
ENGROSSED SUBSTITUTE SENATE BILL 5074

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Roach, Honeyford, T. Sheldon, Johnson and Rasmussen)

Read first time 02/15/1999.

1 AN ACT Relating to crimes related to mail; amending RCW 13.40.0357;
2 reenacting and amending RCW 9.94A.320; adding a new chapter to Title 9A
3 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Authorized depository" means a mailbox, post office box, or
8 rural box used by postal customers to deposit outgoing mail or used by
9 the postal service to deliver incoming mail.

10 (2) "Letter box" means a receptacle that is used for a specific
11 address intended or used for the receipt or delivery of mail on a mail
12 route.

13 (3)(a) "Mail" means a letter, card, parcel, or other material that:

14 (i) Is sent or delivered by means of the postal service;

15 (ii) Has postage affixed by the postal customer or postal service;

16 and

17 (iii) Is placed in an authorized depository or mail receptacle.

18 (b) "Mail" includes articles contained in mail.

1 (4) "Mail receptacle" means a place used by the postal service or
2 postal customers to place outgoing mail or receive incoming mail.

3 (5) "Postage" means a postal service stamp, permit imprint, meter
4 strip, or other authorized indication of prepayment for service
5 provided by the postal service for collection and delivery of mail.

6 (6) "Postal service" means the United States postal service.

7 (7) The phrase "of another" does not include persons with whom the
8 defendant has a familial, parental, spousal, or other relationship that
9 would otherwise reasonably allow the defendant to take, dispose of, or
10 otherwise intercept the person's mail.

11 NEW SECTION. **Sec. 2.** (1) A person commits the crime of
12 obstruction of mails if the person intentionally obstructs or
13 unreasonably delays:

14 (a) The passage of the mail; or

15 (b) A carrier or conveyance carrying the mail.

16 (2) Obstruction of mails is a gross misdemeanor.

17 NEW SECTION. **Sec. 3.** (1) A person commits the crime of
18 destruction of letter boxes if the person knowingly and maliciously:

19 (a) Tears down or destroys a letter box belonging to another; or

20 (b) Breaks open a letter box belonging to another.

21 (2) Destruction of letter boxes is a gross misdemeanor.

22 NEW SECTION. **Sec. 4.** (1) A person commits the crime of
23 destruction of mail if the person knowingly and maliciously injures,
24 destroys, or defaces mail of another that has been deposited in an
25 authorized depository.

26 (2) Destruction of mail is a class C felony.

27 NEW SECTION. **Sec. 5.** (1) A person commits the crime of mail theft
28 or receipt of stolen mail if the person knowingly:

29 (a) Takes or, by fraud or deception, obtains mail of another from
30 a mail receptacle, authorized depository, or mail carrier;

31 (b) Secretes, embezzles, or destroys mail of another;

32 (c) Takes or, by fraud or deception, obtains mail of another that
33 has been left for collection on or adjacent to an authorized depository
34 or mail receptacle; or

1 (d) Buys, receives, conceals, or unlawfully possesses mail of
2 another knowing that the mail was taken, obtained, or embezzled as
3 described in this subsection.

4 (2) When a person has in his or her possession or control mail of
5 another addressed to two or more different addresses, and the addresses
6 are not the residence or business of the person, he or she is presumed
7 to know that the mail is stolen. This presumption may be rebutted by
8 evidence raising a reasonable inference that the possession of such
9 stolen mail was without knowledge that the mail was stolen.

10 NEW SECTION. **Sec. 6.** (1) A person is guilty of mail theft or
11 receipt of stolen mail in the first degree if he or she knowingly
12 possesses stolen mail addressed to five or more different addresses.

13 (2) Mail theft or receipt of stolen mail in the first degree is a
14 class B felony.

15 NEW SECTION. **Sec. 7.** (1) A person is guilty of mail theft or
16 receipt of stolen mail in the second degree if he or she knowingly
17 possesses stolen mail addressed to four or less different addresses.

18 (2) Mail theft or receipt of stolen mail in the second degree is a
19 class C felony.

