
HOUSE BILL 1197

State of Washington

57th Legislature

2001 Regular Session

By Representatives Morell, O'Brien, Ballasiotes, Schoesler, Benson, Fromhold, D. Schmidt, Kirby, Delvin, Carrell, Bush, Ahern, Roach, Marine, Boldt, Pearson, Conway, Woods, Van Luven, Campbell and Hurst

Read first time 01/19/2001. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to increasing penalties for manufacturing
2 methamphetamine; amending RCW 69.50.406, 69.50.415, 9.94A.154, and
3 13.40.0357; reenacting and amending RCW 69.50.401, 9.94A.310, and
4 9.94A.320; and prescribing penalties.

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

6 **Sec. 1.** RCW 69.50.401 and 1998 c 290 s 1 and 1998 c 82 s 2 are
7 each reenacted and amended to read as follows:

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

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

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

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

3 (ii) amphetamine or delivery or possession with intent to deliver
4 methamphetamine, is guilty of a crime and upon conviction may be
5 imprisoned for not more than ten years, or (A) fined not more than
6 twenty-five thousand dollars if the crime involved less than two
7 kilograms of the drug, or both such imprisonment and fine; or (B) if
8 the crime involved two or more kilograms of the drug, then fined not
9 more than one hundred thousand dollars for the first two kilograms and
10 not more than fifty dollars for each gram in excess of two kilograms,
11 or both such imprisonment and fine. Three thousand dollars of the fine
12 may not be suspended. As collected, the first three thousand dollars
13 of the fine must be deposited with the law enforcement agency having
14 responsibility for cleanup of laboratories, sites, or substances used
15 in the manufacture of the methamphetamine. The fine moneys deposited
16 with that law enforcement agency must be used for such clean-up cost;

17 (iii) manufacture of methamphetamine, is guilty of a crime and upon
18 conviction may be imprisoned for not more than twenty years, or (A)
19 fined not more than twenty-five thousand dollars if the crime involved
20 less than two kilograms of the drug, or both such imprisonment and
21 fine; or (B) if the crime involved two or more kilograms of the drug,
22 then fined not more than one hundred thousand dollars for the first two
23 kilograms and not more than fifty dollars for each gram in excess of
24 two kilograms, or both such imprisonment and fine. Five thousand
25 dollars of the fine may not be suspended. As collected, the first five
26 thousand dollars of the fine must be deposited with the law enforcement
27 agency having responsibility for cleanup of laboratories, sites, or
28 substances used in the manufacture of the methamphetamine. The fine
29 moneys deposited with that law enforcement agency must be used for such
30 clean-up cost;

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

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

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

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

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

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

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

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

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

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

25 (c) It is unlawful, except as authorized in this chapter and
26 chapter 69.41 RCW, for any person to offer, arrange, or negotiate for
27 the sale, gift, delivery, dispensing, distribution, or administration
28 of a controlled substance to any person and then sell, give, deliver,
29 dispense, distribute, or administer to that person any other liquid,
30 substance, or material in lieu of such controlled substance. Any
31 person who violates this subsection is guilty of a crime and upon
32 conviction may be imprisoned for not more than five years, fined not
33 more than ten thousand dollars, or both.

34 (d) It is unlawful for any person to possess a controlled substance
35 unless the substance was obtained directly from, or pursuant to, a
36 valid prescription or order of a practitioner while acting in the
37 course of his or her professional practice, or except as otherwise
38 authorized by this chapter. Any person who violates this subsection is
39 guilty of a crime, and upon conviction may be imprisoned for not more

1 than five years, fined not more than ten thousand dollars, or both,
2 except as provided for in subsection (e) of this section.

3 (e) Except as provided for in subsection (a)(1)(~~(iii)~~) (iv) of
4 this section any person found guilty of possession of forty grams or
5 less of marihuana shall be guilty of a misdemeanor.

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

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

13 **Sec. 2.** RCW 69.50.406 and 1998 c 290 s 2 are each amended to read
14 as follows:

15 (a) Any person eighteen years of age or over who violates RCW
16 69.50.401(a) by distributing a controlled substance listed in Schedules
17 I or II which is a narcotic drug or methamphetamine, or flunitrazepam
18 listed in Schedule IV, to a person under eighteen years of age is
19 punishable by the fine authorized by RCW 69.50.401(a)(1) (i) or (ii),
20 by a term of imprisonment of up to twice that authorized by RCW
21 69.50.401(a)(1) (i) or (ii), or by both.

22 (b) Any person eighteen years of age or over who violates RCW
23 69.50.401(a) by distributing any other controlled substance listed in
24 Schedules I, II, III, IV, and V to a person under eighteen years of age
25 who is at least three years his junior is punishable by the fine
26 authorized by RCW 69.50.401(a)(1) (~~(iii)~~) (iv), (~~(iv)~~) (v), or
27 (~~(v)~~) (vi), by a term of imprisonment up to twice that authorized by
28 RCW 69.50.401(a)(1) (~~(iii)~~) (iv), (~~(iv)~~) (v), or (~~(v)~~) (vi), or
29 both.

