
HOUSE BILL 2003

State of Washington

53rd Legislature

1993 Regular Session

By Representative Morris

Read first time 02/19/93. Referred to Committee on Human Services.

1 AN ACT Relating to juvenile offenders; amending RCW 13.40.020,
2 13.40.160, 13.40.0357, and 13.40.040; adding a new section to chapter
3 13.40 RCW; prescribing penalties; and making an appropriation.

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

5 **Sec. 1.** RCW 13.40.020 and 1990 1st ex.s. c 12 s 1 are each amended
6 to read as follows:

7 For the purposes of this chapter:

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

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

11 (b) Manslaughter in the first degree; or

12 (c) Assault in the second degree, extortion in the first degree,
13 child molestation in the second degree, kidnapping in the second
14 degree, robbery in the second degree, residential burglary, or burglary
15 in the second degree, where such offenses include the infliction of
16 bodily harm upon another or where during the commission of or immediate
17 withdrawal from such an offense the perpetrator is armed with a deadly
18 weapon or firearm as defined in RCW 9A.04.110;

1 (2) "Community service" means compulsory service, without
2 compensation, performed for the benefit of the community by the
3 offender as punishment for committing an offense;

4 (3) "Community supervision" means an order of disposition by the
5 court of an adjudicated youth. A community supervision order for a
6 single offense may be for a period of up to two years for a sex offense
7 as defined by RCW 9.94A.030 and up to one year for other offenses and
8 include one or more of the following:

9 (a) A fine, not to exceed one hundred dollars;

10 (b) Community service not to exceed one hundred fifty hours of
11 service;

12 (c) Attendance of information classes;

13 (d) Counseling; or

14 (e) Such other services to the extent funds are available for such
15 services, conditions, or limitations as the court may require which may
16 not include confinement;

17 (4) "Confinement" means physical custody by the department of
18 social and health services in a facility operated by or pursuant to a
19 contract with the state, or physical custody in a facility operated by
20 or pursuant to a contract with any county. Confinement of less than
21 thirty-one days imposed as part of a disposition or modification order
22 may be served consecutively or intermittently, in the discretion of the
23 court;

24 (5) "Court", when used without further qualification, means the
25 juvenile court judge(s) or commissioner(s);

26 (6) "Criminal history" includes all criminal complaints against the
27 respondent for which, prior to the commission of a current offense:

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

32 (b) The criminal complaint was diverted by a prosecutor pursuant to
33 the provisions of this chapter on agreement of the respondent and after
34 an advisement to the respondent that the criminal complaint would be
35 considered as part of the respondent's criminal history;

36 (7) "Department" means the department of social and health
37 services;

38 (8) "Diversion unit" means any probation counselor who enters into
39 a diversion agreement with an alleged youthful offender or any other

1 person or entity with whom the juvenile court administrator has
2 contracted to arrange and supervise such agreements pursuant to RCW
3 13.04.040, as now or hereafter amended, or any person or entity
4 specially funded by the legislature to arrange and supervise diversion
5 agreements in accordance with the requirements of this chapter;

6 (9) "Institution" means a juvenile facility established pursuant to
7 chapters 72.05 and 72.16 through 72.20 RCW;

8 (10) "Juvenile," "youth," and "child" mean any individual who is
9 under the chronological age of eighteen years and who has not been
10 previously transferred to adult court;

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

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

18 (13) "Maximum supervision" means an order of disposition by the
19 court of an adjudicated youth with between eighty and one hundred nine
20 points. Maximum supervision includes the following:

21 (a) Twelve months of community supervision;

22 (b) Up to one hundred fifty hours of community service;

23 (c) A fine of up to one hundred dollars;

24 (d) Up to thirty days of confinement;

25 (e) House arrest for at least an additional thirty days and no more
26 than ninety days;

27 (f) Mandatory school attendance, employment, employment training,
28 community service work, or other programs for at least forty hours per
29 week;

30 (g) Participation in victim awareness programs;

31 (h) In-person contacts by a community supervision officer at least
32 three times per week;

