

---

HOUSE BILL 2800

---

State of Washington

58th Legislature

2004 Regular Session

By Representatives Carrell, Ahern, Clements, Cairnes, Cox, Roach, Jarrett, Delvin, Shabro, Kristiansen, McMahan, Newhouse, Condotta, Buck, Kessler, Campbell, Mielke, Simpson, G., Bush and Woods

Read first time 01/21/2004. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to taking a motor vehicle without permission;  
2 amending RCW 9A.56.070, 9A.56.075, and 9.94A.533; reenacting and  
3 amending RCW 9.94A.515 and 13.40.0357; adding a new section to chapter  
4 9A.56 RCW; prescribing penalties; and providing an effective date.

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

6 **Sec. 1.** RCW 9A.56.070 and 2003 c 53 s 72 are each amended to read  
7 as follows:

8 (1) A person is guilty of taking a motor vehicle without permission  
9 in the first degree if he or she, without the permission of the owner  
10 or person entitled to possession, intentionally takes or drives away an  
11 automobile or motor vehicle, whether propelled by steam, electricity,  
12 or internal combustion engine, that is the property of another, and he  
13 or she:

14 (a) Causes physical damage to the vehicle in an amount of one  
15 thousand five hundred dollars or more in value;

16 (b) Alters the motor vehicle for the purpose of changing its  
17 appearance or primary identification, including obscuring, removing, or  
18 changing the manufacturer's serial number or the vehicle identification  
19 number plates;

1        ~~((b))~~ (c) Removes, or participates in the removal of, parts from  
2 the motor vehicle with the intent to sell the parts;

3        ~~((e))~~ (d) Exports, or attempts to export, the motor vehicle  
4 across state lines or out of the United States for profit;

5        ~~((d))~~ (e) Intends to sell the motor vehicle; or

6        ~~((e))~~ (f) Is engaged in a conspiracy and the central object of  
7 the conspiratorial agreement is the theft of motor vehicles for sale to  
8 others for profit.

9        (2) Taking a motor vehicle without permission in the first degree  
10 is a class ~~((B))~~ A felony.

11        NEW SECTION.    **Sec. 2.** A new section is added to chapter 9A.56 RCW  
12 to read as follows:

13        (1) A person is guilty of taking a motor vehicle without permission  
14 in the second degree if he or she, without the permission of the owner  
15 or person entitled to possession, intentionally takes or drives away  
16 any automobile or motor vehicle, whether propelled by steam,  
17 electricity, or internal combustion engine, that is the property of  
18 another, or he or she voluntarily rides in or upon the automobile or  
19 motor vehicle with knowledge of the fact that the automobile or motor  
20 vehicle was unlawfully taken, and either person causes physical damage  
21 to the vehicle in an amount of more than one hundred dollars and less  
22 than one thousand five hundred dollars in value.

23        (2) Taking a motor vehicle without permission in the second degree  
24 is a class B felony.

25        **Sec. 3.** RCW 9A.56.075 and 2003 c 53 s 73 are each amended to read  
26 as follows:

27        (1) A person is guilty of taking a motor vehicle without permission  
28 in the ~~((second))~~ third degree if he or she, without the permission of  
29 the owner or person entitled to possession, intentionally takes or  
30 drives away any automobile or motor vehicle, whether propelled by  
31 steam, electricity, or internal combustion engine, that is the property  
32 of another, or he or she voluntarily rides in or upon the automobile or  
33 motor vehicle with knowledge of the fact that the automobile or motor  
34 vehicle was unlawfully taken.

35        (2) Taking a motor vehicle without permission in the ~~((second))~~  
36 third degree is a class C felony.

1       **Sec. 4.** RCW 9.94A.533 and 2003 c 53 s 58 are each amended to read  
2 as follows:

3       (1) The provisions of this section apply to the standard sentence  
4 ranges determined by RCW 9.94A.510 or 9.94A.517.

5       (2) For persons convicted of the anticipatory offenses of criminal  
6 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the  
7 standard sentence range is determined by locating the sentencing grid  
8 sentence range defined by the appropriate offender score and the  
9 seriousness level of the completed crime, and multiplying the range by  
10 seventy-five percent.

