
SECOND SUBSTITUTE SENATE BILL 6043

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators A. Smith, Nelson, Niemi, Quigley, Erwin, Haugen, Sheldon, Oke, McAuliffe and Ludwig)

Read first time 02/08/94.

1 AN ACT Relating to youth violence; amending RCW 4.24.190, 9.41.080,
2 9.41.240, 13.04.030, 13.40.0357, 13.40.160, 13.40.190, 13.40.300,
3 13.64.060, and 72.76.010; reenacting and amending RCW 9.41.010,
4 9.94A.030, and 9.94A.360; adding a new section to chapter 43.330 RCW;
5 and prescribing penalties.

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

7 **Sec. 1.** RCW 4.24.190 and 1992 c 205 s 116 are each amended to read
8 as follows:

9 The parent or parents of any minor child under the age of eighteen
10 years who is living with the parent or parents and who shall willfully
11 or maliciously destroy property, real or personal or mixed, or who
12 shall willfully and maliciously inflict personal injury on another
13 person, shall be liable to the owner of such property or to the person
14 injured in a civil action at law for damages in an amount not to exceed
15 ((five)) ten thousand dollars. This section shall in no way limit the
16 amount of recovery against the parent or parents for their own common
17 law negligence.

1 **Sec. 2.** RCW 9.41.010 and 1992 c 205 s 117 and 1992 c 145 s 5 are
2 each reenacted and amended to read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Short firearm" or "pistol" (~~((as used in this chapter))~~) means
6 any firearm with a barrel less than (~~((twelve))~~) eighteen inches in
7 length or with an overall length of less than twenty-six inches.

8 (2) "Crime of violence" (~~((as used in this chapter))~~) means:

9 (a) Any of the following felonies, as now existing or hereafter
10 amended: Any felony defined under any law as a class A felony or an
11 attempt to commit a class A felony, criminal solicitation of or
12 criminal conspiracy to commit a class A felony, manslaughter in the
13 first degree, manslaughter in the second degree, indecent liberties if
14 committed by forcible compulsion, rape in the second degree, kidnapping
15 in the second degree, arson in the second degree, assault in the second
16 degree, assault of a child in the second degree, extortion in the first
17 degree, burglary in the second degree, and robbery in the second
18 degree;

19 (b) Any conviction or adjudication for a felony offense in effect
20 at any time prior to July 1, 1976, which is comparable to a felony
21 classified as a crime of violence in subsection (2)(a) of this section;
22 and

23 (c) Any federal or out-of-state conviction or adjudication for an
24 offense comparable to a felony classified as a crime of violence under
25 subsection (2) (a) or (b) of this section.

26 (3) "Firearm" (~~((as used in this chapter))~~) means a weapon or device
27 from which a projectile may be fired by an explosive such as gunpowder.

28 (4) "Commercial seller" (~~((as used in this chapter))~~) means a person
29 who has a federal firearms license.

30 **Sec. 3.** RCW 9.41.080 and 1935 c 172 s 8 are each amended to read
31 as follows:

32 No person (~~((shall))~~) may deliver a pistol to any person under the
33 age of twenty-one or to one who he or she has reasonable cause to
34 believe has been convicted of a crime of violence, or is a drug addict,
35 an habitual drunkard, or of unsound mind. Delivery of a pistol to a
36 person under the age of eighteen is punishable as a class C felony
37 according to chapter 9A.20 RCW.

1 **Sec. 4.** RCW 9.41.240 and 1971 c 34 s 1 are each amended to read as
2 follows:

3 No minor under the age of fourteen years (~~(shall)~~) may handle or
4 have in his or her possession or under his or her control any firearm
5 of any kind for any purpose and no minor under the age of eighteen may
6 handle or have in his or her possession or under his or her control any
7 pistol of any kind for any purpose, except while accompanied by or
8 under the immediate charge of his or her parent or guardian or other
9 adult approved for the purpose of this section by the parent or
10 guardian, or while under the supervision of a certified safety
11 instructor at an established gun range or firearm training class(~~(, any~~
12 ~~firearm of any kind for hunting or target practice or for other~~
13 ~~purposes)~~). Every person violating any (~~(of the foregoing)~~) provisions
14 of this section regarding firearms other than pistols, or aiding or
15 knowingly permitting any such minor to violate the same, (~~(shall be)~~)
16 is guilty of a misdemeanor. Every person violating any provisions of
17 this section regarding pistols, or aiding or knowingly permitting any
18 such minor to violate the same, is guilty of a class C felony
19 punishable according to chapter 9A.20 RCW.

20 Nothing in this section shall interfere with the right to use a
21 firearm in self-defense as set forth in chapter 9A.16 RCW.

22 **Sec. 5.** RCW 9.94A.030 and 1994 c 1 s 3 (Initiative Measure No.
23 593), 1993 c 338 s 2, 1993 c 251 s 4, and 1993 c 164 s 1 are each
24 reenacted and amended to read as follows:

25 Unless the context clearly requires otherwise, the definitions in
26 this section apply throughout this chapter.

27 (1) "Collect," or any derivative thereof, "collect and remit," or
28 "collect and deliver," when used with reference to the department of
29 corrections, means that the department is responsible for monitoring
30 and enforcing the offender's sentence with regard to the legal
31 financial obligation, receiving payment thereof from the offender, and,
32 consistent with current law, delivering daily the entire payment to the
33 superior court clerk without depositing it in a departmental account.

34 (2) "Commission" means the sentencing guidelines commission.

35 (3) "Community corrections officer" means an employee of the
36 department who is responsible for carrying out specific duties in
37 supervision of sentenced offenders and monitoring of sentence
38 conditions.

1 (4) "Community custody" means that portion of an inmate's sentence
2 of confinement in lieu of earned early release time served in the
3 community subject to controls placed on the inmate's movement and
4 activities by the department of corrections.

5 (5) "Community placement" means that period during which the
6 offender is subject to the conditions of community custody and/or
7 postrelease supervision, which begins either upon completion of the
8 term of confinement (postrelease supervision) or at such time as the
9 offender is transferred to community custody in lieu of earned early
10 release. Community placement may consist of entirely community
11 custody, entirely postrelease supervision, or a combination of the two.

12 (6) "Community service" means compulsory service, without
13 compensation, performed for the benefit of the community by the
14 offender.

15 (7) "Community supervision" means a period of time during which a
16 convicted offender is subject to crime-related prohibitions and other
17 sentence conditions imposed by a court pursuant to this chapter or RCW
18 46.61.524. For first-time offenders, the supervision may include
19 crime-related prohibitions and other conditions imposed pursuant to RCW
20 9.94A.120(5). For purposes of the interstate compact for out-of-state
21 supervision of parolees and probationers, RCW 9.95.270, community
22 supervision is the functional equivalent of probation and should be
23 considered the same as probation by other states.

24 (8) "Confinement" means total or partial confinement as defined in
25 this section.

26 (9) "Conviction" means an adjudication of guilt pursuant to Titles
27 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
28 acceptance of a plea of guilty.

29 (10) "Court-ordered legal financial obligation" means a sum of
30 money that is ordered by a superior court of the state of Washington
31 for legal financial obligations which may include restitution to the
32 victim, statutorily imposed crime victims' compensation fees as
33 assessed pursuant to RCW 7.68.035, court costs, county or interlocal
34 drug funds, court-appointed attorneys' fees, and costs of defense,
35 fines, and any other financial obligation that is assessed to the
36 offender as a result of a felony conviction. Upon conviction for
37 vehicular assault while under the influence of intoxicating liquor or
38 any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the
39 influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a),

1 legal financial obligations may also include payment to a public agency
2 of the expense of an emergency response to the incident resulting in
3 the conviction, subject to the provisions in RCW 38.52.430.

