

1 **ESSB 6490 - H AMD 0464 ADOPTED 3-8-02**

2 By Representative Morell

3 Strike everything after the enacting clause and insert the
4 following:

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))~~ (a) A person is guilty of taking
8 a motor vehicle without permission in the first degree if he or she,
9 without the permission of the owner or person entitled to possession,
10 intentionally takes or drives away an automobile or motor vehicle,
11 whether propelled by steam, electricity, or internal combustion
12 engine, that is the property of another, and he or she:

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

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

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

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

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

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

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

1 ~~or driving said automobile or motor vehicle and shall be deemed~~
2 ~~guilty of taking a motor vehicle without permission)).~~

3 ((+2)) (b) Taking a motor vehicle without permission in the
4 second degree is a class C felony.

5 (3) A person convicted or adjudicated of taking a motor vehicle
6 without permission in the first degree or taking a motor vehicle
7 without permission in the second degree under this section shall also
8 have driving privileges revoked in accordance with section 5 of this
9 act. Upon conviction, the court shall immediately transmit
10 conviction data to the department of licensing necessary for the
11 administration of section 5 of this act.

12 **Sec. 2** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300
13 s 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and
14 amended to read as follows:

15 TABLE 2

16 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

17	XVI	Aggravated Murder 1 (RCW 10.95.020)
18	XV	Homicide by abuse (RCW 9A.32.055)
19		Malicious explosion 1 (RCW 70.74.280(1))
20		Murder 1 (RCW 9A.32.030)
21	XIV	Murder 2 (RCW 9A.32.050)
22	XIII	Malicious explosion 2 (RCW 70.74.280(2))
23		Malicious placement of an explosive 1 (RCW
24		70.74.270(1))
25	XII	Assault 1 (RCW 9A.36.011)
26		Assault of a Child 1 (RCW 9A.36.120)
27		Malicious placement of an imitation device
28		1 (RCW 70.74.272(1)(a))
29		Rape 1 (RCW 9A.44.040)
30		Rape of a Child 1 (RCW 9A.44.073)
31	XI	Manslaughter 1 (RCW 9A.32.060)
32		Rape 2 (RCW 9A.44.050)
33		Rape of a Child 2 (RCW 9A.44.076)
34	X	Child Molestation 1 (RCW 9A.44.083)

1 Indecent Liberties (with forcible
2 compulsion) (RCW 9A.44.100(1)(a))
3 Kidnapping 1 (RCW 9A.40.020)
4 Leading Organized Crime (RCW
5 9A.82.060(1)(a))
6 Malicious explosion 3 (RCW 70.74.280(3))
7 Manufacture of methamphetamine (RCW
8 69.50.401(a)(1)(ii))
9 Over 18 and deliver heroin,
10 methamphetamine, a narcotic from
11 Schedule I or II, or flunitrazepam
12 from Schedule IV to someone under 18
13 (RCW 69.50.406)
14 Sexually Violent Predator Escape (RCW
15 9A.76.115)

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

1 VIII Arson 1 (RCW 9A.48.020)
2 Deliver or possess with intent to deliver
3 methamphetamine (RCW
4 69.50.401(a)(1)(ii))
5 Homicide by Watercraft, by the operation
6 of any vessel in a reckless manner
7 (RCW 79A.60.050)
8 Manslaughter 2 (RCW 9A.32.070)
9 Manufacture, deliver, or possess with
10 intent to deliver amphetamine (RCW
11 69.50.401(a)(1)(ii))
12 Manufacture, deliver, or possess with
13 intent to deliver heroin or cocaine
14 (RCW 69.50.401(a)(1)(i))
15 Possession of Ephedrine, Pseudoephedrine,
16 or Anhydrous Ammonia with intent to
17 manufacture methamphetamine (RCW
18 69.50.440)
19 Promoting Prostitution 1 (RCW 9A.88.070)
20 Selling for profit (controlled or
21 counterfeit) any controlled substance
22 (RCW 69.50.410)
23 Theft of Anhydrous Ammonia (RCW 69.55.010)
24 Vehicular Homicide, by the operation of
25 any vehicle in a reckless manner (RCW
26 46.61.520)