11       (3) The following additional times shall be added to the standard  
12 sentence range for felony crimes committed after July 23, 1995, if the  
13 offender or an accomplice was armed with a firearm as defined in RCW  
14 9.41.010 and the offender is being sentenced for one of the crimes  
15 listed in this subsection as eligible for any firearm enhancements  
16 based on the classification of the completed felony crime. If the  
17 offender is being sentenced for more than one offense, the firearm  
18 enhancement or enhancements must be added to the total period of  
19 confinement for all offenses, regardless of which underlying offense is  
20 subject to a firearm enhancement. If the offender or an accomplice was  
21 armed with a firearm as defined in RCW 9.41.010 and the offender is  
22 being sentenced for an anticipatory offense under chapter 9A.28 RCW to  
23 commit one of the crimes listed in this subsection as eligible for any  
24 firearm enhancements, the following additional times shall be added to  
25 the standard sentence range determined under subsection (2) of this  
26 section based on the felony crime of conviction as classified under RCW  
27 9A.28.020:

28       (a) Five years for any felony defined under any law as a class A  
29 felony or with a statutory maximum sentence of at least twenty years,  
30 or both, and not covered under (f) of this subsection;

31       (b) Three years for any felony defined under any law as a class B  
32 felony or with a statutory maximum sentence of ten years, or both, and  
33 not covered under (f) of this subsection;

34       (c) Eighteen months for any felony defined under any law as a class  
35 C felony or with a statutory maximum sentence of five years, or both,  
36 and not covered under (f) of this subsection;

37       (d) If the offender is being sentenced for any firearm enhancements  
38 under (a), (b), and/or (c) of this subsection and the offender has

1 previously been sentenced for any deadly weapon enhancements after July  
2 23, 1995, under (a), (b), and/or (c) of this subsection or subsection  
3 (4)(a), (b), and/or (c) of this section, or both, all firearm  
4 enhancements under this subsection shall be twice the amount of the  
5 enhancement listed;

6 (e) Notwithstanding any other provision of law, all firearm  
7 enhancements under this section are mandatory, shall be served in total  
8 confinement, and shall run consecutively to all other sentencing  
9 provisions, including other firearm or deadly weapon enhancements, for  
10 all offenses sentenced under this chapter. However, whether or not a  
11 mandatory minimum term has expired, an offender serving a sentence  
12 under this subsection may be granted an extraordinary medical placement  
13 when authorized under RCW 9.94A.728(4);

14 (f) The firearm enhancements in this section shall apply to all  
15 felony crimes except the following: Possession of a machine gun,  
16 possessing a stolen firearm, drive-by shooting, theft of a firearm,  
17 unlawful possession of a firearm in the first and second degree, and  
18 use of a machine gun in a felony;

19 (g) If the standard sentence range under this section exceeds the  
20 statutory maximum sentence for the offense, the statutory maximum  
21 sentence shall be the presumptive sentence unless the offender is a  
22 persistent offender. If the addition of a firearm enhancement  
23 increases the sentence so that it would exceed the statutory maximum  
24 for the offense, the portion of the sentence representing the  
25 enhancement may not be reduced.

26 (4) The following additional times shall be added to the standard  
27 sentence range for felony crimes committed after July 23, 1995, if the  
28 offender or an accomplice was armed with a deadly weapon other than a  
29 firearm as defined in RCW 9.41.010 and the offender is being sentenced  
30 for one of the crimes listed in this subsection as eligible for any  
31 deadly weapon enhancements based on the classification of the completed  
32 felony crime. If the offender is being sentenced for more than one  
33 offense, the deadly weapon enhancement or enhancements must be added to  
34 the total period of confinement for all offenses, regardless of which  
35 underlying offense is subject to a deadly weapon enhancement. If the  
36 offender or an accomplice was armed with a deadly weapon other than a  
37 firearm as defined in RCW 9.41.010 and the offender is being sentenced  
38 for an anticipatory offense under chapter 9A.28 RCW to commit one of

1 the crimes listed in this subsection as eligible for any deadly weapon  
2 enhancements, the following additional times shall be added to the  
3 standard sentence range determined under subsection (2) of this section  
4 based on the felony crime of conviction as classified under RCW  
5 9A.28.020:

6 (a) Two years for any felony defined under any law as a class A  
7 felony or with a statutory maximum sentence of at least twenty years,  
8 or both, and not covered under (f) of this subsection;

9 (b) One year for any felony defined under any law as a class B  
10 felony or with a statutory maximum sentence of ten years, or both, and  
11 not covered under (f) of this subsection;

12 (c) Six months for any felony defined under any law as a class C  
13 felony or with a statutory maximum sentence of five years, or both, and  
14 not covered under (f) of this subsection;

15 (d) If the offender is being sentenced under (a), (b), and/or (c)  
16 of this subsection for any deadly weapon enhancements and the offender  
17 has previously been sentenced for any deadly weapon enhancements after  
18 July 23, 1995, under (a), (b), and/or (c) of this subsection or  
19 subsection (3)(a), (b), and/or (c) of this section, or both, all deadly  
20 weapon enhancements under this subsection shall be twice the amount of  
21 the enhancement listed;

22 (e) Notwithstanding any other provision of law, all deadly weapon  
23 enhancements under this section are mandatory, shall be served in total  
24 confinement, and shall run consecutively to all other sentencing  
25 provisions, including other firearm or deadly weapon enhancements, for  
26 all offenses sentenced under this chapter. However, whether or not a  
27 mandatory minimum term has expired, an offender serving a sentence  
28 under this subsection may be granted an extraordinary medical placement  
29 when authorized under RCW 9.94A.728(4);