4 (11) "Crime-related prohibition" means an order of a court
5 prohibiting conduct that directly relates to the circumstances of the
6 crime for which the offender has been convicted, and shall not be
7 construed to mean orders directing an offender affirmatively to
8 participate in rehabilitative programs or to otherwise perform
9 affirmative conduct.

10 (12)(a) "Criminal history" means the list of a defendant's prior
11 convictions, whether in this state, in federal court, or elsewhere.
12 The history shall include, where known, for each conviction (i) whether
13 the defendant has been placed on probation and the length and terms
14 thereof; and (ii) whether the defendant has been incarcerated and the
15 length of incarceration.

16 (b) "Criminal history" shall always include juvenile convictions
17 for sex offenses and shall also include a defendant's other prior
18 convictions in juvenile court if: (i) The conviction was for an
19 offense which is a felony or a serious traffic offense and is criminal
20 history as defined in RCW 13.40.020(~~((+6)(a))~~) (9); (ii) the defendant
21 was fifteen years of age or older at the time the offense was
22 committed; and (iii) with respect to prior juvenile class B and C
23 felonies (~~((or serious traffic offenses, the defendant was less than~~
24 ~~twenty-three years of age at the time the offense for which he or she~~
25 ~~is being sentenced was committed))~~) the offense would be included under
26 RCW 9.94A.360(2).

27 (13) "Department" means the department of corrections.

28 (14) "Determinate sentence" means a sentence that states with
29 exactitude the number of actual years, months, or days of total
30 confinement, of partial confinement, of community supervision, the
31 number of actual hours or days of community service work, or dollars or
32 terms of a legal financial obligation. The fact that an offender
33 through "earned early release" can reduce the actual period of
34 confinement shall not affect the classification of the sentence as a
35 determinate sentence.

36 (15) "Disposable earnings" means that part of the earnings of an
37 individual remaining after the deduction from those earnings of any
38 amount required by law to be withheld. For the purposes of this
39 definition, "earnings" means compensation paid or payable for personal

1 services, whether denominated as wages, salary, commission, bonuses, or
2 otherwise, and, notwithstanding any other provision of law making the
3 payments exempt from garnishment, attachment, or other process to
4 satisfy a court-ordered legal financial obligation, specifically
5 includes periodic payments pursuant to pension or retirement programs,
6 or insurance policies of any type, but does not include payments made
7 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
8 or Title 74 RCW.

9 (16) "Drug offense" means:

10 (a) Any felony violation of chapter 69.50 RCW except possession of
11 a controlled substance (RCW 69.50.401(d)) or forged prescription for a
12 controlled substance (RCW 69.50.403);

13 (b) Any offense defined as a felony under federal law that relates
14 to the possession, manufacture, distribution, or transportation of a
15 controlled substance; or

16 (c) Any out-of-state conviction for an offense that under the laws
17 of this state would be a felony classified as a drug offense under (a)
18 of this subsection.

19 (17) "Escape" means:

20 (a) Escape in the first degree (RCW 9A.76.110), escape in the
21 second degree (RCW 9A.76.120), willful failure to return from furlough
22 (RCW 72.66.060), willful failure to return from work release (RCW
23 72.65.070), or willful failure to be available for supervision by the
24 department while in community custody (RCW 72.09.310); or

25 (b) Any federal or out-of-state conviction for an offense that
26 under the laws of this state would be a felony classified as an escape
27 under (a) of this subsection.

28 (18) "Felony traffic offense" means:

29 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
30 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
31 and-run injury-accident (RCW 46.52.020(4)); or

32 (b) Any federal or out-of-state conviction for an offense that
33 under the laws of this state would be a felony classified as a felony
34 traffic offense under (a) of this subsection.

35 (19) "Fines" means the requirement that the offender pay a specific
36 sum of money over a specific period of time to the court.

37 (20)(a) "First-time offender" means any person who is convicted of
38 a felony (i) not classified as a violent offense or a sex offense under
39 this chapter, or (ii) that is not the manufacture, delivery, or

1 possession with intent to manufacture or deliver a controlled substance
2 classified in schedule I or II that is a narcotic drug or the selling
3 for profit of any controlled substance or counterfeit substance
4 classified in schedule I, RCW 69.50.204, except leaves and flowering
5 tops of marihuana, and except as provided in (b) of this subsection,
6 who previously has never been convicted of a felony in this state,
7 federal court, or another state, and who has never participated in a
8 program of deferred prosecution for a felony offense.

9 (b) For purposes of (a) of this subsection, a juvenile adjudication
10 for an offense committed before the age of fifteen years is not a
11 previous felony conviction except for adjudications of sex offenses.

12 (21) "Most serious offense" means any of the following felonies or
13 a felony attempt to commit any of the following felonies, as now
14 existing or hereafter amended:

15 (a) Any felony defined under any law as a class A felony or
16 criminal solicitation of or criminal conspiracy to commit a class A
17 felony;

18 (b) Assault in the second degree;

19 (c) Assault of a child in the second degree;

20 (d) Child molestation in the second degree;

21 (e) Controlled substance homicide;

22 (f) Extortion in the first degree;

23 (g) Incest when committed against a child under age fourteen;

24 (h) Indecent liberties;

25 (i) Kidnapping in the second degree;

26 (j) Leading organized crime;

27 (k) Manslaughter in the first degree;

28 (l) Manslaughter in the second degree;

29 (m) Promoting prostitution in the first degree;

30 (n) Rape in the third degree;

31 (o) Robbery in the second degree;

32 (p) Sexual exploitation;

33 (q) Vehicular assault;

34 (r) Vehicular homicide, when proximately caused by the driving of
35 any vehicle by any person while under the influence of intoxicating
36 liquor or any drug as defined by RCW 46.61.502, or by the operation of
37 any vehicle in a reckless manner;

38 (s) Any other class B felony offense with a finding of sexual
39 motivation, as "sexual motivation" is defined under this section;

1 (t) Any other felony with a deadly weapon verdict under RCW
2 9.94A.125;

3 (u) Any felony offense in effect at any time prior to December 2,
4 1993, that is comparable to a most serious offense under this
5 subsection, or any federal or out-of-state conviction for an offense
6 that under the laws of this state would be a felony classified as a
7 most serious offense under this subsection.

8 (22) "Nonviolent offense" means an offense which is not a violent
9 offense.

10 (23) "Offender" means a person who has committed a felony
11 established by state law and is eighteen years of age or older or is
12 less than eighteen years of age but whose case has been transferred by
13 the appropriate juvenile court to a criminal court pursuant to RCW
14 13.40.110 or has been tried in a criminal court pursuant to RCW
15 13.04.030(5)(d). Throughout this chapter, the terms "offender" and
16 "defendant" are used interchangeably.

17 (24) "Partial confinement" means confinement for no more than one
18 year in a facility or institution operated or utilized under contract
19 by the state or any other unit of government, or, if home detention or
20 work crew has been ordered by the court, in an approved residence, for
21 a substantial portion of each day with the balance of the day spent in
22 the community. Partial confinement includes work release, home
23 detention, work crew, and a combination of work crew and home detention
24 as defined in this section.

25 (25) "Persistent offender" is an offender who:

26 (a) Has been convicted in this state of any felony considered a
27 most serious offense; and

28 (b) Has, before the commission of the offense under (a) of this
29 subsection, been convicted as an offender on at least two separate
30 occasions, whether in this state or elsewhere, of felonies that under
31 the laws of this state would be considered most serious offenses and
32 would be included in the offender score under RCW 9.94A.360; provided
33 that of the two or more previous convictions, at least one conviction
34 must have occurred before the commission of any of the other most
35 serious offenses for which the offender was previously convicted.

36 (26) "Postrelease supervision" is that portion of an offender's
37 community placement that is not community custody.

38 (27) "Restitution" means the requirement that the offender pay a
39 specific sum of money over a specific period of time to the court as

1 payment of damages. The sum may include both public and private costs.
2 The imposition of a restitution order does not preclude civil redress.

