictions of
22 minor engaged in sexually explicit
23 conduct (RCW 9.68A.060)
24 Involving a minor in drug dealing (RCW
25 69.50.401(f))
26 Drive-by Shooting (RCW 9A.36.045)
27 Unlawful Possession of a Firearm in the
28 first degree (RCW 9.41.040(1)(a))
29 Malicious placement of an explosive 3 (RCW
30 70.74.270(3))

31 VI Bribery (RCW 9A.68.010)
32 Rape of a Child 3 (RCW 9A.44.079)
33 Intimidating a Juror/Witness (RCW
34 9A.72.110, 9A.72.130)
35 Malicious placement of an imitation device
36 2 (RCW 70.74.272(1)(b))
37 Incest 1 (RCW 9A.64.020(1))

1 Manufacture, deliver, or possess with
2 intent to deliver narcotics from
3 Schedule I or II (except heroin or
4 cocaine) or flunitrazepam from
5 Schedule IV (RCW 69.50.401(a)(1)(i))
6 Intimidating a Judge (RCW 9A.72.160)
7 Bail Jumping with Murder 1 (RCW
8 9A.76.170(2)(a))
9 Theft of a Firearm (RCW 9A.56.300)

10 V Persistent prison misbehavior (RCW
11 9.94.070)
12 Criminal Mistreatment 1 (RCW 9A.42.020)
13 Abandonment of dependent person 1 (RCW
14 9A.42.060)
15 Rape 3 (RCW 9A.44.060)
16 Sexual Misconduct with a Minor 1 (RCW
17 9A.44.093)
18 Child Molestation 3 (RCW 9A.44.089)
19 Kidnapping 2 (RCW 9A.40.030)
20 Extortion 1 (RCW 9A.56.120)
21 Incest 2 (RCW 9A.64.020(2))
22 Perjury 1 (RCW 9A.72.020)
23 Extortionate Extension of Credit (RCW
24 9A.82.020)
25 Advancing money or property for
26 extortionate extension of credit (RCW
27 9A.82.030)
28 Extortionate Means to Collect Extensions of
29 Credit (RCW 9A.82.040)
30 Rendering Criminal Assistance 1 (RCW
31 9A.76.070)
32 Bail Jumping with class A Felony (RCW
33 9A.76.170(2)(b))
34 Sexually Violating Human Remains (RCW
35 9A.44.105)
36 Delivery of imitation controlled substance
37 by person eighteen or over to person
38 under eighteen (RCW 69.52.030(2))

1 Possession of a Stolen Firearm (RCW
2 9A.56.310)

3 IV Residential Burglary (RCW 9A.52.025)
4 Theft of Livestock 1 (RCW 9A.56.080)
5 Robbery 2 (RCW 9A.56.210)
6 Assault 2 (RCW 9A.36.021)
7 Escape 1 (RCW 9A.76.110)
8 Arson 2 (RCW 9A.48.030)
9 Commercial Bribery (RCW 9A.68.060)
10 Bribing a Witness/Bribe Received by Witness
11 (RCW 9A.72.090, 9A.72.100)
12 Malicious Harassment (RCW 9A.36.080)
13 Threats to Bomb (RCW 9.61.160)
14 Willful Failure to Return from Furlough
15 (RCW 72.66.060)
16 Hit and Run--Injury Accident (RCW
17 46.52.020(4))
18 Hit and Run with Vessel--Injury Accident
19 (RCW 88.12.155(3))
20 Vehicular Assault (RCW 46.61.522)
21 Assault by Watercraft (RCW 88.12.032)
22 Manufacture, deliver, or possess with
23 intent to deliver narcotics from
24 Schedule III, IV, or V or nonnarcotics
25 from Schedule I-V (except marijuana,
26 amphetamine, methamphetamines, or
27 flunitrazepam) (RCW 69.50.401(a)(1)
28 (iii) through (v))
29 Influencing Outcome of Sporting Event (RCW
30 9A.82.070)
31 Use of Proceeds of Criminal Profiteering
32 (RCW 9A.82.080 (1) and (2))
33 Knowingly Trafficking in Stolen Property
34 (RCW 9A.82.050(2))