20 NEW SECTION. **Sec. 8.** In a prosecution under this chapter, it is
21 a defense that the defendant acted under an honest claim of right in
22 that:

23 (1) The defendant was unaware that the property was that of another
24 person;

25 (2) The defendant reasonably believed that the defendant was
26 entitled to the property involved or had a right to acquire or dispose
27 of it as the defendant did; or

28 (3) The property involved was that of the defendant's minor child
29 or spouse, unless the parties were not living together as husband and
30 wife and were residing in, and intended to continually reside in,
31 separate abodes at the time of the alleged offense.

32 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
33 a new chapter in Title 9A RCW.

1 **Sec. 10.** RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and
2 1999 c 45 s 4 are each reenacted and amended to read as follows:

3 TABLE 2

4 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

| | | |
|----|------|--|
| 5 | XVI | Aggravated Murder 1 (RCW 10.95.020) |
| 6 | XV | Homicide by abuse (RCW 9A.32.055) |
| 7 | | Malicious explosion 1 (RCW 70.74.280(1)) |
| 8 | | Murder 1 (RCW 9A.32.030) |
| 9 | XIV | Murder 2 (RCW 9A.32.050) |
| 10 | XIII | Malicious explosion 2 (RCW 70.74.280(2)) |
| 11 | | Malicious placement of an explosive 1 (RCW |
| 12 | | 70.74.270(1)) |
| 13 | XII | Assault 1 (RCW 9A.36.011) |
| 14 | | Assault of a Child 1 (RCW 9A.36.120) |
| 15 | | Malicious placement of an imitation device |
| 16 | | 1 (RCW 70.74.272(1)(a)) |
| 17 | | Rape 1 (RCW 9A.44.040) |
| 18 | | Rape of a Child 1 (RCW 9A.44.073) |
| 19 | XI | Manslaughter 1 (RCW 9A.32.060) |
| 20 | | Rape 2 (RCW 9A.44.050) |
| 21 | | Rape of a Child 2 (RCW 9A.44.076) |
| 22 | X | Child Molestation 1 (RCW 9A.44.083) |
| 23 | | Indecent Liberties (with forcible |
| 24 | | compulsion) (RCW 9A.44.100(1)(a)) |
| 25 | | Kidnapping 1 (RCW 9A.40.020) |
| 26 | | Leading Organized Crime (RCW |
| 27 | | 9A.82.060(1)(a)) |
| 28 | | Malicious explosion 3 (RCW 70.74.280(3)) |
| 29 | | Manufacture of methamphetamine (RCW |
| 30 | | 69.50.401(a)(1)(ii)) |
| 31 | | Over 18 and deliver heroin, |
| 32 | | methamphetamine, a narcotic from |
| 33 | | Schedule I or II, or flunitrazepam |
| 34 | | from Schedule IV to someone under 18 |
| 35 | | (RCW 69.50.406) |

1 IX Assault of a Child 2 (RCW 9A.36.130)
2 Controlled Substance Homicide (RCW
3 69.50.415)
4 Explosive devices prohibited (RCW
5 70.74.180)
6 Homicide by Watercraft, by being under the
7 influence of intoxicating liquor or
8 any drug (RCW ((88.12.029))
9 79A.60.050)
10 Inciting Criminal Profiteering (RCW
11 9A.82.060(1)(b))
12 Malicious placement of an explosive 2 (RCW
13 70.74.270(2))
14 Over 18 and deliver narcotic from Schedule
15 III, IV, or V or a nonnarcotic, except
16 flunitrazepam or methamphetamine, from
17 Schedule I-V to someone under 18 and 3
18 years junior (RCW 69.50.406)
19 Robbery 1 (RCW 9A.56.200)
20 Sexual Exploitation (RCW 9.68A.040)
21 Vehicular Homicide, by being under the
22 influence of intoxicating liquor or
23 any drug (RCW 46.61.520)

