

1 **2SHB 2507** - H AMD

2 By Representative \_\_\_\_

3 On page 1, beginning on line 7, strike all material through line  
4 8 on page 23 and insert the following: "(1) (~~Every person who shall~~)  
5 (a) A person is guilty of taking a motor vehicle without permission in  
6 the first degree if he or she, without the permission of the owner or  
7 person entitled to possession, intentionally takes or drives away an  
8 automobile or motor vehicle, whether propelled by steam, electricity,  
9 or internal combustion engine, that is the property of another, and he  
10 or she:

11 (i) Alters the motor vehicle for the purpose of changing its  
12 appearance or primary identification, including obscuring, removing, or  
13 changing the manufacturer's serial number or the vehicle identification  
14 number plates;

15 (ii) Removes, or participates in the removal of, parts from the  
16 motor vehicle with the intent to sell the parts;

17 (iii) Exports, or attempts to export, the motor vehicle across  
18 state lines or out of the United States for profit;

19 (iv) Intends to sell the motor vehicle; or

20 (v) Is engaged in a conspiracy and the central object of the  
21 conspiratorial agreement is the theft of motor vehicles for sale to  
22 others for profit.

23 (b) Taking a motor vehicle without permission in the first degree  
24 is a class B felony.

25 (2)(a) A person is guilty of taking a motor vehicle without  
26 permission in the second degree if he or she, without the permission  
27 of the owner or person entitled to ((the)) possession ((thereof)),  
28 intentionally takes or drives away any automobile or motor vehicle,  
29 whether propelled by steam, electricity, or internal combustion engine,  
30 that is the property of another, ((shall be deemed guilty of a felony,  
31 and every person)) or he or she voluntarily ((riding)) rides in or upon  
32 ((said)) the automobile or motor vehicle with knowledge of the fact  
33 that the ((same)) automobile or motor vehicle was unlawfully taken  
34 ((shall be equally guilty with the person taking or driving said  
35 automobile or motor vehicle and shall be deemed guilty of taking a  
36 motor vehicle without permission)).



1 Kidnapping 1 (RCW 9A.40.020)  
2 Leading Organized Crime (RCW  
3 9A.82.060(1)(a))  
4 Malicious explosion 3 (RCW 70.74.280(3))  
5 Manufacture of methamphetamine (RCW  
6 69.50.401(a)(1)(ii))  
7 Over 18 and deliver heroin,  
8 methamphetamine, a narcotic from  
9 Schedule I or II, or flunitrazepam  
10 from Schedule IV to someone under 18  
11 (RCW 69.50.406)  
12 Sexually Violent Predator Escape (RCW  
13 9A.76.115)

14 IX Assault of a Child 2 (RCW 9A.36.130)  
15 Controlled Substance Homicide (RCW  
16 69.50.415)  
17 Explosive devices prohibited (RCW  
18 70.74.180)  
19 Hit and Run--Death (RCW 46.52.020(4)(a))  
20 Homicide by Watercraft, by being under the  
21 influence of intoxicating liquor or  
22 any drug (RCW 79A.60.050)  
23 Inciting Criminal Profiteering (RCW  
24 9A.82.060(1)(b))  
25 Malicious placement of an explosive 2 (RCW  
26 70.74.270(2))  
27 Over 18 and deliver narcotic from Schedule  
28 III, IV, or V or a nonnarcotic, except  
29 flunitrazepam or methamphetamine, from  
30 Schedule I-V to someone under 18 and 3  
31 years junior (RCW 69.50.406)  
32 Robbery 1 (RCW 9A.56.200)  
33 Sexual Exploitation (RCW 9.68A.040)  
34 Vehicular Homicide, by being under the  
35 influence of intoxicating liquor or  
36 any drug (RCW 46.61.520)

37 VIII Arson 1 (RCW 9A.48.020)

1 Deliver or possess with intent to deliver  
2 methamphetamine (RCW  
3 69.50.401(a)(1)(ii))  
4 Homicide by Watercraft, by the operation of  
5 any vessel in a reckless manner (RCW  
6 79A.60.050)  
7 Manslaughter 2 (RCW 9A.32.070)  
8 Manufacture, deliver, or possess with  
9 intent to deliver amphetamine (RCW  
10 69.50.401(a)(1)(ii))  
11 Manufacture, deliver, or possess with  
12 intent to deliver heroin or cocaine  
13 (RCW 69.50.401(a)(1)(i))  
14 Possession of Ephedrine, Pseudoephedrine,  
15 or Anhydrous Ammonia with intent to  
16 manufacture methamphetamine (RCW  
17 69.50.440)  
18 Promoting Prostitution 1 (RCW 9A.88.070)  
19 Selling for profit (controlled or  
20 counterfeit) any controlled substance  
21 (RCW 69.50.410)  
22 Theft of Anhydrous Ammonia (RCW 69.55.010)  
23 Vehicular Homicide, by the operation of any  
24 vehicle in a reckless manner (RCW  
25 46.61.520)  
26 VII Burglary 1 (RCW 9A.52.020)  
27 Child Molestation 2 (RCW 9A.44.086)  
28 Dealing in depictions of minor engaged in  
29 sexually explicit conduct (RCW  
30 9.68A.050)  
31 Drive-by Shooting (RCW 9A.36.045)  
32 Homicide by Watercraft, by disregard for  
33 the safety of others (RCW 79A.60.050)  
34 Indecent Liberties (without forcible  
35 compulsion) (RCW 9A.44.100(1) (b) and  
36 (c))  
37 Introducing Contraband 1 (RCW 9A.76.140)  
38 Involving a minor in drug dealing (RCW  
39 69.50.401(f))