1 III Criminal Gang Intimidation (RCW 9A.46.120)
2 Criminal Mistreatment 2 (RCW 9A.42.030)
3 Abandonment of dependent person 2 (RCW
4 9A.42.070)
5 Extortion 2 (RCW 9A.56.130)
6 Unlawful Imprisonment (RCW 9A.40.040)
7 Assault 3 (RCW 9A.36.031)
8 Assault of a Child 3 (RCW 9A.36.140)
9 Custodial Assault (RCW 9A.36.100)
10 Unlawful possession of firearm in the
11 second degree (RCW 9.41.040(1)(b))
12 Harassment (RCW 9A.46.020)
13 Promoting Prostitution 2 (RCW 9A.88.080)
14 Willful Failure to Return from Work Release
15 (RCW 72.65.070)
16 Burglary 2 (RCW 9A.52.030)
17 Introducing Contraband 2 (RCW 9A.76.150)
18 Communication with a Minor for Immoral
19 Purposes (RCW 9.68A.090)
20 Patronizing a Juvenile Prostitute (RCW
21 9.68A.100)
22 Escape 2 (RCW 9A.76.120)
23 Perjury 2 (RCW 9A.72.030)
24 Bail Jumping with class B or C Felony (RCW
25 9A.76.170(2)(c))
26 Intimidating a Public Servant (RCW
27 9A.76.180)
28 Tampering with a Witness (RCW 9A.72.120)
29 Manufacture, deliver, or possess with
30 intent to deliver marijuana (RCW
31 69.50.401(a)(1)(iii))
32 Delivery of a material in lieu of a
33 controlled substance (RCW
34 69.50.401(c))
35 Manufacture, distribute, or possess with
36 intent to distribute an imitation
37 controlled substance (RCW
38 69.52.030(1))

1 Recklessly Trafficking in Stolen Property
2 (RCW 9A.82.050(1))
3 Theft of livestock 2 (RCW 9A.56.080)
4 Securities Act violation (RCW 21.20.400)

5 II Unlawful Practice of Law (RCW 2.48.180)
6 Malicious Mischief 1 (RCW 9A.48.070)
7 Possession of Stolen Property 1 (RCW
8 9A.56.150)
9 Theft 1 (RCW 9A.56.030)
10 Taking Motor Vehicle Without Permission
11 (RCW 9A.56.070)
12 Class B Felony Theft of Rental, Leased, or
13 Lease-purchased Property (RCW
14 9A.56.096(4))
15 Trafficking in Insurance Claims (RCW
16 48.30A.015)
17 Unlicensed Practice of a Profession or
18 Business (RCW 18.130.190(7))
19 Health Care False Claims (RCW 48.80.030)
20 Possession of controlled substance that is
21 either heroin or narcotics from
22 Schedule I or II or flunitrazepam from
23 Schedule IV (RCW 69.50.401(d))
24 Possession of phencyclidine (PCP) (RCW
25 69.50.401(d))
26 Create, deliver, or possess a counterfeit
27 controlled substance (RCW
28 69.50.401(b))
29 Computer Trespass 1 (RCW 9A.52.110)
30 Escape from Community Custody (RCW
31 72.09.310)

32 I Theft 2 (RCW 9A.56.040)
33 Class C Felony Theft of Rental, Leased, or
34 Lease-purchased Property (RCW
35 9A.56.096(4))
36 Possession of Stolen Property 2 (RCW
37 9A.56.160)
38 Forgery (RCW 9A.60.020)

1 (~~(Taking Motor Vehicle Without Permission~~
2 ~~(RCW 9A.56.070))~~)
3 Vehicle Prowl 1 (RCW 9A.52.095)
4 Attempting to Elude a Pursuing Police
5 Vehicle (RCW 46.61.024)
6 Malicious Mischief 2 (RCW 9A.48.080)
7 Reckless Burning 1 (RCW 9A.48.040)
8 Unlawful Issuance of Checks or Drafts (RCW
9 9A.56.060)
10 Unlawful Use of Food Stamps (RCW 9.91.140
11 (2) and (3))
12 False Verification for Welfare (RCW
13 74.08.055)
14 Forged Prescription (RCW 69.41.020)
15 Forged Prescription for a Controlled
16 Substance (RCW 69.50.403)
17 Possess Controlled Substance that is a
18 Narcotic from Schedule III, IV, or V
19 or Non-narcotic from Schedule I-V
20 (except phencyclidine or
21 flunitrazepam) (RCW 69.50.401(d))

22 **Sec. 3.** RCW 9.94A.360 and 1998 c 211 s 4 are each amended to read
23 as follows:

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

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

28 (1) A prior conviction is a conviction which exists before the date
29 of sentencing for the offense for which the offender score is being
30 computed. Convictions entered or sentenced on the same date as the
31 conviction for which the offender score is being computed shall be
32 deemed "other current offenses" within the meaning of RCW 9.94A.400.

