
HOUSE BILL 2265

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Campbell, Ballasiotes, Wineberry, Long, Morris, Kessler, Brumsickle, Roland, Forner, Springer, Sheldon, Chappell, Conway, Orr, Chandler, Kremen, Casada, Eide, Dellwo, Dorn, Johanson, Hansen, King, Lisk, Appelwick, Pruitt, Patterson, Finkbeiner, G. Fisher, Cooke, Shin, B. Thomas, Van Luven, Mastin, Leonard, Jones, Padden, Dyer, Schoesler, Brough, Holm, Karahalios, Basich, Backlund, Schmidt, Rayburn, Foreman and J. Kohl

Read first time 01/12/94. Referred to Committee on Judiciary.

1 AN ACT Relating to delivery to or possession of firearms by persons
2 under the age of eighteen; amending RCW 9.41.080, 9.41.240, and
3 13.40.0357; reenacting and amending RCW 26.28.080; and prescribing
4 penalties.

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

6 **Sec. 1.** RCW 9.41.080 and 1935 c 172 s 8 are each amended to read
7 as follows:

8 Except as permitted under RCW 9.41.240, no person (~~shall~~) may
9 deliver a (~~pistol~~) firearm to any person under the age of (~~twenty-~~
10 one) eighteen or to one who he or she has reasonable cause to believe
11 has been convicted of a crime of violence, or is a drug addict, an
12 habitual drunkard, or of unsound mind.

13 **Sec. 2.** RCW 9.41.240 and 1971 c 34 s 1 are each amended to read as
14 follows:

15 No (~~minor~~) person under the age of (~~fourteen~~) eighteen years
16 (~~shall~~) may handle or have in his or her possession or under his or
17 her control a firearm, except: (1) While accompanied by or under the
18 immediate charge of his or her parent or guardian or other adult

1 approved for the purpose of this section by the parent or guardian, (2)
 2 while at his or her residence, with the permission of his or her parent
 3 or legal guardian, for the purpose of exercising the rights specified
 4 in RCW 9A.16.020(3), (3) while hunting with a valid hunting license,
 5 using a rifle or shotgun, (4) while at a recognized competitive
 6 shooting event at an established gun range, or (5) while under the
 7 immediate supervision of a ((certified)) safety instructor at an
 8 established gun range or firearm training class((, any firearm of any
 9 kind for hunting or target practice or for other purposes. Every
 10 person violating any of the foregoing provisions, or aiding or
 11 knowingly permitting any such minor to violate the same, shall be
 12 guilty of a misdemeanor)). "Immediate supervision" means one-to-one
 13 supervision when the person under the age of eighteen is engaged in
 14 live fire training. A person violating this section, or aiding or
 15 knowingly permitting a person under the age of eighteen years to
 16 violate this section, is guilty of a class C felony.

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

19 SCHEDULE A

20 DESCRIPTION AND OFFENSE CATEGORY

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

26	<hr/>	
27	<u>Arson and Malicious Mischief</u>	
28	A Arson 1 (9A.48.020)	B+
29	B Arson 2 (9A.48.030)	C
30	C Reckless Burning 1 (9A.48.040)	D
31	D Reckless Burning 2 (9A.48.050)	E
32	B Malicious Mischief 1 (9A.48.070)	C
33	C Malicious Mischief 2 (9A.48.080)	D
34	D Malicious Mischief 3 (<\$50 is E class)	
35	(9A.48.090)	E
36	E Tampering with Fire Alarm Apparatus (9.40.100)	E
37	A Possession of Incendiary Device (9.40.120)	B+