1 Malicious placement of an explosive 3 (RCW  
2 70.74.270(3))  
3 Sending, bringing into state depictions of  
4 minor engaged in sexually explicit  
5 conduct (RCW 9.68A.060)  
6 Unlawful Possession of a Firearm in the  
7 first degree (RCW 9.41.040(1)(a))  
8 Use of a Machine Gun in Commission of a  
9 Felony (RCW 9.41.225)  
10 Vehicular Homicide, by disregard for the  
11 safety of others (RCW 46.61.520)

12 VI Bail Jumping with Murder 1 (RCW  
13 9A.76.170(3)(a))  
14 Bribery (RCW 9A.68.010)  
15 Incest 1 (RCW 9A.64.020(1))  
16 Intimidating a Judge (RCW 9A.72.160)  
17 Intimidating a Juror/Witness (RCW  
18 9A.72.110, 9A.72.130)  
19 Malicious placement of an imitation device  
20 2 (RCW 70.74.272(1)(b))  
21 Manufacture, deliver, or possess with  
22 intent to deliver narcotics from  
23 Schedule I or II (except heroin or  
24 cocaine) or flunitrazepam from  
25 Schedule IV (RCW 69.50.401(a)(1)(i))  
26 Rape of a Child 3 (RCW 9A.44.079)  
27 Theft of a Firearm (RCW 9A.56.300)  
28 Unlawful Storage of Anhydrous Ammonia (RCW  
29 69.55.020)

30 V Abandonment of dependent person 1 (RCW  
31 9A.42.060)  
32 Advancing money or property for  
33 extortionate extension of credit (RCW  
34 9A.82.030)  
35 Bail Jumping with class A Felony (RCW  
36 9A.76.170(3)(b))  
37 Child Molestation 3 (RCW 9A.44.089)  
38 Criminal Mistreatment 1 (RCW 9A.42.020)

1 Custodial Sexual Misconduct 1 (RCW  
2 9A.44.160)  
3 Delivery of imitation controlled substance  
4 by person eighteen or over to person  
5 under eighteen (RCW 69.52.030(2))  
6 Domestic Violence Court Order Violation  
7 (RCW 10.99.040, 10.99.050, 26.09.300,  
8 26.10.220, 26.26.138, 26.50.110,  
9 26.52.070, or 74.34.145)  
10 Extortion 1 (RCW 9A.56.120)  
11 Extortionate Extension of Credit (RCW  
12 9A.82.020)  
13 Extortionate Means to Collect Extensions of  
14 Credit (RCW 9A.82.040)  
15 Incest 2 (RCW 9A.64.020(2))  
16 Kidnapping 2 (RCW 9A.40.030)  
17 Perjury 1 (RCW 9A.72.020)  
18 Persistent prison misbehavior (RCW  
19 9.94.070)  
20 Possession of a Stolen Firearm (RCW  
21 9A.56.310)  
22 Rape 3 (RCW 9A.44.060)  
23 Rendering Criminal Assistance 1 (RCW  
24 9A.76.070)  
25 Sexual Misconduct with a Minor 1 (RCW  
26 9A.44.093)  
27 Sexually Violating Human Remains (RCW  
28 9A.44.105)  
29 Stalking (RCW 9A.46.110)  
30 Taking Motor Vehicle Without Permission 1  
31 (RCW 9A.56.070(1))  
32 IV Arson 2 (RCW 9A.48.030)  
33 Assault 2 (RCW 9A.36.021)  
34 Assault by Watercraft (RCW 79A.60.060)  
35 Bribing a Witness/Bribe Received by Witness  
36 (RCW 9A.72.090, 9A.72.100)  
37 Commercial Bribery (RCW 9A.68.060)  
38 Counterfeiting (RCW 9.16.035(4))  
39 Escape 1 (RCW 9A.76.110)

