
HOUSE BILL 1246

State of Washington

69th Legislature

2025 Regular Session

By Representative Couture

Prefiled 01/10/25.

1 AN ACT Relating to juvenile justice; amending RCW 13.40.070,
2 13.40.080, 13.40.0357, and 13.40.193; and repealing RCW 13.40.308.

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

4 **Sec. 1.** RCW 13.40.070 and 2020 c 331 s 5 are each amended to
5 read as follows:

6 (1) Complaints referred to the juvenile court alleging the
7 commission of an offense shall be referred directly to the
8 prosecutor. The prosecutor, upon receipt of a complaint, shall screen
9 the complaint to determine whether:

10 (a) The alleged facts bring the case within the jurisdiction of
11 the court; and

12 (b) On a basis of available evidence there is probable cause to
13 believe that the juvenile did commit the offense.

14 (2) If the identical alleged acts constitute an offense under
15 both the law of this state and an ordinance of any city or county of
16 this state, state law shall govern the prosecutor's screening and
17 charging decision for both filed and diverted cases.

18 (3) If the requirements of subsection (1)(a) and (b) of this
19 section are met, the prosecutor shall either file an information in
20 juvenile court or divert the case, as set forth in subsections (5),
21 (6), and (8) of this section. If the prosecutor finds that the

1 requirements of subsection (1)(a) and (b) of this section are not
2 met, the prosecutor shall maintain a record, for one year, of such
3 decision and the reasons therefor. In lieu of filing an information
4 or diverting an offense a prosecutor may file a motion to modify
5 community supervision where such offense constitutes a violation of
6 community supervision.

7 (4) An information shall be a plain, concise, and definite
8 written statement of the essential facts constituting the offense
9 charged. It shall be signed by the prosecuting attorney and conform
10 to chapter 10.37 RCW.

11 (5) The prosecutor shall file an information with the juvenile
12 court if:

13 (a) ~~((a))~~ An alleged offender is accused of an offense that is
14 defined as a sex offense or violent offense under RCW 9.94A.030,
15 other than assault in the second degree or robbery in the second
16 degree; ~~((e))~~

17 (b) ~~((a))~~ An alleged offender has been referred by a diversion
18 unit for prosecution or desires prosecution instead of diversion; or

19 (c) An alleged offender has three or more diversion agreements on
20 the alleged offender's criminal history.

21 (6) Where a case is legally sufficient the prosecutor shall
22 divert the case if the alleged offense is a misdemeanor or gross
23 misdemeanor or violation and the alleged offense is the offender's
24 first offense or violation. If the alleged offender is charged with a
25 related offense that may be filed under subsections (5) and (8) of
26 this section, a case under this subsection may also be filed.

27 (7) Where a case is legally sufficient to charge an alleged
28 offender with:

29 (a) Prostitution loitering and the alleged offense is the
30 offender's first prostitution loitering offense, the prosecutor shall
31 divert the case;

32 (b) Voyeurism in the second degree, the offender is under
33 ~~((seventeen))~~ 17 years of age, and the alleged offense is the
34 offender's first voyeurism in the second degree offense, the
35 prosecutor shall divert the case, unless the offender has received
36 two diversions for any offense in the previous two years;

37 (c) Minor selling depictions of himself or herself engaged in
38 sexually explicit conduct under RCW 9.68A.053(5) and the alleged
39 offense is the offender's first violation of RCW 9.68A.053(5), the
40 prosecutor shall divert the case; or

1 (d) A distribution, transfer, dissemination, or exchange of
2 sexually explicit images of other minors (~~(thirteen)~~) 13 years of age
3 or older offense as provided in RCW 9.68A.053(1) and the alleged
4 offense is the offender's first violation of RCW 9.68A.053(1), the
5 prosecutor shall divert the case.