33 (i) An offense-specific case plan, including a risk and needs
34 assessment and required participation in programs, such as counseling,
35 anger management, or substance abuse treatment that are directly
36 related to offense behavior; and

37 (j) If appropriate, parental or guardian participation in the
38 development and implementation of the offender's case plan to include
39 applicable education classes for the offender's parents or guardians;

1 (14) "Middle offender" means a person who has committed an offense
2 and who is neither a minor or first offender nor a serious offender;

3 (~~(14)~~) (15) "Minor or first offender" means a person sixteen
4 years of age or younger whose current offense(s) and criminal history
5 fall entirely within one of the following categories:

6 (a) Four misdemeanors;

7 (b) Two misdemeanors and one gross misdemeanor;

8 (c) One misdemeanor and two gross misdemeanors;

9 (d) Three gross misdemeanors;

10 (e) One class C felony except manslaughter in the second degree and
11 one misdemeanor or gross misdemeanor;

12 (f) One class B felony except(~~(: Any felony which constitutes an~~
13 ~~attempt to commit a class A felony; manslaughter in the first degree;~~
14 ~~assault in the second degree; extortion in the first degree; indecent~~
15 ~~liberties; kidnapping in the second degree; robbery in the second~~
16 ~~degree; burglary in the second degree; residential burglary; vehicular~~
17 ~~homicide; or arson in the second degree.)) offenses with a B+ juvenile
18 disposition offense category in RCW 13.40.0357 and burglary in the
19 second degree.~~

20 For purposes of this definition, current violations shall be
21 counted as misdemeanors;

22 (~~(15)~~) (16) "Offense" means an act designated a violation or a
23 crime if committed by an adult under the law of this state, under any
24 ordinance of any city or county of this state, under any federal law,
25 or under the law of another state if the act occurred in that state;

26 (~~(16)~~) (17) "Respondent" means a juvenile who is alleged or
27 proven to have committed an offense;

28 (~~(17)~~) (18) "Restitution" means financial reimbursement by the
29 offender to the victim, and shall be limited to easily ascertainable
30 damages for injury to or loss of property, actual expenses incurred for
31 medical treatment for physical injury to persons, lost wages resulting
32 from physical injury, and costs of the victim's counseling reasonably
33 related to the offense if the offense is a sex offense. Restitution
34 shall not include reimbursement for damages for mental anguish, pain
35 and suffering, or other intangible losses. Nothing in this chapter
36 shall limit or replace civil remedies or defenses available to the
37 victim or offender;

38 (~~(18)~~) (19) "Secretary" means the secretary of the department of
39 social and health services;

1 (~~(19)~~) (20) "Services" mean services which provide alternatives
2 to incarceration for those juveniles who have pleaded or been
3 adjudicated guilty of an offense or have signed a diversion agreement
4 pursuant to this chapter;

5 (~~(20)~~) (21) "Sex offense" means an offense defined as a sex
6 offense in RCW 9.94A.030;

7 (~~(21)~~) (22) "Sexual motivation" means that one of the purposes
8 for which the respondent committed the offense was for the purpose of
9 his or her sexual gratification;

10 (~~(22)~~) (23) "Foster care" means temporary physical care in a
11 foster family home or group care facility as defined in RCW 74.15.020
12 and licensed by the department, or other legally authorized care;

13 (~~(23)~~) (24) "Violation" means an act or omission, which if
14 committed by an adult, must be proven beyond a reasonable doubt, and is
15 punishable by sanctions which do not include incarceration.

16 **Sec. 2.** RCW 13.40.160 and 1992 c 45 s 6 are each amended to read
17 as follows:

18 (1) When the respondent is found to be a serious offender, the
19 court shall commit the offender to the department for the standard
20 range of disposition for the offense, as indicated in option A of
21 schedule D-3, RCW 13.40.0357 except as provided in subsection (~~(5)~~)
22 (6) of this section.