3 (28) "Serious traffic offense" means:

4 (a) Driving while under the influence of intoxicating liquor or any
5 drug (RCW 46.61.502), actual physical control while under the influence
6 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
7 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
8 or

9 (b) Any federal, out-of-state, county, or municipal conviction for
10 an offense that under the laws of this state would be classified as a
11 serious traffic offense under (a) of this subsection.

12 (29) "Serious violent offense" is a subcategory of violent offense
13 and means:

14 (a) Murder in the first degree, homicide by abuse, murder in the
15 second degree, assault in the first degree, kidnapping in the first
16 degree, or rape in the first degree, assault of a child in the first
17 degree, or an attempt, criminal solicitation, or criminal conspiracy to
18 commit one of these felonies; or

19 (b) Any federal or out-of-state conviction for an offense that
20 under the laws of this state would be a felony classified as a serious
21 violent offense under (a) of this subsection.

22 (30) "Sentence range" means the sentencing court's discretionary
23 range in imposing a nonappealable sentence.

24 (31) "Sex offense" means:

25 (a) A felony that is a violation of chapter 9A.44 RCW or RCW
26 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal
27 attempt, criminal solicitation, or criminal conspiracy to commit such
28 crimes;

29 (b) A felony with a finding of sexual motivation under RCW
30 9.94A.127; or

31 (c) Any federal or out-of-state conviction for an offense that
32 under the laws of this state would be a felony classified as a sex
33 offense under (a) of this subsection.

34 (32) "Sexual motivation" means that one of the purposes for which
35 the defendant committed the crime was for the purpose of his or her
36 sexual gratification.

37 (33) "Total confinement" means confinement inside the physical
38 boundaries of a facility or institution operated or utilized under

1 contract by the state or any other unit of government for twenty-four
2 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

3 (34) "Transition training" means written and verbal instructions
4 and assistance provided by the department to the offender during the
5 two weeks prior to the offender's successful completion of the work
6 ethic camp program. The transition training shall include instructions
7 in the offender's requirements and obligations during the offender's
8 period of community custody.

9 (35) "Victim" means any person who has sustained emotional,
10 psychological, physical, or financial injury to person or property as
11 a direct result of the crime charged.

12 (36) "Violent offense" means:

13 (a) Any of the following felonies, as now existing or hereafter
14 amended: Any felony defined under any law as a class A felony or an
15 attempt to commit a class A felony, criminal solicitation of or
16 criminal conspiracy to commit a class A felony, manslaughter in the
17 first degree, manslaughter in the second degree, indecent liberties if
18 committed by forcible compulsion, kidnapping in the second degree,
19 arson in the second degree, assault in the second degree, assault of a
20 child in the second degree, extortion in the first degree, robbery in
21 the second degree, vehicular assault, and vehicular homicide, when
22 proximately caused by the driving of any vehicle by any person while
23 under the influence of intoxicating liquor or any drug as defined by
24 RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

25 (b) Any conviction for a felony offense in effect at any time prior
26 to July 1, 1976, that is comparable to a felony classified as a violent
27 offense in (a) of this subsection; and

28 (c) Any federal or out-of-state conviction for an offense that
29 under the laws of this state would be a felony classified as a violent
30 offense under (a) or (b) of this subsection.

31 (37) "Work crew" means a program of partial confinement consisting
32 of civic improvement tasks for the benefit of the community of not less
33 than thirty-five hours per week that complies with RCW 9.94A.135. The
34 civic improvement tasks shall have minimal negative impact on existing
35 private industries or the labor force in the county where the service
36 or labor is performed. The civic improvement tasks shall not affect
37 employment opportunities for people with developmental disabilities
38 contracted through sheltered workshops as defined in RCW 82.04.385.
39 Only those offenders sentenced to a facility operated or utilized under

1 contract by a county or the state are eligible to participate on a work
2 crew. Offenders sentenced for a sex offense as defined in subsection
3 (31) of this section are not eligible for the work crew program.

4 (38) "Work ethic camp" means an alternative incarceration program
5 designed to reduce recidivism and lower the cost of corrections by
6 requiring offenders to complete a comprehensive array of real-world job
7 and vocational experiences, character-building work ethics training,
8 life management skills development, substance abuse rehabilitation,
9 counseling, literacy training, and basic adult education.

10 (39) "Work release" means a program of partial confinement
11 available to offenders who are employed or engaged as a student in a
12 regular course of study at school. Participation in work release shall
13 be conditioned upon the offender attending work or school at regularly
14 defined hours and abiding by the rules of the work release facility.

15 (40) "Home detention" means a program of partial confinement
16 available to offenders wherein the offender is confined in a private
17 residence subject to electronic surveillance. Home detention may not
18 be imposed for offenders convicted of a violent offense, any sex
19 offense, any drug offense, reckless burning in the first or second
20 degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third
21 degree as defined in RCW 9A.36.031, assault of a child in the third
22 degree, unlawful imprisonment as defined in RCW 9A.40.040, or
23 harassment as defined in RCW 9A.46.020. Home detention may be imposed
24 for offenders convicted of possession of a controlled substance (RCW
25 69.50.401(d)) or forged prescription for a controlled substance (RCW
26 69.50.403) if the offender fulfills the participation conditions set
27 forth in this subsection and is monitored for drug use by treatment
28 alternatives to street crime (TASC) or a comparable court or agency-
29 referred program.

30 (a) Home detention may be imposed for offenders convicted of
31 burglary in the second degree as defined in RCW 9A.52.030 or
32 residential burglary conditioned upon the offender: (i) Successfully
33 completing twenty-one days in a work release program, (ii) having no
34 convictions for burglary in the second degree or residential burglary
35 during the preceding two years and not more than two prior convictions
36 for burglary or residential burglary, (iii) having no convictions for
37 a violent felony offense during the preceding two years and not more
38 than two prior convictions for a violent felony offense, (iv) having no

1 prior charges of escape, and (v) fulfilling the other conditions of the
2 home detention program.

3 (b) Participation in a home detention program shall be conditioned
4 upon: (i) The offender obtaining or maintaining current employment or
5 attending a regular course of school study at regularly defined hours,
6 or the offender performing parental duties to offspring or minors
7 normally in the custody of the offender, (ii) abiding by the rules of
8 the home detention program, and (iii) compliance with court-ordered
9 legal financial obligations. The home detention program may also be
10 made available to offenders whose charges and convictions do not
11 otherwise disqualify them if medical or health-related conditions,
12 concerns or treatment would be better addressed under the home
13 detention program, or where the health and welfare of the offender,
14 other inmates, or staff would be jeopardized by the offender's
15 incarceration. Participation in the home detention program for medical
16 or health-related reasons is conditioned on the offender abiding by the
17 rules of the home detention program and complying with court-ordered
18 restitution.

19 **Sec. 6.** RCW 9.94A.360 and 1992 c 145 s 10 and 1992 c 75 s 4 are
20 each reenacted and amended to read as follows:

21 The offender score is measured on the horizontal axis of the
22 sentencing grid. The offender score rules are as follows:

23 The offender score is the sum of points accrued under this section
24 rounded down to the nearest whole number.

25 (1) A prior conviction is a conviction which exists before the date
26 of sentencing for the offense for which the offender score is being
27 computed. Convictions entered or sentenced on the same date as the
28 conviction for which the offender score is being computed shall be
29 deemed "other current offenses" within the meaning of RCW 9.94A.400.

