

**SUBSTITUTE SENATE BILL 5376**

**State of Washington                      63rd Legislature                      2013 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by Senators Kline, Fain, Shin, Nelson, Keiser, Carrell, McAuliffe, Hill, Litzow, and Tom)

READ FIRST TIME 02/21/13.

1            AN ACT Relating to juvenile firearms and weapons crimes; and  
2 amending RCW 13.40.0357, 13.40.127, 13.40.193, and 13.40.160.

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

4            **Sec. 1.** RCW 13.40.0357 and 2012 c 177 s 4 are each amended to read  
5 as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

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

.....

**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D

1	D	Reckless Burning 2 (9A.48.050)	E
2	B	Malicious Mischief 1 (9A.48.070)	C
3	C	Malicious Mischief 2 (9A.48.080)	D
4	D	Malicious Mischief 3 (9A.48.090)	E
5			
6	E	Tampering with Fire Alarm Apparatus	
7		(9.40.100)	E
8	E	Tampering with Fire Alarm Apparatus with	
9		Intent to Commit Arson (9.40.105)	E
10	A	Possession of Incendiary Device (9.40.120)	B+
11		<b>Assault and Other Crimes Involving</b>	
12		<b>Physical Harm</b>	
13	A	Assault 1 (9A.36.011)	B+
14	B+	Assault 2 (9A.36.021)	C+
15	C+	Assault 3 (9A.36.031)	D+
16	D+	Assault 4 (9A.36.041)	E
17	B+	Drive-By Shooting (9A.36.045)	C+
18	D+	Reckless Endangerment (9A.36.050)	E
19	C+	Promoting Suicide Attempt (9A.36.060)	D+
20	D+	Coercion (9A.36.070)	E
21	C+	Custodial Assault (9A.36.100)	D+
22		<b>Burglary and Trespass</b>	
23	B+	Burglary 1 (9A.52.020)	C+
24	B	Residential Burglary (9A.52.025)	C
25	B	Burglary 2 (9A.52.030)	C
26	D	Burglary Tools (Possession of) (9A.52.060)	E
27	D	Criminal Trespass 1 (9A.52.070)	E
28	E	Criminal Trespass 2 (9A.52.080)	E
29	C	Mineral Trespass (78.44.330)	C
30	C	Vehicle Prowling 1 (9A.52.095)	D
31	D	Vehicle Prowling 2 (9A.52.100)	E
32		<b>Drugs</b>	
33	E	Possession/Consumption of Alcohol	
34		(66.44.270)	E
35	C	Illegally Obtaining Legend Drug	
36		(69.41.020)	D

1	C+	Sale, Delivery, Possession of Legend Drug	
2		with Intent to Sell (69.41.030(2)(a))	D+
3	E	Possession of Legend Drug	
4		(69.41.030(2)(b))	E
5	B+	Violation of Uniform Controlled Substances	
6		Act - Narcotic, Methamphetamine, or	
7		Flunitrazepam Sale (69.50.401(2) (a) or	
8		(b))	B+
9	C	Violation of Uniform Controlled Substances	
10		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
11	E	Possession of Marihuana <40 grams	
12		(69.50.4014)	E
13	C	Fraudulently Obtaining Controlled	
14		Substance (69.50.403)	C
15	C+	Sale of Controlled Substance for Profit	
16		(69.50.410)	C+
17	E	Unlawful Inhalation (9.47A.020)	E
18	B	Violation of Uniform Controlled Substances	
19		Act - Narcotic, Methamphetamine, or	
20		Flunitrazepam Counterfeit Substances	
21		(69.50.4011(2) (a) or (b))	B
22	C	Violation of Uniform Controlled Substances	
23		Act - Nonnarcotic Counterfeit Substances	
24		(69.50.4011(2) (c), (d), or (e))	C
25	C	Violation of Uniform Controlled Substances	
26		Act - Possession of a Controlled Substance	
27		(69.50.4013)	C
28	C	Violation of Uniform Controlled Substances	
29		Act - Possession of a Controlled Substance	
30		(69.50.4012)	C
31		<b>Firearms and Weapons</b>	
32	<u>A-</u>	<u>Unlawful Possession of a Firearm 1</u>	
33		<u>(9.41.040(1))</u>	<u>B+</u>
34	<u>B+</u>	<u>Unlawful Possession of a Firearm 2</u>	
35		<u>(9.41.040(2)(a)(i), (ii), or (iv))</u>	<u>C+</u>