6 (8) Where a case is legally sufficient and falls into neither
7 subsection (5) nor (6) of this section, it may be filed or diverted.
8 In deciding whether to file or divert an offense under this section
9 the prosecutor may be guided by the length, seriousness, and recency
10 of the alleged offender's criminal history and the circumstances
11 surrounding the commission of the alleged offense.

12 (9) Whenever a juvenile is placed in custody or, where not placed
13 in custody, referred to a diversion interview, the parent or legal
14 guardian of the juvenile shall be notified as soon as possible
15 concerning the allegation made against the juvenile and the current
16 status of the juvenile. Where a case involves victims of crimes
17 against persons or victims whose property has not been recovered at
18 the time a juvenile is referred to a diversion unit, the victim shall
19 be notified of the referral and informed how to contact the unit.

20 (10) The responsibilities of the prosecutor under subsections (1)
21 through (9) of this section may be performed by a juvenile court
22 probation counselor for any complaint referred to the court alleging
23 the commission of an offense which would not be a felony if committed
24 by an adult, if the prosecutor has given sufficient written notice to
25 the juvenile court that the prosecutor will not review such
26 complaints.

27 (11) The prosecutor, juvenile court probation counselor, or
28 diversion unit may, in exercising their authority under this section
29 or RCW 13.40.080, refer juveniles to community-based programs,
30 restorative justice programs, mediation, or victim offender
31 reconciliation programs. Such mediation or victim offender
32 reconciliation programs shall be voluntary for victims.

33 (12) Prosecutors and juvenile courts are encouraged to engage
34 with and partner with community-based programs to expand, improve,
35 and increase options to divert youth from formal processing in
36 juvenile court. Nothing in this chapter should be read to limit
37 partnership with community-based programs to create diversion
38 opportunities for juveniles.

1 **Sec. 2.** RCW 13.40.080 and 2022 c 34 s 1 are each amended to read
2 as follows:

3 (1) A diversion agreement shall be a contract between a juvenile
4 accused of an offense and a diversion unit whereby the juvenile
5 agrees to fulfill certain conditions in lieu of prosecution. Such
6 agreements may be entered into only after the prosecutor, or
7 probation counselor pursuant to this chapter, has determined that
8 probable cause exists to believe that a crime has been committed and
9 that the juvenile committed it. Such agreements shall be entered into
10 as expeditiously as possible.

11 (2) A diversion agreement shall be limited to one or more of the
12 following:

13 (a) Community restitution not to exceed (~~one hundred fifty~~) 150
14 hours, not to be performed during school hours if the juvenile is
15 attending school;

16 (b) Restitution limited to the amount of actual loss incurred by
17 any victim, excluding restitution owed to any insurance provider
18 under Title 48 RCW;

19 (c) Attendance at up to (~~ten~~) 10 hours of counseling and/or up
20 to twenty hours of positive youth development, educational or
21 informational sessions at a community agency. The educational or
22 informational sessions may include sessions relating to respect for
23 self, others, and authority; victim awareness; accountability; self-
24 worth; responsibility; work ethics; good citizenship; literacy; and
25 life skills. If an assessment identifies mental health or chemical
26 dependency needs, a youth may access up to (~~thirty~~) 30 hours of
27 counseling. The counseling sessions may include services demonstrated
28 to improve behavioral health and reduce recidivism. (~~For purposes of~~
29 ~~this section, "community agency" may also mean a community-based~~
30 ~~nonprofit organization, a physician, a counselor, a school, or a~~
31 ~~treatment provider, if approved by the diversion unit.)) The state
32 shall not be liable for costs resulting from the diversion unit
33 exercising the option to permit diversion agreements to mandate
34 attendance at up to (~~thirty~~) 30 hours of counseling and/or up to
35 (~~twenty~~) 20 hours of educational or informational sessions;~~

36 (d) Requirements to remain during specified hours at home,
37 school, or work, and restrictions on leaving or entering specified
38 geographical areas; and

1 (e) Upon request of any victim or witness, requirements to
2 refrain from any contact with victims or witnesses of offenses
3 committed by the juvenile.

