

HOUSE BILL 1406

State of Washington 58th Legislature 2003 Regular Session

By Representatives McMahan, Benson, Sump, Orcutt, Cox, Carrell, Bailey, Kristiansen, Holmquist, Mielke, Roach, Bush, Cairnes, Nixon, Ahern and Pearson

Read first time 01/24/2003. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to motor vehicle theft; reenacting and amending RCW
2 13.40.0357; and prescribing penalties.

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

4 Sec. 1. RCW 13.40.0357 and 2002 c 324 s 3 and 2002 c 175 s 20 are
5 each reenacted and amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

Table with columns: JUVENILE DISPOSITION, CATEGORY FOR, ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION. Rows include Arson and Malicious Mischief with categories A, B, C, D and corresponding descriptions and penalties.

1	B	Malicious Mischief 1 (9A.48.070)	C
2	C	Malicious Mischief 2 (9A.48.080)	D
3	D	Malicious Mischief 3 (<\$50 is E class)	
4		(9A.48.090)	E
5	E	Tampering with Fire Alarm Apparatus	
6		(9.40.100)	E
7	A	Possession of Incendiary Device (9.40.120)	B+
8		Assault and Other Crimes Involving	
9		Physical Harm	
10	A	Assault 1 (9A.36.011)	B+
11	B+	Assault 2 (9A.36.021)	C+
12	C+	Assault 3 (9A.36.031)	D+
13	D+	Assault 4 (9A.36.041)	E
14	B+	Drive-By Shooting (9A.36.045)	C+
15	D+	Reckless Endangerment (9A.36.050)	E
16	C+	Promoting Suicide Attempt (9A.36.060)	D+
17	D+	Coercion (9A.36.070)	E
18	C+	Custodial Assault (9A.36.100)	D+
19		Burglary and Trespass	
20	B+	Burglary 1 (9A.52.020)	C+
21	B	Residential Burglary (9A.52.025)	C
22	B	Burglary 2 (9A.52.030)	C
23	D	Burglary Tools (Possession of) (9A.52.060)	E
24	D	Criminal Trespass 1 (9A.52.070)	E
25	E	Criminal Trespass 2 (9A.52.080)	E
26	C	Vehicle Prowling 1 (9A.52.095)	D
27	D	Vehicle Prowling 2 (9A.52.100)	E
28		Drugs	
29	E	Possession/Consumption of Alcohol	
30		(66.44.270)	E
31	C	Illegally Obtaining Legend Drug	
32		(69.41.020)	D
33	C+	Sale, Delivery, Possession of Legend Drug	
34		with Intent to Sell (69.41.030)	D+
35	E	Possession of Legend Drug (69.41.030)	E

1	B+	Violation of Uniform Controlled	
2		Substances Act - Narcotic,	
3		Methamphetamine, or Flunitrazepam Sale	
4		(69.50.401(a)(1) (i) or (ii))	B+
5	C	Violation of Uniform Controlled	
6		Substances Act - Nonnarcotic Sale	
7		(69.50.401(a)(1)(iii))	C
8	E	Possession of Marihuana <40 grams	
9		(69.50.401(e))	E
10	C	Fraudulently Obtaining Controlled	
11		Substance (69.50.403)	C
12	C+	Sale of Controlled Substance for Profit	
13		(69.50.410)	C+
14	E	Unlawful Inhalation (9.47A.020)	E
15	B	Violation of Uniform Controlled	
16		Substances Act - Narcotic,	
17		Methamphetamine, or Flunitrazepam	
18		Counterfeit Substances (69.50.401(b)(1) (i)	
19		or (ii))	B
20	C	Violation of Uniform Controlled	
21		Substances Act - Nonnarcotic Counterfeit	
22		Substances (69.50.401(b)(1) (iii), (iv), (v))	C
23	C	Violation of Uniform Controlled	
24		Substances Act - Possession of a Controlled	
25		Substance (69.50.401(d))	C
26	C	Violation of Uniform Controlled	
27		Substances Act - Possession of a Controlled	
28		Substance (69.50.401(c))	C
29		Firearms and Weapons	
30	B	Theft of Firearm (9A.56.300)	C
31	B	Possession of Stolen Firearm (9A.56.310)	C
32	E	Carrying Loaded Pistol Without Permit	
33		(9.41.050)	E
34	C	Possession of Firearms by Minor (<18)	
35		(9.41.040(1)(b)(iii))	C
36	D+	Possession of Dangerous Weapon	
37		(9.41.250)	E

1	D	Intimidating Another Person by use of	
2		Weapon (9A.41.270)	E
3		Homicide	
4	A+	Murder 1 (9A.32.030)	A
5	A+	Murder 2 (9A.32.050)	B+
6	B+	Manslaughter 1 (9A.32.060)	C+
7	C+	Manslaughter 2 (9A.32.070)	D+
8	B+	Vehicular Homicide (46.61.520)	C+
9		Kidnapping	
10	A	Kidnap 1 (9A.40.020)	B+
11	B+	Kidnap 2 (9A.40.030)	C+
12	C+	Unlawful Imprisonment (9A.40.040)	D+
13		Obstructing Governmental Operation	
14	D	Obstructing a Law Enforcement Officer	
15		(9A.76.020)	E
16	E	Resisting Arrest (9A.76.040)	E
17	B	Introducing Contraband 1 (9A.76.140)	C
18	C	Introducing Contraband 2 (9A.76.150)	D
19	E	Introducing Contraband 3 (9A.76.160)	E
20	B+	Intimidating a Public Servant (9A.76.180)	C+
21	B+	Intimidating a Witness (9A.72.110)	C+
22		Public Disturbance	
23	C+	Riot with Weapon (9A.84.010)	D+
24	D+	Riot Without Weapon (9A.84.010)	E
25	E	Failure to Disperse (9A.84.020)	E
26	E	Disorderly Conduct (9A.84.030)	E
27		Sex Crimes	
28	A	Rape 1 (9A.44.040)	B+
29	A-	Rape 2 (9A.44.050)	B+
30	C+	Rape 3 (9A.44.060)	D+
31	A-	Rape of a Child 1 (9A.44.073)	B+
32	B+	Rape of a Child 2 (9A.44.076)	C+
33	B	Incest 1 (9A.64.020(1))	C
34	C	Incest 2 (9A.64.020(2))	D
35	D+	Indecent Exposure (Victim <14)	
36		(9A.88.010)	E

