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HOUSE BILL 2822

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Priest, Haler, Orcutt, Campbell, Ericksen, Woods, Alexander, Talcott, Kristiansen, Holmquist, Rodne, Serben, Roach, Buri, Skinner, Schindler, Hinkle, Jarrett, McDonald, P. Sullivan, Simpson, Walsh, Tom, Armstrong, McCune, Shabro and Dunn

Read first time 01/13/2006.            Referred to Committee on Criminal Justice & Corrections.

1            AN ACT Relating to taking a motor vehicle without permission;  
2 amending RCW 9A.56.070, 9.94A.545 and 13.40.0357; reenacting and  
3 amending RCW 9.94A.505; adding new sections to chapter 9.94A RCW;  
4 prescribing penalties; and making appropriations.

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

18            (b) Removes, or participates in the removal of, parts from the  
19 motor vehicle with the intent to sell the parts;

1 (c) Exports, or attempts to export, the motor vehicle across state  
2 lines or out of the United States for profit;

3 (d) Intends to sell the motor vehicle; or

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

7 (2) When a person has in his or her possession, or under his or her  
8 control, two or more stolen vehicles, he or she is presumed to know  
9 that the vehicles are stolen.

10 (3) When a person has been found in possession of a stolen vehicle  
11 on two previous occasions, or has been found with a stolen vehicle  
12 under his or her control on two previous occasions, he or she is  
13 presumed to know that the third and subsequent vehicles in his or her  
14 possession, or under his or her control, are stolen.

15 (4) Taking a motor vehicle without permission in the first degree  
16 is a class B felony.

17 NEW SECTION. Sec. 2. A new section is added to chapter 9.94A RCW  
18 to read as follows:

19 (1) A person convicted of taking a motor vehicle without permission  
20 in the first degree shall be sentenced to the following minimums:

21 (a) For an offender with no prior convictions for taking a motor  
22 vehicle without permission in the first or second degree:

23 (i) A term of total confinement of not less than two hundred days;

24 (ii) A term of community custody of not less than ninety days;

25 (iii) A term of community restitution of not less than forty-five  
26 hours; and

27 (iv) A fine of not less than one hundred fifty dollars.

28 (b) For an offender with one prior conviction for taking a motor  
29 vehicle without permission in the first or second degree:

30 (i) A term of total confinement of not less than three hundred  
31 eighty days;

32 (ii) A term of community custody of not less than one hundred  
33 twenty days;

34 (iii) A term of community restitution of not less than sixty hours;  
35 and

36 (iv) A fine of not less than two hundred dollars.

1 (c) For an offender with two or more prior convictions for taking  
2 a motor vehicle without permission in the first or second degree:  
3 (i) A term of total confinement of not less than four hundred  
4 eighty days;  
5 (ii) A term of community custody of not less than one hundred  
6 eighty days;  
7 (iii) A term of community restitution of not less than ninety  
8 hours; and  
9 (iv) A fine of not less than two hundred fifty dollars.  
10 (2) A person convicted of taking a motor vehicle without permission  
11 in the second degree shall be sentenced to the following minimums:  
12 (a) For an offender with no prior convictions for taking a motor  
13 vehicle without permission in the first or second degree:  
14 (i) A term of total confinement of not less than twenty days;  
15 (ii) A term of community custody of not less than sixty days;  
16 (iii) A term of community restitution of not less than thirty  
17 hours; and  
18 (iv) A fine of not less than one hundred dollars.  
19 (b) For an offender with one prior conviction for taking a motor  
20 vehicle without permission in the first or second degree:  
21 (i) A term of total confinement of not less than thirty days;  
22 (ii) A term of community custody of not less than ninety days;  
23 (iii) A term of community restitution of not less than forty-five  
24 hours; and  
25 (iv) A fine of not less than one hundred fifty dollars.  
26 (c) For an offender with two or more prior convictions for taking  
27 a motor vehicle without permission in the first or second degree:  
28 (i) A term of total confinement of not less than eighty days;  
29 (ii) A term of community custody of not less than one hundred  
30 twenty days;  
31 (iii) A term of community restitution of not less than sixty hours;  
32 and  
33 (iv) A fine of not less than two hundred dollars.  
34 (3) A minimum term of total confinement imposed under this section  
35 may not be varied or modified under RCW 9.94A.535. During a minimum  
36 term of total confinement, no offender subject to the provisions of  
37 this section is eligible for community custody, earned release time,  
38 furlough, home detention, partial confinement, work crew, work release,