30 (2) Except as provided in subsection (4) of this section, class A
31 and sex prior felony convictions shall always be included in the
32 offender score. Class B prior felony convictions other than sex
33 offenses shall not be included in the offender score, if since the last
34 date of release from confinement (including full-time residential
35 treatment) pursuant to a felony conviction, if any, or entry of
36 judgment and sentence, the offender had spent ten consecutive years in
37 the community without being convicted of any felonies. Class C prior
38 felony convictions other than sex offenses shall not be included in the

1 offender score if, since the last date of release from confinement
2 (including full-time residential treatment) pursuant to a felony
3 conviction, if any, or entry of judgment and sentence, the offender had
4 spent five consecutive years in the community without being convicted
5 of any felonies. Serious traffic convictions shall not be included in
6 the offender score if, since the last date of release from confinement
7 (including full-time residential treatment) pursuant to a felony
8 conviction, if any, or entry of judgment and sentence, the offender
9 spent five years in the community without being convicted of any
10 serious traffic or felony traffic offenses. This subsection applies to
11 both adult and juvenile prior convictions.

12 (3) Out-of-state convictions for offenses shall be classified
13 according to the comparable offense definitions and sentences provided
14 by Washington law.

15 (4) Always include juvenile convictions for sex offenses. Include
16 other class A juvenile felonies only if the offender was 15 or older at
17 the time the juvenile offense was committed. Include other class B and
18 C juvenile felony convictions only if the offender was 15 or older at
19 the time the juvenile offense was committed and the (~~offender was less
20 than 23 at the time the offense for which he or she is being sentenced
21 was committed~~) offense would be included under subsection (2) of this
22 section.

23 (5) Score prior convictions for felony anticipatory offenses
24 (attempts, criminal solicitations, and criminal conspiracies) the same
25 as if they were convictions for completed offenses.

26 (6) In the case of multiple prior convictions, for the purpose of
27 computing the offender score, count all convictions separately, except:

28 (a) Prior adult offenses which were found, under RCW
29 9.94A.400(1)(a), to encompass the same criminal conduct, shall be
30 counted as one offense, the offense that yields the highest offender
31 score. The current sentencing court shall determine with respect to
32 other prior adult offenses for which sentences were served concurrently
33 whether those offenses shall be counted as one offense or as separate
34 offenses, and if the court finds that they shall be counted as one
35 offense, then the offense that yields the highest offender score shall
36 be used;

37 (b) Juvenile prior convictions entered or sentenced on the same
38 date shall count as one offense, the offense that yields the highest
39 offender score, except for juvenile prior convictions for violent

1 offenses with separate victims, which shall count as separate offenses;
2 and

3 (c) In the case of multiple prior convictions for offenses
4 committed before July 1, 1986, for the purpose of computing the
5 offender score, count all adult convictions served concurrently as one
6 offense, and count all juvenile convictions entered on the same date as
7 one offense. Use the conviction for the offense that yields the
8 highest offender score.

9 (7) If the present conviction is one of the anticipatory offenses
10 of criminal attempt, solicitation, or conspiracy, count each prior
11 conviction as if the present conviction were for a completed offense.

12 (8) If the present conviction is for a nonviolent offense and not
13 covered by subsection (12) or (13) of this section, count one point for
14 each adult prior felony conviction and one point for each juvenile
15 prior violent felony conviction and 1/2 point for each juvenile prior
16 nonviolent felony conviction.

17 (9) If the present conviction is for a violent offense and not
18 covered in subsection (10), (11), (12), or (13) of this section, count
19 two points for each prior adult and juvenile violent felony conviction,
20 one point for each prior adult nonviolent felony conviction, and 1/2
21 point for each prior juvenile nonviolent felony conviction.

22 (10) If the present conviction is for Murder 1 or 2, Assault 1,
23 Assault of a Child 1, Kidnaping 1, Homicide by Abuse, or Rape 1, count
24 three points for prior adult and juvenile convictions for crimes in
25 these categories, two points for each prior adult and juvenile violent
26 conviction (not already counted), one point for each prior adult
27 nonviolent felony conviction, and 1/2 point for each prior juvenile
28 nonviolent felony conviction.

29 (11) If the present conviction is for Burglary 1, count prior
30 convictions as in subsection (9) of this section; however count two
31 points for each prior adult Burglary 2 or residential burglary
32 conviction, and one point for each prior juvenile Burglary 2 or
33 residential burglary conviction.

34 (12) If the present conviction is for a felony traffic offense
35 count two points for each adult or juvenile prior conviction for
36 Vehicular Homicide or Vehicular Assault; for each felony offense or
37 serious traffic offense, count one point for each adult and 1/2 point
38 for each juvenile prior conviction.

1 (13) If the present conviction is for a drug offense count three
2 points for each adult prior felony drug offense conviction and two
3 points for each juvenile drug offense. All other adult and juvenile
4 felonies are scored as in subsection (9) of this section if the current
5 drug offense is violent, or as in subsection (8) of this section if the
6 current drug offense is nonviolent.

7 (14) If the present conviction is for Willful Failure to Return
8 from Furlough, RCW 72.66.060, Willful Failure to Return from Work
9 Release, RCW 72.65.070, or Escape from Community Custody, RCW
10 72.09.310, count only prior escape convictions in the offender score.
11 Count adult prior escape convictions as one point and juvenile prior
12 escape convictions as 1/2 point.

13 (15) If the present conviction is for Escape 1, RCW 9A.76.110, or
14 Escape 2, RCW 9A.76.120, count adult prior convictions as one point and
15 juvenile prior convictions as 1/2 point.

16 (16) If the present conviction is for Burglary 2 or residential
17 burglary, count priors as in subsection (8) of this section; however,
18 count two points for each adult and juvenile prior Burglary 1
19 conviction, two points for each adult prior Burglary 2 or residential
20 burglary conviction, and one point for each juvenile prior Burglary 2
21 or residential burglary conviction.

22 (17) If the present conviction is for a sex offense, count priors
23 as in subsections (8) through (16) of this section; however count three
24 points for each adult and juvenile prior sex offense conviction.

25 (18) If the present conviction is for an offense committed while
26 the offender was under community placement, add one point.

27 **Sec. 7.** RCW 13.04.030 and 1988 c 14 s 1 are each amended to read
28 as follows:

29 The juvenile courts in the several counties of this state, shall
30 have exclusive original jurisdiction over all proceedings:

31 (1) Under the interstate compact on placement of children as
32 provided in chapter 26.34 RCW;

33 (2) Relating to children alleged or found to be dependent as
34 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170(~~(~~
35 ~~as now or hereafter amended)~~);

36 (3) Relating to the termination of a parent and child relationship
37 as provided in RCW 13.34.180 through 13.34.210(~~(~~
38 ~~as now or hereafter amended)~~);

1 (4) To approve or disapprove alternative residential placement as
2 provided in RCW 13.32A.170;

3 (5) Relating to juveniles alleged or found to have committed
4 offenses, traffic infractions, or violations as provided in RCW
5 13.40.020 through 13.40.230, (~~as now or hereafter amended,~~) unless:
6 (a) The juvenile court transfers jurisdiction of a particular
7 juvenile to adult criminal court pursuant to RCW 13.40.110(~~, as now or~~
8 ~~hereafter amended~~)); or
9 (b) The statute of limitations applicable to adult prosecution for
10 the offense, traffic infraction, or violation has expired; or
11 (c) The alleged offense or infraction is a traffic, fish, boating,
12 or game offense or traffic infraction committed by a juvenile sixteen
13 years of age or older and would, if committed by an adult, be tried or
14 heard in a court of limited jurisdiction, in which instance the
15 appropriate court of limited jurisdiction shall have jurisdiction over
16 the alleged offense or infraction: PROVIDED, That if such an alleged
17 offense or infraction and an alleged offense or infraction subject to
18 juvenile court jurisdiction arise out of the same event or incident,
19 the juvenile court may have jurisdiction of both matters: PROVIDED
20 FURTHER, That the jurisdiction under this subsection does not
21 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
22 or subsection (5)(a) of this section: PROVIDED FURTHER, That courts of
23 limited jurisdiction which confine juveniles for an alleged offense or
24 infraction may place juveniles in juvenile detention facilities under
25 an agreement with the officials responsible for the administration of
26 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or
27 (d) The juvenile is sixteen or seventeen years old and the alleged
28 offense is: (i) A serious violent offense as defined in RCW 9.94A.030;
29 or (ii) a violent offense as defined in RCW 9.94A.030 and the juvenile
30 has a criminal history showing one or more prior serious violent
31 offenses, two or more prior violent offenses, or three or more prior
32 felony offenses of any kind committed after the juvenile's thirteenth
33 birthday and prosecuted separately. In such a case the adult criminal
34 court shall have exclusive original jurisdiction;
35 (6) Under the interstate compact on juveniles as provided in
36 chapter 13.24 RCW;
37 (7) Relating to termination of a diversion agreement under RCW
38 13.40.080 (~~as now or hereafter amended~~), including a proceeding in
39 which the divertee has attained eighteen years of age; and