4 (3) Notwithstanding the provisions of subsection (2) of this
5 section, youth courts are not limited to the conditions imposed by
6 subsection (2) of this section in imposing sanctions on juveniles
7 pursuant to RCW 13.40.630.

8 (4) In assessing periods of community restitution to be performed
9 and restitution to be paid by a juvenile who has entered into a
10 diversion agreement, the court officer to whom this task is assigned
11 shall consult with the juvenile's custodial parent or parents or
12 guardian. To the extent possible, the court officer shall advise the
13 victims of the juvenile offender of the diversion process, offer
14 victim impact letter forms and restitution claim forms, and involve
15 members of the community. Such members of the community may meet with
16 the juvenile and may advise the court officer as to the terms of the
17 diversion agreement and may supervise the juvenile in carrying out
18 its terms.

19 (5)(a) A diversion agreement may not exceed a period of six
20 months and may include a period extending beyond the eighteenth
21 birthday of the diverttee.

22 (b) If additional time is necessary for the juvenile to complete
23 the terms of the agreement or restitution to a victim, the time
24 period limitations of this subsection may be extended by an
25 additional six months at the request of the juvenile.

26 (c) If the juvenile has not paid the full amount of restitution
27 by the end of the additional six-month period, then the juvenile
28 shall be referred to the juvenile court for entry of a civil order
29 establishing the amount of restitution still owed to the victim. In
30 this order, the court shall also determine the terms and conditions
31 of the restitution, including a payment plan extending up to ten
32 years if the court determines that the juvenile does not have the
33 means to make full restitution over a shorter period. For the
34 purposes of this subsection (5)(c), the juvenile shall remain under
35 the court's jurisdiction for a maximum term of (~~ten~~) 10 years after
36 the juvenile's (~~eighteenth~~) 18th birthday. Prior to the expiration
37 of the initial ten-year period, the juvenile court may extend the
38 judgment for restitution an additional (~~ten~~) 10 years. The court
39 may relieve the juvenile of the requirement to pay full or partial
40 restitution if the juvenile reasonably satisfies the court that he or

1 she does not have the means to make full or partial restitution and
2 could not reasonably acquire the means to pay the restitution over a
3 (~~ten~~) 10-year period. If the court relieves the juvenile of the
4 requirement to pay full or partial restitution, the court may order
5 an amount of community restitution that the court deems appropriate.
6 The county clerk shall make disbursements to victims named in the
7 order. The restitution to victims named in the order shall be paid
8 prior to any payment for other penalties or monetary assessments. A
9 juvenile under obligation to pay restitution may petition the court
10 for modification of the restitution order.

11 (d) A diversion agreement may be completed by the juvenile any
12 time prior to an order terminating the agreement.

13 (6) The juvenile shall retain the right to be referred to the
14 court at any time prior to the signing of the diversion agreement.

15 (7) Divertees and potential divertees shall be afforded due
16 process in all contacts with a diversion unit regardless of whether
17 the juveniles are accepted for diversion or whether the diversion
18 program is successfully completed. Such due process shall include,
19 but not be limited to, the following:

20 (a) A written diversion agreement shall be executed stating all
21 conditions in clearly understandable language;

22 (b) Violation of the terms of the agreement shall be the only
23 grounds for termination;

24 (c) No divertee may be terminated from a diversion program
25 without being given a court hearing, which hearing shall be preceded
26 by:

27 (i) Written notice of alleged violations of the conditions of the
28 diversion program; and

29 (ii) Disclosure of all evidence to be offered against the
30 divertee;

31 (d) The hearing shall be conducted by the juvenile court and
32 shall include:

33 (i) Opportunity to be heard in person and to present evidence;

34 (ii) The right to confront and cross-examine all adverse
35 witnesses;

36 (iii) A written statement by the court as to the evidence relied
37 on and the reasons for termination, should that be the decision; and

38 (iv) Demonstration by evidence that the divertee has
39 substantially violated the terms of his or her diversion agreement;

1 (e) The prosecutor may file an information on the offense for
2 which the diverttee was diverted:

3 (i) In juvenile court if the diverttee is under (~~eighteen~~) 18
4 years of age; or

5 (ii) In superior court or the appropriate court of limited
6 jurisdiction if the diverttee is (~~eighteen~~) 18 years of age or
7 older.