1	<b>B+</b>	<u>Unlawful Possession of a Firearm 2</u>	
2		<u>(9.41.040(2)(a)(iii)) Second or subsequent</u>	
3		<u>offense</u>	<u>C+</u>
4	<b>B</b>	Theft of Firearm (9A.56.300)	<b>C</b>
5	<b>B</b>	Possession of Stolen Firearm (9A.56.310)	<b>C</b>
6	<b>E</b>	Carrying Loaded Pistol Without Permit	
7		(9.41.050)	<b>E</b>
8	<b>C</b>	Possession of Firearms by Minor (<18)	
9		(9.41.040(2)(a)(iii))	<b>C</b>
10	<b>D+</b>	Possession of Dangerous Weapon	
11		(9.41.250)	<b>E</b>
12	<b>D</b>	Intimidating Another Person by use of	
13		Weapon (9.41.270)	<b>E</b>
14		<b>Homicide</b>	
15	<b>A+</b>	Murder 1 (9A.32.030)	<b>A</b>
16	<b>A+</b>	Murder 2 (9A.32.050)	<b>B+</b>
17	<b>B+</b>	Manslaughter 1 (9A.32.060)	<b>C+</b>
18	<b>C+</b>	Manslaughter 2 (9A.32.070)	<b>D+</b>
19	<b>B+</b>	Vehicular Homicide (46.61.520)	<b>C+</b>
20		<b>Kidnapping</b>	
21	<b>A</b>	Kidnap 1 (9A.40.020)	<b>B+</b>
22	<b>B+</b>	Kidnap 2 (9A.40.030)	<b>C+</b>
23	<b>C+</b>	Unlawful Imprisonment (9A.40.040)	<b>D+</b>
24		<b>Obstructing Governmental Operation</b>	
25	<b>D</b>	Obstructing a Law Enforcement Officer	
26		(9A.76.020)	<b>E</b>
27	<b>E</b>	Resisting Arrest (9A.76.040)	<b>E</b>
28	<b>B</b>	Introducing Contraband 1 (9A.76.140)	<b>C</b>
29	<b>C</b>	Introducing Contraband 2 (9A.76.150)	<b>D</b>
30	<b>E</b>	Introducing Contraband 3 (9A.76.160)	<b>E</b>
31	<b>B+</b>	Intimidating a Public Servant (9A.76.180)	<b>C+</b>
32	<b>B+</b>	Intimidating a Witness (9A.72.110)	<b>C+</b>
33		<b>Public Disturbance</b>	
34	<b>C+</b>	Riot with Weapon (9A.84.010(2)(b))	<b>D+</b>
35	<b>D+</b>	Riot Without Weapon (9A.84.010(2)(a))	<b>E</b>
36	<b>E</b>	Failure to Disperse (9A.84.020)	<b>E</b>

