

SSB 6240 - H COMM AMD

By Committee on Early Learning & Human Services

ADOPTED AND ENGROSSED 3/2/12

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

3 "Sec. 1. RCW 13.40.127 and 2009 c 236 s 1 are each amended to read
4 as follows:

5 (1) A juvenile is eligible for deferred disposition unless he or
6 she:

7 (a) Is charged with a sex or violent offense;

8 (b) Has a criminal history which includes any felony;

9 (c) Has a prior deferred disposition or deferred adjudication; or

10 (d) Has two or more adjudications.

11 (2) The juvenile court may, upon motion at least fourteen days
12 before commencement of trial and, after consulting the juvenile's
13 custodial parent or parents or guardian and with the consent of the
14 juvenile, continue the case for disposition for a period not to exceed
15 one year from the date the juvenile is found guilty. The court shall
16 consider whether the offender and the community will benefit from a
17 deferred disposition before deferring the disposition. The court may
18 waive the fourteen-day period anytime before the commencement of trial
19 for good cause.

20 (3) Any juvenile who agrees to a deferral of disposition shall:

21 (a) Stipulate to the admissibility of the facts contained in the
22 written police report;

23 (b) Acknowledge that the report will be entered and used to support
24 a finding of guilt and to impose a disposition if the juvenile fails to
25 comply with terms of supervision; (~~and~~)

26 (c) Waive the following rights to: (i) A speedy disposition; and
27 (ii) call and confront witnesses; and

28 (d) Acknowledge the direct consequences of being found guilty and
29 the direct consequences that will happen if an order of disposition is
30 entered.

1 The adjudicatory hearing shall be limited to a reading of the
2 court's record.

3 (4) Following the stipulation, acknowledgment, waiver, and entry of
4 a finding or plea of guilt, the court shall defer entry of an order of
5 disposition of the juvenile.

6 (5) Any juvenile granted a deferral of disposition under this
7 section shall be placed under community supervision. The court may
8 impose any conditions of supervision that it deems appropriate
9 including posting a probation bond. Payment of restitution under RCW
10 13.40.190 shall be a condition of community supervision under this
11 section.

12 The court may require a juvenile offender convicted of animal
13 cruelty in the first degree to submit to a mental health evaluation to
14 determine if the offender would benefit from treatment and such
15 intervention would promote the safety of the community. After
16 consideration of the results of the evaluation, as a condition of
17 community supervision, the court may order the offender to attend
18 treatment to address issues pertinent to the offense.

19 (6) A parent who signed for a probation bond has the right to
20 notify the counselor if the juvenile fails to comply with the bond or
21 conditions of supervision. The counselor shall notify the court and
22 surety of any failure to comply. A surety shall notify the court of
23 the juvenile's failure to comply with the probation bond. The state
24 shall bear the burden to prove, by a preponderance of the evidence,
25 that the juvenile has failed to comply with the terms of community
26 supervision.

27 ~~((A juvenile's lack of compliance shall be determined by the
28 judge upon written motion by the prosecutor or the juvenile's juvenile
29 court community supervision counselor. If a juvenile fails to comply
30 with terms of supervision, the court shall enter an order of
31 disposition))~~ (a) Anytime prior to the conclusion of the period of
32 supervision, the prosecutor or the juvenile's juvenile court community
33 supervision counselor may file a motion with the court requesting the
34 court revoke the deferred disposition based on the juvenile's lack of
35 compliance or treat the juvenile's lack of compliance as a violation
36 pursuant to RCW 13.40.200.

37 (b) If the court finds the juvenile failed to comply with the terms
38 of the deferred disposition, the court may:

1 (i) Revoke the deferred disposition and enter an order of
2 disposition; or

3 (ii) Impose sanctions for the violation pursuant to RCW 13.40.200.

4 (8) At any time following deferral of disposition the court may,
5 following a hearing, continue ~~((the case))~~ supervision for an
6 additional one-year period for good cause.