30 **Sec. 3.** RCW 69.50.415 and 1996 c 205 s 8 are each amended to read
31 as follows:

32 (a) A person who unlawfully delivers a controlled substance in
33 violation of RCW 69.50.401(a)(1) (i), (ii), or (~~(iii)~~) (iv) which
34 controlled substance is subsequently used by the person to whom it was
35 delivered, resulting in the death of the user, is guilty of controlled
36 substances homicide.

1 (b) Controlled substances homicide is a class B felony punishable
2 according to RCW 9A.20.021.

3 **Sec. 4.** RCW 9.94A.154 and 1996 c 205 s 4 are each amended to read
4 as follows:

5 (1) At the earliest possible date, and in no event later than ten
6 days before release except in the event of escape or emergency
7 furloughs as defined in RCW 72.66.010, the department of corrections
8 shall send written notice of parole, community placement, work release
9 placement, furlough, or escape about a specific inmate convicted of a
10 serious drug offense to the following if such notice has been requested
11 in writing about a specific inmate convicted of a serious drug offense:

12 (a) Any witnesses who testified against the inmate in any court
13 proceedings involving the serious drug offense; and

14 (b) Any person specified in writing by the prosecuting attorney.
15 Information regarding witnesses requesting the notice, information
16 regarding any other person specified in writing by the prosecuting
17 attorney to receive the notice, and the notice are confidential and
18 shall not be available to the inmate.

19 (2) If an inmate convicted of a serious drug offense escapes from
20 a correctional facility, the department of corrections shall
21 immediately notify, by the most reasonable and expedient means
22 available, the chief of police of the city and the sheriff of the
23 county in which the inmate resided immediately before the inmate's
24 arrest and conviction. If previously requested, the department shall
25 also notify the witnesses who are entitled to notice under this
26 section. If the inmate is recaptured, the department shall send notice
27 to the persons designated in this subsection as soon as possible but in
28 no event later than two working days after the department learns of
29 such recapture.

30 (3) If any witness is under the age of sixteen, the notice required
31 by this section shall be sent to the parents or legal guardian of the
32 child.

33 (4) The department of corrections shall send the notices required
34 by this section to the last address provided to the department by the
35 requesting party. The requesting party shall furnish the department
36 with a current address.

1 (5) For purposes of this section, "serious drug offense" means an
 2 offense under RCW 9A.02.021(1) (i) ~~((or))~~, (ii), or (iii) or (b)(1)
 3 (i) or (ii).

4 **Sec. 5.** RCW 9.94A.310 and 2000 c 132 s 2 and 2000 c 28 s 11 are
 5 each reenacted and amended to read as follows:

6 (1) TABLE 1

7 Sentencing Grid

8 SERIOUSNESS

9 LEVEL

OFFENDER SCORE

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

10
 11
 12
 13 XVI Life Sentence without Parole/Death Penalty

14 15 XV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y
16	240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
17	320	333	347	361	374	388	416	450	493	548

18 19 XIV	14y4m	15y4m	16y2m	17y	17y11m	18y9m	20y5m	22y2m	25y7m	29y
20	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
21	220	234	244	254	265	275	295	316	357	397

22 23 XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
24	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
25	164	178	192	205	219	233	260	288	342	397

26 27 XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
28	93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
29	123	136	147	160	171	184	216	236	277	318

30 31 XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
32	78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
33	102	114	125	136	147	158	194	211	245	280

1	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
2		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
3		68	75	82	89	96	102	130	144	171	198
4											
5	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
6		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
7		41	48	54	61	68	75	102	116	144	171
8											
9	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
10		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
11		27	34	41	48	54	61	89	102	116	144
12											
13	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
14		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
15		20	27	34	41	48	54	75	89	102	116
16											
17	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
18		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
19		14	20	27	34	41	48	61	75	89	102
20											
21	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
22		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
23		12	14	17	20	29	43	54	68	82	96
24											
25	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
26		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
27		9	12	14	17	20	29	43	57	70	84
28											
29	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
30		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
31		3	8	12	12	16	22	29	43	57	68
32											
33	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
34		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
35		Days	6	9	12	14	18	22	29	43	57
36											

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

5 Numbers in the first horizontal row of each seriousness category
6 represent sentencing midpoints in years(y) and months(m). Numbers in
7 the second and third rows represent standard sentence ranges in months,
8 or in days if so designated. 12+ equals one year and one day.

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

15 (3) The following additional times shall be added to the standard
16 sentence range for felony crimes committed after July 23, 1995, if the
17 offender or an accomplice was armed with a firearm as defined in RCW
18 9.41.010 and the offender is being sentenced for one of the crimes
19 listed in this subsection as eligible for any firearm enhancements
20 based on the classification of the completed felony crime. If the
21 offender is being sentenced for more than one offense, the firearm
22 enhancement or enhancements must be added to the total period of
23 confinement for all offenses, regardless of which underlying offense is
24 subject to a firearm enhancement. If the offender or an accomplice was
25 armed with a firearm as defined in RCW 9.41.010 and the offender is
26 being sentenced for an anticipatory offense under chapter 9A.28 RCW to
27 commit one of the crimes listed in this subsection as eligible for any
28 firearm enhancements, the following additional times shall be added to
29 the standard sentence range determined under subsection (2) of this
30 section based on the felony crime of conviction as classified under RCW
31 9A.28.020:

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

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

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

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

11 (e) Notwithstanding any other provision of law, all firearm
12 enhancements under this section are mandatory, shall be served in total
13 confinement, and shall run consecutively to all other sentencing
14 provisions, including other firearm or deadly weapon enhancements, for
15 all offenses sentenced under this chapter. However, whether or not a
16 mandatory minimum term has expired, an offender serving a sentence
17 under this subsection may be granted an extraordinary medical placement
18 when authorized under RCW 9.94A.150(4).

