
HOUSE BILL 2363

State of Washington

53rd Legislature

1994 Regular Session

By Representatives J. Kohl, Sommers, Ogden, Appelwick, Wineberry, Eide, Thibaudeau, Jacobsen, Anderson and Caver

Read first time 01/14/94. Referred to Committee on Judiciary.

1 AN ACT Relating to firearms; amending RCW 9.41.070, 9.41.230,
2 9.41.240, 9.41.270, and 13.40.0357; and prescribing penalties.

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

4 **Sec. 1.** RCW 9.41.070 and 1992 c 168 s 1 are each amended to read
5 as follows:

6 (1) The judge of a court of record, the chief of police of a
7 municipality, or the sheriff of a county, shall within thirty days
8 after the filing of an application of any person issue a license to
9 such person to carry a pistol concealed on his or her person within
10 this state for four years from date of issue, for the purposes of
11 protection or while engaged in business, sport, or while traveling.
12 However, if the applicant does not have a valid permanent Washington
13 driver's license or Washington state identification card or has not
14 been a resident of the state for the previous consecutive ninety days,
15 the issuing authority shall have up to sixty days after the filing of
16 the application to issue a license. Such (~~applicant's constitutional~~
17 ~~right to bear arms~~) application shall not be denied, unless (~~he or~~
18 ~~she~~) the applicant:

1 (a) Is ineligible to own a pistol under the provisions of RCW
2 9.41.040; or

3 (b) Is under (~~twenty-one~~) eighteen years of age; or

4 (c) Is subject to a court order or injunction (~~regarding~~
5 ~~firearms~~) pursuant to RCW 10.99.040, 10.99.045, (~~or~~) 26.09.060,
6 26.10.115, 26.26.137, 26.50.060, or 26.50.070; or

7 (d) Is free on bond or personal recognizance pending trial, appeal,
8 or sentencing for a crime of violence or felony; or

9 (e) Has an outstanding warrant for his or her arrest from any court
10 of competent jurisdiction for a felony or misdemeanor; or

11 (f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d)
12 within one year before filing an application to carry a pistol
13 concealed on his or her person; or

14 (g) Has been convicted of any (~~of the following offenses: Assault~~
15 ~~in the third degree, indecent liberties, malicious mischief in the~~
16 ~~first degree, possession of stolen property in the first or second~~
17 ~~degree, or theft in the first or second degree)) felony, or of any
18 violation of RCW 9.41.080, 9.41.230, 9.41.240, 9.41.270, 9.41.280, or
19 9.41.300. Any person who becomes ineligible for a concealed pistol
20 permit as a result of a conviction for a crime listed in this
21 subsection (1)(g) and then successfully completes all terms of his or
22 her sentence, as evidenced by a certificate of discharge issued under
23 RCW 9.94A.220 in the case of a sentence under chapter 9.94A RCW, and
24 has not again been convicted of any crime and is not under indictment
25 for any crime, may, one year or longer after such successful sentence
26 completion, petition the district court for a declaration that the
27 person is no longer ineligible for a concealed pistol permit under this
28 subsection (1)(g); or~~

29 (h) Has been committed by court order for treatment of mental
30 illness under RCW 71.05.320 or chapter 10.77 RCW, or equivalent
31 statutes of another jurisdiction, and who has not at the time of
32 application had his or her right to possess a firearm restored by the
33 methods provided by law; or

34 (i) Has failed to present evidence of competence with a pistol.
35 Any of the following items shall suffice as evidence of competence with
36 a pistol:

37 (i) Evidence of completion of a hunter education or hunter safety
38 course approved by the department of fish and wildlife or a similar
39 agency of another state if pistol safety was a component of the course;

1 (ii) Evidence of completion of a national rifle association firearm
2 safety training course if pistol safety was a component of the course;

3 (iii) Evidence of completion of a firearm safety training course
4 conducted by a firearm instructor certified by a law enforcement agency
5 or the national rifle association if pistol safety was a component of
6 the course;

7 (iv) Evidence of completion of a firearm safety training course
8 offered by the criminal justice training commission for security
9 guards, investigators, or any law enforcement officer, if pistol safety
10 was a component of the course;

11 (v) Evidence of equivalent experience with a pistol through
12 participation in organized shooting competition or military experience;
13 or

14 (vi) Evidence of a satisfactory score on a test, approved or
15 administered by the local law enforcement agency, taken in lieu of a
16 firearm safety training course. The test shall cover the safe handling
17 and use of pistols, and laws concerning firearms, including the legal
18 use of deadly force. Nothing in this subsection shall require a local
19 law enforcement agency to approve or administer a test.