24 VIII Arson 1 (RCW 9A.48.020)
25 Deliver or possess with intent to deliver
26 m e t h a m p h e t a m i n e (R C W
27 69.50.401(a)(1)(ii))
28 Homicide by Watercraft, by the operation of
29 any vessel in a reckless manner (RCW
30 ((88.12.029)) 79A.60.050)
31 Manslaughter 2 (RCW 9A.32.070)
32 Manufacture, deliver, or possess with
33 intent to deliver amphetamine (RCW
34 69.50.401(a)(1)(ii))
35 Manufacture, deliver, or possess with
36 intent to deliver heroin or cocaine
37 (RCW 69.50.401(a)(1)(i))

1 Possession of ephedrine or pseudoephedrine
2 with intent to manufacture
3 methamphetamine (RCW 69.50.440)
4 Promoting Prostitution 1 (RCW 9A.88.070)
5 Selling for profit (controlled or
6 counterfeit) any controlled substance
7 (RCW 69.50.410)
8 Vehicular Homicide, by the operation of any
9 vehicle in a reckless manner (RCW
10 46.61.520)

11 VII Burglary 1 (RCW 9A.52.020)
12 Child Molestation 2 (RCW 9A.44.086)
13 Dealing in depictions of minor engaged in
14 sexually explicit conduct (RCW
15 9.68A.050)
16 Drive-by Shooting (RCW 9A.36.045)
17 Homicide by Watercraft, by disregard for
18 the safety of others (RCW
19 ((~~88.12.029~~)) 79A.60.050)
20 Indecent Liberties (without forcible
21 compulsion) (RCW 9A.44.100(1) (b) and
22 (c))
23 Introducing Contraband 1 (RCW 9A.76.140)
24 Involving a minor in drug dealing (RCW
25 69.50.401(f))
26 Malicious placement of an explosive 3 (RCW
27 70.74.270(3))
28 Sending, bringing into state depictions of
29 minor engaged in sexually explicit
30 conduct (RCW 9.68A.060)
31 Unlawful Possession of a Firearm in the
32 first degree (RCW 9.41.040(1)(a))
33 Use of a Machine Gun in Commission of a
34 Felony (RCW 9.41.225)
35 Vehicular Homicide, by disregard for the
36 safety of others (RCW 46.61.520)

1 VI Bail Jumping with Murder 1 (RCW
2 9A.76.170(2)(a))
3 Bribery (RCW 9A.68.010)
4 Incest 1 (RCW 9A.64.020(1))
5 Intimidating a Judge (RCW 9A.72.160)
6 Intimidating a Juror/Witness (RCW
7 9A.72.110, 9A.72.130)
8 Malicious placement of an imitation device
9 2 (RCW 70.74.272(1)(b))
10 Manufacture, deliver, or possess with
11 intent to deliver narcotics from
12 Schedule I or II (except heroin or
13 cocaine) or flunitrazepam from
14 Schedule IV (RCW 69.50.401(a)(1)(i))
15 Rape of a Child 3 (RCW 9A.44.079)
16 Theft of a Firearm (RCW 9A.56.300)

17 V Abandonment of dependent person 1 (RCW
18 9A.42.060)
19 Advancing money or property for
20 extortionate extension of credit (RCW
21 9A.82.030)
22 Bail Jumping with class A Felony (RCW
23 9A.76.170(2)(b))
24 Child Molestation 3 (RCW 9A.44.089)
25 Criminal Mistreatment 1 (RCW 9A.42.020)
26 Custodial Sexual Misconduct 1 (RCW
27 9A.44.160)
28 Delivery of imitation controlled substance
29 by person eighteen or over to person
30 under eighteen (RCW 69.52.030(2))
31 Extortion 1 (RCW 9A.56.120)
32 Extortionate Extension of Credit (RCW
33 9A.82.020)
34 Extortionate Means to Collect Extensions of
35 Credit (RCW 9A.82.040)
36 Incest 2 (RCW 9A.64.020(2))
37 Kidnapping 2 (RCW 9A.40.030)