23 If the court concludes, and enters reasons for its conclusion, that
24 disposition within the standard range would effectuate a manifest
25 injustice the court shall impose a disposition outside the standard
26 range, as indicated in option B of schedule D-3, RCW 13.40.0357. The
27 court's finding of manifest injustice shall be supported by clear and
28 convincing evidence.

29 A disposition outside the standard range shall be determinate and
30 shall be comprised of confinement or community supervision, or a
31 combination thereof. When a judge finds a manifest injustice and
32 imposes a sentence of confinement exceeding thirty days, the court
33 shall sentence the juvenile to a maximum term, and the provisions of
34 RCW 13.40.030(2), as now or hereafter amended, shall be used to
35 determine the range. A disposition outside the standard range is
36 appealable under RCW 13.40.230, as now or hereafter amended, by the
37 state or the respondent. A disposition within the standard range is
38 not appealable under RCW 13.40.230 as now or hereafter amended.

1 (2) Where the respondent is found to be a minor or first offender,
2 the court shall order that the respondent serve a term of community
3 supervision as indicated in option A or option B of schedule D-1, RCW
4 13.40.0357 except as provided in subsection ~~((+5+))~~ (6) of this
5 section. If the court determines that a disposition of community
6 supervision would effectuate a manifest injustice the court may impose
7 another disposition under option C of schedule D-1, RCW 13.40.0357.
8 Except as provided in subsection ~~((+5+))~~ (6) of this section, a
9 disposition other than a community supervision may be imposed only
10 after the court enters reasons upon which it bases its conclusions that
11 imposition of community supervision would effectuate a manifest
12 injustice. When a judge finds a manifest injustice and imposes a
13 sentence of confinement exceeding thirty days, the court shall sentence
14 the juvenile to a maximum term, and the provisions of RCW 13.40.030(2),
15 as now or hereafter amended, shall be used to determine the range. The
16 court's finding of manifest injustice shall be supported by clear and
17 convincing evidence.

18 Except for disposition of community supervision or a disposition
19 imposed pursuant to subsection ~~((+5+))~~ (6) of this section, a
20 disposition may be appealed as provided in RCW 13.40.230, as now or
21 hereafter amended, by the state or the respondent. A disposition of
22 community supervision or a disposition imposed pursuant to subsection
23 ~~((+5+))~~ (6) of this section may not be appealed under RCW 13.40.230 as
24 now or hereafter amended.

25 (3) Where a respondent is found to have committed an offense for
26 which the respondent declined to enter into a diversion agreement, the
27 court shall impose a term of community supervision limited to the
28 conditions allowed in a diversion agreement as provided in RCW
29 13.40.080(2) as now or hereafter amended.

30 (4) Where an offender is sentenced to a maximum supervision
31 program, the court may order the parent or guardian of the offender to
32 comply with requirements that will assist in the rehabilitation process
33 of the juvenile. The prosecutor and the juvenile's counsel may submit
34 recommendations to the court for required parental or guardian
35 involvement in the juvenile's rehabilitation. Required involvement may
36 include, but is not limited to, parenting classes or counseling.

37 (5) If a respondent is found to be a middle offender:

38 (a) The court shall impose a determinate disposition within the
39 standard range(s) for such offense, as indicated in option A of

1 schedule D-2, RCW 13.40.0357 except as provided in subsection (~~(5)~~)
2 (6) of this section: PROVIDED, That if the standard range includes a
3 term of confinement exceeding thirty days, commitment shall be to the
4 department for the standard range of confinement; or

5 (b) The court shall impose a determinate disposition of community
6 supervision and/or up to thirty days confinement, as indicated in
7 option B of schedule D-2, RCW 13.40.0357 in which case, if confinement
8 has been imposed, the court shall state either aggravating or
9 mitigating factors as set forth in RCW 13.40.150 as now or hereafter
10 amended.

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

18 (d) A disposition pursuant to (~~subsection (4)~~)(c) of this
19 (~~section~~) subsection is appealable under RCW 13.40.230, as now or
20 hereafter amended, by the state or the respondent. A disposition
21 pursuant to (~~subsection (4)~~) (a) or (b) of this (~~section~~)
22 subsection is not appealable under RCW 13.40.230 as now or hereafter
23 amended.