27 VII Burglary 1 (RCW 9A.52.020)
28 Child Molestation 2 (RCW 9A.44.086)
29 Dealing in depictions of minor engaged in
30 sexually explicit conduct (RCW
31 9.68A.050)
32 Drive-by Shooting (RCW 9A.36.045)
33 Homicide by Watercraft, by disregard for
34 the safety of others (RCW 79A.60.050)
35 Indecent Liberties (without forcible
36 compulsion) (RCW 9A.44.100(1) (b) and
37 (c))
38 Introducing Contraband 1 (RCW 9A.76.140)

1 Involving a minor in drug dealing (RCW
2 69.50.401(f))
3 Malicious placement of an explosive 3 (RCW
4 70.74.270(3))
5 Sending, bringing into state depictions of
6 minor engaged in sexually explicit
7 conduct (RCW 9.68A.060)
8 Unlawful Possession of a Firearm in the
9 first degree (RCW 9.41.040(1)(a))
10 Use of a Machine Gun in Commission of a
11 Felony (RCW 9.41.225)
12 Vehicular Homicide, by disregard for the
13 safety of others (RCW 46.61.520)

14 VI Bail Jumping with Murder 1 (RCW
15 9A.76.170(3)(a))
16 Bribery (RCW 9A.68.010)
17 Incest 1 (RCW 9A.64.020(1))
18 Intimidating a Judge (RCW 9A.72.160)
19 Intimidating a Juror/Witness (RCW
20 9A.72.110, 9A.72.130)
21 Malicious placement of an imitation device
22 2 (RCW 70.74.272(1)(b))
23 Manufacture, deliver, or possess with
24 intent to deliver narcotics from
25 Schedule I or II (except heroin or
26 cocaine) or flunitrazepam from
27 Schedule IV (RCW 69.50.401(a)(1)(i))
28 Rape of a Child 3 (RCW 9A.44.079)
29 Theft of a Firearm (RCW 9A.56.300)
30 Unlawful Storage of Anhydrous Ammonia (RCW
31 69.55.020)

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

1 Child Molestation 3 (RCW 9A.44.089)
2 Criminal Mistreatment 1 (RCW 9A.42.020)
3 Custodial Sexual Misconduct 1 (RCW
4 9A.44.160)
5 Delivery of imitation controlled substance
6 by person eighteen or over to person
7 under eighteen (RCW 69.52.030(2))
8 Domestic Violence Court Order Violation
9 (RCW 10.99.040, 10.99.050, 26.09.300,
10 26.10.220, 26.26.138, 26.50.110,
11 26.52.070, or 74.34.145)
12 Extortion 1 (RCW 9A.56.120)
13 Extortionate Extension of Credit (RCW
14 9A.82.020)
15 Extortionate Means to Collect Extensions
16 of Credit (RCW 9A.82.040)
17 Incest 2 (RCW 9A.64.020(2))
18 Kidnapping 2 (RCW 9A.40.030)
19 Perjury 1 (RCW 9A.72.020)
20 Persistent prison misbehavior (RCW
21 9.94.070)
22 Possession of a Stolen Firearm (RCW
23 9A.56.310)
24 Rape 3 (RCW 9A.44.060)
25 Rendering Criminal Assistance 1 (RCW
26 9A.76.070)
27 Sexual Misconduct with a Minor 1 (RCW
28 9A.44.093)
29 Sexually Violating Human Remains (RCW
30 9A.44.105)
31 Stalking (RCW 9A.46.110)
32 Taking Motor Vehicle Without Permission 1
33 (RCW 9A.56.070(1))
34 IV Arson 2 (RCW 9A.48.030)
35 Assault 2 (RCW 9A.36.021)
36 Assault by Watercraft (RCW 79A.60.060)
37 Bribing a Witness/Bribe Received by
38 Witness (RCW 9A.72.090, 9A.72.100)
39 Commercial Bribery (RCW 9A.68.060)