1 On and after July 1, 2000: No-Contact
2 Order Violation: Domestic Violence
3 Pretrial Condition (RCW 10.99.040(4)
4 (b) and (c))
5 On and after July 1, 2000: No-Contact
6 Order Violation: Domestic Violence
7 Sentence Condition (RCW 10.99.050(2))
8 On and after July 1, 2000: Protection
9 Order Violation: Domestic Violence
10 Civil Action (RCW 26.50.110 (4) and
11 (5))
12 On and after July 1, 2000: Stalking (RCW
13 9A.46.110)
14 Perjury 1 (RCW 9A.72.020)
15 Persistent prison misbehavior (RCW
16 9.94.070)
17 Possession of a Stolen Firearm (RCW
18 9A.56.310)
19 Rape 3 (RCW 9A.44.060)
20 Rendering Criminal Assistance 1 (RCW
21 9A.76.070)
22 Sexual Misconduct with a Minor 1 (RCW
23 9A.44.093)
24 Sexually Violating Human Remains (RCW
25 9A.44.105)
26 IV Arson 2 (RCW 9A.48.030)
27 Assault 2 (RCW 9A.36.021)
28 Assault by Watercraft (RCW (~~88.12.032~~)
29 79A.60.060)
30 Bribing a Witness/Bribe Received by Witness
31 (RCW 9A.72.090, 9A.72.100)
32 Commercial Bribery (RCW 9A.68.060)
33 Counterfeiting (RCW 9.16.035(4))
34 Escape 1 (RCW 9A.76.110)
35 Hit and Run--Injury Accident (RCW
36 46.52.020(4))
37 Hit and Run with Vessel--Injury Accident
38 (RCW (~~88.12.155(3)~~) 79A.060.200(3))

1 Indecent Exposure to Person Under Age
2 Fourteen (subsequent sex offense) (RCW
3 9A.88.010)
4 Influencing Outcome of Sporting Event (RCW
5 9A.82.070)
6 Knowingly Trafficking in Stolen Property
7 (RCW 9A.82.050(2))
8 Malicious Harassment (RCW 9A.36.080)
9 Manufacture, deliver, or possess with
10 intent to deliver narcotics from
11 Schedule III, IV, or V or nonnarcotics
12 from Schedule I-V (except marijuana,
13 amphetamine, methamphetamines, or
14 flunitrazepam) (RCW 69.50.401(a)(1)
15 (iii) through (v))
16 Residential Burglary (RCW 9A.52.025)
17 Robbery 2 (RCW 9A.56.210)
18 Theft of Livestock 1 (RCW 9A.56.080)
19 Threats to Bomb (RCW 9.61.160)
20 Use of Proceeds of Criminal Profiteering
21 (RCW 9A.82.080 (1) and (2))
22 Vehicular Assault (RCW 46.61.522)
23 Willful Failure to Return from Furlough
24 (RCW 72.66.060)

25 III Abandonment of dependent person 2 (RCW
26 9A.42.070)
27 Assault 3 (RCW 9A.36.031)
28 Assault of a Child 3 (RCW 9A.36.140)
29 Bail Jumping with class B or C Felony (RCW
30 9A.76.170(2)(c))
31 Burglary 2 (RCW 9A.52.030)
32 Communication with a Minor for Immoral
33 Purposes (RCW 9.68A.090)
34 Criminal Gang Intimidation (RCW 9A.46.120)
35 Criminal Mistreatment 2 (RCW 9A.42.030)
36 Custodial Assault (RCW 9A.36.100)
37 Delivery of a material in lieu of a
38 controlled substance (RCW
39 69.50.401(c))

