

SHB 2551 - S COMM AMD
By Committee on Human Services & Corrections

ADOPTED 03/07/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 13.40.0357 and 2007 c 199 s 11 are each amended to
4 read as follows:

DESCRIPTION AND OFFENSE CATEGORY

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

.....

Arson and Malicious Mischief

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090(2) (a) and	
	(c))	E
E	Malicious Mischief 3 (9A.48.090(2)(b))	E
E	Tampering with Fire Alarm Apparatus	
	(9.40.100)	E
E	Tampering with Fire Alarm Apparatus with	
	Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+

Assault and Other Crimes Involving

Physical Harm

1	A	Assault 1 (9A.36.011)	B+
2	B+	Assault 2 (9A.36.021)	C+
3	C+	Assault 3 (9A.36.031)	D+
4	D+	Assault 4 (9A.36.041)	E
5	B+	Drive-By Shooting (9A.36.045)	C+
6	D+	Reckless Endangerment (9A.36.050)	E
7	C+	Promoting Suicide Attempt (9A.36.060)	D+
8	D+	Coercion (9A.36.070)	E
9	C+	Custodial Assault (9A.36.100)	D+
10		Burglary and Trespass	
11	B+	Burglary 1 (9A.52.020)	C+
12	B	Residential Burglary (9A.52.025)	C
13	B	Burglary 2 (9A.52.030)	C
14	D	Burglary Tools (Possession of) (9A.52.060)	E
15	D	Criminal Trespass 1 (9A.52.070)	E
16	E	Criminal Trespass 2 (9A.52.080)	E
17	C	Mineral Trespass (78.44.330)	C
18	C	Vehicle Prowling 1 (9A.52.095)	D
19	D	Vehicle Prowling 2 (9A.52.100)	E
20		Drugs	
21	E	Possession/Consumption of Alcohol	
22		(66.44.270)	E
23	C	Illegally Obtaining Legend Drug	
24		(69.41.020)	D
25	C+	Sale, Delivery, Possession of Legend Drug	
26		with Intent to Sell (69.41.030(2)(a))	D+
27	E	Possession of Legend Drug	
28		(69.41.030(2)(b))	E
29	B+	Violation of Uniform Controlled Substances	
30		Act - Narcotic, Methamphetamine, or	
31		Flunitrazepam Sale (69.50.401(2) (a) or	
32		(b))	B+
33	C	Violation of Uniform Controlled Substances	
34		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
35	E	Possession of Marihuana <40 grams	
36		(69.50.4014)	E

1	C	Fraudulently Obtaining Controlled	
2		Substance (69.50.403)	C
3	C+	Sale of Controlled Substance for Profit	
4		(69.50.410)	C+
5	E	Unlawful Inhalation (9.47A.020)	E
6	B	Violation of Uniform Controlled Substances	
7		Act - Narcotic, Methamphetamine, or	
8		Flunitrazepam Counterfeit Substances	
9		(69.50.4011(2) (a) or (b))	B
10	C	Violation of Uniform Controlled Substances	
11		Act - Nonnarcotic Counterfeit Substances	
12		(69.50.4011(2) (c), (d), or (e))	C
13	C	Violation of Uniform Controlled Substances	
14		Act - Possession of a Controlled Substance	
15		(69.50.4013)	C
16	C	Violation of Uniform Controlled Substances	
17		Act - Possession of a Controlled Substance	
18		(69.50.4012)	C
19		Firearms and Weapons	
20	B	Theft of Firearm (9A.56.300)	C
21	B	Possession of Stolen Firearm (9A.56.310)	C
22	E	Carrying Loaded Pistol Without Permit	
23		(9.41.050)	E
24	C	Possession of Firearms by Minor (<18)	
25		(9.41.040(2)(a)(iii))	C
26	D+	Possession of Dangerous Weapon	
27		(9.41.250)	E
28	D	Intimidating Another Person by use of	
29		Weapon (9.41.270)	E
30		Homicide	
31	A+	Murder 1 (9A.32.030)	A
32	A+	Murder 2 (9A.32.050)	B+
33	B+	Manslaughter 1 (9A.32.060)	C+
34	C+	Manslaughter 2 (9A.32.070)	D+
35	B+	Vehicular Homicide (46.61.520)	C+
36		Kidnapping	

1	A	Kidnap 1 (9A.40.020)	B+
2	B+	Kidnap 2 (9A.40.030)	C+
3	C+	Unlawful Imprisonment (9A.40.040)	D+
4		Obstructing Governmental Operation	
5	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
6			
7	E	Resisting Arrest (9A.76.040)	E
8	B	Introducing Contraband 1 (9A.76.140)	C
9	C	Introducing Contraband 2 (9A.76.150)	D
10	E	Introducing Contraband 3 (9A.76.160)	E
11	B+	Intimidating a Public Servant (9A.76.180)	C+
12	B+	Intimidating a Witness (9A.72.110)	C+
13		Public Disturbance	
14	C+	Riot with Weapon (9A.84.010(2)(b))	D+
15	D+	Riot Without Weapon (9A.84.010(2)(a))	E
16	E	Failure to Disperse (9A.84.020)	E
17	E	Disorderly Conduct (9A.84.030)	E
18		Sex Crimes	
19	A	Rape 1 (9A.44.040)	B+
20	A-	Rape 2 (9A.44.050)	B+
21	C+	Rape 3 (9A.44.060)	D+
22	A-	Rape of a Child 1 (9A.44.073)	B+
23	B+	Rape of a Child 2 (9A.44.076)	C+
24	B	Incest 1 (9A.64.020(1))	C
25	C	Incest 2 (9A.64.020(2))	D
26	D+	Indecent Exposure (Victim <14)	
27		(9A.88.010)	E
28	E	Indecent Exposure (Victim 14 or over)	
29		(9A.88.010)	E
30	B+	Promoting Prostitution 1 (9A.88.070)	C+
31	C+	Promoting Prostitution 2 (9A.88.080)	D+
32	E	O & A (Prostitution) (9A.88.030)	E
33	B+	Indecent Liberties (9A.44.100)	C+
34	A-	Child Molestation 1 (9A.44.083)	B+
35	B	Child Molestation 2 (9A.44.086)	C+
36		Theft, Robbery, Extortion, and Forgery	

