
HOUSE BILL 3102

State of Washington 60th Legislature 2008 Regular Session

By Representatives Darneille and Roberts

Read first time 01/22/08. Referred to Committee on Human Services.

1 AN ACT Relating to expanding the circumstances under which a person
2 may be under the jurisdiction of the juvenile court beyond his or her
3 eighteenth birthday; amending RCW 13.40.300 and 13.40.0357; and
4 prescribing penalties.

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

6 **Sec. 1.** RCW 13.40.300 and 2005 c 238 s 2 are each amended to read
7 as follows:

8 (1) Except as provided in (b) of this subsection, in no case may a
9 juvenile offender be committed by the juvenile court to the department
10 of social and health services for placement in a juvenile correctional
11 institution beyond the juvenile offender's twenty-first birthday. A
12 juvenile may be under the jurisdiction of the juvenile court or the
13 authority of the department of social and health services beyond the
14 juvenile's eighteenth birthday only if:

15 (a) Prior to the juvenile's eighteenth birthday:

16 ~~((a) Proceedings are pending seeking the adjudication of a~~
17 ~~juvenile offense and the court by written order setting forth its~~
18 ~~reasons extends jurisdiction of juvenile court over the juvenile beyond~~
19 ~~his or her eighteenth birthday;~~

1 ~~(b)~~) (i) The juvenile has been found guilty after a fact finding
2 or after a plea of guilty and an automatic extension is necessary to
3 allow for the imposition of disposition;

4 ~~((c))~~ (ii) Disposition has been held and an automatic extension
5 is necessary to allow for the execution and enforcement of the court's
6 order of disposition. If an order of disposition imposes commitment to
7 the department, then jurisdiction is automatically extended to include
8 a period of up to twelve months of parole, in no case extending beyond
9 the offender's twenty-first birthday; or

10 ~~((d))~~ (iii) While proceedings are pending in a case in which
11 jurisdiction has been transferred to the adult criminal court pursuant
12 to RCW 13.04.030, the juvenile turns eighteen years of age and is
13 subsequently found not guilty of the charge for which he or she was
14 transferred, or is convicted in the adult criminal court of a lesser
15 included offense, and an automatic extension is necessary to impose the
16 disposition as required by RCW 13.04.030(1)(e)(v)(E); or

17 (b) Prior to the juvenile's twenty-first birthday, proceedings are
18 pending seeking the adjudication of a juvenile offense and the court by
19 written order setting forth its reasons extends jurisdiction of the
20 juvenile court over the juvenile beyond his or her eighteenth birthday.

21 (i) If jurisdiction is extended under this subsection (1)(b)
22 because proceedings are pending prior to the juvenile's eighteenth
23 birthday, the juvenile may not be committed by the juvenile court to
24 the department of social and health services for placement in a
25 juvenile correctional institution beyond his or her twenty-first
26 birthday.

27 (ii) If jurisdiction is extended under this subsection (1)(b)
28 because proceedings are pending on or after the juvenile's eighteenth
29 birthday, but prior to the juvenile's twenty-first birthday, the
30 juvenile offender may not be committed by the juvenile court for
31 placement in a correctional institution beyond his or her twenty-fourth
32 birthday. Such a juvenile offender shall serve any term of confinement
33 imposed under this chapter in a correctional institution operated by,
34 or under contract with, the department of corrections.

35 (2) If the juvenile court previously has extended jurisdiction
36 beyond the juvenile offender's eighteenth birthday and that period of
37 extension has not expired, the court may further extend jurisdiction by
38 written order setting forth its reasons.

(3) Except as provided in subsection (1)(b) of this section, in no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday except for the purpose of enforcing an order of restitution or penalty assessment.

(4) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.