1 Escape 2 (RCW 9A.76.120)
2 Extortion 2 (RCW 9A.56.130)
3 Harassment (RCW 9A.46.020)
4 Intimidating a Public Servant (RCW
5 9A.76.180)
6 Introducing Contraband 2 (RCW 9A.76.150)
7 Maintaining a Dwelling or Place for
8 Controlled Substances (RCW
9 69.50.402(a)(6))
10 Malicious Injury to Railroad Property (RCW
11 81.60.070)
12 Manufacture, deliver, or possess with
13 intent to deliver marijuana (RCW
14 69.50.401(a)(1)(iii))
15 Manufacture, distribute, or possess with
16 intent to distribute an imitation
17 controlled substance (RCW
18 69.52.030(1))
19 Patronizing a Juvenile Prostitute (RCW
20 9.68A.100)
21 Perjury 2 (RCW 9A.72.030)
22 Possession of Incendiary Device (RCW
23 9.40.120)
24 Possession of Machine Gun or Short-Barreled
25 Shotgun or Rifle (RCW 9.41.190)
26 Promoting Prostitution 2 (RCW 9A.88.080)
27 Recklessly Trafficking in Stolen Property
28 (RCW 9A.82.050(1))
29 Securities Act violation (RCW 21.20.400)
30 Tampering with a Witness (RCW 9A.72.120)
31 Telephone Harassment (subsequent conviction
32 or threat of death) (RCW 9.61.230)
33 Theft of Livestock 2 (RCW 9A.56.080)
34 Unlawful Imprisonment (RCW 9A.40.040)
35 Unlawful possession of firearm in the
36 second degree (RCW 9.41.040(1)(b))
37 Unlawful Use of Building for Drug Purposes
38 (RCW 69.53.010)

1 Willful Failure to Return from Work Release
2 (RCW 72.65.070)

3 II Computer Trespass 1 (RCW 9A.52.110)
4 Counterfeiting (RCW 9.16.035(3))
5 Create, deliver, or possess a counterfeit
6 controlled substance (RCW
7 69.50.401(b))
8 Escape from Community Custody (RCW
9 72.09.310)

10 Health Care False Claims (RCW 48.80.030)
11 Mail Theft or Receipt of Stolen Mail 1
12 (section 6 of this act)

13 Malicious Mischief 1 (RCW 9A.48.070)
14 Possession of controlled substance that is
15 either heroin or narcotics from
16 Schedule I or II or flunitrazepam from
17 Schedule IV (RCW 69.50.401(d))
18 Possession of phencyclidine (PCP) (RCW
19 69.50.401(d))
20 Possession of Stolen Property 1 (RCW
21 9A.56.150)
22 Theft 1 (RCW 9A.56.030)
23 Theft of Rental, Leased, or Lease-purchased
24 Property (valued at one thousand five
25 hundred dollars or more) (RCW
26 9A.56.096(4))
27 Trafficking in Insurance Claims (RCW
28 48.30A.015)
29 Unlawful Practice of Law (RCW 2.48.180)
30 Unlicensed Practice of a Profession or
31 Business (RCW 18.130.190(7))

32 I Attempting to Elude a Pursuing Police
33 Vehicle (RCW 46.61.024)
34 Destruction of Mail (section 4 of this act)
35 False Verification for Welfare (RCW
36 74.08.055)
37 Forged Prescription (RCW 69.41.020)

1 Forged Prescription for a Controlled
 2 Substance (RCW 69.50.403)
 3 Forgery (RCW 9A.60.020)
 4 Mail Theft or Receipt of Stolen Mail 2
 5 (section 7 of this act)
 6 Malicious Mischief 2 (RCW 9A.48.080)
 7 Possess Controlled Substance that is a
 8 Narcotic from Schedule III, IV, or V
 9 or Non-narcotic from Schedule I-V
 10 (except phencyclidine or
 11 flunitrazepam) (RCW 69.50.401(d))
 12 Possession of Stolen Property 2 (RCW
 13 9A.56.160)
 14 Reckless Burning 1 (RCW 9A.48.040)
 15 Taking Motor Vehicle Without Permission
 16 (RCW 9A.56.070)
 17 Theft 2 (RCW 9A.56.040)
 18 Theft of Rental, Leased, or Lease-purchased
 19 Property (valued at two hundred fifty
 20 dollars or more but less than one
 21 thousand five hundred dollars) (RCW
 22 9A.56.096(4))
 23 Unlawful Issuance of Checks or Drafts (RCW
 24 9A.56.060)
 25 Unlawful Use of Food Stamps (RCW 9.91.140
 26 (2) and (3))
 27 Vehicle Prowl 1 (RCW 9A.52.095)