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

24 (g) If the standard sentence range under this section exceeds the
25 statutory maximum sentence for the offense, the statutory maximum
26 sentence shall be the presumptive sentence unless the offender is a
27 persistent offender. If the addition of a firearm enhancement
28 increases the sentence so that it would exceed the statutory maximum
29 for the offense, the portion of the sentence representing the
30 enhancement may not be reduced.

31 (4) The following additional times shall be added to the standard
32 sentence range for felony crimes committed after July 23, 1995, if the
33 offender or an accomplice was armed with a deadly weapon other than a
34 firearm as defined in RCW 9.41.010 and the offender is being sentenced
35 for one of the crimes listed in this subsection as eligible for any
36 deadly weapon enhancements based on the classification of the completed
37 felony crime. If the offender is being sentenced for more than one
38 offense, the deadly weapon enhancement or enhancements must be added to
39 the total period of confinement for all offenses, regardless of which

1 underlying offense is subject to a deadly weapon enhancement. If the
2 offender or an accomplice was armed with a deadly weapon other than a
3 firearm as defined in RCW 9.41.010 and the offender is being sentenced
4 for an anticipatory offense under chapter 9A.28 RCW to commit one of
5 the crimes listed in this subsection as eligible for any deadly weapon
6 enhancements, the following additional times shall be added to the
7 standard sentence range determined under subsection (2) of this section
8 based on the felony crime of conviction as classified under RCW
9 9A.28.020:

10 (a) Two years for any felony defined under any law as a class A
11 felony or with a statutory maximum sentence of at least twenty years,
12 or both, and not covered under (f) of this subsection.

13 (b) One year for any felony defined under any law as a class B
14 felony or with a statutory maximum sentence of ten years, or both, and
15 not covered under (f) of this subsection.

16 (c) Six months for any felony defined under any law as a class C
17 felony or with a statutory maximum sentence of five years, or both, and
18 not covered under (f) of this subsection.

19 (d) If the offender is being sentenced under (a), (b), and/or (c)
20 of this subsection for any deadly weapon enhancements and the offender
21 has previously been sentenced for any deadly weapon enhancements after
22 July 23, 1995, under (a), (b), and/or (c) of this subsection or
23 subsection (3)(a), (b), and/or (c) of this section, or both, all deadly
24 weapon enhancements under this subsection shall be twice the amount of
25 the enhancement listed.

26 (e) Notwithstanding any other provision of law, all deadly weapon
27 enhancements under this section are mandatory, shall be served in total
28 confinement, and shall run consecutively to all other sentencing
29 provisions, including other firearm or deadly weapon enhancements, for
30 all offenses sentenced under this chapter. However, whether or not a
31 mandatory minimum term has expired, an offender serving a sentence
32 under this subsection may be granted an extraordinary medical placement
33 when authorized under RCW 9.94A.150(4).

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

1 (g) If the standard sentence range under this section exceeds the
2 statutory maximum sentence for the offense, the statutory maximum
3 sentence shall be the presumptive sentence unless the offender is a
4 persistent offender. If the addition of a deadly weapon enhancement
5 increases the sentence so that it would exceed the statutory maximum
6 for the offense, the portion of the sentence representing the
7 enhancement may not be reduced.

8 (5) The following additional times shall be added to the standard
9 sentence range if the offender or an accomplice committed the offense
10 while in a county jail or state correctional facility and the offender
11 is being sentenced for one of the crimes listed in this subsection. If
12 the offender or an accomplice committed one of the crimes listed in
13 this subsection while in a county jail or state correctional facility,
14 and the offender is being sentenced for an anticipatory offense under
15 chapter 9A.28 RCW to commit one of the crimes listed in this
16 subsection, the following additional times shall be added to the
17 standard sentence range determined under subsection (2) of this
18 section:

19 (a) Eighteen months for offenses committed under RCW
20 69.50.401(a)(1) (i) ~~((or))~~, (ii), or (iii) or 69.50.410;

21 (b) Fifteen months for offenses committed under RCW 69.50.401(a)(1)
22 ~~((+iii))~~ (iv), ~~((+iv))~~ (v), and ~~((+v))~~ (vi);

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

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

27 (6) An additional twenty-four months shall be added to the standard
28 sentence range for any ranked offense involving a violation of chapter
29 69.50 RCW if the offense was also a violation of RCW 69.50.435 or
30 9.94A.128.

31 (7) An additional two years shall be added to the standard sentence
32 range for vehicular homicide committed while under the influence of
33 intoxicating liquor or any drug as defined by RCW 46.61.502 for each
34 prior offense as defined in RCW 46.61.5055.