30 (f) The deadly weapon enhancements in this section shall apply to  
31 all felony crimes except the following: Possession of a machine gun,  
32 possessing a stolen firearm, drive-by shooting, theft of a firearm,  
33 unlawful possession of a firearm in the first and second degree, and  
34 use of a machine gun in a felony;

35 (g) If the standard sentence range under this section exceeds the  
36 statutory maximum sentence for the offense, the statutory maximum  
37 sentence shall be the presumptive sentence unless the offender is a  
38 persistent offender. If the addition of a deadly weapon enhancement

1 increases the sentence so that it would exceed the statutory maximum  
2 for the offense, the portion of the sentence representing the  
3 enhancement may not be reduced.

4 (5) The following additional times shall be added to the standard  
5 sentence range if the offender or an accomplice committed the offense  
6 while in a county jail or state correctional facility and the offender  
7 is being sentenced for one of the crimes listed in this subsection. If  
8 the offender or an accomplice committed one of the crimes listed in  
9 this subsection while in a county jail or state correctional facility,  
10 and the offender is being sentenced for an anticipatory offense under  
11 chapter 9A.28 RCW to commit one of the crimes listed in this  
12 subsection, the following additional times shall be added to the  
13 standard sentence range determined under subsection (2) of this  
14 section:

15 (a) Eighteen months for offenses committed under RCW 69.50.401(2)  
16 (a) or (b) or 69.50.410;

17 (b) Fifteen months for offenses committed under RCW 69.50.401(2)  
18 (c), (d), or (e);

19 (c) Twelve months for offenses committed under RCW 69.50.4013.

20 For the purposes of this subsection, all of the real property of a  
21 state correctional facility or county jail shall be deemed to be part  
22 of that facility or county jail.

23 (6) An additional twenty-four months shall be added to the standard  
24 sentence range for any ranked offense involving a violation of chapter  
25 69.50 RCW if the offense was also a violation of RCW 69.50.435 or  
26 9.94A.605.

27 (7) An additional two years shall be added to the standard sentence  
28 range for vehicular homicide committed while under the influence of  
29 intoxicating liquor or any drug as defined by RCW 46.61.502 for each  
30 prior offense as defined in RCW 46.61.5055.

31 (8)(a) If the offender is being sentenced for taking a motor  
32 vehicle without permission in the first degree, taking a motor vehicle  
33 without permission in the second degree, or taking a motor vehicle  
34 without permission in the third degree, and the offender has previously  
35 been sentenced on two or more occasions for any of the following:  
36 Taking a motor vehicle without permission in the first degree, taking  
37 a motor vehicle without permission in the second degree, or taking a

1 motor vehicle without permission in the third degree, an additional  
2 five years shall be added to the standard sentence range for the crime  
3 the offender is being sentenced for.

4 (b) Notwithstanding any other provision of law, the entire  
5 additional five years is mandatory, shall be served in total  
6 confinement, and shall run consecutively to all other sentencing  
7 provisions, for all offenses sentenced under this chapter. However,  
8 whether or not a mandatory minimum term has expired, an offender  
9 -serving a sentence under this subsection may be granted an  
10 extraordinary medical placement when authorized under RCW 9.94A.728(4).

11 **Sec. 5.** RCW 9.94A.515 and 2003 c 335 s 5, 2003 c 283 s 33, 2003 c  
12 267 s 3, 2003 c 250 s 14, 2003 c 119 s 8, 2003 c 53 s 56, and 2003 c 52  
13 s 4 are each reenacted and amended to read as follows:

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

TABLE 2	
CRIMES INCLUDED WITHIN	
EACH SERIOUSNESS LEVEL	
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Trafficking 2 (RCW 9A.40.100(2))

1 XI Manslaughter 1 (RCW 9A.32.060)  
2 Rape 2 (RCW 9A.44.050)  
3 Rape of a Child 2 (RCW 9A.44.076)  
4 X Child Molestation 1 (RCW 9A.44.083)  
5 Indecent Liberties (with forcible  
6 compulsion) (RCW  
7 9A.44.100(1)(a))  
8 Kidnapping 1 (RCW 9A.40.020)  
9 Leading Organized Crime (RCW  
10 9A.82.060(1)(a))  
11 Malicious explosion 3 (RCW  
12 70.74.280(3))  
13 Sexually Violent Predator Escape  
14 (RCW 9A.76.115)  
15 IX Assault of a Child 2 (RCW 9A.36.130)  
16 Explosive devices prohibited (RCW  
17 70.74.180)  
18 Hit and Run--Death (RCW  
19 46.52.020(4)(a))  
20 Homicide by Watercraft, by being  
21 under the influence of intoxicating  
22 liquor or any drug (RCW  
23 79A.60.050)  
24 Inciting Criminal Profiteering (RCW  
25 9A.82.060(1)(b))  
26 Malicious placement of an explosive 2  
27 (RCW 70.74.270(2))  
28 Robbery 1 (RCW 9A.56.200)  
29 Sexual Exploitation (RCW 9.68A.040)  
30 Vehicular Homicide, by being under  
31 the influence of intoxicating  
32 liquor or any drug (RCW  
33 46.61.520)  
34 VIII Arson 1 (RCW 9A.48.020)



