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HOUSE BILL 2475

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State of Washington                      53rd Legislature                      1994 Regular Session

By Representatives Thibaudeau, Chappell, Johanson, Rayburn and Conway

Read first time 01/17/94. Referred to Committee on Corrections.

1            AN ACT Relating to juvenile dispositions; amending RCW 13.40.020,  
2 13.40.160, 13.40.200, and 13.40.0357; and prescribing penalties.

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

4            **Sec. 1.** RCW 13.40.020 and 1993 c 373 s 1 are each amended to read  
5 as follows:

6            For the purposes of this chapter:

7            (1) "Serious offender" means a person (~~fifteen years of age or~~  
8 ~~older~~) who has committed an offense which if committed by an adult  
9 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 first or second degree, kidnapping in the  
14 second degree, robbery in the second degree, residential burglary, or  
15 burglary in the second degree, where such offenses include the  
16 infliction of bodily harm upon another or where during the commission  
17 of or immediate withdrawal from such an offense the perpetrator is  
18 armed with a deadly 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. Community service  
4 may be performed through public or private organizations or through  
5 work crews;

6 (3) "Community supervision" means an order of disposition by the  
7 court of an adjudicated youth not committed to the department. A  
8 community supervision order for a single offense may be for a period of  
9 up to two years for a sex offense as defined by RCW 9.94A.030 and up to  
10 one year for other offenses. Community supervision is an  
11 individualized program comprised of one or more of the following:

12 (a) Community-based sanctions;

13 (b) Community-based rehabilitation;

14 (c) Monitoring and reporting requirements;

15 (4) Community-based sanctions may include one or more of the  
16 following:

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

18 (b) Community service not to exceed one hundred fifty hours of  
19 service;

20 (5) "Community-based rehabilitation" means one or more of the  
21 following: Attendance of information classes; counseling, outpatient  
22 substance abuse treatment programs, outpatient mental health programs,  
23 anger management classes, or other services; or attendance at school or  
24 other educational programs appropriate for the juvenile as determined  
25 by the school district. Placement in community-based rehabilitation  
26 programs is subject to available funds;

27 (6) "Monitoring and reporting requirements" means one or more of  
28 the following: Curfews; requirements to remain at home, school, work,  
29 or court-ordered treatment programs during specified hours;  
30 restrictions from leaving or entering specified geographical areas;  
31 requirements to report to the probation officer as directed and to  
32 remain under the probation officer's supervision; and other conditions  
33 or limitations as the court may require which may not include  
34 confinement;

35 (7) "Confinement" means physical custody by the department of  
36 social and health services in a facility operated by or pursuant to a  
37 contract with the state, or physical custody in a detention facility  
38 operated by or pursuant to a contract with any county. The county may  
39 operate or contract with vendors to operate county detention

1 facilities. The department may operate or contract to operate  
2 detention facilities for juveniles committed to the department.  
3 Pretrial confinement or confinement of less than thirty-one days  
4 imposed as part of a disposition or modification order may be served  
5 consecutively or intermittently, in the discretion of the court and may  
6 be served in a detention group home, detention foster home, or with  
7 electronic monitoring. Detention group homes and detention foster  
8 homes used for confinement shall not also be used for the placement of  
9 dependent children. Confinement in detention group homes and detention  
10 foster homes and electronic monitoring are subject to available funds;

11 (8) "Court", when used without further qualification, means the  
12 juvenile court judge(s) or commissioner(s);

13 (9) "Criminal history" includes all criminal complaints against the  
14 respondent for which, prior to the commission of a current offense:

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

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

23 (10) "Department" means the department of social and health  
24 services;

25 (11) "Detention facility" means a county facility for the physical  
26 confinement of a juvenile alleged to have committed an offense or an  
27 adjudicated offender subject to a disposition or modification order;

28 (12) "Diversion unit" means any probation counselor who enters into  
29 a diversion agreement with an alleged youthful offender, or any other  
30 person or entity except a law enforcement official or entity, with whom  
31 the juvenile court administrator has contracted to arrange and  
32 supervise such agreements pursuant to RCW 13.40.080, or any person or  
33 entity specially funded by the legislature to arrange and supervise  
34 diversion agreements in accordance with the requirements of this  
35 chapter;

36 (13) "Institution" means a juvenile facility established pursuant  
37 to chapters 72.05 and 72.16 through 72.20 RCW;