1 (8) Relating to court validation of a voluntary consent to foster
 2 care placement under chapter 13.34 RCW, by the parent or Indian
 3 custodian of an Indian child, except if the parent or Indian custodian
 4 and child are residents of or domiciled within the boundaries of a
 5 federally recognized Indian reservation over which the tribe exercises
 6 exclusive jurisdiction.

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

9 SCHEDULE A

10 DESCRIPTION AND OFFENSE CATEGORY

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

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

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

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

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

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

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

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

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

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

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

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

14 SCHEDULE B
 15 PRIOR OFFENSE INCREASE FACTOR

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

18 TIME SPAN

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

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

5 SCHEDULE C
 6 CURRENT OFFENSE POINTS

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

9 AGE

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

23 JUVENILE SENTENCING STANDARDS
 24 SCHEDULE D-1

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

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MINOR/FIRST OFFENDER

OPTION A
STANDARD RANGE

Points	Community Supervision	Community Service Hours	Fine	<u>Confinement Days</u>
((1-9 0-3 months and/or 0-8 and/or 0-\$10				
10-19	<u>0-3</u>) <u>1-19</u> <u>0-12</u> months	and/or 0-8	and/or 0-\$10	<u>and/or 0</u>
20-29	((0-3)) <u>0-12</u> months	and/or 0-16	and/or 0-\$10	<u>and/or 0</u>
30-39	((0-3)) <u>0-12</u> months	and/or 8-24	and/or 0-\$25	<u>and/or 0-10</u>
40-49	((3-6)) <u>3-12</u> months	and/or 16-32	and/or 0-\$25	<u>and/or 0-10</u>
50-59	((3-6)) <u>3-12</u> months	and/or 24-40	and/or 0-\$25	<u>and/or 0-10</u>
60-69	((6-9)) <u>6-12</u> months	and/or 32-48	and/or 0-\$50	<u>and/or 10-20</u>
70-79	((6-9)) <u>6-12</u> months	and/or 40-55	and/or 0-\$50	<u>and/or 10-20</u>
80-89	9-12 months	and/or 48-64	and/or 10-\$100	<u>and/or 10-20</u>
90-109	9-12 months	and/or 56-72	and/or 10-\$100	<u>and/or 20-30</u>

OR

OPTION B
STATUTORY OPTION

- 0-12 Months Community Supervision
- 0-150 Hours Community Service
- 0-100 Fine

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

OR

OPTION C
MANIFEST INJUSTICE

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

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

5 JUVENILE SENTENCING STANDARDS
 6 SCHEDULE D-2

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

10 MIDDLE OFFENDER

11 OPTION A
 12 STANDARD RANGE

	Community Supervision	Community Service Hours	Fine	Confinement Days Weeks
13				
14				
15	Points			
16			
17	((1-9	0-3 months	and/or 0-8	and/or 0-\$10 and/or 0
18	10-19 0-3)) <u>1-19</u>	<u>0-12</u> months	and/or 0-8	and/or 0-\$10 and/or 0
19	20-29 ((0-3))	<u>0-12</u> months	and/or 0-16	and/or 0-\$10 and/or 0
20	30-39 ((0-3))	<u>0-12</u> months	and/or 8-24	and/or 0-\$25 and/or ((2-4))
21				<u>2-10</u>
22	40-49 ((3-6))	<u>3-12</u> months	and/or 16-32	and/or 0-\$25 and/or ((2-4))
23				<u>2-10</u>
24	50-59 ((3-6))	<u>3-12</u> months	and/or 24-40	and/or 0-\$25 and/or 5-10
25	60-69 ((6-9))	<u>6-12</u> months	and/or 32-48	and/or 0-\$50 and/or ((5-10))
26				<u>10-20</u>
27	70-79 ((6-9))	<u>6-12</u> months	and/or 40-56	and/or 0-\$50 and/or 10-20
28	80-89 9-12 months		and/or 48-64	and/or 0-\$100 and/or 10-20
29	90-109 9-12 months		and/or 56-72	and/or 0-\$100 and/or ((15-30))
30				<u>20-30</u>
31	110-129			8-12
32	130-149			13-16
33	150-199			21-28

1	200-249	30-40
2	250-299	52-65
3	300-374	80-100
4	375+	103-129

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

8 OR

9

10 OPTION B
11 STATUTORY OPTION

12 0-12 Months Community Supervision
13 0-150 Hours Community Service
14 0-100 Fine

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

19 OR

20

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

25 **Sec. 9.** RCW 13.40.160 and 1992 c 45 s 6 are each amended to read
26 as follows:

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

32 If the court concludes, and enters reasons for its conclusion, that
33 disposition within the standard range would effectuate a manifest
34 injustice the court shall impose a disposition outside the standard

1 range, as indicated in option B of schedule D-3, RCW 13.40.0357. The
2 court's finding of manifest injustice shall be supported by clear and
3 convincing evidence.

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

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

31 Except for disposition of community supervision or a disposition
32 imposed pursuant to subsection (5) of this section, a disposition may
33 be appealed as provided in RCW 13.40.230((~~, as now or hereafter
34 amended,~~)) by the state or the respondent. A disposition of community
35 supervision or a disposition imposed pursuant to subsection (5) of this
36 section may not be appealed under RCW 13.40.230 ((~~as now or hereafter
37 amended~~)).

38 (3) Where a respondent is found to have committed an offense for
39 which the respondent declined to enter into a diversion agreement, the

1 court shall impose a term of community supervision limited to the
2 conditions allowed in a diversion agreement as provided in RCW
3 13.40.080(2) (~~as now or hereafter amended~~)).

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

5 (a) The court shall impose a determinate disposition within the
6 standard range(s) for such offense, as indicated in option A of
7 schedule D-2, RCW 13.40.0357 except as provided in subsections (5) and
8 (6) of this section: PROVIDED, That if the standard range includes a
9 term of confinement exceeding thirty days, commitment shall be to the
10 department for the standard range of confinement; or

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

17 (c) Only if the court concludes, and enters reasons for its
18 conclusions, that disposition as provided in subsection (4)(a) or (b)
19 of this section would effectuate a manifest injustice, the court shall
20 sentence the juvenile to a maximum term, and the provisions of RCW
21 13.40.030(2) (~~as now or hereafter amended~~) shall be used to
22 determine the range. The court's finding of manifest injustice shall
23 be supported by clear and convincing evidence.

24 (d) A disposition pursuant to subsection (4)(c) of this section is
25 appealable under RCW 13.40.230 (~~as now or hereafter amended~~) by the
26 state or the respondent. A disposition pursuant to subsection (4) (a)
27 or (b) of this section is not appealable under RCW 13.40.230 (~~as now~~
28 ~~or hereafter amended~~)).

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

35 The report of the examination shall include at a minimum the
36 following: The respondent's version of the facts and the official
37 version of the facts, the respondent's offense history, an assessment
38 of problems in addition to alleged deviant behaviors, the respondent's
39 social, educational, and employment situation, and other evaluation

1 measures used. The report shall set forth the sources of the
2 evaluator's information.