33 (2) Class A and sex prior felony convictions shall always be
34 included in the offender score. Class B prior felony convictions other
35 than sex offenses shall not be included in the offender score, if since
36 the last date of release from confinement (including full-time
37 residential treatment) pursuant to a felony conviction, if any, or
38 entry of judgment and sentence, the offender had spent ten consecutive

1 years in the community without committing any crime that subsequently
2 results in a conviction. Class C prior felony convictions other than
3 sex offenses shall not be included in the offender score if, since the
4 last date of release from confinement (including full-time residential
5 treatment) pursuant to a felony conviction, if any, or entry of
6 judgment and sentence, the offender had spent five consecutive years in
7 the community without committing any crime that subsequently results in
8 a conviction. Serious traffic convictions shall not be included in the
9 offender score if, since the last date of release from confinement
10 (including full-time residential treatment) pursuant to a felony
11 conviction, if any, or entry of judgment and sentence, the offender
12 spent five years in the community without committing any crime that
13 subsequently results in a conviction. This subsection applies to both
14 adult and juvenile prior convictions.

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

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

27 (5)(a) In the case of multiple prior convictions, for the purpose
28 of computing the offender score, count all convictions separately,
29 except:

30 (i) Prior offenses which were found, under RCW 9.94A.400(1)(a), to
31 encompass the same criminal conduct, shall be counted as one offense,
32 the offense that yields the highest offender score. The current
33 sentencing court shall determine with respect to other prior adult
34 offenses for which sentences were served concurrently or prior juvenile
35 offenses for which sentences were served consecutively, whether those
36 offenses shall be counted as one offense or as separate offenses using
37 the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and
38 if the court finds that they shall be counted as one offense, then the
39 offense that yields the highest offender score shall be used. The

1 current sentencing court may presume that such other prior offenses
2 were not the same criminal conduct from sentences imposed on separate
3 dates, or in separate counties or jurisdictions, or in separate
4 complaints, indictments, or informations;

5 (ii) In the case of multiple prior convictions for offenses
6 committed before July 1, 1986, for the purpose of computing the
7 offender score, count all adult convictions served concurrently as one
8 offense, and count all juvenile convictions entered on the same date as
9 one offense. Use the conviction for the offense that yields the
10 highest offender score.

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

17 (6) If the present conviction is one of the anticipatory offenses
18 of criminal attempt, solicitation, or conspiracy, count each prior
19 conviction as if the present conviction were for a completed offense.

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

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

30 (9) If the present conviction is for Murder 1 or 2, Assault 1,
31 Assault of a Child 1, Kidnapping 1, Homicide by Abuse, or Rape 1, count
32 three points for prior adult and juvenile convictions for crimes in
33 these categories, two points for each prior adult and juvenile violent
34 conviction (not already counted), one point for each prior adult
35 nonviolent felony conviction, and 1/2 point for each prior juvenile
36 nonviolent felony conviction.

37 (10) If the present conviction is for Burglary 1, count prior
38 convictions as in subsection (8) of this section; however count two
39 points for each prior adult Burglary 2 or residential burglary

1 conviction, and one point for each prior juvenile Burglary 2 or
2 residential burglary conviction.

3 (11) If the present conviction is for a felony traffic offense
4 count two points for each adult or juvenile prior conviction for
5 Vehicular Homicide or Vehicular Assault; for each felony offense or
6 serious traffic offense, count one point for each adult and 1/2 point
7 for each juvenile prior conviction. This subsection shall not apply
8 when additional time is added to a sentence pursuant to RCW
9 46.61.520(2).

10 (12) If the present conviction is for a drug offense count three
11 points for each adult prior felony drug offense conviction and two
12 points for each juvenile drug offense. All other adult and juvenile
13 felonies are scored as in subsection (8) of this section if the current
14 drug offense is violent, or as in subsection (7) of this section if the
15 current drug offense is nonviolent.

16 (13) If the present conviction is for Willful Failure to Return
17 from Furlough, RCW 72.66.060, Willful Failure to Return from Work
18 Release, RCW 72.65.070, or Escape from Community Custody, RCW
19 72.09.310, count only prior escape convictions in the offender score.
20 Count adult prior escape convictions as one point and juvenile prior
21 escape convictions as 1/2 point.

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

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

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

34 (17) If the present conviction is for taking a motor vehicle
35 without permission, count two points for each prior adult and juvenile
36 conviction for this offense.