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

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

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

11 (17) "Middle offender" means a person who has committed an offense  
12 and who is neither a minor or first offender nor a serious offender;

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

16 (a) Four misdemeanors;

17 (b) Two misdemeanors and one gross misdemeanor;

18 (c) One misdemeanor and two gross misdemeanors;

19 (d) Three gross misdemeanors;

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

22 (f) One class B felony except: Any felony which constitutes an  
23 attempt to commit a class A felony; manslaughter in the first degree;  
24 assault in the second degree; extortion in the first degree; indecent  
25 liberties; kidnapping in the second degree; robbery in the second  
26 degree; burglary in the second degree; residential burglary; vehicular  
27 homicide; or arson in the second degree.

28 For purposes of this definition, current violations shall be  
29 counted as misdemeanors;

30 (19) "Offense" means an act designated a violation or a crime if  
31 committed by an adult under the law of this state, under any ordinance  
32 of any city or county of this state, under any federal law, or under  
33 the law of another state if the act occurred in that state;

34 (20) "Respondent" means a juvenile who is alleged or proven to have  
35 committed an offense;

36 (21) "Restitution" means financial reimbursement by the offender to  
37 the victim, and shall be limited to easily ascertainable damages for  
38 injury to or loss of property, actual expenses incurred for medical  
39 treatment for physical injury to persons, lost wages resulting from

1 physical injury, and costs of the victim's counseling reasonably  
2 related to the offense if the offense is a sex offense. Restitution  
3 shall not include reimbursement for damages for mental anguish, pain  
4 and suffering, or other intangible losses. Nothing in this chapter  
5 shall limit or replace civil remedies or defenses available to the  
6 victim or offender;

7 (22) "Secretary" means the secretary of the department of social  
8 and health services;

9 (23) "Services" mean services which provide alternatives to  
10 incarceration for those juveniles who have pleaded or been adjudicated  
11 guilty of an offense or have signed a diversion agreement pursuant to  
12 this chapter;

13 (24) "Sex offense" means an offense defined as a sex offense in RCW  
14 9.94A.030;

15 (25) "Sexual motivation" means that one of the purposes for which  
16 the respondent committed the offense was for the purpose of his or her  
17 sexual gratification;

18 (26) "Foster care" means temporary physical care in a foster family  
19 home or group care facility as defined in RCW 74.15.020 and licensed by  
20 the department, or other legally authorized care;

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

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

26 (1) When the respondent is found to be a serious offender, the  
27 court shall commit the offender to the department for the standard  
28 range of disposition for the offense, as indicated in option A of  
29 schedule D-3, RCW 13.40.0357 except as provided in subsection (5) of  
30 this section.

31 If the court concludes, and enters reasons for its conclusion, that  
32 disposition within the standard range would effectuate a manifest  
33 injustice the court shall impose a disposition outside the standard  
34 range, as indicated in option B of schedule D-3, RCW 13.40.0357. The  
35 court's finding of manifest injustice shall be supported by clear and  
36 convincing evidence.

37 A disposition outside the standard range shall be determinate and  
38 shall be comprised of confinement or community supervision, or a

1 combination thereof. When a judge finds a manifest injustice and  
2 imposes a sentence of confinement exceeding thirty days, the court  
3 shall sentence the juvenile to a maximum term, and the provisions of  
4 RCW 13.40.030(2), as now or hereafter amended, shall be used to  
5 determine the range. A disposition outside the standard range is  
6 appealable under RCW 13.40.230, as now or hereafter amended, by the  
7 state or the respondent. A disposition within the standard range is  
8 not appealable under RCW 13.40.230 as now or hereafter amended.

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

26 Except for disposition of community supervision or a disposition  
27 imposed pursuant to subsection (5) of this section, a disposition may  
28 be appealed as provided in RCW 13.40.230, as now or hereafter amended,  
29 by the state or the respondent. A disposition of community supervision  
30 or a disposition imposed pursuant to subsection (5) of this section may  
31 not be appealed under RCW 13.40.230 as now or hereafter amended.

32 (3) Where a respondent is found to have committed an offense for  
33 which the respondent declined to enter into a diversion agreement, the  
34 court shall impose a term of community supervision limited to the  
35 conditions allowed in a diversion agreement as provided in RCW  
36 13.40.080(2) as now or hereafter amended.

