

---

HOUSE BILL 2257

---

State of Washington

54th Legislature

1996 Regular Session

By Representatives Morris, Conway, Costa, Ogden, Romero, Wolfe, Poulsen, Regala, Dickerson, Hatfield, Rust, Cody, Scheuerman, Appelwick, Keiser, Patterson, Linville and Kessler

Read first time 01/08/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to juveniles; amending RCW 5.60.060, 13.40.010,  
2 13.40.025, 13.40.027, 13.40.030, 13.40.0357, 13.40.0357, 13.40.0357,  
3 13.40.045, 13.40.050, 13.40.060, 13.40.080, 13.40.130, 13.40.150,  
4 13.40.160, 13.40.185, 13.40.193, 13.40.210, and 35.20.030; reenacting  
5 and amending RCW 13.04.030 and 13.40.020; adding a new section to  
6 chapter 13.04 RCW; adding new sections to chapter 13.40 RCW; adding a  
7 new section to chapter 28A.175 RCW; adding a new section to chapter  
8 28A.225 RCW; creating new sections; prescribing penalties; providing  
9 effective dates; and providing expiration dates.

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

11 **Sec. 1.** RCW 5.60.060 and 1995 c 240 s 1 are each amended to read  
12 as follows:

13 (1) A husband shall not be examined for or against his wife,  
14 without the consent of the wife, nor a wife for or against her husband  
15 without the consent of the husband; nor can either during marriage or  
16 afterward, be without the consent of the other, examined as to any  
17 communication made by one to the other during marriage. But this  
18 exception shall not apply to a civil action or proceeding by one  
19 against the other, nor to a criminal action or proceeding for a crime

1 committed by one against the other, nor to a criminal action or  
2 proceeding against a spouse if the marriage occurred subsequent to the  
3 filing of formal charges against the defendant, nor to a criminal  
4 action or proceeding for a crime committed by said husband or wife  
5 against any child of whom said husband or wife is the parent or  
6 guardian, nor to a proceeding under chapter 70.96A or 71.05 RCW:  
7 PROVIDED, That the spouse of a person sought to be detained under  
8 chapter 70.96A or 71.05 RCW may not be compelled to testify and shall  
9 be so informed by the court prior to being called as a witness.

10 (2)(a) An attorney or counselor shall not, without the consent of  
11 his or her client, be examined as to any communication made by the  
12 client to him or her, or his or her advice given thereon in the course  
13 of professional employment.

14 (b) A parent shall not be examined as to a communication made by  
15 that parent's minor child to the child's attorney after the filing of  
16 juvenile offender or adult criminal charges, if the parent was present  
17 at the time of the communication. This privilege does not extend to  
18 communications made prior to filing of charges.

19 (3) A member of the clergy or a priest shall not, without the  
20 consent of a person making the confession, be examined as to any  
21 confession made to him or her in his or her professional character, in  
22 the course of discipline enjoined by the church to which he or she  
23 belongs.

24 (4) Subject to the limitations under RCW 70.96A.140 or 71.05.250,  
25 a physician or surgeon or osteopathic physician or surgeon shall not,  
26 without the consent of his or her patient, be examined in a civil  
27 action as to any information acquired in attending such patient, which  
28 was necessary to enable him or her to prescribe or act for the patient,  
29 except as follows:

30 (a) In any judicial proceedings regarding a child's injury,  
31 neglect, or sexual abuse or the cause thereof; and

32 (b) Ninety days after filing an action for personal injuries or  
33 wrongful death, the claimant shall be deemed to waive the physician-  
34 patient privilege. Waiver of the physician-patient privilege for any  
35 one physician or condition constitutes a waiver of the privilege as to  
36 all physicians or conditions, subject to such limitations as a court  
37 may impose pursuant to court rules.

1 (5) A public officer shall not be examined as a witness as to  
2 communications made to him or her in official confidence, when the  
3 public interest would suffer by the disclosure.

4 (6)(a) A peer support group counselor shall not, without consent of  
5 the law enforcement officer making the communication, be compelled to  
6 testify about any communication made to the counselor by the officer  
7 while receiving counseling. The counselor must be designated as such  
8 by the sheriff, police chief, or chief of the Washington state patrol,  
9 prior to the incident that results in counseling. The privilege only  
10 applies when the communication was made to the counselor while acting  
11 in his or her capacity as a peer support group counselor. The  
12 privilege does not apply if the counselor was an initial responding  
13 officer, a witness, or a party to the incident which prompted the  
14 delivery of peer support group counseling services to the law  
15 enforcement officer.

16 (b) For purposes of this section, "peer support group counselor"  
17 means a:

18 (i) Law enforcement officer, or civilian employee of a law  
19 enforcement agency, who has received training to provide emotional and  
20 moral support and counseling to an officer who needs those services as  
21 a result of an incident in which the officer was involved while acting  
22 in his or her official capacity; or

23 (ii) Nonemployee counselor who has been designated by the sheriff,  
24 police chief, or chief of the Washington state patrol to provide  
25 emotional and moral support and counseling to an officer who needs  
26 those services as a result of an incident in which the officer was  
27 involved while acting in his or her official capacity.

28 **Sec. 2.** RCW 13.04.030 and 1995 c 312 s 39 and 1995 c 311 s 15 are  
29 each reenacted and amended to read as follows:

30 (1) Except as provided in subsection (2) of this section, the  
31 juvenile courts in the several counties of this state, shall have  
32 exclusive original jurisdiction over all proceedings:

33 (a) Under the interstate compact on placement of children as  
34 provided in chapter 26.34 RCW;

35 (b) Relating to children alleged or found to be dependent as  
36 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

37 (c) Relating to the termination of a parent and child relationship  
38 as provided in RCW 13.34.180 through 13.34.210;

1 (d) To approve or disapprove out-of-home placement as provided in  
2 RCW 13.32A.170;

3 (e) Relating to juveniles alleged or found to have committed  
4 offenses, traffic infractions, civil infractions, or violations as  
5 provided in RCW 13.40.020 through 13.40.230, unless:

6 (i) The juvenile court transfers jurisdiction of a particular  
7 juvenile to adult criminal court pursuant to RCW 13.40.110; or

8 (ii) The statute of limitations applicable to adult prosecution for  
9 the offense, traffic infraction, civil infraction, or violation has  
10 expired; or

11 (iii) The alleged offense or infraction is a traffic, fish,  
12 boating, or game offense or traffic or civil infraction committed by a  
13 juvenile sixteen years of age or older and would, if committed by an  
14 adult, be tried or heard in a court of limited jurisdiction, in which  
15 instance the appropriate court of limited jurisdiction shall have  
16 jurisdiction over the alleged offense or infraction: PROVIDED, That if  
17 such an alleged offense or infraction and an alleged offense or  
18 infraction subject to juvenile court jurisdiction arise out of the same  
19 event or incident, the juvenile court may have jurisdiction of both  
20 matters: PROVIDED FURTHER, That the jurisdiction under this subsection  
21 does not constitute "transfer" or a "decline" for purposes of RCW  
22 13.40.110(1) or (e)(i) of this subsection: PROVIDED FURTHER, That  
23 courts of limited jurisdiction which confine juveniles for an alleged  
24 offense or infraction may place juveniles in juvenile detention  
25 facilities under an agreement with the officials responsible for the  
26 administration of the juvenile detention facility in RCW 13.04.035 and  
27 13.20.060; or

28 (iv) The alleged offense is a traffic or civil infraction, a  
29 violation of compulsory school attendance provisions under chapter  
30 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has  
31 assumed concurrent jurisdiction over those offenses as provided in  
32 section 4 of this act; or

33 (v) The juvenile is sixteen or seventeen years old and the alleged  
34 offense is: (A) A serious violent offense as defined in RCW 9.94A.030  
35 committed on or after June 13, 1994; or (B) a violent offense as  
36 defined in RCW 9.94A.030 committed on or after June 13, 1994, and the  
37 juvenile has a criminal history consisting of: ((+I)) One or more  
38 prior serious violent offenses; ((+II)) two or more prior violent  
39 offenses; or ((+III)) three or more of any combination of the

1 following offenses: Any class A felony, any class B felony, vehicular  
2 assault, or manslaughter in the second degree, all of which must have  
3 been committed after the juvenile's thirteenth birthday and prosecuted  
4 separately. In such a case the adult criminal court shall have  
5 exclusive original jurisdiction.

6 If the juvenile challenges the state's determination of the  
7 juvenile's criminal history, the state may establish the offender's  
8 criminal history by a preponderance of the evidence. If the criminal  
9 history consists of adjudications entered upon a plea of guilty, the  
10 state shall not bear a burden of establishing the knowing and  
11 voluntariness of the plea;

12 (f) Under the interstate compact on juveniles as provided in  
13 chapter 13.24 RCW;

14 (g) Relating to termination of a diversion agreement under RCW  
15 13.40.080, including a proceeding in which the divertee has attained  
16 eighteen years of age;

17 (h) Relating to court validation of a voluntary consent to an out-  
18 of-home placement under chapter 13.34 RCW, by the parent or Indian  
19 custodian of an Indian child, except if the parent or Indian custodian  
20 and child are residents of or domiciled within the boundaries of a  
21 federally recognized Indian reservation over which the tribe exercises  
22 exclusive jurisdiction; and

23 (i) Relating to petitions to compel disclosure of information filed  
24 by the department of social and health services pursuant to RCW  
25 74.13.042.

26 (2) The family court shall have concurrent original jurisdiction  
27 with the juvenile court over all proceedings under this section if the  
28 superior court judges of a county authorize concurrent jurisdiction as  
29 provided in RCW 26.12.010.

30 (3) A juvenile subject to adult superior court jurisdiction under  
31 subsection (1)(e)(i) through ~~((iv))~~ (v) of this section, who is  
32 detained pending trial, may be detained in a county detention facility  
33 as defined in RCW 13.40.020 pending sentencing or a dismissal.

34 (4) A parent, guardian, or custodian who has custody of any  
35 juvenile described in this section, if such parent, guardian, or  
36 custodian was served with a summons, shall be subject to the  
37 jurisdiction of the court for purposes of enforcing required attendance  
38 at juvenile court hearings.

1        NEW SECTION.    **Sec. 3.**    The legislature finds that a swift and  
2 certain response to a juvenile who begins engaging in acts of  
3 delinquency may prevent the offender from becoming a chronic or more  
4 serious offender.  However, given pressing demands to address serious  
5 offenders, the system does not always respond to minor offenders  
6 expeditiously and effectively.  Consequently, sections 4, 31, and 32 of  
7 this act are adopted to implement an experiment to determine whether  
8 granting courts of limited jurisdiction concurrent jurisdiction over  
9 certain juvenile offenses will improve the system's effectiveness in  
10 curbing delinquency.  The legislature may ascertain whether this  
11 approach might be successful on a larger scale by conducting an  
12 experiment with local governments, which are the laboratories of  
13 democracy.

14        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 13.04 RCW  
15 to read as follows:

16        (1) Any county with a population of at least one hundred seventy-  
17 five thousand but less than two hundred fifty thousand that has a city  
18 with a population of at least fifty-nine thousand may authorize a pilot  
19 project to allow courts of limited jurisdiction within the county to  
20 exercise concurrent jurisdiction with the juvenile court under certain  
21 circumstances.  District and municipal courts of limited jurisdiction  
22 at the local option of the county or any city or town located within  
23 the county may exercise concurrent original jurisdiction with the  
24 juvenile court over traffic or civil infractions, violations of  
25 compulsory school attendance provisions under chapter 28A.225 RCW, and  
26 misdemeanors when those offenses are allegedly committed by juveniles  
27 and:

28        (a)(i) The offense, which if committed by an adult, is punishable  
29 by sanctions that do not include incarceration; or

30        (ii) The offender's standard range disposition does not include  
31 more than ten days in confinement as defined in RCW 13.40.020;

32        (b) The court of limited jurisdiction has a computer system that is  
33 linked to the state-wide criminal history information data system used  
34 by juvenile courts to track and record juvenile offenders' criminal  
35 history;

36        (c) The county legislative authority of the county has authorized  
37 creation of concurrent jurisdiction between the court of limited  
38 jurisdiction and the juvenile court; and

1 (d) The court of limited jurisdiction has an agreement with  
2 officials responsible for administering the county juvenile detention  
3 facility pursuant to RCW 13.04.035 and 13.20.060 that the court may  
4 order juveniles into the detention facility for an offense in cases in  
5 which the court finds that a disposition without confinement would be  
6 a manifest injustice.

7 (2) The juvenile court shall retain jurisdiction over the offense  
8 if the juvenile is charged with another offense arising out of the same  
9 incident and the juvenile court has jurisdiction over the other  
10 offense.

11 (3) Jurisdiction under this section does not constitute a decline  
12 or transfer of juvenile court jurisdiction under RCW 13.40.110.

13 (4) The procedural and disposition provisions of chapter 13.40 RCW  
14 shall apply to offenses prosecuted under this section.

15 (5) All diversions and adjudications entered by a court of limited  
16 jurisdiction shall be included in an offender's criminal history as  
17 provided in chapter 13.40 RCW.

18 (6) The provisions of this section shall be implemented as a pilot  
19 project in the county and this section shall expire June 30, 1998.

20 **Sec. 5.** RCW 13.40.010 and 1992 c 205 s 101 are each amended to  
21 read as follows:

22 (1) This chapter shall be known and cited as the Juvenile Justice  
23 Act of 1977.

24 (2) It is the intent of the legislature that a system capable of  
25 having primary responsibility for, being accountable for, and  
26 responding to the needs of youthful offenders, as defined by this  
27 chapter, be established. It is the further intent of the legislature  
28 that youth, in turn, be held accountable for their offenses and that  
29 (~~both~~) communities, families, and the juvenile courts carry out their  
30 functions consistent with this intent. To effectuate these policies,  
31 the legislature declares the following to be equally important purposes  
32 of this chapter:

33 (a) Protect the citizenry from criminal behavior;

34 (b) Provide for determining whether accused juveniles have  
35 committed offenses as defined by this chapter;

36 (c) Make the juvenile offender accountable for his or her criminal  
37 behavior;

1 (d) Provide for punishment commensurate with the age, crime, and  
2 criminal history of the juvenile offender;

3 (e) Provide due process for juveniles alleged to have committed an  
4 offense;

5 (f) Provide necessary treatment, supervision, and custody for  
6 juvenile offenders;

7 (g) Provide for the handling of juvenile offenders by communities  
8 whenever consistent with public safety;

9 (h) Provide for restitution to victims of crime;

10 (i) Develop effective standards and goals for the operation,  
11 funding, and evaluation of all components of the juvenile justice  
12 system and related services at the state and local levels; ((and))

13 (j) Provide for a clear policy to determine what types of offenders  
14 shall receive punishment, treatment, or both, and to determine the  
15 jurisdictional limitations of the courts, institutions, and community  
16 services;

17 (k) Encourage the parents, guardian, or custodian of the juvenile  
18 to actively participate in the juvenile justice process; and

19 (l) Ensure that racial and ethnic minority families are not  
20 disproportionately affected by the juvenile justice system because of  
21 their race or ethnicity.

22 **Sec. 6.** RCW 13.40.020 and 1995 c 395 s 2 and 1995 c 134 s 1 are  
23 each reenacted and amended to read as follows:

24 For the purposes of this chapter:

25 (1) "Serious offender" means a person (~~(fifteen years of age or~~  
26 ~~older)~~) who has committed an offense which if committed by an adult  
27 would be:

28 (a) A class A felony, or an attempt to commit a class A felony;

29 (b) Manslaughter in the first degree; or

30 (c) Assault in the second degree, extortion in the first degree,  
31 child molestation in the second degree, kidnapping in the second  
32 degree, robbery in the second degree, residential burglary, or burglary  
33 in the second degree, where such offenses include the infliction of  
34 bodily harm upon another or where during the commission of or immediate  
35 withdrawal from such an offense the perpetrator is armed with a deadly  
36 weapon;

37 (2) "Community service" means compulsory service, without  
38 compensation, performed for the benefit of the community by the

1 offender as punishment for committing an offense. Community service  
2 may be performed through public or private organizations or through  
3 work crews;

4 (3) "Community supervision" means an order of disposition by the  
5 court of an adjudicated youth not committed to the department or an  
6 order granting a deferred adjudication pursuant to RCW 13.40.125. A  
7 community supervision order for a single offense may be for a period of  
8 up to two years for a sex offense as defined by RCW 9.94A.030 and up to  
9 one year for other offenses. As a mandatory condition of any term of  
10 community supervision, the court shall order the juvenile to refrain  
11 from committing new offenses. As a mandatory condition of community  
12 supervision, the court shall order the juvenile to comply with the  
13 mandatory school attendance provisions of chapter 28A.225 RCW and to  
14 inform the school of the existence of this requirement. Community  
15 supervision is an individualized program comprised of one or more of  
16 the following:

- 17 (a) Community-based sanctions;
- 18 (b) Community-based rehabilitation;
- 19 (c) Monitoring and reporting requirements;
- 20 (d) Posting of a probation bond imposed pursuant to RCW 13.40.0357;

21 (4) Community-based sanctions may include one or more of the  
22 following:

- 23 (a) A fine, not to exceed one hundred dollars;
- 24 (b) Community service not to exceed one hundred fifty hours of  
25 service;

26 (5) "Community-based rehabilitation" means one or more of the  
27 following: Attendance of information classes; counseling, outpatient  
28 substance abuse treatment programs, outpatient mental health programs,  
29 anger management classes, education or outpatient treatment programs to  
30 prevent animal cruelty, or other services; or attendance at school or  
31 other educational programs appropriate for the juvenile as determined  
32 by the school district. Placement in community-based rehabilitation  
33 programs is subject to available funds;