24 (~~(5)~~) (6) When a serious, middle, or minor first offender is
25 found to have committed a sex offense, other than a sex offense that is
26 also a serious violent offense as defined by RCW 9.94A.030, and has no
27 history of a prior sex offense, the court, on its own motion or the
28 motion of the state or the respondent, may order an examination to
29 determine whether the respondent is amenable to treatment.

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

37 The examiner shall assess and report regarding the respondent's
38 amenability to treatment and relative risk to the community. A

1 proposed treatment plan shall be provided and shall include, at a
2 minimum:

3 (a)(i) Frequency and type of contact between the offender and
4 therapist;

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

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

10 (iv) Anticipated length of treatment; and

11 (v) Recommended crime-related prohibitions.

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

18 After receipt of reports of the examination, the court shall then
19 consider whether the offender and the community will benefit from use
20 of this special sex offender disposition alternative and consider the
21 victim's opinion whether the offender should receive a treatment
22 disposition under this section. If the court determines that this
23 special sex offender disposition alternative is appropriate, then the
24 court shall impose a determinate disposition within the standard range
25 for the offense, and the court may suspend the execution of the
26 disposition and place the offender on community supervision for up to
27 two years. As a condition of the suspended disposition, the court may
28 impose the conditions of community supervision and other conditions,
29 including up to thirty days of confinement and requirements that the
30 offender do any one or more of the following:

31 (b)(i) Devote time to a specific education, employment, or
32 occupation;

33 (ii) Undergo available outpatient sex offender treatment for up to
34 two years, or inpatient sex offender treatment not to exceed the
35 standard range of confinement for that offense. A community mental
36 health center may not be used for such treatment unless it has an
37 appropriate program designed for sex offender treatment. The
38 respondent shall not change sex offender treatment providers or
39 treatment conditions without first notifying the prosecutor, the

1 probation counselor, and the court, and shall not change providers
2 without court approval after a hearing if the prosecutor or probation
3 counselor object to the change;

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

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

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

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

13 (vii) Make restitution to the victim for the cost of any counseling
14 reasonably related to the offense.

15 The sex offender treatment provider shall submit quarterly reports
16 on the respondent's progress in treatment to the court and the parties.
17 The reports shall reference the treatment plan and include at a minimum
18 the following: Dates of attendance, respondent's compliance with
19 requirements, treatment activities, the respondent's relative progress
20 in treatment, and any other material specified by the court at the time
21 of the disposition.

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

24 Except as provided in this subsection (5), after July 1, 1991,
25 examinations and treatment ordered pursuant to this subsection shall
26 only be conducted by sex offender treatment providers certified by the
27 department of health pursuant to chapter 18.155 RCW. A sex offender
28 therapist who examines or treats a juvenile sex offender pursuant to
29 this subsection does not have to be certified by the department of
30 health pursuant to chapter 18.155 RCW if the court finds that: (A) The
31 offender has already moved to another state or plans to move to another
32 state for reasons other than circumventing the certification
33 requirements; (B) no certified providers are available for treatment
34 within a reasonable geographical distance of the offender's home; and
35 (C) the evaluation and treatment plan comply with this subsection (5)
36 and the rules adopted by the department of health.

37 If the offender violates any condition of the disposition or the
38 court finds that the respondent is failing to make satisfactory
39 progress in treatment, the court may revoke the suspension and order

1 execution of the sentence. The court shall give credit for any
2 confinement time previously served if that confinement was for the
3 offense for which the suspension is being revoked.

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

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

13 ~~((+7))~~ (8) Except as provided for in subsection ~~((+5))~~ (6) of
14 this section, the court shall not suspend or defer the imposition or
15 the execution of the disposition.

16 ~~((+8))~~ (9) In no case shall the term of confinement imposed by the
17 court at disposition exceed that to which an adult could be subjected
18 for the same offense.