1		<u>Assault and Other Crimes Involving Physical</u>	
2		<u>Harm</u>	
3	A	Assault 1 (9A.36.011)	B+
4	B+	Assault 2 (9A.36.021)	C+
5	C+	Assault 3 (9A.36.031)	D+
6	D+	Assault 4 (9A.36.041)	E
7	D+	Reckless Endangerment (9A.36.050)	E
8	C+	Promoting Suicide Attempt (9A.36.060)	D+
9	D+	Coercion (9A.36.070)	E
10	C+	Custodial Assault (9A.36.100)	D+
11		<u>Burglary and Trespass</u>	
12	B+	Burglary 1 (9A.52.020)	C+
13	B	Burglary 2 (9A.52.030)	C
14	D	Burglary Tools (Possession of) (9A.52.060)	E
15	D	Criminal Trespass 1 (9A.52.070)	E
16	E	Criminal Trespass 2 (9A.52.080)	E
17	D	Vehicle Prowling (9A.52.100)	E
18		<u>Drugs</u>	
19	E	Possession/Consumption of Alcohol (66.44.270)	E
20	C	Illegally Obtaining Legend Drug (69.41.020)	D
21	C+	Sale, Delivery, Possession of Legend Drug with	
22		Intent to Sell (69.41.030)	D+
23	E	Possession of Legend Drug (69.41.030)	E
24	B+	Violation of Uniform Controlled Substances Act	
25		- Narcotic Sale (69.50.401(a)(1)(i))	B+
26	C	Violation of Uniform Controlled Substances Act	
27		- Nonnarcotic Sale (69.50.401(a)(1)(ii))	C
28	E	Possession of Marihuana <40 grams	
29		(69.50.401(e))	E
30	C	Fraudulently Obtaining Controlled Substance	
31		(69.50.403)	C
32	C+	Sale of Controlled Substance for Profit	
33		(69.50.410)	C+
34	E	Glue Sniffing (9.47A.050)	E
35	B	Violation of Uniform Controlled Substances Act	
36		- Narcotic Counterfeit Substances	
37		(69.50.401(b)(1)(i))	B

1	C	Violation of Uniform Controlled Substances Act	
2		- Nonnarcotic Counterfeit Substances	
3		(69.50.401(b)(1) (ii), (iii), (iv))	C
4	C	Violation of Uniform Controlled Substances Act	
5		- Possession of a Controlled Substance	
6		(69.50.401(d))	C
7	C	Violation of Uniform Controlled Substances Act -	
8		Possession of a Controlled Substance	
9		(69.50.401(c))	C
10		<u>Firearms and Weapons</u>	
11	C+	Committing Crime when Armed (9.41.025)	D+
12	E	Carrying Loaded Pistol Without Permit	
13		(9.41.050)	E
14	((E))		
15	C	Use of Firearms by Minor ((+(<14+))) (9.41.240)	((E)) D
16	D+	Possession of Dangerous Weapon (9.41.250)	E
17	D	Intimidating Another Person by use of Weapon	
18		(9.41.270)	E
19		<u>Homicide</u>	
20	A+	Murder 1 (9A.32.030)	A
21	A+	Murder 2 (9A.32.050)	B+
22	B+	Manslaughter 1 (9A.32.060)	C+
23	C+	Manslaughter 2 (9A.32.070)	D+
24	B+	Vehicular Homicide (46.61.520)	C+
25		<u>Kidnapping</u>	
26	A	Kidnap 1 (9A.40.020)	B+
27	B+	Kidnap 2 (9A.40.030)	C+
28	C+	Unlawful Imprisonment (9A.40.040)	D+
29	D	Custodial Interference (9A.40.050)	E
30		<u>Obstructing Governmental Operation</u>	
31	E	Obstructing a Public Servant (9A.76.020)	E
32	E	Resisting Arrest (9A.76.040)	E
33	B	Introducing Contraband 1 (9A.76.140)	C
34	C	Introducing Contraband 2 (9A.76.150)	D
35	E	Introducing Contraband 3 (9A.76.160)	E
36	B+	Intimidating a Public Servant (9A.76.180)	C+
37	B+	Intimidating a Witness (9A.72.110)	C+

