
SUBSTITUTE HOUSE BILL 1569

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Veloria, Wineberry, Romero, Wang, Locke, Thibaudeau, Wolfe, Brough, Miller, Leonard, Campbell, Cothorn, L. Johnson, J. Kohl and Anderson)

Read first time 02/26/93.

1 AN ACT Relating to malicious harassment; amending RCW 9A.36.080 and
2 13.40.0357; adding new sections to chapter 9A.36 RCW; adding a new
3 section to chapter 36.28A RCW; adding a new section to chapter 43.101
4 RCW; creating a new section; and prescribing 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 9A.36 RCW
7 to read as follows:

8 The legislature finds that crimes and threats against persons
9 because of their race, color, religion, ancestry, national origin,
10 sexual orientation, or mental, physical, or sensory handicaps are
11 serious and increasing. The legislature also finds that crimes and
12 threats are often directed against interracial couples and their
13 children or couples of mixed religions, colors, ancestries, or national
14 origins because of bias and bigotry against the race, color, religion,
15 ancestry, or national origin of one person in the couple or family.
16 The legislature finds that the state interest in preventing crimes and
17 threats motivated by bigotry and bias goes beyond the state interest in
18 preventing other felonies or misdemeanors such as criminal trespass,
19 malicious mischief, assault, or other crimes that are not motivated by

1 hatred, bigotry, and bias, and that prosecution of those other crimes
2 inadequately protects citizens from crimes and threats motivated by
3 bigotry and bias. Therefore, the legislature finds that protection of
4 those citizens from threats of harm due to bias and bigotry is a
5 compelling state interest.

6 The legislature also finds that in many cases, certain discrete
7 words or symbols are used to threaten the victims. Those discrete
8 words or symbols have historically or traditionally been used to
9 connote hatred or threats towards members of the class of which the
10 victim or a member of the victim's family or household is a member. In
11 particular, the legislature finds that cross burnings historically and
12 traditionally have been used to threaten, terrorize, intimidate, and
13 harass African Americans and their families. Cross burnings often
14 preceded lynchings, murders, burning of homes, and other acts of
15 terror. Further, Nazi swastikas historically and traditionally have
16 been used to threaten, terrorize, intimidate, and harass Jewish people
17 and their families. Swastikas symbolize the massive destruction of the
18 Jewish population, commonly known as the holocaust. Therefore, the
19 legislature finds that any person who burns or attempts to burn a cross
20 or displays a swastika on the property of the victim or burns a cross
21 or displays a swastika as part of a series of acts directed towards a
22 particular person, the person's family or household members, or a
23 particular group, knows or reasonably should know that the cross
24 burning or swastika may create a reasonable fear of harm in the mind of
25 the person, the person's family and household members, or the group.

26 **Sec. 2.** RCW 9A.36.080 and 1989 c 95 s 1 are each amended to read
27 as follows:

28 (1) A person is guilty of malicious harassment if he or she
29 maliciously and ~~((with the intent to intimidate or harass another~~
30 ~~person because of, or in a way that is reasonably related to,~~
31 ~~associated with, or directed toward, that person's))~~ intentionally
32 commits one of the following acts because of his or her perception of
33 the victim's race, color, religion, ancestry, national origin, sexual
34 orientation, or mental, physical, or sensory handicap:

35 (a) Causes physical injury to the victim or another person; ~~((or))~~

36 (b) ~~((By words or conduct places another person in reasonable fear~~
37 ~~of harm to his person or property or harm to the person or property of~~
38 ~~a third person. Such words or conduct include, but are not limited to,~~

1 ~~(i) cross burning, (ii) painting, drawing, or depicting symbols or~~
2 ~~words on the property of the victim when the symbols or words~~
3 ~~historically or traditionally connote hatred or threats toward the~~
4 ~~victim, or (iii) written or oral communication designed to intimidate~~
5 ~~or harass because of, or in a way that is reasonably related to,~~
6 ~~associated with, or directed toward, that person's race, color,~~
7 ~~religion, ancestry, national origin, or mental, physical, or sensory~~
8 ~~handicap. However, it does not constitute malicious harassment for a~~
9 ~~person to speak or act in a critical, insulting, or deprecatory way~~
10 ~~unless the context or circumstances surrounding the words or conduct~~
11 ~~places another person in reasonable fear of harm to his or her person~~
12 ~~or property or harm to the person or property of a third person; or~~

13 ~~(e)) Causes physical damage to or destruction of the property of~~
14 ~~the victim or another person; or~~