28 **Sec. 11.** RCW 13.40.0357 and 1998 c 290 s 5 are each amended to
 29 read as follows:

30 **DESCRIPTION AND OFFENSE CATEGORY**

| | | | |
|----|-------------|----------------------------|-----------------------|
| 31 | JUVENILE | | JUVENILE DISPOSITION |
| 32 | DISPOSITION | | CATEGORY FOR ATTEMPT, |
| 33 | OFFENSE | | BAILJUMP, CONSPIRACY, |
| 34 | CATEGORY | DESCRIPTION (RCW CITATION) | OR SOLICITATION |
| 35 | | | |

36 **Arson and Malicious Mischief**

| | | | |
|----|---|---------------------|----|
| 37 | A | Arson 1 (9A.48.020) | B+ |
| 38 | B | Arson 2 (9A.48.030) | C |

| | | | |
|----|----|----------------------------------|----|
| 1 | C | Reckless Burning 1 (9A.48.040) | D |
| 2 | D | Reckless Burning 2 (9A.48.050) | E |
| 3 | B | Malicious Mischief 1 (9A.48.070) | C |
| 4 | C | Malicious Mischief 2 (9A.48.080) | D |
| 5 | D | Malicious Mischief 3 (<\$50 is | |
| 6 | | E class) (9A.48.090) | E |
| 7 | E | Tampering with Fire Alarm | |
| 8 | | Apparatus (9.40.100) | E |
| 9 | A | Possession of Incendiary Device | |
| 10 | | (9.40.120) | B+ |
| 11 | | Assault and Other Crimes | |
| 12 | | Involving Physical Harm | |
| 13 | A | Assault 1 (9A.36.011) | B+ |
| 14 | B+ | Assault 2 (9A.36.021) | C+ |
| 15 | C+ | Assault 3 (9A.36.031) | D+ |
| 16 | D+ | Assault 4 (9A.36.041) | E |
| 17 | B+ | Drive-By Shooting | |
| 18 | | (9A.36.045) | C+ |
| 19 | D+ | Reckless Endangerment | |
| 20 | | (9A.36.050) | E |
| 21 | C+ | Promoting Suicide Attempt | |
| 22 | | (9A.36.060) | D+ |
| 23 | D+ | Coercion (9A.36.070) | E |
| 24 | C+ | Custodial Assault (9A.36.100) | D+ |
| 25 | | Burglary and Trespass | |
| 26 | B+ | Burglary 1 (9A.52.020) | C+ |
| 27 | B | Residential Burglary | |
| 28 | | (9A.52.025) | C |
| 29 | B | Burglary 2 (9A.52.030) | C |
| 30 | D | Burglary Tools (Possession of) | |
| 31 | | (9A.52.060) | E |
| 32 | D | Criminal Trespass 1 (9A.52.070) | E |
| 33 | E | Criminal Trespass 2 (9A.52.080) | E |
| 34 | C | Vehicle Prowling 1 (9A.52.095) | D |
| 35 | D | Vehicle Prowling 2 (9A.52.100) | E |