20 The provisions of this subsection (1)(i) shall not apply to
21 applicants for license renewals.

22 (2) Any person whose firearms rights have been restricted and who
23 has been granted relief from disabilities by the secretary of the
24 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.
25 Sec. 921(a)(20) shall have his or her right to acquire, receive,
26 transfer, ship, transport, carry, and possess firearms in accordance
27 with Washington state law restored.

28 (3) The license shall be revoked by the issuing authority
29 immediately upon conviction of a crime which makes such a person
30 ineligible to own a pistol or upon the (~~third~~) second conviction for
31 a violation of this chapter (~~within five calendar years~~).

32 (4) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the
33 issuing authority shall:

34 (a) On the first forfeiture, revoke the license for one year;

35 (b) On the second forfeiture, revoke the license for two years;

36 (c) On the third or subsequent forfeiture, revoke the license for
37 five years.

38 Any person whose license is revoked as a result of a forfeiture of a
39 firearm under RCW 9.41.098(1)(d) may not reapply for a new license

1 until the end of the revocation period. The issuing authority shall
2 notify, in writing, the department of licensing upon revocation of a
3 license. The department of licensing shall record the revocation.

4 (5) The license shall be in triplicate, in form to be prescribed by
5 the department of licensing, and shall bear the name, address, and
6 description, fingerprints, and signature of the licensee, and the
7 licensee's driver's license number or state identification card number
8 if used for identification in applying for the license. The license
9 application shall contain a warning substantially as follows:

10 CAUTION: Although state and local laws do not differ, federal
11 law and state law on the possession of firearms differ. If you
12 are prohibited by federal law from possessing a firearm, you
13 may be prosecuted in federal court. A state license is not a
14 defense to a federal prosecution.

15 The license application shall contain a description of the major
16 differences between state and federal law and an explanation of the
17 fact that local laws and ordinances on firearms are preempted by state
18 law and must be consistent with state law. The application shall
19 contain questions about the applicant's place of birth, whether the
20 applicant is a United States citizen, and if not a citizen whether the
21 applicant has declared the intent to become a citizen and whether he or
22 she has been required to register with the state or federal government
23 and any identification or registration number, if applicable. The
24 applicant shall not be required to produce a birth certificate or other
25 evidence of citizenship. An applicant who is not a citizen shall
26 provide documentation showing resident alien status and the applicant's
27 intent to become a citizen. A person who makes a false statement
28 regarding citizenship on the application is guilty of a misdemeanor. A
29 person who is not a citizen of the United States, or has not declared
30 his or her intention to become a citizen shall meet the additional
31 requirements of RCW 9.41.170.

32 The original thereof shall be delivered to the licensee, the
33 duplicate shall within seven days be sent by registered mail to the
34 director of licensing and the triplicate shall be preserved for six
35 years, by the authority issuing said license.

36 (6) The fee for the original issuance of a four-year license shall
37 be twenty-three dollars: PROVIDED, That no other additional charges by
38 any branch or unit of government shall be borne by the applicant for

1 the issuance of the license: PROVIDED FURTHER, That the fee shall be
2 distributed as follows:

3 (a) Four dollars shall be paid to the state general fund;

4 (b) Four dollars shall be paid to the agency taking the
5 fingerprints of the person licensed;

6 (c) Twelve dollars shall be paid to the issuing authority for the
7 purpose of enforcing this chapter; and

8 (d) Three dollars to the firearms range account in the general
9 fund.