1 Homicide by Watercraft, by the  
2 operation of any vessel in a  
3 reckless manner (RCW  
4 79A.60.050)  
5 Manslaughter 2 (RCW 9A.32.070)  
6 Promoting Prostitution 1 (RCW  
7 9A.88.070)  
8 Theft of Ammonia (RCW 69.55.010)  
9 Vehicular Homicide, by the operation  
10 of any vehicle in a reckless  
11 manner (RCW 46.61.520)  
12 VII Burglary 1 (RCW 9A.52.020)  
13 Child Molestation 2 (RCW 9A.44.086)  
14 Civil Disorder Training (RCW  
15 9A.48.120)  
16 Dealing in depictions of minor  
17 engaged in sexually explicit  
18 conduct (RCW 9.68A.050)  
19 Drive-by Shooting (RCW 9A.36.045)  
20 Homicide by Watercraft, by disregard  
21 for the safety of others (RCW  
22 79A.60.050)  
23 Indecent Liberties (without forcible  
24 compulsion) (RCW 9A.44.100(1)  
25 (b) and (c))  
26 Introducing Contraband 1 (RCW  
27 9A.76.140)  
28 Malicious placement of an explosive 3  
29 (RCW 70.74.270(3))  
30 Sending, bringing into state depictions  
31 of minor engaged in sexually  
32 explicit conduct (RCW  
33 9.68A.060)  
34 Unlawful Possession of a Firearm in  
35 the first degree (RCW  
36 9.41.040(1))

1 Use of a Machine Gun in Commission  
2 of a Felony (RCW 9A.41.225)  
3 Vehicular Homicide, by disregard for  
4 the safety of others (RCW  
5 46.61.520)  
6 VI Bail Jumping with Murder 1 (RCW  
7 9A.76.170(3)(a))  
8 Bribery (RCW 9A.68.010)  
9 Incest 1 (RCW 9A.64.020(1))  
10 Intimidating a Judge (RCW  
11 9A.72.160)  
12 Intimidating a Juror/Witness (RCW  
13 9A.72.110, 9A.72.130)  
14 Malicious placement of an imitation  
15 device 2 (RCW 70.74.272(1)(b))  
16 Rape of a Child 3 (RCW 9A.44.079)  
17 Taking Motor Vehicle Without  
18 Permission 1 (RCW 9A.56.070)  
19 Theft of a Firearm (RCW 9A.56.300)  
20 Unlawful Storage of Ammonia (RCW  
21 69.55.020)  
22 V Abandonment of dependent person 1  
23 (RCW 9A.42.060)  
24 Advancing money or property for  
25 extortionate extension of credit  
26 (RCW 9A.82.030)  
27 Bail Jumping with class A Felony  
28 (RCW 9A.76.170(3)(b))  
29 Child Molestation 3 (RCW 9A.44.089)  
30 Criminal Mistreatment 1 (RCW  
31 9A.42.020)  
32 Custodial Sexual Misconduct 1 (RCW  
33 9A.44.160)

1 Domestic Violence Court Order  
2 Violation (RCW 10.99.040,  
3 10.99.050, 26.09.300, 26.10.220,  
4 26.26.138, 26.50.110, 26.52.070,  
5 or 74.34.145)  
6 Extortion 1 (RCW 9A.56.120)  
7 Extortionate Extension of Credit  
8 (RCW 9A.82.020)  
9 Extortionate Means to Collect  
10 Extensions of Credit (RCW  
11 9A.82.040)  
12 Incest 2 (RCW 9A.64.020(2))  
13 Kidnapping 2 (RCW 9A.40.030)  
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  
21 (RCW 9A.76.070)  
22 Sexual Misconduct with a Minor 1  
23 (RCW 9A.44.093)  
24 Sexually Violating Human Remains  
25 (RCW 9A.44.105)  
26 Stalking (RCW 9A.46.110)  
27 ~~((Taking Motor Vehicle Without~~  
28 ~~Permission 1 (RCW 9A.56.070)))~~  
29 IV Arson 2 (RCW 9A.48.030)  
30 Assault 2 (RCW 9A.36.021)  
31 Assault by Watercraft (RCW  
32 79A.60.060)  
33 Bribing a Witness/Bribe Received by  
34 Witness (RCW 9A.72.090,  
35 9A.72.100)  
36 Cheating 1 (RCW 9.46.1961)