34 (6) "Monitoring and reporting requirements" means one or more of  
35 the following: Curfews; requirements to remain at home, school, work,  
36 or court-ordered treatment programs during specified hours;  
37 restrictions from leaving or entering specified geographical areas;  
38 requirements to report to the probation officer as directed and to  
39 remain under the probation officer's supervision; and other conditions

1 or limitations as the court may require which may not include  
2 confinement;

3 (7) "Confinement" means physical custody by the department of  
4 social and health services in a facility operated by or pursuant to a  
5 contract with the state, or physical custody in a detention facility  
6 operated by or pursuant to a contract with any county. The county may  
7 operate or contract with vendors to operate county detention  
8 facilities. The department may operate or contract to operate  
9 detention facilities for juveniles committed to the department.  
10 Pretrial confinement or confinement of less than thirty-one days  
11 imposed as part of a disposition or modification order may be served  
12 consecutively or intermittently, in the discretion of the court;

13 (8) "Court", when used without further qualification, means the  
14 juvenile court judge(s) or commissioner(s);

15 (9) "Criminal history" includes all criminal complaints against the  
16 respondent for which, prior to the commission of a current offense:

17 (a) The allegations were found correct by a court. If a respondent  
18 is convicted of two or more charges arising out of the same course of  
19 conduct, only the highest charge from among these shall count as an  
20 offense for the purposes of this chapter; or

21 (b) The criminal complaint was diverted by a prosecutor pursuant to  
22 the provisions of this chapter on agreement of the respondent and after  
23 an advisement to the respondent that the criminal complaint would be  
24 considered as part of the respondent's criminal history. A  
25 successfully completed deferred adjudication shall not be considered  
26 part of the respondent's criminal history;

27 (10) "Department" means the department of social and health  
28 services;

29 (11) "Detention facility" means a county facility, paid for by the  
30 county, for the physical confinement of a juvenile alleged to have  
31 committed an offense or an adjudicated offender subject to a  
32 disposition or modification order. "Detention facility" includes  
33 county group homes, inpatient substance abuse programs, juvenile basic  
34 training camps, and electronic monitoring;

35 (12) "Diversion unit" means any probation counselor who enters into  
36 a diversion agreement with an alleged youthful offender, or any other  
37 person, community accountability board, or other entity except a law  
38 enforcement official or entity, with whom the juvenile court  
39 administrator has contracted to arrange and supervise such agreements

1 pursuant to RCW 13.40.080, or any person, community accountability  
2 board, or other entity specially funded by the legislature to arrange  
3 and supervise diversion agreements in accordance with the requirements  
4 of this chapter. For purposes of this subsection, "community  
5 accountability board" means a board comprised of members of the local  
6 community in which the juvenile offender resides. The superior court  
7 shall appoint the members. The boards shall consist of at least three  
8 and not more than seven members. If possible, the board should include  
9 a variety of representatives from the community, such as a law  
10 enforcement officer, teacher or school administrator, high school  
11 student, parent, and business owner, and should represent the cultural  
12 diversity of the local community;

13 (13) "Institution" means a juvenile facility established pursuant  
14 to chapters 72.05 and 72.16 through 72.20 RCW;

15 (14) "Juvenile," "youth," and "child" mean any individual who is  
16 under the chronological age of eighteen years and who has not been  
17 previously transferred to adult court pursuant to RCW 13.40.110 or who  
18 is otherwise under adult court jurisdiction;

19 (15) "Juvenile offender" means any juvenile who has been found by  
20 the juvenile court to have committed an offense, including a person  
21 eighteen years of age or older over whom jurisdiction has been extended  
22 under RCW 13.40.300;

23 (16) "Manifest injustice" means a disposition that would either  
24 impose an excessive penalty on the juvenile or would impose a serious,  
25 and clear danger to society in light of the purposes of this chapter;

26 (17) "Middle offender" means a person who has committed an offense  
27 and who is neither a minor or first offender nor a serious offender;

28 (18) "Minor or first offender" means a person whose current  
29 offense(s) and criminal history fall entirely within one of the  
30 following categories:

31 (a) Four misdemeanors;

32 (b) Two misdemeanors and one gross misdemeanor;

33 (c) One misdemeanor and two gross misdemeanors; and

34 (d) Three gross misdemeanors.

35 For purposes of this definition, current violations shall be  
36 counted as misdemeanors;

37 (19) "Offense" means an act designated a violation or a crime if  
38 committed by an adult under the law of this state, under any ordinance

1 of any city or county of this state, under any federal law, or under  
2 the law of another state if the act occurred in that state;

3 (20) "Respondent" means a juvenile who is alleged or proven to have  
4 committed an offense;

5 (21) "Restitution" means financial reimbursement by the offender to  
6 the victim, and shall be limited to easily ascertainable damages for  
7 injury to or loss of property, actual expenses incurred for medical  
8 treatment for physical injury to persons, lost wages resulting from  
9 physical injury, and costs of the victim's counseling reasonably  
10 related to the offense if the offense is a sex offense. Restitution  
11 shall not include reimbursement for damages for mental anguish, pain  
12 and suffering, or other intangible losses. Nothing in this chapter  
13 shall limit or replace civil remedies or defenses available to the  
14 victim or offender;

15 (22) "Secretary" means the secretary of the department of social  
16 and health services. "Assistant secretary" means the assistant  
17 secretary for juvenile rehabilitation for the department;

18 (23) "Services" mean services which provide alternatives to  
19 incarceration for those juveniles who have pleaded or been adjudicated  
20 guilty of an offense or have signed a diversion agreement pursuant to  
21 this chapter;

22 (24) "Sex offense" means an offense defined as a sex offense in RCW  
23 9.94A.030;

24 (25) "Sexual motivation" means that one of the purposes for which  
25 the respondent committed the offense was for the purpose of his or her  
26 sexual gratification;

27 (26) "Foster care" means temporary physical care in a foster family  
28 home or group care facility as defined in RCW 74.15.020 and licensed by  
29 the department, or other legally authorized care;

30 (27) "Violation" means an act or omission, which if committed by an  
31 adult, must be proven beyond a reasonable doubt, and is punishable by  
32 sanctions which do not include incarceration;

33 (28) "Violent offense" means a violent offense as defined in RCW  
34 9.94A.030;

35 (29) "Probation bond" means a bond, posted with sufficient security  
36 by a surety justified and approved by the court, to secure the  
37 offender's appearance at required court proceedings and compliance with  
38 court-ordered community supervision or conditions of release ordered  
39 pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of

1 cash or posting of other collateral in lieu of a bond if approved by  
2 the court;

3 (30) "Surety" means an entity licensed under state insurance laws  
4 or by the state department of licensing, to write corporate, property,  
5 or probation bonds within the state, and justified and approved by the  
6 superior court of the county having jurisdiction of the case.

7 **Sec. 7.** RCW 13.40.025 and 1995 c 269 s 302 are each amended to  
8 read as follows:

9 (1) There is established a juvenile disposition standards  
10 commission to propose disposition standards to the legislature in  
11 accordance with RCW 13.40.030 and perform the other responsibilities  
12 set forth in this chapter.

13 (2) The commission shall be composed of the secretary or the  
14 secretary's designee and the following nine members appointed by the  
15 governor, subject to confirmation by the senate: (a) A superior court  
16 judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c)  
17 a law enforcement officer; (d) an administrator of juvenile court  
18 services; (e) a public defender actively practicing in juvenile court;  
19 (f) a county legislative official or county executive; and (g) three  
20 other persons who have demonstrated significant interest in the  
21 adjudication and disposition of juvenile offenders. In making the  
22 appointments, the governor shall seek the recommendations of the  
23 association of superior court judges in respect to the member who is a  
24 superior court judge; of Washington prosecutors in respect to the  
25 prosecuting attorney or deputy prosecuting attorney member; of the  
26 Washington association of sheriffs and police chiefs in respect to the  
27 member who is a law enforcement officer; of juvenile court  
28 administrators in respect to the member who is a juvenile court  
29 administrator; and of the state bar association in respect to the  
30 public defender member; and of the Washington association of counties  
31 in respect to the member who is either a county legislative official or  
32 county executive.

33 (3) The secretary or the secretary's designee shall serve as  
34 chairman of the commission.

35 (4) The secretary shall serve on the commission during the  
36 secretary's tenure as secretary of the department. The term of the  
37 remaining members of the commission shall be three years. The initial  
38 terms shall be determined by lot conducted at the commission's first

1 meeting as follows: (a) Four members shall serve a two-year term; and  
2 (b) four members shall serve a three-year term. In the event of a  
3 vacancy, the appointing authority shall designate a new member to  
4 complete the remainder of the unexpired term.

5 (5) Commission members shall be reimbursed for travel expenses as  
6 provided in RCW 43.03.050 and 43.03.060. Members shall be compensated  
7 in accordance with RCW 43.03.240.

8 (6) The commission shall cease to exist on June 30, ~~((1997))~~ 1996,  
9 and its powers and duties shall be transferred to the sentencing  
10 guidelines commission established under RCW 9.94A.040.

11 **Sec. 8.** RCW 13.40.027 and 1993 c 415 s 9 are each amended to read  
12 as follows:

13 (1) It is the responsibility of the sentencing guidelines  
14 commission to: (a)(i) Evaluate the effectiveness of existing  
15 disposition standards and related statutes in implementing policies set  
16 forth in RCW 13.40.010 generally, (ii) specifically review the  
17 guidelines relating to the confinement of minor and first offenders as  
18 well as the use of diversion, and (iii) review the application of  
19 current and proposed juvenile sentencing standards and guidelines for  
20 potential adverse impacts on the sentencing outcomes of racial and  
21 ethnic minority youth; (b) solicit the comments and suggestions of the  
22 juvenile justice community concerning disposition standards; and (c)  
23 make recommendations to the legislature regarding revisions or  
24 modifications of the disposition standards in accordance with RCW  
25 13.40.030. The evaluations shall be submitted to the legislature on  
26 December 1 of each even-numbered year ~~((thereafter))~~.

27 (2) It is the responsibility of the department to: (a) Provide the  
28 commission with available data concerning the implementation of the  
29 disposition standards and related statutes and their effect on the  
30 performance of the department's responsibilities relating to juvenile  
31 offenders; and (b) ~~((at the request of the commission, provide  
32 technical and administrative assistance to the commission in the  
33 performance of its responsibilities; and (c)))~~ provide the commission  
34 and legislature with recommendations for modification of the  
35 disposition standards.

36 **Sec. 9.** RCW 13.40.030 and 1989 c 407 s 3 are each amended to read  
37 as follows:

1       (1)((~~a~~)) The (~~juvenile disposition standards~~) sentencing  
2 guidelines commission shall recommend to the legislature no later than  
3 (~~November 1st of each year~~) December 1, 1996, disposition standards  
4 for all offenses. The standards shall establish, in accordance with  
5 the purposes of this chapter, ranges which may include terms of  
6 confinement and/or community supervision established on the basis of  
7 (~~a youth's age,~~) the instant offense(~~(7)~~) and the history and  
8 seriousness of previous offenses, but in no case may the period of  
9 confinement and supervision exceed that to which an adult may be  
10 subjected for the same offense(s). Standards recommended for offenders  
11 listed in RCW 13.40.020(1) shall include a range of confinement which  
12 may not be less than thirty days. No standard range may include a  
13 period of confinement which includes both more than thirty, and thirty  
14 or less, days. Disposition standards recommended by the commission  
15 shall provide that in all cases where a youth is sentenced to a term of  
16 confinement in excess of thirty days the department may impose an  
17 additional period of parole (~~not to exceed eighteen months~~)).  
18 Standards of confinement which may be proposed may relate only to the  
19 length of the proposed terms and not to the nature of the security to  
20 be imposed. (~~In developing recommended disposition standards, the~~  
21 ~~commission shall consider the capacity of the state juvenile facilities~~  
22 ~~and the projected impact of the proposed standards on that capacity.~~

23       (b) ~~The secretary shall submit guidelines pertaining to the nature~~  
24 ~~of the security to be imposed on youth placed in his or her custody~~  
25 ~~based on the age, offense(s), and criminal history of the juvenile~~  
26 ~~offender. Such guidelines shall be submitted to the legislature for~~  
27 ~~its review no later than November 1st of each year. At the same time~~  
28 ~~the secretary shall submit a report on security at juvenile facilities~~  
29 ~~during the preceding year. The report shall include the number of~~  
30 ~~escapes from each juvenile facility, the most serious offense for which~~  
31 ~~each escapee had been confined, the number and nature of offenses found~~  
32 ~~to have been committed by juveniles while on escape status, the number~~  
33 ~~of authorized leaves granted, the number of failures to comply with~~  
34 ~~leave requirements, the number and nature of offenses committed while~~  
35 ~~on leave, and the number and nature of offenses committed by juveniles~~  
36 ~~while in the community on minimum security status; to the extent this~~  
37 ~~information is available to the secretary. The department shall~~  
38 ~~include security status definitions in the security guidelines it~~  
39 ~~submits to the legislature pursuant to this section.))~~

1 (2) (~~(In developing recommendations for the permissible ranges of~~  
2 ~~confinement under this section the commission shall be subject to the~~  
3 ~~following limitations:~~

4 (a) ~~Where the maximum term in the range is ninety days or less, the~~  
5 ~~minimum term in the range may be no less than fifty percent of the~~  
6 ~~maximum term in the range;~~

7 (b) ~~Where the maximum term in the range is greater than ninety days~~  
8 ~~but not greater than one year, the minimum term in the range may be no~~  
9 ~~less than seventy-five percent of the maximum term in the range; and~~

10 (c) ~~Where the maximum term in the range is more than one year, the~~  
11 ~~minimum term in the range may be no less than eighty percent of the~~  
12 ~~maximum term in the range.)) The commission's recommendations for new~~

13 disposition standards shall result in a simplified disposition system.  
14 In setting the new standards, the commission shall focus on the need to  
15 protect public safety by emphasizing punishment, deterrence, and  
16 confinement for violent and repeat offenders. The seriousness of the  
17 offense shall be the most important factor in determining the length of  
18 confinement, while the offender's age and criminal history shall count  
19 as contributing factors. The commission shall increase judicial  
20 flexibility and discretion by broadening standard ranges of  
21 confinement. The commission shall provide for the use of basic  
22 training camp programs. Alternatives to total confinement shall be  
23 considered for nonviolent offenders. The commission shall take into  
24 account, but not be limited by, the capacity of state juvenile  
25 facilities, including the additional capacity that is being developed  
26 or that can feasibly be developed in the near future.

27 In setting new standards, the commission must also recommend  
28 disposition and institutional options for serious or chronic offenders  
29 between the ages of fifteen and twenty-five who currently must either  
30 be released from juvenile court jurisdiction at age twenty-one or who  
31 are prosecuted as adults because the juvenile system is inadequate to  
32 address their rehabilitation needs or protect the public. One option  
33 must include development of a youthful offender disposition option that  
34 combines adult criminal sentencing guidelines and juvenile disposition  
35 standards and addresses: (a) Whether youthful offenders would be under  
36 jurisdiction of the department of corrections or the department of  
37 social and health services; (b) whether current age restrictions on  
38 juvenile court jurisdiction would be modified; and (c) whether the  
39 department of social and health services or the department of

1 corrections would provide institutional and community correctional  
2 services. The option must also recommend an implementation timeline  
3 and plan, identify funding and capital construction or improvement  
4 options to provide separate facilities for youthful offenders, and  
5 identify short and long-term fiscal impacts.

6 In developing the new standards, the commission must review  
7 disposition options in other states and consult with interested parties  
8 including superior court judges, prosecutors, defense attorneys,  
9 juvenile court administrators, victims advocates, the department of  
10 corrections, the department of social and health services, and members  
11 of the legislature.

12 NEW SECTION. Sec. 10. A new section is added to chapter 13.40 RCW  
13 to read as follows:

14 The secretary shall submit a report on security at juvenile  
15 facilities during the preceding year. The report shall include the  
16 number of escapes from each juvenile facility, the most serious offense  
17 for which each escapee had been confined, the number and nature of  
18 offenses found to have been committed by juveniles while on escape  
19 status, the number of authorized leaves granted, the number of failures  
20 to comply with leave requirements, the number and nature of offenses  
21 committed while on leave, and the number and nature of offenses  
22 committed by juveniles while in the community on minimum security  
23 status; to the extent this information is available to the secretary.  
24 The department shall include security status definitions in the report  
25 it submits to the legislature pursuant to this section. The report  
26 shall be submitted no later than December 15th of each year.

27 NEW SECTION. Sec. 11. The legislature finds that the current  
28 terms of confinement for juvenile offenders committed to the department  
29 of social and health services are too short to provide meaningful  
30 punishment and rehabilitation programs. The legislature intends to  
31 increase those terms of confinement but recognizes that the state  
32 currently lacks the facilities that are needed to confine more  
33 juveniles for longer periods. Therefore, the legislature intends to  
34 delay the effective date of increased disposition ranges to allow  
35 sufficient time to site, remodel, or build facilities to house an  
36 increased number of juvenile offenders committed to the state.