Sec. 2. RCW 13.40.0357 and 2007 c 199 s 11 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

		JUVENILE DISPOSITION
JUVENILE DISPOSITION	DESCRIPTION (RCW CITATION)	CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
.....		
Arson and Malicious Mischief		
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090(2) (a) and (c))	E
E	Malicious Mischief 3 (9A.48.090(2)(b))	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+
Assault and Other Crimes Involving Physical Harm		

1	A	Assault 1 (9A.36.011)	B+
2	B+	Assault 2 (9A.36.021)	C+
3	C+	Assault 3 (9A.36.031)	D+
4	D+	Assault 4 (9A.36.041)	E
5	B+	Drive-By Shooting (9A.36.045)	C+
6	D+	Reckless Endangerment (9A.36.050)	E
7	C+	Promoting Suicide Attempt (9A.36.060)	D+
8	D+	Coercion (9A.36.070)	E
9	C+	Custodial Assault (9A.36.100)	D+
10		Burglary and Trespass	
11	B+	Burglary 1 (9A.52.020)	C+
12	B	Residential Burglary (9A.52.025)	C
13	B	Burglary 2 (9A.52.030)	C
14	D	Burglary Tools (Possession of) (9A.52.060)	E
15	D	Criminal Trespass 1 (9A.52.070)	E
16	E	Criminal Trespass 2 (9A.52.080)	E
17	C	Mineral Trespass (78.44.330)	C
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 Drug	
26		with Intent to Sell (69.41.030(2)(a))	D+
27	E	Possession of Legend Drug	
28		(69.41.030(2)(b))	E
29	B+	Violation of Uniform Controlled Substances	
30		Act - Narcotic, Methamphetamine, or	
31		Flunitrazepam Sale (69.50.401(2) (a) or	
32		(b))	B+
33	C	Violation of Uniform Controlled Substances	
34		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
35	E	Possession of Marihuana <40 grams	
36		(69.50.4014)	E

1	C	Fraudulently Obtaining Controlled	
2		Substance (69.50.403)	C
3	C+	Sale of Controlled Substance for Profit	
4		(69.50.410)	C+
5	E	Unlawful Inhalation (9.47A.020)	E
6	B	Violation of Uniform Controlled Substances	
7		Act - Narcotic, Methamphetamine, or	
8		Flunitrazepam Counterfeit Substances	
9		(69.50.4011(2) (a) or (b))	B
10	C	Violation of Uniform Controlled Substances	
11		Act - Nonnarcotic Counterfeit Substances	
12		(69.50.4011(2) (c), (d), or (e))	C
13	C	Violation of Uniform Controlled Substances	
14		Act - Possession of a Controlled Substance	
15		(69.50.4013)	C
16	C	Violation of Uniform Controlled Substances	
17		Act - Possession of a Controlled Substance	
18		(69.50.4012)	C
19		Firearms and Weapons	
20	B	Theft of Firearm (9A.56.300)	C
21	B	Possession of Stolen Firearm (9A.56.310)	C
22	E	Carrying Loaded Pistol Without Permit	
23		(9.41.050)	E
24	C	Possession of Firearms by Minor (<18)	
25		(9.41.040(2)(a)(iii))	C
26	D+	Possession of Dangerous Weapon	
27		(9.41.250)	E
28	D	Intimidating Another Person by use of	
29		Weapon (9.41.270)	E
30		Homicide	
31	A+	Murder 1 (9A.32.030)	A
32	A+	Murder 2 (9A.32.050)	B+
33	B+	Manslaughter 1 (9A.32.060)	C+
34	C+	Manslaughter 2 (9A.32.070)	D+
35	B+	Vehicular Homicide (46.61.520)	C+
36		Kidnapping	