7 (9)(a) ~~At the conclusion of the period ((set forth in the order of~~
8 ~~deferral and upon a finding by the court of full compliance with~~
9 ~~conditions of supervision and payment of full restitution))~~ of
10 supervision, the court shall determine whether the juvenile is entitled
11 to dismissal of the deferred disposition only when the court finds:

12 (i) The deferred disposition has not been previously revoked;

13 (ii) The juvenile has completed the terms of supervision;

14 (iii) There are no pending motions concerning lack of compliance
15 pursuant to subsection (7) of this section; and

16 (iv) The juvenile has either paid the full amount of restitution,
17 or, made a good faith effort to pay the full amount of restitution
18 during the period of supervision.

19 (b) If the court finds the juvenile is entitled to dismissal of the
20 deferred disposition pursuant to (a) of this subsection, the
21 ((respondent's)) juvenile's conviction shall be vacated and the court
22 shall dismiss the case with prejudice, except that a conviction under
23 RCW 16.52.205 shall not be vacated. Whenever a case is dismissed with
24 restitution still owing, the court shall enter a restitution order
25 pursuant to RCW 13.40.190 for any unpaid restitution. Jurisdiction to
26 enforce payment and modify terms of the restitution order shall be the
27 same as those set forth in RCW 13.40.190.

28 (c) If the court finds the juvenile is not entitled to dismissal of
29 the deferred disposition pursuant to (a) of this subsection, the court
30 shall revoke the deferred disposition and enter an order of
31 disposition. A deferred disposition shall remain a conviction unless
32 the case is dismissed and the conviction is vacated pursuant to (b) of
33 this subsection or sealed pursuant to RCW 13.50.050.

34 (10)(a) ~~((Records of deferred disposition cases vacated under~~
35 ~~subsection (9) of this section shall be sealed no later than thirty~~
36 ~~days after the juvenile's eighteenth birthday provided that the~~
37 ~~juvenile does not have any charges pending at that time. If a juvenile~~
38 ~~has already reached his or her eighteenth birthday before July 26,~~

1 2009, and does not have any charges pending, he or she may request that
2 the court issue an order sealing the records of his or her deferred
3 disposition cases vacated under subsection (9) of this section, and
4 this request shall be granted.)) (i) Any time the court vacates a
5 conviction pursuant to subsection (9) of this section, if the juvenile
6 is eighteen years of age or older and the full amount of restitution
7 ordered has been paid, the court shall enter a written order sealing
8 the case.

9 (ii) Any time the court vacates a conviction pursuant to subsection
10 (9) of this section, if the juvenile is not eighteen years of age or
11 older and full restitution ordered has been paid, the court shall
12 schedule an administrative sealing hearing to take place no later than
13 thirty days after the respondent's eighteenth birthday, at which time
14 the court shall enter a written order sealing the case. The
15 respondent's presence at the administrative sealing hearing is not
16 required.

17 (iii) Any deferred disposition vacated prior to the effective date
18 of this section is not subject to sealing under this subsection.

19 (b) Nothing in this subsection shall preclude a juvenile from
20 petitioning the court to have the records of his or her deferred
21 dispositions sealed under RCW 13.50.050 (11) and (12).

22 ~~((b))~~ (c) Records sealed under this provision shall have the same
23 legal status as records sealed under RCW 13.50.050.

24 **Sec. 2.** RCW 13.50.050 and 2011 c 338 s 4 and 2011 c 333 s 4 are
25 each reenacted and amended to read as follows:

26 (1) This section governs records relating to the commission of
27 juvenile offenses, including records relating to diversions.

28 (2) The official juvenile court file of any alleged or proven
29 juvenile offender shall be open to public inspection, unless sealed
30 pursuant to subsection (12) of this section.

31 (3) All records other than the official juvenile court file are
32 confidential and may be released only as provided in this section, RCW
33 13.50.010, 13.40.215, and 4.24.550.

34 (4) Except as otherwise provided in this section and RCW 13.50.010,
35 records retained or produced by any juvenile justice or care agency may
36 be released to other participants in the juvenile justice or care
37 system only when an investigation or case involving the juvenile in

1 question is being pursued by the other participant or when that other
2 participant is assigned the responsibility for supervising the
3 juvenile.