| | | | |
|----|----|--------------------------------------|----|
| 1 | | Drugs | |
| 2 | E | Possession/Consumption of Alcohol | |
| 3 | | (66.44.270) | E |
| 4 | C | Illegally Obtaining Legend Drug | |
| 5 | | (69.41.020) | D |
| 6 | C+ | Sale, Delivery, Possession of Legend | |
| 7 | | Drug with Intent to Sell | |
| 8 | | (69.41.030) | D+ |
| 9 | E | Possession of Legend Drug | |
| 10 | | (69.41.030) | E |
| 11 | B+ | Violation of Uniform Controlled | |
| 12 | | Substances Act - Narcotic, | |
| 13 | | Methamphetamine, or Flunitrazepam | |
| 14 | | Sale (69.50.401(a)(1) (i) or (ii)) | B+ |
| 15 | C | Violation of Uniform Controlled | |
| 16 | | Substances Act - Nonnarcotic Sale | |
| 17 | | (69.50.401(a)(1)(iii)) | C |
| 18 | E | Possession of Marihuana <40 grams | |
| 19 | | (69.50.401(e)) | E |
| 20 | C | Fraudulently Obtaining Controlled | |
| 21 | | Substance (69.50.403) | C |
| 22 | C+ | Sale of Controlled Substance | |
| 23 | | for Profit (69.50.410) | C+ |
| 24 | E | Unlawful Inhalation (9.47A.020) | E |
| 25 | B | Violation of Uniform Controlled | |
| 26 | | Substances Act - Narcotic, | |
| 27 | | Methamphetamine, or Flunitrazepam | |
| 28 | | Counterfeit Substances | |
| 29 | | (69.50.401(b)(1) (i) or (ii)) | B |
| 30 | C | Violation of Uniform Controlled | |
| 31 | | Substances Act - Nonnarcotic | |
| 32 | | Counterfeit Substances | |
| 33 | | (69.50.401(b)(1) (iii), (iv), (v)) | C |
| 34 | C | Violation of Uniform Controlled | |
| 35 | | Substances Act - Possession of a | |
| 36 | | Controlled Substance | |
| 37 | | (69.50.401(d)) | C |
| 38 | C | Violation of Uniform Controlled | |
| 39 | | Substances Act - Possession of a | |

| | | | |
|----|----|---|----|
| 1 | | Controlled Substance | |
| 2 | | (69.50.401(c)) | C |
| 3 | | Firearms and Weapons | |
| 4 | B | Theft of Firearm (9A.56.300) | C |
| 5 | B | Possession of Stolen Firearm | |
| 6 | | (9A.56.310) | C |
| 7 | E | Carrying Loaded Pistol Without | |
| 8 | | Permit (9.41.050) | E |
| 9 | C | Possession of Firearms by Minor (<18) | |
| 10 | | (9.41.040(1)(b)(iii)) | C |
| 11 | D+ | Possession of Dangerous Weapon | |
| 12 | | (9.41.250) | E |
| 13 | D | Intimidating Another Person by use | |
| 14 | | of Weapon (9.41.270) | E |
| 15 | | Homicide | |
| 16 | A+ | Murder 1 (9A.32.030) | A |
| 17 | A+ | Murder 2 (9A.32.050) | B+ |
| 18 | B+ | Manslaughter 1 (9A.32.060) | C+ |
| 19 | C+ | Manslaughter 2 (9A.32.070) | D+ |
| 20 | B+ | Vehicular Homicide (46.61.520) | C+ |
| 21 | | Kidnapping | |
| 22 | A | Kidnap 1 (9A.40.020) | B+ |
| 23 | B+ | Kidnap 2 (9A.40.030) | C+ |
| 24 | C+ | Unlawful Imprisonment | |
| 25 | | (9A.40.040) | D+ |
| 26 | | Obstructing Governmental Operation | |
| 27 | D | Obstructing a Law Enforcement | |
| 28 | | Officer (9A.76.020) | E |
| 29 | E | Resisting Arrest (9A.76.040) | E |
| 30 | B | Introducing Contraband 1 | |
| 31 | | (9A.76.140) | C |
| 32 | C | Introducing Contraband 2 | |
| 33 | | (9A.76.150) | D |
| 34 | E | Introducing Contraband 3 | |
| 35 | | (9A.76.160) | E |
| 36 | B+ | Intimidating a Public Servant | |
| 37 | | (9A.76.180) | C+ |