1	E	Criminal Contempt (9.23.010)	E
2		<u>Public Disturbance</u>	
3	C+	Riot with Weapon (9A.84.010)	D+
4	D+	Riot Without Weapon (9A.84.010)	E
5	E	Failure to Disperse (9A.84.020)	E
6	E	Disorderly Conduct (9A.84.030)	E
7		<u>Sex Crimes</u>	
8	A	Rape 1 (9A.44.040)	B+
9	A-	Rape 2 (9A.44.050)	B+
10	C+	Rape 3 (9A.44.060)	D+
11	A-	Rape of a Child 1 (9A.44.073)	B+
12	B	Rape of a Child 2 (9A.44.076)	C+
13	B	Incest 1 (9A.64.020(1))	C
14	C	Incest 2 (9A.64.020(2))	D
15	D+	Public Indecency (Victim <14) (9A.88.010)	E
16	E	Public Indecency (Victim 14 or over)	
17		(9A.88.010)	E
18	B+	Promoting Prostitution 1 (9A.88.070)	C+
19	C+	Promoting Prostitution 2 (9A.88.080)	D+
20	E	O & A (Prostitution) (9A.88.030)	E
21	B+	Indecent Liberties (9A.44.100)	C+
22	B+	Child Molestation 1 (9A.44.083)	C+
23	C+	Child Molestation 2 (9A.44.086)	C
24		<u>Theft, Robbery, Extortion, and Forgery</u>	
25	B	Theft 1 (9A.56.030)	C
26	C	Theft 2 (9A.56.040)	D
27	D	Theft 3 (9A.56.050)	E
28	B	Theft of Livestock (9A.56.080)	C
29	C	Forgery (9A.56.020)	D
30	A	Robbery 1 (9A.56.200)	B+
31	B+	Robbery 2 (9A.56.210)	C+
32	B+	Extortion 1 (9A.56.120)	C+
33	C+	Extortion 2 (9A.56.130)	D+
34	B	Possession of Stolen Property 1 (9A.56.150)	C
35	C	Possession of Stolen Property 2 (9A.56.160)	D
36	D	Possession of Stolen Property 3 (9A.56.170)	E
37	C	Taking Motor Vehicle Without Owner's	
38		Permission (9A.56.070)	D

1		<u>Motor Vehicle Related Crimes</u>	
2	E	Driving Without a License (46.20.021)	E
3	C	Hit and Run - Injury (46.52.020(4))	D
4	D	Hit and Run-Attended (46.52.020(5))	E
5	E	Hit and Run-Unattended (46.52.010)	E
6	C	Vehicular Assault (46.61.522)	D
7	C	Attempting to Elude Pursuing Police Vehicle	
8		(46.61.024)	D
9	E	Reckless Driving (46.61.500)	E
10	D	Driving While Under the Influence (46.61.515)	E
11	B+	Negligent Homicide by Motor Vehicle	
12		(46.61.520)	C+
13	D	Vehicle Prowling (9A.52.100)	E
14	C	Taking Motor Vehicle Without Owner's Permission	
15		(9A.56.070)	D
16		<u>Other</u>	
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 (10.19.130)	D
22	E	Tampering with Fire Alarm Apparatus (9.40.100)	E
23	E	Obscene, Harassing, Etc., Phone Calls	
24		(9.61.230)	E
25	A	Other Offense Equivalent to an Adult Class A	
26		Felony	B+
27	B	Other Offense Equivalent to an Adult Class B	
28		Felony	C
29	C	Other Offense Equivalent to an Adult Class C	
30		Felony	D
31	D	Other Offense Equivalent to an Adult Gross	
32		Misdemeanor	E
33	E	Other Offense Equivalent to an Adult	
34		Misdemeanor	E
35	V	Violation of Order of Restitution, Community	
36		Supervision, or Confinement (13.40.200)	V

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

- 3 1st escape or attempted escape during 12-month period - 4 weeks
4 confinement
- 5 2nd escape or attempted escape during 12-month period - 8 weeks
6 confinement
- 7 3rd and subsequent escape or attempted escape during 12-month
8 period - 12 weeks confinement

9 ² If the court finds that a respondent has violated terms of an
10 order, it may impose a penalty of up to 30 days of confinement.

11 SCHEDULE B

12 PRIOR OFFENSE INCREASE FACTOR

13 For use with all CURRENT OFFENSES occurring on or after July 1,
14 1989.

15 TIME SPAN

16 OFFENSE	0-12	13-24	25 Months
17 CATEGORY	Months	Months	or More
18			
19 A+	.9	.9	.9
20 A	.9	.8	.6
21 A-	.9	.8	.5
22 B+	.9	.7	.4
23 B	.9	.6	.3
24 C+	.6	.3	.2
25 C	.5	.2	.2
26 D+	.3	.2	.1
27 D	.2	.1	.1
28 E	.1	.1	.1

