
HOUSE BILL 1183

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Chappell, Brumsickle, Riley, Tate, Sehlin, Ludwig, H. Myers, Johanson, Brough, Van Luven, R. Meyers, Ballard, Padden, Sheahan, Talcott, Roland, Long, Holm, Wang, Ballasiotes, Mielke, Wood, Foreman and Vance

Read first time 01/20/93. Referred to Committee on Judiciary.

1 AN ACT Relating to persons under age twenty-one who are under the
2 influence of intoxicating liquor or drugs in public; amending RCW
3 13.40.0357; adding a new section to chapter 66.44 RCW; and prescribing
4 penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 66.44 RCW
7 to read as follows:

8 (1) It is unlawful for any person under the age of twenty-one years
9 to be in a public place while under the influence of or affected by
10 intoxicating liquor or any drug, or the combined influence of or
11 affected by intoxicating liquor and any drug.

12 (2) This section does not apply to liquor or a drug given for
13 medicinal purposes to a person under the age of twenty-one years by, or
14 under the direction of, a physician or dentist.

15 (3) This section does not apply to liquor given to a person under
16 the age of twenty-one years when such liquor is being used in
17 connection with religious services and the amount consumed is the
18 minimal amount necessary for the religious service.

1 (4) Enforcement of this section by a law enforcement officer may be
2 accomplished only as a secondary action when the law enforcement
3 officer has a reasonable suspicion:

4 (a) The person under the age of twenty-one years is committing or
5 has committed an offense under the laws of the state of Washington or
6 local ordinance, other than under this section, RCW 46.61.688, or any
7 other law or ordinance creating an offense as a secondary action; or

8 (b) The actions of the person under the age of twenty-one years
9 constitute a danger to persons or property.

10 (5) Conviction or forfeiture of bail for a violation of this
11 section by a person under the age of twenty-one years at the time of
12 such conviction or forfeiture shall not be a disqualification of that
13 person to acquire a license to sell or dispense any liquor or drug
14 after that person has attained the age of twenty-one years.

15 **Sec. 2.** RCW 13.40.0357 and 1989 c 407 s 7 are each amended to read
16 as follows:

17 SCHEDULE A

18 DESCRIPTION AND OFFENSE CATEGORY

19		JUVENILE
20	JUVENILE	DISPOSITION
21	DISPOSITION	CATEGORY FOR ATTEMPT,
22	OFFENSE	BAILJUMP, CONSPIRACY,
23	CATEGORY	DESCRIPTION (RCW CITATION) OR SOLICITATION
24

25		Arson and Malicious Mischief	
26	A	Arson 1 (9A.48.020)	B+
27	B	Arson 2 (9A.48.030)	C
28	C	Reckless Burning 1 (9A.48.040)	D
29	D	Reckless Burning 2 (9A.48.050)	E
30	B	Malicious Mischief 1 (9A.48.070)	C
31	C	Malicious Mischief 2 (9A.48.080)	D
32	D	Malicious Mischief 3 (<\$50 is	
33		E class) (9A.48.090)	E
34	E	Tampering with Fire Alarm	
35		Apparatus (9.40.100)	E

1	A	Possession of Incendiary Device	
2		(9.40.120)	B+
3		Assault and Other Crimes	
4		Involving Physical Harm	
5	A	Assault 1 (9A.36.011)	B+
6	B+	Assault 2 (9A.36.021)	C+
7	C+	Assault 3 (9A.36.031)	D+
8	D+	Assault 4 (9A.36.041)	E
9	D+	Reckless Endangerment	
10		(9A.36.050)	E
11	C+	Promoting Suicide Attempt	
12		(9A.36.060)	D+
13	D+	Coercion (9A.36.070)	E
14	C+	Custodial Assault (9A.36.100)	D+
15		Burglary and Trespass	
16	B+	Burglary 1 (9A.52.020)	C+
17	B	Burglary 2 (9A.52.030)	C
18	D	Burglary Tools (Possession of)	
19		(9A.52.060)	E
20	D	Criminal Trespass 1 (9A.52.070)	E
21	E	Criminal Trespass 2 (9A.52.080)	E
22	D	Vehicle Prowling (9A.52.100)	E
23		Drugs	
24	E	Possession/Consumption of Alcohol	
25		(66.44.270)	E
26	<u>E</u>	<u>Juvenile Under the Influence in Public</u>	
27		<u>(66.44.--- (section 1 of this act))</u>	<u>E</u>
28	C	Illegally Obtaining Legend Drug	
29		(69.41.020)	D
30	C+	Sale, Delivery, Possession of Legend	
31		Drug with Intent to Sell	
32		(69.41.030)	D+
33	E	Possession of Legend Drug	
34		(69.41.030)	E