4 (5) Except as provided in RCW 4.24.550, information not in an
5 official juvenile court file concerning a juvenile or a juvenile's
6 family may be released to the public only when that information could
7 not reasonably be expected to identify the juvenile or the juvenile's
8 family.

9 (6) Notwithstanding any other provision of this chapter, the
10 release, to the juvenile or his or her attorney, of law enforcement and
11 prosecuting attorneys' records pertaining to investigation, diversion,
12 and prosecution of juvenile offenses shall be governed by the rules of
13 discovery and other rules of law applicable in adult criminal
14 investigations and prosecutions.

15 (7) Upon the decision to arrest or the arrest, law enforcement and
16 prosecuting attorneys may cooperate with schools in releasing
17 information to a school pertaining to the investigation, diversion, and
18 prosecution of a juvenile attending the school. Upon the decision to
19 arrest or the arrest, incident reports may be released unless releasing
20 the records would jeopardize the investigation or prosecution or
21 endanger witnesses. If release of incident reports would jeopardize
22 the investigation or prosecution or endanger witnesses, law enforcement
23 and prosecuting attorneys may release information to the maximum extent
24 possible to assist schools in protecting other students, staff, and
25 school property.

26 (8) The juvenile court and the prosecutor may set up and maintain
27 a central recordkeeping system which may receive information on all
28 alleged juvenile offenders against whom a complaint has been filed
29 pursuant to RCW 13.40.070 whether or not their cases are currently
30 pending before the court. The central recordkeeping system may be
31 computerized. If a complaint has been referred to a diversion unit,
32 the diversion unit shall promptly report to the juvenile court or the
33 prosecuting attorney when the juvenile has agreed to diversion. An
34 offense shall not be reported as criminal history in any central
35 recordkeeping system without notification by the diversion unit of the
36 date on which the offender agreed to diversion.

37 (9) Upon request of the victim of a crime or the victim's immediate
38 family, the identity of an alleged or proven juvenile offender alleged

1 or found to have committed a crime against the victim and the identity
2 of the alleged or proven juvenile offender's parent, guardian, or
3 custodian and the circumstance of the alleged or proven crime shall be
4 released to the victim of the crime or the victim's immediate family.

5 (10) Subject to the rules of discovery applicable in adult criminal
6 prosecutions, the juvenile offense records of an adult criminal
7 defendant or witness in an adult criminal proceeding shall be released
8 upon request to prosecution and defense counsel after a charge has
9 actually been filed. The juvenile offense records of any adult
10 convicted of a crime and placed under the supervision of the adult
11 corrections system shall be released upon request to the adult
12 corrections system.

13 (11) In any case in which an information has been filed pursuant to
14 RCW 13.40.100 or a complaint has been filed with the prosecutor and
15 referred for diversion pursuant to RCW 13.40.070, the person the
16 subject of the information or complaint may file a motion with the
17 court to have the court vacate its order and findings, if any, and,
18 subject to subsection (23) of this section, order the sealing of the
19 official juvenile court file, the social file, and records of the court
20 and of any other agency in the case.

21 (12)(a) The court shall not grant any motion to seal records for
22 class A offenses made pursuant to subsection (11) of this section that
23 is filed on or after July 1, 1997, unless:

24 (i) Since the last date of release from confinement, including
25 full-time residential treatment, if any, or entry of disposition, the
26 person has spent five consecutive years in the community without
27 committing any offense or crime that subsequently results in an
28 adjudication or conviction;

29 (ii) No proceeding is pending against the moving party seeking the
30 conviction of a juvenile offense or a criminal offense;

31 (iii) No proceeding is pending seeking the formation of a diversion
32 agreement with that person;

33 (iv) The person is no longer required to register as a sex offender
34 under RCW 9A.44.130 or has been relieved of the duty to register under
35 RCW 9A.44.143 if the person was convicted of a sex offense;

36 (v) The person has not been convicted of rape in the first degree,
37 rape in the second degree, or indecent liberties that was actually
38 committed with forcible compulsion; and

1 (vi) Full restitution has been paid.

