
SUBSTITUTE SENATE BILL 5501

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Roach, Kastama, Brandland and Keiser)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to auto theft; amending RCW 13.40.160; reenacting
2 and amending RCW 9.94A.505, 9.94A.505, 9.94A.515, and 9.94A.515; adding
3 new sections to chapter 36.28A RCW; prescribing penalties; providing an
4 effective date; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.28A RCW
7 to read as follows:

8 (1) The Washington association of sheriffs and police chiefs shall
9 create and facilitate the Washington state auto theft task force
10 program.

11 (2) The Washington association of sheriffs and police chiefs shall
12 appoint an auto theft task force program steering committee.

13 (a) The steering committee shall include, but is not limited to:
14 A chief of police, a county sheriff, the Washington state patrol, a
15 representative of the Washington association of prosecuting attorneys,
16 a representative of the Washington council of police and sheriffs, a
17 representative of the auto insurance industry, a representative of the
18 auto sales industry, a representative of the auto repair industry, and
19 a representative of the auto auction industry.

1 (b) The steering committee shall have the following
2 responsibilities:

3 (i) For the purpose of establishing regional auto theft task
4 forces, award grants to units of local governments or to teams
5 consisting of multiple units of local governments;

6 (ii) Develop grant criteria;

7 (iii) Develop general operational guidelines for regional auto
8 theft task forces;

9 (iv) Review all regional auto theft task force operations on an
10 annual basis; and

11 (v) Produce an annual report to the legislature.

12 (3) Prior to awarding any grants to regional auto theft task
13 forces, the Washington association of sheriffs and police chiefs must
14 verify that sufficient grant funding exists to cover all proposed task
15 force activities, which include but are not limited to: Regional auto
16 task force administration costs, law enforcement costs, prosecutor
17 costs, court costs, and county offender confinement costs.

18 (4) The Washington association of sheriffs and police chiefs is not
19 required to implement this section if adequate funding is not provided.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.28A RCW
21 to read as follows:

22 A unit of local government or a team consisting of multiple units
23 of local governments may apply to the Washington association of
24 sheriffs and police chiefs for the regional auto theft task force
25 grants. All grant applications must contain the following minimum
26 requirements:

27 (1) Statistically demonstrate an auto theft problem in the county
28 or counties covered in the grant application;

29 (2) Have at least one prosecuting attorney dedicated to the
30 prosecution of auto theft cases;

31 (3) County and city law enforcement officers must be
32 proportionately represented on each regional auto theft task force;

33 (4) Demonstrate a proposal to reimburse all participating units of
34 local governments for their costs, which include but are not limited
35 to: Regional auto theft task force administration costs, law
36 enforcement costs, prosecutor costs, court costs, and county offender
37 confinement costs; and

1 (5) If a regional auto theft task force crosses jurisdictional
2 boundaries, demonstrate that any necessary interlocal agreements can be
3 executed so that law enforcement officers and prosecutors can fulfill
4 the duties of the regional auto theft task force across jurisdictional
5 boundaries.

6 **Sec. 3.** RCW 9.94A.505 and 2002 c 289 s 6 and 2002 c 175 s 6 are
7 each reenacted and amended to read as follows:

8 (1) When a person is convicted of a felony, the court shall impose
9 punishment as provided in this chapter.

10 (2)(a) The court shall impose a sentence as provided in the
11 following sections and as applicable in the case:

12 (i) Unless another term of confinement applies, the court shall
13 impose a sentence within the standard sentence range established in RCW
14 9.94A.510;

15 (ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

16 (iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;

17 (iv) RCW 9.94A.545, relating to community custody for offenders
18 whose term of confinement is one year or less;

19 (v) RCW 9.94A.570, relating to persistent offenders;

20 (vi) RCW 9.94A.540, relating to mandatory minimum terms;

21 (vii) RCW 9.94A.650, relating to the first-time offender waiver;

22 (viii) RCW 9.94A.660, relating to the drug offender sentencing
23 alternative;

24 (ix) RCW 9.94A.670, relating to the special sex offender sentencing
25 alternative;

26 (x) RCW 9.94A.712, relating to certain sex offenses;

27 (xi) RCW 9.94A.535, relating to exceptional sentences;

28 (xii) RCW 9.94A.589, relating to consecutive and concurrent
29 sentences.

30 (b) If a standard sentence range has not been established for the
31 offender's crime, the court shall impose a determinate sentence which
32 may include not more than one year of confinement; community
33 restitution work; until July 1, 2000, a term of community supervision
34 not to exceed one year and on and after July 1, 2000, a term of
35 community custody not to exceed one year, subject to conditions and
36 sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other

1 legal financial obligations. The court may impose a sentence which
2 provides more than one year of confinement if the court finds reasons
3 justifying an exceptional sentence as provided in RCW 9.94A.535.

4 (3) If the court imposes a sentence requiring confinement of thirty
5 days or less, the court may, in its discretion, specify that the
6 sentence be served on consecutive or intermittent days. A sentence
7 requiring more than thirty days of confinement shall be served on
8 consecutive days. Local jail administrators may schedule court-ordered
9 intermittent sentences as space permits.

10 (4) If a sentence imposed includes payment of a legal financial
11 obligation, it shall be imposed as provided in RCW 9.94A.750,
12 9.94A.753, 9.94A.760, and 43.43.7541.

13 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a
14 court may not impose a sentence providing for a term of confinement or
15 community supervision, community placement, or community custody which
16 exceeds the statutory maximum for the crime as provided in chapter
17 9A.20 RCW.

18 (6) The sentencing court shall give the offender credit for all
19 confinement time served before the sentencing if that confinement was
20 solely in regard to the offense for which the offender is being
21 sentenced.

22 (7) The court shall order restitution as provided in RCW 9.94A.750
23 and 9.94A.753.

24 (8) As a part of any sentence, the court may impose and enforce
25 crime-related prohibitions and affirmative conditions as provided in
26 this chapter.

