

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6240

Chapter 177, Laws of 2012

62nd Legislature
2012 Regular Session

JUVENILES--ORDERS OF DISPOSITION

EFFECTIVE DATE: 06/07/12

Passed by the Senate March 6, 2012
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 2, 2012
YEAS 97 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 29, 2012, 6:50 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6240** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 29, 2012

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6240

AS AMENDED BY THE HOUSE

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By Senate Human Services & Corrections (originally sponsored by
Senators Regala, Hargrove, Kline, Carrell, and Harper)

READ FIRST TIME 02/03/12.

1 AN ACT Relating to orders of disposition for juveniles; amending
2 RCW 13.40.127 and 13.40.180; and reenacting and amending RCW 13.50.050
3 and 13.40.0357.

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

5 **Sec. 1.** RCW 13.40.127 and 2009 c 236 s 1 are each amended to read
6 as follows:

7 (1) A juvenile is eligible for deferred disposition unless he or
8 she:

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

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

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

12 (d) Has two or more adjudications.

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

1 deferred disposition before deferring the disposition. The court may
2 waive the fourteen-day period anytime before the commencement of trial
3 for good cause.

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

5 (a) Stipulate to the admissibility of the facts contained in the
6 written police report;

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

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

12 (d) Acknowledge the direct consequences of being found guilty and
13 the direct consequences that will happen if an order of disposition is
14 entered.

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

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

20 (5) Any juvenile granted a deferral of disposition under this
21 section shall be placed under community supervision. The court may
22 impose any conditions of supervision that it deems appropriate
23 including posting a probation bond. Payment of restitution under RCW
24 13.40.190 shall be a condition of community supervision under this
25 section.

26 The court may require a juvenile offender convicted of animal
27 cruelty in the first degree to submit to a mental health evaluation to
28 determine if the offender would benefit from treatment and such
29 intervention would promote the safety of the community. After
30 consideration of the results of the evaluation, as a condition of
31 community supervision, the court may order the offender to attend
32 treatment to address issues pertinent to the offense.

33 (6) A parent who signed for a probation bond has the right to
34 notify the counselor if the juvenile fails to comply with the bond or
35 conditions of supervision. The counselor shall notify the court and
36 surety of any failure to comply. A surety shall notify the court of
37 the juvenile's failure to comply with the probation bond. The state

1 shall bear the burden to prove, by a preponderance of the evidence,
2 that the juvenile has failed to comply with the terms of community
3 supervision.

4 ~~(7) ((A juvenile's lack of compliance shall be determined by the~~
5 ~~judge upon written motion by the prosecutor or the juvenile's juvenile~~
6 ~~court community supervision counselor. If a juvenile fails to comply~~
7 ~~with terms of supervision, the court shall enter an order of~~
8 ~~disposition))~~ (a) Anytime prior to the conclusion of the period of
9 supervision, the prosecutor or the juvenile's juvenile court community
10 supervision counselor may file a motion with the court requesting the
11 court revoke the deferred disposition based on the juvenile's lack of
12 compliance or treat the juvenile's lack of compliance as a violation
13 pursuant to RCW 13.40.200.

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

16 (i) Revoke the deferred disposition and enter an order of
17 disposition; or

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

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

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

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

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

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

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

34 (b) If the court finds the juvenile is entitled to dismissal of the
35 deferred disposition pursuant to (a) of this subsection, the
36 ((respondent's)) juvenile's conviction shall be vacated and the court
37 shall dismiss the case with prejudice, except that a conviction under
38 RCW 16.52.205 shall not be vacated. Whenever a case is dismissed with

1 restitution still owing, the court shall enter a restitution order
2 pursuant to RCW 13.40.190 for any unpaid restitution. Jurisdiction to
3 enforce payment and modify terms of the restitution order shall be the
4 same as those set forth in RCW 13.40.190.

5 (c) If the court finds the juvenile is not entitled to dismissal of
6 the deferred disposition pursuant to (a) of this subsection, the court
7 shall revoke the deferred disposition and enter an order of
8 disposition. A deferred disposition shall remain a conviction unless
9 the case is dismissed and the conviction is vacated pursuant to (b) of
10 this subsection or sealed pursuant to RCW 13.50.050.