3 The examiner shall assess and report regarding the respondent's
4 amenability to treatment and relative risk to the community. A
5 proposed treatment plan shall be provided and shall include, at a
6 minimum:

7 (a)(i) Frequency and type of contact between the offender and
8 therapist;

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

11 (iii) Monitoring plans, including any requirements regarding living
12 conditions, lifestyle requirements, and monitoring by family members,
13 legal guardians, or others;

14 (iv) Anticipated length of treatment; and

15 (v) Recommended crime-related prohibitions.

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

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

35 (b)(i) Devote time to a specific education, employment, or
36 occupation;

37 (ii) Undergo available outpatient sex offender treatment for up to
38 two years, or inpatient sex offender treatment not to exceed the
39 standard range of confinement for that offense. A community mental

1 health center may not be used for such treatment unless it has an
2 appropriate program designed for sex offender treatment. The
3 respondent shall not change sex offender treatment providers or
4 treatment conditions without first notifying the prosecutor, the
5 probation counselor, and the court, and shall not change providers
6 without court approval after a hearing if the prosecutor or probation
7 counselor object to the change;

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

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

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

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

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

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

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

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

1 (C) the evaluation and treatment plan comply with this subsection (5)
2 and the rules adopted by the department of health.

3 If the offender violates any condition of the disposition or the
4 court finds that the respondent is failing to make satisfactory
5 progress in treatment, the court may revoke the suspension and order
6 execution of the sentence. The court shall give credit for any
7 confinement time previously served if that confinement was for the
8 offense for which the suspension is being revoked.

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

14 (6)(a) The minimum sentence for any juvenile age sixteen or
15 seventeen who illegally possesses a pistol is ten confinement days.
16 The court may extend community supervision up to twelve months for such
17 offense.

18 (b) The following additional times shall be added to the term of
19 confinement for any juvenile found to have been armed with a firearm
20 during the commission of a felony:

21 (i) Twenty-six weeks for A-, A, and A+ category offenses;

22 (ii) Sixteen weeks for B and B+ category offenses; and

23 (iii) Twelve weeks for C and C+ category offenses.

24 (c) Option B shall not be available for minor/first and middle
25 offenders sentenced under (a) or (b) of this subsection.

26 (7) Whenever a juvenile offender is entitled to credit for time
27 spent in detention prior to a dispositional order, the dispositional
28 order shall specifically state the number of days of credit for time
29 served.

30 ~~((+7))~~ (8) Except as provided for in subsection (5) of this
31 section, the court shall not suspend or defer the imposition or the
32 execution of the disposition.

33 ~~((+8))~~ (9) In no case shall the term of confinement imposed by the
34 court at disposition exceed that to which an adult could be subjected
35 for the same offense.

36 **Sec. 10.** RCW 13.40.190 and 1987 c 281 s 5 are each amended to read
37 as follows:

1 (1) In its dispositional order, the court shall require the
2 respondent to make restitution to any persons who have suffered loss or
3 damage as a result of the offense committed by the respondent. In
4 addition, restitution may be ordered for loss or damage if the offender
5 pleads guilty to a lesser offense or fewer offenses and agrees with the
6 prosecutor's recommendation that the offender be required to pay
7 restitution to a victim of an offense or offenses which, pursuant to a
8 plea agreement, are not prosecuted. The payment of restitution shall
9 be in addition to any punishment which is imposed pursuant to the other
10 provisions of this chapter. The court may determine the amount, terms,
11 and conditions of the restitution including a payment plan extending up
12 to ten years if the court determines that the respondent does not have
13 the means to make full restitution over a shorter period. Restitution
14 may include the costs of counseling reasonably related to the offense.
15 If the respondent participated in the crime with another person or
16 other persons, all such participants shall be jointly and severally
17 responsible for the payment of restitution. For the purposes of this
18 section, the respondent shall remain under the court's jurisdiction for
19 a maximum term of ten years after the respondent's eighteenth birthday.
20 The court may not require the respondent to pay full or partial
21 restitution if the respondent reasonably satisfies the court that he or
22 she does not have the means to make full or partial restitution and
23 could not reasonably acquire the means to pay such restitution over a
24 ten-year period. In cases where an offender has been committed to the
25 department for a period of confinement exceeding fifteen weeks,
26 restitution may be waived.

27 (2) If an order includes restitution as one of the monetary
28 assessments, the county clerk shall make disbursements to victims named
29 in the order. The restitution to victims named in the order shall be
30 paid prior to any payment for other penalties or monetary assessments.

31 (3) A respondent under obligation to pay restitution may petition
32 the court for modification of the restitution order.

33 **Sec. 11.** RCW 13.40.300 and 1986 c 288 s 6 are each amended to read
34 as follows:

35 (1) In no case may a juvenile offender be committed by the juvenile
36 court to the department of social and health services for placement in
37 a juvenile correctional institution beyond the juvenile offender's
38 twenty-first birthday. A juvenile may be under the jurisdiction of the

1 juvenile court or the authority of the department of social and health
2 services beyond the juvenile's eighteenth birthday only if prior to the
3 juvenile's eighteenth birthday:

4 (a) Proceedings are pending seeking the adjudication of a juvenile
5 offense and the court by written order setting forth its reasons
6 extends jurisdiction of juvenile court over the juvenile beyond his or
7 her eighteenth birthday;

8 (b) The juvenile has been found guilty after a fact finding or
9 after a plea of guilty and an automatic extension is necessary to allow
10 for the imposition of disposition; or

11 (c) Disposition has been held and an automatic extension is
12 necessary to allow for the execution and enforcement of the court's
13 order of disposition. If an order of disposition imposes commitment to
14 the department, then jurisdiction is automatically extended to include
15 a period of up to twelve months of parole, in no case extending beyond
16 the offender's twenty-first birthday.

17 (2) If the juvenile court previously has extended jurisdiction
18 beyond the juvenile offender's eighteenth birthday and that period of
19 extension has not expired, the court may further extend jurisdiction by
20 written order setting forth its reasons.

21 (3) In no event may the juvenile court have authority to extend
22 jurisdiction over any juvenile offender beyond the juvenile offender's
23 twenty-first birthday except for the purpose of enforcing an order of
24 restitution.

25 (4) Notwithstanding any extension of jurisdiction over a person
26 pursuant to this section, the juvenile court has no jurisdiction over
27 any offenses alleged to have been committed by a person eighteen years
28 of age or older.

29 **Sec. 12.** RCW 13.64.060 and 1993 c 294 s 6 are each amended to read
30 as follows:

31 (1) An emancipated minor shall be considered to have the power and
32 capacity of an adult, except as provided in subsection (2) of this
33 section. A minor shall be considered emancipated for the purposes of,
34 but not limited to:

35 (a) The termination of parental obligations of financial support,
36 care, supervision, and any other obligation the parent may have by
37 virtue of the parent-child relationship, including obligations imposed
38 because of marital dissolution;

- 1 (b) The right to sue or be sued in his or her own name;
2 (c) The right to retain his or her own earnings;
3 (d) The right to establish a separate residence or domicile;
4 (e) The right to enter into nonvoidable contracts;
5 (f) The right to act autonomously, and with the power and capacity
6 of an adult, in all business relationships, including but not limited
7 to property transactions;
8 (g) The right to work, and earn a living, subject only to the
9 health and safety regulations designed to protect those under age of
10 majority regardless of their legal status; and
11 (h) The right to give informed consent for receiving health care
12 services.

13 (2) An emancipated minor shall not be considered an adult for: (a)
14 The purposes of the adult criminal laws of the state unless the decline
15 of jurisdiction procedures contained in RCW 13.40.110 are used or the
16 minor is tried in criminal court pursuant to RCW 13.04.030(5)(d); (b)
17 the criminal laws of the state when the emancipated minor is a victim
18 and the age of the victim is an element of the offense; or (c) those
19 specific constitutional and statutory age requirements regarding
20 voting, use of alcoholic beverages, and other health and safety
21 regulations relevant to the minor because of the minor's age.