1	A	Kidnap 1 (9A.40.020)	B+
2	B+	Kidnap 2 (9A.40.030)	C+
3	C+	Unlawful Imprisonment (9A.40.040)	D+
4		Obstructing Governmental Operation	
5	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
6			
7	E	Resisting Arrest (9A.76.040)	E
8	B	Introducing Contraband 1 (9A.76.140)	C
9	C	Introducing Contraband 2 (9A.76.150)	D
10	E	Introducing Contraband 3 (9A.76.160)	E
11	B+	Intimidating a Public Servant (9A.76.180)	C+
12	B+	Intimidating a Witness (9A.72.110)	C+
13		Public Disturbance	
14	C+	Riot with Weapon (9A.84.010(2)(b))	D+
15	D+	Riot Without Weapon (9A.84.010(2)(a))	E
16	E	Failure to Disperse (9A.84.020)	E
17	E	Disorderly Conduct (9A.84.030)	E
18		Sex Crimes	
19	A	Rape 1 (9A.44.040)	B+
20	A-	Rape 2 (9A.44.050)	B+
21	C+	Rape 3 (9A.44.060)	D+
22	A-	Rape of a Child 1 (9A.44.073)	B+
23	B+	Rape of a Child 2 (9A.44.076)	C+
24	B	Incest 1 (9A.64.020(1))	C
25	C	Incest 2 (9A.64.020(2))	D
26	D+	Indecent Exposure (Victim <14)	
27		(9A.88.010)	E
28	E	Indecent Exposure (Victim 14 or over)	
29		(9A.88.010)	E
30	B+	Promoting Prostitution 1 (9A.88.070)	C+
31	C+	Promoting Prostitution 2 (9A.88.080)	D+
32	E	O & A (Prostitution) (9A.88.030)	E
33	B+	Indecent Liberties (9A.44.100)	C+
34	A-	Child Molestation 1 (9A.44.083)	B+
35	B	Child Molestation 2 (9A.44.086)	C+
36		Theft, Robbery, Extortion, and Forgery	

1	B	Theft 1 (9A.56.030)	C
2	C	Theft 2 (9A.56.040)	D
3	D	Theft 3 (9A.56.050)	E
4	B	Theft of Livestock 1 and 2 (9A.56.080 and	
5		9A.56.083)	C
6	C	Forgery (9A.60.020)	D
7	A	Robbery 1 (9A.56.200)	B+
8	B+	Robbery 2 (9A.56.210)	C+
9	B+	Extortion 1 (9A.56.120)	C+
10	C+	Extortion 2 (9A.56.130)	D+
11	C	Identity Theft 1 (9.35.020(2))	D
12	D	Identity Theft 2 (9.35.020(3))	E
13	D	Improperly Obtaining Financial Information	
14		(9.35.010)	E
15	B	Possession of a Stolen Vehicle (9A.56.068)	C
16	B	Possession of Stolen Property 1	
17		(9A.56.150)	C
18	C	Possession of Stolen Property 2	
19		(9A.56.160)	D
20	D	Possession of Stolen Property 3	
21		(9A.56.170)	E
22	B	Taking Motor Vehicle Without Permission	
23		1 (9A.56.070)	C
24	C	Taking Motor Vehicle Without Permission	
25		2 (9A.56.075)	D
26	B	Theft of a Motor Vehicle (9A.56.065)	C
27		Motor Vehicle Related Crimes	
28	E	Driving Without a License (46.20.005)	E
29	B+	Hit and Run - Death (46.52.020(4)(a))	C+
30	C	Hit and Run - Injury (46.52.020(4)(b))	D
31	D	Hit and Run-Attended (46.52.020(5))	E
32	E	Hit and Run-Unattended (46.52.010)	E
33	C	Veicular Assault (46.61.522)	D
34	C	Attempting to Elude Pursuing Police	
35		Vehicle (46.61.024)	D
36	E	Reckless Driving (46.61.500)	E