1	E	Disorderly Conduct (9A.84.030)	E
2		<b>Sex Crimes</b>	
3	A	Rape 1 (9A.44.040)	B+
4	A-	Rape 2 (9A.44.050)	B+
5	C+	Rape 3 (9A.44.060)	D+
6	A-	Rape of a Child 1 (9A.44.073)	B+
7	B+	Rape of a Child 2 (9A.44.076)	C+
8	B	Incest 1 (9A.64.020(1))	C
9	C	Incest 2 (9A.64.020(2))	D
10	D+	Indecent Exposure (Victim <14)	
11		(9A.88.010)	E
12	E	Indecent Exposure (Victim 14 or over)	
13		(9A.88.010)	E
14	B+	Promoting Prostitution 1 (9A.88.070)	C+
15	C+	Promoting Prostitution 2 (9A.88.080)	D+
16	E	O & A (Prostitution) (9A.88.030)	E
17	B+	Indecent Liberties (9A.44.100)	C+
18	A-	Child Molestation 1 (9A.44.083)	B+
19	B	Child Molestation 2 (9A.44.086)	C+
20	C	Failure to Register as a Sex Offender	
21		(9A.44.132)	D
22		<b>Theft, Robbery, Extortion, and Forgery</b>	
23	B	Theft 1 (9A.56.030)	C
24	C	Theft 2 (9A.56.040)	D
25	D	Theft 3 (9A.56.050)	E
26	B	Theft of Livestock 1 and 2 (9A.56.080 and	
27		9A.56.083)	C
28	C	Forgery (9A.60.020)	D
29	A	Robbery 1 (9A.56.200)	B+
30	B+	Robbery 2 (9A.56.210)	C+
31	B+	Extortion 1 (9A.56.120)	C+
32	C+	Extortion 2 (9A.56.130)	D+
33	C	Identity Theft 1 (9.35.020(2))	D
34	D	Identity Theft 2 (9.35.020(3))	E
35	D	Improperly Obtaining Financial Information	
36		(9.35.010)	E
37	B	Possession of a Stolen Vehicle (9A.56.068)	C

1	B	Possession of Stolen Property 1	
2		(9A.56.150)	C
3	C	Possession of Stolen Property 2	
4		(9A.56.160)	D
5	D	Possession of Stolen Property 3	
6		(9A.56.170)	E
7	B	Taking Motor Vehicle Without Permission	
8		1 (9A.56.070)	C
9	C	Taking Motor Vehicle Without Permission	
10		2 (9A.56.075)	D
11	B	Theft of a Motor Vehicle (9A.56.065)	C
12		<b>Motor Vehicle Related Crimes</b>	
13	E	Driving Without a License (46.20.005)	E
14	B+	Hit and Run - Death (46.52.020(4)(a))	C+
15	C	Hit and Run - Injury (46.52.020(4)(b))	D
16	D	Hit and Run-Attended (46.52.020(5))	E
17	E	Hit and Run-Unattended (46.52.010)	E
18	C	Vehicle Assault (46.61.522)	D
19	C	Attempting to Elude Pursuing Police	
20		Vehicle (46.61.024)	D
21	E	Reckless Driving (46.61.500)	E
22	D	Driving While Under the Influence	
23		(46.61.502 and 46.61.504)	E
24	B+	Felony Driving While Under the Influence	
25		(46.61.502(6))	B
26	B+	Felony Physical Control of a Vehicle While	
27		Under the Influence (46.61.504(6))	B
28		<b>Other</b>	
29	B	Animal Cruelty 1 (16.52.205)	C
30	B	Bomb Threat (9.61.160)	C
31	C	Escape 1 <sup>1</sup> (9A.76.110)	C
32	C	Escape 2 <sup>1</sup> (9A.76.120)	C
33	D	Escape 3 (9A.76.130)	E
34	E	Obscene, Harassing, Etc., Phone Calls	
35		(9.61.230)	E

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

14 <sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
15 and the standard range is established as follows:

16 1st escape or attempted escape during 12-month period - 4 weeks  
17 confinement

18 2nd escape or attempted escape during 12-month period - 8 weeks  
19 confinement

20 3rd and subsequent escape or attempted escape during 12-month  
21 period - 12 weeks confinement

22 <sup>2</sup>If the court finds that a respondent has violated terms of an order,  
23 it may impose a penalty of up to 30 days of confinement.