11 ~~(10)(a) ((Records of deferred disposition cases vacated under~~
12 ~~subsection (9) of this section shall be sealed no later than thirty~~
13 ~~days after the juvenile's eighteenth birthday provided that the~~
14 ~~juvenile does not have any charges pending at that time. If a juvenile~~
15 ~~has already reached his or her eighteenth birthday before July 26,~~
16 ~~2009, and does not have any charges pending, he or she may request that~~
17 ~~the court issue an order sealing the records of his or her deferred~~
18 ~~disposition cases vacated under subsection (9) of this section, and~~
19 ~~this request shall be granted.))~~ (i) Any time the court vacates a
20 conviction pursuant to subsection (9) of this section, if the juvenile
21 is eighteen years of age or older and the full amount of restitution
22 ordered has been paid, the court shall enter a written order sealing
23 the case.

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

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

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

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

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

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

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

8 (3) All records other than the official juvenile court file are
9 confidential and may be released only as provided in this section, RCW
10 13.50.010, 13.40.215, and 4.24.550.

11 (4) Except as otherwise provided in this section and RCW 13.50.010,
12 records retained or produced by any juvenile justice or care agency may
13 be released to other participants in the juvenile justice or care
14 system only when an investigation or case involving the juvenile in
15 question is being pursued by the other participant or when that other
16 participant is assigned the responsibility for supervising the
17 juvenile.

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

23 (6) Notwithstanding any other provision of this chapter, the
24 release, to the juvenile or his or her attorney, of law enforcement and
25 prosecuting attorneys' records pertaining to investigation, diversion,
26 and prosecution of juvenile offenses shall be governed by the rules of
27 discovery and other rules of law applicable in adult criminal
28 investigations and prosecutions.

29 (7) Upon the decision to arrest or the arrest, law enforcement and
30 prosecuting attorneys may cooperate with schools in releasing
31 information to a school pertaining to the investigation, diversion, and
32 prosecution of a juvenile attending the school. Upon the decision to
33 arrest or the arrest, incident reports may be released unless releasing
34 the records would jeopardize the investigation or prosecution or
35 endanger witnesses. If release of incident reports would jeopardize
36 the investigation or prosecution or endanger witnesses, law enforcement
37 and prosecuting attorneys may release information to the maximum extent

1 possible to assist schools in protecting other students, staff, and
2 school property.

3 (8) The juvenile court and the prosecutor may set up and maintain
4 a central recordkeeping system which may receive information on all
5 alleged juvenile offenders against whom a complaint has been filed
6 pursuant to RCW 13.40.070 whether or not their cases are currently
7 pending before the court. The central recordkeeping system may be
8 computerized. If a complaint has been referred to a diversion unit,
9 the diversion unit shall promptly report to the juvenile court or the
10 prosecuting attorney when the juvenile has agreed to diversion. An
11 offense shall not be reported as criminal history in any central
12 recordkeeping system without notification by the diversion unit of the
13 date on which the offender agreed to diversion.

14 (9) Upon request of the victim of a crime or the victim's immediate
15 family, the identity of an alleged or proven juvenile offender alleged
16 or found to have committed a crime against the victim and the identity
17 of the alleged or proven juvenile offender's parent, guardian, or
18 custodian and the circumstance of the alleged or proven crime shall be
19 released to the victim of the crime or the victim's immediate family.

20 (10) Subject to the rules of discovery applicable in adult criminal
21 prosecutions, the juvenile offense records of an adult criminal
22 defendant or witness in an adult criminal proceeding shall be released
23 upon request to prosecution and defense counsel after a charge has
24 actually been filed. The juvenile offense records of any adult
25 convicted of a crime and placed under the supervision of the adult
26 corrections system shall be released upon request to the adult
27 corrections system.