15 ~~(c) Threatens a specific person or group of persons and places that~~
16 ~~person, or members of the specific group of persons, in reasonable fear~~
17 ~~of harm to person or property. The fear must be a fear that a~~
18 ~~reasonable person would have under all the circumstances. For purposes~~
19 ~~of this section, a "reasonable person" is a reasonable person who is a~~
20 ~~member of the victim's race, color, religion, ancestry, national~~
21 ~~origin, or sexual orientation, or who has the same mental, physical, or~~
22 ~~sensory handicap as the victim. Words alone do not constitute~~
23 ~~malicious harassment unless the context or circumstances surrounding~~
24 ~~the words indicate the words are a threat. Threatening words do not~~
25 ~~constitute malicious harassment if it is apparent to the victim that~~
26 ~~the person does not have the ability to carry out the threat.~~

27 ~~(2) ((The following constitute per se violations of this section:~~

28 ~~(a) Cross burning; or~~

29 ~~(b) Defacement of the property of the victim or a third person with~~
30 ~~symbols or words when the symbols or words historically or~~
31 ~~traditionally connote hatred or threats toward the victim.~~

32 ~~(3)) In any prosecution for malicious harassment, unless evidence~~
33 ~~exists which explains to the trier of fact's satisfaction that the~~
34 ~~person did not intend to threaten the victim or victims, the trier of~~
35 ~~fact may infer that the person intended to threaten a specific victim~~
36 ~~or group of victims because of the person's perception of the victim or~~
37 ~~victims' race, color, religion, ancestry, national origin, sexual~~
38 ~~orientation, or mental, physical, or sensory handicap if the person~~
39 ~~commits one of the following acts:~~

1 (a) Burns a cross on property of a victim who is or who the actor
2 perceives to be of African American heritage; or

3 (b) Defaces property of a victim who is or who the actor perceives
4 to be of Jewish heritage by defacing the property with a swastika.

5 This subsection only applies to the creation of a reasonable
6 inference for evidentiary purposes. This subsection does not restrict
7 the state's ability to prosecute a person under subsection (1) of this
8 section when the facts of a particular case do not fall within (a) or
9 (b) of this subsection.

10 (3) It is not a defense that the accused was mistaken that the
11 victim was a member of a certain race, color, religion, ancestry,
12 national origin, or sexual orientation, or had a mental, physical, or
13 sensory handicap.

14 (4) Evidence of expressions or associations of the accused may not
15 be introduced as substantive evidence at trial unless the evidence
16 specifically relates to the crime charged. Nothing in this chapter
17 shall affect the rules of evidence governing impeachment of a witness.

18 (5) Every person who commits another crime during the commission of
19 a crime under this section may be punished and prosecuted for the other
20 crime separately.

21 (6) "Sexual orientation" for the purposes of this section means
22 heterosexuality, homosexuality, or bisexuality.

23 (7) Malicious harassment is a class C felony.

24 ~~((4) In addition to the criminal penalty provided in subsection~~
25 ~~(3) of this section, there is hereby created a civil cause of action~~
26 ~~for malicious harassment. A person may be liable to the victim of~~
27 ~~malicious harassment for actual damages and punitive damages of up to~~
28 ~~ten thousand dollars.~~

29 ~~(5))~~ (8) The penalties provided in this section for malicious
30 harassment do not preclude the victims from seeking any other remedies
31 otherwise available under law.

32 (9) Nothing in this section confers or expands any civil rights or
33 protections to any group or class identified under this section, beyond
34 those rights or protections that exist under the federal or state
35 Constitution or the civil laws of the state of Washington.

36 NEW SECTION. Sec. 3. A new section is added to chapter 9A.36 RCW
37 to read as follows:

1 In addition to the criminal penalty provided in RCW 9A.36.080 for
 2 committing a crime of malicious harassment, the victim may bring a
 3 civil cause of action for malicious harassment against the harasser.
 4 A person may be liable to the victim of malicious harassment for actual
 5 damages, punitive damages of up to ten thousand dollars, and reasonable
 6 attorneys' fees and costs incurred in bringing the action.