1 Counterfeiting (RCW 9.16.035(4))
2 Escape 1 (RCW 9A.76.110)
3 Hit and Run--Injury (RCW 46.52.020(4)(b))
4 Hit and Run with Vessel--Injury Accident
5 (RCW 79A.60.200(3))
6 Identity Theft 1 (RCW 9.35.020(2)(a))
7 Indecent Exposure to Person Under Age
8 Fourteen (subsequent sex offense)
9 (RCW 9A.88.010)
10 Influencing Outcome of Sporting Event (RCW
11 9A.82.070)
12 Knowingly Trafficking in Stolen Property
13 (RCW 9A.82.050(2))
14 Malicious Harassment (RCW 9A.36.080)
15 Manufacture, deliver, or possess with
16 intent to deliver narcotics from
17 Schedule III, IV, or V or
18 nonnarcotics from Schedule I-V
19 (except marijuana, amphetamine,
20 methamphetamines, or flunitrazepam)
21 (RCW 69.50.401(a)(1) (iii) through
22 (v))
23 Residential Burglary (RCW 9A.52.025)
24 Robbery 2 (RCW 9A.56.210)
25 Theft of Livestock 1 (RCW 9A.56.080)
26 Threats to Bomb (RCW 9.61.160)
27 Use of Proceeds of Criminal Profiteering
28 (RCW 9A.82.080 (1) and (2))
29 Vehicular Assault, by being under the
30 influence of intoxicating liquor or
31 any drug, or by the operation or
32 driving of a vehicle in a reckless
33 manner (RCW 46.61.522)
34 Willful Failure to Return from Furlough
35 (RCW 72.66.060)
36 III Abandonment of dependent person 2 (RCW
37 9A.42.070)
38 Assault 3 (RCW 9A.36.031)
39 Assault of a Child 3 (RCW 9A.36.140)

1 Bail Jumping with class B or C Felony (RCW
2 9A.76.170(3)(c))
3 Burglary 2 (RCW 9A.52.030)
4 Communication with a Minor for Immoral
5 Purposes (RCW 9.68A.090)
6 Criminal Gang Intimidation (RCW 9A.46.120)
7 Criminal Mistreatment 2 (RCW 9A.42.030)
8 Custodial Assault (RCW 9A.36.100)
9 Delivery of a material in lieu of a
10 controlled substance (RCW
11 69.50.401(c))
12 Escape 2 (RCW 9A.76.120)
13 Extortion 2 (RCW 9A.56.130)
14 Harassment (RCW 9A.46.020)
15 Intimidating a Public Servant (RCW
16 9A.76.180)
17 Introducing Contraband 2 (RCW 9A.76.150)
18 Maintaining a Dwelling or Place for
19 Controlled Substances (RCW
20 69.50.402(a)(6))
21 Malicious Injury to Railroad Property (RCW
22 81.60.070)
23 Manufacture, deliver, or possess with
24 intent to deliver marijuana (RCW
25 69.50.401(a)(1)(iii))
26 Manufacture, distribute, or possess with
27 intent to distribute an imitation
28 controlled substance (RCW
29 69.52.030(1))
30 Patronizing a Juvenile Prostitute (RCW
31 9.68A.100)
32 Perjury 2 (RCW 9A.72.030)
33 Possession of Incendiary Device (RCW
34 9.40.120)
35 Possession of Machine Gun or Short-
36 Barreled Shotgun or Rifle (RCW
37 9.41.190)
38 Promoting Prostitution 2 (RCW 9A.88.080)