10 (7) The fee for the renewal of such license shall be fifteen
11 dollars: PROVIDED, That no other additional charges by any branch or
12 unit of government shall be borne by the applicant for the renewal of
13 the license: PROVIDED FURTHER, That the fee shall be distributed as
14 follows:

15 (a) Four dollars shall be paid to the state general fund;

16 (b) Eight dollars shall be paid to the issuing authority for the
17 purpose of enforcing this chapter; and

18 (c) Three dollars to the firearms range account in the general
19 fund.

20 (8) Payment shall be by cash, check, or money order at the option
21 of the applicant. Additional methods of payment may be allowed at the
22 option of the issuing authority.

23 (9) A licensee may renew a license if the licensee applies for
24 renewal within ninety days before or after the expiration date of the
25 license. A license so renewed shall take effect on the expiration date
26 of the prior license. A licensee renewing after the expiration date of
27 the license must pay a late renewal penalty of ten dollars in addition
28 to the renewal fee specified in subsection (7) of this section. The
29 fee shall be distributed as follows:

30 (a) Three dollars shall be deposited in the state wildlife fund and
31 used exclusively for the printing and distribution of a pamphlet on the
32 legal limits of the use of firearms, firearms safety, and the
33 preemptive nature of state law. The pamphlet shall be given to each
34 applicant for a license; and

35 (b) Seven dollars shall be paid to the issuing authority for the
36 purpose of enforcing this chapter.

37 (10) Notwithstanding the requirements of subsections (1) through
38 (9) of this section, the chief of police of the municipality or the
39 sheriff of the county of the applicant's residence may issue a

1 temporary emergency license for good cause pending review under
2 subsection (1) of this section.

3 (11) A political subdivision of the state shall not modify the
4 requirements of this section or chapter, nor may a political
5 subdivision ask the applicant to voluntarily submit any information not
6 required by this section. A civil suit may be brought to enjoin a
7 wrongful refusal to issue a license or a wrongful modification of the
8 requirements of this section or chapter. The civil suit may be brought
9 in the county in which the application was made or in Thurston county
10 at the discretion of the petitioner. Any person who prevails against
11 a public agency in any action in the courts for a violation of this
12 chapter shall be awarded costs, including reasonable attorneys' fees,
13 incurred in connection with such legal action.

14 **Sec. 2.** RCW 9.41.230 and 1909 c 249 s 307 are each amended to read
15 as follows:

16 Every person who shall aim any gun, pistol, revolver or other
17 firearm, whether loaded or not, at or towards any human being, or who
18 shall willfully discharge any firearm, air gun or other weapon, or
19 throw any deadly missile in a public place, or in any place where any
20 person might be endangered thereby, although no injury result, shall be
21 guilty of a (~~misdemeanor~~) class C felony.

22 **Sec. 3.** RCW 9.41.240 and 1971 c 34 s 1 are each amended to read as
23 follows:

24 (1) Except as provided in subsection (2) of this section, no
25 (~~minor~~) person under the age of (~~fourteen~~) eighteen years shall
26 handle or have in his or her possession or under his or her control,
27 except while accompanied by or under the immediate charge of his or her
28 parent or guardian or other adult approved for the purpose of this
29 section by the parent or guardian, or while under the supervision of a
30 certified safety instructor at an established gun range or firearm
31 training class, any firearm of any kind for hunting or target practice
32 or for other purposes. Every person violating any of the foregoing
33 provisions, or aiding or knowingly permitting any (~~such minor~~) person
34 under the age of eighteen years to violate the same, (~~shall be~~) is
35 guilty of a misdemeanor.

36 (2) No person under the age of eighteen years shall handle or have
37 in his or her possession or under his or her control any short firearm

1 or pistol for hunting or target practice or for other purposes, except
2 while accompanied by or under the immediate charge of his or her parent
3 or guardian or other adult approved for the purposes of this section by
4 the parent or guardian, provided that such parent, guardian, or other
5 adult must possess a valid concealed weapon license, or while under the
6 supervision of a certified safety instructor at an established gun
7 range or firearm training class. Every person violating any provision
8 of this section, or aiding or knowingly permitting any person under the
9 age of eighteen years to violate the same, is guilty of a class C
10 felony.