1	B	Theft 1 (9A.56.030)	C
2	C	Theft 2 (9A.56.040)	D
3	D	Theft 3 (9A.56.050)	E
4	B	Theft of Livestock 1 and 2 (9A.56.080 and	
5		9A.56.083)	C
6	C	Forgery (9A.60.020)	D
7	A	Robbery 1 (9A.56.200)	B+
8	B+	Robbery 2 (9A.56.210)	C+
9	B+	Extortion 1 (9A.56.120)	C+
10	C+	Extortion 2 (9A.56.130)	D+
11	C	Identity Theft 1 (9.35.020(2))	D
12	D	Identity Theft 2 (9.35.020(3))	E
13	D	Improperly Obtaining Financial Information	
14		(9.35.010)	E
15	B	Possession of a Stolen Vehicle (9A.56.068)	C
16	B	Possession of Stolen Property 1	
17		(9A.56.150)	C
18	C	Possession of Stolen Property 2	
19		(9A.56.160)	D
20	D	Possession of Stolen Property 3	
21		(9A.56.170)	E
22	B	Taking Motor Vehicle Without Permission	
23		1 (9A.56.070)	C
24	C	Taking Motor Vehicle Without Permission	
25		2 (9A.56.075)	D
26	B	Theft of a Motor Vehicle (9A.56.065)	C
27		Motor Vehicle Related Crimes	
28	E	Driving Without a License (46.20.005)	E
29	B+	Hit and Run - Death (46.52.020(4)(a))	C+
30	C	Hit and Run - Injury (46.52.020(4)(b))	D
31	D	Hit and Run-Attended (46.52.020(5))	E
32	E	Hit and Run-Unattended (46.52.010)	E
33	C	Veicular Assault (46.61.522)	D
34	C	Attempting to Elude Pursuing Police	
35		Vehicle (46.61.024)	D
36	E	Reckless Driving (46.61.500)	E

1	D	Driving While Under the Influence	E
2		(46.61.502 and 46.61.504)	
3	B+	Felony Driving While Under the Influence	
4		(46.61.502(6))	B
5	B+	Felony Physical Control of a Vehicle While	
6		Under the Influence (46.61.504(6))	B
7		Other	
8	B	Animal Cruelty 1 (16.52.205)	C
9	B	Bomb Threat (9.61.160)	C
10	C	Escape 1 ¹ (9A.76.110)	C
11	C	Escape 2 ¹ (9A.76.120)	C
12	D	Escape 3 (9A.76.130)	E
13	E	Obscene, Harassing, Etc., Phone Calls	
14		(9.61.230)	E
15	A	Other Offense Equivalent to an Adult Class	
16		A Felony	B+
17	B	Other Offense Equivalent to an Adult Class	
18		B Felony	C
19	C	Other Offense Equivalent to an Adult Class	
20		C Felony	D
21	D	Other Offense Equivalent to an Adult Gross	
22		Misdemeanor	E
23	E	Other Offense Equivalent to an Adult	
24		Misdemeanor	E
25	V	Violation of Order of Restitution,	
26		Community Supervision, or Confinement	
27		(13.40.200) ²	V

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

30 1st escape or attempted escape during 12-month period - 4 weeks
31 confinement

32 2nd escape or attempted escape during 12-month period - 8 weeks
33 confinement

34 3rd and subsequent escape or attempted escape during 12-month
35 period - 12 weeks confinement

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

3 **JUVENILE SENTENCING STANDARDS**

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

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

9 A+ 180 WEEKS TO AGE 21 YEARS

10 A 103 WEEKS TO 129 WEEKS

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

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

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

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

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

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

30 0 1 2 3 4
 31 or more

32 PRIOR ADJUDICATIONS

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

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

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

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

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

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

19 **OR**

20 **OPTION B**

21 **SUSPENDED DISPOSITION ALTERNATIVE**

22 (1) If the offender is subject to a standard range disposition
23 involving confinement by the department, the court may impose the
24 standard range and suspend the disposition on condition that the
25 offender comply with one or more local sanctions and any educational or
26 treatment requirement. The treatment programs provided to the offender
27 must be either research-based best practice programs as identified by
28 the Washington state institute for public policy or the joint
29 legislative audit and review committee, or for chemical dependency
30 treatment programs or services, they must be evidence-based or
31 research-based best practice programs. For the purposes of this
32 subsection:

33 (a) "Evidence-based" means a program or practice that has had
34 multiple site random controlled trials across heterogeneous populations
35 demonstrating that the program or practice is effective for the
36 population; and

1
2
3
4
5

OPTION D
MANIFEST INJUSTICE

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

SHB 2551 - S COMM AMD
By Committee on Human Services & Corrections

ADOPTED 03/07/2008

6 On page 1, line 2 of the title, after "juveniles;" strike the
7 remainder of the title and insert "and amending RCW 13.40.0357."

--- END ---