
SENATE BILL 5053

State of Washington 56th Legislature 1999 Regular Session

By Senators Fairley, Goings, Oke and Costa

Read first time 01/11/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to assaults against children; amending RCW
2 9A.36.120, 9A.36.130, 9A.36.140, and 13.40.0357; and prescribing
3 penalties.

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

5 **Sec. 1.** RCW 9A.36.120 and 1992 c 145 s 1 are each amended to read
6 as follows:

7 (1) A person eighteen years of age or older, or a person under
8 eighteen years of age if the person is a parent of the child, is guilty
9 of the crime of assault of a child in the first degree if the child is
10 under the age of thirteen and the person:

11 (a) Commits the crime of assault in the first degree, as defined in
12 RCW 9A.36.011, against the child; or

13 (b) Intentionally assaults the child and either:

14 (i) Recklessly inflicts great bodily harm; or

15 (ii) Causes substantial bodily harm, and the person has previously
16 engaged in a pattern or practice either of (A) assaulting the child
17 which has resulted in bodily harm that is greater than transient
18 physical pain or minor temporary marks, or (B) causing the child
19 physical pain or agony that is equivalent to that produced by torture.

1 (2) Assault of a child in the first degree is a class A felony.

2 **Sec. 2.** RCW 9A.36.130 and 1992 c 145 s 2 are each amended to read
3 as follows:

4 (1) A person eighteen years of age or older, or a person under
5 eighteen years of age if the person is a parent of the child, is guilty
6 of the crime of assault of a child in the second degree if the child is
7 under the age of thirteen and the person:

8 (a) Commits the crime of assault in the second degree, as defined
9 in RCW 9A.36.021, against a child; or

10 (b) Intentionally assaults the child and causes bodily harm that is
11 greater than transient physical pain or minor temporary marks, and the
12 person has previously engaged in a pattern or practice either of (i)
13 assaulting the child which has resulted in bodily harm that is greater
14 than transient pain or minor temporary marks, or (ii) causing the child
15 physical pain or agony that is equivalent to that produced by torture.

16 (2) Assault of a child in the second degree is a class B felony.

17 **Sec. 3.** RCW 9A.36.140 and 1992 c 145 s 3 are each amended to read
18 as follows:

19 (1) A person eighteen years of age or older, or a person under
20 eighteen years of age if the person is a parent of the child, is guilty
21 of the crime of assault of a child in the third degree if the child is
22 under the age of thirteen and the person commits the crime of assault
23 in the third degree as defined in RCW 9A.36.031(1)(d) or (f) against
24 the child.

25 (2) Assault of a child in the third degree is a class C felony.

26 **Sec. 4.** RCW 13.40.0357 and 1998 c 290 s 5 are each amended to read
27 as follows:

28 **DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE	JUVENILE DISPOSITION
DISPOSITION	CATEGORY FOR ATTEMPT,
OFFENSE	BAILJUMP, CONSPIRACY,
CATEGORY	DESCRIPTION (RCW CITATION) OR SOLICITATION
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34 **Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
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1	B	Arson 2 (9A.48.030)	C
2	C	Reckless Burning 1 (9A.48.040)	D
3	D	Reckless Burning 2 (9A.48.050)	E
4	B	Malicious Mischief 1 (9A.48.070)	C
5	C	Malicious Mischief 2 (9A.48.080)	D
6	D	Malicious Mischief 3 (<\$50 is	
7		E class) (9A.48.090)	E
8	E	Tampering with Fire Alarm	
9		Apparatus (9.40.100)	E
10	A	Possession of Incendiary Device	
11		(9.40.120)	B+
12		Assault and Other Crimes	
13		Involving Physical Harm	
14	A	Assault 1 (9A.36.011)	B+
15	B+	Assault 2 (9A.36.021)	C+
16	C+	Assault 3 (9A.36.031)	D+
17	D+	Assault 4 (9A.36.041)	E
18	<u>A</u>	<u>Assault of a Child 1 (9A.36.120)</u>	<u>B+</u>
19	<u>B+</u>	<u>Assault of a Child 2 (9A.36.130)</u>	<u>C+</u>
20	<u>C+</u>	<u>Assault of a Child 3 (9A.36.140)</u>	<u>D+</u>
21	B+	Drive-By Shooting	
22		(9A.36.045)	C+
23	D+	Reckless Endangerment	
24		(9A.36.050)	E
25	C+	Promoting Suicide Attempt	
26		(9A.36.060)	D+
27	D+	Coercion (9A.36.070)	E
28	C+	Custodial Assault (9A.36.100)	D+
29		Burglary and Trespass	
30	B+	Burglary 1 (9A.52.020)	C+
31	B	Residential Burglary	
32		(9A.52.025)	C
33	B	Burglary 2 (9A.52.030)	C
34	D	Burglary Tools (Possession of)	
35		(9A.52.060)	E
36	D	Criminal Trespass 1 (9A.52.070)	E