11 **Sec. 4.** RCW 9.41.270 and 1969 c 8 s 1 are each amended to read as
12 follows:

13 (1) It shall be unlawful for anyone to carry, exhibit, display, or
14 draw any firearm, dagger, sword, knife or other cutting or stabbing
15 instrument, club, or any other weapon apparently capable of producing
16 bodily harm, in a manner, under circumstances, and at a time and place
17 that either manifests an intent to intimidate another or that warrants
18 alarm for the safety of other persons.

19 (2) Any person violating the provisions of subsection (1) above
20 shall be guilty of a (~~gross misdemeanor~~) class C felony.

21 (3) Subsection (1) of this section shall not apply to or affect the
22 following:

23 (a) Any act committed by a person while in his or her place of
24 abode or fixed place of business;

25 (b) Any person who by virtue of his or her office or public
26 employment is vested by law with a duty to preserve public safety,
27 maintain public order, or to make arrests for offenses, while in the
28 performance of such duty;

29 (c) Any person acting for the purpose of protecting himself or
30 herself against the use of presently threatened unlawful force by
31 another, or for the purpose of protecting another against the use of
32 such unlawful force by a third person;

33 (d) Any person making or assisting in making a lawful arrest for
34 the commission of a felony; or

35 (e) Any person engaged in military activities sponsored by the
36 federal or state governments.

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|----|----------------|---|----------------|
| 1 | E | Criminal Trespass 2 (9A.52.080) | E |
| 2 | D | Vehicle Prowling (9A.52.100) | E |
| 3 | | <u>Drugs</u> | |
| 4 | E | Possession/Consumption of Alcohol (66.44.270) | E |
| 5 | C | Illegally Obtaining Legend Drug (69.41.020) | D |
| 6 | C+ | Sale, Delivery, Possession of Legend Drug with | |
| 7 | | Intent to Sell (69.41.030) | D+ |
| 8 | E | Possession of Legend Drug (69.41.030) | E |
| 9 | B+ | Violation of Uniform Controlled Substances Act | |
| 10 | | - Narcotic Sale (69.50.401(a)(1)(i)) | B+ |
| 11 | C | Violation of Uniform Controlled Substances Act | |
| 12 | | - Nonnarcotic Sale (69.50.401(a)(1)(ii)) | C |
| 13 | E | Possession of Marihuana <40 grams | |
| 14 | | (69.50.401(e)) | E |
| 15 | C | Fraudulently Obtaining Controlled Substance | |
| 16 | | (69.50.403) | C |
| 17 | C+ | Sale of Controlled Substance for Profit | |
| 18 | | (69.50.410) | C+ |
| 19 | E | ((Glue Sniffing (9.47A.050)) <u>Unlawful</u> | |
| 20 | | <u>Inhalation (9.47A.020)</u>) | E |
| 21 | B | Violation of Uniform Controlled Substances Act | |
| 22 | | - Narcotic Counterfeit Substances | |
| 23 | | (69.50.401(b)(1)(i)) | B |
| 24 | C | Violation of Uniform Controlled Substances Act | |
| 25 | | - Nonnarcotic Counterfeit Substances | |
| 26 | | (69.50.401(b)(1) (ii), (iii), (iv)) | C |
| 27 | C | Violation of Uniform Controlled Substances Act | |
| 28 | | - Possession of a Controlled Substance | |
| 29 | | (69.50.401(d)) | C |
| 30 | C | Violation of Uniform Controlled Substances Act | |
| 31 | | - Possession of a Controlled Substance | |
| 32 | | (69.50.401(c)) | C |
| 33 | | <u>Firearms and Weapons</u> | |
| 34 | (C+ | Committing Crime when Armed (9.41.025) | D+) |
| 35 | E | Carrying Loaded Pistol Without Permit | |
| 36 | | (9.41.050) | E |
| 37 | C | <u>Aiming or Discharging Firearm (9.41.230)</u> | D |
| 38 | E | Use of Firearms by Minor (<14) (9.41.240) | E |