19 **Sec. 3.** RCW 13.40.0357 and 1989 c 407 s 7 are each amended to read
20 as follows:

21 SCHEDULE A

22 DESCRIPTION AND OFFENSE CATEGORY

23		JUVENILE DISPOSITION	
24	JUVENILE	CATEGORY FOR ATTEMPT,	
25	DISPOSITION	BAILJUMP,	
26	OFFENSE	CONSPIRACY, OR	
27	CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION

28 Arson and Malicious Mischief

29			
30	A	Arson 1 (9A.48.020)	B+
31	B	Arson 2 (9A.48.030)	C
32	C	Reckless Burning 1 (9A.48.040)	D
33	D	Reckless Burning 2 (9A.48.050)	E
34	B	Malicious Mischief 1 (9A.48.070)	C
35	C	Malicious Mischief 2 (9A.48.080)	D

1	D	Malicious Mischief 3 (<\$50 is E class)	
2		(9A.48.090)	E
3	E	Tampering with Fire Alarm Apparatus (9.40.100)	E
4	A	Possession of Incendiary Device (9.40.120)	B+
5		<u>Assault and Other Crimes Involving Physical</u>	
6		<u>Harm</u>	
7	A	Assault 1 (9A.36.011)	B+
8	B+	Assault 2 (9A.36.021)	C+
9	C+	Assault 3 (9A.36.031)	D+
10	D+	Assault 4 (9A.36.041)	E
11	D+	Reckless Endangerment (9A.36.050)	E
12	C+	Promoting Suicide Attempt (9A.36.060)	D+
13	D+	Coercion (9A.36.070)	E
14	C+	Custodial Assault (9A.36.100)	D+
15		<u>Burglary and Trespass</u>	
16	B+	Burglary 1 (9A.52.020)	C+
17	B	Burglary 2 (9A.52.030)	C
18	D	Burglary Tools (Possession of) (9A.52.060)	E
19	D	Criminal Trespass 1 (9A.52.070)	E
20	E	Criminal Trespass 2 (9A.52.080)	E
21	D	Vehicle Prowling (9A.52.100)	E
22		<u>Drugs</u>	
23	E	Possession/Consumption of Alcohol (66.44.270)	E
24	C	Illegally Obtaining Legend Drug (69.41.020)	D
25	C+	Sale, Delivery, Possession of Legend Drug with	
26		Intent to Sell (69.41.030)	D+
27	E	Possession of Legend Drug (69.41.030)	E
28	B+	Violation of Uniform Controlled Substances Act	
29		- Narcotic Sale (69.50.401(a)(1)(i))	B+
30	C	Violation of Uniform Controlled Substances Act	
31		- Nonnarcotic Sale (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 Substance	
35		(69.50.403)	C
36	C+	Sale of Controlled Substance for Profit	
37		(69.50.410)	C+

1	E	((Glue Sniffing (9.47A.050))) <u>Unlawful</u>	
2		<u>Inhalation (9.47A.020)</u>	E
3	B	Violation of Uniform Controlled Substances Act	
4		- Narcotic Counterfeit Substances	
5		(69.50.401(b)(1)(i))	B
6	C	Violation of Uniform Controlled Substances Act -	
7		Nonnarcotic Counterfeit Substances	
8		(69.50.401(b)(1) (ii), (iii), (iv))	C
9	C	Violation of Uniform Controlled Substances Act	
10		- Possession of a Controlled Substance	
11		(69.50.401(d))	C
12	C	Violation of Uniform Controlled Substances Act	
13		- Possession of a Controlled Substance	
14		(69.50.401(c))	C
15		<u>Firearms and Weapons</u>	
16		((C+ Committing Crime when Armed (9.41.025) D+))	
17	E	Carrying Loaded Pistol Without Permit	
18		(9.41.050)	E
19	E	Use of Firearms by Minor (<14) (9.41.240)	E
20	D+	Possession of Dangerous Weapon (9.41.250)	E
21	D	Intimidating Another Person by use of Weapon	
22		(9.41.270)	E
23		<u>Homicide</u>	
24	A+	Murder 1 (9A.32.030)	A
25	A+	Murder 2 (9A.32.050)	B+
26	B+	Manslaughter 1 (9A.32.060)	C+
27	C+	Manslaughter 2 (9A.32.070)	D+
28	B+	Vehicular Homicide (46.61.520)	C+
29		<u>Kidnapping</u>	
30	A	Kidnap 1 (9A.40.020)	B+
31	B+	Kidnap 2 (9A.40.030)	C+
32	C+	Unlawful Imprisonment (9A.40.040)	D+
33		((D Custodial Interference (9A.40.050) E))	
34		<u>Obstructing Governmental Operation</u>	
35	E	Obstructing a Public Servant (9A.76.020)	E
36	E	Resisting Arrest (9A.76.040)	E
37	B	Introducing Contraband 1 (9A.76.140)	C