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

1		Counterfeit Substances	
2		(69.50.401(b)(1) (ii), (iii), (iv))	C
3	C	Violation of Uniform Controlled	
4		Substances Act - Possession of a	
5		Controlled Substance	
6		(69.50.401(d))	C
7	C	Violation of Uniform Controlled	
8		Substances Act - Possession of a	
9		Controlled Substance	
10		(69.50.401(c))	C
11		<b>Firearms and Weapons</b>	
12	E	Carrying Loaded Pistol Without	
13		Permit (9.41.050)	E
14	C	Possession of Firearms by	
15		Minor (<18) (9.41.040(1)(( <del>e</del> ))(b)(iv))	C
16	D+	Possession of Dangerous Weapon	
17		(9.41.250)	E
18	D	Intimidating Another Person by use	
19		of Weapon (9.41.270)	E
20		<b>Homicide</b>	
21	A+	Murder 1 (9A.32.030)	A
22	A+	Murder 2 (9A.32.050)	B+
23	B+	Manslaughter 1 (9A.32.060)	C+
24	C+	Manslaughter 2 (9A.32.070)	D+
25	B+	Vehicular Homicide (46.61.520)	C+
26		<b>Kidnapping</b>	
27	A	Kidnap 1 (9A.40.020)	B+
28	B+	Kidnap 2 (9A.40.030)	C+
29	C+	Unlawful Imprisonment	
30		(9A.40.040)	D+
31		<b>Obstructing Governmental Operation</b>	
32	E	Obstructing a Law Enforcement	
33		Officer (9A.76.020)	E
34	E	Resisting Arrest (9A.76.040)	E

1	B	Introducing Contraband 1	
2		(9A.76.140)	C
3	C	Introducing Contraband 2	
4		(9A.76.150)	D
5	E	Introducing Contraband 3	
6		(9A.76.160)	E
7	B+	Intimidating a Public Servant	
8		(9A.76.180)	C+
9	B+	Intimidating a Witness	
10		(9A.72.110)	C+
11		<b>Public Disturbance</b>	
12	C+	Riot with Weapon (9A.84.010)	D+
13	D+	Riot Without Weapon	
14		(9A.84.010)	E
15	E	Failure to Disperse (9A.84.020)	E
16	E	Disorderly Conduct (9A.84.030)	E
17		<b>Sex Crimes</b>	
18	A	Rape 1 (9A.44.040)	B+
19	A-	Rape 2 (9A.44.050)	B+
20	C+	Rape 3 (9A.44.060)	D+
21	A-	Rape of a Child 1 (9A.44.073)	B+
22	B	Rape of a Child 2 (9A.44.076)	C+
23	B	Incest 1 (9A.64.020(1))	C
24	C	Incest 2 (9A.64.020(2))	D
25	D+	Indecent Exposure	
26		(Victim <14) (9A.88.010)	E
27	E	Indecent Exposure	
28		(Victim 14 or over) (9A.88.010)	E
29	B+	Promoting Prostitution 1	
30		(9A.88.070)	C+
31	C+	Promoting Prostitution 2	
32		(9A.88.080)	D+
33	E	O & A (Prostitution) (9A.88.030)	E
34	B+	Indecent Liberties (9A.44.100)	C+
35	B+	Child Molestation 1 (9A.44.083)	C+
36	C+	Child Molestation 2 (9A.44.086)	C
37	C	<u>Failure to Register</u>	

1		<u>(For Class A Felony)</u>	<u>D</u>
2	D	<u>Failure to Register</u>	
3		<u>(For Class B Felony or Less)</u>	<u>E</u>
4		<b>Theft, Robbery, Extortion, and Forgery</b>	
5	B	Theft 1 (9A.56.030)	C
6	C	Theft 2 (9A.56.040)	D
7	D	Theft 3 (9A.56.050)	E
8	B	Theft of Livestock (9A.56.080)	C
9	C	Forgery (9A.60.020)	D
10	A	Robbery 1 (9A.56.200)	B+
11	B+	Robbery 2 (9A.56.210)	C+
12	B+	Extortion 1 (9A.56.120)	C+
13	C+	Extortion 2 (9A.56.130)	D+
14	B	Possession of Stolen Property 1	
15		(9A.56.150)	C
16	C	Possession of Stolen Property 2	
17		(9A.56.160)	D
18	D	Possession of Stolen Property 3	
19		(9A.56.170)	E
20	C	Taking Motor Vehicle Without	
21		Owner's Permission (9A.56.070)	D
22		<b>Motor Vehicle Related Crimes</b>	
23	E	Driving Without a License	
24		(46.20.021)	E
25	C	Hit and Run - Injury	
26		(46.52.020(4))	D
27	D	Hit and Run-Attended	
28		(46.52.020(5))	E
29	E	Hit and Run-Unattended	
30		(46.52.010)	E
31	C	Vehicular Assault (46.61.522)	D
32	C	Attempting to Elude Pursuing	
33		Police Vehicle (46.61.024)	D
34	E	Reckless Driving (46.61.500)	E
35	D	Driving While Under the Influence	
36		(46.61.502 and 46.61.504)	E
37	D	Vehicle Prowling (9A.52.100)	E

1	C	Taking Motor Vehicle Without	
2		Owner's Permission (9A.56.070)	D
3		<b>Other</b>	
4	B	Bomb Threat (9.61.160)	C
5	C	Escape 1 (9A.76.110)	C
6	C	Escape 2 (9A.76.120)	C
7	D	Escape 3 (9A.76.130)	E
8	<u>C</u>	<u>Stalking (For Class C Felony)</u>	<u>D</u>
9	<u>D</u>	<u>Stalking (For Gross Misdemeanor)</u>	<u>E</u>
10	E	Obscene, Harassing, Etc.,	
11		Phone Calls (9.61.230)	E
12	A	Other Offense Equivalent to an	
13		Adult Class A Felony	B+
14	B	Other Offense Equivalent to an	
15		Adult Class B Felony	C
16	C	Other Offense Equivalent to an	
17		Adult Class C Felony	D
18	D	Other Offense Equivalent to an	
19		Adult Gross Misdemeanor	E
20	E	Other Offense Equivalent to an	
21		Adult Misdemeanor	E
22	V	Violation of Order of Restitution,	
23		Community Supervision, or	
24		Confinement (13.40.200)	V

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

27 1st escape or attempted escape during 12-month period - 4 weeks  
28 confinement

29 2nd escape or attempted escape during 12-month period - 8 weeks  
30 confinement

31 3rd and subsequent escape or attempted escape during 12-month  
32 period - 12 weeks confinement

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

SCHEDULE B  
PRIOR OFFENSE INCREASE FACTOR

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

TIME SPAN

OFFENSE	0-12	13-24	25 Months
CATEGORY	Months	Months	or More
.....			
A+	.9	.9	.9
A	.9	.8	.6
A-	.9	.8	.5
B+	.9	.7	.4
B	.9	.6	.3
C+	.6	.3	.2
C	.5	.2	.2
D+	.3	.2	.1
D	.2	.1	.1
E	.1	.1	.1

Prior history - Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

SCHEDULE C  
CURRENT OFFENSE POINTS

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

1

AGE

2 OFFENSE	12 &						
3 CATEGORY	Under	13	14	15	16	17	
4 .....							
5 A+	STANDARD	RANGE	180-224	WEEKS			
6 A	250	300	350	375	375	375	
7 A-	150	150	150	200	200	200	
8 B+	110	110	120	130	140	150	
9 B	45	45	50	50	57	57	
10 C+	44	44	49	49	55	55	
11 C	40	40	45	45	50	50	
12 D+	16	18	20	22	24	26	
13 D	14	16	18	20	22	24	
14 E	4	4	4	6	8	10	

15 JUVENILE SENTENCING STANDARDS  
 16 SCHEDULE D-1

17 This schedule may only be used for minor/first offenders. After the  
 18 determination is made that a youth is a minor/first offender, the court  
 19 has the discretion to select sentencing option A, B, or C.

20 MINOR/FIRST OFFENDER

21 OPTION A  
 22 STANDARD RANGE

23	Community			
24	Community	Supervision	Service	Fine
25	Points		Hours	
26	<del>((1-9</del>	<del>0-3 months</del>	<del>and/or 0-8</del>	<del>and/or 0-\$10</del>
27	<del>10-19</del>	<del>0-3 months</del>	<del>and/or 0-8</del>	<del>and/or 0-\$10</del>
28	<del>20-29</del>	<del>0-3 months</del>	<del>and/or 0-16</del>	<del>and/or 0-\$10</del>
29	<del>30-39</del>	<del>0-3 months</del>	<del>and/or 8-24</del>	<del>and/or 0-\$25</del>
30	<del>40-49</del>	<del>3-6 months</del>	<del>and/or 16-32</del>	<del>and/or 0-\$25</del>
31	<del>50-59</del>	<del>3-6 months</del>	<del>and/or 24-40</del>	<del>and/or 0-\$25</del>
32	<del>60-69</del>	<del>6-9 months</del>	<del>and/or 32-48</del>	<del>and/or 0-\$50</del>

1 70-79 ——— 6-9 months ——— and/or 40-56 ——— and/or 0-\$50  
2 80-89 ——— 9-12 months ——— and/or 48-64 ——— and/or 10-\$100  
3 90-109 ——— 9-12 months ——— and/or 56-72 ——— and/or 10-\$100))  
4 1-109      0-12 months                      and/or 0-150                      and/or 0-\$100

5 A minor/first offender receiving an option A disposition may also be  
6 required to serve 0 to 10 days in confinement.

7 OR

8 OPTION B  
9 STATUTORY OPTION

10 0-90 Days Inpatient Substance Abuse Treatment  
11 0-12 Months Community Supervision  
12 ((0-150 Hours Community Service  
13 0-100 Fine))  
14 Posting of a Probation Bond  
15 ((A term of community supervision with a maximum of 150 hours, \$100.00  
16 fine, and 12 months supervision.))

17 OR

18 OPTION C  
19 MANIFEST INJUSTICE

20 When a term of community supervision would effectuate a manifest  
21 injustice, another disposition may be imposed. When a judge imposes a  
22 sentence of confinement exceeding 30 days, the court shall sentence the  
23 juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall  
24 be used to determine the range.

25 JUVENILE SENTENCING STANDARDS  
26 SCHEDULE D-2

27 This schedule may only be used for middle offenders. After the  
28 determination is made that a youth is a middle offender, the court has  
29 the discretion to select sentencing option A, B, ~~((or))~~ C, or D as  
30 applicable.

MIDDLE OFFENDER

OPTION A

STANDARD RANGE

Points	Community Supervision	Community Service Hours	Fine	Confinement ((Days-Weeks))
1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30))
				(Days)
<u>1-109</u>	<u>0-12 months</u>	<u>and/or 0-150</u>	<u>and/or 0-\$100</u>	<u>and/or 0-30</u>
				(Weeks)
110-129				8-12
130-149				13-16
150-199				21-28
200-249				30-40
250-299				52-65
300-374				80-100
375+				103-129

Middle offenders with less than 110 points do not have to receive a disposition under option A. They may be sent to inpatient substance abuse treatment under option D.

Middle offenders with 110 points or more do not have to be committed to the department. They may be assigned community supervision under option B.

All A+ offenses 180-224 weeks

OR

1  
2                                   OPTION B  
3                                   STATUTORY OPTION

4                                   OFFENDERS WITH 110 POINTS OR MORE

5 ~~((0-12 Months Community Supervision~~  
6 ~~0-150 Hours Community Service~~  
7 ~~0-100 Fine~~  
8 ~~Posting of a Probation Bond))~~

9 If the offender has ~~((less than))~~ 110 points or more, the court may  
10 impose ~~((a determinate disposition of community supervision and/or up~~  
11 ~~to 30 days confinement; in which case, if confinement has been imposed,~~  
12 ~~the court shall state either aggravating or mitigating factors as set~~  
13 ~~forth in RCW 13.40.150))~~ an option B disposition as provided in RCW  
14 13.40.160(4)(b).

15 ~~((If the middle offender has 110 points or more, the court may~~  
16 ~~impose a disposition under option A and may suspend the disposition on~~  
17 ~~the condition that the offender serve up to thirty days of confinement~~  
18 ~~and follow all conditions of community supervision. If the offender~~  
19 ~~fails to comply with the terms of community supervision, the court may~~  
20 ~~impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended~~  
21 ~~disposition and order execution of the disposition. If the court~~  
22 ~~imposes confinement for offenders with 110 points or more, the court~~  
23 ~~shall state either aggravating or mitigating factors set forth in RCW~~  
24 ~~13.40.150.))~~

25                                   OR

26  
27                                   OPTION C  
28                                   MANIFEST INJUSTICE  
29                                   ALL MIDDLE OFFENDERS

30 If the court determines that a disposition under A ~~((or))~~, B, or D as  
31 applicable would effectuate a manifest injustice, the court shall  
32 sentence the juvenile to a maximum term and the provisions of RCW  
33 13.40.030(2) shall be used to determine the range.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

OPTION D  
OFFENDERS UNDER 110 POINTS

- 0-90 Days Inpatient Substance Abuse Treatment
- 0-12 Months Community Supervision
- Posting of a Probation Bond

JUVENILE SENTENCING STANDARDS  
SCHEDULE D-3

This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.

SERIOUS OFFENDER  
OPTION A  
STANDARD RANGE

Points	Institution Time
0-129	8-12 weeks
130-149	13-16 weeks
150-199	21-28 weeks
200-249	30-40 weeks
250-299	52-65 weeks
300-374	80-100 weeks
375+	103-129 weeks
All A+ Offenses	180-224 weeks

OR

OPTION B  
MANIFEST INJUSTICE

A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision including posting a probation bond or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30

1 days, the court shall sentence the juvenile to a maximum term, and the  
2 provisions of RCW 13.40.030(2) shall be used to determine the range.

3 **Sec. 13.** RCW 13.40.0357 and 1995 c 395 s 3 are each amended to  
4 read as follows:

5 SCHEDULE A  
6 DESCRIPTION AND OFFENSE CATEGORY

7			JUVENILE
8	JUVENILE		DISPOSITION
9	DISPOSITION		CATEGORY FOR ATTEMPT,
10	OFFENSE		BAILJUMP, CONSPIRACY,
11	CATEGORY	DESCRIPTION (RCW CITATION)	OR SOLICITATION
12	.....	.....	.....

13 **Arson and Malicious Mischief**

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

26 **Assault and Other Crimes**  
27 **Involving Physical Harm**

28	A	Assault 1 (9A.36.011)	B+
29	B+	Assault 2 (9A.36.021)	C+
30	C+	Assault 3 (9A.36.031)	D+
31	D+	Assault 4 (9A.36.041)	E
32	D+	Reckless Endangerment	
33		(9A.36.050)	E
34	C+	Promoting Suicide Attempt	
35		(9A.36.060)	D+

1	D+	Coercion (9A.36.070)	E
2	C+	Custodial Assault (9A.36.100)	D+
3		<b>Burglary and Trespass</b>	
4	B+	Burglary 1 (9A.52.020)	C+
5	<u>B</u>	<u>Residential Burglary (9A.52.025)</u>	<u>C</u>
6	B	Burglary 2 (9A.52.030)	C
7	D	Burglary Tools (Possession of)	
8		(9A.52.060)	E
9	D	Criminal Trespass 1 (9A.52.070)	E
10	E	Criminal Trespass 2 (9A.52.080)	E
11	D	Vehicle Prowling (9A.52.100)	E
12		<b>Drugs</b>	
13	E	Possession/Consumption of Alcohol	
14		(66.44.270)	E
15	C	Illegally Obtaining Legend Drug	
16		(69.41.020)	D
17	C+	Sale, Delivery, Possession of Legend	
18		Drug with Intent to Sell	
19		(69.41.030)	D+
20	E	Possession of Legend Drug	
21		(69.41.030)	E
22	B+	Violation of Uniform Controlled	
23		Substances Act - Narcotic Sale	
24		(69.50.401(a)(1)(i))	B+
25	C	Violation of Uniform Controlled	
26		Substances Act - Nonnarcotic Sale	
27		(69.50.401(a)(1)(ii))	C
28	E	Possession of Marihuana <40 grams	
29		(69.50.401(e))	E
30	C	Fraudulently Obtaining Controlled	
31		Substance (69.50.403)	C
32	C+	Sale of Controlled Substance	
33		for Profit (69.50.410)	C+
34	E	Unlawful Inhalation (9.47A.020)	E
35	B	Violation of Uniform Controlled	
36		Substances Act - Narcotic	

1		Counterfeit Substances	
2		(69.50.401(b)(1)(i))	B
3	C	Violation of Uniform Controlled	
4		Substances Act - Nonnarcotic	
5		Counterfeit Substances	
6		(69.50.401(b)(1) (ii), (iii), (iv))	C
7	C	Violation of Uniform Controlled	
8		Substances Act - Possession of a	
9		Controlled Substance	
10		(69.50.401(d))	C
11	C	Violation of Uniform Controlled	
12		Substances Act - Possession of a	
13		Controlled Substance	
14		(69.50.401(c))	C
15		<b>Firearms and Weapons</b>	
16	E	Carrying Loaded Pistol Without	
17		Permit (9.41.050)	E
18	C	Possession of Firearms by	
19		Minor (<18) (9.41.040(1)(( <del>e</del> ))(b)(iv))	C
20	D+	Possession of Dangerous Weapon	
21		(9.41.250)	E
22	D	Intimidating Another Person by use	
23		of Weapon (9.41.270)	E
24		<b>Homicide</b>	
25	A+	Murder 1 (9A.32.030)	A
26	A+	Murder 2 (9A.32.050)	B+
27	B+	Manslaughter 1 (9A.32.060)	C+
28	C+	Manslaughter 2 (9A.32.070)	D+
29	B+	Vehicular Homicide (46.61.520)	C+
30		<b>Kidnapping</b>	
31	A	Kidnap 1 (9A.40.020)	B+
32	B+	Kidnap 2 (9A.40.030)	C+
33	C+	Unlawful Imprisonment	
34		(9A.40.040)	D+