| | | | |
|----|----|---|----|
| 1 | B+ | Intimidating a Witness | |
| 2 | | (9A.72.110) | C+ |
| 3 | | Public Disturbance | |
| 4 | C+ | Riot with Weapon (9A.84.010) | D+ |
| 5 | D+ | Riot Without Weapon | |
| 6 | | (9A.84.010) | E |
| 7 | E | Failure to Disperse (9A.84.020) | E |
| 8 | E | Disorderly Conduct (9A.84.030) | E |
| 9 | | Sex Crimes | |
| 10 | A | Rape 1 (9A.44.040) | B+ |
| 11 | A- | Rape 2 (9A.44.050) | B+ |
| 12 | C+ | Rape 3 (9A.44.060) | D+ |
| 13 | A- | Rape of a Child 1 (9A.44.073) | B+ |
| 14 | B+ | Rape of a Child 2 (9A.44.076) | C+ |
| 15 | B | Incest 1 (9A.64.020(1)) | C |
| 16 | C | Incest 2 (9A.64.020(2)) | D |
| 17 | D+ | Indecent Exposure | |
| 18 | | (Victim <14) (9A.88.010) | E |
| 19 | E | Indecent Exposure | |
| 20 | | (Victim 14 or over) (9A.88.010) | E |
| 21 | B+ | Promoting Prostitution 1 | |
| 22 | | (9A.88.070) | C+ |
| 23 | C+ | Promoting Prostitution 2 | |
| 24 | | (9A.88.080) | D+ |
| 25 | E | O & A (Prostitution) (9A.88.030) | E |
| 26 | B+ | Indecent Liberties (9A.44.100) | C+ |
| 27 | A- | Child Molestation 1 (9A.44.083) | B+ |
| 28 | B | Child Molestation 2 (9A.44.086) | C+ |
| 29 | | Theft, Robbery, Extortion, and Forgery | |
| 30 | B | Theft 1 (9A.56.030) | C |
| 31 | C | Theft 2 (9A.56.040) | D |
| 32 | D | Theft 3 (9A.56.050) | E |
| 33 | B | Theft of Livestock (9A.56.080) | C |
| 34 | C | Forgery (9A.60.020) | D |
| 35 | A | Robbery 1 (9A.56.200) | B+ |
| 36 | B+ | Robbery 2 (9A.56.210) | C+ |
| 37 | B+ | Extortion 1 (9A.56.120) | C+ |
| 38 | C+ | Extortion 2 (9A.56.130) | D+ |

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

| | | | |
|----|---|------------------------------------|---|
| 1 | B | Other Offense Equivalent to an | |
| 2 | | Adult Class B Felony | C |
| 3 | C | Other Offense Equivalent to an | |
| 4 | | Adult Class C Felony | D |
| 5 | D | Other Offense Equivalent to an | |
| 6 | | Adult Gross Misdemeanor | E |
| 7 | E | Other Offense Equivalent to an | |
| 8 | | Adult Misdemeanor | E |
| 9 | V | Violation of Order of Restitution, | |
| 10 | | Community Supervision, or | |
| 11 | | Confinement {13.40.200) | V |

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

14 1st escape or attempted escape during 12-month period - 4 weeks
15 confinement

16 2nd escape or attempted escape during 12-month period - 8 weeks
17 confinement

18 3rd and subsequent escape or attempted escape during 12-month
19 period - 12 weeks confinement

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

22 **JUVENILE SENTENCING STANDARDS**

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

OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE

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| Current Offense Category | | 0 | 1 | 2 | 3 | 4 or more |
|--------------------------|----|--|--------------------------------------|----------------------------------|---------------|-----------|
| 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 | |
| Current Offense Category | 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 | Local Sanctions: 0 to 30 Days | 15-36 WEEKS | | |
| | D+ | LS | 0 to 12 Months Community Supervision | 0 to 150 Hours Community Service | | |
| | D | LS | \$0 to \$500 Fine | | | |
| | E | LS | | | | |
| | | 0 | 1 | 2 | 3 | 4 or more |

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 disposition
15 of local sanctions or 15 to 36 weeks of confinement and has not
16 committed an A- or B+ offense, the court may impose a disposition under
17 RCW 13.40.160(~~(+5)~~) (4) 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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