2 (b) The court shall not grant any motion to seal records for class
3 B, C, gross misdemeanor and misdemeanor offenses and diversions made
4 under subsection (11) of this section unless:

5 (i) Since the date of last release from confinement, including
6 full-time residential treatment, if any, entry of disposition, or
7 completion of the diversion agreement, the person has spent two
8 consecutive years in the community without being convicted of any
9 offense or crime;

10 (ii) No proceeding is pending against the moving party seeking the
11 conviction of a juvenile offense or a criminal offense;

12 (iii) No proceeding is pending seeking the formation of a diversion
13 agreement with that person;

14 (iv) The person is no longer required to register as a sex offender
15 under RCW 9A.44.130 or has been relieved of the duty to register under
16 RCW 9A.44.143 if the person was convicted of a sex offense; and

17 (v) Full restitution has been paid.

18 (c) Notwithstanding the requirements in (a) or (b) of this
19 subsection, the court shall grant any motion to seal records of any
20 deferred disposition vacated under RCW 13.40.127(9) prior to the
21 effective date of this section if restitution has been paid and the
22 person is eighteen years of age or older at the time of the motion.

23 (13) The person making a motion pursuant to subsection (11) of this
24 section shall give reasonable notice of the motion to the prosecution
25 and to any person or agency whose files are sought to be sealed.

26 (14)(a) If the court grants the motion to seal made pursuant to
27 subsection (11) of this section, it shall, subject to subsection (23)
28 of this section, order sealed the official juvenile court file, the
29 social file, and other records relating to the case as are named in the
30 order. Thereafter, the proceedings in the case shall be treated as if
31 they never occurred, and the subject of the records may reply
32 accordingly to any inquiry about the events, records of which are
33 sealed. Any agency shall reply to any inquiry concerning confidential
34 or sealed records that records are confidential, and no information can
35 be given about the existence or nonexistence of records concerning an
36 individual.

37 (b) In the event the subject of the juvenile records receives a
38 full and unconditional pardon, the proceedings in the matter upon which

1 the pardon has been granted shall be treated as if they never occurred,
2 and the subject of the records may reply accordingly to any inquiry
3 about the events upon which the pardon was received. Any agency shall
4 reply to any inquiry concerning the records pertaining to the events
5 for which the subject received a pardon that records are confidential,
6 and no information can be given about the existence or nonexistence of
7 records concerning an individual.

8 (15) Inspection of the files and records included in the order to
9 seal may thereafter be permitted only by order of the court upon motion
10 made by the person who is the subject of the information or complaint,
11 except as otherwise provided in RCW 13.50.010(8) and subsection (23) of
12 this section.

13 (16) Any adjudication of a juvenile offense or a crime subsequent
14 to sealing has the effect of nullifying the sealing order. Any
15 charging of an adult felony subsequent to the sealing has the effect of
16 nullifying the sealing order for the purposes of chapter 9.94A RCW.
17 The administrative office of the courts shall ensure that the superior
18 court judicial information system provides prosecutors access to
19 information on the existence of sealed juvenile records.

20 (17)(a)(i) Subject to subsection (23) of this section, all records
21 maintained by any court or law enforcement agency, including the
22 juvenile court, local law enforcement, the Washington state patrol, and
23 the prosecutor's office, shall be automatically destroyed within ninety
24 days of becoming eligible for destruction. Juvenile records are
25 eligible for destruction when:

26 (A) The person who is the subject of the information or complaint
27 is at least eighteen years of age;

28 (B) His or her criminal history consists entirely of one diversion
29 agreement or counsel and release entered on or after June 12, 2008;

30 (C) Two years have elapsed since completion of the agreement or
31 counsel and release;

32 (D) No proceeding is pending against the person seeking the
33 conviction of a criminal offense; and

34 (E) There is no restitution owing in the case.

35 (ii) No less than quarterly, the administrative office of the
36 courts shall provide a report to the juvenile courts of those
37 individuals whose records may be eligible for destruction. The
38 juvenile court shall verify eligibility and notify the Washington state

1 patrol and the appropriate local law enforcement agency and
2 prosecutor's office of the records to be destroyed. The requirement to
3 destroy records under this subsection is not dependent on a court
4 hearing or the issuance of a court order to destroy records.