1	E	Indecent Exposure (Victim 14 or over)	
2		(9A.88.010)	E
3	B+	Promoting Prostitution 1 (9A.88.070)	C+
4	C+	Promoting Prostitution 2 (9A.88.080)	D+
5	E	O & A (Prostitution) (9A.88.030)	E
6	B+	Indecent Liberties (9A.44.100)	C+
7	A-	Child Molestation 1 (9A.44.083)	B+
8	B	Child Molestation 2 (9A.44.086)	C+
9		Theft, Robbery, Extortion, and Forgery	
10	B	Theft 1 (9A.56.030)	C
11	C	Theft 2 (9A.56.040)	D
12	D	Theft 3 (9A.56.050)	E
13	B	Theft of Livestock (9A.56.080)	C
14	C	Forgery (9A.60.020)	D
15	A	Robbery 1 (9A.56.200)	B+
16	B+	Robbery 2 (9A.56.210)	C+
17	B+	Extortion 1 (9A.56.120)	C+
18	C+	Extortion 2 (9A.56.130)	D+
19	C	Identity Theft 1 (9.35.020(2)(a))	D
20	D	Identity Theft 2 (9.35.020(2)(b))	E
21	D	Improperly Obtaining Financial	
22		Information (9.35.010)	E
23	B	Possession of Stolen Property 1	
24		(9A.56.150)	C
25	C	Possession of Stolen Property 2	
26		(9A.56.160)	D
27	D	Possession of Stolen Property 3	
28		(9A.56.170)	E
29	((€))		
30	<u>B+</u>	Taking Motor Vehicle Without Permission	
31		1 ((and-2)) (9A.56.070 (1) ((and-(2))))	((D))
32			<u>C+</u>
33	<u>B</u>	<u>Taking Motor Vehicle Without Permission</u>	
34		<u>2 (9A.56.070(2))</u>	<u>C</u>
35		Motor Vehicle Related Crimes	
36	E	Driving Without a License (46.20.005)	E
37	B+	Hit and Run - Death (46.52.020(4)(a))	C+

1	C	Hit and Run - Injury (46.52.020(4)(b))	D
2	D	Hit and Run-Attended (46.52.020(5))	E
3	E	Hit and Run-Unattended (46.52.010)	E
4	C	Vehicle Assault (46.61.522)	D
5	C	Attempting to Elude Pursuing Police	
6		Vehicle (46.61.024)	D
7	E	Reckless Driving (46.61.500)	E
8	D	Driving While Under the Influence	
9		(46.61.502 and 46.61.504)	E
10		Other	
11	B	Bomb Threat (9.61.160)	C
12	C	Escape 1 ¹ (9A.76.110)	C
13	C	Escape 2 ¹ (9A.76.120)	C
14	D	Escape 3 (9A.76.130)	E
15	E	Obscene, Harassing, Etc., Phone Calls	
16		(9.61.230)	E
17	A	Other Offense Equivalent to an Adult Class	
18		A Felony	B+
19	B	Other Offense Equivalent to an Adult Class	
20		B Felony	C
21	C	Other Offense Equivalent to an Adult Class	
22		C Felony	D
23	D	Other Offense Equivalent to an Adult	
24		Gross Misdemeanor	E
25	E	Other Offense Equivalent to an Adult	
26		Misdemeanor	E
27	V	Violation of Order of Restitution,	
28		Community Supervision, or Confinement	
29		(13.40.200) ²	V

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

32 1st escape or attempted escape during 12-month period - 4 weeks
33 confinement

34 2nd escape or attempted escape during 12-month period - 8 weeks
35 confinement

36 3rd and subsequent escape or attempted escape during 12-month
37 period - 12 weeks confinement

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

3 **JUVENILE SENTENCING STANDARDS**

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

6 **OPTION A**
 7 **JUVENILE OFFENDER SENTENCING GRID**
 8 **STANDARD RANGE**

9 A+ 180 WEEKS TO AGE 21 YEARS

10 A 103 WEEKS TO 129 WEEKS

11	A-	15-36	52-65	80-100	103-129
12		WEEKS	WEEKS	WEEKS	WEEKS
13		EXCEPT			
14		30-40			
15		WEEKS FOR			
16		15-17			
17		YEAR OLDS			

18	Current	B+	15-36	52-65	80-100	103-129
19	Offense		WEEKS	WEEKS	WEEKS	WEEKS

20	Category	B	LOCAL		52-65
21			SANCTIONS (LS)	15-36 WEEKS	WEEKS

22	C+	LS		15-36 WEEKS
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23	C	LS		15-36 WEEKS
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24 Local Sanctions:
 25 0 to 30 Days

26	D+	LS	0 to 12 Months Community Supervision
27			0 to 150 Hours Community Restitution

28	D	LS	\$0 to \$500 Fine
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29 E LS

30 0 1 2 3 4
 31 or more

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

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

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

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

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

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

OR

OPTION B

CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

OPTION C

MANIFEST INJUSTICE

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

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