1 Hit and Run--Injury (RCW 46.52.020(4)(b))  
2 Hit and Run with Vessel--Injury Accident  
3 (RCW 79A.60.200(3))  
4 Identity Theft 1 (RCW 9.35.020(2)(a))  
5 Indecent Exposure to Person Under Age  
6 Fourteen (subsequent sex offense) (RCW  
7 9A.88.010)  
8 Influencing Outcome of Sporting Event (RCW  
9 9A.82.070)  
10 Knowingly Trafficking in Stolen Property  
11 (RCW 9A.82.050(2))  
12 Malicious Harassment (RCW 9A.36.080)  
13 Manufacture, deliver, or possess with  
14 intent to deliver narcotics from  
15 Schedule III, IV, or V or nonnarcotics  
16 from Schedule I-V (except marijuana,  
17 amphetamine, methamphetamines, or  
18 flunitrazepam) (RCW 69.50.401(a)(1)  
19 (iii) through (v))  
20 Residential Burglary (RCW 9A.52.025)  
21 Robbery 2 (RCW 9A.56.210)  
22 Theft of Livestock 1 (RCW 9A.56.080)  
23 Threats to Bomb (RCW 9.61.160)  
24 Use of Proceeds of Criminal Profiteering  
25 (RCW 9A.82.080 (1) and (2))  
26 Vehicular Assault, by being under the  
27 influence of intoxicating liquor or  
28 any drug, or by the operation or  
29 driving of a vehicle in a reckless  
30 manner (RCW 46.61.522)  
31 Willful Failure to Return from Furlough  
32 (RCW 72.66.060)

33 III Abandonment of dependent person 2 (RCW  
34 9A.42.070)  
35 Assault 3 (RCW 9A.36.031)  
36 Assault of a Child 3 (RCW 9A.36.140)  
37 Bail Jumping with class B or C Felony (RCW  
38 9A.76.170(3)(c))  
39 Burglary 2 (RCW 9A.52.030)

1 Communication with a Minor for Immoral  
2 Purposes (RCW 9.68A.090)  
3 Criminal Gang Intimidation (RCW 9A.46.120)  
4 Criminal Mistreatment 2 (RCW 9A.42.030)  
5 Custodial Assault (RCW 9A.36.100)  
6 Delivery of a material in lieu of a  
7 controlled substance (RCW  
8 69.50.401(c))  
9 Escape 2 (RCW 9A.76.120)  
10 Extortion 2 (RCW 9A.56.130)  
11 Harassment (RCW 9A.46.020)  
12 Intimidating a Public Servant (RCW  
13 9A.76.180)  
14 Introducing Contraband 2 (RCW 9A.76.150)  
15 Maintaining a Dwelling or Place for  
16 Controlled Substances (RCW  
17 69.50.402(a)(6))  
18 Malicious Injury to Railroad Property (RCW  
19 81.60.070)  
20 Manufacture, deliver, or possess with  
21 intent to deliver marijuana (RCW  
22 69.50.401(a)(1)(iii))  
23 Manufacture, distribute, or possess with  
24 intent to distribute an imitation  
25 controlled substance (RCW  
26 69.52.030(1))  
27 Patronizing a Juvenile Prostitute (RCW  
28 9.68A.100)  
29 Perjury 2 (RCW 9A.72.030)  
30 Possession of Incendiary Device (RCW  
31 9.40.120)  
32 Possession of Machine Gun or Short-Barreled  
33 Shotgun or Rifle (RCW 9.41.190)  
34 Promoting Prostitution 2 (RCW 9A.88.080)  
35 Recklessly Trafficking in Stolen Property  
36 (RCW 9A.82.050(1))  
37 Securities Act violation (RCW 21.20.400)  
38 Tampering with a Witness (RCW 9A.72.120)

1 Telephone Harassment (subsequent conviction  
2 or threat of death) (RCW 9.61.230)  
3 Theft of Livestock 2 (RCW 9A.56.080)  
4 Unlawful Imprisonment (RCW 9A.40.040)  
5 Unlawful possession of firearm in the  
6 second degree (RCW 9.41.040(1)(b))  
7 Unlawful Use of Building for Drug Purposes  
8 (RCW 69.53.010)  
9 Vehicular Assault, by the operation or  
10 driving of a vehicle with disregard  
11 for the safety of others (RCW  
12 46.61.522)  
13 Willful Failure to Return from Work Release  
14 (RCW 72.65.070)

15 II Computer Trespass 1 (RCW 9A.52.110)  
16 Counterfeiting (RCW 9.16.035(3))  
17 Create, deliver, or possess a counterfeit  
18 controlled substance (RCW  
19 69.50.401(b))  
20 Escape from Community Custody (RCW  
21 72.09.310)  
22 Health Care False Claims (RCW 48.80.030)  
23 Identity Theft 2 (RCW 9.35.020(2)(b))  
24 Improperly Obtaining Financial Information  
25 (RCW 9.35.010)  
26 Malicious Mischief 1 (RCW 9A.48.070)  
27 Possession of controlled substance that is  
28 either heroin or narcotics from  
29 Schedule I or II or flunitrazepam from  
30 Schedule IV (RCW 69.50.401(d))  
31 Possession of phencyclidine (PCP) (RCW  
32 69.50.401(d))  
33 Possession of Stolen Property 1 (RCW  
34 9A.56.150)  
35 Taking Motor Vehicle Without Permission 2  
36 (RCW 9A.56.070(2))  
37 Theft 1 (RCW 9A.56.030)  
38 Theft of Rental, Leased, or Lease-purchased  
39 Property (valued at one thousand five