22 **Sec. 13.** RCW 72.76.010 and 1989 c 177 s 3 are each amended to read
23 as follows:

24 The Washington intrastate corrections compact is enacted and
25 entered into on behalf of this state by the department with any and all
26 counties of this state legally joining in a form substantially as
27 follows:

28 WASHINGTON INTRASTATE CORRECTIONS
29 COMPACT

30 A compact is entered into by and among the contracting counties and the
31 department of corrections, signatories hereto, for the purpose of
32 maximizing the use of existing resources and to provide adequate
33 facilities and programs for the confinement, care, treatment, and
34 employment of offenders.

35 The contracting counties and the department do solemnly agree that:

36 (1) As used in this compact, unless the context clearly requires
37 otherwise:

1 (a) "Department" means the Washington state department of
2 corrections.

3 (b) "Secretary" means the secretary of the department of
4 corrections or designee.

5 (c) "Compact jurisdiction" means the department of corrections or
6 any county of the state of Washington which has executed this compact.

7 (d) "Sending jurisdiction" means a county party to this agreement
8 or the department of corrections to whom the courts have committed
9 custody of the offender.

10 (e) "Receiving jurisdiction" means the department of corrections or
11 a county party to this agreement to which an offender is sent for
12 confinement.

13 (f) "Offender" means a person who has been charged with and/or
14 convicted of an offense established by applicable statute or ordinance.

15 (g) "Convicted felony offender" means a person who has been
16 convicted of a felony established by state law and is eighteen years of
17 age or older, or who is less than eighteen years of age, but whose case
18 has been transferred by the appropriate juvenile court to a criminal
19 court pursuant to RCW 13.40.110 or has been tried in a criminal court
20 pursuant to RCW 13.04.030(5)(d).

21 (h) An "offender day" includes the first day an offender is
22 delivered to the receiving jurisdiction, but ends at midnight of the
23 day immediately preceding the day of the offender's release or return
24 to the custody of the sending jurisdiction.

25 (i) "Facility" means any state correctional institution, camp, or
26 other unit established or authorized by law under the jurisdiction of
27 the department of corrections; any jail, holding, detention, special
28 detention, or correctional facility operated by the county for the
29 housing of adult offenders; or any contract facility, operated on
30 behalf of either the county or the state for the housing of adult
31 offenders.

32 (j) "Extraordinary medical expense" means any medical expense
33 beyond that which is normally provided by contract or other health care
34 providers at the facility of the receiving jurisdiction.

35 (k) "Compact" means the Washington intrastate corrections compact.

36 (2)(a) Any county may make one or more contracts with one or more
37 counties, the department, or both for the exchange or transfer of
38 offenders pursuant to this compact. Appropriate action by ordinance,
39 resolution, or otherwise in accordance with the law of the governing

1 bodies of the participating counties shall be necessary before the
2 contract may take effect. The secretary is authorized and requested to
3 execute the contracts on behalf of the department. Any such contract
4 shall provide for:

5 (i) Its duration;

6 (ii) Payments to be made to the receiving jurisdiction by the
7 sending jurisdiction for offender maintenance, extraordinary medical
8 and dental expenses, and any participation in or receipt by offenders
9 of rehabilitative or correctional services, facilities, programs, or
10 treatment not reasonably included as part of normal maintenance;

11 (iii) Participation in programs of offender employment, if any; the
12 disposition or crediting of any payments received by offenders on their
13 accounts; and the crediting of proceeds from or the disposal of any
14 products resulting from the employment;

15 (iv) Delivery and retaking of offenders;

16 (v) Such other matters as may be necessary and appropriate to fix
17 the obligations, responsibilities and rights of the sending and
18 receiving jurisdictions.

19 (b) The terms and provisions of this compact shall be a part of any
20 contract entered into by the authority of or pursuant to the contract.
21 Nothing in any contract may be inconsistent with the compact.

22 (3)(a) Whenever the duly constituted authorities of any compact
23 jurisdiction decide that confinement in, or transfer of an offender to
24 a facility of another compact jurisdiction is necessary or desirable in
25 order to provide adequate housing and care or an appropriate program of
26 rehabilitation or treatment, the officials may direct that the
27 confinement be within a facility of the other compact jurisdiction, the
28 receiving jurisdiction to act in that regard solely as agent for the
29 sending jurisdiction.

30 (b) The receiving jurisdiction shall be responsible for the
31 supervision of all offenders which it accepts into its custody.

32 (c) The receiving jurisdiction shall be responsible to establish
33 screening criteria for offenders it will accept for transfer. The
34 sending jurisdiction shall be responsible for ensuring that all
35 transferred offenders meet the screening criteria of the receiving
36 jurisdiction.

37 (d) The sending jurisdiction shall notify the sentencing courts of
38 the name, charges, cause numbers, date, and place of transfer of any
39 offender, prior to the transfer, on a form to be provided by the

1 department. A copy of this form shall accompany the offender at the
2 time of transfer.

3 (e) The receiving jurisdiction shall be responsible for providing
4 an orientation to each offender who is transferred. The orientation
5 shall be provided to offenders upon arrival and shall address the
6 following conditions at the facility of the receiving jurisdiction:

7 (i) Requirements to work;

8 (ii) Facility rules and disciplinary procedures;

9 (iii) Medical care availability; and

10 (iv) Visiting.

11 (f) Delivery and retaking of inmates shall be the responsibility of
12 the sending jurisdiction. The sending jurisdiction shall deliver
13 offenders to the facility of the receiving jurisdiction where the
14 offender will be housed, at the dates and times specified by the
15 receiving jurisdiction. The receiving jurisdiction retains the right
16 to refuse or return any offender. The sending jurisdiction shall be
17 responsible to retake any transferred offender who does not meet the
18 screening criteria of the receiving jurisdiction, or who is refused by
19 the receiving jurisdiction. If the receiving jurisdiction has notified
20 the sending jurisdiction to retake an offender, but the sending
21 jurisdiction does not do so within a seven-day period, the receiving
22 jurisdiction may return the offender to the sending jurisdiction at the
23 expense of the sending jurisdiction.

24 (g) Offenders confined in a facility under the terms of this
25 compact shall at all times be subject to the jurisdiction of the
26 sending jurisdiction and may at any time be removed from the facility
27 for transfer to another facility within the sending jurisdiction, for
28 transfer to another facility in which the sending jurisdiction may have
29 a contractual or other right to confine offenders, for release or
30 discharge, or for any other purpose permitted by the laws of the state
31 of Washington.

32 (h) Unless otherwise agreed, the sending jurisdiction shall provide
33 at least one set of the offender's personal clothing at the time of
34 transfer. The sending jurisdiction shall be responsible for searching
35 the clothing to ensure that it is free of contraband. The receiving
36 jurisdiction shall be responsible for providing work clothing and
37 equipment appropriate to the offender's assignment.

38 (i) The sending jurisdiction shall remain responsible for the
39 storage of the offender's personal property, unless prior arrangements

1 are made with the receiving jurisdiction. The receiving jurisdiction
2 shall provide a list of allowable items which may be transferred with
3 the offender.

4 (j) Copies or summaries of records relating to medical needs,
5 behavior, and classification of the offender shall be transferred by
6 the sending jurisdiction to the receiving jurisdiction at the time of
7 transfer. At a minimum, such records shall include:

8 (i) A copy of the commitment order or orders legally authorizing
9 the confinement of the offender;

10 (ii) A copy of the form for the notification of the sentencing
11 courts required by subsection (3)(d) of this section;

12 (iii) A brief summary of any known criminal history, medical needs,
13 behavioral problems, and other information which may be relevant to the
14 classification of the offender; and

15 (iv) A standard identification card which includes the fingerprints
16 and at least one photograph of the offender.