27 (9) The court may order an offender whose sentence includes
28 community placement or community supervision to undergo a mental status
29 evaluation and to participate in available outpatient mental health
30 treatment, if the court finds that reasonable grounds exist to believe
31 that the offender is a mentally ill person as defined in RCW 71.24.025,
32 and that this condition is likely to have influenced the offense. An
33 order requiring mental status evaluation or treatment must be based on
34 a presentence report and, if applicable, mental status evaluations that
35 have been filed with the court to determine the offender's competency
36 or eligibility for a defense of insanity. The court may order
37 additional evaluations at a later date if deemed appropriate.

1 (10) In any sentence of partial confinement, the court may require
2 the offender to serve the partial confinement in work release, in a
3 program of home detention, on work crew, or in a combined program of
4 work crew and home detention.

5 (11) In sentencing an offender convicted of a crime of domestic
6 violence, as defined in RCW 10.99.020, if the offender has a minor
7 child, or if the victim of the offense for which the offender was
8 convicted has a minor child, the court may, as part of any term of
9 community supervision, community placement, or community custody, order
10 the offender to participate in a domestic violence perpetrator program
11 approved under RCW 26.50.150.

12 (12) For the first violation of RCW 9A.56.070(2), taking a motor
13 vehicle without permission in the second degree, the minimum sentence
14 that the court shall order is thirty days of home detention.

15 **Sec. 4.** RCW 9.94A.505 and 2002 c 290 s 17, 2002 c 289 s 6, and
16 2002 c 175 s 6 are each reenacted and amended to read as follows:

17 (1) When a person is convicted of a felony, the court shall impose
18 punishment as provided in this chapter.

19 (2)(a) The court shall impose a sentence as provided in the
20 following sections and as applicable in the case:

21 (i) Unless another term of confinement applies, the court shall
22 impose a sentence within the standard sentence range established in RCW
23 9.94A.510 or 9.94A.517;

24 (ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

25 (iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;

26 (iv) RCW 9.94A.545, relating to community custody for offenders
27 whose term of confinement is one year or less;

28 (v) RCW 9.94A.570, relating to persistent offenders;

29 (vi) RCW 9.94A.540, relating to mandatory minimum terms;

30 (vii) RCW 9.94A.650, relating to the first-time offender waiver;

31 (viii) RCW 9.94A.660, relating to the drug offender sentencing
32 alternative;

33 (ix) RCW 9.94A.670, relating to the special sex offender sentencing
34 alternative;

35 (x) RCW 9.94A.712, relating to certain sex offenses;

36 (xi) RCW 9.94A.535, relating to exceptional sentences;

1 (xii) RCW 9.94A.589, relating to consecutive and concurrent
2 sentences.

3 (b) If a standard sentence range has not been established for the
4 offender's crime, the court shall impose a determinate sentence which
5 may include not more than one year of confinement; community
6 restitution work; until July 1, 2000, a term of community supervision
7 not to exceed one year and on and after July 1, 2000, a term of
8 community custody not to exceed one year, subject to conditions and
9 sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other
10 legal financial obligations. The court may impose a sentence which
11 provides more than one year of confinement if the court finds reasons
12 justifying an exceptional sentence as provided in RCW 9.94A.535.

13 (3) If the court imposes a sentence requiring confinement of thirty
14 days or less, the court may, in its discretion, specify that the
15 sentence be served on consecutive or intermittent days. A sentence
16 requiring more than thirty days of confinement shall be served on
17 consecutive days. Local jail administrators may schedule court-ordered
18 intermittent sentences as space permits.

19 (4) If a sentence imposed includes payment of a legal financial
20 obligation, it shall be imposed as provided in RCW 9.94A.750,
21 9.94A.753, 9.94A.760, and 43.43.7541.

22 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a
23 court may not impose a sentence providing for a term of confinement or
24 community supervision, community placement, or community custody which
25 exceeds the statutory maximum for the crime as provided in chapter
26 9A.20 RCW.

27 (6) The sentencing court shall give the offender credit for all
28 confinement time served before the sentencing if that confinement was
29 solely in regard to the offense for which the offender is being
30 sentenced.

31 (7) The court shall order restitution as provided in RCW 9.94A.750
32 and 9.94A.753.

33 (8) As a part of any sentence, the court may impose and enforce
34 crime-related prohibitions and affirmative conditions as provided in
35 this chapter.

36 (9) The court may order an offender whose sentence includes
37 community placement or community supervision to undergo a mental status
38 evaluation and to participate in available outpatient mental health

1 treatment, if the court finds that reasonable grounds exist to believe
2 that the offender is a mentally ill person as defined in RCW 71.24.025,
3 and that this condition is likely to have influenced the offense. An
4 order requiring mental status evaluation or treatment must be based on
5 a presentence report and, if applicable, mental status evaluations that
6 have been filed with the court to determine the offender's competency
7 or eligibility for a defense of insanity. The court may order
8 additional evaluations at a later date if deemed appropriate.

9 (10) In any sentence of partial confinement, the court may require
10 the offender to serve the partial confinement in work release, in a
11 program of home detention, on work crew, or in a combined program of
12 work crew and home detention.

13 (11) In sentencing an offender convicted of a crime of domestic
14 violence, as defined in RCW 10.99.020, if the offender has a minor
15 child, or if the victim of the offense for which the offender was
16 convicted has a minor child, the court may, as part of any term of
17 community supervision, community placement, or community custody, order
18 the offender to participate in a domestic violence perpetrator program
19 approved under RCW 26.50.150.

20 (12) For the first violation of RCW 9A.56.070(2), taking a motor
21 vehicle without permission in the second degree, the minimum sentence
22 that the court shall order is thirty days of home detention.