37 (4) 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) of  
2 this section: PROVIDED, That if the standard range includes a term of  
3 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 (b)  
13 of this section would effectuate a manifest injustice, the court shall  
14 sentence the juvenile to a maximum term, and the provisions of RCW  
15 13.40.030(2), as now or hereafter amended, shall be used to determine  
16 the range. The court's finding of manifest injustice shall be  
17 supported by clear and convincing evidence.

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

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

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

36 The examiner shall assess and report regarding the respondent's  
37 amenability to treatment and relative risk to the community. A  
38 proposed treatment plan shall be provided and shall include, at a  
39 minimum:

1 (a)(i) Frequency and type of contact between the offender and  
2 therapist;

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

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

8 (iv) Anticipated length of treatment; and

9 (v) Recommended crime-related prohibitions.

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

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

29 (b)(i) Devote time to a specific education, employment, or  
30 occupation;

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



1 without court approval after a hearing if the prosecutor or probation  
2 counselor object to the change;

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

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

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

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

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

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

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

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

36 If the offender violates any condition of the disposition or the  
37 court finds that the respondent is failing to make satisfactory  
38 progress in treatment, the court may revoke the suspension and order  
39 execution of the (~~sentence~~) disposition. In addition, the court may

1 impose a penalty of up to thirty days' confinement for violating  
2 conditions of the disposition. The penalty imposed for violating  
3 conditions of the disposition shall run consecutively with the period  
4 of confinement imposed under the disposition. The court shall give  
5 credit for any confinement time previously served if that confinement  
6 was for the offense for which the suspension is being revoked.

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

12 (6) Whenever a juvenile offender is entitled to credit for time  
13 spent in detention prior to a dispositional order, the dispositional  
14 order shall specifically state the number of days of credit for time  
15 served.

16 (7) Except as provided for in subsection (5) of this section and  
17 RCW 13.40.0357 concerning option B for middle offenders, the court  
18 shall not suspend or defer the imposition or the execution of the  
19 disposition.

20 (8) In no case shall the term of confinement imposed by the court  
21 at disposition exceed that to which an adult could be subjected for the  
22 same offense.

23 **Sec. 3.** RCW 13.40.200 and 1986 c 288 s 5 are each amended to read  
24 as follows:

25 (1) When a respondent fails to comply with an order of restitution,  
26 community supervision, penalty assessments, or confinement of less than  
27 thirty days, the court upon motion of the prosecutor or its own motion,  
28 may modify the order after a hearing on the violation.

29 (2) The hearing shall afford the respondent the same due process of  
30 law as would be afforded an adult probationer. The court may issue a  
31 summons or a warrant to compel the respondent's appearance. The state  
32 shall have the burden of proving by a preponderance of the evidence the  
33 fact of the violation. The respondent shall have the burden of showing  
34 that the violation was not a wilful refusal to comply with the terms of  
35 the order. If a respondent has failed to pay a fine, penalty  
36 assessments, or restitution or to perform community service hours, as  
37 required by the court, it shall be the respondent's burden to show that  
38 he or she did not have the means and could not reasonably have acquired

1 the means to pay the fine, penalty assessments, or restitution or  
2 perform community service.

3 (3)(a) If the court finds that a respondent has wilfully violated  
4 the terms of an order pursuant to subsections (1) and (2) of this  
5 section, it may impose a penalty of up to thirty days' confinement or  
6 other conditions of community supervision the court considers  
7 appropriate. Penalties for multiple violations occurring prior to the  
8 hearing shall not be aggregated to exceed thirty days' confinement.  
9 Regardless of the number of times a respondent is brought to court for  
10 violations of the terms of a single disposition order, the combined  
11 total number of days spent by the respondent in detention shall never  
12 exceed the maximum term to which an adult could be sentenced for the  
13 underlying offense.

14 (b) If the violation of the terms of the order under (a) of this  
15 subsection is failure to pay fines, penalty assessments, complete  
16 community service, or make restitution, the term of confinement imposed  
17 under (a) of this subsection shall be assessed at a rate of one day of  
18 confinement for each twenty-five dollars or eight hours owed.