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

SCHEDULE C

CURRENT OFFENSE POINTS

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

AGE

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

JUVENILE SENTENCING STANDARDS

SCHEDULE D-1

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

MINOR/FIRST OFFENDER

OPTION A

STANDARD RANGE

<u>Points</u>	<u>Community Supervision</u>	<u>Community Service Hours</u>	<u>Fine</u>
1-9	0-3 months	and/or 0-8	and/or 0-\$10
10-19	0-3 months	and/or 0-8	and/or 0-\$10
20-29	0-3 months	and/or 0-16	and/or 0-\$10
30-39	0-3 months	and/or 8-24	and/or 0-\$25
40-49	3-6 months	and/or 16-32	and/or 0-\$25

1 50-59 3-6 months and/or 24-40 and/or 0-\$25
2 60-69 6-9 months and/or 32-48 and/or 0-\$50
3 70-79 6-9 months and/or 40-56 and/or 0-\$50
4 80-89 9-12 months and/or 48-64 and/or 0-\$100
5 90-109 9-12 months and/or 56-72 and/or 0-\$100

6 OR

7 OPTION B
8 STATUTORY OPTION

9 0-12 Months Community Supervision
10 0-150 Hours Community Service
11 0-100 Fine

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

14 OR

15 OPTION C
16 MANIFEST INJUSTICE

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

22 JUVENILE SENTENCING STANDARDS
23 SCHEDULE D-2

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

1 MIDDLE OFFENDER

2 OPTION A

3 STANDARD RANGE

4 Community

5	Community	Service		Confinement
6	Supervision	Hours	Fine	Days Weeks
7				
8	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
10	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
11	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
12	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
13	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
14	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
15	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
16	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
17	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30
18				8-12
19				13-16
20				21-28
21				30-40
22				52-65
23				80-100
24				103-129

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

28 OR

29 OPTION B

30 STATUTORY OPTION

- 31 0-12 Months Community Supervision
- 32 0-150 Hours Community Service
- 33 0-100 Fine

34 The court may impose a determinate disposition of community supervision
 35 and/or up to 30 days confinement; in which case, if confinement has

1 been imposed, the court shall state either aggravating or mitigating
2 factors as set forth in RCW 13.40.150, as now or hereafter amended.

3 OR

4 OPTION C

5 MANIFEST INJUSTICE

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

10 JUVENILE SENTENCING STANDARDS

11 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.

15 SERIOUS OFFENDER

16 OPTION A

17 STANDARD RANGE

18	<u>Points</u>	<u>Institution Time</u>
19	0-129	8-12 weeks
20	130-149	13-16 weeks
21	150-199	21-28 weeks
22	200-249	30-40 weeks
23	250-299	52-65 weeks
24	300-374	80-100 weeks
25	375+	103-129 weeks
26	All A+ Offenses	180-224 weeks

27 OR

28 OPTION B

29 MANIFEST INJUSTICE

30 A disposition outside the standard range shall be determined and shall
31 be comprised of confinement or community supervision or a combination

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

5 **Sec. 4.** RCW 26.28.080 and 1987 c 250 s 2 and 1987 c 204 s 1 are
6 each reenacted and amended to read as follows:

7 Every person who:

8 (1) Shall admit to or allow to remain in any concert saloon, or in
9 any place owned, kept, or managed by him or her where intoxicating
10 liquors are sold, given away or disposed of--except a restaurant or
11 dining room, any person under the age of eighteen years; or((~~7~~))

12 (2) Shall admit to, or allow to remain in any public pool or
13 billiard hall, or in any place of entertainment injurious to health or
14 morals, owned, kept or managed by him or her, any person under the age
15 of eighteen years; or((~~7~~))

16 (3) Shall suffer or permit any such person to play any game of
17 skill or chance, in any such place, or in any place adjacent thereto,
18 or to be or remain therein, or admit or allow to remain in any reputed
19 house of prostitution or assignation, or in any place where opium or
20 any preparation thereof, is smoked, or where any narcotic drug is used,
21 any persons under the age of eighteen years; or((~~7~~))

22 (4) Shall sell or give, or permit to be sold or given to any
23 person under the age of eighteen years any cigar, cigarette, cigarette
24 paper or wrapper, or tobacco in any form; ((~~or~~

25 ~~(5) Shall sell, or give, or permit to be sold or given to any
26 person under the age of eighteen years, any revolver or pistol;))~~

27 Shall be guilty of a gross misdemeanor.

28 It shall be no defense to a prosecution for a violation of this
29 section that the person acted, or was believed by the defendant to act,
30 as agent or representative of another.

--- END ---