24 **JUVENILE SENTENCING STANDARDS**

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

27 **OPTION A**  
28 **JUVENILE OFFENDER SENTENCING GRID**  
29 **STANDARD RANGE**

30	A+	180 weeks to age 21 for all category A+ offenses
31	A	103-129 weeks for all category A offenses

1	A-	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
2		Except 30-40 weeks					
3		for 15 to 17 year olds					
4	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
5	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
6	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
7		C	LS	LS	LS	LS	15-36 weeks
8		D+	LS	LS	LS	LS	LS
9		D	LS	LS	LS	LS	LS
10		E	LS	LS	LS	LS	LS
11							
12	PRIOR		0	1	2	3	4 or more
13	ADJUDICATIONS						

14 NOTE: References in the grid to days or weeks mean periods of  
15 confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

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

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

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

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

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

32 **OR**  
33 **OPTION B**  
34 **SUSPENDED DISPOSITION ALTERNATIVE**



1 (1) If the offender is subject to a standard range disposition  
2 involving confinement by the department, the court may impose the  
3 standard range and suspend the disposition on condition that the  
4 offender comply with one or more local sanctions and any educational or  
5 treatment requirement. The treatment programs provided to the offender  
6 must be either research-based best practice programs as identified by  
7 the Washington state institute for public policy or the joint  
8 legislative audit and review committee, or for chemical dependency  
9 treatment programs or services, they must be evidence-based or  
10 research-based best practice programs. For the purposes of this  
11 subsection:

12 (a) "Evidence-based" means a program or practice that has had  
13 multiple site random controlled trials across heterogeneous populations  
14 demonstrating that the program or practice is effective for the  
15 population; and

16 (b) "Research-based" means a program or practice that has some  
17 research demonstrating effectiveness, but that does not yet meet the  
18 standard of evidence-based practices.

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

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

24 (a) Adjudicated of an A+ offense;

25 (b) Fourteen years of age or older and is adjudicated of one or  
26 more of the following offenses:

27 (i) A class A offense, or an attempt, conspiracy, or solicitation  
28 to commit a class A offense;

29 (ii) Manslaughter in the first degree (RCW 9A.32.060); or

30 (iii) Assault in the second degree (RCW 9A.36.021), extortion in  
31 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW  
32 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential  
33 burglary (RCW 9A.52.025), burglary in the second degree (RCW  
34 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW  
35 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a  
36 witness (RCW 9A.72.110), violation of the uniform controlled substances  
37 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),

1 when the offense includes infliction of bodily harm upon another or  
2 when during the commission or immediate withdrawal from the offense the  
3 respondent was armed with a deadly weapon;

4 (c) Ordered to serve a disposition for a firearm violation under  
5 RCW 13.40.193; or

6 (d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

7 **OR**

8 **OPTION C**

9 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

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

14 **OR**

15 **OPTION D**

16 **MANIFEST INJUSTICE**

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

20 **OR**

21 **OPTION E**

22 **FIREARM DISPOSITION ALTERNATIVE**

23 (1) If an offender has been adjudicated of unlawful possession of  
24 a firearm in the second degree under RCW 9.41.040(2)(a)(iii), theft of  
25 a firearm, or possession of a stolen firearm, and the court determines  
26 that the juvenile may benefit from an intensive intervention aimed at  
27 reducing aggressive or violent behavior, the court may impose the  
28 following disposition alternative:

29 (a) If the offender has no prior adjudication for unlawful  
30 possession of a firearm, theft of a firearm, or possession of a stolen  
31 firearm, and is subject to a standard range disposition of local  
32 sanctions, the court may impose the disposition required under RCW  
33 13.40.193(1) and suspend the disposition on condition that the offender  
34 participate in an intensive intervention that uses evidence-based

1 practices that have been proven effective for reducing aggressive or  
2 violent behavior; and

3 (b) The court must also impose a minimum of six months of community  
4 supervision.

5 (2) An offender is ineligible for the firearm disposition  
6 alternative if the offender has previously been adjudicated of a  
7 violent offense.

8 (3) If the court finds that interventions using evidence-based  
9 practices, as required in subsection (1) of this section, are not  
10 available in the county in which the juvenile resides, the court may  
11 permit an intensive intervention that uses a research-based or  
12 promising practice that has been proven effective for reducing  
13 aggressive behavior and violence.

14 (4) If the offender fails to comply with the conditions of the  
15 suspended disposition, the court must revoke the firearm disposition  
16 alternative and impose the suspended disposition.