1 or any other form of early release authorized under RCW 9.94A.728, or  
2 any other form of authorized leave of absence from the correctional  
3 facility while not in the direct custody of a corrections officer. The  
4 provisions of this subsection shall not apply: (a) In the case of an  
5 offender in need of emergency medical treatment; (b) for the purpose of  
6 commitment to an inpatient treatment facility in the case of an  
7 offender convicted of the crime of rape in the first degree; or (c) for  
8 an extraordinary medical placement when authorized under RCW  
9 9.94A.728(4).

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.94A RCW  
11 to read as follows:

12 (1) Any person who makes or mends, or causes to be made or mended,  
13 or has in his or her possession, any shaved key commonly used for the  
14 commission of taking a motor vehicle without permission, shall be  
15 guilty of possession of shaved keys.

16 (2) Possession of a shaved key is a gross misdemeanor.

17 **Sec. 4.** RCW 9.94A.505 and 2002 c 290 s 17, 2002 c 289 s 6, and  
18 2002 c 175 s 6 are each reenacted and amended to read as follows:

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

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

23 (i) Unless another term of confinement applies, the court shall  
24 impose a sentence within the standard sentence range established in RCW  
25 9.94A.510 or 9.94A.517;

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

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

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

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

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

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

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

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

- 1 (x) RCW 9.94A.712, relating to certain sex offenses;  
2 (xi) RCW 9.94A.535, relating to exceptional sentences;  
3 (xii) RCW 9.94A.589, relating to consecutive and concurrent  
4 sentences;  
5 (xiii) Section 2 of this act, relating to minimum sentences for  
6 taking a motor vehicle without permission in the first and second  
7 degrees.

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

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

24 (4) If a sentence imposed includes payment of a legal financial  
25 obligation, it shall be imposed as provided in RCW 9.94A.750,  
26 9.94A.753, 9.94A.760, and 43.43.7541.

27 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a  
28 court may not impose a sentence providing for a term of confinement or  
29 community supervision, community placement, or community custody which  
30 exceeds the statutory maximum for the crime as provided in chapter  
31 9A.20 RCW.

32 (6) The sentencing court shall give the offender credit for all  
33 confinement time served before the sentencing if that confinement was  
34 solely in regard to the offense for which the offender is being  
35 sentenced.

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

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

4 (9) The court may order an offender whose sentence includes  
5 community placement or community supervision to undergo a mental status  
6 evaluation and to participate in available outpatient mental health  
7 treatment, if the court finds that reasonable grounds exist to believe  
8 that the offender is a mentally ill person as defined in RCW 71.24.025,  
9 and that this condition is likely to have influenced the offense. An  
10 order requiring mental status evaluation or treatment must be based on  
11 a presentence report and, if applicable, mental status evaluations that  
12 have been filed with the court to determine the offender's competency  
13 or eligibility for a defense of insanity. The court may order  
14 additional evaluations at a later date if deemed appropriate.

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

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

26 **Sec. 5.** RCW 9.94A.545 and 2003 c 379 s 8 are each amended to read  
27 as follows:

28 Except as provided in RCW 9.94A.650 and section 2 of this act, on  
29 all sentences of confinement for one year or less, in which the  
30 offender is convicted of a sex offense, a violent offense, a crime  
31 against a person under RCW 9.94A.411, or felony violation of chapter  
32 69.50 or 69.52 RCW or an attempt, conspiracy, or solicitation to commit  
33 such a crime, the court may impose up to one year of community custody,  
34 subject to conditions and sanctions as authorized in RCW 9.94A.715 and  
35 9.94A.720. An offender shall be on community custody as of the date of  
36 sentencing. However, during the time for which the offender is in

1 total or partial confinement pursuant to the sentence or a violation of  
2 the sentence, the period of community custody shall toll.

3 **Sec. 6.** RCW 13.40.0357 and 2004 c 117 s 1 are each amended to read  
4 as follows:

5 **DESCRIPTION AND OFFENSE CATEGORY**

6 JUVENILE DISPOSITION  
7 JUVENILE CATEGORY FOR  
8 DISPOSITION ATTEMPT, BAILJUMP,  
9 OFFENSE CONSPIRACY, OR  
10 CATEGORY DESCRIPTION (RCW CITATION) SOLICITATION

11 .....