35 **Sec. 6.** RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and
36 2000 c 66 s 2 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

1		
2		
3	XVI	Aggravated Murder 1 (RCW 10.95.020)
4	XV	Homicide by abuse (RCW 9A.32.055)
5		Malicious explosion 1 (RCW 70.74.280(1))
6		Murder 1 (RCW 9A.32.030)
7	XIV	Murder 2 (RCW 9A.32.050)
8	XIII	Malicious explosion 2 (RCW 70.74.280(2))
9		Malicious placement of an explosive 1 (RCW
10		70.74.270(1))
11	XII	Assault 1 (RCW 9A.36.011)
12		Assault of a Child 1 (RCW 9A.36.120)
13		Malicious placement of an imitation device
14		1 (RCW 70.74.272(1)(a))
15		Rape 1 (RCW 9A.44.040)
16		Rape of a Child 1 (RCW 9A.44.073)
17	XI	Manslaughter 1 (RCW 9A.32.060)
18		Rape 2 (RCW 9A.44.050)
19		Rape of a Child 2 (RCW 9A.44.076)
20	X	Child Molestation 1 (RCW 9A.44.083)
21		Indecent Liberties (with forcible
22		compulsion) (RCW 9A.44.100(1)(a))
23		Kidnapping 1 (RCW 9A.40.020)
24		Leading Organized Crime (RCW
25		9A.82.060(1)(a))
26		Malicious explosion 3 (RCW 70.74.280(3))
27		Manufacture of methamphetamine (RCW
28		69.50.401(a)(1)(ii) (<u>iii</u>)
29		Over 18 and deliver heroin,
30		methamphetamine, a narcotic from
31		Schedule I or II, or flunitrazepam
32		from Schedule IV to someone under 18
33		(RCW 69.50.406)
34	IX	Assault of a Child 2 (RCW 9A.36.130)

1 Controlled Substance Homicide (RCW
2 69.50.415)
3 Explosive devices prohibited (RCW
4 70.74.180)
5 Homicide by Watercraft, by being under the
6 influence of intoxicating liquor or
7 any drug (RCW 79A.60.050)
8 Inciting Criminal Profiteering (RCW
9 9A.82.060(1)(b))
10 Malicious placement of an explosive 2 (RCW
11 70.74.270(2))
12 Over 18 and deliver narcotic from Schedule
13 III, IV, or V or a nonnarcotic, except
14 flunitrazepam or methamphetamine, from
15 Schedule I-V to someone under 18 and 3
16 years junior (RCW 69.50.406)
17 Robbery 1 (RCW 9A.56.200)
18 Sexual Exploitation (RCW 9.68A.040)
19 Vehicular Homicide, by being under the
20 influence of intoxicating liquor or
21 any drug (RCW 46.61.520)

22 VIII Arson 1 (RCW 9A.48.020)
23 Deliver or possess with intent to deliver
24 m e t h a m p h e t a m i n e (R C W
25 69.50.401(a)(1)(ii))
26 Hit and Run--Death (RCW 46.52.020(4)(a))
27 Homicide by Watercraft, by the operation of
28 any vessel in a reckless manner (RCW
29 79A.60.050)
30 Manslaughter 2 (RCW 9A.32.070)
31 Manufacture, deliver, or possess with
32 intent to deliver amphetamine (RCW
33 69.50.401(a)(1)(ii))
34 Manufacture, deliver, or possess with
35 intent to deliver heroin or cocaine
36 (RCW 69.50.401(a)(1)(i))
37 Possession of Ephedrine, Pseudoephedrine,
38 or Anhydrous Ammonia with intent to

1 manufacture methamphetamine (RCW
2 69.50.440)
3 Promoting Prostitution 1 (RCW 9A.88.070)
4 Selling for profit (controlled or
5 counterfeit) any controlled substance
6 (RCW 69.50.410)
7 Theft of Anhydrous Ammonia (RCW 69.55.010)
8 Vehicular Homicide, by the operation of any
9 vehicle in a reckless manner (RCW
10 46.61.520)

11 VII Burglary 1 (RCW 9A.52.020)
12 Child Molestation 2 (RCW 9A.44.086)
13 Dealing in depictions of minor engaged in
14 sexually explicit conduct (RCW
15 9.68A.050)
16 Drive-by Shooting (RCW 9A.36.045)
17 Homicide by Watercraft, by disregard for
18 the safety of others (RCW 79A.60.050)
19 Indecent Liberties (without forcible
20 compulsion) (RCW 9A.44.100(1) (b) and
21 (c))
22 Introducing Contraband 1 (RCW 9A.76.140)
23 Involving a minor in drug dealing (RCW
24 69.50.401(f))
25 Malicious placement of an explosive 3 (RCW
26 70.74.270(3))
27 Sending, bringing into state depictions of
28 minor engaged in sexually explicit
29 conduct (RCW 9.68A.060)
30 Unlawful Possession of a Firearm in the
31 first degree (RCW 9.41.040(1)(a))
32 Use of a Machine Gun in Commission of a
33 Felony (RCW 9.41.225)
34 Vehicular Homicide, by disregard for the
35 safety of others (RCW 46.61.520)