| | | | |
|----|---------|---|----------------|
| 1 | C | <u>Use of Firearms by Minor (9.41.240(2))</u> | D |
| 2 | D+ | Possession of Dangerous Weapon (9.41.250) | E |
| 3 | ((D)) C | Intimidating Another Person by use of Weapon | |
| 4 | | (9.41.270) | ((E)) D |
| 5 | | <u>Homicide</u> | |
| 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 | | <u>Kidnapping</u> | |
| 12 | A | Kidnap 1 (9A.40.020) | B+ |
| 13 | B+ | Kidnap 2 (9A.40.030) | C+ |
| 14 | C+ | Unlawful Imprisonment (9A.40.040) | D+ |
| 15 | ((D | Custodial Interference (9A.40.050) | E)) |
| 16 | | <u>Obstructing Governmental Operation</u> | |
| 17 | E | Obstructing a Public Servant (9A.76.020) | E |
| 18 | E | Resisting Arrest (9A.76.040) | E |
| 19 | B | Introducing Contraband 1 (9A.76.140) | C |
| 20 | C | Introducing Contraband 2 (9A.76.150) | D |
| 21 | E | Introducing Contraband 3 (9A.76.160) | E |
| 22 | B+ | Intimidating a Public Servant (9A.76.180) | C+ |
| 23 | B+ | Intimidating a Witness (9A.72.110) | C+ |
| 24 | ((E | Criminal Contempt (9.23.010) | E)) |
| 25 | | <u>Public Disturbance</u> | |
| 26 | C+ | Riot with Weapon (9A.84.010) | D+ |
| 27 | D+ | Riot Without Weapon (9A.84.010) | E |
| 28 | E | Failure to Disperse (9A.84.020) | E |
| 29 | E | Disorderly Conduct (9A.84.030) | E |
| 30 | | <u>Sex Crimes</u> | |
| 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 |
| 37 | C | Incest 2 (9A.64.020(2)) | D |

| | | | |
|----|----|---|----|
| 1 | D+ | ((Public Indecency)) <u>Indecent Exposure</u> (Victim | |
| 2 | | <14) (9A.88.010) | E |
| 3 | E | ((Public Indecency)) <u>Indecent Exposure</u> (Victim | |
| 4 | | 14 or over) (9A.88.010) | E |
| 5 | B+ | Promoting Prostitution 1 (9A.88.070) | C+ |
| 6 | C+ | Promoting Prostitution 2 (9A.88.080) | D+ |
| 7 | E | O & A (Prostitution) (9A.88.030) | E |
| 8 | B+ | Indecent Liberties (9A.44.100) | C+ |
| 9 | B+ | Child Molestation 1 (9A.44.083) | C+ |
| 10 | C+ | Child Molestation 2 (9A.44.086) | C |
| 11 | | <u>Theft, Robbery, Extortion, and Forgery</u> | |
| 12 | B | Theft 1 (9A.56.030) | C |
| 13 | C | Theft 2 (9A.56.040) | D |
| 14 | D | Theft 3 (9A.56.050) | E |
| 15 | B | Theft of Livestock (9A.56.080) | C |
| 16 | C | Forgery ((9A.56.020) <u>9A.60.020</u>) | D |
| 17 | A | Robbery 1 (9A.56.200) | B+ |
| 18 | B+ | Robbery 2 (9A.56.210) | C+ |
| 19 | B+ | Extortion 1 (9A.56.120) | C+ |
| 20 | C+ | Extortion 2 (9A.56.130) | D+ |
| 21 | B | Possession of Stolen Property 1 (9A.56.150) | C |
| 22 | C | Possession of Stolen Property 2 (9A.56.160) | D |
| 23 | D | Possession of Stolen Property 3 (9A.56.170) | E |
| 24 | C | Taking Motor Vehicle Without Owner's | |
| 25 | | Permission (9A.56.070) | D |
| 26 | | <u>Motor Vehicle Related Crimes</u> | |
| 27 | E | Driving Without a License (46.20.021) | E |
| 28 | C | Hit and Run - Injury (46.52.020(4)) | D |
| 29 | D | Hit and Run-Attended (46.52.020(5)) | E |
| 30 | E | Hit and Run-Unattended (46.52.010) | E |
| 31 | C | Vehicular Assault (46.61.522) | D |
| 32 | C | Attempting to Elude Pursuing Police Vehicle | |
| 33 | | (46.61.024) | D |
| 34 | E | Reckless Driving (46.61.500) | E |
| 35 | D | Driving While Under the Influence (46.61.515) | E |
| 36 | B+ | Negligent Homicide by Motor Vehicle | |
| 37 | | (46.61.520) | C+ |
| 38 | D | Vehicle Prowling (9A.52.100) | E |