1 Commercial Bribery (RCW  
2 9A.68.060)  
3 Counterfeiting (RCW 9.16.035(4))  
4 Endangerment with a Controlled  
5 Substance (RCW 9A.42.100)  
6 Escape 1 (RCW 9A.76.110)  
7 Hit and Run--Injury (RCW  
8 46.52.020(4)(b))  
9 Hit and Run with Vessel--Injury  
10 Accident (RCW 79A.60.200(3))  
11 Identity Theft 1 (RCW 9.35.020(2))  
12 Indecent Exposure to Person Under  
13 Age Fourteen (subsequent sex  
14 offense) (RCW 9A.88.010)  
15 Influencing Outcome of Sporting  
16 Event (RCW 9A.82.070)  
17 Malicious Harassment (RCW  
18 9A.36.080)  
19 Residential Burglary (RCW  
20 9A.52.025)  
21 Robbery 2 (RCW 9A.56.210)  
22 Theft of Livestock 1 (RCW 9A.56.080)  
23 Threats to Bomb (RCW 9.61.160)  
24 Trafficking in Stolen Property 1 (RCW  
25 9A.82.050)  
26 Unlawful factoring of a credit card or  
27 payment card transaction (RCW  
28 9A.56.290(4)(b))  
29 Unlawful transaction of health  
30 coverage as a health care service  
31 contractor (RCW 48.44.016(3))  
32 Unlawful transaction of health  
33 coverage as a health maintenance  
34 organization (RCW 48.46.033(3))  
35 Unlawful transaction of insurance  
36 business (RCW 48.15.023(3))

1 Unlicensed practice as an insurance  
2 professional (RCW 48.17.063(3))  
3 Use of Proceeds of Criminal  
4 Profiteering (RCW 9A.82.080 (1)  
5 and (2))  
6 Vehicular Assault, by being under the  
7 influence of intoxicating liquor or  
8 any drug, or by the operation or  
9 driving of a vehicle in a reckless  
10 manner (RCW 46.61.522)  
11 Willful Failure to Return from  
12 Furlough (RCW 72.66.060)  
13 III Abandonment of dependent person 2  
14 (RCW 9A.42.070)  
15 Assault 3 (RCW 9A.36.031)  
16 Assault of a Child 3 (RCW 9A.36.140)  
17 Bail Jumping with class B or C Felony  
18 (RCW 9A.76.170(3)(c))  
19 Burglary 2 (RCW 9A.52.030)  
20 Communication with a Minor for  
21 Immoral Purposes (RCW  
22 9.68A.090)  
23 Criminal Gang Intimidation (RCW  
24 9A.46.120)  
25 Criminal Mistreatment 2 (RCW  
26 9A.42.030)  
27 Custodial Assault (RCW 9A.36.100)  
28 Escape 2 (RCW 9A.76.120)  
29 Extortion 2 (RCW 9A.56.130)  
30 Harassment (RCW 9A.46.020)  
31 Intimidating a Public Servant (RCW  
32 9A.76.180)  
33 Introducing Contraband 2 (RCW  
34 9A.76.150)  
35 Malicious Injury to Railroad Property  
36 (RCW 81.60.070)

1 Patronizing a Juvenile Prostitute  
2 (RCW 9.68A.100)  
3 Perjury 2 (RCW 9A.72.030)  
4 Possession of Incendiary Device (RCW  
5 9.40.120)  
6 Possession of Machine Gun or Short-  
7 Barreled Shotgun or Rifle (RCW  
8 9.41.190)  
9 Promoting Prostitution 2 (RCW  
10 9A.88.080)  
11 Securities Act violation (RCW  
12 21.20.400)  
13 Taking Motor Vehicle Without  
14 Permission 2 (section 2 of this act)  
15 Tampering with a Witness (RCW  
16 9A.72.120)  
17 Telephone Harassment (subsequent  
18 conviction or threat of death)  
19 (RCW 9.61.230(2))  
20 Theft of Livestock 2 (RCW 9A.56.083)  
21 Trafficking in Stolen Property 2 (RCW  
22 9A.82.055)  
23 Unlawful Imprisonment (RCW  
24 9A.40.040)  
25 Unlawful possession of firearm in the  
26 second degree (RCW 9.41.040(2))  
27 Vehicular Assault, by the operation or  
28 driving of a vehicle with disregard  
29 for the safety of others (RCW  
30 46.61.522)  
31 Willful Failure to Return from Work  
32 Release (RCW 72.65.070)  
33 II Computer Trespass 1 (RCW  
34 9A.52.110)  
35 Counterfeiting (RCW 9.16.035(3))  
36 Escape from Community Custody  
37 (RCW 72.09.310)