5 (iii) The state and local governments and their officers and
6 employees are not liable for civil damages for the failure to destroy
7 records pursuant to this section.

8 (b) All records maintained by any court or law enforcement agency,
9 including the juvenile court, local law enforcement, the Washington
10 state patrol, and the prosecutor's office, shall be automatically
11 destroyed within thirty days of being notified by the governor's office
12 that the subject of those records received a full and unconditional
13 pardon by the governor.

14 (c) A person eighteen years of age or older whose criminal history
15 consists entirely of one diversion agreement or counsel and release
16 entered prior to June 12, 2008, may request that the court order the
17 records in his or her case destroyed. The request shall be granted,
18 subject to subsection (23) of this section, if the court finds that two
19 years have elapsed since completion of the agreement or counsel and
20 release.

21 (d) A person twenty-three years of age or older whose criminal
22 history consists of only referrals for diversion may request that the
23 court order the records in those cases destroyed. The request shall be
24 granted, subject to subsection (23) of this section, if the court finds
25 that all diversion agreements have been successfully completed and no
26 proceeding is pending against the person seeking the conviction of a
27 criminal offense.

28 (18) If the court grants the motion to destroy records made
29 pursuant to subsection (17)(c) or (d) of this section, it shall,
30 subject to subsection (23) of this section, order the official juvenile
31 court file, the social file, and any other records named in the order
32 to be destroyed.

33 (19) The person making the motion pursuant to subsection (17)(c) or
34 (d) of this section shall give reasonable notice of the motion to the
35 prosecuting attorney and to any agency whose records are sought to be
36 destroyed.

37 (20) Any juvenile to whom the provisions of this section may apply

1 shall be given written notice of his or her rights under this section
2 at the time of his or her disposition hearing or during the diversion
3 process.

4 (21) Nothing in this section may be construed to prevent a crime
5 victim or a member of the victim's family from divulging the identity
6 of the alleged or proven juvenile offender or his or her family when
7 necessary in a civil proceeding.

8 (22) Any juvenile justice or care agency may, subject to the
9 limitations in subsection (23) of this section and (a) and (b) of this
10 subsection, develop procedures for the routine destruction of records
11 relating to juvenile offenses and diversions.

12 (a) Records may be routinely destroyed only when the person the
13 subject of the information or complaint has attained twenty-three years
14 of age or older or pursuant to subsection (17)(a) of this section.

15 (b) The court may not routinely destroy the official juvenile court
16 file or recordings or transcripts of any proceedings.

17 (23) Except for subsection (17)(b) of this section, no identifying
18 information held by the Washington state patrol in accordance with
19 chapter 43.43 RCW is subject to destruction or sealing under this
20 section. For the purposes of this subsection, identifying information
21 includes photographs, fingerprints, palmprints, soleprints, toeprints
22 and any other data that identifies a person by physical
23 characteristics, name, birthdate or address, but does not include
24 information regarding criminal activity, arrest, charging, diversion,
25 conviction or other information about a person's treatment by the
26 criminal justice system or about the person's behavior.

27 (24) Information identifying child victims under age eighteen who
28 are victims of sexual assaults by juvenile offenders is confidential
29 and not subject to release to the press or public without the
30 permission of the child victim or the child's legal guardian.
31 Identifying information includes the child victim's name, addresses,
32 location, photographs, and in cases in which the child victim is a
33 relative of the alleged perpetrator, identification of the relationship
34 between the child and the alleged perpetrator. Information identifying
35 a child victim of sexual assault may be released to law enforcement,
36 prosecutors, judges, defense attorneys, or private or governmental
37 agencies that provide services to the child victim of sexual assault.