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

1	B+	Indecent Liberties (9A.44.100)	C+
2	B+	Child Molestation 1 (9A.44.083)	C+
3	C+	Child Molestation 2 (9A.44.086)	C
4	<u>C</u>	<u>Failure to Register</u>	
5		<u>(For Class A Felony)</u>	<u>D</u>
6	<u>D</u>	<u>Failure to Register</u>	
7		<u>(For Class B Felony or Less)</u>	<u>E</u>
8		<b>Theft, Robbery, Extortion, and Forgery</b>	
9	B	Theft 1 (9A.56.030)	C
10	C	Theft 2 (9A.56.040)	D
11	D	Theft 3 (9A.56.050)	E
12	B	Theft of Livestock (9A.56.080)	C
13	C	Forgery (9A.60.020)	D
14	A	Robbery 1 (9A.56.200)	B+
15	B+	Robbery 2 (9A.56.210)	C+
16	B+	Extortion 1 (9A.56.120)	C+
17	C+	Extortion 2 (9A.56.130)	D+
18	B	Possession of Stolen Property 1	
19		(9A.56.150)	C
20	C	Possession of Stolen Property 2	
21		(9A.56.160)	D
22	D	Possession of Stolen Property 3	
23		(9A.56.170)	E
24	C	Taking Motor Vehicle Without	
25		Owner's Permission (9A.56.070)	D
26		<b>Motor Vehicle Related Crimes</b>	
27	E	Driving Without a License	
28		(46.20.021)	E
29	C	Hit and Run - Injury	
30		(46.52.020(4))	D
31	D	Hit and Run-Attended	
32		(46.52.020(5))	E
33	E	Hit and Run-Unattended	
34		(46.52.010)	E
35	C	Vehicular Assault (46.61.522)	D
36	C	Attempting to Elude Pursuing	
37		Police Vehicle (46.61.024)	D

1	E	Reckless Driving (46.61.500)	E
2	D	Driving While Under the Influence	
3		(46.61.502 and 46.61.504)	E
4	D	Vehicle Prowling (9A.52.100)	E
5	C	Taking Motor Vehicle Without	
6		Owner's Permission (9A.56.070)	D
7		<b>Other</b>	
8	B	Bomb Threat (9.61.160)	C
9	C	Escape 1 (9A.76.110)	C
10	C	Escape 2 (9A.76.120)	C
11	D	Escape 3 (9A.76.130)	E
12	<u>C</u>	<u>Stalking (For Class C Felony)</u>	<u>D</u>
13	<u>D</u>	<u>Stalking (For Gross Misdemeanor)</u>	<u>E</u>
14	E	Obscene, Harassing, Etc.,	
15		Phone Calls (9.61.230)	E
16	A	Other Offense Equivalent to an	
17		Adult Class A Felony	B+
18	B	Other Offense Equivalent to an	
19		Adult Class B Felony	C
20	C	Other Offense Equivalent to an	
21		Adult Class C Felony	D
22	D	Other Offense Equivalent to an	
23		Adult Gross Misdemeanor	E
24	E	Other Offense Equivalent to an	
25		Adult Misdemeanor	E
26	V	Violation of Order of Restitution,	
27		Community Supervision, or	
28		Confinement <sup>2</sup> (13.40.200)	V

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

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

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

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

1 if 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 SCHEDULE B  
4 PRIOR OFFENSE INCREASE FACTOR

5 For use with all CURRENT OFFENSES occurring on or after July 1,  
6 1989.

7 TIME SPAN

8 OFFENSE	0-12	13-24	25 Months
9 CATEGORY	Months	Months	or More
10 .....			
11 A+	.9	.9	.9
12 A	.9	.8	.6
13 A-	.9	.8	.5
14 B+	.9	.7	.4
15 B	.9	.6	.3
16 C+	.6	.3	.2
17 C	.5	.2	.2
18 D+	.3	.2	.1
19 D	.2	.1	.1
20 E	.1	.1	.1

21 Prior history - Any offense in which a diversion agreement or counsel  
22 and release form was signed, or any offense which has been adjudicated  
23 by court to be correct prior to the commission of the current  
24 offense(s).

25 SCHEDULE C  
26 CURRENT OFFENSE POINTS

27 For use with all CURRENT OFFENSES occurring on or after July 1,  
28 1989.

1

AGE

2 OFFENSE	12 &						
3 CATEGORY	Under	13	14	15	16	17	
4 .....							
5 A+		STANDARD	RANGE	180-224	WEEKS		
6 A	250	300	350	375	375	375	
7 A-	150	150	150	200	200	200	
8 B+	110	110	120	130	140	150	
9 B	45	45	50	50	57	57	
10 C+	44	44	49	49	55	55	
11 C	40	40	45	45	50	50	
12 D+	16	18	20	22	24	26	
13 D	14	16	18	20	22	24	
14 E	4	4	4	6	8	10	

15 JUVENILE SENTENCING STANDARDS  
 16 SCHEDULE D-1

17 This schedule may only be used for minor/first offenders. After the  
 18 determination is made that a youth is a minor/first offender, the court  
 19 has the discretion to select sentencing option A, B, or C.

20 MINOR/FIRST OFFENDER

21 OPTION A  
 22 STANDARD RANGE

23	Community			
24	Community	Supervision	Service	Fine
25	Points		Hours	
26	<del>((1-9</del>	<del>0-3 months</del>	<del>and/or 0-8</del>	<del>and/or 0-\$10</del>
27	<del>10-19</del>	<del>0-3 months</del>	<del>and/or 0-8</del>	<del>and/or 0-\$10</del>
28	<del>20-29</del>	<del>0-3 months</del>	<del>and/or 0-16</del>	<del>and/or 0-\$10</del>
29	<del>30-39</del>	<del>0-3 months</del>	<del>and/or 8-24</del>	<del>and/or 0-\$25</del>
30	<del>40-49</del>	<del>3-6 months</del>	<del>and/or 16-32</del>	<del>and/or 0-\$25</del>
31	<del>50-59</del>	<del>3-6 months</del>	<del>and/or 24-40</del>	<del>and/or 0-\$25</del>
32	<del>60-69</del>	<del>6-9 months</del>	<del>and/or 32-48</del>	<del>and/or 0-\$50</del>

1 ~~70-79~~ ~~6-9 months~~ ~~and/or~~ ~~40-56~~ ~~and/or~~ ~~0-\$50~~  
2 ~~80-89~~ ~~9-12 months~~ ~~and/or~~ ~~48-64~~ ~~and/or~~ ~~10-\$100~~  
3 ~~90-109~~ ~~9-12 months~~ ~~and/or~~ ~~56-72~~ ~~and/or~~ ~~10-\$100))~~  
4 1-109 0-12 months and/or 0-150 and/or 0-\$100

5 A minor/first offender receiving an option A disposition may also be  
6 required to serve 0 to 10 days in confinement.

7 OR

8 OPTION B  
9 STATUTORY OPTION

10 0-90 Days Inpatient Substance Abuse Treatment  
11 0-12 Months Community Supervision  
12 ~~((0-150 Hours Community Service~~  
13 ~~0-100 Fine))~~  
14 Posting of a Probation Bond  
15 ~~((A term of community supervision with a maximum of 150 hours, \$100.00~~  
16 ~~fine, and 12 months supervision.))~~

17 OR

18 OPTION C  
19 MANIFEST INJUSTICE

20 When a term of community supervision would effectuate a manifest  
21 injustice, another disposition may be imposed. When a judge imposes a  
22 sentence of confinement exceeding 30 days, the court shall sentence the  
23 juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall  
24 be used to determine the range.

25 JUVENILE SENTENCING STANDARDS  
26 SCHEDULE D-2

27 This schedule may only be used for middle offenders. After the  
28 determination is made that a youth is a middle offender, the court has  
29 the discretion to select sentencing option A, B, ~~((or))~~ C, or D as  
30 applicable.

MIDDLE OFFENDER

OPTION A

STANDARD RANGE

Points	Community Supervision	Community Service Hours	Fine	Confinement ((Days-Weeks))
1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30))
1-109	0-12 months	and/or 0-150	and/or 0-\$100	and/or 0-30
110-129				8-12
130-149				13-16
150-199				21-28
200-249				30-40
250-299				52-65
300-374				80-100
375+				103-129

Middle offenders with less than 110 points do not have to receive a disposition under option A. They may be sent to inpatient substance abuse treatment under option D.

Middle offenders with 110 points or more do not have to be committed to the department. They may be assigned community supervision under option B.

All A+ offenses 180-224 weeks

1 OR

2  
3 OPTION B

4 STATUTORY OPTION

5 OFFENDERS WITH 110 POINTS OR MORE

6 (~~0-12 Months Community Supervision~~  
7 ~~0-150 Hours Community Service~~  
8 ~~0-100 Fine~~  
9 ~~Posting of a Probation Bond~~))

10 If the offender has (~~less than~~) 110 points or more, the court may  
11 impose (~~a determinate disposition of community supervision and/or up~~  
12 ~~to 30 days confinement; in which case, if confinement has been imposed,~~  
13 ~~the court shall state either aggravating or mitigating factors as set~~  
14 ~~forth in RCW 13.40.150~~) an option B disposition as provided in RCW  
15 13.40.160(4)(b).

16 (~~If the middle offender has 110 points or more, the court may~~  
17 ~~impose a disposition under option A and may suspend the disposition on~~  
18 ~~the condition that the offender serve up to thirty days of confinement~~  
19 ~~and follow all conditions of community supervision. If the offender~~  
20 ~~fails to comply with the terms of community supervision, the court may~~  
21 ~~impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended~~  
22 ~~disposition and order execution of the disposition. If the court~~  
23 ~~imposes confinement for offenders with 110 points or more, the court~~  
24 ~~shall state either aggravating or mitigating factors set forth in RCW~~  
25 ~~13.40.150.)~~)

26 OR

27  
28 OPTION C

29 MANIFEST INJUSTICE

30 ALL MIDDLE OFFENDERS

31 If the court determines that a disposition under A (~~or~~) B, or D as  
32 applicable would effectuate a manifest injustice, the court shall  
33 sentence the juvenile to a maximum term and the provisions of RCW  
34 13.40.030(2) shall be used to determine the range.



1 days, the court shall sentence the juvenile to a maximum term, and the  
2 provisions of RCW 13.40.030(2) shall be used to determine the range.

3 **Sec. 14.** RCW 13.40.0357 and 1995 c 395 s 3 are each amended to  
4 read as follows:

5 SCHEDULE A  
6 DESCRIPTION AND OFFENSE CATEGORY

7			JUVENILE
8	JUVENILE		DISPOSITION
9	DISPOSITION		CATEGORY FOR ATTEMPT,
10	OFFENSE		BAILJUMP, CONSPIRACY,
11	CATEGORY	DESCRIPTION (RCW CITATION)	OR SOLICITATION
12	.....	.....	.....

13 **Arson and Malicious Mischief**

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

26 **Assault and Other Crimes**  
27 **Involving Physical Harm**

28	A	Assault 1 (9A.36.011)	B+
29	B+	Assault 2 (9A.36.021)	C+
30	C+	Assault 3 (9A.36.031)	D+
31	D+	Assault 4 (9A.36.041)	E
32	D+	Reckless Endangerment	
33		(9A.36.050)	E
34	C+	Promoting Suicide Attempt	
35		(9A.36.060)	D+

1	D+	Coercion (9A.36.070)	E
2	C+	Custodial Assault (9A.36.100)	D+
3		<b>Burglary and Trespass</b>	
4	B+	Burglary 1 (9A.52.020)	C+
5	<u>B</u>	<u>Residential Burglary (9A.52.025)</u>	<u>C</u>
6	B	Burglary 2 (9A.52.030)	C
7	D	Burglary Tools (Possession of)	
8		(9A.52.060)	E
9	D	Criminal Trespass 1 (9A.52.070)	E
10	E	Criminal Trespass 2 (9A.52.080)	E
11	D	Vehicle Prowling (9A.52.100)	E
12		<b>Drugs</b>	
13	E	Possession/Consumption of Alcohol	
14		(66.44.270)	E
15	C	Illegally Obtaining Legend Drug	
16		(69.41.020)	D
17	C+	Sale, Delivery, Possession of Legend	
18		Drug with Intent to Sell	
19		(69.41.030)	D+
20	E	Possession of Legend Drug	
21		(69.41.030)	E
22	B+	Violation of Uniform Controlled	
23		Substances Act - Narcotic Sale	
24		(69.50.401(a)(1)(i))	B+
25	C	Violation of Uniform Controlled	
26		Substances Act - Nonnarcotic Sale	
27		(69.50.401(a)(1)(ii))	C
28	E	Possession of Marihuana <40 grams	
29		(69.50.401(e))	E
30	C	Fraudulently Obtaining Controlled	
31		Substance (69.50.403)	C
32	C+	Sale of Controlled Substance	
33		for Profit (69.50.410)	C+
34	E	Unlawful Inhalation (9.47A.020)	E
35	B	Violation of Uniform Controlled	
36		Substances Act - Narcotic	

1		Counterfeit Substances	
2		(69.50.401(b)(1)(i))	B
3	C	Violation of Uniform Controlled	
4		Substances Act - Nonnarcotic	
5		Counterfeit Substances	
6		(69.50.401(b)(1) (ii), (iii), (iv))	C
7	C	Violation of Uniform Controlled	
8		Substances Act - Possession of a	
9		Controlled Substance	
10		(69.50.401(d))	C
11	C	Violation of Uniform Controlled	
12		Substances Act - Possession of a	
13		Controlled Substance	
14		(69.50.401(c))	C
15		<b>Firearms and Weapons</b>	
16	E	Carrying Loaded Pistol Without	
17		Permit (9.41.050)	E
18	C	Possession of Firearms by	
19		Minor (<18) (9.41.040(1)(( <del>e</del> ))(b)(iv))	C
20	D+	Possession of Dangerous Weapon	
21		(9.41.250)	E
22	D	Intimidating Another Person by use	
23		of Weapon (9.41.270)	E
24		<b>Homicide</b>	
25	A+	Murder 1 (9A.32.030)	A
26	A+	Murder 2 (9A.32.050)	B+
27	B+	Manslaughter 1 (9A.32.060)	C+
28	C+	Manslaughter 2 (9A.32.070)	D+
29	B+	Vehicular Homicide (46.61.520)	C+
30		<b>Kidnapping</b>	
31	A	Kidnap 1 (9A.40.020)	B+
32	B+	Kidnap 2 (9A.40.030)	C+
33	C+	Unlawful Imprisonment	
34		(9A.40.040)	D+

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

1	B+	Indecent Liberties (9A.44.100)	C+
2	B+	Child Molestation 1 (9A.44.083)	C+
3	C+	Child Molestation 2 (9A.44.086)	C
4	<u>C</u>	<u>Failure to Register</u>	
5		<u>(For Class A Felony)</u>	<u>D</u>
6	<u>D</u>	<u>Failure to Register</u>	
7		<u>(For Class B Felony or Less)</u>	<u>E</u>
8		<b>Theft, Robbery, Extortion, and Forgery</b>	
9	B	Theft 1 (9A.56.030)	C
10	C	Theft 2 (9A.56.040)	D
11	D	Theft 3 (9A.56.050)	E
12	B	Theft of Livestock (9A.56.080)	C
13	C	Forgery (9A.60.020)	D
14	A	Robbery 1 (9A.56.200)	B+
15	B+	Robbery 2 (9A.56.210)	C+
16	B+	Extortion 1 (9A.56.120)	C+
17	C+	Extortion 2 (9A.56.130)	D+
18	B	Possession of Stolen Property 1	
19		(9A.56.150)	C
20	C	Possession of Stolen Property 2	
21		(9A.56.160)	D
22	D	Possession of Stolen Property 3	
23		(9A.56.170)	E
24	C	Taking Motor Vehicle Without	
25		Owner's Permission (9A.56.070)	D
26		<b>Motor Vehicle Related Crimes</b>	
27	E	Driving Without a License	
28		(46.20.021)	E
29	C	Hit and Run - Injury	
30		(46.52.020(4))	D
31	D	Hit and Run-Attended	
32		(46.52.020(5))	E
33	E	Hit and Run-Unattended	
34		(46.52.010)	E
35	C	Vehicular Assault (46.61.522)	D
36	C	Attempting to Elude Pursuing	
37		Police Vehicle (46.61.024)	D

1	E	Reckless Driving (46.61.500)	E
2	D	Driving While Under the Influence	
3		(46.61.502 and 46.61.504)	E
4	D	Vehicle Prowling (9A.52.100)	E
5	C	Taking Motor Vehicle Without	
6		Owner's Permission (9A.56.070)	D
7		<b>Other</b>	
8	B	Bomb Threat (9.61.160)	C
9	C	Escape 1 (9A.76.110)	C
10	C	Escape 2 (9A.76.120)	C
11	D	Escape 3 (9A.76.130)	E
12	<u>C</u>	<u>Stalking (For Class C Felony)</u>	<u>D</u>
13	<u>D</u>	<u>Stalking (For Gross Misdemeanor)</u>	<u>E</u>
14	E	Obscene, Harassing, Etc.,	
15		Phone Calls (9.61.230)	E
16	A	Other Offense Equivalent to an	
17		Adult Class A Felony	B+
18	B	Other Offense Equivalent to an	
19		Adult Class B Felony	C
20	C	Other Offense Equivalent to an	
21		Adult Class C Felony	D
22	D	Other Offense Equivalent to an	
23		Adult Gross Misdemeanor	E
24	E	Other Offense Equivalent to an	
25		Adult Misdemeanor	E
26	V	Violation of Order of Restitution,	
27		Community Supervision, or	
28		Confinement <sup>2</sup> (13.40.200)	V

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

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

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

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

1 if 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 SCHEDULE B  
4 PRIOR OFFENSE INCREASE FACTOR

5 For use with all CURRENT OFFENSES occurring on or after July 1,  
6 1989.

7 TIME SPAN

8 OFFENSE	0-12	13-24	25 Months
9 CATEGORY	Months	Months	or More
10 .....			
11 A+	.9	.9	.9
12 A	.9	.8	.6
13 A-	.9	.8	.5
14 B+	.9	.7	.4
15 B	.9	.6	.3
16 C+	.6	.3	.2
17 C	.5	.2	.2
18 D+	.3	.2	.1
19 D	.2	.1	.1
20 E	.1	.1	.1

21 Prior history - Any offense in which a diversion agreement or counsel  
22 and release form was signed, or any offense which has been adjudicated  
23 by court to be correct prior to the commission of the current  
24 offense(s).