7 **Sec. 4.** RCW 13.40.0357 and 1989 c 407 s 7 are each amended to read
 8 as follows:

9 SCHEDULE A

10 DESCRIPTION AND OFFENSE CATEGORY

11			JUVENILE
12	JUVENILE		DISPOSITION
13	DISPOSITION		CATEGORY FOR ATTEMPT,
14	OFFENSE		BAILJUMP, CONSPIRACY,
15	CATEGORY	DESCRIPTION (RCW CITATION)	OR SOLICITATION
16		
17		Arson and Malicious Mischief	
18	A	Arson 1 (9A.48.020)	B+
19	B	Arson 2 (9A.48.030)	C
20	C	Reckless Burning 1 (9A.48.040)	D
21	D	Reckless Burning 2 (9A.48.050)	E
22	B	Malicious Mischief 1 (9A.48.070)	C
23	C	Malicious Mischief 2 (9A.48.080)	D
24	D	Malicious Mischief 3 (<\$50 is	
25		E class) (9A.48.090)	E
26	E	Tampering with Fire Alarm	
27		Apparatus (9.40.100)	E
28	A	Possession of Incendiary Device	
29		(9.40.120)	B+
30		Assault and Other Crimes	
31		Involving Physical Harm	
32	A	Assault 1 (9A.36.011)	B+
33	B+	Assault 2 (9A.36.021)	C+
34	C+	Assault 3 (9A.36.031)	D+
35	D+	Assault 4 (9A.36.041)	E

1	D+	Reckless Endangerment	
2		(9A.36.050)	E
3	C+	Promoting Suicide Attempt	
4		(9A.36.060)	D+
5	D+	Coercion (9A.36.070)	E
6	C+	Custodial Assault (9A.36.100)	D+
7	<u>C</u>	<u>Malicious Harassment (9A.36.080)</u>	<u>D+</u>
8		Burglary and Trespass	
9	B+	Burglary 1 (9A.52.020)	C+
10	B	Burglary 2 (9A.52.030)	C
11	D	Burglary Tools (Possession of)	
12		(9A.52.060)	E
13	D	Criminal Trespass 1 (9A.52.070)	E
14	E	Criminal Trespass 2 (9A.52.080)	E
15	D	Vehicle Prowling (9A.52.100)	E
16		Drugs	
17	E	Possession/Consumption of Alcohol	
18		(66.44.270)	E
19	C	Illegally Obtaining Legend Drug	
20		(69.41.020)	D
21	C+	Sale, Delivery, Possession of Legend	
22		Drug with Intent to Sell	
23		(69.41.030)	D+
24	E	Possession of Legend Drug	
25		(69.41.030)	E
26	B+	Violation of Uniform Controlled	
27		Substances Act - Narcotic Sale	
28		(69.50.401(a)(1)(i))	B+
29	C	Violation of Uniform Controlled	
30		Substances Act - Nonnarcotic Sale	
31		(69.50.401(a)(1)(ii))	C
32	E	Possession of Marihuana <40 grams	
33		(69.50.401(e))	E
34	C	Fraudulently Obtaining Controlled	
35		Substance (69.50.403)	C
36	C+	Sale of Controlled Substance	
37		for Profit (69.50.410)	C+

1	E	((Glue Sniffing (9.47A.050)))	
2		<u>Unlawful Inhalation (9.47A.020)</u>	E
3	B	Violation of Uniform Controlled	
4		Substances Act - Narcotic	
5		Counterfeit Substances	
6		(69.50.401(b)(1)(i))	B
7	C	Violation of Uniform Controlled	
8		Substances Act - Nonnarcotic	
9		Counterfeit Substances	
10		(69.50.401(b)(1) (ii), (iii), (iv))	C
11	C	Violation of Uniform Controlled	
12		Substances Act - Possession of a	
13		Controlled Substance	
14		(69.50.401(d))	C
15	C	Violation of Uniform Controlled	
16		Substances Act - Possession of a	
17		Controlled Substance	
18		(69.50.401(c))	C
19		Firearms and Weapons	
20	(C+	Committing Crime when Armed	
21		(9.41.025)	D+))
22	E	Carrying Loaded Pistol Without	
23		Permit (9.41.050)	E
24	E	Use of Firearms by Minor (<14)	
25		(9.41.240)	E
26	D+	Possession of Dangerous Weapon	
27		(9.41.250)	E
28	D	Intimidating Another Person by use	
29		of Weapon (9.41.270)	E
30		Homicide	
31	A+	Murder 1 (9A.32.030)	A
32	A+	Murder 2 (9A.32.050)	B+
33	B+	Manslaughter 1 (9A.32.060)	C+
34	C+	Manslaughter 2 (9A.32.070)	D+
35	B+	Vehicular Homicide (46.61.520)	C+