1 Recklessly Trafficking in Stolen Property
2 (RCW 9A.82.050(1))
3 Securities Act violation (RCW 21.20.400)
4 Tampering with a Witness (RCW 9A.72.120)
5 Telephone Harassment (subsequent
6 conviction or threat of death) (RCW
7 9.61.230)
8 Theft of Livestock 2 (RCW 9A.56.080)
9 Unlawful Imprisonment (RCW 9A.40.040)
10 Unlawful possession of firearm in the
11 second degree (RCW 9.41.040(1)(b))
12 Unlawful Use of Building for Drug Purposes
13 (RCW 69.53.010)
14 Vehicular Assault, by the operation or
15 driving of a vehicle with disregard
16 for the safety of others (RCW
17 46.61.522)
18 Willful Failure to Return from Work
19 Release (RCW 72.65.070)
20 II Computer Trespass 1 (RCW 9A.52.110)
21 Counterfeiting (RCW 9.16.035(3))
22 Create, deliver, or possess a counterfeit
23 controlled substance (RCW
24 69.50.401(b))
25 Escape from Community Custody (RCW
26 72.09.310)
27 Health Care False Claims (RCW 48.80.030)
28 Identity Theft 2 (RCW 9.35.020(2)(b))
29 Improperly Obtaining Financial Information
30 (RCW 9.35.010)
31 Malicious Mischief 1 (RCW 9A.48.070)
32 Possession of controlled substance that is
33 either heroin or narcotics from
34 Schedule I or II or flunitrazepam
35 from Schedule IV (RCW 69.50.401(d))
36 Possession of phencyclidine (PCP) (RCW
37 69.50.401(d))
38 Possession of Stolen Property 1 (RCW
39 9A.56.150)

1 Taking Motor Vehicle Without Permission 2
2 (RCW 9A.56.070(2))
3 Theft 1 (RCW 9A.56.030)
4 Theft of Rental, Leased, or Lease-
5 purchased Property (valued at one
6 thousand five hundred dollars or
7 more) (RCW 9A.56.096(4))
8 Trafficking in Insurance Claims (RCW
9 48.30A.015)
10 Unlawful Practice of Law (RCW 2.48.180)
11 Unlicensed Practice of a Profession or
12 Business (RCW 18.130.190(7))
13 I Attempting to Elude a Pursuing Police
14 Vehicle (RCW 46.61.024)
15 False Verification for Welfare (RCW
16 74.08.055)
17 Forged Prescription (RCW 69.41.020)
18 Forged Prescription for a Controlled
19 Substance (RCW 69.50.403)
20 Forgery (RCW 9A.60.020)
21 Malicious Mischief 2 (RCW 9A.48.080)
22 Possess Controlled Substance that is a
23 Narcotic from Schedule III, IV, or V
24 or Non-narcotic from Schedule I-V
25 (except phencyclidine or
26 flunitrazepam) (RCW 69.50.401(d))
27 Possession of Stolen Property 2 (RCW
28 9A.56.160)
29 Reckless Burning 1 (RCW 9A.48.040)
30 ((~~Taking Motor Vehicle Without Permission~~
31 ~~(RCW 9A.56.070)~~))
32 Theft 2 (RCW 9A.56.040)
33 Theft of Rental, Leased, or Lease-
34 purchased Property (valued at two
35 hundred fifty dollars or more but
36 less than one thousand five hundred
37 dollars) (RCW 9A.56.096(4))
38 Unlawful Issuance of Checks or Drafts (RCW
39 9A.56.060)

1 Unlawful Use of Food Stamps (RCW 9.91.140

2 (2) and (3))

3 Vehicle Prowl 1 (RCW 9A.52.095)

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

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

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

10 (1) A prior conviction is a conviction which exists before the
11 date of sentencing for the offense for which the offender score is
12 being computed. Convictions entered or sentenced on the same date as
13 the conviction for which the offender score is being computed shall
14 be deemed "other current offenses" within the meaning of RCW
15 9.94A.589.

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

37 (3) Out-of-state convictions for offenses shall be classified
38 according to the comparable offense definitions and sentences

1 provided by Washington law. Federal convictions for offenses shall
2 be classified according to the comparable offense definitions and
3 sentences provided by Washington law. If there is no clearly
4 comparable offense under Washington law or the offense is one that is
5 usually considered subject to exclusive federal jurisdiction, the
6 offense shall be scored as a class C felony equivalent if it was a
7 felony under the relevant federal statute.