17 **Sec. 2.** RCW 13.40.127 and 2012 c 177 s 1 are each amended to read  
18 as follows:

19 (1) A juvenile is eligible for deferred disposition unless he or  
20 she:

21 (a) Is charged with a sex or violent offense;

22 (b) Is charged with unlawful possession of a firearm in the second  
23 degree, theft of a firearm, or possession of a stolen firearm;

24 (c) Has a criminal history which includes any felony;

25 ~~((e))~~ (d) Has a prior deferred disposition or deferred  
26 adjudication; or

27 ~~((d))~~ (e) Has two or more adjudications.

28 (2) The juvenile court may, upon motion at least fourteen days  
29 before commencement of trial and, after consulting the juvenile's  
30 custodial parent or parents or guardian and with the consent of the  
31 juvenile, continue the case for disposition for a period not to exceed  
32 one year from the date the juvenile is found guilty. The court shall  
33 consider whether the offender and the community will benefit from a  
34 deferred disposition before deferring the disposition. The court may  
35 waive the fourteen-day period anytime before the commencement of trial  
36 for good cause.

37 (3) Any juvenile who agrees to a deferral of disposition shall:

1 (a) Stipulate to the admissibility of the facts contained in the  
2 written police report;

3 (b) Acknowledge that the report will be entered and used to support  
4 a finding of guilt and to impose a disposition if the juvenile fails to  
5 comply with terms of supervision;

6 (c) Waive the following rights to: (i) A speedy disposition; and  
7 (ii) call and confront witnesses; and

8 (d) Acknowledge the direct consequences of being found guilty and  
9 the direct consequences that will happen if an order of disposition is  
10 entered.

11 The adjudicatory hearing shall be limited to a reading of the  
12 court's record.

13 (4) Following the stipulation, acknowledgment, waiver, and entry of  
14 a finding or plea of guilt, the court shall defer entry of an order of  
15 disposition of the juvenile.

16 (5) Any juvenile granted a deferral of disposition under this  
17 section shall be placed under community supervision. The court may  
18 impose any conditions of supervision that it deems appropriate  
19 including posting a probation bond. Payment of restitution under RCW  
20 13.40.190 shall be a condition of community supervision under this  
21 section.

22 The court may require a juvenile offender convicted of animal  
23 cruelty in the first degree to submit to a mental health evaluation to  
24 determine if the offender would benefit from treatment and such  
25 intervention would promote the safety of the community. After  
26 consideration of the results of the evaluation, as a condition of  
27 community supervision, the court may order the offender to attend  
28 treatment to address issues pertinent to the offense.

29 (6) A parent who signed for a probation bond has the right to  
30 notify the counselor if the juvenile fails to comply with the bond or  
31 conditions of supervision. The counselor shall notify the court and  
32 surety of any failure to comply. A surety shall notify the court of  
33 the juvenile's failure to comply with the probation bond. The state  
34 shall bear the burden to prove, by a preponderance of the evidence,  
35 that the juvenile has failed to comply with the terms of community  
36 supervision.

37 (7)(a) Anytime prior to the conclusion of the period of  
38 supervision, the prosecutor or the juvenile's juvenile court community

1 supervision counselor may file a motion with the court requesting the  
2 court revoke the deferred disposition based on the juvenile's lack of  
3 compliance or treat the juvenile's lack of compliance as a violation  
4 pursuant to RCW 13.40.200.

5 (b) If the court finds the juvenile failed to comply with the terms  
6 of the deferred disposition, the court may:

7 (i) Revoke the deferred disposition and enter an order of  
8 disposition; or

9 (ii) Impose sanctions for the violation pursuant to RCW 13.40.200.

10 (8) At any time following deferral of disposition the court may,  
11 following a hearing, continue supervision for an additional one-year  
12 period for good cause.