1 Health Care False Claims (RCW  
2 48.80.030)  
3 Identity Theft 2 (RCW 9.35.020(3))  
4 Improperly Obtaining Financial  
5 Information (RCW 9.35.010)  
6 Malicious Mischief 1 (RCW  
7 9A.48.070)  
8 Possession of Stolen Property 1 (RCW  
9 9A.56.150)  
10 Taking Motor Vehicle Without  
11 Permission 3 (RCW 9A.56.075)  
12 Theft 1 (RCW 9A.56.030)  
13 Theft of Rental, Leased, or Lease-  
14 purchased Property (valued at one  
15 thousand five hundred dollars or  
16 more) (RCW 9A.56.096(5)(a))  
17 Trafficking in Insurance Claims (RCW  
18 48.30A.015)  
19 Unlawful factoring of a credit card or  
20 payment card transaction (RCW  
21 9A.56.290(4)(a))  
22 Unlawful Practice of Law (RCW  
23 2.48.180)  
24 Unlicensed Practice of a Profession or  
25 Business (RCW 18.130.190(7))  
26 I Attempting to Elude a Pursuing Police  
27 Vehicle (RCW 46.61.024)  
28 False Verification for Welfare (RCW  
29 74.08.055)  
30 Forgery (RCW 9A.60.020)  
31 Fraudulent Creation or Revocation of a  
32 Mental Health Advance Directive  
33 (RCW 9A.60.060)  
34 Malicious Mischief 2 (RCW  
35 9A.48.080)  
36 Mineral Trespass (RCW 78.44.330)

1 Possession of Stolen Property 2 (RCW  
2 9A.56.160)  
3 Reckless Burning 1 (RCW 9A.48.040)  
4 (~~Taking Motor Vehicle Without~~  
5 ~~Permission 2 (RCW 9A.56.075))~~)  
6 Theft 2 (RCW 9A.56.040)  
7 Theft of Rental, Leased, or Lease-  
8 purchased Property (valued at two  
9 hundred fifty dollars or more but  
10 less than one thousand five  
11 hundred dollars) (RCW  
12 9A.56.096(5)(b))  
13 Transaction of insurance business  
14 beyond the scope of licensure  
15 (RCW 48.17.063(4))  
16 Unlawful Issuance of Checks or Drafts  
17 (RCW 9A.56.060)  
18 Unlawful Possession of Fictitious  
19 Identification (RCW 9A.56.320)  
20 Unlawful Possession of Instruments of  
21 Financial Fraud (RCW  
22 9A.56.320)  
23 Unlawful Possession of Payment  
24 Instruments (RCW 9A.56.320)  
25 Unlawful Possession of a Personal  
26 Identification Device (RCW  
27 9A.56.320)  
28 Unlawful Production of Payment  
29 Instruments (RCW 9A.56.320)  
30 Unlawful Trafficking in Food Stamps  
31 (RCW 9.91.142)  
32 Unlawful Use of Food Stamps (RCW  
33 9.91.144)  
34 Vehicle Prowl 1 (RCW 9A.52.095)

35 **Sec. 6.** RCW 13.40.0357 and 2003 c 378 s 2, 2003 c 335 s 6, and  
36 2003 c 53 s 97 are each reenacted and amended to read as follows:



**DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE DISPOSITION

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
--	----------------------------	--

.....

**Arson and Malicious Mischief**

9	A	Arson 1 (9A.48.020)	B+
10	B	Arson 2 (9A.48.030)	C
11	C	Reckless Burning 1 (9A.48.040)	D
12	D	Reckless Burning 2 (9A.48.050)	E
13	B	Malicious Mischief 1 (9A.48.070)	C
14	C	Malicious Mischief 2 (9A.48.080)	D
15	D	Malicious Mischief 3 (9A.48.090(2) (a)	
16		and (c))	E
17	E	Malicious Mischief 3 (9A.48.090(2)(b))	E
18	E	Tampering with Fire Alarm Apparatus	
19		(9.40.100)	E
20	E	Tampering with Fire Alarm Apparatus	
21		with Intent to Commit Arson (9.40.105)	E
22	A	Possession of Incendiary Device (9.40.120)	B+

**Assault and Other Crimes Involving**

**Physical Harm**

25	A	Assault 1 (9A.36.011)	B+
26	B+	Assault 2 (9A.36.021)	C+
27	C+	Assault 3 (9A.36.031)	D+
28	D+	Assault 4 (9A.36.041)	E
29	B+	Drive-By Shooting (9A.36.045)	C+
30	D+	Reckless Endangerment (9A.36.050)	E
31	C+	Promoting Suicide Attempt (9A.36.060)	D+
32	D+	Coercion (9A.36.070)	E
33	C+	Custodial Assault (9A.36.100)	D+