23 **Sec. 5.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c
24 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133
25 s 4 are each reenacted and amended to read as follows:

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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)

1 XIII Malicious explosion 2 (RCW
2 70.74.280(2))
3 Malicious placement of an explosive 1
4 (RCW 70.74.270(1))
5 XII Assault 1 (RCW 9A.36.011)
6 Assault of a Child 1 (RCW 9A.36.120)
7 Malicious placement of an imitation
8 device 1 (RCW 70.74.272(1)(a))
9 Rape 1 (RCW 9A.44.040)
10 Rape of a Child 1 (RCW 9A.44.073)
11 XI Manslaughter 1 (RCW 9A.32.060)
12 Rape 2 (RCW 9A.44.050)
13 Rape of a Child 2 (RCW 9A.44.076)
14 X Child Molestation 1 (RCW 9A.44.083)
15 Indecent Liberties (with forcible
16 compulsion) (RCW
17 9A.44.100(1)(a))
18 Kidnapping 1 (RCW 9A.40.020)
19 Leading Organized Crime (RCW
20 9A.82.060(1)(a))
21 Malicious explosion 3 (RCW
22 70.74.280(3))
23 Manufacture of methamphetamine
24 (RCW 69.50.401(a)(1)(ii))
25 Over 18 and deliver heroin,
26 methamphetamine, a narcotic
27 from Schedule I or II, or
28 flunitrazepam from Schedule IV
29 to someone under 18 (RCW
30 69.50.406)
31 Sexually Violent Predator Escape
32 (RCW 9A.76.115)
33 IX Assault of a Child 2 (RCW 9A.36.130)
34 Controlled Substance Homicide (RCW
35 69.50.415)
36 Explosive devices prohibited (RCW
37 70.74.180)

1 Hit and Run--Death (RCW
2 46.52.020(4)(a))
3 Homicide by Watercraft, by being
4 under the influence of intoxicating
5 liquor or any drug (RCW
6 79A.60.050)
7 Inciting Criminal Profiteering (RCW
8 9A.82.060(1)(b))
9 Malicious placement of an explosive 2
10 (RCW 70.74.270(2))
11 Over 18 and deliver narcotic from
12 Schedule III, IV, or V or a
13 nonnarcotic, except flunitrazepam
14 or methamphetamine, from
15 Schedule I-V to someone under 18
16 and 3 years junior (RCW
17 69.50.406)
18 Robbery 1 (RCW 9A.56.200)
19 Sexual Exploitation (RCW 9.68A.040)
20 Vehicular Homicide, by being under
21 the influence of intoxicating
22 liquor or any drug (RCW
23 46.61.520)
24 VIII Arson 1 (RCW 9A.48.020)
25 Deliver or possess with intent to
26 deliver methamphetamine (RCW
27 69.50.401(a)(1)(ii))
28 Homicide by Watercraft, by the
29 operation of any vessel in a
30 reckless manner (RCW
31 79A.60.050)
32 Manslaughter 2 (RCW 9A.32.070)
33 Manufacture, deliver, or possess with
34 intent to deliver amphetamine
35 (RCW 69.50.401(a)(1)(ii))

1 Manufacture, deliver, or possess with
2 intent to deliver heroin or cocaine
3 (when the offender has a criminal
4 history in this state or any other
5 state that includes a sex offense or
6 serious violent offense or the
7 Washington equivalent) (RCW
8 69.50.401(a)(1)(i))
9 Possession of Ephedrine or any of its
10 Salts or Isomers or Salts of
11 Isomers, Pseudoephedrine or any
12 of its Salts or Isomers or Salts of
13 Isomers, Pressurized Ammonia
14 Gas, or Pressurized Ammonia Gas
15 Solution with intent to
16 manufacture methamphetamine
17 (RCW 69.50.440)
18 Promoting Prostitution 1 (RCW
19 9A.88.070)
20 Selling for profit (controlled or
21 counterfeit) any controlled
22 substance (RCW 69.50.410)
23 Theft of Ammonia (RCW 69.55.010)
24 Vehicular Homicide, by the operation
25 of any vehicle in a reckless
26 manner (RCW 46.61.520)
27 VII Burglary 1 (RCW 9A.52.020)
28 Child Molestation 2 (RCW 9A.44.086)
29 Civil Disorder Training (RCW
30 9A.48.120)
31 Dealing in depictions of minor
32 engaged in sexually explicit
33 conduct (RCW 9.68A.050)
34 Drive-by Shooting (RCW 9A.36.045)
35 Homicide by Watercraft, by disregard
36 for the safety of others (RCW
37 79A.60.050)

1 Indecent Liberties (without forcible
2 compulsion) (RCW 9A.44.100(1)
3 (b) and (c))
4 Introducing Contraband 1 (RCW
5 9A.76.140)
6 Involving a minor in drug dealing
7 (RCW 69.50.401(f))
8 Malicious placement of an explosive 3
9 (RCW 70.74.270(3))
10 Manufacture, deliver, or possess with
11 intent to deliver heroin or cocaine
12 (except when the offender has a
13 criminal history in this state or
14 any other state that includes a sex
15 offense or serious violent offense
16 or the Washington equivalent)
17 (RCW 69.50.401(a)(1)(i))
18 Sending, bringing into state depictions
19 of minor engaged in sexually
20 explicit conduct (RCW
21 9.68A.060)
22 Unlawful Possession of a Firearm in
23 the first degree (RCW
24 9.41.040(1)(a))
25 Use of a Machine Gun in Commission
26 of a Felony (RCW 9.41.225)
27 Vehicular Homicide, by disregard for
28 the safety of others (RCW
29 46.61.520)
30 VI Bail Jumping with Murder 1 (RCW
31 9A.76.170(3)(a))
32 Bribery (RCW 9A.68.010)
33 Incest 1 (RCW 9A.64.020(1))
34 Intimidating a Judge (RCW
35 9A.72.160)
36 Intimidating a Juror/Witness (RCW
37 9A.72.110, 9A.72.130)