1		Kidnapping	
2	A	Kidnap 1 (9A.40.020)	B+
3	B+	Kidnap 2 (9A.40.030)	C+
4	C+	Unlawful Imprisonment	
5		(9A.40.040)	D+
6	((D	Custodial Interference	
7		(9A.40.050)	E))
8		Obstructing Governmental Operation	
9	E	Obstructing a Public Servant	
10		(9A.76.020)	E
11	E	Resisting Arrest (9A.76.040)	E
12	B	Introducing Contraband 1	
13		(9A.76.140)	C
14	C	Introducing Contraband 2	
15		(9A.76.150)	D
16	E	Introducing Contraband 3	
17		(9A.76.160)	E
18	B+	Intimidating a Public Servant	
19		(9A.76.180)	C+
20	B+	Intimidating a Witness	
21		(9A.72.110)	C+
22	((E	Criminal Contempt	
23		(9.23.010)	E))
24		Public Disturbance	
25	C+	Riot with Weapon (9A.84.010)	D+
26	D+	Riot Without Weapon	
27		(9A.84.010)	E
28	E	Failure to Disperse (9A.84.020)	E
29	E	Disorderly Conduct (9A.84.030)	E
30		Sex Crimes	
31	A	Rape 1 (9A.44.040)	B+
32	A-	Rape 2 (9A.44.050)	B+
33	C+	Rape 3 (9A.44.060)	D+
34	A-	Rape of a Child 1 (9A.44.073)	B+
35	B	Rape of a Child 2 (9A.44.076)	C+
36	B	Incest 1 (9A.64.020(1))	C

1	C	Incest 2 (9A.64.020(2))	D
2	D+	((Public Indecency)) <u>Indecent Exposure</u>	
3		(Victim <14) (9A.88.010)	E
4	E	((Public Indecency)) <u>Indecent Exposure</u>	
5		(Victim 14 or over) (9A.88.010)	E
6	B+	Promoting Prostitution 1	
7		(9A.88.070)	C+
8	C+	Promoting Prostitution 2	
9		(9A.88.080)	D+
10	E	O & A (Prostitution) (9A.88.030)	E
11	B+	Indecent Liberties (9A.44.100)	C+
12	B+	Child Molestation 1 (9A.44.083)	C+
13	C+	Child Molestation 2 (9A.44.086)	C
14		Theft, Robbery, Extortion, and Forgery	
15	B	Theft 1 (9A.56.030)	C
16	C	Theft 2 (9A.56.040)	D
17	D	Theft 3 (9A.56.050)	E
18	B	Theft of Livestock (9A.56.080)	C
19	C	Forgery ((9A.56.020)) <u>(9A.60.020)</u>	D
20	A	Robbery 1 (9A.56.200)	B+
21	B+	Robbery 2 (9A.56.210)	C+
22	B+	Extortion 1 (9A.56.120)	C+
23	C+	Extortion 2 (9A.56.130)	D+
24	B	Possession of Stolen Property 1	
25		(9A.56.150)	C
26	C	Possession of Stolen Property 2	
27		(9A.56.160)	D
28	D	Possession of Stolen Property 3	
29		(9A.56.170)	E
30	C	Taking Motor Vehicle Without	
31		Owner's Permission (9A.56.070)	D
32		Motor Vehicle Related Crimes	
33	E	Driving Without a License	
34		(46.20.021)	E
35	C	Hit and Run - Injury	
36		(46.52.020(4))	D

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

1 V Violation of Order of Restitution,
 2 Community Supervision, or
 3 Confinement (13.40.200) V

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

6 1st escape or attempted escape during 12-month period - 4 weeks
 7 confinement

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

10 3rd and subsequent escape or attempted escape during 12-month
 11 period - 12 weeks confinement

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

14 SCHEDULE B
 15 PRIOR OFFENSE INCREASE FACTOR

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

18 TIME SPAN

19 OFFENSE	0-12	13-24	25 Months
20 CATEGORY	Months	Months	or More
21			
22 A+	.9	.9	.9
23 A	.9	.8	.6
24 A-	.9	.8	.5
25 B+	.9	.7	.4
26 B	.9	.6	.3
27 C+	.6	.3	.2
28 C	.5	.2	.2
29 D+	.3	.2	.1
30 D	.2	.1	.1
31 E	.1	.1	.1

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

5 SCHEDULE C
 6 CURRENT OFFENSE POINTS

7 For use with all CURRENT OFFENSES occurring on or after July 1,
 8 1989.

9 AGE

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

23 JUVENILE SENTENCING STANDARDS
 24 SCHEDULE D-1

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

1 MINOR/FIRST OFFENDER

2 OPTION A

3 STANDARD RANGE

4			Community	
5		Community	Service	
6	Points	Supervision	Hours	Fine
7	1-9	0-3 months	and/or 0-8	and/or 0-\$10
8	10-19	0-3 months	and/or 0-8	and/or 0-\$10
9	20-29	0-3 months	and/or 0-16	and/or 0-\$10
10	30-39	0-3 months	and/or 8-24	and/or 0-\$25
11	40-49	3-6 months	and/or 16-32	and/or 0-\$25
12	50-59	3-6 months	and/or 24-40	and/or 0-\$25
13	60-69	6-9 months	and/or 32-48	and/or 0-\$50
14	70-79	6-9 months	and/or 40-55	and/or 0-\$50
15	80-89	9-12 months	and/or 48-64	and/or 10-\$100
16	90-109	9-12 months	and/or 56-72	and/or 10-\$100