13 (9)(a) At the conclusion of the period of supervision, the court  
14 shall determine whether the juvenile is entitled to dismissal of the  
15 deferred disposition only when the court finds:

16 (i) The deferred disposition has not been previously revoked;

17 (ii) The juvenile has completed the terms of supervision;

18 (iii) There are no pending motions concerning lack of compliance  
19 pursuant to subsection (7) of this section; and

20 (iv) The juvenile has either paid the full amount of restitution,  
21 or, made a good faith effort to pay the full amount of restitution  
22 during the period of supervision.

23 (b) If the court finds the juvenile is entitled to dismissal of the  
24 deferred disposition pursuant to (a) of this subsection, the juvenile's  
25 conviction shall be vacated and the court shall dismiss the case with  
26 prejudice, except that a conviction under RCW 16.52.205 shall not be  
27 vacated. Whenever a case is dismissed with restitution still owing,  
28 the court shall enter a restitution order pursuant to RCW 13.40.190 for  
29 any unpaid restitution. Jurisdiction to enforce payment and modify  
30 terms of the restitution order shall be the same as those set forth in  
31 RCW 13.40.190.

32 (c) If the court finds the juvenile is not entitled to dismissal of  
33 the deferred disposition pursuant to (a) of this subsection, the court  
34 shall revoke the deferred disposition and enter an order of  
35 disposition. A deferred disposition shall remain a conviction unless  
36 the case is dismissed and the conviction is vacated pursuant to (b) of  
37 this subsection or sealed pursuant to RCW 13.50.050.

1 (10)(a)(i) Any time the court vacates a conviction pursuant to  
2 subsection (9) of this section, if the juvenile is eighteen years of  
3 age or older and the full amount of restitution ordered has been paid,  
4 the court shall enter a written order sealing the case.

5 (ii) Any time the court vacates a conviction pursuant to subsection  
6 (9) of this section, if the juvenile is not eighteen years of age or  
7 older and full restitution ordered has been paid, the court shall  
8 schedule an administrative sealing hearing to take place no later than  
9 thirty days after the respondent's eighteenth birthday, at which time  
10 the court shall enter a written order sealing the case. The  
11 respondent's presence at the administrative sealing hearing is not  
12 required.

13 (iii) Any deferred disposition vacated prior to June 7, 2012, is  
14 not subject to sealing under this subsection.

15 (b) Nothing in this subsection shall preclude a juvenile from  
16 petitioning the court to have the records of his or her deferred  
17 dispositions sealed under RCW 13.50.050 (11) and (12).

18 (c) Records sealed under this provision shall have the same legal  
19 status as records sealed under RCW 13.50.050.

20 **Sec. 3.** RCW 13.40.193 and 2003 c 53 s 100 are each amended to read  
21 as follows:

22 (1) If a respondent is found to have been in possession of a  
23 firearm in violation of RCW 9.41.040(~~((2)(a)(iii), the court shall~~  
24 ~~impose a minimum disposition of ten days of confinement. If)), and the~~  
25 offender's standard range of disposition for the offense as indicated  
26 in RCW 13.40.0357 is more than thirty days of confinement, the court  
27 shall commit the offender to the department for the standard range  
28 disposition. (~~The offender shall not be released until the offender~~  
29 ~~has served a minimum of ten days in confinement.)) However, if a  
30 respondent is found to have been in possession of a firearm in  
31 violation of RCW 9.41.040(2)(a)(iii) and the offender's standard range  
32 of disposition for the offense as indicated in RCW 13.40.0357 is less  
33 than thirty days of confinement, the court shall impose a minimum  
34 disposition of ten days of confinement.~~

35 (2) If the court finds that the respondent or an accomplice was  
36 armed with a firearm, the court shall determine the standard range  
37 disposition for the offense pursuant to RCW 13.40.160. If the offender

1 or an accomplice was armed with a firearm when the offender committed  
2 any felony other than possession of a machine gun, possession of a  
3 stolen firearm, drive-by shooting, theft of a firearm, unlawful  
4 possession of a firearm in the first and second degree, or use of a  
5 machine gun in a felony, the following periods of total confinement  
6 must be added to the sentence: For a class A felony, six months; for  
7 a class B felony, four months; and for a class C felony, two months.  
8 The additional time shall be imposed regardless of the offense's  
9 juvenile disposition offense category as designated in RCW 13.40.0357.