1 Malicious placement of an imitation
2 device 2 (RCW 70.74.272(1)(b))
3 Manufacture, deliver, or possess with
4 intent to deliver narcotics from
5 Schedule I or II (except heroin or
6 cocaine) or flunitrazepam from
7 Schedule IV (RCW
8 69.50.401(a)(1)(i))
9 Rape of a Child 3 (RCW 9A.44.079)
10 Theft of a Firearm (RCW 9A.56.300)
11 Unlawful Storage of Ammonia (RCW
12 69.55.020)
13 V Abandonment of dependent person 1
14 (RCW 9A.42.060)
15 Advancing money or property for
16 extortionate extension of credit
17 (RCW 9A.82.030)
18 Bail Jumping with class A Felony
19 (RCW 9A.76.170(3)(b))
20 Child Molestation 3 (RCW 9A.44.089)
21 Criminal Mistreatment 1 (RCW
22 9A.42.020)
23 Custodial Sexual Misconduct 1 (RCW
24 9A.44.160)
25 Delivery of imitation controlled
26 substance by person eighteen or
27 over to person under eighteen
28 (RCW 69.52.030(2))
29 Domestic Violence Court Order
30 Violation (RCW 10.99.040,
31 10.99.050, 26.09.300, 26.10.220,
32 26.26.138, 26.50.110, 26.52.070,
33 or 74.34.145)
34 Extortion 1 (RCW 9A.56.120)
35 Extortionate Extension of Credit
36 (RCW 9A.82.020)

1 Extortionate Means to Collect
2 Extensions of Credit (RCW
3 9A.82.040)
4 Incest 2 (RCW 9A.64.020(2))
5 Kidnapping 2 (RCW 9A.40.030)
6 Perjury 1 (RCW 9A.72.020)
7 Persistent prison misbehavior (RCW
8 9.94.070)
9 Possession of a Stolen Firearm (RCW
10 9A.56.310)
11 Rape 3 (RCW 9A.44.060)
12 Rendering Criminal Assistance 1
13 (RCW 9A.76.070)
14 Sexual Misconduct with a Minor 1
15 (RCW 9A.44.093)
16 Sexually Violating Human Remains
17 (RCW 9A.44.105)
18 Stalking (RCW 9A.46.110)
19 Taking Motor Vehicle Without
20 Permission 1 (RCW
21 9A.56.070(1))
22 IV Arson 2 (RCW 9A.48.030)
23 Assault 2 (RCW 9A.36.021)
24 Assault by Watercraft (RCW
25 79A.60.060)
26 Bribing a Witness/Bribe Received by
27 Witness (RCW 9A.72.090,
28 9A.72.100)
29 Cheating 1 (RCW 9.46.1961)
30 Commercial Bribery (RCW
31 9A.68.060)
32 Counterfeiting (RCW 9.16.035(4))
33 Endangerment with a Controlled
34 Substance (RCW 9A.42.100)
35 Escape 1 (RCW 9A.76.110)
36 Hit and Run--Injury (RCW
37 46.52.020(4)(b))

1 Hit and Run with Vessel--Injury
2 Accident (RCW 79A.60.200(3))
3 Identity Theft 1 (RCW 9.35.020(2)(a))
4 Indecent Exposure to Person Under
5 Age Fourteen (subsequent sex
6 offense) (RCW 9A.88.010)
7 Influencing Outcome of Sporting
8 Event (RCW 9A.82.070)
9 Knowingly Trafficking in Stolen
10 Property (RCW 9A.82.050(2))
11 Malicious Harassment (RCW
12 9A.36.080)
13 Manufacture, deliver, or possess with
14 intent to deliver narcotics from
15 Schedule III, IV, or V or
16 nonnarcotics from Schedule I-V
17 (except marijuana, amphetamine,
18 methamphetamines, or
19 flunitrazepam) (RCW
20 69.50.401(a)(1) (iii) through (v))
21 Residential Burglary (RCW
22 9A.52.025)
23 Robbery 2 (RCW 9A.56.210)
24 Theft of Livestock 1 (RCW 9A.56.080)
25 Threats to Bomb (RCW 9.61.160)
26 Use of Proceeds of Criminal
27 Profiteering (RCW 9A.82.080 (1)
28 and (2))
29 Vehicular Assault, by being under the
30 influence of intoxicating liquor or
31 any drug, or by the operation or
32 driving of a vehicle in a reckless
33 manner (RCW 46.61.522)
34 Willful Failure to Return from
35 Furlough (RCW 72.66.060)
36 III Abandonment of dependent person 2
37 (RCW 9A.42.070)

1 Assault 3 (RCW 9A.36.031)
2 Assault of a Child 3 (RCW 9A.36.140)
3 Bail Jumping with class B or C Felony
4 (RCW 9A.76.170(3)(c))
5 Burglary 2 (RCW 9A.52.030)
6 Communication with a Minor for
7 Immoral Purposes (RCW
8 9.68A.090)
9 Criminal Gang Intimidation (RCW
10 9A.46.120)
11 Criminal Mistreatment 2 (RCW
12 9A.42.030)
13 Custodial Assault (RCW 9A.36.100)
14 Delivery of a material in lieu of a
15 controlled substance (RCW
16 69.50.401(c))
17 Escape 2 (RCW 9A.76.120)
18 Extortion 2 (RCW 9A.56.130)
19 Harassment (RCW 9A.46.020)
20 Intimidating a Public Servant (RCW
21 9A.76.180)
22 Introducing Contraband 2 (RCW
23 9A.76.150)
24 Maintaining a Dwelling or Place for
25 Controlled Substances (RCW
26 69.50.402(a)(6))
27 Malicious Injury to Railroad Property
28 (RCW 81.60.070)
29 Manufacture, deliver, or possess with
30 intent to deliver marijuana (RCW
31 69.50.401(a)(1)(iii))
32 Manufacture, distribute, or possess
33 with intent to distribute an
34 imitation controlled substance
35 (RCW 69.52.030(1))
36 Patronizing a Juvenile Prostitute
37 (RCW 9.68A.100)