28 (11) In any case in which an information has been filed pursuant to
29 RCW 13.40.100 or a complaint has been filed with the prosecutor and
30 referred for diversion pursuant to RCW 13.40.070, the person the
31 subject of the information or complaint may file a motion with the
32 court to have the court vacate its order and findings, if any, and,
33 subject to subsection (23) of this section, order the sealing of the
34 official juvenile court file, the social file, and records of the court
35 and of any other agency in the case.

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

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

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

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

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

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

16 (vi) Full restitution has been paid.

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

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

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

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

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

32 (v) Full restitution has been paid.

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

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

4 (14)(a) If the court grants the motion to seal made pursuant to
5 subsection (11) of this section, it shall, subject to subsection (23)
6 of this section, order sealed the official juvenile court file, the
7 social file, and other records relating to the case as are named in the
8 order. Thereafter, the proceedings in the case shall be treated as if
9 they never occurred, and the subject of the records may reply
10 accordingly to any inquiry about the events, records of which are
11 sealed. Any agency shall reply to any inquiry concerning confidential
12 or sealed records that records are confidential, and no information can
13 be given about the existence or nonexistence of records concerning an
14 individual.

15 (b) In the event the subject of the juvenile records receives a
16 full and unconditional pardon, the proceedings in the matter upon which
17 the pardon has been granted shall be treated as if they never occurred,
18 and the subject of the records may reply accordingly to any inquiry
19 about the events upon which the pardon was received. Any agency shall
20 reply to any inquiry concerning the records pertaining to the events
21 for which the subject received a pardon that records are confidential,
22 and no information can be given about the existence or nonexistence of
23 records concerning an individual.

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

29 (16) Any adjudication of a juvenile offense or a crime subsequent
30 to sealing has the effect of nullifying the sealing order. Any
31 charging of an adult felony subsequent to the sealing has the effect of
32 nullifying the sealing order for the purposes of chapter 9.94A RCW.
33 The administrative office of the courts shall ensure that the superior
34 court judicial information system provides prosecutors access to
35 information on the existence of sealed juvenile records.

36 (17)(a)(i) Subject to subsection (23) of this section, all records
37 maintained by any court or law enforcement agency, including the
38 juvenile court, local law enforcement, the Washington state patrol, and

1 the prosecutor's office, shall be automatically destroyed within ninety
2 days of becoming eligible for destruction. Juvenile records are
3 eligible for destruction when:

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

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

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

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

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

13 (ii) No less than quarterly, the administrative office of the
14 courts shall provide a report to the juvenile courts of those
15 individuals whose records may be eligible for destruction. The
16 juvenile court shall verify eligibility and notify the Washington state
17 patrol and the appropriate local law enforcement agency and
18 prosecutor's office of the records to be destroyed. The requirement to
19 destroy records under this subsection is not dependent on a court
20 hearing or the issuance of a court order to destroy records.

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

24 (b) All records maintained by any court or law enforcement agency,
25 including the juvenile court, local law enforcement, the Washington
26 state patrol, and the prosecutor's office, shall be automatically
27 destroyed within thirty days of being notified by the governor's office
28 that the subject of those records received a full and unconditional
29 pardon by the governor.

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

37 (d) A person twenty-three years of age or older whose criminal
38 history consists of only referrals for diversion may request that the

1 court order the records in those cases destroyed. The request shall be
2 granted, subject to subsection (23) of this section, if the court finds
3 that all diversion agreements have been successfully completed and no
4 proceeding is pending against the person seeking the conviction of a
5 criminal offense.

6 (18) If the court grants the motion to destroy records made
7 pursuant to subsection (17)(c) or (d) of this section, it shall,
8 subject to subsection (23) of this section, order the official juvenile
9 court file, the social file, and any other records named in the order
10 to be destroyed.

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

15 (20) Any juvenile to whom the provisions of this section may apply
16 shall be given written notice of his or her rights under this section
17 at the time of his or her disposition hearing or during the diversion
18 process.