| | | | |
|----|---|---|----|
| 1 | C | Taking Motor Vehicle Without Owner's Permission | |
| 2 | | (9A.56.070) | D |
| 3 | | <u>Other</u> | |
| 4 | B | Bomb Threat (9.61.160) | C |
| 5 | C | Escape 1 (9A.76.110) | C |
| 6 | C | Escape 2 (9A.76.120) | C |
| 7 | D | Escape 3 (9A.76.130) | E |
| 8 | C | Failure to Appear in Court (10.19.130) | D |
| 9 | E | Tampering with Fire Alarm Apparatus (9.40.100) | E |
| 10 | E | Obscene, Harassing, Etc., Phone Calls | |
| 11 | | (9.61.230) | E |
| 12 | A | Other Offense Equivalent to an Adult Class A | |
| 13 | | Felony | B+ |
| 14 | B | Other Offense Equivalent to an Adult Class B | |
| 15 | | Felony | C |
| 16 | C | Other Offense Equivalent to an Adult Class C | |
| 17 | | Felony | D |
| 18 | D | Other Offense Equivalent to an Adult Gross | |
| 19 | | Misdemeanor | E |
| 20 | E | Other Offense Equivalent to an Adult | |
| 21 | | Misdemeanor | E |
| 22 | V | Violation of Order of Restitution, Community | |
| 23 | | Supervision, or Confinement (13.40.200) | V |

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

26 1st escape or attempted escape during 12-month period - 4 weeks
27 confinement

28 2nd escape or attempted escape during 12-month period - 8 weeks
29 confinement

30 3rd and subsequent escape or attempted escape during 12-month
31 period - 12 weeks confinement

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

SCHEDULE B

PRIOR OFFENSE INCREASE FACTOR

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

TIME SPAN

| OFFENSE CATEGORY | 0-12 Months | 13-24 Months | 25 Months or More |
|---------------------|----------------|-----------------|----------------------|
| A+ | .9 | .9 | .9 |
| A | .9 | .8 | .6 |
| A- | .9 | .8 | .5 |
| B+ | .9 | .7 | .4 |
| B | .9 | .6 | .3 |
| C+ | .6 | .3 | .2 |
| C | .5 | .2 | .2 |
| D+ | .3 | .2 | .1 |
| D | .2 | .1 | .1 |
| E | .1 | .1 | .1 |

Prior history - Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current 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 |

| | | | | | | | |
|---|----|----|----|----|----|----|----|
| 1 | B | 45 | 45 | 50 | 50 | 57 | 57 |
| 2 | C+ | 44 | 44 | 49 | 49 | 55 | 55 |
| 3 | C | 40 | 40 | 45 | 45 | 50 | 50 |
| 4 | D+ | 16 | 18 | 20 | 22 | 24 | 26 |
| 5 | D | 14 | 16 | 18 | 20 | 22 | 24 |
| 6 | E | 4 | 4 | 4 | 6 | 8 | 10 |