8 (8) The diversion unit shall, subject to available funds, be
9 responsible for providing interpreters when juveniles need
10 interpreters to effectively communicate during diversion unit
11 hearings or negotiations.

12 (9) The diversion unit shall be responsible for advising a
13 diverttee of his or her rights as provided in this chapter.

14 (10) The diversion unit may refer a juvenile to a restorative
15 justice program, community-based counseling, or treatment programs.

16 (11) The right to counsel shall inure prior to the initial
17 interview for purposes of advising the juvenile as to whether he or
18 she desires to participate in the diversion process or to appear in
19 the juvenile court. The juvenile may be represented by counsel at any
20 critical stage of the diversion process, including intake interviews
21 and termination hearings. The juvenile shall be fully advised at the
22 intake of his or her right to an attorney and of the relevant
23 services an attorney can provide. For the purpose of this section,
24 intake interviews mean all interviews regarding the diversion
25 agreement process.

26 The juvenile shall be advised that a diversion agreement shall
27 constitute a part of the juvenile's criminal history as defined by
28 RCW 13.40.020(8). A signed acknowledgment of such advisement shall be
29 obtained from the juvenile, and the document shall be maintained by
30 the diversion unit together with the diversion agreement, and a copy
31 of both documents shall be delivered to the prosecutor if requested
32 by the prosecutor. The supreme court shall promulgate rules setting
33 forth the content of such advisement in simple language.

34 (12) When a juvenile enters into a diversion agreement, the
35 juvenile court may receive only the following information for
36 dispositional purposes:

37 (a) The fact that a charge or charges were made;

38 (b) The fact that a diversion agreement was entered into;

39 (c) The juvenile's obligations under such agreement;

1 (d) Whether the alleged offender performed his or her obligations
2 under such agreement; and

3 (e) The facts of the alleged offense.

4 (13) A diversion unit may refuse to enter into a diversion
5 agreement with a juvenile. When a diversion unit refuses to enter a
6 diversion agreement with a juvenile, it shall immediately refer such
7 juvenile to the court for action and shall forward to the court the
8 criminal complaint and a detailed statement of its reasons for
9 refusing to enter into a diversion agreement. The diversion unit
10 shall also immediately refer the case to the prosecuting attorney for
11 action if such juvenile violates the terms of the diversion
12 agreement.

13 (14) A diversion unit may, in instances where it determines that
14 the act or omission of an act for which a juvenile has been referred
15 to it involved no victim, or where it determines that the juvenile
16 referred to it has no prior criminal history and is alleged to have
17 committed an illegal act involving no threat of or instance of actual
18 physical harm and involving not more than fifty dollars in property
19 loss or damage and that there is no loss outstanding to the person or
20 firm suffering such damage or loss, counsel and release or release
21 such a juvenile without entering into a diversion agreement. A
22 diversion unit's authority to counsel and release a juvenile under
23 this subsection includes the authority to refer the juvenile to
24 community-based counseling or treatment programs or a restorative
25 justice program. Any juvenile released under this subsection shall be
26 advised that the act or omission of any act for which he or she had
27 been referred shall constitute a part of the juvenile's criminal
28 history as defined by RCW 13.40.020(8). A signed acknowledgment of
29 such advisement shall be obtained from the juvenile, and the document
30 shall be maintained by the unit, and a copy of the document shall be
31 delivered to the prosecutor if requested by the prosecutor. The
32 supreme court shall promulgate rules setting forth the content of
33 such advisement in simple language. A juvenile determined to be
34 eligible by a diversion unit for release as provided in this
35 subsection shall retain the same right to counsel and right to have
36 his or her case referred to the court for formal action as any other
37 juvenile referred to the unit.