1 Perjury 2 (RCW 9A.72.030)
2 Possession of Incendiary Device (RCW
3 9.40.120)
4 Possession of Machine Gun or Short-
5 Barreled Shotgun or Rifle (RCW
6 9.41.190)
7 Promoting Prostitution 2 (RCW
8 9A.88.080)
9 Recklessly Trafficking in Stolen
10 Property (RCW 9A.82.050(1))
11 Securities Act violation (RCW
12 21.20.400)
13 Tampering with a Witness (RCW
14 9A.72.120)
15 Telephone Harassment (subsequent
16 conviction or threat of death)
17 (RCW 9.61.230)
18 Theft of Livestock 2 (RCW 9A.56.080)
19 Unlawful Imprisonment (RCW
20 9A.40.040)
21 Unlawful possession of firearm in the
22 second degree (RCW
23 9.41.040(1)(b))
24 Unlawful Use of Building for Drug
25 Purposes (RCW 69.53.010)
26 Vehicular Assault, by the operation or
27 driving of a vehicle with disregard
28 for the safety of others (RCW
29 46.61.522)
30 Willful Failure to Return from Work
31 Release (RCW 72.65.070)
32 II Computer Trespass 1 (RCW
33 9A.52.110)
34 Counterfeiting (RCW 9.16.035(3))
35 Create, deliver, or possess a counterfeit
36 controlled substance (RCW
37 69.50.401(b))

1 Escape from Community Custody
2 (RCW 72.09.310)
3 Health Care False Claims (RCW
4 48.80.030)
5 Identity Theft 2 (RCW 9.35.020(2)(b))
6 Improperly Obtaining Financial
7 Information (RCW 9.35.010)
8 Malicious Mischief 1 (RCW
9 9A.48.070)
10 Possession of controlled substance that
11 is either heroin or narcotics from
12 Schedule I or II or flunitrazepam
13 from Schedule IV (RCW
14 69.50.401(d))
15 Possession of phencyclidine (PCP)
16 (RCW 69.50.401(d))
17 Possession of Stolen Property 1 (RCW
18 9A.56.150)
19 Taking Motor Vehicle Without
20 Permission 2 (RCW
21 9A.56.070(2))
22 Theft 1 (RCW 9A.56.030)
23 Theft of Rental, Leased, or Lease-
24 purchased Property (valued at one
25 thousand five hundred dollars or
26 more) (RCW 9A.56.096(4))
27 Trafficking in Insurance Claims (RCW
28 48.30A.015)
29 Unlawful Practice of Law (RCW
30 2.48.180)
31 Unlicensed Practice of a Profession or
32 Business (RCW 18.130.190(7))
33 I Attempting to Elude a Pursuing Police
34 Vehicle (RCW 46.61.024)
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 Malicious Mischief 2 (RCW
5 9A.48.080)
6 Possess Controlled Substance that is a
7 Narcotic from Schedule III, IV, or
8 V or Non-narcotic from Schedule
9 I-V (except phencyclidine or
10 flunitrazepam) (RCW
11 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
16 Permission 2 (RCW
17 9A.56.070(2))))~~
18 Theft 2 (RCW 9A.56.040)
19 Theft of Rental, Leased, or Lease-
20 purchased Property (valued at two
21 hundred fifty dollars or more but
22 less than one thousand five
23 hundred dollars) (RCW
24 9A.56.096(4))
25 Unlawful Issuance of Checks or Drafts
26 (RCW 9A.56.060)
27 Unlawful Use of Food Stamps (RCW
28 9.91.140 (2) and (3))
29 Vehicle Prowl 1 (RCW 9A.52.095)

30 **Sec. 6.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c
31 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133
32 s 4 are each reenacted and amended to read as follows:

33 TABLE 2
34 CRIMES INCLUDED WITHIN
35 EACH SERIOUSNESS LEVEL

1 XVI Aggravated Murder 1 (RCW
2 10.95.020)
3 XV Homicide by abuse (RCW 9A.32.055)
4 Malicious explosion 1 (RCW
5 70.74.280(1))
6 Murder 1 (RCW 9A.32.030)
7 XIV Murder 2 (RCW 9A.32.050)
8 XIII Malicious explosion 2 (RCW
9 70.74.280(2))
10 Malicious placement of an explosive 1
11 (RCW 70.74.270(1))
12 XII Assault 1 (RCW 9A.36.011)
13 Assault of a Child 1 (RCW 9A.36.120)
14 Malicious placement of an imitation
15 device 1 (RCW 70.74.272(1)(a))
16 Rape 1 (RCW 9A.44.040)
17 Rape of a Child 1 (RCW 9A.44.073)
18 XI Manslaughter 1 (RCW 9A.32.060)
19 Rape 2 (RCW 9A.44.050)
20 Rape of a Child 2 (RCW 9A.44.076)
21 X Child Molestation 1 (RCW 9A.44.083)
22 Indecent Liberties (with forcible
23 compulsion) (RCW
24 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
29 70.74.280(3))
30 Sexually Violent Predator Escape
31 (RCW 9A.76.115)
32 IX Assault of a Child 2 (RCW 9A.36.130)
33 Explosive devices prohibited (RCW
34 70.74.180)
35 Hit and Run--Death (RCW
36 46.52.020(4)(a))