1                   hundred dollars or more) (RCW  
2                   9A.56.096(4))  
3           Trafficking in Insurance Claims (RCW  
4                   48.30A.015)  
5           Unlawful Practice of Law (RCW 2.48.180)  
6           Unlicensed Practice of a Profession or  
7                   Business (RCW 18.130.190(7))  
  
8           I        Attempting to Elude a Pursuing Police  
9                   Vehicle (RCW 46.61.024)  
10           False Verification for Welfare (RCW  
11                   74.08.055)  
12           Forged Prescription (RCW 69.41.020)  
13           Forged Prescription for a Controlled  
14                   Substance (RCW 69.50.403)  
15           Forgery (RCW 9A.60.020)  
16           Malicious Mischief 2 (RCW 9A.48.080)  
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           Possession of Stolen Property 2 (RCW  
23                   9A.56.160)  
24           Reckless Burning 1 (RCW 9A.48.040)  
25           (~~(Taking Motor Vehicle Without Permission~~  
26                   ~~(RCW 9A.56.070))~~)  
27           Theft 2 (RCW 9A.56.040)  
28           Theft of Rental, Leased, or Lease-purchased  
29                   Property (valued at two hundred fifty  
30                   dollars or more but less than one  
31                   thousand five hundred dollars) (RCW  
32                   9A.56.096(4))  
33           Unlawful Issuance of Checks or Drafts (RCW  
34                   9A.56.060)  
35           Unlawful Use of Food Stamps (RCW 9.91.140  
36                   (2) and (3))  
37           Vehicle Prowl 1 (RCW 9A.52.095)

1           **Sec. 3.** RCW 9.94A.525 and 2001 c 264 s 5 are each amended to read  
2 as follows:

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

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

7           (1) A prior conviction is a conviction which exists before the  
8 date of sentencing for the offense for which the offender score is  
9 being computed. Convictions entered or sentenced on the same date as  
10 the conviction for which the offender score is being computed shall be  
11 deemed "other current offenses" within the meaning of RCW 9.94A.589.

12           (2) Class A and sex prior felony convictions shall always be  
13 included in the offender score. Class B prior felony convictions other  
14 than sex offenses shall not be included in the offender score, if since  
15 the last date of release from confinement (including full-time  
16 residential treatment) pursuant to a felony conviction, if any, or  
17 entry of judgment and sentence, the offender had spent ten consecutive  
18 years in the community without committing any crime that subsequently  
19 results in a conviction. Class C prior felony convictions other than  
20 sex offenses shall not be included in the offender score if, since the  
21 last date of release from confinement (including full-time residential  
22 treatment) pursuant to a felony conviction, if any, or entry of  
23 judgment and sentence, the offender had spent five consecutive years in  
24 the community without committing any crime that subsequently results in  
25 a conviction. Serious traffic convictions shall not be included in the  
26 offender score if, since the last date of release from confinement  
27 (including full-time residential treatment) pursuant to a felony  
28 conviction, if any, or entry of judgment and sentence, the offender  
29 spent five years in the community without committing any crime that  
30 subsequently results in a conviction. This subsection applies to both  
31 adult and juvenile prior convictions.

32           (3) Out-of-state convictions for offenses shall be classified  
33 according to the comparable offense definitions and sentences provided  
34 by Washington law. Federal convictions for offenses shall be  
35 classified according to the comparable offense definitions and  
36 sentences provided by Washington law. If there is no clearly  
37 comparable offense under Washington law or the offense is one that is  
38 usually considered subject to exclusive federal jurisdiction, the

1 offense shall be scored as a class C felony equivalent if it was a  
2 felony under the relevant federal statute.

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

6 (5)(a) In the case of multiple prior convictions, for the purpose  
7 of computing the offender score, count all convictions separately,  
8 except:

9 (i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to  
10 encompass the same criminal conduct, shall be counted as one offense,  
11 the offense that yields the highest offender score. The current  
12 sentencing court shall determine with respect to other prior adult  
13 offenses for which sentences were served concurrently or prior juvenile  
14 offenses for which sentences were served consecutively, whether those  
15 offenses shall be counted as one offense or as separate offenses using  
16 the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and  
17 if the court finds that they shall be counted as one offense, then the  
18 offense that yields the highest offender score shall be used. The  
19 current sentencing court may presume that such other prior offenses  
20 were not the same criminal conduct from sentences imposed on separate  
21 dates, or in separate counties or jurisdictions, or in separate  
22 complaints, indictments, or informations;

23 (ii) In the case of multiple prior convictions for offenses  
24 committed before July 1, 1986, for the purpose of computing the  
25 offender score, count all adult convictions served concurrently as one  
26 offense, and count all juvenile convictions entered on the same date as  
27 one offense. Use the conviction for the offense that yields the  
28 highest offender score.