38 (15) A diversion unit may supervise the fulfillment of a
39 diversion agreement entered into before the juvenile's eighteenth

1 birthday and which includes a period extending beyond the divertee's
2 eighteenth birthday.

3 (16) If restitution required by a diversion agreement cannot
4 reasonably be paid due to a change of circumstance, the diversion
5 agreement may be modified at the request of the divertee and with the
6 concurrence of the diversion unit to convert unpaid restitution into
7 community restitution. The modification of the diversion agreement
8 shall be in writing and signed by the divertee and the diversion
9 unit. The number of hours of community restitution in lieu of a
10 monetary penalty shall be converted at the rate of the prevailing
11 state minimum wage per hour.

12 (17) A community agency contracted to provide services to a
13 juvenile as part of a diversion agreement that falsifies information
14 or does not accurately report juvenile attendance or juvenile
15 progress is subject to a fine of up to \$25,000 enforceable by the
16 office of the attorney general.

17 (18) For purposes of this section, "community agency" may also
18 mean a community-based nonprofit organization, a physician, a
19 counselor, a school, or a treatment provider, if approved by the
20 diversion unit.

21 **Sec. 3.** RCW 13.40.0357 and 2023 c 295 s 8 are each amended to
22 read as follows:

23 **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)	E

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

1	D	Vehicle Prowling 2 (9A.52.100)	E
2		Drugs	
3	E	Possession/Consumption of Alcohol	E
4		(66.44.270)	
5	C	Illegally Obtaining Legend Drug	D
6		(69.41.020)	
7	((C+))	Sale, Delivery, Possession of Legend	D+
8	<u>B+</u>	Drug with Intent to Sell (69.41.030(2)(a))	
9	E	Possession of Legend	E
10		Drug (69.41.030(2)(b))	
11	((B+))	Violation of Uniform Controlled	B+
12	<u>B++</u>	Substances Act - Narcotic,	
13		Methamphetamine, or Flunitrazepam	
14		Sale (69.50.401(2) (a) or (b))	
15	((C))	Violation of Uniform Controlled	C
16	<u>B+</u>	Substances Act - Nonnarcotic Sale	
17		(69.50.401(2)(c))	
18	E	Possession of Cannabis <40 grams	E
19		(69.50.4014)	
20	C	Fraudulently Obtaining Controlled	C
21		Substance (69.50.403)	
22	((C+))	Sale of Controlled Substance for Profit	C+
23	<u>B+</u>	(69.50.410)	
24	E	Unlawful Inhalation (9.47A.020)	E
25	((B))	Violation of Uniform Controlled	B
26	<u>B+</u>	Substances Act - Narcotic,	
27		Methamphetamine, or Flunitrazepam	
28		Counterfeit Substances (69.50.4011(2)	
29		(a) or (b))	
30	C	Violation of Uniform Controlled	C
31		Substances Act - Nonnarcotic Counterfeit	
32		Substances (69.50.4011(2) (c), (d), or (e))	
33	E	Violation of Uniform Controlled	E
34		Substances Act - Possession of a	
35		Controlled Substance (69.50.4013)	
36	C	Violation of Uniform Controlled	C
37		Substances Act - Possession of a	
38		Controlled Substance (69.50.4012)	