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

1 **Sec. 4.** RCW 13.40.0357 and 1998 c 290 s 5 are each amended to read
 2 as follows:

3 **DESCRIPTION AND OFFENSE CATEGORY**

4	JUVENILE		JUVENILE DISPOSITION
5	DISPOSITION		CATEGORY FOR ATTEMPT,
6	OFFENSE		BAILJUMP, CONSPIRACY,
7	CATEGORY	DESCRIPTION (RCW CITATION)	OR SOLICITATION
8		

9 **Arson and Malicious Mischief**

10	A	Arson 1 (9A.48.020)	B+
11	B	Arson 2 (9A.48.030)	C
12	C	Reckless Burning 1 (9A.48.040)	D
13	D	Reckless Burning 2 (9A.48.050)	E
14	B	Malicious Mischief 1 (9A.48.070)	C
15	C	Malicious Mischief 2 (9A.48.080)	D
16	D	Malicious Mischief 3 (<\$50 is	
17		E class) (9A.48.090)	E
18	E	Tampering with Fire Alarm	
19		Apparatus (9.40.100)	E
20	A	Possession of Incendiary Device	
21		(9.40.120)	B+

22 **Assault and Other Crimes**

23 **Involving Physical Harm**

24	A	Assault 1 (9A.36.011)	B+
25	B+	Assault 2 (9A.36.021)	C+
26	C+	Assault 3 (9A.36.031)	D+
27	D+	Assault 4 (9A.36.041)	E
28	B+	Drive-By Shooting	
29		(9A.36.045)	C+
30	D+	Reckless Endangerment	
31		(9A.36.050)	E
32	C+	Promoting Suicide Attempt	
33		(9A.36.060)	D+
34	D+	Coercion (9A.36.070)	E
35	C+	Custodial Assault (9A.36.100)	D+

36 **Burglary and Trespass**

37	B+	Burglary 1 (9A.52.020)	C+
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1	B	Residential Burglary	
2		(9A.52.025)	C
3	B	Burglary 2 (9A.52.030)	C
4	D	Burglary Tools (Possession of)	
5		(9A.52.060)	E
6	D	Criminal Trespass 1 (9A.52.070)	E
7	E	Criminal Trespass 2 (9A.52.080)	E
8	C	Vehicle Prowling 1 (9A.52.095)	D
9	D	Vehicle Prowling 2 (9A.52.100)	E
10		Drugs	
11	E	Possession/Consumption of Alcohol	
12		(66.44.270)	E
13	C	Illegally Obtaining Legend Drug	
14		(69.41.020)	D
15	C+	Sale, Delivery, Possession of Legend	
16		Drug with Intent to Sell	
17		(69.41.030)	D+
18	E	Possession of Legend Drug	
19		(69.41.030)	E
20	B+	Violation of Uniform Controlled	
21		Substances Act - Narcotic,	
22		Methamphetamine, or Flunitrazepam	
23		Sale (69.50.401(a)(1) (i) or (ii))	B+
24	C	Violation of Uniform Controlled	
25		Substances Act - Nonnarcotic Sale	
26		(69.50.401(a)(1)(iii))	C
27	E	Possession of Marihuana <40 grams	
28		(69.50.401(e))	E
29	C	Fraudulently Obtaining Controlled	
30		Substance (69.50.403)	C
31	C+	Sale of Controlled Substance	
32		for Profit (69.50.410)	C+
33	E	Unlawful Inhalation (9.47A.020)	E
34	B	Violation of Uniform Controlled	
35		Substances Act - Narcotic,	
36		Methamphetamine, or Flunitrazepam	
37		Counterfeit Substances	
38		(69.50.401(b)(1) (i) or (ii))	B

1	C	Violation of Uniform Controlled	
2		Substances Act - Nonnarcotic	
3		Counterfeit Substances	
4		(69.50.401(b)(1) (iii), (iv), (v))	C
5	C	Violation of Uniform Controlled	
6		Substances Act - Possession of a	
7		Controlled Substance	
8		(69.50.401(d))	C
9	C	Violation of Uniform Controlled	
10		Substances Act - Possession of a	
11		Controlled Substance	
12		(69.50.401(c))	C
13		Firearms and Weapons	
14	B	Theft of Firearm (9A.56.300)	C
15	B	Possession of Stolen Firearm	
16		(9A.56.310)	C
17	E	Carrying Loaded Pistol Without	
18		Permit (9.41.050)	E
19	C	Possession of Firearms by Minor (<18)	
20		(9.41.040(1)(b)(iii))	C
21	D+	Possession of Dangerous Weapon	
22		(9.41.250)	E
23	D	Intimidating Another Person by use	
24		of 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	
35		(9A.40.040)	D+