36 VI Bail Jumping with Murder 1 (RCW
37 9A.76.170(2)(a))
38 Bribery (RCW 9A.68.010)

1 Incest 1 (RCW 9A.64.020(1))
2 Intimidating a Judge (RCW 9A.72.160)
3 Intimidating a Juror/Witness (RCW
4 9A.72.110, 9A.72.130)
5 Malicious placement of an imitation device
6 2 (RCW 70.74.272(1)(b))
7 Manufacture, deliver, or possess with
8 intent to deliver narcotics from
9 Schedule I or II (except heroin or
10 cocaine) or flunitrazepam from
11 Schedule IV (RCW 69.50.401(a)(1)(i))
12 Rape of a Child 3 (RCW 9A.44.079)
13 Theft of a Firearm (RCW 9A.56.300)
14 Unlawful Storage of Anhydrous Ammonia (RCW
15 69.55.020)

16 V Abandonment of dependent person 1 (RCW
17 9A.42.060)
18 Advancing money or property for
19 extortionate extension of credit (RCW
20 9A.82.030)
21 Bail Jumping with class A Felony (RCW
22 9A.76.170(2)(b))
23 Child Molestation 3 (RCW 9A.44.089)
24 Criminal Mistreatment 1 (RCW 9A.42.020)
25 Custodial Sexual Misconduct 1 (RCW
26 9A.44.160)
27 Delivery of imitation controlled substance
28 by person eighteen or over to person
29 under eighteen (RCW 69.52.030(2))
30 Domestic Violence Court Order Violation
31 (RCW 10.99.040, 10.99.050, 26.09.300,
32 26.10.220, 26.26.138, 26.50.110,
33 26.52.070, or 74.34.145)
34 Extortion 1 (RCW 9A.56.120)
35 Extortionate Extension of Credit (RCW
36 9A.82.020)
37 Extortionate Means to Collect Extensions of
38 Credit (RCW 9A.82.040)
39 Incest 2 (RCW 9A.64.020(2))

1 Kidnapping 2 (RCW 9A.40.030)
2 Perjury 1 (RCW 9A.72.020)
3 Persistent prison misbehavior (RCW
4 9.94.070)
5 Possession of a Stolen Firearm (RCW
6 9A.56.310)
7 Rape 3 (RCW 9A.44.060)
8 Rendering Criminal Assistance 1 (RCW
9 9A.76.070)
10 Sexual Misconduct with a Minor 1 (RCW
11 9A.44.093)
12 Sexually Violating Human Remains (RCW
13 9A.44.105)
14 Stalking (RCW 9A.46.110)

15 IV Arson 2 (RCW 9A.48.030)
16 Assault 2 (RCW 9A.36.021)
17 Assault by Watercraft (RCW 79A.60.060)
18 Bribing a Witness/Bribe Received by Witness
19 (RCW 9A.72.090, 9A.72.100)
20 Commercial Bribery (RCW 9A.68.060)
21 Counterfeiting (RCW 9.16.035(4))
22 Escape 1 (RCW 9A.76.110)
23 Hit and Run--Injury (RCW 46.52.020(4)(b))
24 Hit and Run with Vessel--Injury Accident
25 (RCW 79A.60.200(3))
26 Indecent Exposure to Person Under Age
27 Fourteen (subsequent sex offense) (RCW
28 9A.88.010)
29 Influencing Outcome of Sporting Event (RCW
30 9A.82.070)
31 Knowingly Trafficking in Stolen Property
32 (RCW 9A.82.050(2))
33 Malicious Harassment (RCW 9A.36.080)
34 Manufacture, deliver, or possess with
35 intent to deliver narcotics from
36 Schedule III, IV, or V or nonnarcotics
37 from Schedule I-V (except marijuana,
38 amphetamine, methamphetamines, or

1 flunitrazepam) (RCW 69.50.401(a)(1)
2 ((~~iii~~)) (iv) through ((~~v~~)) (vi)
3 Residential Burglary (RCW 9A.52.025)
4 Robbery 2 (RCW 9A.56.210)
5 Theft of Livestock 1 (RCW 9A.56.080)
6 Threats to Bomb (RCW 9.61.160)
7 Use of Proceeds of Criminal Profiteering
8 (RCW 9A.82.080 (1) and (2))
9 Vehicular Assault (RCW 46.61.522)
10 Willful Failure to Return from Furlough
11 (RCW 72.66.060)

12 III Abandonment of dependent person 2 (RCW
13 9A.42.070)
14 Assault 3 (RCW 9A.36.031)
15 Assault of a Child 3 (RCW 9A.36.140)
16 Bail Jumping with class B or C Felony (RCW
17 9A.76.170(2)(c))
18 Burglary 2 (RCW 9A.52.030)
19 Communication with a Minor for Immoral
20 Purposes (RCW 9.68A.090)
21 Criminal Gang Intimidation (RCW 9A.46.120)
22 Criminal Mistreatment 2 (RCW 9A.42.030)
23 Custodial Assault (RCW 9A.36.100)
24 Delivery of a material in lieu of a
25 controlled substance (RCW
26 69.50.401(c))
27 Escape 2 (RCW 9A.76.120)
28 Extortion 2 (RCW 9A.56.130)
29 Harassment (RCW 9A.46.020)
30 Intimidating a Public Servant (RCW
31 9A.76.180)
32 Introducing Contraband 2 (RCW 9A.76.150)
33 Maintaining a Dwelling or Place for
34 Controlled Substances (RCW
35 69.50.402(a)(6))
36 Malicious Injury to Railroad Property (RCW
37 81.60.070)