25 SCHEDULE C  
26 CURRENT OFFENSE POINTS

27 For use with all CURRENT OFFENSES occurring on or after July 1,  
28 1989.

1

AGE

2 OFFENSE	12 &						
3 CATEGORY	Under	13	14	15	16	17	
4 .....							
5 A+		STANDARD	RANGE	180-224	WEEKS		
6 A	250	300	350	375	375	375	
7 A-	150	150	150	200	200	200	
8 B+	110	110	120	130	140	150	
9 B	45	45	50	50	57	57	
10 C+	44	44	49	49	55	55	
11 C	40	40	45	45	50	50	
12 D+	16	18	20	22	24	26	
13 D	14	16	18	20	22	24	
14 E	4	4	4	6	8	10	

15 JUVENILE SENTENCING STANDARDS  
 16 SCHEDULE D-1

17 This schedule may only be used for minor/first offenders. After the  
 18 determination is made that a youth is a minor/first offender, the court  
 19 has the discretion to select sentencing option A, B, or C.

20 MINOR/FIRST OFFENDER

21 OPTION A  
 22 STANDARD RANGE

23	Community			
24	Community	Supervision	Service	Fine
25	Points		Hours	
26	<del>((1-9</del>	<del>0-3 months</del>	<del>and/or 0-8</del>	<del>and/or 0-\$10</del>
27	<del>10-19</del>	<del>0-3 months</del>	<del>and/or 0-8</del>	<del>and/or 0-\$10</del>
28	<del>20-29</del>	<del>0-3 months</del>	<del>and/or 0-16</del>	<del>and/or 0-\$10</del>
29	<del>30-39</del>	<del>0-3 months</del>	<del>and/or 8-24</del>	<del>and/or 0-\$25</del>
30	<del>40-49</del>	<del>3-6 months</del>	<del>and/or 16-32</del>	<del>and/or 0-\$25</del>
31	<del>50-59</del>	<del>3-6 months</del>	<del>and/or 24-40</del>	<del>and/or 0-\$25</del>
32	<del>60-69</del>	<del>6-9 months</del>	<del>and/or 32-48</del>	<del>and/or 0-\$50</del>

1 ~~70-79~~ ~~6-9 months~~ ~~and/or~~ ~~40-56~~ ~~and/or~~ ~~0-\$50~~  
2 ~~80-89~~ ~~9-12 months~~ ~~and/or~~ ~~48-64~~ ~~and/or~~ ~~10-\$100~~  
3 ~~90-109~~ ~~9-12 months~~ ~~and/or~~ ~~56-72~~ ~~and/or~~ ~~10-\$100))~~  
4 1-109 0-12 months and/or 0-150 and/or 0-\$100

5 A minor/first offender receiving an option A disposition may also be  
6 required to serve 0 to 10 days in confinement.

7 OR

8 OPTION B  
9 STATUTORY OPTION

10 0-90 Days Inpatient Substance Abuse Treatment  
11 0-12 Months Community Supervision  
12 ~~((0-150 Hours Community Service~~  
13 ~~0-100 Fine))~~  
14 Posting of a Probation Bond  
15 ~~((A term of community supervision with a maximum of 150 hours, \$100.00~~  
16 ~~fine, and 12 months supervision.))~~

17 OR

18 OPTION C  
19 MANIFEST INJUSTICE

20 When a term of community supervision would effectuate a manifest  
21 injustice, another disposition may be imposed. When a judge imposes a  
22 sentence of confinement exceeding 30 days, the court shall sentence the  
23 juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall  
24 be used to determine the range.

25 JUVENILE SENTENCING STANDARDS  
26 SCHEDULE D-2

27 This schedule may only be used for middle offenders. After the  
28 determination is made that a youth is a middle offender, the court has  
29 the discretion to select sentencing option A, B, ~~((or))~~ C, or D as  
30 applicable.

MIDDLE OFFENDER

OPTION A

STANDARD RANGE

Points	Community Supervision	Community Service Hours	Fine	Confinement ((Days-Weeks))
1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30
110-129				8-12
130-149				13-16
150-199				21-28
200-249))				
				(Days)
<u>1-109</u>	<u>0-12 months</u>	<u>and/or 0-150</u>	<u>and/or 0-\$100</u>	<u>and/or 0-30</u>
				(Weeks)
<u>110-249</u>				30-40
<u>250-299</u>				52-65
<u>300-374</u>				80-100
<u>375+</u>				103-129

29 Middle offenders with less than 110 points do not have to receive a  
 30 disposition under option A. They may be sent to inpatient substance  
 31 abuse treatment under option D.

32 Middle offenders with 110 points or more do not have to be committed to  
 33 the department. They may be assigned community supervision under  
 34 option B.

35 All A+ offenses 180-224 weeks

1 OR

2  
3 OPTION B

4 STATUTORY OPTION

5 OFFENDERS WITH 110 POINTS OR MORE

6 (~~0-12 Months Community Supervision~~  
7 ~~0-150 Hours Community Service~~  
8 ~~0-100 Fine~~  
9 ~~Posting of a Probation Bond~~))

10 If the offender has (~~less than~~) 110 points or more, the court may  
11 impose (~~a determinate disposition of community supervision and/or up~~  
12 ~~to 30 days confinement; in which case, if confinement has been imposed,~~  
13 ~~the court shall state either aggravating or mitigating factors as set~~  
14 ~~forth in RCW 13.40.150~~) an option B disposition as provided in RCW  
15 13.40.160(4)(b).

16 (~~If the middle offender has 110 points or more, the court may~~  
17 ~~impose a disposition under option A and may suspend the disposition on~~  
18 ~~the condition that the offender serve up to thirty days of confinement~~  
19 ~~and follow all conditions of community supervision. If the offender~~  
20 ~~fails to comply with the terms of community supervision, the court may~~  
21 ~~impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended~~  
22 ~~disposition and order execution of the disposition. If the court~~  
23 ~~imposes confinement for offenders with 110 points or more, the court~~  
24 ~~shall state either aggravating or mitigating factors set forth in RCW~~  
25 ~~13.40.150.)~~)

26 OR

27  
28 OPTION C

29 MANIFEST INJUSTICE

30 ALL MIDDLE OFFENDERS

31 If the court determines that a disposition under A (~~or~~) B, or D as  
32 applicable would effectuate a manifest injustice, the court shall  
33 sentence the juvenile to a maximum term and the provisions of RCW  
34 13.40.030(2) shall be used to determine the range.



1 days, the court shall sentence the juvenile to a maximum term, and the  
2 provisions of RCW 13.40.030(2) shall be used to determine the range.

3 **Sec. 15.** RCW 13.40.045 and 1994 sp.s. c 7 s 518 are each amended  
4 to read as follows:

5 The secretary, assistant secretary, or the secretary's designee  
6 shall issue arrest warrants for juveniles who escape from department  
7 residential custody or abscond from parole supervision or fail to meet  
8 conditions of parole. These arrest warrants shall authorize any law  
9 enforcement, probation and parole, or peace officer of this state, or  
10 any other state where the juvenile is located, to arrest the juvenile  
11 and to place the juvenile in physical custody pending the juvenile's  
12 return to confinement in a state juvenile rehabilitation facility.

13 **Sec. 16.** RCW 13.40.050 and 1995 c 395 s 5 are each amended to read  
14 as follows:

15 (1) When a juvenile taken into custody is held in detention:

16 (a) An information, a community supervision modification or  
17 termination of diversion petition, or a parole modification petition  
18 shall be filed within seventy-two hours, Saturdays, Sundays, and  
19 holidays excluded, or the juvenile shall be released; and

20 (b) A detention hearing, a community supervision modification or  
21 termination of diversion petition, or a parole modification petition  
22 shall be held within seventy-two hours, Saturdays, Sundays, and  
23 holidays excluded, from the time of filing the information or petition,  
24 to determine whether continued detention is necessary under RCW  
25 13.40.040.

26 (2) Notice of the detention hearing, stating the time, place, and  
27 purpose of the hearing, (~~and~~) stating the right to counsel, and  
28 requiring attendance, shall be given to the parent, guardian, or  
29 custodian if such person can be found and shall also be given to the  
30 juvenile if over twelve years of age.

31 (3) At the commencement of the detention hearing, the court shall  
32 advise the parties of their rights under this chapter and shall appoint  
33 counsel as specified in this chapter.

34 (4) The court shall, based upon the allegations in the information,  
35 determine whether the case is properly before it or whether the case  
36 should be treated as a diversion case under RCW 13.40.080. If the case

1 is not properly before the court the juvenile shall be ordered  
2 released.

3 (5) Notwithstanding a determination that the case is properly  
4 before the court and that probable cause exists, a juvenile shall at  
5 the detention hearing be ordered released on the juvenile's personal  
6 recognizance pending further hearing unless the court finds detention  
7 is necessary under RCW 13.40.040 (~~as now or hereafter amended~~)).

8 (6) If detention is not necessary under RCW 13.40.040, (~~as now or~~  
9 ~~hereafter amended,~~) the court shall impose the most appropriate of the  
10 following conditions or, if necessary, any combination of the following  
11 conditions:

12 (a) Place the juvenile in the custody of a designated person  
13 agreeing to supervise such juvenile;

14 (b) Place restrictions on the travel of the juvenile during the  
15 period of release;

16 (c) Require the juvenile to report regularly to and remain under  
17 the supervision of the juvenile court;

18 (d) Impose any condition other than detention deemed reasonably  
19 necessary to assure appearance as required;

20 (e) Require that the juvenile return to detention during specified  
21 hours; or

22 (f) Require the juvenile to post a probation bond set by the court  
23 under terms and conditions as provided in RCW 13.40.040(4).

24 (7) A juvenile shall not be released except to a responsible adult.

25 (8) If the parent, guardian, or custodian of the juvenile in  
26 detention is available, the court shall consult with them prior to a  
27 determination to further detain or release the juvenile or treat the  
28 case as a diversion case under RCW 13.40.080.

29 (9) If the parent, guardian, or custodian notified as provided in  
30 this section fails without reasonable cause to appear, that person may  
31 be proceeded against as for contempt of court for failing to appear.

32 **Sec. 17.** RCW 13.40.060 and 1989 c 71 s 1 are each amended to read  
33 as follows:

34 (1) All actions under this chapter shall be commenced and tried in  
35 the county where any element of the offense was committed except as  
36 otherwise specially provided by statute. In cases in which diversion  
37 is provided by statute, venue is in the county in which the juvenile

1 resides or in the county in which any element of the offense was  
2 committed.

3 (2) For juveniles whose standard range disposition would include  
4 confinement in excess of thirty days, the case and copies of all legal  
5 and social documents pertaining thereto may in the discretion of the  
6 court be transferred to the county where the juvenile resides for a  
7 disposition hearing. All costs and arrangements for care and  
8 transportation of the juvenile in custody shall be the responsibility  
9 of the receiving county as of the date of the transfer of the juvenile  
10 to such county, unless the counties otherwise agree.

11 (3) The case and copies of all legal and social documents  
12 pertaining thereto may in the discretion of the court be transferred to  
13 the county in which the juvenile resides for supervision and  
14 enforcement of the disposition order. The court of the receiving  
15 county has jurisdiction to modify and enforce the disposition order.

16 (4) The court upon motion of any party or upon its own motion may,  
17 at any time, transfer a proceeding to another juvenile court when there  
18 is reason to believe that an impartial proceeding cannot be held in the  
19 county in which the proceeding was begun.

20 **Sec. 18.** RCW 13.40.080 and 1994 sp.s. c 7 s 544 are each amended  
21 to read as follows:

22 (1) A diversion agreement shall be a contract between a juvenile  
23 accused of an offense and a diversionary unit whereby the juvenile  
24 agrees to fulfill certain conditions in lieu of prosecution. Such  
25 agreements may be entered into only after the prosecutor, or probation  
26 counselor pursuant to this chapter, has determined that probable cause  
27 exists to believe that a crime has been committed and that the juvenile  
28 committed it. Such agreements shall be entered into as expeditiously  
29 as possible.

30 (2) A diversion agreement shall be limited to one or more of the  
31 following:

32 (a) Community service not to exceed one hundred fifty hours, not to  
33 be performed during school hours if the juvenile is attending school;

34 (b) Restitution limited to the amount of actual loss incurred by  
35 the victim, and to an amount the juvenile has the means or potential  
36 means to pay;

37 (c) Attendance at (~~up to ten hours of~~) counseling and/or (~~up to~~  
38 ~~twenty hours of~~) educational or informational sessions at a community

1 agency for a specified period of time as determined by the diversion  
2 unit. The educational or informational sessions may include sessions  
3 relating to respect for self, others, and authority; victim awareness;  
4 accountability; self-worth; responsibility; work ethics; good  
5 citizenship; and life skills. For purposes of this section, "community  
6 agency" may also mean a community-based nonprofit organization, if  
7 approved by the diversion unit. The state shall not be liable for  
8 costs resulting from the diversionary unit exercising the option to  
9 permit diversion agreements to mandate attendance at (~~up to ten hours~~  
10 ~~of~~) counseling and/or (~~up to twenty hours of~~) educational or  
11 informational sessions;

12 (d) A fine, not to exceed one hundred dollars. In determining the  
13 amount of the fine, the diversion unit shall consider only the  
14 juvenile's financial resources and whether the juvenile has the means  
15 to pay the fine. The diversion unit shall not consider the financial  
16 resources of the juvenile's parents, guardian, or custodian in  
17 determining the fine to be imposed; and

18 (e) Requirements to remain during specified hours at home, school,  
19 or work, and restrictions on leaving or entering specified geographical  
20 areas.

21 (3) In assessing periods of community service to be performed and  
22 restitution to be paid by a juvenile who has entered into a diversion  
23 agreement, the court officer to whom this task is assigned shall  
24 consult with the juvenile's custodial parent or parents or guardian and  
25 victims who have contacted the diversionary unit and, to the extent  
26 possible, involve members of the community. Such members of the  
27 community shall meet with the juvenile and advise the court officer as  
28 to the terms of the diversion agreement and shall supervise the  
29 juvenile in carrying out its terms.

30 (4) A diversion agreement may not exceed a period of six months and  
31 may include a period extending beyond the eighteenth birthday of the  
32 diveree. Any restitution assessed during its term may not exceed an  
33 amount which the juvenile could be reasonably expected to pay during  
34 this period. If additional time is necessary for the juvenile to  
35 complete restitution to the victim, the time period limitations of this  
36 subsection may be extended by an additional six months.

37 (5) The juvenile shall retain the right to be referred to the court  
38 at any time prior to the signing of the diversion agreement.

1 (6) Divertees and potential divertees shall be afforded due process  
2 in all contacts with a diversionary unit regardless of whether the  
3 juveniles are accepted for diversion or whether the diversion program  
4 is successfully completed. Such due process shall include, but not be  
5 limited to, the following:

6 (a) A written diversion agreement shall be executed stating all  
7 conditions in clearly understandable language;

8 (b) Violation of the terms of the agreement shall be the only  
9 grounds for termination;

10 (c) No divertee may be terminated from a diversion program without  
11 being given a court hearing, which hearing shall be preceded by:

12 (i) Written notice of alleged violations of the conditions of the  
13 diversion program; and

14 (ii) Disclosure of all evidence to be offered against the divertee;

15 (d) The hearing shall be conducted by the juvenile court and shall  
16 include:

17 (i) Opportunity to be heard in person and to present evidence;

18 (ii) The right to confront and cross-examine all adverse witnesses;

19 (iii) A written statement by the court as to the evidence relied on  
20 and the reasons for termination, should that be the decision; and

21 (iv) Demonstration by evidence that the divertee has substantially  
22 violated the terms of his or her diversion agreement.

23 (e) The prosecutor may file an information on the offense for which  
24 the divertee was diverted:

25 (i) In juvenile court if the divertee is under eighteen years of  
26 age; or

27 (ii) In superior court or the appropriate court of limited  
28 jurisdiction if the divertee is eighteen years of age or older.

29 (7) The diversion unit shall, subject to available funds, be  
30 responsible for providing interpreters when juveniles need interpreters  
31 to effectively communicate during diversion unit hearings or  
32 negotiations.

33 (8) The diversion unit shall be responsible for advising a divertee  
34 of his or her rights as provided in this chapter.

35 (9) The diversion unit may refer a juvenile to community-based  
36 counseling or treatment programs.

37 (10) The right to counsel shall inure prior to the initial  
38 interview for purposes of advising the juvenile as to whether he or she  
39 desires to participate in the diversion process or to appear in the

1 juvenile court. The juvenile may be represented by counsel at any  
2 critical stage of the diversion process, including intake interviews  
3 and termination hearings. The juvenile shall be fully advised at the  
4 intake of his or her right to an attorney and of the relevant services  
5 an attorney can provide. For the purpose of this section, intake  
6 interviews mean all interviews regarding the diversion agreement  
7 process.

8 The juvenile shall be advised that a diversion agreement shall  
9 constitute a part of the juvenile's criminal history as defined by RCW  
10 13.40.020(9). A signed acknowledgment of such advisement shall be  
11 obtained from the juvenile, and the document shall be maintained by the  
12 diversionary unit together with the diversion agreement, and a copy of  
13 both documents shall be delivered to the prosecutor if requested by the  
14 prosecutor. The supreme court shall promulgate rules setting forth the  
15 content of such advisement in simple language.