17 Disclosure of public records shall be the responsibility of the sending
18 jurisdiction, except for those documents generated by the receiving
19 jurisdiction.

20 (k) The receiving jurisdiction shall be responsible for providing
21 regular medical care, including prescription medication, but
22 extraordinary medical expenses shall be the responsibility of the
23 sending jurisdiction. The costs of extraordinary medical care incurred
24 by the receiving jurisdiction for transferred offenders shall be
25 reimbursed by the sending jurisdiction. The receiving jurisdiction
26 shall notify the sending jurisdiction as far in advance as practicable
27 prior to incurring such costs. In the event emergency medical care is
28 needed, the sending jurisdiction shall be advised as soon as
29 practicable after the offender is treated. Offenders who are required
30 by the medical authority of the sending jurisdiction to take
31 prescription medication at the time of the transfer shall have at least
32 a three-day supply of the medication transferred to the receiving
33 jurisdiction with the offender, and at the expense of the sending
34 jurisdiction. Costs of prescription medication incurred after the use
35 of the supply shall be borne by the receiving jurisdiction.

36 (l) Convicted offenders transferred under this agreement may be
37 required by the receiving jurisdiction to work. Transferred offenders
38 participating in programs of offender employment shall receive the same
39 reimbursement, if any, as other offenders performing similar work. The

1 receiving jurisdiction shall be responsible for the disposition or
2 crediting of any payments received by offenders, and for crediting the
3 proceeds from or disposal of any products resulting from the
4 employment. Other programs normally provided to offenders by the
5 receiving jurisdiction such as education, mental health, or substance
6 abuse treatment shall also be available to transferred offenders,
7 provided that usual program screening criteria are met. No special or
8 additional programs will be provided except by mutual agreement of the
9 sending and receiving jurisdiction, with additional expenses, if any,
10 to be borne by the sending jurisdiction.

11 (m) The receiving jurisdiction shall notify offenders upon arrival
12 of the rules of the jurisdiction and the specific rules of the
13 facility. Offenders will be required to follow all rules of the
14 receiving jurisdiction. Disciplinary detention, if necessary, shall be
15 provided at the discretion of the receiving jurisdiction. The
16 receiving jurisdiction may require the sending jurisdiction to retake
17 any offender found guilty of a serious infraction; similarly, the
18 receiving jurisdiction may require the sending jurisdiction to retake
19 any offender whose behavior requires segregated or protective housing.

20 (n) Good-time calculations and notification of each offender's
21 release date shall be the responsibility of the sending jurisdiction.
22 The sending jurisdiction shall provide the receiving jurisdiction with
23 a formal notice of the date upon which each offender is to be released
24 from custody. If the receiving jurisdiction finds an offender guilty
25 of a violation of its disciplinary rules, it shall notify the sending
26 jurisdiction of the date and nature of the violation. If the sending
27 jurisdiction resets the release date according to its good-time
28 policies, it shall provide the receiving jurisdiction with notice of
29 the new release date.

30 (o) The sending jurisdiction shall retake the offender at the
31 receiving jurisdiction's facility on or before his or her release date,
32 unless the sending and receiving jurisdictions shall agree upon release
33 in some other place. The sending jurisdiction shall bear the
34 transportation costs of the return.

35 (p) Each receiving jurisdiction shall provide monthly reports to
36 each sending jurisdiction on the number of offenders of that sending
37 jurisdiction in its facilities pursuant to this compact.

38 (q) Each party jurisdiction shall notify the others of its
39 coordinator who is responsible for administering the jurisdiction's

1 responsibilities under the compact. The coordinators shall arrange for
2 alternate contact persons in the event of an extended absence of the
3 coordinator.

4 (r) Upon reasonable notice, representatives of any party to this
5 compact shall be allowed to visit any facility in which another party
6 has agreed to house its offenders, for the purpose of inspecting the
7 facilities and visiting its offenders that may be confined in the
8 institution.

9 (4) This compact shall enter into force and become effective and
10 binding upon the participating parties when it has been executed by two
11 or more parties. Upon request, each party county shall provide any
12 other compact jurisdiction with a copy of a duly enacted resolution or
13 ordinance authorizing entry into this compact.

14 (5) A party participating may withdraw from the compact by formal
15 resolution and by written notice to all other parties then
16 participating. The withdrawal shall become effective, as it pertains
17 to the party wishing to withdraw, thirty days after written notice to
18 the other parties. However, such withdrawal shall not relieve the
19 withdrawing party from its obligations assumed prior to the effective
20 date of withdrawal. Before the effective date of withdrawal, a
21 withdrawing participant shall notify the other parties to retake the
22 offenders it has housed in its facilities and shall remove to its
23 facilities, at its own expense, offenders it has confined under the
24 provisions of this compact.

25 (6) Legal costs relating to defending actions brought by an
26 offender challenging his or her transfer to another jurisdiction under
27 this compact shall be borne by the sending jurisdiction. Legal costs
28 relating to defending actions arising from events which occur while the
29 offender is in the custody of a receiving jurisdiction shall be borne
30 by the receiving jurisdiction.

31 (7) The receiving jurisdiction shall not be responsible to provide
32 legal services to offenders placed under this agreement. Requests for
33 legal services shall be referred to the sending jurisdiction.

34 (8) The provisions of this compact shall be liberally construed and
35 shall be severable. If any phrase, clause, sentence, or provision of
36 this compact is declared to be contrary to the Constitution or laws of
37 the state of Washington or is held invalid, the validity of the
38 remainder of this compact and its applicability to any county or the
39 department shall not be affected.

1 (9) Nothing contained in this compact shall be construed to
2 abrogate or impair any agreement or other arrangement which a county or
3 the department may have with each other or with a nonparty county for
4 the confinement, rehabilitation, or treatment of offenders.

5 NEW SECTION. **Sec. 14.** A new section is added to chapter 43.330
6 RCW to read as follows:

7 The youth violence prevention account is created in the custody of
8 the state treasurer. All receipts from appropriations, gifts,
9 transfers, or other moneys directed to it shall be deposited into the
10 account. Expenditures from the account may be used only for the
11 purpose of making block grants as specified in this section. Only the
12 director of community, trade, and economic development or the
13 director's designee may authorize expenditures from the account.

14 The block grants are for the purposes of: Preventing youth
15 violence, enhancing juvenile detention capability, providing
16 alternatives to conventional juvenile detention, and enhancing juvenile
17 diversion programs to increase minority participation.

18 The department shall allocate funds to the thirty-nine counties
19 through a formula based upon at-risk youth population, the magnitude
20 and severity of juvenile criminal behavior, school attendance rates,
21 racial disproportionality in income, and poverty factors. Local
22 governments, schools, and nonprofit prevention service providers shall
23 be eligible to receive funding to provide services to meet the purposes
24 of this block grant program.

25 The formula developed by the department shall be approved by an
26 advisory committee of eleven persons, six appointed by the Washington
27 state association of counties, two appointed by the association of
28 Washington cities, and one each from the juvenile court administrators,
29 Washington association of sheriffs and police chiefs, and the
30 Washington association of prosecuting attorneys.

31 No county may receive more than two times, or less than one-half of
32 the funds it would have received if distribution was based solely upon
33 population, except that counties with populations of less than fifty
34 thousand may receive up to three times the funds that would be received
35 if the distribution was based solely upon population.

36 Grants shall not be awarded until the county legislative authority
37 has applied for the grant by submitting a program plan endorsed by the
38 local law and justice council established under RCW 72.09.300, such

1 endorsement to be in collaboration with local entities with expertise
2 in violence prevention.

3 For the purposes of this section, "community, trade, and economic
4 development" means "community development" until July 1, 1994.

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