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

35 (6) If the present conviction is one of the anticipatory offenses  
36 of criminal attempt, solicitation, or conspiracy, count each prior  
37 conviction as if the present conviction were for a completed offense.  
38 When these convictions are used as criminal history, score them the  
39 same as a completed crime.

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

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

11 (9) If the present conviction is for a serious violent offense,  
12 count three points for prior adult and juvenile convictions for crimes  
13 in this category, two points for each prior adult and juvenile violent  
14 conviction (not already counted), one point for each prior adult  
15 nonviolent felony conviction, and 1/2 point for each prior juvenile  
16 nonviolent felony conviction.

17 (10) If the present conviction is for Burglary 1, count prior  
18 convictions as in subsection (8) of this section; however count two  
19 points for each prior adult Burglary 2 or residential burglary  
20 conviction, and one point for each prior juvenile Burglary 2 or  
21 residential burglary conviction.

22 (11) If the present conviction is for a felony traffic offense  
23 count two points for each adult or juvenile prior conviction for  
24 Vehicular Homicide or Vehicular Assault; for each felony offense count  
25 one point for each adult and 1/2 point for each juvenile prior  
26 conviction; for each serious traffic offense, other than those used for  
27 an enhancement pursuant to RCW 46.61.520(2), count one point for each  
28 adult and 1/2 point for each juvenile prior conviction.

29 (12) If the present conviction is for a drug offense count three  
30 points for each adult prior felony drug offense conviction and two  
31 points for each juvenile drug offense. All other adult and juvenile  
32 felonies are scored as in subsection (8) of this section if the current  
33 drug offense is violent, or as in subsection (7) of this section if the  
34 current drug offense is nonviolent.

35 (13) If the present conviction is for Escape from Community  
36 Custody, RCW 72.09.310, count only prior escape convictions in the  
37 offender score. Count adult prior escape convictions as one point and  
38 juvenile prior escape convictions as 1/2 point.

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

4 (15) If the present conviction is for Burglary 2 or residential  
 5 burglary, count priors as in subsection (7) of this section; however,  
 6 count two points for each adult and juvenile prior Burglary 1  
 7 conviction, two points for each adult prior Burglary 2 or residential  
 8 burglary conviction, and one point for each juvenile prior Burglary 2  
 9 or residential burglary conviction.

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

13 (17) If the present conviction is for taking a motor vehicle  
 14 without permission, first or second degree, count two points for each  
 15 prior adult and juvenile conviction for this offense.

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

18 **Sec. 4** RCW 13.40.0357 and 2001 c 217 s 13 are each amended to  
 19 read as follows:

20 **DESCRIPTION AND OFFENSE CATEGORY**

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

21 .....  
 22  
 23  
 24  
 25  
 26 **Arson and Malicious Mischief**

<i>A</i>	<i>Arson 1 (9A.48.020)</i>	<i>B+</i>
<i>B</i>	<i>Arson 2 (9A.48.030)</i>	<i>C</i>
<i>C</i>	<i>Reckless Burning 1 (9A.48.040)</i>	<i>D</i>
<i>D</i>	<i>Reckless Burning 2 (9A.48.050)</i>	<i>E</i>
<i>B</i>	<i>Malicious Mischief 1 (9A.48.070)</i>	<i>C</i>
<i>C</i>	<i>Malicious Mischief 2 (9A.48.080)</i>	<i>D</i>
<i>D</i>	<i>Malicious Mischief 3 (&lt;\$50 is</i>	
	<i>E class) (9A.48.090)</i>	<i>E</i>
<i>E</i>	<i>Tampering with Fire Alarm</i>	
	<i>Apparatus (9.40.100)</i>	<i>E</i>