1	D	Reckless Burning 2 (9A.48.050)	E
2	B	Malicious Mischief 1 (9A.48.070)	C
3	C	Malicious Mischief 2 (9A.48.080)	D
4	D	Malicious Mischief 3 (9A.48.090(((2)(a)	
5		and (e))))	E
6	(E	Malicious Mischief 3 (9A.48.090(2)(b))	E))
7	E	Tampering with Fire Alarm Apparatus	
8		(9.40.100)	E
9	E	Tampering with Fire Alarm Apparatus with	
10		Intent to Commit Arson (9.40.105)	E
11	A	Possession of Incendiary Device (9.40.120)	B+
12		Assault and Other Crimes Involving	
13		Physical Harm	
14	A	Assault 1 (9A.36.011)	B+
15	B+	Assault 2 (9A.36.021)	C+
16	C+	Assault 3 (9A.36.031)	D+
17	D+	Assault 4 (9A.36.041)	E
18	B+	Drive-By Shooting (9A.36.045)	C+
19	D+	Reckless Endangerment (9A.36.050)	E
20	C+	Promoting Suicide Attempt (9A.36.060)	D+
21	D+	Coercion (9A.36.070)	E
22	C+	Custodial Assault (9A.36.100)	D+
23		Burglary and Trespass	
24	B+	Burglary 1 (9A.52.020)	C+
25	B	Residential Burglary (9A.52.025)	C
26	B	Burglary 2 (9A.52.030)	C
27	D	Burglary Tools (Possession of) (9A.52.060)	E
28	D	Criminal Trespass 1 (9A.52.070)	E
29	E	Criminal Trespass 2 (9A.52.080)	E
30	C	Mineral Trespass (78.44.330)	C
31	C	Vehicle Prowling 1 (9A.52.095)	D
32	D	Vehicle Prowling 2 (9A.52.100)	E
33		Drugs	
34	E	Possession/Consumption of Alcohol	
35		(66.44.270)	E

1	C	Illegally Obtaining Legend Drug	
2		(69.41.020)	D
3	C+	Sale, Delivery, Possession of Legend Drug	
4		with Intent to Sell (69.41.030(2)(a))	D+
5	E	Possession of Legend Drug	
6		(69.41.030(2)(b))	E
7	B+	Violation of Uniform Controlled Substances	
8		Act - Narcotic, Methamphetamine, or	
9		Flunitrazepam Sale (69.50.401(2) (a) or	
10		(b))	B+
11	C	Violation of Uniform Controlled Substances	
12		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
13	E	Possession of Marihuana <40 grams	
14		(69.50.4014)	E
15	C	Fraudulently Obtaining Controlled	
16		Substance (69.50.403)	C
17	C+	Sale of Controlled Substance for Profit	
18		(69.50.410)	C+
19	E	Unlawful Inhalation (9.47A.020)	E
20	B	Violation of Uniform Controlled Substances	
21		Act - Narcotic, Methamphetamine, or	
22		Flunitrazepam Counterfeit Substances	
23		(69.50.4011(2) (a) or (b))	B
24	C	Violation of Uniform Controlled Substances	
25		Act - Nonnarcotic Counterfeit Substances	
26		(69.50.4011(2) (c), (d), or (e))	C
27	C	Violation of Uniform Controlled Substances	
28		Act - Possession of a Controlled Substance	
29		(69.50.4013)	C
30	C	Violation of Uniform Controlled Substances	
31		Act - Possession of a Controlled Substance	
32		(69.50.4012)	C
33		Firearms and Weapons	
34	B	Theft of Firearm (9A.56.300)	C
35	B	Possession of Stolen Firearm (9A.56.310)	C
36	E	Carrying Loaded Pistol Without Permit	
37		(9.41.050)	E