19 (4) If a respondent has been ordered to pay a fine or monetary  
20 penalty and due to a change of circumstance cannot reasonably comply  
21 with the order, the court, upon motion of the respondent, may order  
22 that the unpaid fine or monetary penalty be converted to community  
23 service. The number of hours of community service in lieu of a  
24 monetary penalty or fine shall be converted at the rate of the  
25 prevailing state minimum wage per hour. The monetary penalties or  
26 fines collected shall be deposited in the county general fund. A  
27 failure to comply with an order under this subsection shall be deemed  
28 a failure to comply with an order of community supervision and may be  
29 proceeded against as provided in this section.

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

32 SCHEDULE A

33 DESCRIPTION AND OFFENSE CATEGORY

34	JUVENILE
35	DISPOSITION
36	CATEGORY FOR ATTEMPT,
37	BAILJUMP, CONSPIRACY,

1	CATEGORY	DESCRIPTION (RCW CITATION)	OR SOLICITATION
2	.....	.....	.....
3		Arson and Malicious Mischief	
4	A	Arson 1 (9A.48.020)	B+
5	B	Arson 2 (9A.48.030)	C
6	C	Reckless Burning 1 (9A.48.040)	D
7	D	Reckless Burning 2 (9A.48.050)	E
8	B	Malicious Mischief 1 (9A.48.070)	C
9	C	Malicious Mischief 2 (9A.48.080)	D
10	D	Malicious Mischief 3 (<\$50 is	
11		E class) (9A.48.090)	E
12	E	Tampering with Fire Alarm	
13		Apparatus (9.40.100)	E
14	A	Possession of Incendiary Device	
15		(9.40.120)	B+
16		Assault and Other Crimes	
17		Involving Physical Harm	
18	A	Assault 1 (9A.36.011)	B+
19	B+	Assault 2 (9A.36.021)	C+
20	C+	Assault 3 (9A.36.031)	D+
21	D+	Assault 4 (9A.36.041)	E
22	D+	Reckless Endangerment	
23		(9A.36.050)	E
24	C+	Promoting Suicide Attempt	
25		(9A.36.060)	D+
26	D+	Coercion (9A.36.070)	E
27	C+	Custodial Assault (9A.36.100)	D+
28		Burglary and Trespass	
29	B+	Burglary 1 (9A.52.020)	C+
30	B	Burglary 2 (9A.52.030)	C
31	D	Burglary Tools (Possession of)	
32		(9A.52.060)	E
33	D	Criminal Trespass 1 (9A.52.070)	E
34	E	Criminal Trespass 2 (9A.52.080)	E
35	D	Vehicle Prowling (9A.52.100)	E

1		Drugs	
2	E	Possession/Consumption of Alcohol	
3		(66.44.270)	E
4	C	Illegally Obtaining Legend Drug	
5		(69.41.020)	D
6	C+	Sale, Delivery, Possession of Legend	
7		Drug with Intent to Sell	
8		(69.41.030)	D+
9	E	Possession of Legend Drug	
10		(69.41.030)	E
11	B+	Violation of Uniform Controlled	
12		Substances Act - Narcotic Sale	
13		(69.50.401(a)(1)(i))	B+
14	C	Violation of Uniform Controlled	
15		Substances Act - Nonnarcotic Sale	
16		(69.50.401(a)(1)(ii))	C
17	E	Possession of Marihuana <40 grams	
18		(69.50.401(e))	E
19	C	Fraudulently Obtaining Controlled	
20		Substance (69.50.403)	C
21	C+	Sale of Controlled Substance	
22		for Profit (69.50.410)	C+
23	E	<del>((Glue Sniffing (9.47A.050))</del>	E
24		<u>Unlawful Inhalation (9.47A.020)</u>	
25	B	Violation of Uniform Controlled	
26		Substances Act - Narcotic	
27		Counterfeit Substances	
28		(69.50.401(b)(1)(i))	B
29	C	Violation of Uniform Controlled	
30		Substances Act - Nonnarcotic	
31		Counterfeit Substances	
32		(69.50.401(b)(1) (ii), (iii), (iv))	C
33	C	Violation of Uniform Controlled	
34		Substances Act - Possession of a	
35		Controlled Substance	
36		(69.50.401(d))	C
37	C	Violation of Uniform Controlled	
38		Substances Act - Possession of a	