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

11 (5)(a) In the case of multiple prior convictions, for the
12 purpose of computing the offender score, count all convictions
13 separately, except:

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

29 (ii) In the case of multiple prior convictions for offenses
30 committed before July 1, 1986, for the purpose of computing the
31 offender score, count all adult convictions served concurrently as
32 one offense, and count all juvenile convictions entered on the same
33 date as one offense. Use the conviction for the offense that yields
34 the highest offender score.

35 (b) As used in this subsection (5), "served concurrently" means
36 that: (i) The latter sentence was imposed with specific reference to
37 the former; (ii) the concurrent relationship of the sentences was
38 judicially imposed; and (iii) the concurrent timing of the sentences

1 was not the result of a probation or parole revocation on the former
2 offense.

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

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

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

19 (9) If the present conviction is for a serious violent offense,
20 count three points for prior adult and juvenile convictions for
21 crimes in this category, two points for each prior adult and juvenile
22 violent conviction (not already counted), one point for each prior
23 adult nonviolent felony conviction, and 1/2 point for each prior
24 juvenile nonviolent felony conviction.

25 (10) If the present conviction is for Burglary 1, count prior
26 convictions as in subsection (8) of this section; however count two
27 points for each prior adult Burglary 2 or residential burglary
28 conviction, and one point for each prior juvenile Burglary 2 or
29 residential burglary conviction.

30 (11) If the present conviction is for a felony traffic offense
31 count two points for each adult or juvenile prior conviction for
32 Vehicular Homicide or Vehicular Assault; for each felony offense
33 count one point for each adult and 1/2 point for each juvenile prior
34 conviction; for each serious traffic offense, other than those used
35 for an enhancement pursuant to RCW 46.61.520(2), count one point for
36 each adult and 1/2 point for each juvenile prior conviction.

37 (12) If the present conviction is for a drug offense count three
38 points for each adult prior felony drug offense conviction and two
39 points for each juvenile drug offense. All other adult and juvenile

1 felonies are scored as in subsection (8) of this section if the
 2 current drug offense is violent, or as in subsection (7) of this
 3 section if the current drug offense is nonviolent.

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

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

11 (15) If the present conviction is for Burglary 2 or residential
 12 burglary, count priors as in subsection (7) of this section; however,
 13 count two points for each adult and juvenile prior Burglary 1
 14 conviction, two points for each adult prior Burglary 2 or residential
 15 burglary conviction, and one point for each juvenile prior Burglary 2
 16 or residential burglary conviction.

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

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

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

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

28 **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 DESCRIPTION (RCW CITATION)</i>	<i>OR SOLICITATION</i>
.....	

34 ***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>

1	<i>D</i>	<i>Reckless Burning 2 (9A.48.050)</i>	<i>E</i>
2	<i>B</i>	<i>Malicious Mischief 1 (9A.48.070)</i>	<i>C</i>
3	<i>C</i>	<i>Malicious Mischief 2 (9A.48.080)</i>	<i>D</i>
4	<i>D</i>	<i>Malicious Mischief 3 (<\$50 is</i>	
5		<i>E class) (9A.48.090)</i>	<i>E</i>
6	<i>E</i>	<i>Tampering with Fire Alarm</i>	
7		<i>Apparatus (9.40.100)</i>	<i>E</i>
8	<i>A</i>	<i>Possession of Incendiary Device</i>	
9		<i>(9.40.120)</i>	<i>B+</i>
10		<i>Assault and Other Crimes</i>	
11		<i>Involving Physical Harm</i>	
12	<i>A</i>	<i>Assault 1 (9A.36.011)</i>	<i>B+</i>
13	<i>B+</i>	<i>Assault 2 (9A.36.021)</i>	<i>C+</i>
14	<i>C+</i>	<i>Assault 3 (9A.36.031)</i>	<i>D+</i>
15	<i>D+</i>	<i>Assault 4 (9A.36.041)</i>	<i>E</i>
16	<i>B+</i>	<i>Drive-By Shooting</i>	
17		<i>(9A.36.045)</i>	<i>C+</i>
18	<i>D+</i>	<i>Reckless Endangerment</i>	
19		<i>(9A.36.050)</i>	<i>E</i>
20	<i>C+</i>	<i>Promoting Suicide Attempt</i>	
21		<i>(9A.36.060)</i>	<i>D+</i>
22	<i>D+</i>	<i>Coercion (9A.36.070)</i>	<i>E</i>
23	<i>C+</i>	<i>Custodial Assault (9A.36.100)</i>	<i>D+</i>
24		<i>Burglary and Trespass</i>	
25	<i>B+</i>	<i>Burglary 1 (9A.52.020)</i>	<i>C+</i>
26	<i>B</i>	<i>Residential Burglary</i>	
27		<i>(9A.52.025)</i>	<i>C</i>
28	<i>B</i>	<i>Burglary 2 (9A.52.030)</i>	<i>C</i>
29	<i>D</i>	<i>Burglary Tools (Possession of)</i>	
30		<i>(9A.52.060)</i>	<i>E</i>
31	<i>D</i>	<i>Criminal Trespass 1 (9A.52.070)</i>	<i>E</i>
32	<i>E</i>	<i>Criminal Trespass 2 (9A.52.080)</i>	<i>E</i>
33	<i>C</i>	<i>Vehicle Prowling 1 (9A.52.095)</i>	<i>D</i>
34	<i>D</i>	<i>Vehicle Prowling 2 (9A.52.100)</i>	<i>E</i>
35		<i>Drugs</i>	
36	<i>E</i>	<i>Possession/Consumption of Alcohol</i>	
37		<i>(66.44.270)</i>	<i>E</i>