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

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

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

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

32 (23) Except for subsection (17)(b) of this section, no identifying
33 information held by the Washington state patrol in accordance with
34 chapter 43.43 RCW is subject to destruction or sealing under this
35 section. For the purposes of this subsection, identifying information
36 includes photographs, fingerprints, palmprints, soleprints, toeprints
37 and any other data that identifies a person by physical
38 characteristics, name, birthdate or address, but does not include

1 information regarding criminal activity, arrest, charging, diversion,
2 conviction or other information about a person's treatment by the
3 criminal justice system or about the person's behavior.

4 (24) Information identifying child victims under age eighteen who
5 are victims of sexual assaults by juvenile offenders is confidential
6 and not subject to release to the press or public without the
7 permission of the child victim or the child's legal guardian.
8 Identifying information includes the child victim's name, addresses,
9 location, photographs, and in cases in which the child victim is a
10 relative of the alleged perpetrator, identification of the relationship
11 between the child and the alleged perpetrator. Information identifying
12 a child victim of sexual assault may be released to law enforcement,
13 prosecutors, judges, defense attorneys, or private or governmental
14 agencies that provide services to the child victim of sexual assault.

15 **Sec. 3.** RCW 13.40.180 and 2002 c 175 s 24 are each amended to read
16 as follows:

17 (1) Where a disposition in a single disposition order is imposed on
18 a youth for two or more offenses, the terms shall run consecutively,
19 subject to the following limitations:

20 ~~((1))~~ (a) Where the offenses were committed through a single act
21 or omission, omission, or through an act or omission which in itself
22 constituted one of the offenses and also was an element of the other,
23 the aggregate of all the terms shall not exceed one hundred fifty
24 percent of the term imposed for the most serious offense;

25 ~~((2))~~ (b) The aggregate of all consecutive terms shall not exceed
26 three hundred percent of the term imposed for the most serious offense;
27 and

28 ~~((3))~~ (c) The aggregate of all consecutive terms of community
29 supervision shall not exceed two years in length, or require payment of
30 more than two hundred dollars in fines or the performance of more than
31 two hundred hours of community restitution.

32 (2) Where disposition in separate disposition orders is imposed on
33 a youth, the periods of community supervision contained in separate
34 orders, if any, shall run concurrently. All other terms contained in
35 separate disposition orders shall run consecutively.

1		Burglary and Trespass	
2	B+	Burglary 1 (9A.52.020)	C+
3	B	Residential Burglary (9A.52.025)	C
4	B	Burglary 2 (9A.52.030)	C
5	D	Burglary Tools (Possession of) (9A.52.060)	E
6	D	Criminal Trespass 1 (9A.52.070)	E
7	E	Criminal Trespass 2 (9A.52.080)	E
8	C	Mineral Trespass (78.44.330)	C
9	C	Vehicle Prowling 1 (9A.52.095)	D
10	D	Vehicle Prowling 2 (9A.52.100)	E
11		Drugs	
12	E	Possession/Consumption of Alcohol	
13		(66.44.270)	E
14	C	Illegally Obtaining Legend Drug	
15		(69.41.020)	D
16	C+	Sale, Delivery, Possession of Legend Drug	
17		with Intent to Sell (69.41.030(2)(a))	D+
18	E	Possession of Legend Drug	
19		(69.41.030(2)(b))	E
20	B+	Violation of Uniform Controlled Substances	
21		Act - Narcotic, Methamphetamine, or	
22		Flunitrazepam Sale (69.50.401(2) (a) or	
23		(b))	B+
24	C	Violation of Uniform Controlled Substances	
25		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
26	E	Possession of Marihuana <40 grams	
27		(69.50.4014)	E
28	C	Fraudulently Obtaining Controlled	
29		Substance (69.50.403)	C
30	C+	Sale of Controlled Substance for Profit	
31		(69.50.410)	C+
32	E	Unlawful Inhalation (9.47A.020)	E
33	B	Violation of Uniform Controlled Substances	
34		Act - Narcotic, Methamphetamine, or	
35		Flunitrazepam Counterfeit Substances	
36		(69.50.4011(2) (a) or (b))	B