1	D	Driving While Under the Influence	E
2		(46.61.502 and 46.61.504)	
3	B+	Felony Driving While Under the Influence	
4		(46.61.502(6))	B
5	B+	Felony Physical Control of a Vehicle While	
6		Under the Influence (46.61.504(6))	B
7		Other	
8	B	Animal Cruelty 1 (16.52.205)	C
9	B	Bomb Threat (9.61.160)	C
10	C	Escape 1 ¹ (9A.76.110)	C
11	C	Escape 2 ¹ (9A.76.120)	C
12	D	Escape 3 (9A.76.130)	E
13	E	Obscene, Harassing, Etc., Phone Calls	
14		(9.61.230)	E
15	A	Other Offense Equivalent to an Adult Class	
16		A Felony	B+
17	B	Other Offense Equivalent to an Adult Class	
18		B Felony	C
19	C	Other Offense Equivalent to an Adult Class	
20		C Felony	D
21	D	Other Offense Equivalent to an Adult Gross	
22		Misdemeanor	E
23	E	Other Offense Equivalent to an Adult	
24		Misdemeanor	E
25	V	Violation of Order of Restitution,	
26		Community Supervision, or Confinement	
27		(13.40.200) ²	V

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

30 1st escape or attempted escape during 12-month period - 4 weeks
31 confinement

32 2nd escape or attempted escape during 12-month period - 8 weeks
33 confinement

34 3rd and subsequent escape or attempted escape during 12-month
35 period - 12 weeks confinement

1 ²If the court finds that a respondent has violated terms of an order,
 2 it may impose a penalty of up to 30 days of confinement.

3 **JUVENILE SENTENCING STANDARDS**

4 This schedule must be used for juvenile offenders. The court may
 5 select sentencing option A, B, C, D, or RCW 13.40.167.

6 **OPTION A**
 7 **JUVENILE OFFENDER SENTENCING GRID**
 8 **STANDARD RANGE**

9
 10 A+ 180 WEEKS TO AGE 24 YEARS (JUVENILE COURT
 11 JURISDICTION EXTENDED BECAUSE
 12 PROCEEDINGS PENDING ON OR AFTER JUVENILE'S
 13 EIGHTEENTH BIRTHDAY)
 14 180 WEEKS TO AGE 21 YEARS (ALL OTHER CASES)

15 A 103 WEEKS TO 129 WEEKS

A-	15-36 WEEKS EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
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Current Offense Category	B+	15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
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B	LOCAL SANCTIONS (LS)	15-36 WEEKS	52-65 WEEKS
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C+	LS	15-36 WEEKS
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C	LS	15-36 WEEKS
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Local Sanctions:
 0 to 30 Days

D+	LS	0 to 12 Months Community Supervision 0 to 150 Hours Community Restitution
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D	LS	\$0 to \$500 Fine
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E	LS
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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, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

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

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

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

OR

OPTION B

SUSPENDED DISPOSITION ALTERNATIVE

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender is:

- 1 (a) Adjudicated of an A+ offense;
- 2 (b) Fourteen years of age or older and is adjudicated of one or
- 3 more of the following offenses:
 - 4 (i) A class A offense, or an attempt, conspiracy, or solicitation
 - 5 to commit a class A offense;
 - 6 (ii) Manslaughter in the first degree (RCW 9A.32.060); or
 - 7 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
 - 8 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW
 - 9 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential
 - 10 burglary (RCW 9A.52.025), burglary in the second degree (RCW
 - 11 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW
 - 12 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a
 - 13 witness (RCW 9A.72.110), violation of the uniform controlled substances
 - 14 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),
 - 15 when the offense includes infliction of bodily harm upon another or
 - 16 when during the commission or immediate withdrawal from the offense the
 - 17 respondent was armed with a deadly weapon;
 - 18 (c) Ordered to serve a disposition for a firearm violation under
 - 19 RCW 13.40.193; or
 - 20 (d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

21 OR

22 **OPTION C**

23 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

24 If the juvenile offender is subject to a standard range disposition

25 of local sanctions or 15 to 36 weeks of confinement and has not

26 committed an A- or B+ offense, the court may impose a disposition under

27 RCW 13.40.160(4) and 13.40.165.

28 OR

29 **OPTION D**

30 **MANIFEST INJUSTICE**

31 If the court determines that a disposition under option A, B, or C

32 would effectuate a manifest injustice, the court shall impose a

33 disposition outside the standard range under RCW 13.40.160(2).

--- END ---