12 **Arson and Malicious Mischief**

13 A Arson 1 (9A.48.020) B+  
14 B Arson 2 (9A.48.030) C  
15 C Reckless Burning 1 (9A.48.040) D  
16 D Reckless Burning 2 (9A.48.050) E  
17 B Malicious Mischief 1 (9A.48.070) C  
18 C Malicious Mischief 2 (9A.48.080) D  
19 D Malicious Mischief 3 (9A.48.090(2) (a) and  
20 (c)) E  
21 E Malicious Mischief 3 (9A.48.090(2)(b)) E  
22 E Tampering with Fire Alarm Apparatus  
23 (9.40.100) E  
24 E Tampering with Fire Alarm Apparatus with  
25 Intent to Commit Arson (9.40.105) E  
26 A Possession of Incendiary Device (9.40.120) B+

27 **Assault and Other Crimes Involving**

28 **Physical Harm**

29 A Assault 1 (9A.36.011) B+  
30 B+ Assault 2 (9A.36.021) C+  
31 C+ Assault 3 (9A.36.031) D+  
32 D+ Assault 4 (9A.36.041) E  
33 B+ Drive-By Shooting (9A.36.045) C+  
34 D+ Reckless Endangerment (9A.36.050) E  
35 C+ Promoting Suicide Attempt (9A.36.060) D+

1	D+	Coercion (9A.36.070)	E
2	C+	Custodial Assault (9A.36.100)	D+
3		<b>Burglary and Trespass</b>	
4	B+	Burglary 1 (9A.52.020)	C+
5	B	Residential Burglary (9A.52.025)	C
6	B	Burglary 2 (9A.52.030)	C
7	D	Burglary Tools (Possession of) (9A.52.060)	E
8	D	Criminal Trespass 1 (9A.52.070)	E
9	E	Criminal Trespass 2 (9A.52.080)	E
10	C	Mineral Trespass (78.44.330)	C
11	C	Vehicle Prowling 1 (9A.52.095)	D
12	D	Vehicle Prowling 2 (9A.52.100)	E
13		<b>Drugs</b>	
14	E	Possession/Consumption of Alcohol	
15		(66.44.270)	E
16	C	Illegally Obtaining Legend Drug	
17		(69.41.020)	D
18	C+	Sale, Delivery, Possession of Legend Drug	
19		with Intent to Sell (69.41.030(2)(a))	D+
20	E	Possession of Legend Drug	
21		(69.41.030(2)(b))	E
22	B+	Violation of Uniform Controlled Substances	
23		Act - Narcotic, Methamphetamine, or	
24		Flunitrazepam Sale (69.50.401(2) (a) or	
25		(b))	B+
26	C	Violation of Uniform Controlled Substances	
27		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
28	E	Possession of Marihuana <40 grams	
29		(69.50.4014)	E
30	C	Fraudulently Obtaining Controlled	
31		Substance (69.50.403)	C
32	C+	Sale of Controlled Substance for Profit	
33		(69.50.410)	C+
34	E	Unlawful Inhalation (9.47A.020)	E



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

1	D	Obstructing a Law Enforcement Officer	
2		(9A.76.020)	E
3	E	Resisting Arrest (9A.76.040)	E
4	B	Introducing Contraband 1 (9A.76.140)	C
5	C	Introducing Contraband 2 (9A.76.150)	D
6	E	Introducing Contraband 3 (9A.76.160)	E
7	B+	Intimidating a Public Servant (9A.76.180)	C+
8	B+	Intimidating a Witness (9A.72.110)	C+
9		<b>Public Disturbance</b>	
10	C+	Riot with Weapon (9A.84.010(2)(b))	D+
11	D+	Riot Without Weapon (9A.84.010(2)(a))	E
12	E	Failure to Disperse (9A.84.020)	E
13	E	Disorderly Conduct (9A.84.030)	E
14		<b>Sex Crimes</b>	
15	A	Rape 1 (9A.44.040)	B+
16	A-	Rape 2 (9A.44.050)	B+
17	C+	Rape 3 (9A.44.060)	D+
18	A-	Rape of a Child 1 (9A.44.073)	B+
19	B+	Rape of a Child 2 (9A.44.076)	C+
20	B	Incest 1 (9A.64.020(1))	C
21	C	Incest 2 (9A.64.020(2))	D
22	D+	Indecent Exposure (Victim <14)	
23		(9A.88.010)	E
24	E	Indecent Exposure (Victim 14 or over)	
25		(9A.88.010)	E
26	B+	Promoting Prostitution 1 (9A.88.070)	C+
27	C+	Promoting Prostitution 2 (9A.88.080)	D+
28	E	O & A (Prostitution) (9A.88.030)	E
29	B+	Indecent Liberties (9A.44.100)	C+
30	A-	Child Molestation 1 (9A.44.083)	B+
31	B	Child Molestation 2 (9A.44.086)	C+
32		<b>Theft, Robbery, Extortion, and Forgery</b>	
33	B	Theft 1 (9A.56.030)	C
34	C	Theft 2 (9A.56.040)	D
35	D	Theft 3 (9A.56.050)	E