17 OR

18 OPTION B

19 STATUTORY OPTION

- 20 0-12 Months Community Supervision
- 21 0-150 Hours Community Service
- 22 0-100 Fine

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

25 OR

26 OPTION C

27 MANIFEST INJUSTICE

28 When a term of community supervision would effectuate a manifest
29 injustice, another disposition may be imposed. When a judge imposes a

1 sentence of confinement exceeding 30 days, the court shall sentence the
 2 juvenile to a maximum term and the provisions of RCW ((13.40.030(5)))
 3 13.40.030(2), as now or hereafter amended, shall be used to determine
 4 the range.

5 JUVENILE SENTENCING STANDARDS
 6 SCHEDULE D-2

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

10 MIDDLE OFFENDER

11 OPTION A
 12 STANDARD RANGE

13	Community				
14	Community	Service		Confinement	
15	Points	Supervision	Hours	Fine	Days Weeks
16
17	1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
18	10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
19	20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
20	30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
21	40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
22	50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
23	60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
24	70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
25	80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
26	90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30
27	110-129				8-12
28	130-149				13-16
29	150-199				21-28
30	200-249				30-40
31	250-299				52-65

1 300-374 80-100
2 375+ 103-129

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

6 OR

7

8 OPTION B

9 STATUTORY OPTION

10 0-12 Months Community Supervision

11 0-150 Hours Community Service

12 0-100 Fine

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

17 OR

18

19 OPTION C

20 MANIFEST INJUSTICE

21 If the court determines that a disposition under A or B would
22 effectuate a manifest injustice, the court shall sentence the juvenile
23 to a maximum term and the provisions of RCW (~~13.40.030(5)~~)
24 13.40.030(2), as now or hereafter amended, shall be used to determine
25 range.

26 JUVENILE SENTENCING STANDARDS

27 SCHEDULE D-3

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

1 SERIOUS OFFENDER

2 OPTION A

3 STANDARD RANGE

4	Points	Institution Time
5	0-129	8-12 weeks
6	130-149	13-16 weeks
7	150-199	21-28 weeks
8	200-249	30-40 weeks
9	250-299	52-65 weeks
10	300-374	80-100 weeks
11	375+	103-129 weeks
12	All A+	
13	Offenses	180-224 weeks

14 OR

16 OPTION B

17 MANIFEST INJUSTICE

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

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.28A RCW
26 to read as follows:

27 (1) The Washington association of sheriffs and police chiefs shall
28 establish and maintain a central repository for the collection and
29 classification of information regarding violations of RCW 9A.36.080.
30 Upon establishing such a repository, the association shall develop a
31 procedure to monitor, record, and classify information relating to
32 violations of RCW 9A.36.080 and any other crimes of bigotry or bias
33 apparently directed against other persons because the people committing
34 the crimes perceived that their victims were of a particular race,

1 color, religion, ancestry, national origin, sexual orientation, or had
2 a mental, physical, or sensory handicap.

3 (2) All local law enforcement agencies shall report monthly to the
4 association concerning all violations of RCW 9A.36.080 and any other
5 crimes of bigotry or bias in such form and in such manner as prescribed
6 by rules adopted by the association. Agency participation in the
7 association's reporting programs, with regard to the specific data
8 requirements associated with violations of RCW 9A.36.080 and any other
9 crimes of bigotry or bias, shall be deemed to meet agency reporting
10 requirements. The association must summarize the information received
11 and file an annual report with the governor and the senate law and
12 justice committee and the house of representatives judiciary committee.

13 (3) The association shall disseminate the information according to
14 the provisions of chapters 10.97 and 10.98 RCW, and all other
15 confidentiality requirements imposed by federal or Washington law.

16 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.101 RCW
17 to read as follows:

18 The criminal justice training commission shall provide training for
19 law enforcement officers in identifying, responding to, and reporting
20 all violations of RCW 9A.36.080 and any other crimes of bigotry or
21 bias.

22 NEW SECTION. **Sec. 7.** If specific funding for the purposes of
23 implementing section 6 of this act, referencing this act by bill and
24 section number, is not provided by June 30, 1993, in the omnibus
25 appropriations act, section 6 of this act shall be null and void.

26 NEW SECTION. **Sec. 8.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

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