1 Manufacture, deliver, or possess with
2 intent to deliver marijuana (RCW
3 69.50.401(a)(1)(~~(iii)~~) (iv))
4 Manufacture, distribute, or possess with
5 intent to distribute an imitation
6 controlled substance (RCW
7 69.52.030(1))
8 Patronizing a Juvenile Prostitute (RCW
9 9.68A.100)
10 Perjury 2 (RCW 9A.72.030)
11 Possession of Incendiary Device (RCW
12 9.40.120)
13 Possession of Machine Gun or Short-Barreled
14 Shotgun or Rifle (RCW 9.41.190)
15 Promoting Prostitution 2 (RCW 9A.88.080)
16 Recklessly Trafficking in Stolen Property
17 (RCW 9A.82.050(1))
18 Securities Act violation (RCW 21.20.400)
19 Tampering with a Witness (RCW 9A.72.120)
20 Telephone Harassment (subsequent conviction
21 or threat of death) (RCW 9.61.230)
22 Theft of Livestock 2 (RCW 9A.56.080)
23 Unlawful Imprisonment (RCW 9A.40.040)
24 Unlawful possession of firearm in the
25 second degree (RCW 9.41.040(1)(b))
26 Unlawful Use of Building for Drug Purposes
27 (RCW 69.53.010)
28 Willful Failure to Return from Work Release
29 (RCW 72.65.070)
30 II Computer Trespass 1 (RCW 9A.52.110)
31 Counterfeiting (RCW 9.16.035(3))
32 Create, deliver, or possess a counterfeit
33 controlled substance (RCW
34 69.50.401(b))
35 Escape from Community Custody (RCW
36 72.09.310)
37 Health Care False Claims (RCW 48.80.030)
38 Malicious Mischief 1 (RCW 9A.48.070)

1 Possession of controlled substance that is
2 either heroin or narcotics from
3 Schedule I or II or flunitrazepam from
4 Schedule IV (RCW 69.50.401(d))
5 Possession of phencyclidine (PCP) (RCW
6 69.50.401(d))
7 Possession of Stolen Property 1 (RCW
8 9A.56.150)
9 Theft 1 (RCW 9A.56.030)
10 Theft of Rental, Leased, or Lease-purchased
11 Property (valued at one thousand five
12 hundred dollars or more) (RCW
13 9A.56.096(4))
14 Trafficking in Insurance Claims (RCW
15 48.30A.015)
16 Unlawful Practice of Law (RCW 2.48.180)
17 Unlicensed Practice of a Profession or
18 Business (RCW 18.130.190(7))

19 I Attempting to Elude a Pursuing Police
20 Vehicle (RCW 46.61.024)
21 False Verification for Welfare (RCW
22 74.08.055)
23 Forged Prescription (RCW 69.41.020)
24 Forged Prescription for a Controlled
25 Substance (RCW 69.50.403)
26 Forgery (RCW 9A.60.020)
27 Malicious Mischief 2 (RCW 9A.48.080)
28 Possess Controlled Substance that is a
29 Narcotic from Schedule III, IV, or V
30 or Non-narcotic from Schedule I-V
31 (except phencyclidine or
32 flunitrazepam) (RCW 69.50.401(d))
33 Possession of Stolen Property 2 (RCW
34 9A.56.160)
35 Reckless Burning 1 (RCW 9A.48.040)
36 Taking Motor Vehicle Without Permission
37 (RCW 9A.56.070)
38 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-purchased
 2 Property (valued at two hundred fifty
 3 dollars or more but less than one
 4 thousand five hundred dollars) (RCW
 5 9A.56.096(4))
 6 Unlawful Issuance of Checks or Drafts (RCW
 7 9A.56.060)
 8 Unlawful Use of Food Stamps (RCW 9.91.140
 9 (2) and (3))
 10 Vehicle Prowl 1 (RCW 9A.52.095)

11 **Sec. 7.** RCW 13.40.0357 and 2000 c 66 s 3 are each amended to read
 12 as follows:

13 **DESCRIPTION AND OFFENSE CATEGORY**

14	JUVENILE		JUVENILE DISPOSITION
15	DISPOSITION		CATEGORY FOR ATTEMPT,
16	OFFENSE		BAILJUMP, CONSPIRACY,
17	CATEGORY	DESCRIPTION (RCW CITATION)	OR SOLICITATION
18		

19 **Arson and Malicious Mischief**

20	A	Arson 1 (9A.48.020)	B+
21	B	Arson 2 (9A.48.030)	C
22	C	Reckless Burning 1 (9A.48.040)	D
23	D	Reckless Burning 2 (9A.48.050)	E
24	B	Malicious Mischief 1 (9A.48.070)	C
25	C	Malicious Mischief 2 (9A.48.080)	D
26	D	Malicious Mischief 3 (<\$50 is	
27		E class) (9A.48.090)	E
28	E	Tampering with Fire Alarm	
29		Apparatus (9.40.100)	E
30	A	Possession of Incendiary Device	
31		(9.40.120)	B+

32 **Assault and Other Crimes**

33 **Involving Physical Harm**

34	A	Assault 1 (9A.36.011)	B+
35	B+	Assault 2 (9A.36.021)	C+
36	C+	Assault 3 (9A.36.031)	D+
37	D+	Assault 4 (9A.36.041)	E