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

1	E	Introducing Contraband 3 (9A.76.160)	E
2	B+	Intimidating a Public Servant (9A.76.180)	C+
3	B+	Intimidating a Witness (9A.72.110)	C+
4		Public Disturbance	
5	C+	Riot with Weapon (9A.84.010(2)(b))	D+
6	D+	Riot Without Weapon (9A.84.010(2)(a))	E
7	E	Failure to Disperse (9A.84.020)	E
8	E	Disorderly Conduct (9A.84.030)	E
9		Sex Crimes	
10	A	Rape 1 (9A.44.040)	B+
11	A-	Rape 2 (9A.44.050)	B+
12	C+	Rape 3 (9A.44.060)	D+
13	A-	Rape of a Child 1 (9A.44.073)	B+
14	B+	Rape of a Child 2 (9A.44.076)	C+
15	B	Incest 1 (9A.64.020(1))	C
16	C	Incest 2 (9A.64.020(2))	D
17	D+	Indecent Exposure (Victim <14)	
18		(9A.88.010)	E
19	E	Indecent Exposure (Victim 14 or over)	
20		(9A.88.010)	E
21	B+	Promoting Prostitution 1 (9A.88.070)	C+
22	C+	Promoting Prostitution 2 (9A.88.080)	D+
23	E	O & A (Prostitution) (9A.88.030)	E
24	B+	Indecent Liberties (9A.44.100)	C+
25	A-	Child Molestation 1 (9A.44.083)	B+
26	B	Child Molestation 2 (9A.44.086)	C+
27	C	Failure to Register as a Sex Offender	
28		((9A.44.130)) 9A.44.132)	D
29		Theft, Robbery, Extortion, and Forgery	
30	B	Theft 1 (9A.56.030)	C
31	C	Theft 2 (9A.56.040)	D
32	D	Theft 3 (9A.56.050)	E
33	B	Theft of Livestock 1 and 2 (9A.56.080 and	
34		9A.56.083)	C
35	C	Forgery (9A.60.020)	D
36	A	Robbery 1 (9A.56.200)	B+

1	B+	Robbery 2 (9A.56.210)	C+
2	B+	Extortion 1 (9A.56.120)	C+
3	C+	Extortion 2 (9A.56.130)	D+
4	C	Identity Theft 1 (9.35.020(2))	D
5	D	Identity Theft 2 (9.35.020(3))	E
6	D	Improperly Obtaining Financial Information	
7		(9.35.010)	E
8	B	Possession of a Stolen Vehicle (9A.56.068)	C
9	B	Possession of Stolen Property 1	
10		(9A.56.150)	C
11	C	Possession of Stolen Property 2	
12		(9A.56.160)	D
13	D	Possession of Stolen Property 3	
14		(9A.56.170)	E
15	B	Taking Motor Vehicle Without Permission	
16		1 (9A.56.070)	C
17	C	Taking Motor Vehicle Without Permission	
18		2 (9A.56.075)	D
19	B	Theft of a Motor Vehicle (9A.56.065)	C
20		Motor Vehicle Related Crimes	
21	E	Driving Without a License (46.20.005)	E
22	B+	Hit and Run - Death (46.52.020(4)(a))	C+
23	C	Hit and Run - Injury (46.52.020(4)(b))	D
24	D	Hit and Run-Attended (46.52.020(5))	E
25	E	Hit and Run-Unattended (46.52.010)	E
26	C	Vehicular Assault (46.61.522)	D
27	C	Attempting to Elude Pursuing Police	
28		Vehicle (46.61.024)	D
29	E	Reckless Driving (46.61.500)	E
30	D	Driving While Under the Influence	
31		(46.61.502 and 46.61.504)	E
32	B+	Felony Driving While Under the Influence	
33		(46.61.502(6))	B
34	B+	Felony Physical Control of a Vehicle While	
35		Under the Influence (46.61.504(6))	B
36		Other	