16 (11) When a juvenile enters into a diversion agreement, the  
17 juvenile court may receive only the following information for  
18 dispositional purposes:

- 19 (a) The fact that a charge or charges were made;
- 20 (b) The fact that a diversion agreement was entered into;
- 21 (c) The juvenile's obligations under such agreement;
- 22 (d) Whether the alleged offender performed his or her obligations  
23 under such agreement; and
- 24 (e) The facts of the alleged offense.

25 (12) A diversionary unit may refuse to enter into a diversion  
26 agreement with a juvenile. When a diversionary unit refuses to enter  
27 a diversion agreement with a juvenile, it shall immediately refer such  
28 juvenile to the court for action and shall forward to the court the  
29 criminal complaint and a detailed statement of its reasons for refusing  
30 to enter into a diversion agreement. The diversionary unit shall also  
31 immediately refer the case to the prosecuting attorney for action if  
32 such juvenile violates the terms of the diversion agreement.

33 (13) A diversionary unit may, in instances where it determines that  
34 the act or omission of an act for which a juvenile has been referred to  
35 it involved no victim, or where it determines that the juvenile  
36 referred to it has no prior criminal history and is alleged to have  
37 committed an illegal act involving no threat of or instance of actual  
38 physical harm and involving not more than fifty dollars in property  
39 loss or damage and that there is no loss outstanding to the person or

1 firm suffering such damage or loss, counsel and release or release such  
2 a juvenile without entering into a diversion agreement. A diversion  
3 unit's authority to counsel and release a juvenile under this  
4 subsection shall include the authority to refer the juvenile to  
5 community-based counseling or treatment programs. Any juvenile  
6 released under this subsection shall be advised that the act or  
7 omission of any act for which he or she had been referred shall  
8 constitute a part of the juvenile's criminal history as defined by RCW  
9 13.40.020(9). A signed acknowledgment of such advisement shall be  
10 obtained from the juvenile, and the document shall be maintained by the  
11 unit, and a copy of the document shall be delivered to the prosecutor  
12 if requested by the prosecutor. The supreme court shall promulgate  
13 rules setting forth the content of such advisement in simple language.  
14 A juvenile determined to be eligible by a diversionary unit for release  
15 as provided in this subsection shall retain the same right to counsel  
16 and right to have his or her case referred to the court for formal  
17 action as any other juvenile referred to the unit.

18 (14) A diversion unit may supervise the fulfillment of a diversion  
19 agreement entered into before the juvenile's eighteenth birthday and  
20 which includes a period extending beyond the diverttee's eighteenth  
21 birthday.

22 (15) If a fine required by a diversion agreement cannot reasonably  
23 be paid due to a change of circumstance, the diversion agreement may be  
24 modified at the request of the diverttee and with the concurrence of the  
25 diversion unit to convert an unpaid fine into community service. The  
26 modification of the diversion agreement shall be in writing and signed  
27 by the diverttee and the diversion unit. The number of hours of  
28 community service in lieu of a monetary penalty shall be converted at  
29 the rate of the prevailing state minimum wage per hour.

30 (16) Fines imposed under this section shall be collected and paid  
31 into the county general fund in accordance with procedures established  
32 by the juvenile court administrator under RCW 13.04.040 and may be used  
33 only for juvenile services. In the expenditure of funds for juvenile  
34 services, there shall be a maintenance of effort whereby counties  
35 exhaust existing resources before using amounts collected under this  
36 section.

37 **Sec. 19.** RCW 13.40.130 and 1981 c 299 s 10 are each amended to  
38 read as follows:

1 (1) The respondent shall be advised of the allegations in the  
2 information and shall be required to plead guilty or not guilty to the  
3 allegation(s). The state or the respondent may make preliminary  
4 motions up to the time of the plea.

5 (2) If the respondent pleads guilty, the court may proceed with  
6 disposition or may continue the case for a dispositional hearing. If  
7 the respondent denies guilt, an adjudicatory hearing date shall be set.  
8 The court shall notify the parent, guardian, or custodian who has  
9 custody of any juvenile described in the charging document of the date,  
10 time, and place of the dispositional or adjudicatory hearing, and  
11 require attendance.

12 (3) At the adjudicatory hearing it shall be the burden of the  
13 prosecution to prove the allegations of the information beyond a  
14 reasonable doubt.

15 (4) The court shall record its findings of fact and shall enter its  
16 decision upon the record. Such findings shall set forth the evidence  
17 relied upon by the court in reaching its decision.

18 (5) If the respondent is found not guilty he or she shall be  
19 released from detention.

20 (6) If the respondent is found guilty the court may immediately  
21 proceed to disposition or may continue the case for a dispositional  
22 hearing. Notice of the time and place of the continued hearing may be  
23 given in open court. If notice is not given in open court to a party,  
24 the party and the parent, guardian, or custodian who has custody of the  
25 juvenile shall be notified by mail of the time and place of the  
26 continued hearing.

27 (7) The court following an adjudicatory hearing may request that a  
28 predisposition study be prepared to aid the court in its evaluation of  
29 the matters relevant to disposition of the case.

30 (8) The disposition hearing shall be held within fourteen days  
31 after the adjudicatory hearing or plea of guilty unless good cause is  
32 shown for further delay, or within twenty-one days if the juvenile is  
33 not held in a detention facility, unless good cause is shown for  
34 further delay.

35 (9) In sentencing an offender, the court shall use the disposition  
36 standards in effect on the date of the offense.

37 (10) If the parent, guardian, or custodian notified as provided in  
38 this section fails without reasonable cause to appear, that person may  
39 be proceeded against as for contempt of court for failing to appear.

1       **Sec. 20.** RCW 13.40.150 and 1995 c 268 s 5 are each amended to read  
2 as follows:

3       (1) In disposition hearings all relevant and material evidence,  
4 including oral and written reports, may be received by the court and  
5 may be relied upon to the extent of its probative value, even though  
6 such evidence may not be admissible in a hearing on the information.  
7 The youth or the youth's counsel and the prosecuting attorney shall be  
8 afforded an opportunity to examine and controvert written reports so  
9 received and to cross-examine individuals making reports when such  
10 individuals are reasonably available, but sources of confidential  
11 information need not be disclosed. The prosecutor and counsel for the  
12 juvenile may submit recommendations for disposition.

13       (2) For purposes of disposition:

14       (a) Violations which are current offenses count as misdemeanors;

15       (b) Violations may not count as part of the offender's criminal  
16 history;

17       (c) In no event may a disposition for a violation include  
18 confinement.

19       (3) Before entering a dispositional order as to a respondent found  
20 to have committed an offense, the court shall hold a disposition  
21 hearing, at which the court shall:

22       (a) Consider the facts supporting the allegations of criminal  
23 conduct by the respondent;

24       (b) Consider information and arguments offered by parties and their  
25 counsel;

26       (c) Consider any predisposition reports;

27       (d) Consult with the respondent's parent, guardian, or custodian on  
28 the appropriateness of dispositional options under consideration and  
29 afford the respondent and the respondent's parent, guardian, or  
30 custodian an opportunity to speak in the respondent's behalf;

31       (e) Allow the victim or a representative of the victim and an  
32 investigative law enforcement officer to speak;

33       (f) Determine the amount of restitution owing to the victim, if  
34 any;

35       (g) Determine whether the respondent is a serious offender, a  
36 middle offender, or a minor or first offender;

37       (h) Consider whether or not any of the following mitigating factors  
38 exist:

1 (i) The respondent's conduct neither caused nor threatened serious  
2 bodily injury or the respondent did not contemplate that his or her  
3 conduct would cause or threaten serious bodily injury;

4 (ii) The respondent acted under strong and immediate provocation;

5 (iii) The respondent was suffering from a mental or physical  
6 condition that significantly reduced his or her culpability for the  
7 offense though failing to establish a defense;

8 (iv) Prior to his or her detection, the respondent compensated or  
9 made a good faith attempt to compensate the victim for the injury or  
10 loss sustained; and

11 (v) There has been at least one year between the respondent's  
12 current offense and any prior criminal offense;

13 (i) Consider whether or not any of the following aggravating  
14 factors exist:

15 (i) In the commission of the offense, or in flight therefrom, the  
16 respondent inflicted or attempted to inflict serious bodily injury to  
17 another;

18 (ii) The offense was committed in an especially heinous, cruel, or  
19 depraved manner;

20 (iii) The victim or victims were particularly vulnerable;

21 (iv) The respondent has a recent criminal history or has failed to  
22 comply with conditions of a recent dispositional order or diversion  
23 agreement;

24 (v) The current offense included a finding of sexual motivation  
25 pursuant to RCW 13.40.135;

26 (vi) The respondent was the leader of a criminal enterprise  
27 involving several persons; ((and))

28 (vii) There are other complaints which have resulted in diversion  
29 or a finding or plea of guilty but which are not included as criminal  
30 history; and

31 (viii) The respondent is a sex offender eligible for the special  
32 sex offender disposition alternative under RCW 13.40.160(5) and the  
33 court finds that a longer disposition is necessary to provide an  
34 incentive to comply with the terms of the disposition.

35 (4) The following factors may not be considered in determining the  
36 punishment to be imposed:

37 (a) The sex of the respondent;

38 (b) The race or color of the respondent or the respondent's family;

1 (c) The creed or religion of the respondent or the respondent's  
2 family;

3 (d) The economic or social class of the respondent or the  
4 respondent's family; and

5 (e) Factors indicating that the respondent may be or is a dependent  
6 child within the meaning of this chapter.

7 (5) A court may not commit a juvenile to a state institution solely  
8 because of the lack of facilities, including treatment facilities,  
9 existing in the community.

10 **Sec. 21.** RCW 13.40.160 and 1995 c 395 s 7 are each amended to read  
11 as follows:

12 (1) When the respondent is found to be a serious offender, the  
13 court shall commit the offender to the department for the standard  
14 range of disposition for the offense, as indicated in option A of  
15 schedule D-3, RCW 13.40.0357 except as provided in subsections (5) and  
16 (6) of this section.

17 If the court concludes, and enters reasons for its conclusion, that  
18 disposition within the standard range would effectuate a manifest  
19 injustice the court shall impose a disposition outside the standard  
20 range, as indicated in option B of schedule D-3, RCW 13.40.0357. The  
21 court's finding of manifest injustice shall be supported by clear and  
22 convincing evidence.

23 A disposition outside the standard range shall be determinate and  
24 shall be comprised of confinement or community supervision, or a  
25 combination thereof. When a judge finds a manifest injustice and  
26 imposes a sentence of confinement exceeding thirty days, the court  
27 shall sentence the juvenile to a maximum term, and the provisions of  
28 RCW 13.40.030(2) shall be used to determine the range. A disposition  
29 outside the standard range is appealable under RCW 13.40.230 by the  
30 state or the respondent. A disposition within the standard range is  
31 not appealable under RCW 13.40.230.

32 (2) Where the respondent is found to be a minor or first offender,  
33 the court shall order that the respondent serve a term of community  
34 supervision as indicated in option A or option B of schedule D-1, RCW  
35 13.40.0357 except as provided in subsections (5) and (6) of this  
36 section. A minor/first offender receiving an option A disposition may  
37 also be required to serve 0 to 10 days in confinement. If the court  
38 determines that a disposition of community supervision would effectuate

1 a manifest injustice the court may impose another disposition under  
2 option C of schedule D-1, RCW 13.40.0357. Except as provided in  
3 subsection (5) of this section, a disposition other than a community  
4 supervision may be imposed only after the court enters reasons upon  
5 which it bases its conclusions that imposition of community supervision  
6 would effectuate a manifest injustice. When a judge finds a manifest  
7 injustice and imposes a sentence of confinement exceeding thirty days,  
8 the court shall sentence the juvenile to a maximum term, and the  
9 provisions of RCW 13.40.030(2) shall be used to determine the range.  
10 The court's finding of manifest injustice shall be supported by clear  
11 and convincing evidence.

12 Except for disposition of community supervision or a disposition  
13 imposed pursuant to subsection (5) of this section, a disposition may  
14 be appealed as provided in RCW 13.40.230 by the state or the  
15 respondent. A disposition of community supervision or a disposition  
16 imposed pursuant to subsection (5) of this section may not be appealed  
17 under RCW 13.40.230.

18 (3) Where a respondent is found to have committed an offense for  
19 which the respondent declined to enter into a diversion agreement, the  
20 court shall impose a term of community supervision limited to the  
21 conditions allowed in a diversion agreement as provided in RCW  
22 13.40.080(2).

23 (4) If a respondent is found to be a middle offender:

24 (a) The court shall impose a determinate disposition within the  
25 standard range(s) for such offense, as indicated in option A of  
26 schedule D-2, RCW 13.40.0357 except as provided in subsections (5) and  
27 (6) of this section. If the standard range includes a term of  
28 confinement exceeding thirty days, commitment shall be to the  
29 department for the standard range of confinement; or

30 (b)(i) If the middle offender has less than 110 points, the court  
31 shall impose a determinate disposition of community supervision and/or  
32 up to ~~((thirty))~~ ninety days ~~((confinement))~~ inpatient substance abuse  
33 treatment, as indicated in option ~~((B))~~ (D) of schedule D-2, RCW  
34 13.40.0357 ~~((in which case, if confinement has been imposed, the court~~  
35 ~~shall state either aggravating or mitigating factors as set forth in~~  
36 ~~RCW 13.40.150))~~.

37 (ii) If the middle offender has 110 points or more, the court may  
38 impose a disposition under option A and may suspend the disposition and  
39 impose a determinate disposition of community supervision of up to one

1 year or the maximum term allowed by the standard range, whichever is  
2 longer, on the condition that the offender serve up to thirty days of  
3 confinement and follow all conditions of community supervision. If  
4 confinement has been imposed, the court shall state either aggravating  
5 or mitigating factors as set forth in RCW 13.40.150. If the offender  
6 violates any condition of the disposition including conditions of a  
7 probation bond, the court may impose sanctions pursuant to RCW  
8 13.40.200 or may revoke the suspension and order execution of the  
9 disposition. The court shall give credit for any confinement time  
10 previously served if that confinement was for the offense for which the  
11 suspension is being revoked.

12 (iii) If the respondent is a middle offender with 110 points or  
13 more the court may impose the special disposition option under section  
14 28 of this act.

15 (c) Only if the court concludes, and enters reasons for its  
16 conclusions, that disposition as provided in subsection (4)(a) or (b)  
17 of this section would effectuate a manifest injustice, the court shall  
18 sentence the juvenile to a maximum term, and the provisions of RCW  
19 13.40.030(2) shall be used to determine the range. The court's finding  
20 of manifest injustice shall be supported by clear and convincing  
21 evidence.

22 (d) A disposition pursuant to subsection (4)(c) of this section is  
23 appealable under RCW 13.40.230 by the state or the respondent. A  
24 disposition pursuant to subsection (4)(a) or (b) of this section is not  
25 appealable under RCW 13.40.230.

26 (5) When a serious, middle, or minor first offender is found to  
27 have committed a sex offense, other than a sex offense that is also a  
28 serious violent offense as defined by RCW 9.94A.030, and has no history  
29 of a prior sex offense, the court, on its own motion or the motion of  
30 the state or the respondent, may order an examination to determine  
31 whether the respondent is amenable to treatment.

32 The report of the examination shall include at a minimum the  
33 following: The respondent's version of the facts and the official  
34 version of the facts, the respondent's offense history, an assessment  
35 of problems in addition to alleged deviant behaviors, the respondent's  
36 social, educational, and employment situation, and other evaluation  
37 measures used. The report shall set forth the sources of the  
38 evaluator's information.

1 The examiner shall assess and report regarding the respondent's  
2 amenability to treatment and relative risk to the community.

3 (a) A proposed treatment plan shall be provided and shall include,  
4 at a minimum:

5 ((~~a~~))(i) Frequency and type of contact between the offender and  
6 therapist;

7 (ii) Specific issues to be addressed in the treatment and  
8 description of planned treatment modalities;

9 (iii) Monitoring plans, including any requirements regarding living  
10 conditions, lifestyle requirements, and monitoring by family members,  
11 legal guardians, or others;

12 (iv) Anticipated length of treatment; and

13 (v) Recommended crime-related prohibitions.

14 The court on its own motion may order, or on a motion by the state  
15 shall order, a second examination regarding the offender's amenability  
16 to treatment. The evaluator shall be selected by the party making the  
17 motion. The defendant shall pay the cost of any second examination  
18 ordered unless the court finds the defendant to be indigent in which  
19 case the state shall pay the cost.

20 After receipt of reports of the examination, the court shall then  
21 consider whether the offender and the community will benefit from use  
22 of this special sex offender disposition alternative and consider the  
23 victim's opinion whether the offender should receive a treatment  
24 disposition under this section. If the court determines that this  
25 special sex offender disposition alternative is appropriate, then the  
26 court shall impose a determinate disposition within the standard range  
27 for the offense, ((and)) or if the court concludes, and enters reasons  
28 for its conclusion, that such disposition would effectuate a manifest  
29 injustice, the court shall impose a disposition pursuant to option C of  
30 schedule D-1, option C of schedule D-2, or option B of schedule D-3 as  
31 appropriate.

32 For either a standard range disposition or a manifest injustice  
33 disposition the court may suspend the execution of the disposition and  
34 place the offender on community supervision for up to ((two)) three  
35 years.