1 Homicide by Watercraft, by being
2 under the influence of intoxicating
3 liquor or any drug (RCW
4 79A.60.050)
5 Inciting Criminal Profiteering (RCW
6 9A.82.060(1)(b))
7 Malicious placement of an explosive 2
8 (RCW 70.74.270(2))
9 Robbery 1 (RCW 9A.56.200)
10 Sexual Exploitation (RCW 9.68A.040)
11 Vehicular Homicide, by being under
12 the influence of intoxicating
13 liquor or any drug (RCW
14 46.61.520)
15 VIII Arson 1 (RCW 9A.48.020)
16 Homicide by Watercraft, by the
17 operation of any vessel in a
18 reckless manner (RCW
19 79A.60.050)
20 Manslaughter 2 (RCW 9A.32.070)
21 Promoting Prostitution 1 (RCW
22 9A.88.070)
23 Theft of Ammonia (RCW 69.55.010)
24 Vehicular Homicide, by the operation
25 of any vehicle in a reckless
26 manner (RCW 46.61.520)
27 VII Burglary 1 (RCW 9A.52.020)
28 Child Molestation 2 (RCW 9A.44.086)
29 Civil Disorder Training (RCW
30 9A.48.120)
31 Dealing in depictions of minor
32 engaged in sexually explicit
33 conduct (RCW 9.68A.050)
34 Drive-by Shooting (RCW 9A.36.045)
35 Homicide by Watercraft, by disregard
36 for the safety of others (RCW
37 79A.60.050)

1 Indecent Liberties (without forcible
2 compulsion) (RCW 9A.44.100(1)
3 (b) and (c))
4 Introducing Contraband 1 (RCW
5 9A.76.140)
6 Malicious placement of an explosive 3
7 (RCW 70.74.270(3))
8 Sending, bringing into state depictions
9 of minor engaged in sexually
10 explicit conduct (RCW
11 9.68A.060)
12 Unlawful Possession of a Firearm in
13 the first degree (RCW
14 9.41.040(1)(a))
15 Use of a Machine Gun in Commission
16 of a Felony (RCW 9.41.225)
17 Vehicular Homicide, by disregard for
18 the safety of others (RCW
19 46.61.520)
20 VI Bail Jumping with Murder 1 (RCW
21 9A.76.170(3)(a))
22 Bribery (RCW 9A.68.010)
23 Incest 1 (RCW 9A.64.020(1))
24 Intimidating a Judge (RCW
25 9A.72.160)
26 Intimidating a Juror/Witness (RCW
27 9A.72.110, 9A.72.130)
28 Malicious placement of an imitation
29 device 2 (RCW 70.74.272(1)(b))
30 Rape of a Child 3 (RCW 9A.44.079)
31 Theft of a Firearm (RCW 9A.56.300)
32 Unlawful Storage of Ammonia (RCW
33 69.55.020)
34 V Abandonment of dependent person 1
35 (RCW 9A.42.060)

1 Advancing money or property for
2 extortionate extension of credit
3 (RCW 9A.82.030)
4 Bail Jumping with class A Felony
5 (RCW 9A.76.170(3)(b))
6 Child Molestation 3 (RCW 9A.44.089)
7 Criminal Mistreatment 1 (RCW
8 9A.42.020)
9 Custodial Sexual Misconduct 1 (RCW
10 9A.44.160)
11 Domestic Violence Court Order
12 Violation (RCW 10.99.040,
13 10.99.050, 26.09.300, 26.10.220,
14 26.26.138, 26.50.110, 26.52.070,
15 or 74.34.145)
16 Extortion 1 (RCW 9A.56.120)
17 Extortionate Extension of Credit
18 (RCW 9A.82.020)
19 Extortionate Means to Collect
20 Extensions of Credit (RCW
21 9A.82.040)
22 Incest 2 (RCW 9A.64.020(2))
23 Kidnapping 2 (RCW 9A.40.030)
24 Perjury 1 (RCW 9A.72.020)
25 Persistent prison misbehavior (RCW
26 9.94.070)
27 Possession of a Stolen Firearm (RCW
28 9A.56.310)
29 Rape 3 (RCW 9A.44.060)
30 Rendering Criminal Assistance 1
31 (RCW 9A.76.070)
32 Sexual Misconduct with a Minor 1
33 (RCW 9A.44.093)
34 Sexually Violating Human Remains
35 (RCW 9A.44.105)
36 Stalking (RCW 9A.46.110)

1 Taking Motor Vehicle Without
2 Permission 1 (RCW
3 9A.56.070(1))
4 IV Arson 2 (RCW 9A.48.030)
5 Assault 2 (RCW 9A.36.021)
6 Assault by Watercraft (RCW
7 79A.60.060)
8 Bribing a Witness/Bribe Received by
9 Witness (RCW 9A.72.090,
10 9A.72.100)
11 Cheating 1 (RCW 9.46.1961)
12 Commercial Bribery (RCW
13 9A.68.060)
14 Counterfeiting (RCW 9.16.035(4))
15 Endangerment with a Controlled
16 Substance (RCW 9A.42.100)
17 Escape 1 (RCW 9A.76.110)
18 Hit and Run--Injury (RCW
19 46.52.020(4)(b))
20 Hit and Run with Vessel--Injury
21 Accident (RCW 79A.60.200(3))
22 Identity Theft 1 (RCW 9.35.020(2)(a))
23 Indecent Exposure to Person Under
24 Age Fourteen (subsequent sex
25 offense) (RCW 9A.88.010)
26 Influencing Outcome of Sporting
27 Event (RCW 9A.82.070)
28 Knowingly Trafficking in Stolen
29 Property (RCW 9A.82.050(2))
30 Malicious Harassment (RCW
31 9A.36.080)
32 Residential Burglary (RCW
33 9A.52.025)
34 Robbery 2 (RCW 9A.56.210)
35 Theft of Livestock 1 (RCW 9A.56.080)
36 Threats to Bomb (RCW 9.61.160)