1	E	Criminal Trespass 2 (9A.52.080)	E
2	C	Vehicle Prowling 1 (9A.52.095)	D
3	D	Vehicle Prowling 2 (9A.52.100)	E
4		Drugs	
5	E	Possession/Consumption of Alcohol	
6		(66.44.270)	E
7	C	Illegally Obtaining Legend Drug	
8		(69.41.020)	D
9	C+	Sale, Delivery, Possession of Legend	
10		Drug with Intent to Sell	
11		(69.41.030)	D+
12	E	Possession of Legend Drug	
13		(69.41.030)	E
14	B+	Violation of Uniform Controlled	
15		Substances Act - Narcotic,	
16		Methamphetamine, or Flunitrazepam	
17		Sale (69.50.401(a)(1) (i) or (ii))	B+
18	C	Violation of Uniform Controlled	
19		Substances Act - Nonnarcotic Sale	
20		(69.50.401(a)(1)(iii))	C
21	E	Possession of Marihuana <40 grams	
22		(69.50.401(e))	E
23	C	Fraudulently Obtaining Controlled	
24		Substance (69.50.403)	C
25	C+	Sale of Controlled Substance	
26		for Profit (69.50.410)	C+
27	E	Unlawful Inhalation (9.47A.020)	E
28	B	Violation of Uniform Controlled	
29		Substances Act - Narcotic,	
30		Methamphetamine, or Flunitrazepam	
31		Counterfeit Substances	
32		(69.50.401(b)(1) (i) or (ii))	B
33	C	Violation of Uniform Controlled	
34		Substances Act - Nonnarcotic	
35		Counterfeit Substances	
36		(69.50.401(b)(1) (iii), (iv), (v))	C
37	C	Violation of Uniform Controlled	
38		Substances Act - Possession of a	

1		Controlled Substance	
2		(69.50.401(d))	C
3	C	Violation of Uniform Controlled	
4		Substances Act - Possession of a	
5		Controlled Substance	
6		(69.50.401(c))	C
7		Firearms and Weapons	
8	B	Theft of Firearm (9A.56.300)	C
9	B	Possession of Stolen Firearm	
10		(9A.56.310)	C
11	E	Carrying Loaded Pistol Without	
12		Permit (9.41.050)	E
13	C	Possession of Firearms by Minor (<18)	
14		(9.41.040(1)(b)(iii))	C
15	D+	Possession of Dangerous Weapon	
16		(9.41.250)	E
17	D	Intimidating Another Person by use	
18		of Weapon (9.41.270)	E
19		Homicide	
20	A+	Murder 1 (9A.32.030)	A
21	A+	Murder 2 (9A.32.050)	B+
22	B+	Manslaughter 1 (9A.32.060)	C+
23	C+	Manslaughter 2 (9A.32.070)	D+
24	B+	Vehicular Homicide (46.61.520)	C+
25		Kidnapping	
26	A	Kidnap 1 (9A.40.020)	B+
27	B+	Kidnap 2 (9A.40.030)	C+
28	C+	Unlawful Imprisonment	
29		(9A.40.040)	D+
30		Obstructing Governmental Operation	
31	D	Obstructing a Law Enforcement	
32		Officer (9A.76.020)	E
33	E	Resisting Arrest (9A.76.040)	E
34	B	Introducing Contraband 1	
35		(9A.76.140)	C
36	C	Introducing Contraband 2	
37		(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		Public Disturbance	
8	C+	Riot with Weapon (9A.84.010)	D+
9	D+	Riot Without Weapon	
10		(9A.84.010)	E
11	E	Failure to Disperse (9A.84.020)	E
12	E	Disorderly Conduct (9A.84.030)	E
13		Sex Crimes	
14	A	Rape 1 (9A.44.040)	B+
15	A-	Rape 2 (9A.44.050)	B+
16	C+	Rape 3 (9A.44.060)	D+
17	A-	Rape of a Child 1 (9A.44.073)	B+
18	B+	Rape of a Child 2 (9A.44.076)	C+
19	B	Incest 1 (9A.64.020(1))	C
20	C	Incest 2 (9A.64.020(2))	D
21	D+	Indecent Exposure	
22		(Victim <14) (9A.88.010)	E
23	E	Indecent Exposure	
24		(Victim 14 or over) (9A.88.010)	E
25	B+	Promoting Prostitution 1	
26		(9A.88.070)	C+
27	C+	Promoting Prostitution 2	
28		(9A.88.080)	D+
29	E	O & A (Prostitution) (9A.88.030)	E
30	B+	Indecent Liberties (9A.44.100)	C+
31	A-	Child Molestation 1 (9A.44.083)	B+
32	B	Child Molestation 2 (9A.44.086)	C+
33		Theft, Robbery, Extortion, and Forgery	
34	B	Theft 1 (9A.56.030)	C
35	C	Theft 2 (9A.56.040)	D
36	D	Theft 3 (9A.56.050)	E
37	B	Theft of Livestock (9A.56.080)	C
38	C	Forgery (9A.60.020)	D