36 (b) As a condition of the suspended disposition, the court may  
37 impose the conditions of community supervision and other conditions,  
38 including up to thirty days of confinement and requirements that the  
39 offender do any one or more of the following:

1       (~~(b)~~)(i) Devote time to a specific education, employment, or  
2 occupation;

3       (ii) Undergo available outpatient sex offender treatment for up to  
4 two years, or inpatient sex offender treatment not to exceed the  
5 standard range of confinement for that offense. A community mental  
6 health center may not be used for such treatment unless it has an  
7 appropriate program designed for sex offender treatment. The  
8 respondent shall not change sex offender treatment providers or  
9 treatment conditions without first notifying the prosecutor, the  
10 probation counselor, and the court, and shall not change providers  
11 without court approval after a hearing if the prosecutor or probation  
12 counselor object to the change;

13       (iii) Remain within prescribed geographical boundaries and notify  
14 the court or the probation counselor prior to any change in the  
15 offender's address, educational program, or employment;

16       (iv) Report to the prosecutor and the probation counselor prior to  
17 any change in a sex offender treatment provider. This change shall  
18 have prior approval by the court;

19       (v) Report as directed to the court and a probation counselor;

20       (vi) Pay all court-ordered legal financial obligations, perform  
21 community service, or any combination thereof;

22       (vii) Make restitution to the victim for the cost of any counseling  
23 reasonably related to the offense; or

24       (viii) Comply with the conditions of any court-ordered probation  
25 bond.

26       The sex offender treatment provider shall submit quarterly reports  
27 on the respondent's progress in treatment to the court and the parties.  
28 The reports shall reference the treatment plan and include at a minimum  
29 the following: Dates of attendance, respondent's compliance with  
30 requirements, treatment activities, the respondent's relative progress  
31 in treatment, and any other material specified by the court at the time  
32 of the disposition.

33       At the time of the disposition, the court may set treatment review  
34 hearings as the court considers appropriate.

35       Except as provided in this subsection (5), after July 1, 1991,  
36 examinations and treatment ordered pursuant to this subsection shall  
37 only be conducted by sex offender treatment providers certified by the  
38 department of health pursuant to chapter 18.155 RCW. A sex offender  
39 therapist who examines or treats a juvenile sex offender pursuant to

1 this subsection does not have to be certified by the department of  
2 health pursuant to chapter 18.155 RCW if the court finds that: (A) The  
3 offender has already moved to another state or plans to move to another  
4 state for reasons other than circumventing the certification  
5 requirements; (B) no certified providers are available for treatment  
6 within a reasonable geographical distance of the offender's home; and  
7 (C) the evaluation and treatment plan comply with this subsection (5)  
8 and the rules adopted by the department of health.

9 If the offender violates any condition of the disposition or the  
10 court finds that the respondent is failing to make satisfactory  
11 progress in treatment, the court may revoke the suspension and order  
12 execution of the disposition or the court may impose a penalty of up to  
13 thirty days' confinement for violating conditions of the disposition.  
14 The court may order both execution of the disposition and up to thirty  
15 days' confinement for the violation of the conditions of the  
16 disposition. The court shall give credit for any confinement time  
17 previously served if that confinement was for the offense for which the  
18 suspension is being revoked.

19 For purposes of this section, "victim" means any person who has  
20 sustained emotional, psychological, physical, or financial injury to  
21 person or property as a direct result of the crime charged. "Victim"  
22 may also include a known parent or guardian of a victim who is a minor  
23 child unless the parent or guardian is the perpetrator of the offense.

24 (6) RCW 13.40.193 shall govern the disposition of any juvenile  
25 adjudicated of possessing a firearm in violation of RCW  
26 9.41.040(1)((+e))(b)(iv) or any crime in which a special finding is  
27 entered that the juvenile was armed with a firearm.

28 (7) Whenever a juvenile offender is entitled to credit for time  
29 spent in detention prior to a dispositional order, the dispositional  
30 order shall specifically state the number of days of credit for time  
31 served.

32 (8) Except as provided for in subsection (4)(b) or (5) of this  
33 section or RCW 13.40.125, the court shall not suspend or defer the  
34 imposition or the execution of the disposition.

35 (9) In no case shall the term of confinement imposed by the court  
36 at disposition exceed that to which an adult could be subjected for the  
37 same offense.

38 (10) In all disposition orders that include commitment to the  
39 department, the court shall make a finding of reasonable rehabilitative

1 goals to be achieved by the juvenile during the commitment term. These  
2 goals may include, by way of example and not limitation, completion of  
3 substance abuse treatment, completion of anger management courses, and  
4 achievement of academic, educational, or vocational goals, such as  
5 grade-level reading or general educational development test completion.

6 **Sec. 22.** RCW 13.40.185 and 1994 sp.s. c 7 s 524 are each amended  
7 to read as follows:

8 (1) Any term of confinement imposed for an offense which exceeds  
9 thirty days except under option B of schedule D-1 or option D of  
10 schedule D-2 shall be served under the supervision of the department.  
11 If the period of confinement imposed for more than one offense exceeds  
12 thirty days but the term imposed for each offense is less than thirty  
13 days, the confinement may, in the discretion of the court, be served in  
14 a juvenile facility operated by or pursuant to a contract with the  
15 state or a county.

16 (2) Whenever a juvenile is confined in a detention facility or is  
17 committed to the department, the court may not directly order a  
18 juvenile into a particular county or state facility. The juvenile  
19 court administrator and the secretary, assistant secretary, or the  
20 secretary's designee, as appropriate, has the sole discretion to  
21 determine in which facility a juvenile should be confined or committed.  
22 The counties may operate a variety of detention facilities as  
23 determined by the county legislative authority subject to available  
24 funds.

25 (3) Any commitment for inpatient substance abuse treatment under  
26 option B of schedule D-1 or option D of schedule D-2 shall be under the  
27 supervision of the county and subject to available beds and funding.

28 NEW SECTION. **Sec. 23.** A new section is added to chapter 13.40 RCW  
29 to read as follows:

30 If a respondent is found to have delivered a firearm in violation  
31 of RCW 9.41.080, the court shall commit the offender to the department  
32 for one hundred twenty days of confinement. If the offender's standard  
33 range of disposition for the offense, as indicated in RCW 13.40.0357,  
34 is more than one hundred twenty days of confinement, the court shall  
35 commit the offender to the standard range disposition. The offender  
36 shall not be released until the offender has served a minimum of one

1 hundred twenty days of confinement. The term of confinement shall run  
2 consecutively with the term of confinement of any other offenses.

3 NEW SECTION. **Sec. 24.** A new section is added to chapter 13.40 RCW  
4 to read as follows:

5 If a respondent is found to have committed an offense of theft of  
6 a firearm, as defined in RCW 9A.56.300, the court shall commit the  
7 offender to the department for one hundred twenty days of confinement.  
8 If the offender's standard range of disposition for the offense, as  
9 indicated in RCW 13.40.0357, is more than one hundred twenty days of  
10 confinement, the court shall commit the offender to the standard range  
11 disposition. The offender shall not be released until the offender has  
12 served a minimum of one hundred twenty days of confinement. The term  
13 of confinement shall run consecutively with the term of confinement of  
14 any other offenses.

15 **Sec. 25.** RCW 13.40.193 and 1994 sp.s. c 7 s 525 are each amended  
16 to read as follows:

17 (1) If a respondent is found to have been in possession of a  
18 firearm in violation of RCW 9.41.040(1)((~~e~~))(b)(iv), the court shall  
19 impose a determinate disposition of ((~~ten~~)) thirty days of confinement  
20 and up to twelve months of community supervision. If the offender's  
21 standard range of disposition for the offense as indicated in RCW  
22 13.40.0357 is more than thirty days of confinement, the court shall  
23 commit the offender to the department for the standard range  
24 disposition. The offender shall not be released until the offender has  
25 served a minimum of ((~~ten~~)) thirty days in confinement.

26 (2) If the court finds that the respondent or an accomplice was  
27 armed with a firearm, the court shall determine the standard range  
28 disposition for the offense pursuant to RCW 13.40.160. ((~~Ninety~~)) One  
29 hundred eighty days of confinement shall be added to the entire  
30 standard range disposition of confinement if the offender or an  
31 accomplice was armed with a firearm when the offender committed: (a)  
32 Any violent offense; or (b) escape in the first degree; burglary in the  
33 second degree; theft of livestock in the first or second degree; or any  
34 felony drug offense. If the offender or an accomplice was armed with  
35 a firearm and the offender is being adjudicated for an anticipatory  
36 felony offense under chapter 9A.28 RCW to commit one of the offenses  
37 listed in this subsection, ((~~ninety~~)) one hundred eighty days shall be

1 added to the entire standard range disposition of confinement. The  
2 ((ninety)) one hundred eighty days shall be imposed regardless of the  
3 offense's juvenile disposition offense category as designated in RCW  
4 13.40.0357. The department shall not release the offender until the  
5 offender has served a minimum of ((ninety)) one hundred eighty days in  
6 confinement, unless the juvenile is committed to and successfully  
7 completes the juvenile offender basic training camp disposition option.

8 (3) Option B of schedule D-2, RCW 13.40.0357, shall not be  
9 available for middle offenders who receive a disposition under this  
10 section. When a disposition under this section would effectuate a  
11 manifest injustice, the court may impose another disposition. When a  
12 judge finds a manifest injustice and imposes a disposition of  
13 confinement exceeding thirty days, the court shall commit the juvenile  
14 to a maximum term, and the provisions of RCW 13.40.030(2) shall be used  
15 to determine the range. When a judge finds a manifest injustice and  
16 imposes a disposition of confinement less than thirty days, the  
17 disposition shall be comprised of confinement or community supervision  
18 or both.

19 (4) Any term of confinement ordered pursuant to this section  
20 ((may)) shall run ((concurrently)) consecutively to any term of  
21 confinement imposed in the same disposition for other offenses. A term  
22 of confinement ordered pursuant to this section must be served in its  
23 entirety.

24 **Sec. 26.** RCW 13.40.210 and 1994 sp.s. c 7 s 527 are each amended  
25 to read as follows:

26 (1) ~~((The secretary shall, except in the case of a juvenile~~  
27 ~~committed by a court to a term of confinement in a state institution~~  
28 ~~outside the appropriate standard range for the offense(s) for which the~~  
29 ~~juvenile was found to be guilty established pursuant to RCW 13.40.030,~~  
30 ~~set a release or discharge date for each juvenile committed to its~~  
31 ~~custody. The release or discharge date shall be within the prescribed~~  
32 ~~range to which a juvenile has been committed except as provided in RCW~~  
33 ~~13.40.320 concerning offenders the department determines are eligible~~  
34 ~~for the juvenile offender basic training camp program. Such dates~~  
35 ~~shall be determined prior to the expiration of sixty percent of a~~  
36 ~~juvenile's minimum term of confinement included within the prescribed~~  
37 ~~range to which the juvenile has been committed.)) (a) When a juvenile  
38 is committed to a term of confinement in a state institution, the~~

1 secretary shall review the sentencing court's finding of the  
2 rehabilitative goals to be achieved by the juvenile during the term of  
3 confinement. The department shall provide rehabilitative resources,  
4 including but not limited to education, vocational training, substance  
5 abuse treatment, and counseling, to permit the juvenile to achieve  
6 these rehabilitative goals.

7 (b) After expiration of no more than sixty percent of the  
8 juvenile's minimum term, the department shall provide a report  
9 containing an evaluation of the juvenile's behavior and performance  
10 during commitment. This report shall specifically describe the  
11 juvenile's progress toward achieving the designated rehabilitative  
12 goals.

13 (c) The department shall provide this report to the committing  
14 court. The court, after considering the department's report, shall  
15 determine a release or discharge date for the juvenile, which date  
16 shall fall on or before expiration of the maximum term of commitment.  
17 If a substantial change in the juvenile's behavior occurs after the  
18 setting of the release or discharge date, the department may submit an  
19 updated report to the committing court. The committing court may  
20 change the release or discharge date based upon the updated report.  
21 Nothing in this subsection requires the court to hold a hearing in  
22 setting the release or discharge date.

23 (d) Nothing in this section entitles a juvenile to release prior to  
24 the expiration of the maximum term of confinement imposed by the court.

25 (e) After the court determines a release date, the court shall  
26 notify the secretary by mail, and the secretary shall release any  
27 juvenile committed to the custody of the department within four  
28 calendar days prior to the juvenile's release date or on the release  
29 date set under this chapter. Days spent in the custody of the  
30 department shall be tolled by any period of time during which a  
31 juvenile has absented himself or herself from the department's  
32 supervision without the prior approval of the secretary or the  
33 secretary's designee.

34 (2) The secretary shall monitor the average daily population of the  
35 state's juvenile residential facilities. When the secretary concludes  
36 that in-residence population of residential facilities exceeds one  
37 hundred five percent of the rated bed capacity specified in statute, or  
38 in absence of such specification, as specified by the department in  
39 rule, the secretary may recommend reductions to the governor. On

1 certification by the governor that the recommended reductions are  
2 necessary, the secretary has authority to administratively release a  
3 sufficient number of offenders to reduce in-residence population to one  
4 hundred percent of rated bed capacity. The secretary shall release  
5 those offenders who have served the greatest proportion of their  
6 sentence. However, the secretary may deny release in a particular case  
7 at the request of an offender, or if the secretary finds that there is  
8 no responsible custodian, as determined by the department, to whom to  
9 release the offender, or if the release of the offender would pose a  
10 clear danger to society. The department shall notify the committing  
11 court of the release at the time of release if any such early releases  
12 have occurred as a result of excessive in-residence population. In no  
13 event shall an offender adjudicated of a violent offense be granted  
14 release under the provisions of this subsection.

15 (3) Following the juvenile's release under subsection (1) of this  
16 section, the secretary may require the juvenile to comply with a  
17 program of parole to be administered by the department in his or her  
18 community which shall last no longer than eighteen months, except that  
19 in the case of a juvenile sentenced for rape in the first or second  
20 degree, rape of a child in the first or second degree, child  
21 molestation in the first degree, or indecent liberties with forcible  
22 compulsion, the period of parole shall be ~~((twenty-four))~~ sixty months.  
23 A parole program is mandatory for offenders released under subsection  
24 (2) of this section. The secretary shall, for the period of parole,  
25 facilitate the juvenile's reintegration into his or her community and  
26 to further this goal shall require the juvenile to refrain from  
27 possessing a firearm or using a deadly weapon and refrain from  
28 committing new offenses and may require the juvenile to: (a) Undergo  
29 available medical ~~((or))~~, psychiatric ~~((treatment))~~, drug and alcohol,  
30 mental health, and other offense-related treatment services; (b) report  
31 as directed to a parole officer and/or designee; (c) pursue a course of  
32 study ~~((or))~~, vocational training, or employment; ~~((and))~~ (d) notify  
33 the parole officer of the current address where he or she resides; (e)  
34 be present at a particular address during specified hours; (f) remain  
35 within prescribed geographical boundaries ~~((and notify the department~~  
36 ~~of any change in his or her address))~~; (g) submit to electronic  
37 monitoring; (h) refrain from using illegal drugs and alcohol, and  
38 submit to random urinalysis when requested by the assigned parole  
39 officer; and (i) refrain from contact with specific individuals or a

1 specified class of individuals. As a mandatory condition of any term  
2 of parole, the secretary shall order the juvenile to comply with the  
3 mandatory school attendance provisions of chapter 28A.225 RCW and to  
4 inform the school of the existence of this requirement. After  
5 termination of the parole period, the juvenile shall be discharged from  
6 the department's supervision.

7 (4)(a) The department may also modify parole for violation thereof.  
8 If, after affording a juvenile all of the due process rights to which  
9 he or she would be entitled if the juvenile were an adult, the  
10 secretary finds that a juvenile has violated a condition of his or her  
11 parole, the secretary shall order one of the following which is  
12 reasonably likely to effectuate the purpose of the parole and to  
13 protect the public: (i) Continued supervision under the same  
14 conditions previously imposed; (ii) intensified supervision with  
15 increased reporting requirements; (iii) additional conditions of  
16 supervision authorized by this chapter; (iv) except as provided in  
17 (a)(v) of this subsection, imposition of a period of confinement not to  
18 exceed thirty days in a facility operated by or pursuant to a contract  
19 with the state of Washington or any city or county for a portion of  
20 each day or for a certain number of days each week with the balance of  
21 the days or weeks spent under supervision; and (v) the secretary may  
22 order any of the conditions or may return the offender to confinement  
23 in an institution for the remainder of the sentence range if the  
24 offense for which the offender was sentenced is rape in the first or  
25 second degree, rape of a child in the first or second degree, child  
26 molestation in the first degree, indecent liberties with forcible  
27 compulsion, or a sex offense that is also a serious violent offense as  
28 defined by RCW 9.94A.030.

29 (b) If the department finds that any juvenile in a program of  
30 parole has possessed a firearm or used a deadly weapon during the  
31 program of parole, the department shall modify the parole under (a) of  
32 this subsection and confine the juvenile for at least thirty days.  
33 Confinement shall be in a facility operated by or pursuant to a  
34 contract with the state or any county.

35 (c) If the department finds that the juvenile has violated parole  
36 by committing any new offense, the secretary shall order the imposition  
37 of thirty days' confinement as a penalty for the violation. This  
38 period of confinement shall be in addition to any confinement imposed  
39 as a disposition for the new offense.

1 (5) A parole officer of the department of social and health  
2 services shall have the power to arrest a juvenile under his or her  
3 supervision on the same grounds as a law enforcement officer would be  
4 authorized to arrest the person.

5 (6) If so requested and approved under chapter 13.06 RCW, the  
6 secretary shall permit a county or group of counties to perform  
7 functions under subsections (3) through (5) of this section.

8 NEW SECTION. Sec. 27. A new section is added to chapter 13.40 RCW  
9 to read as follows:

10 When the court finds a manifest injustice, imposes a sentence of  
11 confinement exceeding thirty days, and sets the maximum term, the  
12 department shall determine the range subject to the following  
13 limitations:

14 (1) When the maximum term in the range is ninety days or less, the  
15 minimum term in the range may be no less than fifty percent of the  
16 maximum term in the range;

17 (2) When the maximum term in the range is greater than ninety days  
18 but not greater than one year, the minimum term in the range may be no  
19 less than seventy-five percent of the maximum term in the range; and

20 (3) When the maximum term in the range is more than one year, the  
21 minimum term in the range may be no less than eighty percent of the  
22 maximum term in the range.