1 Use of Proceeds of Criminal
2 Profiteering (RCW 9A.82.080 (1)
3 and (2))
4 Vehicular Assault, by being under the
5 influence of intoxicating liquor or
6 any drug, or by the operation or
7 driving of a vehicle in a reckless
8 manner (RCW 46.61.522)
9 Willful Failure to Return from
10 Furlough (RCW 72.66.060)
11 III Abandonment of dependent person 2
12 (RCW 9A.42.070)
13 Assault 3 (RCW 9A.36.031)
14 Assault of a Child 3 (RCW 9A.36.140)
15 Bail Jumping with class B or C Felony
16 (RCW 9A.76.170(3)(c))
17 Burglary 2 (RCW 9A.52.030)
18 Communication with a Minor for
19 Immoral Purposes (RCW
20 9.68A.090)
21 Criminal Gang Intimidation (RCW
22 9A.46.120)
23 Criminal Mistreatment 2 (RCW
24 9A.42.030)
25 Custodial Assault (RCW 9A.36.100)
26 Escape 2 (RCW 9A.76.120)
27 Extortion 2 (RCW 9A.56.130)
28 Harassment (RCW 9A.46.020)
29 Intimidating a Public Servant (RCW
30 9A.76.180)
31 Introducing Contraband 2 (RCW
32 9A.76.150)
33 Malicious Injury to Railroad Property
34 (RCW 81.60.070)
35 Patronizing a Juvenile Prostitute
36 (RCW 9.68A.100)
37 Perjury 2 (RCW 9A.72.030)

1 Possession of Incendiary Device (RCW
2 9.40.120)
3 Possession of Machine Gun or Short-
4 Barreled Shotgun or Rifle (RCW
5 9.41.190)
6 Promoting Prostitution 2 (RCW
7 9A.88.080)
8 Recklessly Trafficking in Stolen
9 Property (RCW 9A.82.050(1))
10 Securities Act violation (RCW
11 21.20.400)
12 Tampering with a Witness (RCW
13 9A.72.120)
14 Telephone Harassment (subsequent
15 conviction or threat of death)
16 (RCW 9.61.230)
17 Theft of Livestock 2 (RCW 9A.56.080)
18 Unlawful Imprisonment (RCW
19 9A.40.040)
20 Unlawful possession of firearm in the
21 second degree (RCW
22 9.41.040(1)(b))
23 Vehicular Assault, by the operation or
24 driving of a vehicle with disregard
25 for the safety of others (RCW
26 46.61.522)
27 Willful Failure to Return from Work
28 Release (RCW 72.65.070)
29 II Computer Trespass 1 (RCW
30 9A.52.110)
31 Counterfeiting (RCW 9.16.035(3))
32 Escape from Community Custody
33 (RCW 72.09.310)
34 Health Care False Claims (RCW
35 48.80.030)
36 Identity Theft 2 (RCW 9.35.020(2)(b))

1 Improperly Obtaining Financial
2 Information (RCW 9.35.010)
3 Malicious Mischief 1 (RCW
4 9A.48.070)
5 Possession of Stolen Property 1 (RCW
6 9A.56.150)
7 Taking Motor Vehicle Without
8 Permission 2 (RCW
9 9A.56.070(2))
10 Theft 1 (RCW 9A.56.030)
11 Theft of Rental, Leased, or Lease-
12 purchased Property (valued at one
13 thousand five hundred dollars or
14 more) (RCW 9A.56.096(4))
15 Trafficking in Insurance Claims (RCW
16 48.30A.015)
17 Unlawful Practice of Law (RCW
18 2.48.180)
19 Unlicensed Practice of a Profession or
20 Business (RCW 18.130.190(7))
21 I Attempting to Elude a Pursuing Police
22 Vehicle (RCW 46.61.024)
23 False Verification for Welfare (RCW
24 74.08.055)
25 Forgery (RCW 9A.60.020)
26 Malicious Mischief 2 (RCW
27 9A.48.080)
28 Possession of Stolen Property 2 (RCW
29 9A.56.160)
30 Reckless Burning 1 (RCW 9A.48.040)
31 ~~((Taking Motor Vehicle Without~~
32 ~~Permission 2 (RCW~~
33 ~~9A.56.070(2))))~~
34 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-
2 purchased Property (valued at two
3 hundred fifty dollars or more but
4 less than one thousand five
5 hundred dollars) (RCW
6 9A.56.096(4))
7 Unlawful Issuance of Checks or Drafts
8 (RCW 9A.56.060)
9 Unlawful Use of Food Stamps (RCW
10 9.91.140 (2) and (3))
11 Vehicle Prowl 1 (RCW 9A.52.095)

12 **Sec. 7.** RCW 13.40.160 and 2002 c 175 s 22 are each amended to read
13 as follows:

14 (1) The standard range disposition for a juvenile adjudicated of an
15 offense is determined according to RCW 13.40.0357.

16 (a) When the court sentences an offender to a local sanction as
17 provided in RCW 13.40.0357 option A, the court shall impose a
18 determinate disposition within the standard ranges, except as provided
19 in subsections (2), (3), and (4) of this section. The disposition may
20 be comprised of one or more local sanctions.

21 (b) When the court sentences an offender to a standard range as
22 provided in RCW 13.40.0357 option A that includes a term of confinement
23 exceeding thirty days, commitment shall be to the department for the
24 standard range of confinement, except as provided in subsections (2),
25 (3), and (4) of this section.

26 (2) If the court concludes, and enters reasons for its conclusion,
27 that disposition within the standard range would effectuate a manifest
28 injustice the court shall impose a disposition outside the standard
29 range, as indicated in option C of RCW 13.40.0357. The court's finding
30 of manifest injustice shall be supported by clear and convincing
31 evidence.

32 A disposition outside the standard range shall be determinate and
33 shall be comprised of confinement or community supervision, or a
34 combination thereof. When a judge finds a manifest injustice and
35 imposes a sentence of confinement exceeding thirty days, the court
36 shall sentence the juvenile to a maximum term, and the provisions of
37 RCW 13.40.030(2) shall be used to determine the range. A disposition

1 outside the standard range is appealable under RCW 13.40.230 by the
2 state or the respondent. A disposition within the standard range is
3 not appealable under RCW 13.40.230.