1	C	Introducing Contraband 2 (9A.76.150)	D
2	E	Introducing Contraband 3 (9A.76.160)	E
3	B+	Intimidating a Public Servant (9A.76.180)	C+
4	B+	Intimidating a Witness (9A.72.110)	C+
5	E	Criminal Contempt (9.23.010)	E
6		<u>Public Disturbance</u>	
7	C+	Riot with Weapon (9A.84.010)	D+
8	D+	Riot Without Weapon (9A.84.010)	E
9	E	Failure to Disperse (9A.84.020)	E
10	E	Disorderly Conduct (9A.84.030)	E
11		<u>Sex Crimes</u>	
12	A	Rape 1 (9A.44.040)	B+
13	A-	Rape 2 (9A.44.050)	B+
14	C+	Rape 3 (9A.44.060)	D+
15	A-	Rape of a Child 1 (9A.44.073)	B+
16	B	Rape of a Child 2 (9A.44.076)	C+
17	B	Incest 1 (9A.64.020(1))	C
18	C	Incest 2 (9A.64.020(2))	D
19	D+	((Public Indecency)) <u>Indecent Exposure</u> (Victim	
20		<14) (9A.88.010)	E
21	E	((Public Indecency)) <u>Indecent Exposure</u> (Victim	
22		14 or over) (9A.88.010)	E
23	B+	Promoting Prostitution 1 (9A.88.070)	C+
24	C+	Promoting Prostitution 2 (9A.88.080)	D+
25	E	O & A (Prostitution) (9A.88.030)	E
26	B+	Indecent Liberties (9A.44.100)	C+
27	B+	Child Molestation 1 (9A.44.083)	C+
28	C+	Child Molestation 2 (9A.44.086)	C
29	C	<u>Failure to Register for Class A Sex Offense</u>	
30		<u>(9A.44.130(7))</u>	D
31	D	<u>Failure to Register for less than a Class A Sex</u>	
32		<u>Offense (9A.44.130(7))</u>	E
33		<u>Theft, Robbery, Extortion, and Forgery</u>	
34	B	Theft 1 (9A.56.030)	C
35	C	Theft 2 (9A.56.040)	D
36	D	Theft 3 (9A.56.050)	E
37	B	Theft of Livestock (9A.56.080)	C
38	C	Forgery ((9A.56.020)) <u>(9A.60.020)</u>	D