23 NEW SECTION. Sec. 28. A new section is added to chapter 13.40 RCW  
24 to read as follows:

25 (1) When a middle offender with one hundred ten points or more is  
26 found to have committed an offense that is not a violent or sex  
27 offense, the court, on its own motion or the motion of the state or the  
28 respondent if the evidence shows that the offender may be chemically  
29 dependent, may order an examination by a chemical dependency counselor  
30 from a chemical dependency treatment facility approved under chapter  
31 70.96A RCW to determine if the youth is chemically dependent and  
32 amenable to treatment.

33 (2) The report of the examination shall include at a minimum the  
34 following: The respondent's version of the facts and the official  
35 version of the facts, the respondent's offense history, an assessment  
36 of drug-alcohol problems and previous treatment attempts, the  
37 respondent's social, educational, and employment situation, and other

1 evaluation measures used. The report shall set forth the sources of  
2 the examiner's information.

3 (3) The examiner shall assess and report regarding the respondent's  
4 amenability to treatment and relative risk to the community. A  
5 proposed treatment plan shall be provided and shall include, at a  
6 minimum:

7 (a) Whether inpatient and/or outpatient treatment is recommended;

8 (b) Availability of appropriate treatment;

9 (c) Monitoring plans, including any requirements regarding living  
10 conditions, lifestyle requirements, and monitoring by family members,  
11 legal guardians, or others;

12 (d) Anticipated length of treatment;

13 (e) Recommended crime-related prohibitions; and

14 (f) Whether the respondent is amenable to treatment.

15 (4) The court on its own motion may order, or on a motion by the  
16 state shall order, a second examination regarding the offender's  
17 amenability to treatment. The evaluator shall be selected by the party  
18 making the motion. The defendant shall pay the cost of any examination  
19 ordered under this subsection (4) or subsection (1) of this section  
20 unless the court finds that the offender is indigent and no third party  
21 insurance coverage is available, in which case the state shall pay the  
22 cost.

23 (5)(a) After receipt of reports of the examination, the court shall  
24 then consider whether the offender and the community will benefit from  
25 use of this chemical dependent disposition alternative and consider the  
26 victim's opinion whether the offender should receive a treatment  
27 disposition under this section.

28 (b) If the court determines that this chemical dependent  
29 disposition alternative is appropriate, then the court shall impose the  
30 standard range for the offense, suspend execution of the disposition,  
31 and place the offender on community supervision for up to one year. As  
32 a condition of the suspended disposition, the court shall require the  
33 offender to undergo available outpatient drug/alcohol treatment and/or  
34 inpatient drug/alcohol treatment. For purposes of this section, the  
35 sum of confinement time and inpatient treatment may not exceed ninety  
36 days. As a condition of the suspended disposition, the court may  
37 impose conditions of community supervision and other sanctions,  
38 including up to thirty days of confinement, one hundred fifty hours of

1 community service, and payment of legal financial obligations and  
2 restitution.

3 (6) The drug/alcohol treatment provider shall submit monthly  
4 reports on the respondent's progress in treatment to the court and the  
5 parties. The reports shall reference the treatment plan and include at  
6 a minimum the following: Dates of attendance, respondent's compliance  
7 with requirements, treatment activities, the respondent's relative  
8 progress in treatment, and any other material specified by the court at  
9 the time of the disposition.

10 At the time of the disposition, the court may set treatment review  
11 hearings as the court considers appropriate.

12 If the offender violates any condition of the disposition or the  
13 court finds that the respondent is failing to make satisfactory  
14 progress in treatment, the court may revoke the suspension and order  
15 execution of the sentence. The court shall give credit for any  
16 confinement time previously served if that confinement was for the  
17 offense for which the suspension is being revoked.

18 (7) For purposes of this section, "victim" means any person who has  
19 sustained emotional, psychological, physical, or financial injury to  
20 person or property as a direct result of the crime charged.

21 (8) Whenever a juvenile offender is entitled to credit for time  
22 spent in detention prior to a dispositional order, the dispositional  
23 order shall specifically state the number of days of credit for time  
24 served.

25 (9) In no case shall the term of confinement imposed by the court  
26 at disposition exceed that to which an adult would be subjected for the  
27 same offense.

28 NEW SECTION. **Sec. 29.** A new section is added to chapter 13.40 RCW  
29 to read as follows:

30 RECOMMENDED PROSECUTING STANDARDS  
31 FOR CHARGING AND PLEA DISPOSITIONS

32 INTRODUCTION: These standards are intended solely for the guidance  
33 of prosecutors in the state of Washington. They are not intended to,  
34 do not, and may not be relied upon to create a right or benefit,  
35 substantive or procedural, enforceable at law by a party in litigation  
36 with the state.

37 Evidentiary sufficiency. (1) Decision not to prosecute.

1           STANDARD: A prosecuting attorney may decline to prosecute, even  
2 though technically sufficient evidence to prosecute exists, in  
3 situations where prosecution would serve no public purpose, would  
4 defeat the underlying purpose of the law in question, or would result  
5 in decreased respect for the law. The decision not to prosecute or  
6 divert shall not be influenced by the race, gender, religion, or creed  
7 of the suspect.

8           GUIDELINES/COMMENTARY:

9           Examples

10           The following are examples of reasons not to prosecute which could  
11 satisfy the standard.

12           (a) Contrary to Legislative Intent - It may be proper to decline to  
13 charge where the application of criminal sanctions would be clearly  
14 contrary to the intent of the legislature in enacting the particular  
15 statute.

16           (b) Antiquated Statute - It may be proper to decline to charge  
17 where the statute in question is antiquated in that:

18           (i) It has not been enforced for many years; and

19           (ii) Most members of society act as if it were no longer in  
20 existence; and

21           (iii) It serves no deterrent or protective purpose in today's  
22 society; and

23           (iv) The statute has not been recently reconsidered by the  
24 legislature.

25           This reason is not to be construed as the basis for declining cases  
26 because the law in question is unpopular or because it is difficult to  
27 enforce.

28           (c) De Minimis Violation - It may be proper to decline to charge  
29 where the violation of law is only technical or insubstantial and where  
30 no public interest or deterrent purpose would be served by prosecution.

31           (d) Confinement on Other Charges - It may be proper to decline to  
32 charge because the accused has been sentenced on another charge to a  
33 lengthy period of confinement; and

34           (i) Conviction of the new offense would not merit any additional  
35 direct or collateral punishment;

36           (ii) The new offense is either a misdemeanor or a felony which is  
37 not particularly aggravated; and

38           (iii) Conviction of the new offense would not serve any significant  
39 deterrent purpose.

1 (e) Pending Conviction on Another Charge - It may be proper to  
2 decline to charge because the accused is facing a pending prosecution  
3 in the same or another county; and

4 (i) Conviction of the new offense would not merit any additional  
5 direct or collateral punishment;

6 (ii) Conviction in the pending prosecution is imminent;

7 (iii) The new offense is either a misdemeanor or a felony which is  
8 not particularly aggravated; and

9 (iv) Conviction of the new offense would not serve any significant  
10 deterrent purpose.

11 (f) High Disproportionate Cost of Prosecution - It may be proper to  
12 decline to charge where the cost of locating or transporting, or the  
13 burden on, prosecution witnesses is highly disproportionate to the  
14 importance of prosecuting the offense in question. The reason should  
15 be limited to minor cases and should not be relied upon in serious  
16 cases.

17 (g) Improper Motives of Complainant - It may be proper to decline  
18 charges because the motives of the complainant are improper and  
19 prosecution would serve no public purpose, would defeat the underlying  
20 purpose of the law in question, or would result in decreased respect  
21 for the law.

22 (h) Immunity - It may be proper to decline to charge where immunity  
23 is to be given to an accused in order to prosecute another where the  
24 accused information or testimony will reasonably lead to the conviction  
25 of others who are responsible for more serious criminal conduct or who  
26 represent a greater danger to the public interest.

27 (i) Victim Request - It may be proper to decline to charge because  
28 the victim requests that no criminal charges be filed and the case  
29 involves the following crimes or situations:

30 (i) Assault cases where the victim has suffered little or no  
31 injury;

32 (ii) Crimes against property, not involving violence, where no  
33 major loss was suffered;

34 (iii) Where doing so would not jeopardize the safety of society.

35 Care should be taken to insure that the victim's request is freely  
36 made and is not the product of threats or pressure by the accused.

37 The presence of these factors may also justify the decision to  
38 dismiss a prosecution which has been commenced.

39 Notification

1 The prosecutor is encouraged to notify the victim, when practical,  
2 and the law enforcement personnel, of the decision not to prosecute.

3 (2) Decision to prosecute.

4 STANDARD:

5 Crimes against persons will be filed if sufficient admissible  
6 evidence exists, which, when considered with the most plausible,  
7 reasonably foreseeable defense that could be raised under the evidence,  
8 would justify conviction by a reasonable and objective fact-finder.  
9 With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050,  
10 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and  
11 9A.64.020 the prosecutor should avoid pre-filing agreements or  
12 diversions intended to place the accused in a program of treatment or  
13 counseling, so that treatment, if determined to be beneficial, can be  
14 proved pursuant to RCW 13.40.160(5).

15 Crimes against property/other crimes will be filed if the  
16 admissible evidence is of such convincing force as to make it probable  
17 that a reasonable and objective fact-finder would convict after hearing  
18 all the admissible evidence and the most plausible defense that could  
19 be raised.

20 The categorization of crimes for these charging standards shall be  
21 the same as found in RCW 9.94A.440(2).

22 The decision to prosecute or use diversion shall not be influenced  
23 by the race, gender, religion, or creed of the respondent.

24 Selection of Charges/Degree of Charge

25 (1) The prosecutor should file charges which adequately describe  
26 the nature of the respondent's conduct. Other offenses may be charged  
27 only if they are necessary to ensure that the charges:

28 (a) Will significantly enhance the strength of the state's case at  
29 trial; or

30 (b) Will result in restitution to all victims.

31 (2) The prosecutor should not overcharge to obtain a guilty plea.

32 Overcharging includes:

33 (a) Charging a higher degree;

34 (b) Charging additional counts.

35 This standard is intended to direct prosecutors to charge those  
36 crimes which demonstrate the nature and seriousness of a respondent's  
37 criminal conduct, but to decline to charge crimes which are not  
38 necessary to such an indication. Crimes which do not merge as a matter

1 of law, but which arise from the same course of conduct, do not all  
2 have to be charged.

3 The selection of charges and/or the degree of the charge shall not  
4 be influenced by the race, gender, religion, or creed of the  
5 respondent.

6 GUIDELINES/COMMENTARY:

7 Police Investigation

8 A prosecuting attorney is dependent upon law enforcement agencies  
9 to conduct the necessary factual investigation which must precede the  
10 decision to prosecute. The prosecuting attorney shall ensure that a  
11 thorough factual investigation has been conducted before a decision to  
12 prosecute is made. In ordinary circumstances the investigation should  
13 include the following:

14 (1) The interviewing of all material witnesses, together with the  
15 obtaining of written statements whenever possible;

16 (2) The completion of necessary laboratory tests; and

17 (3) The obtaining, in accordance with constitutional requirements,  
18 of the suspect's version of the events.

19 If the initial investigation is incomplete, a prosecuting attorney  
20 should insist upon further investigation before a decision to prosecute  
21 is made, and specify what the investigation needs to include.

22 Exceptions

23 In certain situations, a prosecuting attorney may authorize filing  
24 of a criminal complaint before the investigation is complete if:

25 (1) Probable cause exists to believe the suspect is guilty; and

26 (2) The suspect presents a danger to the community or is likely to  
27 flee if not apprehended; or

28 (3) The arrest of the suspect is necessary to complete the  
29 investigation of the crime.

30 In the event that the exception that the standard is applied, the  
31 prosecuting attorney shall obtain a commitment from the law enforcement  
32 agency involved to complete the investigation in a timely manner. If  
33 the subsequent investigation does not produce sufficient evidence to  
34 meet the normal charging standard, the complaint should be dismissed.

35 Investigation Techniques

36 The prosecutor should be fully advised of the investigatory  
37 techniques that were used in the case investigation including:

38 (1) Polygraph testing;

39 (2) Hypnosis;

1 (3) Electronic surveillance;

2 (4) Use of informants.

3 Prefiling Discussions with Defendant

4 Discussions with the defendant or his or her representative  
5 regarding the selection or disposition of charges may occur prior to  
6 the filing of charges, and potential agreements can be reached.

7 PLEA DISPOSITIONS:

8 Standard

9 (1) Except as provided in subsection (2) of this section, a  
10 respondent will normally be expected to plead guilty to the charge or  
11 charges which adequately describe the nature of his or her criminal  
12 conduct or go to trial.

13 (2) In certain circumstances, a plea agreement with a respondent in  
14 exchange for a plea of guilty to a charge or charges that may not fully  
15 describe the nature of his or her criminal conduct may be necessary and  
16 in the public interest. Such situations may include the following:

17 (a) Evidentiary problems which make conviction of the original  
18 charges doubtful;

19 (b) The respondent's willingness to cooperate in the investigation  
20 or prosecution of others whose criminal conduct is more serious or  
21 represents a greater public threat;

22 (c) A request by the victim when it is not the result of pressure  
23 from the respondent;

24 (d) The discovery of facts which mitigate the seriousness of the  
25 respondent's conduct;

26 (e) The correction of errors in the initial charging decision;

27 (f) The respondent's history with respect to criminal activity;

28 (g) The nature and seriousness of the offense or offenses charged;

29 (h) The probable effect of witnesses.

30 (3) No plea agreement shall be influenced by the race, gender,  
31 religion, or creed of the respondent. This includes but is not limited  
32 to the prosecutor's decision to utilize such disposition alternatives  
33 as "Option B," the Special Sex Offender Disposition Alternative, and  
34 manifest injustice.

35 DISPOSITION RECOMMENDATIONS:

36 Standard

37 The prosecutor may reach an agreement regarding disposition  
38 recommendations.

1 The prosecutor shall not agree to withhold relevant information  
2 from the court concerning the plea agreement.

3 NEW SECTION. **Sec. 30.** A new section is added to chapter 28A.175  
4 RCW to read as follows:

5 A school may contract with public or private entities to provide  
6 educational services for students who have been adjudicated of juvenile  
7 offenses particularly when those students have truancy problems or have  
8 been suspended or expelled, are academically at-risk, or have been  
9 subject to disciplinary actions due to behavior problems.

10 NEW SECTION. **Sec. 31.** A new section is added to chapter 28A.225  
11 RCW to read as follows:

12 References to juvenile court in this chapter mean, in addition to  
13 the juvenile court of the superior court, courts of limited  
14 jurisdiction that have acquired jurisdiction pursuant to RCW  
15 13.04.030(1)(e)(iv) and section 4 of this act over juveniles who  
16 violate the provisions of this chapter. If a court of limited  
17 jurisdiction has jurisdiction over juveniles who violate this chapter,  
18 that court also has jurisdiction over parents charged with violations  
19 of this chapter.

20 **Sec. 32.** RCW 35.20.030 and 1993 c 83 s 3 are each amended to read  
21 as follows:

22 The municipal court shall have jurisdiction to try violations of  
23 all city ordinances and all other actions brought to enforce or recover  
24 license penalties or forfeitures declared or given by any such  
25 ordinances. It is empowered to forfeit cash bail or bail bonds and  
26 issue execution thereon, to hear and determine all causes, civil or  
27 criminal, arising under such ordinances, and to pronounce judgment in  
28 accordance therewith: PROVIDED, That for a violation of the criminal  
29 provisions of an ordinance no greater punishment shall be imposed than  
30 a fine of five thousand dollars or imprisonment in the city jail not to  
31 exceed one year, or both such fine and imprisonment, but the punishment  
32 for any criminal ordinance shall be the same as the punishment provided  
33 in state law for the same crime. The municipal court shall also have  
34 jurisdiction over juvenile offenses prosecuted pursuant to chapter  
35 13.40 RCW if the court has acquired jurisdiction pursuant to RCW  
36 13.04.030(1)(e)(iv) and section 4 of this act. All civil and criminal

1 proceedings in municipal court, and judgments rendered therein, shall  
2 be subject to review in the superior court by writ of review or on  
3 appeal: PROVIDED, That an appeal from the court's determination or  
4 order in a traffic infraction proceeding may be taken only in  
5 accordance with RCW 46.63.090(5). Costs in civil and criminal cases  
6 may be taxed as provided in district courts.

7 NEW SECTION. **Sec. 33.** If any provision of this act or its  
8 application to any person or circumstance is held invalid, the  
9 remainder of the act or the application of the provision to other  
10 persons or circumstances is not affected.

11 NEW SECTION. **Sec. 34.** Sections 8 and 9 of this act shall take  
12 effect June 30, 1996.

13 NEW SECTION. **Sec. 35.** The amendments to RCW 13.40.0357 contained  
14 in section 12 of this act shall expire July 1, 1997, and shall not  
15 apply to offenses committed on or after July 1, 1997.

16 NEW SECTION. **Sec. 36.** Section 13 of this act shall take effect  
17 July 1, 1997, and shall apply to offenses committed on or after July 1,  
18 1997.

19 NEW SECTION. **Sec. 37.** The amendments to RCW 13.40.0357 contained  
20 in section 13 of this act shall expire July 1, 1999, and shall not  
21 apply to offenses committed on or after July 1, 1999.

22 NEW SECTION. **Sec. 38.** Section 14 of this act shall take effect  
23 July 1, 1999, and shall apply to offenses committed on or after July 1,  
24 1999.

--- END ---