7 JUVENILE SENTENCING STANDARDS
8 SCHEDULE D-1

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

12 MINOR/FIRST OFFENDER

13 OPTION A

14 STANDARD RANGE

| 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 |
|----|--------|---------------|------------------------------|--------------------------------|----|----|----|-------------|----|----|----|----|
| | | <u>Points</u> | <u>Community Supervision</u> | <u>Community Service Hours</u> | | | | <u>Fine</u> | | | | |
| 18 | 1-9 | 0-3 months | and/or 0-8 | and/or 0-\$10 | | | | | | | | |
| 19 | 10-19 | 0-3 months | and/or 0-8 | and/or 0-\$10 | | | | | | | | |
| 20 | 20-29 | 0-3 months | and/or 0-16 | and/or 0-\$10 | | | | | | | | |
| 21 | 30-39 | 0-3 months | and/or 8-24 | and/or 0-\$25 | | | | | | | | |
| 22 | 40-49 | 3-6 months | and/or 16-32 | and/or 0-\$25 | | | | | | | | |
| 23 | 50-59 | 3-6 months | and/or 24-40 | and/or 0-\$25 | | | | | | | | |
| 24 | 60-69 | 6-9 months | and/or 32-48 | and/or 0-\$50 | | | | | | | | |
| 25 | 70-79 | 6-9 months | and/or 40-56 | and/or 0-\$50 | | | | | | | | |
| 26 | 80-89 | 9-12 months | and/or 48-64 | and/or 0-\$100 | | | | | | | | |
| 27 | 90-109 | 9-12 months | and/or 56-72 | and/or 0-\$100 | | | | | | | | |

28 OR

29 OPTION B

30 STATUTORY OPTION

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

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

3 OR

4 OPTION C
5 MANIFEST INJUSTICE

6 When a term of community supervision would effectuate a manifest
7 injustice, another disposition may be imposed. When a judge imposes a
8 sentence of confinement exceeding 30 days, the court shall sentence the
9 juvenile to a maximum term and the provisions of RCW
10 13.40.030(~~(+5)~~)(2), as now or hereafter amended, shall be used to
11 determine the range.

12 JUVENILE SENTENCING STANDARDS
13 SCHEDULE D-2

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

17 MIDDLE OFFENDER

18 OPTION A
19 STANDARD RANGE

| 20 | | Community | | | |
|----|---------|-------------|--------------|----------------|--------------|
| 21 | | Supervision | Service | Fine | Confinement |
| 22 | Points | | Hours | | Days Weeks |
| 23 | | | | | |
| 24 | 1-9 | 0-3 months | and/or 0-8 | and/or 0-\$10 | and/or 0 |
| 25 | 10-19 | 0-3 months | and/or 0-8 | and/or 0-\$10 | and/or 0 |
| 26 | 20-29 | 0-3 months | and/or 0-16 | and/or 0-\$10 | and/or 0 |
| 27 | 30-39 | 0-3 months | and/or 8-24 | and/or 0-\$25 | and/or 2-4 |
| 28 | 40-49 | 3-6 months | and/or 16-32 | and/or 0-\$25 | and/or 2-4 |
| 29 | 50-59 | 3-6 months | and/or 24-40 | and/or 0-\$25 | and/or 5-10 |
| 30 | 60-69 | 6-9 months | and/or 32-48 | and/or 0-\$50 | and/or 5-10 |
| 31 | 70-79 | 6-9 months | and/or 40-56 | and/or 0-\$50 | and/or 10-20 |
| 32 | 80-89 | 9-12 months | and/or 48-64 | and/or 0-\$100 | and/or 10-20 |
| 33 | 90-109 | 9-12 months | and/or 56-72 | and/or 0-\$100 | and/or 15-30 |
| 34 | 110-129 | | | | 8-12 |

| | | |
|---|---------|---------|
| 1 | 130-149 | 13-16 |
| 2 | 150-199 | 21-28 |
| 3 | 200-249 | 30-40 |
| 4 | 250-299 | 52-65 |
| 5 | 300-374 | 80-100 |
| 6 | 375+ | 103-129 |

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

10 OR

11 OPTION B

12 STATUTORY OPTION

13 0-12 Months Community Supervision

14 0-150 Hours Community Service

15 0-100 Fine

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

20 OR

21 OPTION C

22 MANIFEST INJUSTICE

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

27 JUVENILE SENTENCING STANDARDS

28 SCHEDULE D-3

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

1 SERIOUS OFFENDER

2 OPTION A

3 STANDARD RANGE

| 4 | <u>Points</u> | <u>Institution Time</u> |
|----|-----------------|-------------------------|
| 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+ Offenses | 180-224 weeks |

13 OR

14 OPTION B

15 MANIFEST INJUSTICE

16 A disposition outside the standard range shall be determined and shall
17 be comprised of confinement or community supervision or a combination
18 thereof. When a judge finds a manifest injustice and 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
21 13.40.030(~~(+5)~~)(2), as now or hereafter amended, shall be used to
22 determine the range.

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