1	B+	Violation of Uniform Controlled	
2		Substances Act - Narcotic Sale	
3		(69.50.401(a)(1)(i))	B+
4	C	Violation of Uniform Controlled	
5		Substances Act - Nonnarcotic Sale	
6		(69.50.401(a)(1)(ii))	C
7	E	Possession of Marihuana <40 grams	
8		(69.50.401(e))	E
9	C	Fraudulently Obtaining Controlled	
10		Substance (69.50.403)	C
11	C+	Sale of Controlled Substance	
12		for Profit (69.50.410)	C+
13	E	((Glue Sniffing (9.47A.050))	E
14		<u>Unlawful Inhalation (9.47A.020)</u>	
15	B	Violation of Uniform Controlled	
16		Substances Act - Narcotic	
17		Counterfeit Substances	
18		(69.50.401(b)(1)(i))	B
19	C	Violation of Uniform Controlled	
20		Substances Act - Nonnarcotic	
21		Counterfeit Substances	
22		(69.50.401(b)(1) (ii), (iii), (iv))	C
23	C	Violation of Uniform Controlled	
24		Substances Act - Possession of a	
25		Controlled Substance	
26		(69.50.401(d))	C
27	C	Violation of Uniform Controlled	
28		Substances Act - Possession of a	
29		Controlled Substance	
30		(69.50.401(c))	C
31		Firearms and Weapons	
32	((C+	Committing Crime when Armed	
33		(9.41.025)	D+))
34	E	Carrying Loaded Pistol Without	
35		Permit (9.41.050)	E
36	E	Use of Firearms by Minor (<14)	
37		(9.41.240)	E

1	D+	Possession of Dangerous Weapon	
2		(9.41.250)	E
3	D	Intimidating Another Person by use	
4		of Weapon (9.41.270)	E
5		Homicide	
6	A+	Murder 1 (9A.32.030)	A
7	A+	Murder 2 (9A.32.050)	B+
8	B+	Manslaughter 1 (9A.32.060)	C+
9	C+	Manslaughter 2 (9A.32.070)	D+
10	B+	Vehicular Homicide (46.61.520)	C+
11		Kidnapping	
12	A	Kidnap 1 (9A.40.020)	B+
13	B+	Kidnap 2 (9A.40.030)	C+
14	C+	Unlawful Imprisonment	
15		(9A.40.040)	D+
16	D	Custodial Interference	
17		((9A.40.050)) <u>1 (9A.40.060)</u>	E
18		Obstructing Governmental Operation	
19	E	Obstructing a Public Servant	
20		(9A.76.020)	E
21	E	Resisting Arrest (9A.76.040)	E
22	B	Introducing Contraband 1	
23		(9A.76.140)	C
24	C	Introducing Contraband 2	
25		(9A.76.150)	D
26	E	Introducing Contraband 3	
27		(9A.76.160)	E
28	B+	Intimidating a Public Servant	
29		(9A.76.180)	C+
30	B+	Intimidating a Witness	
31		(9A.72.110)	C+
32	((E	Criminal Contempt	
33		(9.23.010)))	E))
34		Public Disturbance	
35	C+	Riot with Weapon (9A.84.010)	D+