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

1		Firearms and Weapons	
2	B	Theft of Firearm (9A.56.300)	C
3	B	Possession of Stolen Firearm	
4		(9A.56.310)	C
5	E	Carrying Loaded Pistol Without	
6		Permit (9.41.050)	E
7	C	Possession of Firearms by Minor (<18)	
8		(9.41.040(1)(b)(iii))	C
9	D+	Possession of Dangerous Weapon	
10		(9.41.250)	E
11	D	Intimidating Another Person by use	
12		of Weapon (9.41.270)	E
13		Homicide	
14	A+	Murder 1 (9A.32.030)	A
15	A+	Murder 2 (9A.32.050)	B+
16	B+	Manslaughter 1 (9A.32.060)	C+
17	C+	Manslaughter 2 (9A.32.070)	D+
18	B+	Vehicular Homicide (46.61.520)	C+
19		Kidnapping	
20	A	Kidnap 1 (9A.40.020)	B+
21	B+	Kidnap 2 (9A.40.030)	C+
22	C+	Unlawful Imprisonment	
23		(9A.40.040)	D+
24		Obstructing Governmental Operation	
25	D	Obstructing a Law Enforcement	
26		Officer (9A.76.020)	E
27	E	Resisting Arrest (9A.76.040)	E
28	B	Introducing Contraband 1	
29		(9A.76.140)	C
30	C	Introducing Contraband 2	
31		(9A.76.150)	D
32	E	Introducing Contraband 3	
33		(9A.76.160)	E
34	B+	Intimidating a Public Servant	
35		(9A.76.180)	C+
36	B+	Intimidating a Witness	
37		(9A.72.110)	C+

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

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

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

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

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

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

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

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

26 **JUVENILE SENTENCING STANDARDS**

27 This schedule must be used for juvenile offenders. The court may
28 select sentencing option A, B, 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)."

1 Correct the title accordingly.

EFFECT: The crime of taking a motor vehicle without permission in the second degree is increased to seriousness level II from a seriousness level I for an adult conviction. Prior juvenile or adult convictions for taking a motor vehicle without permission in the first or second degree will count two points for the purposes of calculating the offender score for repeat car thieves under the adult felony sentencing guidelines. For juvenile offenders sentenced under the juvenile disposition standards, the crime of taking a motor vehicle without permission in the first degree is increased to a category B+ offense from a category C offense and the crime of taking a motor vehicle without permission in the second degree is increased to a category B offense from a category C offense. Additionally, a person convicted or adjudicated for taking a motor vehicle in the first or second degree will have their driving privileges revoked for one year by the Department of Licensing.