1	B+	Drive-By Shooting	
2		(9A.36.045)	C+
3	D+	Reckless Endangerment	
4		(9A.36.050)	E
5	C+	Promoting Suicide Attempt	
6		(9A.36.060)	D+
7	D+	Coercion (9A.36.070)	E
8	C+	Custodial Assault (9A.36.100)	D+
9		Burglary and Trespass	
10	B+	Burglary 1 (9A.52.020)	C+
11	B	Residential Burglary	
12		(9A.52.025)	C
13	B	Burglary 2 (9A.52.030)	C
14	D	Burglary Tools (Possession of)	
15		(9A.52.060)	E
16	D	Criminal Trespass 1 (9A.52.070)	E
17	E	Criminal Trespass 2 (9A.52.080)	E
18	C	Vehicle Prowling 1 (9A.52.095)	D
19	D	Vehicle Prowling 2 (9A.52.100)	E
20		Drugs	
21	E	Possession/Consumption of Alcohol	
22		(66.44.270)	E
23	C	Illegally Obtaining Legend Drug	
24		(69.41.020)	D
25	C+	Sale, Delivery, Possession of Legend	
26		Drug with Intent to Sell	
27		(69.41.030)	D+
28	E	Possession of Legend Drug	
29		(69.41.030)	E
30	B+	Violation of Uniform Controlled	
31		Substances Act - Narcotic,	
32		Methamphetamine, or Flunitrazepam	
33		Sale (69.50.401(a)(1) (i) ((i)) ,	
34		(ii), <u>or</u> (iii))	B+
35	C	Violation of Uniform Controlled	
36		Substances Act - Nonnarcotic Sale	
37		(69.50.401(a)(1) ((iii)) (iv))	C

1	E	Possession of Marihuana <40 grams	
2		(69.50.401(e))	E
3	C	Fraudulently Obtaining Controlled	
4		Substance (69.50.403)	C
5	C+	Sale of Controlled Substance	
6		for Profit (69.50.410)	C+
7	E	Unlawful Inhalation (9.47A.020)	E
8	B	Violation of Uniform Controlled	
9		Substances Act - Narcotic,	
10		Methamphetamine, or Flunitrazepam	
11		Counterfeit Substances	
12		(69.50.401(b)(1) (i) or (ii))	B
13	C	Violation of Uniform Controlled	
14		Substances Act - Nonnarcotic	
15		Counterfeit Substances	
16		(69.50.401(b)(1) (iii), (iv), (v))	C
17	C	Violation of Uniform Controlled	
18		Substances Act - Possession of a	
19		Controlled Substance	
20		(69.50.401(d))	C
21	C	Violation of Uniform Controlled	
22		Substances Act - Possession of a	
23		Controlled Substance	
24		(69.50.401(c))	C
25		Firearms and Weapons	
26	B	Theft of Firearm (9A.56.300)	C
27	B	Possession of Stolen Firearm	
28		(9A.56.310)	C
29	E	Carrying Loaded Pistol Without	
30		Permit (9.41.050)	E
31	C	Possession of Firearms by Minor (<18)	
32		(9.41.040(1)(b)(iii))	C
33	D+	Possession of Dangerous Weapon	
34		(9.41.250)	E
35	D	Intimidating Another Person by use	
36		of Weapon (9.41.270)	E
37		Homicide	
38	A+	Murder 1 (9A.32.030)	A

1	A+	Murder 2 (9A.32.050)	B+
2	B+	Manslaughter 1 (9A.32.060)	C+
3	C+	Manslaughter 2 (9A.32.070)	D+
4	B+	Vehicular Homicide (46.61.520)	C+
5		Kidnapping	
6	A	Kidnap 1 (9A.40.020)	B+
7	B+	Kidnap 2 (9A.40.030)	C+
8	C+	Unlawful Imprisonment	
9		(9A.40.040)	D+
10		Obstructing Governmental Operation	
11	D	Obstructing a Law Enforcement	
12		Officer (9A.76.020)	E
13	E	Resisting Arrest (9A.76.040)	E
14	B	Introducing Contraband 1	
15		(9A.76.140)	C
16	C	Introducing Contraband 2	
17		(9A.76.150)	D
18	E	Introducing Contraband 3	
19		(9A.76.160)	E
20	B+	Intimidating a Public Servant	
21		(9A.76.180)	C+
22	B+	Intimidating a Witness	
23		(9A.72.110)	C+
24		Public Disturbance	
25	C+	Riot with Weapon (9A.84.010)	D+
26	D+	Riot Without Weapon	
27		(9A.84.010)	E
28	E	Failure to Disperse (9A.84.020)	E
29	E	Disorderly Conduct (9A.84.030)	E
30		Sex Crimes	
31	A	Rape 1 (9A.44.040)	B+
32	A-	Rape 2 (9A.44.050)	B+
33	C+	Rape 3 (9A.44.060)	D+
34	A-	Rape of a Child 1 (9A.44.073)	B+
35	B+	Rape of a Child 2 (9A.44.076)	C+
36	B	Incest 1 (9A.64.020(1))	C
37	C	Incest 2 (9A.64.020(2))	D