1		Firearms and Weapons	
2	((B))	Theft of Firearm (9A.56.300)	C
3		<u>B+</u>	
4	((B))	Possession of Stolen Firearm	C
5		<u>B+</u> (9A.56.310)	
6	E	Carrying Loaded Pistol Without Permit	E
7		(9.41.050)	
8	((C))	Possession of Firearms by Minor (<18)	C
9		<u>B+</u> (9.41.040(2)(a) (v))	
10	D+	Possession of Dangerous Weapon	E
11		(9.41.250)	
12	D	Intimidating Another Person by use of	E
13		Weapon (9.41.270)	
14		Homicide	
15	((A+))	Murder 1 (9A.32.030)	A
16		<u>A++</u>	
17	((A+))	Murder 2 (9A.32.050)	B+
18		<u>A++</u>	
19	B+	Manslaughter 1 (9A.32.060)	C+
20	C+	Manslaughter 2 (9A.32.070)	D+
21	((B+))	Vehicular Homicide (46.61.520)	C+
22		<u>B++</u>	
23		Kidnapping	
24	((A))	Kidnap 1 (9A.40.020)	B+
25		<u>A+</u>	
26	((B+))	Kidnap 2 (9A.40.030)	C+
27		<u>B++</u>	
28	<u>A</u>	<u>Trafficking 1 (9A.40.100)</u>	<u>B+</u>
29	<u>A</u>	<u>Trafficking 2 (9A.40.100)</u>	<u>B+</u>
30	C+	Unlawful Imprisonment (9A.40.040)	D+
31		Obstructing Governmental Operation	
32	D	Obstructing a Law Enforcement Officer	E
33		(9A.76.020)	
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
37	E	Introducing Contraband 3 (9A.76.160)	E

1	B+	Intimidating a Public Servant	C+
2		(9A.76.180)	
3	B+	Intimidating a Witness (9A.72.110)	C+
4		Public Disturbance	
5	((C+))	Criminal Mischief with Weapon	D+
6	<u>B+</u>	(9A.84.010(2)(b))	
7	D+	Criminal Mischief Without Weapon	E
8		(9A.84.010(2)(a))	
9	E	Failure to Disperse (9A.84.020)	E
10	E	Disorderly Conduct (9A.84.030)	E
11		Sex Crimes	
12	((A))	Rape 1 (9A.44.040)	B+
13	<u>A+</u>		
14	((B+	Rape 2 (9A.44.050) committed at age 14	B+
15	+) <u>A-</u>	or under	
16	((A-))	Rape 2 (9A.44.050) committed at age 15	B+
17	<u>A</u>	through age 17	
18	((C+))	Rape 3 (9A.44.060)	D+
19	<u>B+</u>		
20	((B+	Rape of a Child 1 (9A.44.073)	B+
21	+) <u>A-</u>	committed at age 14 or under	
22	((A-))	Rape of a Child 1 (9A.44.073)	B+
23	<u>A</u>	committed at age 15	
24	((B+))	Rape of a Child 2 (9A.44.076)	C+
25	<u>B++</u>		
26	((B))	Incest 1 (9A.64.020(1))	C
27	<u>B+</u>		
28	C	Incest 2 (9A.64.020(2))	D
29	((D+))	Indecent Exposure (Victim <14)	E
30	<u>C+</u>	(9A.88.010)	
31	((E))	Indecent Exposure (Victim 14 or over)	E
32	<u>C</u>	(9A.88.010)	
33	((B+))	Promoting Prostitution 1 (9A.88.070)	C+
34	<u>B++</u>		
35	((C+))	Promoting Prostitution 2 (9A.88.080)	D+
36	<u>B+</u>		
37	E	O & A (Prostitution) (9A.88.030)	E