1	B	Animal Cruelty 1 (16.52.205)	C
2	B	Bomb Threat (9.61.160)	C
3	C	Escape 1 ¹ (9A.76.110)	C
4	C	Escape 2 ¹ (9A.76.120)	C
5	D	Escape 3 (9A.76.130)	E
6	E	Obscene, Harassing, Etc., Phone Calls	
7		(9.61.230)	E
8	A	Other Offense Equivalent to an Adult Class	
9		A Felony	B+
10	B	Other Offense Equivalent to an Adult Class	
11		B Felony	C
12	C	Other Offense Equivalent to an Adult Class	
13		C Felony	D
14	D	Other Offense Equivalent to an Adult Gross	
15		Misdemeanor	E
16	E	Other Offense Equivalent to an Adult	
17		Misdemeanor	E
18	V	Violation of Order of Restitution,	
19		Community Supervision, or Confinement	
20		(13.40.200) ²	V

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

23 1st escape or attempted escape during 12-month period - 4 weeks
24 confinement

25 2nd escape or attempted escape during 12-month period - 8 weeks
26 confinement

27 3rd and subsequent escape or attempted escape during 12-month
28 period - 12 weeks confinement

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

31 **JUVENILE SENTENCING STANDARDS**

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

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**((OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE**

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A-	15-36 WEEKS EXCEPT 30-40 WEEKS FOR 15-17 YEAR-OLDS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
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Current Offense Category	B+	15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
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B	LOCAL SANCTIONS (LS)	15-36 WEEKS	52-65 WEEKS
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C+	LS	15-36 WEEKS
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C	LS	15-36 WEEKS
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Local Sanctions:
0 to 30 Days
0 to 12 Months Community Supervision
0 to 150 Hours Community Restitution

D+	LS	\$0 to \$500 Fine
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D	LS	
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E LS

0 1 2 3 4
or more

PRIOR ADJUDICATIONS))

**OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE**

1	A+	<u>180 weeks to age 21 for all category A+ offenses</u>					
2	A	<u>103-129 weeks for all category A offenses</u>					
3	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>	
4		<u>Except 30-40 weeks</u>					
5		<u>for 15 to 17 yearolds</u>					
6	<u>CURRENT</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>
7	<u>OFFENSE</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>
8	<u>CATEGORY</u>	<u>C+</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>15-36 weeks</u>	<u>15-36 weeks</u>
9		<u>C</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>15-36 weeks</u>
10		<u>D+</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>
11		<u>D</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>
12		<u>E</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>	<u>LS</u>
13							
14	<u>PRIOR</u>		<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4 or more</u>
15	<u>ADJUDICATIONS</u>						

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

18 (1) The vertical axis of the grid is the current offense category.
19 The current offense category is determined by the offense of
20 adjudication.

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

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

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

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

34 **OR**
35 **OPTION B**
36 **SUSPENDED DISPOSITION ALTERNATIVE**

1 (1) If the offender is subject to a standard range disposition
2 involving confinement by the department, the court may impose the
3 standard range and suspend the disposition on condition that the
4 offender comply with one or more local sanctions and any educational or
5 treatment requirement. The treatment programs provided to the offender
6 must be either research-based best practice programs as identified by
7 the Washington state institute for public policy or the joint
8 legislative audit and review committee, or for chemical dependency
9 treatment programs or services, they must be evidence-based or
10 research-based best practice programs. For the purposes of this
11 subsection:

12 (a) "Evidence-based" means a program or practice that has had
13 multiple site random controlled trials across heterogeneous populations
14 demonstrating that the program or practice is effective for the
15 population; and

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

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

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

24 (a) Adjudicated of an A+ offense;

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

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

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

30 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
31 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW
32 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential
33 burglary (RCW 9A.52.025), burglary in the second degree (RCW
34 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW
35 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a
36 witness (RCW 9A.72.110), violation of the uniform controlled substances
37 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),

1 when the offense includes infliction of bodily harm upon another or
2 when during the commission or immediate withdrawal from the offense the
3 respondent was armed with a deadly weapon;

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

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

7 **OR**

8 **OPTION C**

9 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

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

14 **OR**

15 **OPTION D**

16 **MANIFEST INJUSTICE**

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

Passed by the Senate March 6, 2012.

Passed by the House March 2, 2012.

Approved by the Governor March 29, 2012.

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