10 ~~(3) ((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 shall run consecutively to any term of confinement imposed in the same  
21 disposition for other offenses.

22 **Sec. 4.** RCW 13.40.160 and 2011 c 338 s 2 are each amended to read  
23 as follows:

24 (1) The standard range disposition for a juvenile adjudicated of an  
25 offense is determined according to RCW 13.40.0357.

26 (a) When the court sentences an offender to a local sanction as  
27 provided in RCW 13.40.0357 option A, the court shall impose a  
28 determinate disposition within the standard ranges, except as provided  
29 in subsection (2), (3), (4), (5), or (6) of this section. The  
30 disposition may be comprised of one or more local sanctions.

31 (b) When the court sentences an offender to a standard range as  
32 provided in RCW 13.40.0357 option A that includes a term of confinement  
33 exceeding thirty days, commitment shall be to the department for the  
34 standard range of confinement, except as provided in subsection (2),  
35 (3), (4), (5), or (6) of this section.

36 (2) If the court concludes, and enters reasons for its conclusion,  
37 that disposition within the standard range would effectuate a manifest

1 injustice the court shall impose a disposition outside the standard  
2 range, as indicated in option D of RCW 13.40.0357. The court's finding  
3 of manifest injustice shall be supported by clear and convincing  
4 evidence.

5 A disposition outside the standard range shall be determinate and  
6 shall be comprised of confinement or community supervision, or a  
7 combination thereof. When a judge finds a manifest injustice and  
8 imposes a sentence of confinement exceeding thirty days, the court  
9 shall sentence the juvenile to a maximum term, and the provisions of  
10 RCW 13.40.030(2) shall be used to determine the range. A disposition  
11 outside the standard range is appealable under RCW 13.40.230 by the  
12 state or the respondent. A disposition within the standard range is  
13 not appealable under RCW 13.40.230.

14 (3) If a juvenile offender is found to have committed a sex  
15 offense, other than a sex offense that is also a serious violent  
16 offense as defined by RCW 9.94A.030, and has no history of a prior sex  
17 offense, the court may impose the special sex offender disposition  
18 alternative under RCW 13.40.162.

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

23 (5) If a juvenile is subject to a commitment of 15 to 65 weeks of  
24 confinement, the court may impose the disposition alternative under RCW  
25 13.40.167.

26 (6) When the offender is subject to a standard range commitment of  
27 15 to 36 weeks and is ineligible for a suspended disposition  
28 alternative, a manifest injustice disposition below the standard range,  
29 special sex offender disposition alternative, chemical dependency  
30 disposition alternative, or mental health disposition alternative, the  
31 court in a county with a pilot program under RCW 13.40.169 may impose  
32 the disposition alternative under RCW 13.40.169.

33 (7) RCW 13.40.193 shall govern the disposition of any juvenile  
34 adjudicated of possessing a firearm in violation of RCW  
35 9.41.040(~~((2)(a)(iii))~~) or any crime in which a special finding is  
36 entered that the juvenile was armed with a firearm.

37 (8) RCW 13.40.308 shall govern the disposition of any juvenile  
38 adjudicated of theft of a motor vehicle as defined under RCW 9A.56.065,



1 possession of a stolen motor vehicle as defined under RCW 9A.56.068,  
2 taking a motor vehicle without permission in the first degree under RCW  
3 9A.56.070, and taking a motor vehicle without permission in the second  
4 degree under RCW 9A.56.075.

5 (9) Whenever a juvenile offender is entitled to credit for time  
6 spent in detention prior to a dispositional order, the dispositional  
7 order shall specifically state the number of days of credit for time  
8 served.

9 (10) Except as provided under subsection (3), (4), (5), or (6) of  
10 this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the  
11 court shall not suspend or defer the imposition or the execution of the  
12 disposition.

13 (11) In no case shall the term of confinement imposed by the court  
14 at disposition exceed that to which an adult could be subjected for the  
15 same offense.

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