**Burglary and Trespass**

34	B+	Burglary 1 (9A.52.020)	C+
----	----	------------------------	----

1	B	Residential Burglary (9A.52.025)	C
2	B	Burglary 2 (9A.52.030)	C
3	D	Burglary Tools (Possession of) (9A.52.060)	E
4	D	Criminal Trespass 1 (9A.52.070)	E
5	E	Criminal Trespass 2 (9A.52.080)	E
6	C	Mineral Trespass (78.44.330)	C
7	C	Vehicle Prowling 1 (9A.52.095)	D
8	D	Vehicle Prowling 2 (9A.52.100)	E
9		<b>Drugs</b>	
10	E	Possession/Consumption of Alcohol	
11		(66.44.270)	E
12	C	Illegally Obtaining Legend Drug	
13		(69.41.020)	D
14	C+	Sale, Delivery, Possession of Legend Drug	
15		with Intent to Sell (69.41.030(2)(a))	D+
16	E	Possession of Legend Drug	
17		(69.41.030(2)(b))	E
18	B+	Violation of Uniform Controlled	
19		Substances Act - Narcotic,	
20		Methamphetamine, or Flunitrazepam Sale	
21		(69.50.401(2) (a) or (b))	B+
22	C	Violation of Uniform Controlled	
23		Substances Act - Nonnarcotic Sale	
24		(69.50.401(2)(c))	C
25	E	Possession of Marihuana <40 grams	
26		(69.50.4014)	E
27	C	Fraudulently Obtaining Controlled	
28		Substance (69.50.403)	C
29	C+	Sale of Controlled Substance for Profit	
30		(69.50.410)	C+
31	E	Unlawful Inhalation (9.47A.020)	E
32	B	Violation of Uniform Controlled	
33		Substances Act - Narcotic,	
34		Methamphetamine, or Flunitrazepam	
35		Counterfeit Substances (69.50.4011(2) (a)	
36		or (b))	B

1	C	Violation of Uniform Controlled	
2		Substances Act - Nonnarcotic Counterfeit	
3		Substances (69.50.4011(2) (c), (d), or (e))	C
4	C	Violation of Uniform Controlled	
5		Substances Act - Possession of a Controlled	
6		Substance (69.50.4013)	C
7	C	Violation of Uniform Controlled	
8		Substances Act - Possession of a Controlled	
9		Substance (69.50.4012)	C
10		<b>Firearms and Weapons</b>	
11	B	Theft of Firearm (9A.56.300)	C
12	B	Possession of Stolen Firearm (9A.56.310)	C
13	E	Carrying Loaded Pistol Without Permit	
14		(9.41.050)	E
15	C	Possession of Firearms by Minor (<18)	
16		(9.41.040(2)(a)(iii))	C
17	D+	Possession of Dangerous Weapon	
18		(9.41.250)	E
19	D	Intimidating Another Person by use of	
20		Weapon (9.41.270)	E
21		<b>Homicide</b>	
22	A+	Murder 1 (9A.32.030)	A
23	A+	Murder 2 (9A.32.050)	B+
24	B+	Manslaughter 1 (9A.32.060)	C+
25	C+	Manslaughter 2 (9A.32.070)	D+
26	B+	Vehicular Homicide (46.61.520)	C+
27		<b>Kidnapping</b>	
28	A	Kidnap 1 (9A.40.020)	B+
29	B+	Kidnap 2 (9A.40.030)	C+
30	C+	Unlawful Imprisonment (9A.40.040)	D+
31		<b>Obstructing Governmental Operation</b>	
32	D	Obstructing a Law Enforcement Officer	
33		(9A.76.020)	E
34	E	Resisting Arrest (9A.76.040)	E
35	B	Introducing Contraband 1 (9A.76.140)	C
36	C	Introducing Contraband 2 (9A.76.150)	D

1	E	Introducing Contraband 3 (9A.76.160)	E
2	B+	Intimidating a Public Servant (9A.76.180)	C+
3	B+	Intimidating a Witness (9A.72.110)	C+
4		<b>Public Disturbance</b>	
5	C+	Riot with Weapon (9A.84.010(2)(b))	D+
6	D+	Riot Without Weapon (9A.84.010(2)(a))	E
7	E	Failure to Disperse (9A.84.020)	E
8	E	Disorderly Conduct (9A.84.030)	E
9		<b>Sex Crimes</b>	
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 (Victim <14)	
18		(9A.88.010)	E
19	E	Indecent Exposure (Victim 14 or over)	
20		(9A.88.010)	E
21	B+	Promoting Prostitution 1 (9A.88.070)	C+
22	C+	Promoting Prostitution 2 (9A.88.080)	D+
23	E	O & A (Prostitution) (9A.88.030)	E
24	B+	Indecent Liberties (9A.44.100)	C+
25	A-	Child Molestation 1 (9A.44.083)	B+
26	B	Child Molestation 2 (9A.44.086)	C+
27		<b>Theft, Robbery, Extortion, and Forgery</b>	
28	B	Theft 1 (9A.56.030)	C
29	C	Theft 2 (9A.56.040)	D
30	D	Theft 3 (9A.56.050)	E
31	B	Theft of Livestock 1 and 2 (9A.56.080 and	
32		9A.56.083)	C
33	C	Forgery (9A.60.020)	D
34	A	Robbery 1 (9A.56.200)	B+
35	B+	Robbery 2 (9A.56.210)	C+
36	B+	Extortion 1 (9A.56.120)	C+