1	D+	Riot Without Weapon	
2		(9A.84.010)	E
3	E	Failure to Disperse (9A.84.020)	E
4	E	Disorderly Conduct (9A.84.030)	E
5		Sex Crimes	
6	A	Rape 1 (9A.44.040)	B+
7	A-	Rape 2 (9A.44.050)	B+
8	C+	Rape 3 (9A.44.060)	D+
9	A-	Rape of a Child 1 (9A.44.073)	B+
10	B	Rape of a Child 2 (9A.44.076)	C+
11	B	Incest 1 (9A.64.020(1))	C
12	C	Incest 2 (9A.64.020(2))	D
13	D+	((Public Indecency)) <u>Indecent Exposure</u>	
14		(Victim <14) (9A.88.010)	E
15	E	((Public Indecency)) <u>Indecent Exposure</u>	
16		(Victim 14 or over) (9A.88.010)	E
17	B+	Promoting Prostitution 1	
18		(9A.88.070)	C+
19	C+	Promoting Prostitution 2	
20		(9A.88.080)	D+
21	E	O & A (Prostitution) (9A.88.030)	E
22	B+	Indecent Liberties (9A.44.100)	C+
23	B+	Child Molestation 1 (9A.44.083)	C+
24	C+	Child Molestation 2 (9A.44.086)	C
25		Theft, Robbery, Extortion, and Forgery	
26	B	Theft 1 (9A.56.030)	C
27	C	Theft 2 (9A.56.040)	D
28	D	Theft 3 (9A.56.050)	E
29	B	Theft of Livestock (9A.56.080)	C
30	C	Forgery (((9A.56.020))) <u>(9A.60.020)</u>	D
31	A	Robbery 1 (9A.56.200)	B+
32	B+	Robbery 2 (9A.56.210)	C+
33	B+	Extortion 1 (9A.56.120)	C+
34	C+	Extortion 2 (9A.56.130)	D+
35	B	Possession of Stolen Property 1	
36		(9A.56.150)	C

1	C	Possession of Stolen Property 2	
2		(9A.56.160)	D
3	D	Possession of Stolen Property 3	
4		(9A.56.170)	E
5	C	Taking Motor Vehicle Without	
6		Owner's Permission (9A.56.070)	D
7		Motor Vehicle Related Crimes	
8	E	Driving Without a License	
9		(46.20.021)	E
10	C	Hit and Run - Injury	
11		(46.52.020(4))	D
12	D	Hit and Run-Attended	
13		(46.52.020(5))	E
14	E	Hit and Run-Unattended	
15		(46.52.010)	E
16	C	Vehicular Assault (46.61.522)	D
17	C	Attempting to Elude Pursuing	
18		Police Vehicle (46.61.024)	D
19	E	Reckless Driving (46.61.500)	E
20	D	Driving While Under the Influence	
21		(46.61.515)	E
22	((B+	Negligent Homicide by Motor	
23		Vehicle (46.61.520)	C+))
24	D	Vehicle Prowling (9A.52.100)	E
25	C	Taking Motor Vehicle Without	
26		Owner's Permission (9A.56.070)	D
27		Other	
28	B	Bomb Threat (9.61.160)	C
29	C	Escape 1 (9A.76.110)	C
30	C	Escape 2 (9A.76.120)	C
31	D	Escape 3 (9A.76.130)	E
32	C	Failure to Appear in Court	
33		(10.19.130)	D
34	((E	Tampering with Fire Alarm	
35		Apparatus (9.40.100)	E))
36	E	Obscene, Harassing, Etc.,	
37		Phone Calls (9.61.230)	E

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

14 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 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 SCHEDULE B
25 PRIOR OFFENSE INCREASE FACTOR

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

28 TIME SPAN

29	OFFENSE	0-12	13-24	25 Months
30	CATEGORY	Months	Months	or More
31			

1	A+	.9	.9	.9
2	A	.9	.8	.6
3	A-	.9	.8	.5
4	B+	.9	.7	.4
5	B	.9	.6	.3
6	C+	.6	.3	.2
7	C	.5	.2	.2
8	D+	.3	.2	.1
9	D	.2	.1	.1
10	E	.1	.1	.1

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

15 SCHEDULE C
 16 CURRENT OFFENSE POINTS

17 For use with all CURRENT OFFENSES occurring on or after July 1,
 18 1989.

19 AGE

20 OFFENSE	12 &					
21 CATEGORY	Under	13	14	15	16	17
22						
23 A+	STANDARD	RANGE	180-224	WEEKS		
24 A	250	300	350	375	375	375
25 A-	150	150	150	200	200	200
26 B+	110	110	120	130	140	150
27 B	45	45	50	50	57	57
28 C+	44	44	49	49	55	55
29 C	40	40	45	45	50	50
30 D+	16	18	20	22	24	26
31 D	14	16	18	20	22	24
32 E	4	4	4	6	8	10