1	C	Possession of Firearms by Minor (<18)	
2		(9.41.040(2)(a)(iii))	C
3	D+	Possession of Dangerous Weapon	
4		(9.41.250)	E
5	D	Intimidating Another Person by use of	
6		Weapon (9.41.270)	E
7		Homicide	
8	A+	Murder 1 (9A.32.030)	A
9	A+	Murder 2 (9A.32.050)	B+
10	B+	Manslaughter 1 (9A.32.060)	C+
11	C+	Manslaughter 2 (9A.32.070)	D+
12	B+	Vehicle Homicide (46.61.520)	C+
13		Kidnapping	
14	A	Kidnap 1 (9A.40.020)	B+
15	B+	Kidnap 2 (9A.40.030)	C+
16	C+	Unlawful Imprisonment (9A.40.040)	D+
17		Obstructing Governmental Operation	
18	D	Obstructing a Law Enforcement Officer	
19		(9A.76.020)	E
20	E	Resisting Arrest (9A.76.040)	E
21	B	Introducing Contraband 1 (9A.76.140)	C
22	C	Introducing Contraband 2 (9A.76.150)	D
23	E	Introducing Contraband 3 (9A.76.160)	E
24	B+	Intimidating a Public Servant (9A.76.180)	C+
25	B+	Intimidating a Witness (9A.72.110)	C+
26		Public Disturbance	
27	C+	Riot with Weapon (9A.84.010(2)(b))	D+
28	D+	Riot Without Weapon (9A.84.010(2)(a))	E
29	E	Failure to Disperse (9A.84.020)	E
30	E	Disorderly Conduct (9A.84.030)	E
31		Sex Crimes	
32	A	Rape 1 (9A.44.040)	B+
33	A-	Rape 2 (9A.44.050)	B+
34	C+	Rape 3 (9A.44.060)	D+
35	A-	Rape of a Child 1 (9A.44.073)	B+
36	B+	Rape of a Child 2 (9A.44.076)	C+

1	B	Incest 1 (9A.64.020(1))	C
2	C	Incest 2 (9A.64.020(2))	D
3	D+	Indecent Exposure (Victim <14)	
4		(9A.88.010)	E
5	E	Indecent Exposure (Victim 14 or over)	
6		(9A.88.010)	E
7	B+	Promoting Prostitution 1 (9A.88.070)	C+
8	C+	Promoting Prostitution 2 (9A.88.080)	D+
9	E	O & A (Prostitution) (9A.88.030)	E
10	B+	Indecent Liberties (9A.44.100)	C+
11	A-	Child Molestation 1 (9A.44.083)	B+
12	B	Child Molestation 2 (9A.44.086)	C+
13	C	Failure to Register as a Sex Offender	
14		((9A.44.130)) <u>9A.44.132</u>	D
15		Theft, Robbery, Extortion, and Forgery	
16	B	Theft 1 (9A.56.030)	C
17	C	Theft 2 (9A.56.040)	D
18	D	Theft 3 (9A.56.050)	E
19	B	Theft of Livestock 1 and 2 (9A.56.080 and	
20		9A.56.083)	C
21	C	Forgery (9A.60.020)	D
22	A	Robbery 1 (9A.56.200)	B+
23	B+	Robbery 2 (9A.56.210)	C+
24	B+	Extortion 1 (9A.56.120)	C+
25	C+	Extortion 2 (9A.56.130)	D+
26	C	Identity Theft 1 (9.35.020(2))	D
27	D	Identity Theft 2 (9.35.020(3))	E
28	D	Improperly Obtaining Financial Information	
29		(9.35.010)	E
30	B	Possession of a Stolen Vehicle (9A.56.068)	C
31	B	Possession of Stolen Property 1	
32		(9A.56.150)	C
33	C	Possession of Stolen Property 2	
34		(9A.56.160)	D
35	D	Possession of Stolen Property 3	
36		(9A.56.170)	E

1	B	Taking Motor Vehicle Without Permission	
2		1 (9A.56.070)	C
3	C	Taking Motor Vehicle Without Permission	
4		2 (9A.56.075)	D
5	B	Theft of a Motor Vehicle (9A.56.065)	C
6		Motor Vehicle Related Crimes	
7	E	Driving Without a License (46.20.005)	E
8	B+	Hit and Run - Death (46.52.020(4)(a))	C+
9	C	Hit and Run - Injury (46.52.020(4)(b))	D
10	D	Hit and Run-Attended (46.52.020(5))	E
11	E	Hit and Run-Unattended (46.52.010)	E
12	C	Vehicular Assault (46.61.522)	D
13	C	Attempting to Elude Pursuing Police	
14		Vehicle (46.61.024)	D
15	E	Reckless Driving (46.61.500)	E
16	D	Driving While Under the Influence	
17		(46.61.502 and 46.61.504)	E
18	B+	Felony Driving While Under the Influence	
19		(46.61.502(6))	B
20	B+	Felony Physical Control of a Vehicle While	
21		Under the Influence (46.61.504(6))	B
22		Other	
23	B	Animal Cruelty 1 (16.52.205)	C
24	B	Bomb Threat (9.61.160)	C
25	C	Escape 1 ¹ (9A.76.110)	C
26	C	Escape 2 ¹ (9A.76.120)	C
27	D	Escape 3 (9A.76.130)	E
28	E	Obscene, Harassing, Etc., Phone Calls	
29		(9.61.230)	E
30	A	Other Offense Equivalent to an Adult Class	
31		A Felony	B+
32	B	Other Offense Equivalent to an Adult Class	
33		B Felony	C
34	C	Other Offense Equivalent to an Adult Class	
35		C Felony	D