1	A	<i>Possession of Incendiary Device</i>	
2		<i>(9A.40.120)</i>	<i>B+</i>
3		<b><i>Assault and Other Crimes</i></b>	
4		<b><i>Involving Physical Harm</i></b>	
5	A	<i>Assault 1 (9A.36.011)</i>	<i>B+</i>
6	B+	<i>Assault 2 (9A.36.021)</i>	<i>C+</i>
7	C+	<i>Assault 3 (9A.36.031)</i>	<i>D+</i>
8	D+	<i>Assault 4 (9A.36.041)</i>	<i>E</i>
9	B+	<i>Drive-By Shooting</i>	
10		<i>(9A.36.045)</i>	<i>C+</i>
11	D+	<i>Reckless Endangerment</i>	
12		<i>(9A.36.050)</i>	<i>E</i>
13	C+	<i>Promoting Suicide Attempt</i>	
14		<i>(9A.36.060)</i>	<i>D+</i>
15	D+	<i>Coercion (9A.36.070)</i>	<i>E</i>
16	C+	<i>Custodial Assault (9A.36.100)</i>	<i>D+</i>
17		<b><i>Burglary and Trespass</i></b>	
18	B+	<i>Burglary 1 (9A.52.020)</i>	<i>C+</i>
19	B	<i>Residential Burglary</i>	
20		<i>(9A.52.025)</i>	<i>C</i>
21	B	<i>Burglary 2 (9A.52.030)</i>	<i>C</i>
22	D	<i>Burglary Tools (Possession of)</i>	
23		<i>(9A.52.060)</i>	<i>E</i>
24	D	<i>Criminal Trespass 1 (9A.52.070)</i>	<i>E</i>
25	E	<i>Criminal Trespass 2 (9A.52.080)</i>	<i>E</i>
26	C	<i>Vehicle Prowling 1 (9A.52.095)</i>	<i>D</i>
27	D	<i>Vehicle Prowling 2 (9A.52.100)</i>	<i>E</i>
28		<b><i>Drugs</i></b>	
29	E	<i>Possession/Consumption of Alcohol</i>	
30		<i>(66.44.270)</i>	<i>E</i>
31	C	<i>Illegally Obtaining Legend Drug</i>	
32		<i>(69.41.020)</i>	<i>D</i>
33	C+	<i>Sale, Delivery, Possession of Legend</i>	
34		<i>Drug with Intent to Sell</i>	
35		<i>(69.41.030)</i>	<i>D+</i>
36	E	<i>Possession of Legend Drug</i>	
37		<i>(69.41.030)</i>	<i>E</i>

1	<b>B+</b>	<b>Violation of Uniform Controlled</b>	
2		<b>Substances Act - Narcotic,</b>	
3		<b>Methamphetamine, or Flunitrazepam</b>	
4		<b>Sale (69.50.401(a)(1) (i) or (ii))</b>	<b>B+</b>
5	<b>C</b>	<b>Violation of Uniform Controlled</b>	
6		<b>Substances Act - Nonnarcotic Sale</b>	
7		<b>(69.50.401(a)(1)(iii))</b>	<b>C</b>
8	<b>E</b>	<b>Possession of Marihuana &lt;40 grams</b>	
9		<b>(69.50.401(e))</b>	<b>E</b>
10	<b>C</b>	<b>Fraudulently Obtaining Controlled</b>	
11		<b>Substance (69.50.403)</b>	<b>C</b>
12	<b>C+</b>	<b>Sale of Controlled Substance</b>	
13		<b>for Profit (69.50.410)</b>	<b>C+</b>
14	<b>E</b>	<b>Unlawful Inhalation (9.47A.020)</b>	<b>E</b>
15	<b>B</b>	<b>Violation of Uniform Controlled</b>	
16		<b>Substances Act - Narcotic,</b>	
17		<b>Methamphetamine, or Flunitrazepam</b>	
18		<b>Counterfeit Substances</b>	
19		<b>(69.50.401(b)(1) (i) or (ii))</b>	<b>B</b>
20	<b>C</b>	<b>Violation of Uniform Controlled</b>	
21		<b>Substances Act - Nonnarcotic</b>	
22		<b>Counterfeit Substances</b>	
23		<b>(69.50.401(b)(1) (iii), (iv), (v))</b>	<b>C</b>
24	<b>C</b>	<b>Violation of Uniform Controlled</b>	
25		<b>Substances Act - Possession of a</b>	
26		<b>Controlled Substance</b>	
27		<b>(69.50.401(d))</b>	<b>C</b>
28	<b>C</b>	<b>Violation of Uniform Controlled</b>	
29		<b>Substances Act - Possession of a</b>	
30		<b>Controlled Substance</b>	
31		<b>(69.50.401(c))</b>	<b>C</b>
32		<b>Firearms and Weapons</b>	
33	<b>B</b>	<b>Theft of Firearm (9A.56.300)</b>	<b>C</b>
34	<b>B</b>	<b>Possession of Stolen Firearm</b>	
35		<b>(9A.56.310)</b>	<b>C</b>
36	<b>E</b>	<b>Carrying Loaded Pistol Without</b>	
37		<b>Permit (9.41.050)</b>	<b>E</b>