1	((B+))	Indecent Liberties (9A.44.100)	C+
2		<u>B++</u>	
3	((B+	Child Molestation 1 (9A.44.083)	B+
4	+) <u>A-</u>	committed at age 14 or under	
5	((A-))	Child Molestation 1 (9A.44.083)	B+
6	<u>A</u>	committed at age 15 through age 17	
7	((B))	Child Molestation 2 (9A.44.086)	C+
8		<u>B+</u>	
9	((C))	Failure to Register as a Sex Offender	D
10	<u>B+</u>	(9A.44.132)	
11		Theft, Robbery, Extortion, and	
12		Forgery	
13	B	Theft 1 (9A.56.030)	C
14	C	Theft 2 (9A.56.040)	D
15	D	Theft 3 (9A.56.050)	E
16	B	Theft of Livestock 1 and 2 (9A.56.080	C
17		and 9A.56.083)	
18	C	Forgery (9A.60.020)	D
19	A	Robbery 1 (9A.56.200) committed at	B+
20		age 15 or under	
21	A++	Robbery 1 (9A.56.200) committed at	A
22		age 16 or 17	
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	E
29		Information (9.35.010)	
30	((B))	Possession of a Stolen Vehicle	C
31	<u>B+</u>	(9A.56.068)	
32	B	Possession of Stolen Property 1	C
33		(9A.56.150)	
34	C	Possession of Stolen Property 2	D
35		(9A.56.160)	
36	D	Possession of Stolen Property 3	E
37		(9A.56.170)	

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

1	C	Other Offense Equivalent to an Adult	D
2		Class C Felony	
3	D	Other Offense Equivalent to an Adult	E
4		Gross Misdemeanor	
5	E	Other Offense Equivalent to an Adult	E
6		Misdemeanor	
7	V	Violation of Order of Restitution,	V
8		Community Supervision, or Confinement	
9		(13.40.200) ²	

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

12 1st escape or attempted escape during 12-month period - 28 days
13 confinement

14 2nd escape or attempted escape during 12-month period - 8 weeks
15 confinement

16 3rd and subsequent escape or attempted escape during 12-month
17 period - 12 weeks confinement

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

20 **JUVENILE SENTENCING STANDARDS**

21 This schedule must be used for juvenile offenders. The court may
22 select sentencing option A, B, C, or D.

23 **OPTION A**

24 **JUVENILE OFFENDER SENTENCING GRID**

25 **STANDARD RANGE**

26	A++	129 to 260 weeks for all category A++ offenses					
27	A+	180 weeks to age 21 for all category A+ offenses					
28	A	103-129 weeks for all category A offenses					
29	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
30	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
31	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
32	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
33	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks

1	C	LS	LS	LS	LS	15-36 weeks
2	D+	LS	LS	LS	LS	LS
3	D	LS	LS	LS	LS	LS
4	E	LS	LS	LS	LS	LS
5	PRIOR	0	1	2	3	4 or more

6 ADJUDICATIONS

7 NOTE: References in the grid to days or weeks mean periods of
8 confinement. "LS" means "local sanctions" as defined in RCW
9 13.40.020.

10 (1) The vertical axis of the grid is the current offense
11 category. The current offense category is determined by the offense
12 of adjudication.

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

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

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

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

26 OR

27 OPTION B

28 **SUSPENDED DISPOSITION ALTERNATIVE**

29 (1) If the offender is subject to a standard range disposition
30 involving confinement by the department, the court may impose the
31 standard range and suspend the disposition on condition that the
32 offender comply with one or more local sanctions and any educational
33 or treatment requirement. The treatment programs provided to the
34 offender must be either research-based best practice programs as
35 identified by the Washington state institute for public policy or the
36 joint legislative audit and review committee, or for chemical

1 dependency treatment programs or services, they must be evidence-
2 based or research-based best practice programs. For the purposes of
3 this subsection:

4 (a) "Evidence-based" means a program or practice that has had
5 multiple site random controlled trials across heterogeneous
6 populations demonstrating that the program or practice is effective
7 for the population; and

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

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

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

17 (a) Is adjudicated of an A+ or A++ offense;

18 (b) Is (~~fourteen~~) 14 years of age or older and is adjudicated
19 of one or more of the following offenses:

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

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

23 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
24 the first degree (RCW 9A.56.120), kidnapping in the second degree
25 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular
26 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or
27 manslaughter 2 (RCW 9A.32.070); or

28 (iv) Violation of the uniform controlled substances act (RCW
29 69.50.401(2) (a) and (b)), when the offense includes infliction of
30 bodily harm upon another or when during the commission or immediate
31 withdrawal from the offense the respondent was armed with a deadly
32 weapon;

33 (c) Is ordered to serve a disposition for a firearm violation
34 under RCW 13.40.193;

35 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;
36 or

37 (e) Has a prior option B disposition.