- 1 D Other Offense Equivalent to an Adult Gross
- 2 Misdemeanor E
- 3 E Other Offense Equivalent to an Adult
- 4 Misdemeanor E
- 5 V Violation of Order of Restitution,
- 6 Community Supervision, or Confinement
- 7 (13.40.200)² V

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

- 10 1st escape or attempted escape during 12-month period - 4 weeks
- 11 confinement
- 12 2nd escape or attempted escape during 12-month period - 8 weeks
- 13 confinement
- 14 3rd and subsequent escape or attempted escape during 12-month
- 15 period - 12 weeks confinement

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

18 **JUVENILE SENTENCING STANDARDS**

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

21 **((OPTION A**
 22 **JUVENILE OFFENDER SENTENCING GRID**
 23 **STANDARD RANGE**

24 A+ 180 WEEKS TO AGE 21 YEARS

25 A 103 WEEKS TO 129 WEEKS

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

33
 34
 35
 36 Current B+ 15-36 | 52-65 | 80-100 | 103-129

Offense	WEEKS	WEEKS	WEEKS	WEEKS	
Category					
B LOCAL SANCTIONS (LS)		15-36 WEEKS		52-65 WEEKS	
C+ LS			15-36 WEEKS		
C LS				15-36 WEEKS	
D+ LS	Local Sanctions: 0 to 30 Days				
D LS	0 to 12 Months Community Supervision 0 to 150 Hours Community Restitution				
E LS	\$0 to \$500 Fine				
		0	1	2	
			3	4	
				or more	
		PRIOR ADJUDICATIONS))			

OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE

A+	<u>180 weeks to age 21 for all category A+ offenses</u>					
A	<u>103-129 weeks for all category A offenses</u>					
A-	<u>15-36 weeks</u>	<u>52-65 weeks</u>	<u>80-100 weeks</u>	<u>103-129 weeks</u>	<u>103-129 weeks</u>	
	<u>Except 30-40 weeks</u>					
	<u>for 15 to 17 year olds</u>					
<u>CURRENT OFFENSE CATEGORY</u>	<u>B+</u>	<u>15-36 weeks</u>	<u>15-36 weeks</u>	<u>52-65 weeks</u>	<u>80-100 weeks</u>	<u>103-129 weeks</u>
	<u>B</u>	<u>LS</u>	<u>LS</u>	<u>15-36 weeks</u>	<u>15-36 weeks</u>	<u>52-65 weeks</u>
	<u>C+</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>15-36 weeks</u>	<u>15-36 weeks</u>
	<u>C</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>15-36 weeks</u>
	<u>D+</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>
	<u>D</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>
	<u>E</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>
<u>PRIOR ADJUDICATIONS</u>		<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4 or more</u>

1 NOTE: References in the grid to days or weeks mean periods of
2 confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

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 (b) "Research-based" means a program or practice that has some
2 research demonstrating effectiveness, but that does not yet meet the
3 standard of evidence-based practices.

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

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

9 (a) Adjudicated of an A+ offense;

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

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

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

15 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
16 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW
17 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential
18 burglary (RCW 9A.52.025), burglary in the second degree (RCW
19 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW
20 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a
21 witness (RCW 9A.72.110), violation of the uniform controlled substances
22 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),
23 when the offense includes infliction of bodily harm upon another or
24 when during the commission or immediate withdrawal from the offense the
25 respondent was armed with a deadly weapon;

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

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

29 **OR**

30 **OPTION C**

31 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

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

36 **OR**