1	<i>C</i>	<i>Possession of Firearms by Minor (&lt;18)</i>	
2		<i>(9.41.040(1)(b)(iii))</i>	<i>C</i>
3	<i>D+</i>	<i>Possession of Dangerous Weapon</i>	
4		<i>(9.41.250)</i>	<i>E</i>
5	<i>D</i>	<i>Intimidating Another Person by use</i>	
6		<i>of Weapon (9.41.270)</i>	<i>E</i>
7		<b><i>Homicide</i></b>	
8	<i>A+</i>	<i>Murder 1 (9A.32.030)</i>	<i>A</i>
9	<i>A+</i>	<i>Murder 2 (9A.32.050)</i>	<i>B+</i>
10	<i>B+</i>	<i>Manslaughter 1 (9A.32.060)</i>	<i>C+</i>
11	<i>C+</i>	<i>Manslaughter 2 (9A.32.070)</i>	<i>D+</i>
12	<i>B+</i>	<i>Vehicular Homicide (46.61.520)</i>	<i>C+</i>
13		<b><i>Kidnapping</i></b>	
14	<i>A</i>	<i>Kidnap 1 (9A.40.020)</i>	<i>B+</i>
15	<i>B+</i>	<i>Kidnap 2 (9A.40.030)</i>	<i>C+</i>
16	<i>C+</i>	<i>Unlawful Imprisonment</i>	
17		<i>(9A.40.040)</i>	<i>D+</i>
18		<b><i>Obstructing Governmental Operation</i></b>	
19	<i>D</i>	<i>Obstructing a Law Enforcement</i>	
20		<i>Officer (9A.76.020)</i>	<i>E</i>
21	<i>E</i>	<i>Resisting Arrest (9A.76.040)</i>	<i>E</i>
22	<i>B</i>	<i>Introducing Contraband 1</i>	
23		<i>(9A.76.140)</i>	<i>C</i>
24	<i>C</i>	<i>Introducing Contraband 2</i>	
25		<i>(9A.76.150)</i>	<i>D</i>
26	<i>E</i>	<i>Introducing Contraband 3</i>	
27		<i>(9A.76.160)</i>	<i>E</i>
28	<i>B+</i>	<i>Intimidating a Public Servant</i>	
29		<i>(9A.76.180)</i>	<i>C+</i>
30	<i>B+</i>	<i>Intimidating a Witness</i>	
31		<i>(9A.72.110)</i>	<i>C+</i>
32		<b><i>Public Disturbance</i></b>	
33	<i>C+</i>	<i>Riot with Weapon (9A.84.010)</i>	<i>D+</i>
34	<i>D+</i>	<i>Riot Without Weapon</i>	
35		<i>(9A.84.010)</i>	<i>E</i>
36	<i>E</i>	<i>Failure to Disperse (9A.84.020)</i>	<i>E</i>
37	<i>E</i>	<i>Disorderly Conduct (9A.84.030)</i>	<i>E</i>

1		<b>Sex Crimes</b>	
2	A	<i>Rape 1 (9A.44.040)</i>	<b>B+</b>
3	A-	<i>Rape 2 (9A.44.050)</i>	<b>B+</b>
4	C+	<i>Rape 3 (9A.44.060)</i>	<b>D+</b>
5	A-	<i>Rape of a Child 1 (9A.44.073)</i>	<b>B+</b>
6	B+	<i>Rape of a Child 2 (9A.44.076)</i>	<b>C+</b>
7	B	<i>Incest 1 (9A.64.020(1))</i>	<b>C</b>
8	C	<i>Incest 2 (9A.64.020(2))</i>	<b>D</b>
9	D+	<i>Indecent Exposure</i>	
10		<i>(Victim &lt;14) (9A.88.010)</i>	<b>E</b>
11	E	<i>Indecent Exposure</i>	
12		<i>(Victim 14 or over) (9A.88.010)</i>	<b>E</b>
13	B+	<i>Promoting Prostitution 1</i>	
14		<i>(9A.88.070)</i>	<b>C+</b>
15	C+	<i>Promoting Prostitution 2</i>	
16		<i>(9A.88.080)</i>	<b>D+</b>
17	E	<i>O &amp; A (Prostitution) (9A.88.030)</i>	<b>E</b>
18	B+	<i>Indecent Liberties (9A.44.100)</i>	<b>C+</b>
19	A-	<i>Child Molestation 1 (9A.44.083)</i>	<b>B+</b>
20	B	<i>Child Molestation 2 (9A.44.086)</i>	<b>C+</b>
21		<b>Theft, Robbery, Extortion, and Forgery</b>	
22	B	<i>Theft 1 (9A.56.030)</i>	<b>C</b>
23	C	<i>Theft 2 (9A.56.040)</i>	<b>D</b>
24	D	<i>Theft 3 (9A.56.050)</i>	<b>E</b>
25	B	<i>Theft of Livestock (9A.56.080)</i>	<b>C</b>
26	C	<i>Forgery (9A.60.020)</i>	<b>D</b>
27	A	<i>Robbery 1 (9A.56.200)</i>	<b>B+</b>
28	B+	<i>Robbery 2 (9A.56.210)</i>	<b>C+</b>
29	B+	<i>Extortion 1 (9A.56.120)</i>	<b>C+</b>
30	C+	<i>Extortion 2 (9A.56.130)</i>	<b>D+</b>
31	C	<i>Identity Theft 1 (9.35.020(2)(a))</i>	<b>D</b>
32	D	<i>Identity Theft 2 (9.35.020(2)(b))</i>	<b>E</b>
33	D	<i>Improperly Obtaining Financial</i>	
34		<i>Information (9.35.010)</i>	<b>E</b>
35	B	<i>Possession of Stolen Property 1</i>	
36		<i>(9A.56.150)</i>	<b>C</b>
37	C	<i>Possession of Stolen Property 2</i>	
38		<i>(9A.56.160)</i>	<b>D</b>