38 **OR**

39 **OPTION C**

1 (3) If the court finds that the respondent or an accomplice was
2 armed with a firearm, the court shall determine the standard range
3 disposition for the offense pursuant to RCW 13.40.160. If the
4 offender or an accomplice was armed with a firearm when the offender
5 committed any felony other than possession of a machine gun or bump-
6 fire stock, possession of a stolen firearm, drive-by shooting, theft
7 of a firearm, unlawful possession of a firearm in the first and
8 second degree, or use of a machine gun or bump-fire stock in a
9 felony, the following periods of total confinement must be added to
10 the sentence: (a) Except for (b) of this subsection, for a class A
11 felony, six months; for a class B felony, four months; and for a
12 class C felony, two months; (b) for any violent offense as defined in
13 RCW 9.94A.030, committed by a respondent who is (~~sixteen~~) 16 or
14 (~~seventeen~~) 17 years old at the time of the offense, a period of
15 (~~twelve~~) 12 months. The additional time shall be imposed regardless
16 of the offense's juvenile disposition offense category as designated
17 in RCW 13.40.0357.

18 (4) (a) If the court finds that the respondent who is sixteen or
19 seventeen years old and committed the offense of robbery in the first
20 degree, drive-by shooting, rape of a child in the first degree,
21 burglary in the first degree, or any violent offense as defined in
22 RCW 9.94A.030 and was armed with a firearm, and the court finds that
23 the respondent's participation was related to membership in a
24 criminal street gang or advancing the benefit, aggrandizement, gain,
25 profit, or other advantage for a criminal street gang, a period of
26 three months total confinement must be added to the sentence. The
27 additional time must be imposed regardless of the offense's juvenile
28 disposition offense category as designated in RCW 13.40.0357 and must
29 be served consecutively with any other sentencing enhancement.

30 (b) For the purposes of this section, "criminal street gang"
31 means any ongoing organization, association, or group of three or
32 more persons, whether formal or informal, having a common name or
33 common identifying sign or symbol, having as one of its primary
34 activities the commission of criminal acts, and whose members or
35 associates individually or collectively engage in or have engaged in
36 a pattern of criminal street gang activity. This definition does not
37 apply to employees engaged in concerted activities for their mutual
38 aid and protection, or to the activities of labor and bona fide
39 nonprofit organizations or their members or agents.

1 (5) When a disposition under this section would effectuate a
2 manifest injustice, the court may impose another disposition. When a
3 judge finds a manifest injustice and imposes a disposition of
4 confinement exceeding (~~thirty~~) 30 days, the court shall commit the
5 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)
6 shall be used to determine the range. When a judge finds a manifest
7 injustice and imposes a disposition of confinement less than thirty
8 days, the disposition shall be comprised of confinement or community
9 supervision or both.

10 (6) Any term of confinement ordered pursuant to this section
11 shall run consecutively to any term of confinement imposed in the
12 same disposition for other offenses.

13 NEW SECTION. **Sec. 5.** RCW 13.40.308 (Juvenile offender
14 adjudicated of taking motor vehicle without permission in the first
15 degree, theft of motor vehicle, possession of a stolen vehicle,
16 taking motor vehicle without permission in the second degree—Minimum
17 sentences) and 2016 c 136 s 4, 2009 c 454 s 4, & 2007 c 199 s 15 are
18 each repealed.

--- END ---