1	D+	Indecent Exposure	
2		(Victim <14) (9A.88.010)	E
3	E	Indecent Exposure	
4		(Victim 14 or over) (9A.88.010)	E
5	B+	Promoting Prostitution 1	
6		(9A.88.070)	C+
7	C+	Promoting Prostitution 2	
8		(9A.88.080)	D+
9	E	O & A (Prostitution) (9A.88.030)	E
10	B+	Indecent Liberties (9A.44.100)	C+
11	A-	Child Molestation 1 (9A.44.083)	B+
12	B	Child Molestation 2 (9A.44.086)	C+
13		Theft, Robbery, Extortion, and Forgery	
14	B	Theft 1 (9A.56.030)	C
15	C	Theft 2 (9A.56.040)	D
16	D	Theft 3 (9A.56.050)	E
17	B	Theft of Livestock (9A.56.080)	C
18	C	Forgery (9A.60.020)	D
19	A	Robbery 1 (9A.56.200)	B+
20	B+	Robbery 2 (9A.56.210)	C+
21	B+	Extortion 1 (9A.56.120)	C+
22	C+	Extortion 2 (9A.56.130)	D+
23	B	Possession of Stolen Property 1	
24		(9A.56.150)	C
25	C	Possession of Stolen Property 2	
26		(9A.56.160)	D
27	D	Possession of Stolen Property 3	
28		(9A.56.170)	E
29	C	Taking Motor Vehicle Without	
30		Owner's Permission (9A.56.070)	D
31		Motor Vehicle Related Crimes	
32	E	Driving Without a License	
33		(46.20.005)	E
34	B+	Hit and Run - Death	
35		(46.52.020(4)(a))	C+
36	C	Hit and Run - Injury	
37		(46.52.020(4)(b))	D

1	D	Hit and Run-Attended	
2		(46.52.020(5))	E
3	E	Hit and Run-Unattended	
4		(46.52.010)	E
5	C	Vehicular Assault (46.61.522)	D
6	C	Attempting to Elude Pursuing	
7		Police Vehicle (46.61.024)	D
8	E	Reckless Driving (46.61.500)	E
9	D	Driving While Under the Influence	
10		(46.61.502 and 46.61.504)	E
11		Other	
12	B	Bomb Threat (9.61.160)	C
13	C	Escape 1 (9A.76.110)	C
14	C	Escape 2 (9A.76.120)	C
15	D	Escape 3 (9A.76.130)	E
16	E	Obscene, Harassing, Etc.,	
17		Phone Calls (9.61.230)	E
18	A	Other Offense Equivalent to an	
19		Adult Class A Felony	B+
20	B	Other Offense Equivalent to an	
21		Adult Class B Felony	C
22	C	Other Offense Equivalent to an	
23		Adult Class C Felony	D
24	D	Other Offense Equivalent to an	
25		Adult Gross Misdemeanor	E
26	E	Other Offense Equivalent to an	
27		Adult Misdemeanor	E
28	V	Violation of Order of Restitution,	
29		Community Supervision, or	
30		Confinement (13.40.200)	V

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

33 1st escape or attempted escape during 12-month period - 4 weeks
34 confinement

35 2nd escape or attempted escape during 12-month period - 8 weeks
36 confinement

1 3rd and subsequent escape or attempted escape during 12-month
2 period - 12 weeks confinement

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

5 **JUVENILE SENTENCING STANDARDS**

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

8 **OPTION A**
9 **JUVENILE OFFENDER SENTENCING GRID**
10 **STANDARD RANGE**

11			_____			
12	A+		180 WEEKS TO AGE 21 YEARS			
13			_____			
14	A		103 WEEKS TO 129 WEEKS			
15			_____			
16	A-		15-36	52-65	80-100	103-129
17			WEEKS	WEEKS	WEEKS	WEEKS
18			EXCEPT			
19			30-40			
20			WEEKS FOR			
21			15-17			
22			YEAR OLDS			
23			_____			
24	Current	B+	15-36	52-65	80-100	103-129
25	Offense		WEEKS	WEEKS	WEEKS	WEEKS
26	Category		_____			
27		B	LOCAL			52-65
28			SANCTIONS (LS)	15-36 WEEKS		WEEKS
29				_____		_____
30		C+	LS			
31				15-36 WEEKS		
32				_____		
33		C	LS			15-36 WEEKS
34			Local Sanctions:			
35			0 to 30 Days _____			
36		D+	LS	0 to 12 Months Community Supervision		
37				0 to 150 Hours Community Service		
38		D	LS	\$0 to \$500 Fine		

1	E	LS					
2			<hr/>				
3			0	1	2	3	4 or more
4			PRIOR ADJUDICATIONS				

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

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

10 (2) The horizontal axis of the grid is the number of prior
11 adjudications included in the juvenile's criminal history. Each prior
12 felony adjudication shall count as one point. Each prior violation,
13 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
14 point. Fractional points shall be rounded down.

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

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

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

23 **OR**

24 **OPTION B**

25 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

26 If the juvenile offender is subject to a standard range disposition
27 of local sanctions or 15 to 36 weeks of confinement and has not
28 committed an A- or B+ offense, the court may impose a disposition under
29 RCW 13.40.160(4) and 13.40.165.

30 **OR**

31 **OPTION C**

32 **MANIFEST INJUSTICE**

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

--- END ---