1	B	Theft of Livestock 1 and 2 (9A.56.080 and	
2		9A.56.083)	C
3	C	Forgery (9A.60.020)	D
4	A	Robbery 1 (9A.56.200)	B+
5	B+	Robbery 2 (9A.56.210)	C+
6	B+	Extortion 1 (9A.56.120)	C+
7	C+	Extortion 2 (9A.56.130)	D+
8	C	Identity Theft 1 (9.35.020(2))	D
9	D	Identity Theft 2 (9.35.020(3))	E
10	D	Improperly Obtaining Financial Information	
11		(9.35.010)	E
12	B	Possession of Stolen Property 1	
13		(9A.56.150)	C
14	C	Possession of Stolen Property 2	
15		(9A.56.160)	D
16	D	Possession of Stolen Property 3	
17		(9A.56.170)	E
18	C	Taking Motor Vehicle Without Permission (( <del>D</del> ))	
19		1 <sup>3</sup> ((and 2)) (9A.56.070 ((and 9A.56.075)))	C
20	C	<u>Taking Motor Vehicle Without Permission</u>	
21		<u>2<sup>4</sup> (9A.56.075)</u>	C
22		<b>Motor Vehicle Related Crimes</b>	
23	E	Driving Without a License (46.20.005)	E
24	B+	Hit and Run - Death (46.52.020(4)(a))	C+
25	C	Hit and Run - Injury (46.52.020(4)(b))	D
26	D	Hit and Run-Attended (46.52.020(5))	E
27	E	Hit and Run-Unattended (46.52.010)	E
28	C	Vehicular Assault (46.61.522)	D
29	C	Attempting to Elude Pursuing Police	
30		Vehicle (46.61.024)	D
31	E	Reckless Driving (46.61.500)	E
32	D	Driving While Under the Influence	
33		(46.61.502 and 46.61.504)	E
34		<b>Other</b>	
35	B	Animal Cruelty 1 (16.52.205)	C
36	B	Bomb Threat (9.61.160)	C
37	C	Escape 1 <sup>1</sup> (9A.76.110)	C

1	C	Escape 2 <sup>1</sup> (9A.76.120)	C
2	D	Escape 3 (9A.76.130)	E
3	E	Obscene, Harassing, Etc., Phone Calls	
4		(9.61.230)	E
5	A	Other Offense Equivalent to an Adult Class	
6		A Felony	B+
7	B	Other Offense Equivalent to an Adult Class	
8		B Felony	C
9	C	Other Offense Equivalent to an Adult Class	
10		C Felony	D
11	D	Other Offense Equivalent to an Adult Gross	
12		Misdemeanor	E
13	E	Other Offense Equivalent to an Adult	
14		Misdemeanor	E
15	V	Violation of Order of Restitution,	
16		Community Supervision, or Confinement	
17		(13.40.200) <sup>2</sup>	V

18 <sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
19 and the standard range is established as follows:

20 1st escape or attempted escape during 12-month period - 4 weeks  
21 confinement

22 2nd escape or attempted escape during 12-month period - 8 weeks  
23 confinement

24 3rd and subsequent escape or attempted escape during 12-month  
25 period - 12 weeks confinement

26 <sup>2</sup>If the court finds that a respondent has violated terms of an order,  
27 it may impose a penalty of up to 30 days of confinement.