1	A	Robbery 1 (9A.56.200)	B+
2	B+	Robbery 2 (9A.56.210)	C+
3	B+	Extortion 1 (9A.56.120)	C+
4	C+	Extortion 2 (9A.56.130)	D+
5	B	Possession of Stolen Property 1	
6		(9A.56.150)	C
7	C	Possession of Stolen Property 2	
8		(9A.56.160)	D
9	D	Possession of Stolen Property 3	
10		(9A.56.170)	E
11	C	Taking Motor Vehicle Without	
12		Owner's Permission (9A.56.070)	D
13		Motor Vehicle Related Crimes	
14	E	Driving Without a License	
15		(46.20.005)	E
16	C	Hit and Run - Injury	
17		(46.52.020(4))	D
18	D	Hit and Run-Attended	
19		(46.52.020(5))	E
20	E	Hit and Run-Unattended	
21		(46.52.010)	E
22	C	Vehicular Assault (46.61.522)	D
23	C	Attempting to Elude Pursuing	
24		Police Vehicle (46.61.024)	D
25	E	Reckless Driving (46.61.500)	E
26	D	Driving While Under the Influence	
27		(46.61.502 and 46.61.504)	E
28		Other	
29	B	Bomb Threat (9.61.160)	C
30	C	Escape 1 (9A.76.110)	C
31	C	Escape 2 (9A.76.120)	C
32	D	Escape 3 (9A.76.130)	E
33	E	Obscene, Harassing, Etc.,	
34		Phone Calls (9.61.230)	E
35	A	Other Offense Equivalent to an	
36		Adult Class A Felony	B+
37	B	Other Offense Equivalent to an	
38		Adult Class B Felony	C

1	C	Other Offense Equivalent to an	
2		Adult Class C Felony	D
3	D	Other Offense Equivalent to an	
4		Adult Gross Misdemeanor	E
5	E	Other Offense Equivalent to an	
6		Adult Misdemeanor	E
7	V	Violation of Order of Restitution,	
8		Community Supervision, or	
9		Confinement {13.40.200}	V

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

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

14 2nd escape or attempted escape during 12-month period - 8 weeks
15 confinement

16 3rd and subsequent escape or attempted escape during 12-month
17 period - 12 weeks confinement

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

20 **JUVENILE SENTENCING STANDARDS**

21 This schedule must be used for juvenile offenders. The court may
22 select sentencing option A, B, or C.

OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE

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		PRIOR ADJUDICATIONS				
		0	1	2	3	4 or more
Current Offense Category	A+	180 WEEKS TO AGE 21 YEARS				
	A	103 WEEKS TO 129 WEEKS				
	A-	15-36 WEEKS EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS	
	B+	15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS	
	B	LOCAL SANCTIONS (LS)	15-36 WEEKS	52-65 WEEKS		
	C+	LS		15-36 WEEKS		
	C	LS			15-36 WEEKS	
			Local Sanctions: 0 to 30 Days			
	D+	LS	0 to 12 Months Community Supervision 0 to 150 Hours Community Service			
	D	LS	\$0 to \$500 Fine			
E	LS					

36 NOTE: References in the grid to days or weeks mean periods of
37 confinement.

38 (1) The vertical axis of the grid is the current offense category.
39 The current offense category is determined by the offense of
40 adjudication.

41 (2) The horizontal axis of the grid is the number of prior
42 adjudications included in the juvenile's criminal history. Each prior
43 felony adjudication shall count as one point. Each prior violation,

1 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
2 point. Fractional points shall be rounded down.

3 (3) The standard range disposition for each offense is determined
4 by the intersection of the column defined by the prior adjudications
5 and the row defined by the current offense category.

6 (4) RCW 13.40.180 applies if the offender is being sentenced for
7 more than one offense.

8 (5) A current offense that is a violation is equivalent to an
9 offense category of E. However, a disposition for a violation shall
10 not include confinement.

11 **OR**

12 **OPTION B**

13 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

14 If the juvenile offender is subject to a standard range
15 disposition of local sanctions or 15 to 36 weeks of confinement and has
16 not committed an A- or B+ offense, the court may impose a disposition
17 under RCW 13.40.160(5) and 13.40.165.

18 **OR**

19 **OPTION C**

20 **MANIFEST INJUSTICE**

21 If the court determines that a disposition under option A or B would
22 effectuate a manifest injustice, the court shall impose a disposition
23 outside the standard range under RCW 13.40.160(2).

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