1	A	Robbery 1 (9A.56.200)	B+
2	B+	Robbery 2 (9A.56.210)	C+
3	B+	Extortion 1 (9A.56.120)	C+
4	C+	Extortion 2 (9A.56.130)	D+
5	B	Possession of Stolen Property 1 (9A.56.150)	C
6	C	Possession of Stolen Property 2 (9A.56.160)	D
7	D	Possession of Stolen Property 3 (9A.56.170)	E
8	C	Taking Motor Vehicle Without Owner's	
9		Permission (9A.56.070)	D
10		<u>Motor Vehicle Related Crimes</u>	
11	E	Driving Without a License (46.20.021)	E
12	C	Hit and Run - Injury (46.52.020(4))	D
13	D	Hit and Run-Attended (46.52.020(5))	E
14	E	Hit and Run-Unattended (46.52.010)	E
15	C	Vehicular Assault (46.61.522)	D
16	C	Attempting to Elude Pursuing Police Vehicle	
17		(46.61.024)	D
18	E	Reckless Driving (46.61.500)	E
19	D	Driving While Under the Influence (46.61.515)	E
20	B+	Negligent Homicide by Motor Vehicle	
21		(46.61.520)	C+
22	D	Vehicle Prowling (9A.52.100)	E
23	C	Taking Motor Vehicle Without Owner's Permission	
24		(9A.56.070)	D
25		<u>Other</u>	
26	B	Bomb Threat (9.61.160)	C
27	C	Escape 1 (9A.76.110)	C
28	C	Escape 2 (9A.76.120)	C
29	D	Escape 3 (9A.76.130)	E
30	C	Failure to Appear in Court (10.19.130)	D
31	E	Tampering with Fire Alarm Apparatus (9.40.100)	E
32	E	Obscene, Harassing, Etc., Phone Calls	
33		(9.61.230)	E
34	C	<u>Stalking--No Prior Stalking (9A.46.110)</u>	D
35	D	<u>Stalking--Prior Stalking (9A.46.110(5))</u>	E
36	A	Other Offense Equivalent to an Adult Class A	
37		Felony	B+

1	D+	.3	.2	.1
2	D	.2	.1	.1
3	E	.1	.1	.1

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

8 SCHEDULE C

9 CURRENT OFFENSE POINTS

10 For use with all CURRENT OFFENSES occurring on or after July 1,
11 1989.

12 AGE

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

26 JUVENILE SENTENCING STANDARDS

27 SCHEDULE D-1

28 This schedule may only be used for minor/first offenders. After the
29 determination is made that a youth is a minor/first offender, the court
30 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 40-56

and/or 0-\$50

15 80-89

9-12 months

and/or 48-64

and/or 0-\$100

16 90-109

9-12 months

and/or 56-72

and/or 0-\$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
30 sentence of confinement exceeding 30 days, the court shall sentence the
31 juvenile to a maximum term and the provisions of RCW
32 13.40.030(~~(+5)~~)(2), as now or hereafter amended, shall be used to
33 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

Community

Points	Community Supervision	Service Hours	Fine	Confinement Days	Confinement 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					30-40
250-299					52-65
300-374					80-100
375+					103-129

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

OR

OPTION B
STATUTORY OPTION

- 1 0-12 Months Community Supervision
- 2 0-150 Hours Community Service
- 3 0-100 Fine

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

OR

OPTION C
MANIFEST INJUSTICE

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

JUVENILE SENTENCING STANDARDS
SCHEDULE D-3

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

SERIOUS OFFENDER

OPTION A
STANDARD RANGE

	<u>Points</u>	<u>Institution Time</u>
15	0-129	8-12 weeks
16	130-149	13-16 weeks
17	150-199	21-28 weeks
18	200-249	30-40 weeks
19	250-299	52-65 weeks
20	300-374	80-100 weeks

1 375+ 103-129 weeks

2 All A+ Offenses 180-224 weeks

3 OR

4 OPTION B

5 MANIFEST INJUSTICE

6 A disposition outside the standard range shall be determined and shall
7 be comprised of confinement or community supervision or a combination
8 thereof. When a judge finds a manifest injustice and imposes a
9 sentence of confinement exceeding 30 days, the court shall sentence the
10 juvenile to a maximum term, and the provisions of RCW
11 13.40.030(~~(+5)~~)(2), as now or hereafter amended, shall be used to
12 determine the range.

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

15 (1) The legislature finds that juvenile offenders committed to the
16 department benefit from a period of community custody prior to full
17 release from commitment. The legislature further finds public safety
18 is enhanced and youth rehabilitation is accelerated during community
19 custody by the provision of structured transition services and
20 supervision. Therefore, a juvenile serving a term of confinement under
21 the supervision of the department may be transferred to a structured
22 transition program in the community under specific conditions intended
23 to safeguard the public and accelerate the rehabilitation of the
24 juvenile offender.