1	C+	Extortion 2 (9A.56.130)	D+
2	C	Identity Theft 1 (9.35.020(2))	D
3	D	Identity Theft 2 (9.35.020(3))	E
4	D	Improperly Obtaining Financial	
5		Information (9.35.010)	E
6	B	Possession of Stolen Property 1	
7		(9A.56.150)	C
8	C	Possession of Stolen Property 2	
9		(9A.56.160)	D
10	D	Possession of Stolen Property 3	
11		(9A.56.170)	E
12	C±	Taking Motor Vehicle Without Permission	
13		1 ( <del>and</del> ), 2, and 3 (9A.56.070, <u>section 2 of</u>	
14		<u>this act</u> , and 9A.56.075)	D±
15		<b>Motor Vehicle Related Crimes</b>	
16	E	Driving Without a License (46.20.005)	E
17	B+	Hit and Run - Death (46.52.020(4)(a))	C+
18	C	Hit and Run - Injury (46.52.020(4)(b))	D
19	D	Hit and Run-Attended (46.52.020(5))	E
20	E	Hit and Run-Unattended (46.52.010)	E
21	C	Vehicular Assault (46.61.522)	D
22	C	Attempting to Elude Pursuing Police	
23		Vehicle (46.61.024)	D
24	E	Reckless Driving (46.61.500)	E
25	D	Driving While Under the Influence	
26		(46.61.502 and 46.61.504)	E
27		<b>Other</b>	
28	B	Bomb Threat (9.61.160)	C
29	C	Escape 1 <sup>1</sup> (9A.76.110)	C
30	C	Escape 2 <sup>1</sup> (9A.76.120)	C
31	D	Escape 3 (9A.76.130)	E
32	E	Obscene, Harassing, Etc., Phone Calls	
33		(9.61.230)	E
34	A	Other Offense Equivalent to an Adult Class	
35		A Felony	B+
36	B	Other Offense Equivalent to an Adult Class	
37		B Felony	C

- 1 C Other Offense Equivalent to an Adult Class
- 2 C Felony D
- 3 D Other Offense Equivalent to an Adult
- 4 Gross Misdemeanor E
- 5 E Other Offense Equivalent to an Adult
- 6 Misdemeanor E
- 7 V Violation of Order of Restitution,
- 8 Community Supervision, or Confinement
- 9 (13.40.200)<sup>2</sup> V

10 <sup>1</sup>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 <sup>2</sup>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, C, D, or RCW 13.40.167.

23 **OPTION A**  
 24 **JUVENILE OFFENDER SENTENCING GRID**  
 25 **STANDARD RANGE**

26 A+ 180 WEEKS TO AGE 21 YEARS

27  
 28 A 103 WEEKS TO 129 WEEKS

29	A-	15-36	52-65	80-100	103-129
30		WEEKS	WEEKS	WEEKS	WEEKS
31		EXCEPT			
32		30-40			
33		WEEKS FOR			
34		15-17			
35		YEAR OLDS			
36					

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

Current Offense Category	B+	15-36	52-65	80-100	103-129
		WEEKS	WEEKS	WEEKS	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 Restitution			
D	LS	\$0 to \$500 Fine			
E	LS				
		0	1	2	3
					4 or more
		PRIOR ADJUDICATIONS			

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**

**SUSPENDED DISPOSITION ALTERNATIVE**

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender is:

- (a) Adjudicated of an A+ offense;
- (b) Fourteen years of age or older and is adjudicated of one or more of the following offenses:
  - (i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;
  - (ii) Manslaughter in the first degree (RCW 9A.32.060); or
  - (iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (\*RCW 69.50.401(a)(1) (i) or (ii)), or manslaughter 2 (RCW 9A.32.070), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;
- (c) Ordered to serve a disposition for a firearm violation under RCW 13.40.193; or
- (d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

**OR**



1                                   **OPTION C**

2                   **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

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

7                                   **OR**

8                                   **OPTION D**

9                   **MANIFEST INJUSTICE**

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

13           NEW SECTION.   **Sec. 7.** This act takes effect July 1, 2004.

**--- END ---**