1 JUVENILE SENTENCING STANDARDS

2 SCHEDULE D-1

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

6 MINOR/FIRST OFFENDER

7 OPTION A

8 STANDARD RANGE

9			Community	
10		Community	Service	
11	Points	Supervision	Hours	Fine
12	1-9	0-3 months	and/or 0-8	and/or 0-\$10
13	10-19	0-3 months	and/or 0-8	and/or 0-\$10
14	20-29	0-3 months	and/or 0-16	and/or 0-\$10
15	30-39	0-3 months	and/or 8-24	and/or 0-\$25
16	40-49	3-6 months	and/or 16-32	and/or 0-\$25
17	50-59	3-6 months	and/or 24-40	and/or 0-\$25
18	60-69	6-9 months	and/or 32-48	and/or 0-\$50
19	70-79	6-9 months	and/or 40-55	and/or 0-\$50
20	80-89	9-12 months	and/or 48-64	and/or 10-\$100
21	90-109	9-12 months	and/or 56-72	and/or 10-\$100

22 OR

23 OPTION B

24 STATUTORY OPTION

- 25 0-12 Months Community Supervision
- 26 0-150 Hours Community Service
- 27 0-100 Fine

28 A term of community supervision with a maximum of 150 hours, \$100.00
29 fine, and 12 months supervision.

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OR

OPTION C
MANIFEST INJUSTICE

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW ((13.40.030(5))) 13.40.030(2), as now or hereafter amended, shall be used to determine the range.

JUVENILE SENTENCING STANDARDS
SCHEDULE D-2

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

MIDDLE OFFENDER

OPTION A
STANDARD RANGE

Points	Community Supervision	Community Service		Confinement	
		Hours	Fine	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	110-129	8-12
2	130-149	13-16
3	150-199	21-28
4	200-249	30-40
5	250-299	52-65
6	300-374	80-100
7	375+	103-129

8 Middle offenders with more than 110 points do not have to be committed.
9 They may be assigned community supervision under option B.
10 All A+ offenses 180-224 weeks

11 OR

12

13 OPTION B

14 STATUTORY OPTION

15 0-12 Months Community Supervision

16 0-150 Hours Community Service

17 0-100 Fine

18 The court may impose a determinate disposition of community supervision
19 and/or up to 30 days confinement; in which case, if confinement has
20 been imposed, the court shall state either aggravating or mitigating
21 factors as set forth in RCW 13.40.150, as now or hereafter amended.

22 OR

23

24 OPTION C

25 MANIFEST INJUSTICE

26 If the court determines that a disposition under A or B would
27 effectuate a manifest injustice, the court shall sentence the juvenile
28 to a maximum term and the provisions of RCW (~~13.40.030(5)~~)
29 13.40.030(2), as now or hereafter amended, shall be used to determine
30 range.

1 JUVENILE SENTENCING STANDARDS

2 SCHEDULE D-3

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

6 SERIOUS OFFENDER

7 OPTION A

8 STANDARD RANGE

9	Points	Institution Time
10	0-129	8-12 weeks
11	130-149	13-16 weeks
12	150-199	21-28 weeks
13	200-249	30-40 weeks
14	250-299	52-65 weeks
15	300-374	80-100 weeks
16	375+	103-129 weeks
17	All A+	
18	Offenses	180-224 weeks

19 OR

21 OPTION B

22 MANIFEST INJUSTICE

23 A disposition outside the standard range shall be determined and shall
24 be comprised of confinement or community supervision or a combination
25 thereof. When a judge finds a manifest injustice and imposes a
26 sentence of confinement exceeding 30 days, the court shall sentence the
27 juvenile to a maximum term, and the provisions of RCW (~~(13.40.030(5))~~)
28 13.40.030(2), as now or hereafter amended, shall be used to determine
29 the range.

--- END ---