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

1	A-	Child Molestation 1 (9A.44.083)	B+
2	B	Child Molestation 2 (9A.44.086)	C+
3		Theft, Robbery, Extortion, and Forgery	
4	B	Theft 1 (9A.56.030)	C
5	C	Theft 2 (9A.56.040)	D
6	D	Theft 3 (9A.56.050)	E
7	B	Theft of Livestock (9A.56.080)	C
8	C	Forgery (9A.60.020)	D
9	A	Robbery 1 (9A.56.200)	B+
10	B+	Robbery 2 (9A.56.210)	C+
11	B+	Extortion 1 (9A.56.120)	C+
12	C+	Extortion 2 (9A.56.130)	D+
13	B	Possession of Stolen Property 1	
14		(9A.56.150)	C
15	C	Possession of Stolen Property 2	
16		(9A.56.160)	D
17	D	Possession of Stolen Property 3	
18		(9A.56.170)	E
19	((€))		
20	<u>B</u>	Taking Motor Vehicle Without	
21		Owner's Permission (9A.56.070)	((Ⓓ))
22			<u>C</u>
23		Motor Vehicle Related Crimes	
24	E	Driving Without a License	
25		(46.20.005)	E
26	C	Hit and Run - Injury	
27		(46.52.020(4))	D
28	D	Hit and Run-Attended	
29		(46.52.020(5))	E
30	E	Hit and Run-Unattended	
31		(46.52.010)	E
32	C	Vehicular Assault (46.61.522)	D
33	C	Attempting to Elude Pursuing	
34		Police Vehicle (46.61.024)	D
35	E	Reckless Driving (46.61.500)	E
36	D	Driving While Under the Influence	
37		(46.61.502 and 46.61.504)	E

1		Other	
2	B	Bomb Threat (9.61.160)	C
3	C	Escape 1 (9A.76.110)	C
4	C	Escape 2 (9A.76.120)	C
5	D	Escape 3 (9A.76.130)	E
6	E	Obscene, Harassing, Etc.,	
7		Phone Calls (9.61.230)	E
8	A	Other Offense Equivalent to an	
9		Adult Class A Felony	B+
10	B	Other Offense Equivalent to an	
11		Adult Class B Felony	C
12	C	Other Offense Equivalent to an	
13		Adult Class C Felony	D
14	D	Other Offense Equivalent to an	
15		Adult Gross Misdemeanor	E
16	E	Other Offense Equivalent to an	
17		Adult Misdemeanor	E
18	V	Violation of Order of Restitution,	
19		Community Supervision, or	
20		Confinement (13.40.200)	V

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

23 1st escape or attempted escape during 12-month period - 4 weeks
24 confinement

25 2nd escape or attempted escape during 12-month period - 8 weeks
26 confinement

27 3rd and subsequent escape or attempted escape during 12-month
28 period - 12 weeks confinement

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

31 **JUVENILE SENTENCING STANDARDS**

32 This schedule must be used for juvenile offenders. The court may
33 select sentencing option A, B, or C.

OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE

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	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	
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	103-129 WEEKS	
	C+	LS	15-36 WEEKS	52-65 WEEKS	103-129 WEEKS	
	C	LS	Local Sanctions: 0 to 30 Days	15-36 WEEKS	103-129 WEEKS	
	D+	LS	0 to 12 Months Community Supervision 0 to 150 Hours Community Service	15-36 WEEKS	103-129 WEEKS	
	D	LS	\$0 to \$500 Fine	15-36 WEEKS	103-129 WEEKS	
	E	LS		15-36 WEEKS	103-129 WEEKS	
		0	1	2	3	4 or more
		PRIOR ADJUDICATIONS				

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

38 (1) The vertical axis of the grid is the current offense category.
39 The current offense category is determined by the offense of
40 adjudication.

41 (2) The horizontal axis of the grid is the number of prior
42 adjudications included in the juvenile's criminal history. Each prior
43 felony adjudication shall count as one point. Each prior violation,

1 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
2 point. Fractional points shall be rounded down.

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

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

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

11 **OR**

12 **OPTION B**

13 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

14 If the juvenile offender is subject to a standard range
15 disposition of local sanctions or 15 to 36 weeks of confinement and has
16 not committed an A- or B+ offense, the court may impose a disposition
17 under RCW 13.40.160(5) and 13.40.165.

18 **OR**

19 **OPTION C**

20 **MANIFEST INJUSTICE**

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

--- END ---