4 (3) When a juvenile offender is found to have committed a sex
5 offense, other than a sex offense that is also a serious violent
6 offense as defined by RCW 9.94A.030, and has no history of a prior sex
7 offense, the court, on its own motion or the motion of the state or the
8 respondent, may order an examination to determine whether the
9 respondent is amenable to treatment.

10 The report of the examination shall include at a minimum the
11 following: The respondent's version of the facts and the official
12 version of the facts, the respondent's offense history, an assessment
13 of problems in addition to alleged deviant behaviors, the respondent's
14 social, educational, and employment situation, and other evaluation
15 measures used. The report shall set forth the sources of the
16 evaluator's information.

17 The examiner shall assess and report regarding the respondent's
18 amenability to treatment and relative risk to the community. A
19 proposed treatment plan shall be provided and shall include, at a
20 minimum:

21 (a)(i) Frequency and type of contact between the offender and
22 therapist;

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

25 (iii) Monitoring plans, including any requirements regarding living
26 conditions, lifestyle requirements, and monitoring by family members,
27 legal guardians, or others;

28 (iv) Anticipated length of treatment; and

29 (v) Recommended crime-related prohibitions.

30 The court on its own motion may order, or on a motion by the state
31 shall order, a second examination regarding the offender's amenability
32 to treatment. The evaluator shall be selected by the party making the
33 motion. The defendant shall pay the cost of any second examination
34 ordered unless the court finds the defendant to be indigent in which
35 case the state shall pay the cost.

36 After receipt of reports of the examination, the court shall then
37 consider whether the offender and the community will benefit from use
38 of this special sex offender disposition alternative and consider the

1 victim's opinion whether the offender should receive a treatment
2 disposition under this section. If the court determines that this
3 special sex offender disposition alternative is appropriate, then the
4 court shall impose a determinate disposition within the standard range
5 for the offense, or if the court concludes, and enters reasons for its
6 conclusions, that such disposition would cause a manifest injustice,
7 the court shall impose a disposition under option C, and the court may
8 suspend the execution of the disposition and place the offender on
9 community supervision for at least two years. As a condition of the
10 suspended disposition, the court may impose the conditions of community
11 supervision and other conditions, including up to thirty days of
12 confinement and requirements that the offender do any one or more of
13 the following:

14 (b)(i) Devote time to a specific education, employment, or
15 occupation;

16 (ii) Undergo available outpatient sex offender treatment for up to
17 two years, or inpatient sex offender treatment not to exceed the
18 standard range of confinement for that offense. A community mental
19 health center may not be used for such treatment unless it has an
20 appropriate program designed for sex offender treatment. The
21 respondent shall not change sex offender treatment providers or
22 treatment conditions without first notifying the prosecutor, the
23 probation counselor, and the court, and shall not change providers
24 without court approval after a hearing if the prosecutor or probation
25 counselor object to the change;

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

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

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

33 (vi) Pay all court-ordered legal financial obligations, perform
34 community restitution, or any combination thereof;

35 (vii) Make restitution to the victim for the cost of any counseling
36 reasonably related to the offense;

37 (viii) Comply with the conditions of any court-ordered probation
38 bond; or

1 (ix) The court shall order that the offender may not attend the
2 public or approved private elementary, middle, or high school attended
3 by the victim or the victim's siblings. The parents or legal guardians
4 of the offender are responsible for transportation or other costs
5 associated with the offender's change of school that would otherwise be
6 paid by the school district. The court shall send notice of the
7 disposition and restriction on attending the same school as the victim
8 or victim's siblings to the public or approved private school the
9 juvenile will attend, if known, or if unknown, to the approved private
10 schools and the public school district board of directors of the
11 district in which the juvenile resides or intends to reside. This
12 notice must be sent at the earliest possible date but not later than
13 ten calendar days after entry of the disposition.

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

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

23 Except as provided in this subsection (3), after July 1, 1991,
24 examinations and treatment ordered pursuant to this subsection shall
25 only be conducted by sex offender treatment providers certified by the
26 department of health pursuant to chapter 18.155 RCW. A sex offender
27 therapist who examines or treats a juvenile sex offender pursuant to
28 this subsection does not have to be certified by the department of
29 health pursuant to chapter 18.155 RCW if the court finds that: (A) The
30 offender has already moved to another state or plans to move to another
31 state for reasons other than circumventing the certification
32 requirements; (B) no certified providers are available for treatment
33 within a reasonable geographical distance of the offender's home; and
34 (C) the evaluation and treatment plan comply with this subsection (3)
35 and the rules adopted by the department of health.

36 If the offender violates any condition of the disposition or the
37 court finds that the respondent is failing to make satisfactory
38 progress in treatment, the court may revoke the suspension and order

1 execution of the disposition or the court may impose a penalty of up to
2 thirty days' confinement for violating conditions of the disposition.
3 The court may order both execution of the disposition and up to thirty
4 days' confinement for the violation of the conditions of the
5 disposition. The court shall give credit for any confinement time
6 previously served if that confinement was for the offense for which the
7 suspension is being revoked.

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

13 A disposition entered under this subsection (3) is not appealable
14 under RCW 13.40.230.

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

19 (5) RCW 13.40.193 shall govern the disposition of any juvenile
20 adjudicated of possessing a firearm in violation of RCW
21 9.41.040(1)(b)(iii) or any crime in which a special finding is entered
22 that the juvenile was armed with a firearm.

23 (6) For the first three violations of RCW 9A.56.070(2), taking a
24 motor vehicle in the second degree, the minimum sentence that the court
25 shall order is thirty days of home detention.

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 under subsection (3) or (4) of this
31 section or RCW 13.40.127, the court shall not suspend or defer the
32 imposition or the 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 NEW SECTION. Sec. 8. Sections 3 and 5 of this act expire July 1,
37 2004.

1 NEW SECTION. **Sec. 9.** Sections 4 and 6 of this act take effect
2 July 1, 2004.

--- END ---