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

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

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



1		Other	
2	B	Bomb Threat (9.61.160)	C
3	C	Escape 1 (9A.76.110)	C
4	C	Escape 2 (9A.76.120)	C
5	D	Escape 3 (9A.76.130)	E
6	C	Failure to Appear in Court	
7		(10.19.130)	D
8		<del>((E Tampering with Fire Alarm</del>	
9		<del>Apparatus (9.40.100) ----- E))</del>	
10	E	Obscene, Harassing, Etc.,	
11		Phone Calls (9.61.230)	E
12	A	Other Offense Equivalent to an	
13		Adult Class A Felony	B+
14	B	Other Offense Equivalent to an	
15		Adult Class B Felony	C
16	C	Other Offense Equivalent to an	
17		Adult Class C Felony	D
18	D	Other Offense Equivalent to an	
19		Adult Gross Misdemeanor	E
20	E	Other Offense Equivalent to an	
21		Adult Misdemeanor	E
22	V	Violation of Order of Restitution,	
23		Community Supervision, or	
24		Confinement (13.40.200)	V

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

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

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

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

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

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SCHEDULE B  
PRIOR OFFENSE INCREASE FACTOR

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

TIME SPAN

OFFENSE	0-12	13-24	25 Months
CATEGORY	Months	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.

1

AGE

2	OFFENSE	12 &					
3	CATEGORY	Under	13	14	15	16	17

4 .....  
.....

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

15 JUVENILE SENTENCING STANDARDS  
 16 SCHEDULE D-1

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

20 MINOR/FIRST OFFENDER

21 OPTION A  
 22 STANDARD RANGE

23			Community	
24		Community	Service	
25	Points	Supervision	Hours	Fine
26	1-9	0-3 months	and/or 0-8	and/or 0-\$10
27	10-19	0-3 months	and/or 0-8	and/or 0-\$10
28	20-29	0-3 months	and/or 0-16	and/or 0-\$10
29	30-39	0-3 months	and/or 8-24	and/or 0-\$25
30	40-49	3-6 months	and/or 16-32	and/or 0-\$25
31	50-59	3-6 months	and/or 24-40	and/or 0-\$25

1	60-69	6-9 months	and/or 32-48	and/or 0-\$50
2	70-79	6-9 months	and/or 40-55	and/or 0-\$50
3	80-89	9-12 months	and/or 48-64	and/or 10-\$100
4	90-109	9-12 months	and/or 56-72	and/or 10-\$100

5 OR

6 OPTION B  
7 STATUTORY OPTION

8 0-12 Months Community Supervision  
9 0-150 Hours Community Service  
10 0-100 Fine

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

13 OR

14 OPTION C  
15 MANIFEST INJUSTICE

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

Supervision

Hours

Fine

Days Weeks

7 .....

8 1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
9 10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
10 20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
11 30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
12 40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
13 50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
14 60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
15 70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
16 80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
17 90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30
18 110-129				8-12
19 130-149				13-16
20 150-199				21-28
21 200-249				30-40
22 250-299				52-65
23 300-374				80-100
24 375+				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

30 OPTION B

31 STATUTORY OPTION

32 0-12 Months Community Supervision

33 0-150 Hours Community Service

34 0-100 Fine

1 If the middle offender has less than 110 points, the court may impose  
2 a determinate disposition of community supervision and/or up to 30 days  
3 confinement; in which case, if confinement has been imposed, the court  
4 shall state either aggravating or mitigating factors as set forth in  
5 RCW 13.40.150(~~, as now or hereafter amended~~)). If the middle offender  
6 has more than 110 points, the court may impose a disposition under  
7 option A and may suspend the disposition on the condition that the  
8 offender serve up to thirty days of confinement and follow all  
9 conditions of community supervision. If the offender fails to comply  
10 with the terms of community supervision the court may impose sanctions  
11 pursuant to RCW 13.40.200 or may revoke the suspended disposition and  
12 order execution of the sentence. If the court imposes confinement  
13 under this option B, the court shall state either aggravating or  
14 mitigating factors set forth in RCW 13.40.150.

15 OR

16  
17 OPTION C

18 MANIFEST INJUSTICE

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

23 JUVENILE SENTENCING STANDARDS

24 SCHEDULE D-3

25 This schedule may only be used for serious offenders. After the  
26 determination is made that a youth is a serious offender, the court has  
27 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

15  
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 ~~as now or hereafter amended,~~) 13.40.030(2) shall be used to determine  
24 the range.

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