28 <sup>3</sup>Taking a Motor Vehicle Without Permission in the First Degree is  
29 classified as a C offense and the standard range is established as  
30 follows:

31 Juveniles with no prior adjudications shall be sentenced to no less  
32 than 2 days detention, 2 months community supervision, 30 hours of  
33 community service, and a \$100 fine;

34 Juveniles with one prior adjudication shall be sentenced to no less  
35 than 3 days detention, 3 months of community supervision, 45 hours of  
36 community service, and a \$150 fine; and

1 Juveniles with two or more prior adjudications shall be sentenced  
 2 to no less than 4 days detention, 4 months community supervision, 60  
 3 hours of community service, and a \$200 fine.

4 4Taking a Motor Vehicle Without Permission in the Second Degree is  
 5 classified as a C offense and the standard range is established as  
 6 follows:

7 Juveniles with no prior adjudications shall be sentenced to no less  
 8 than 1 day detention, 1 month community supervision, 15 hours of  
 9 community service, and a \$50 fine;

10 Juveniles with one prior adjudication shall be sentenced to no less  
 11 than 2 days detention, 2 months of community supervision, 30 hours of  
 12 community service, and a \$150 fine; and

13 Juveniles with two or more prior adjudications shall be sentenced  
 14 to no less than 3 days detention, 3 months community supervision, 45  
 15 hours community service, and a \$150 fine.

16 **JUVENILE SENTENCING STANDARDS**

17 This schedule must be used for juvenile offenders. The court may  
 18 select sentencing option A, B, C, D, or RCW 13.40.167.

19 **OPTION A**  
 20 **JUVENILE OFFENDER SENTENCING GRID**  
 21 **STANDARD RANGE**

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22 A+ 180 WEEKS TO AGE 21 YEARS

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23  
 24 A 103 WEEKS TO 129 WEEKS

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25	A-	15-36	52-65	80-100	103-129
26		WEEKS	WEEKS	WEEKS	WEEKS
27		EXCEPT			
28		30-40			
29		WEEKS FOR			
30		15-17			
31		YEAR OLDS			

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32	Current	B+	15-36	52-65	80-100	103-129
33	Offense		WEEKS	WEEKS	WEEKS	WEEKS
34	Category					
35		B	LOCAL			52-65

SANCTIONS (LS)		15-36 WEEKS	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

1 standard range and suspend the disposition on condition that the  
2 offender comply with one or more local sanctions and any educational or  
3 treatment requirement. The treatment programs provided to the offender  
4 must be research-based best practice programs as identified by the  
5 Washington state institute for public policy or the joint legislative  
6 audit and review committee.

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

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

12 (a) Adjudicated of an A+ offense;

13 (b) Fourteen years of age or older and is adjudicated of one or  
14 more of the following offenses:

15 (i) A class A offense, or an attempt, conspiracy, or solicitation  
16 to commit a class A offense;

17 (ii) Manslaughter in the first degree (RCW 9A.32.060); or

18 (iii) Assault in the second degree (RCW 9A.36.021), extortion in  
19 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW  
20 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential  
21 burglary (RCW 9A.52.025), burglary in the second degree (RCW  
22 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW  
23 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a  
24 witness (RCW 9A.72.110), violation of the uniform controlled substances  
25 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),  
26 when the offense includes infliction of bodily harm upon another or  
27 when during the commission or immediate withdrawal from the offense the  
28 respondent was armed with a deadly weapon;

29 (c) Ordered to serve a disposition for a firearm violation under  
30 RCW 13.40.193; or

31 (d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

32 **OR**

33 **OPTION C**

34 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

35 If the juvenile offender is subject to a standard range disposition  
36 of local sanctions or 15 to 36 weeks of confinement and has not

1 committed an A- or B+ offense, the court may impose a disposition under  
2 RCW 13.40.160(4) and 13.40.165.

3 OR

4 OPTION D

5 MANIFEST INJUSTICE

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

9 NEW SECTION. **Sec. 7.** The sum of seven million dollars, or as much  
10 thereof as may be necessary, is appropriated for the fiscal year ending  
11 June 30, 2007, from the state general fund to the Washington state  
12 patrol to establish and operate three regional auto theft task forces  
13 in Washington.

14 NEW SECTION. **Sec. 8.** The sum of three million dollars, or as much  
15 thereof as may be necessary, is appropriated for the fiscal year ending  
16 June 30, 2007, from the state general fund to the Washington state  
17 patrol to establish and operate proaction auto theft swat units in  
18 Washington.

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