1	<i>D Possession of Stolen Property 3</i>	
2	<i>(9A.56.170)</i>	<i>E</i>
3	<i><u>B+</u> Taking Motor Vehicle Without</i>	
4	<i><u>Permission 1 (9A.56.070(1))</u></i>	<i><u>C+</u></i>
5	<i>((€))</i>	
6	<i><u>B</u> Taking Motor Vehicle Without</i>	
7	<i><u>((Owner's)) Permission 2</u></i>	
8	<i><u>(9A.56.070(2))</u></i>	<i><u>((D)) C</u></i>
9	<b><i>Motor Vehicle Related Crimes</i></b>	
10	<i>E Driving Without a License</i>	
11	<i>(46.20.005)</i>	<i>E</i>
12	<i>B+ Hit and Run - Death</i>	
13	<i>(46.52.020(4)(a))</i>	<i>C+</i>
14	<i>C Hit and Run - Injury</i>	
15	<i>(46.52.020(4)(b))</i>	<i>D</i>
16	<i>D Hit and Run-Attended</i>	
17	<i>(46.52.020(5))</i>	<i>E</i>
18	<i>E Hit and Run-Unattended</i>	
19	<i>(46.52.010)</i>	<i>E</i>
20	<i>C Vehicular Assault (46.61.522)</i>	<i>D</i>
21	<i>C Attempting to Elude Pursuing</i>	
22	<i>Police Vehicle (46.61.024)</i>	<i>D</i>
23	<i>E Reckless Driving (46.61.500)</i>	<i>E</i>
24	<i>D Driving While Under the Influence</i>	
25	<i>(46.61.502 and 46.61.504)</i>	<i>E</i>
26	<b><i>Other</i></b>	
27	<i>B Bomb Threat (9.61.160)</i>	<i>C</i>
28	<i>C Escape 1 (9A.76.110)</i>	<i>C</i>
29	<i>C Escape 2 (9A.76.120)</i>	<i>C</i>
30	<i>D Escape 3 (9A.76.130)</i>	<i>E</i>
31	<i>E Obscene, Harassing, Etc.,</i>	
32	<i>Phone Calls (9.61.230)</i>	<i>E</i>
33	<i>A Other Offense Equivalent to an</i>	
34	<i>Adult Class A Felony</i>	<i>B+</i>
35	<i>B Other Offense Equivalent to an</i>	
36	<i>Adult Class B Felony</i>	<i>C</i>
37	<i>C Other Offense Equivalent to an</i>	
38	<i>Adult Class C Felony</i>	<i>D</i>

1	<i>D</i>	<i>Other Offense Equivalent to an</i>	
2		<i>Adult Gross Misdemeanor</i>	<i>E</i>
3	<i>E</i>	<i>Other Offense Equivalent to an</i>	
4		<i>Adult Misdemeanor</i>	<i>E</i>
5	<i>V</i>	<i>Violation of Order of Restitution,</i>	
6		<i>Community Supervision, or</i>	
7		<i>Confinement (13.40.200)</i>	<i>V</i>

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

10 1st escape or attempted escape during 12-month period - 4 weeks  
11 confinement

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

14 3rd and subsequent escape or attempted escape during 12-month  
15 period - 12 weeks confinement

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

18 **JUVENILE SENTENCING STANDARDS**

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

OPTION A  
 JUVENILE OFFENDER SENTENCING GRID  
 STANDARD RANGE

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

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

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

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior 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 disposition  
15 of local sanctions or 15 to 36 weeks of confinement and has not  
16 committed an A- or B+ offense, the court may impose a disposition under  
17 RCW 13.40.160(4) 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).

24 NEW SECTION. **Sec. 5** A new section is added to chapter 46.20 RCW  
25 to read as follows:

26 (1) In addition to any other authority to revoke driving privileges  
27 under this chapter, the department shall revoke the driving privileges  
28 of a defendant in accordance with this section.

29 (2) The department shall revoke the driving privileges of a  
30 juvenile or adult for one year when the department receives notice that  
31 the person has been convicted of taking a motor vehicle without  
32 permission in the first degree under RCW 9A.56.070(1) or taking a motor  
33 vehicle without permission in the second degree under RCW  
34 9A.56.070(2)."

**EFFECT:** The crime of taking a motor vehicle without permission in the first degree is increased to seriousness level V from a seriousness level IV for an adult conviction and increased to a category B+ from a category B for a juvenile adjudication. The crime of taking a motor vehicle without permission in the second degree is increased to a category B from a category C+. Additionally, prior convictions for taking a motor vehicle without permission in the second degree will count two points for the purposes of calculating the offender score for repeat car thieves.