25 (2) A juvenile serving a term of confinement under the supervision
26 of the department may, under specific conditions, be transferred from
27 physical custody after serving one hundred percent of the minimum term
28 of confinement, if the secretary determines the juvenile will benefit
29 from structured transition offered within the community and is eligible
30 to participate based on a youth classification instrument. A juvenile
31 under a written structured transition contract may be required to: (a)
32 Reside at a specific address and be present at that address during
33 specified hours; (b) submit to electronic monitoring, tracker services,
34 or both; (c) participate in training, education, and employment
35 programs; (d) undergo treatment services; (e) report as directed to an
36 assigned community case manager; (f) refrain from further offenses; and

1 (g) meet other requirements imposed by the community case manager
2 related to transition services.

3 (3) Before transfer to structured transition status, the secretary
4 shall give notice of the transfer to the appropriate law enforcement
5 agency in the jurisdiction in which the juvenile will reside. The
6 notice must include the identity of the juvenile, the time period, the
7 residence of the juvenile, and the identity of the person responsible
8 for supervising the juvenile in the residence.

9 (4) A juvenile eligible to participate in structured transition is
10 subject to RCW 9A.44.130 and 13.40.215.

11 (5) A juvenile who violates a condition of structured transition
12 may be taken into custody and transferred to a more secure facility in
13 the same manner as an adult in identical circumstances.

14 (6) If so requested and approved under chapter 13.06 RCW, the
15 secretary shall permit a county or group of counties to perform the
16 functions under this section.

17 **Sec. 5.** RCW 13.40.040 and 1979 c 155 s 57 are each amended to
18 read as follows:

19 (1) A juvenile may be taken into custody:

20 (a) Pursuant to a court order if a complaint is filed with the
21 court alleging, and the court finds probable cause to believe, that the
22 juvenile has committed an offense or has violated terms of a
23 disposition order or release order; or

24 (b) Without a court order, by a law enforcement officer if grounds
25 exist for the arrest of an adult in identical circumstances. Admission
26 to, and continued custody in, a court detention facility shall be
27 governed by subsection (2) of this section; or

28 (c) Pursuant to a court order that the juvenile be held as a
29 material witness; or

30 (d) Without a court order, where the secretary or the secretary's
31 designee has suspended the parole ((of a juvenile offender)) or
32 terminated the juvenile offender's involvement in the structured
33 transition program.

34 (2) A juvenile may not be held in detention unless there is
35 probable cause to believe that:

36 (a) The juvenile has committed an offense or has violated the
37 terms of a disposition order; and

1 (i) The juvenile will likely fail to appear for further
2 proceedings; or

3 (ii) Detention is required to protect the juvenile from himself or
4 herself; or

5 (iii) The juvenile is a threat to community safety; or

6 (iv) The juvenile will intimidate witnesses or otherwise
7 unlawfully interfere with the administration of justice; or

8 (v) The juvenile has committed a crime while another case was
9 pending; or

10 (b) The juvenile is a fugitive from justice; or

11 (c) The juvenile's parole has been suspended or modified; or

12 (d) The juvenile is a material witness.

13 (3) Upon a finding that members of the community have threatened
14 the health of a juvenile taken into custody, at the juvenile's request
15 the court may order continued detention pending further order of the
16 court.

17 (4) A juvenile detained under this section may be released upon
18 posting bond set by the court. A court authorizing such a release
19 shall issue an order containing a statement of conditions imposed upon
20 the juvenile and shall set the date of his or her next court
21 appearance. The court shall advise the juvenile of any conditions
22 specified in the order and may at any time amend such an order in order
23 to impose additional or different conditions of release upon the
24 juvenile or to return the juvenile to custody for failing to conform to
25 the conditions imposed. Failure to appear on the date scheduled by the
26 court pursuant to this section shall constitute the crime of bail
27 jumping.

28 NEW SECTION. **Sec. 6.** The sum of five million dollars, or as much
29 thereof as may be necessary, is appropriated for the biennium ending
30 June 30, 1995, from the general fund to the department of social and
31 health services for the purposes of section 4 this act.

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