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**HOUSE BILL 1536**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Hackney, Barkis, Davis, and Pollet

Read first time 01/23/25. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to offenses involving unlawful possession of a  
2 firearm by a juvenile; amending RCW 9.41.040 and 13.40.0357; creating  
3 a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** (1) Firearm violence disproportionately  
6 impacts marginalized young people, including BIPOC and low-income  
7 communities, both as victims and as respondents. Intervening early  
8 when a young person is found to be in possession of a firearm is a  
9 critical opportunity to avoid juveniles becoming a future victim of  
10 gun violence or committing a more serious crime that will further  
11 entrench them in the criminal justice system.

12 (2) The legislature intends to enhance legal interventions  
13 available to provide necessary accountability for young people found  
14 to possess firearms and to incentivize behavior change, including  
15 through evidence-based behavioral health interventions, so these  
16 young people do not commit greater harm to themselves or the  
17 community.

18 **Sec. 2.** RCW 9.41.040 and 2024 c 290 s 5 are each amended to read  
19 as follows:

1 (1) (a) A person, whether an adult or juvenile, is guilty of the  
2 crime of unlawful possession of a firearm in the first degree, if the  
3 person owns, accesses, has in the person's custody, control, or  
4 possession, or receives any firearm after having previously been  
5 convicted or found not guilty by reason of insanity in this state or  
6 elsewhere of any serious offense.

7 (b) A juvenile is guilty of the crime of unlawful possession of a  
8 firearm in the first degree if the juvenile owns, accesses, has in  
9 the juvenile's custody, control, or possession, or receives any  
10 firearm after having previously been adjudicated, convicted, or found  
11 not guilty by reason of insanity in this state of subsection  
12 (2) (a) (v) of this section or a comparable out-of-state offense.

13 (c) Unlawful possession of a firearm in the first degree is a  
14 class B felony punishable according to chapter 9A.20 RCW.

15 (2) (a) A person, whether an adult or juvenile, is guilty of the  
16 crime of unlawful possession of a firearm in the second degree, if  
17 the person does not qualify under subsection (1) of this section for  
18 the crime of unlawful possession of a firearm in the first degree and  
19 the person owns, accesses, has in the person's custody, control, or  
20 possession, or receives any firearm:

21 (i) After having previously been convicted or found not guilty by  
22 reason of insanity in this state or elsewhere of:

23 (A) Any felony not specifically listed as prohibiting firearm  
24 possession under subsection (1) of this section;

25 (B) Any of the following crimes when committed by one family or  
26 household member against another or by one intimate partner against  
27 another, as those terms are defined by the statutes in effect at the  
28 time of the commission of the crime, committed on or after July 1,  
29 1993: Assault in the fourth degree, coercion, stalking, reckless  
30 endangerment, criminal trespass in the first degree, or violation of  
31 the provisions of a protection order or no-contact order restraining  
32 the person or excluding the person from a residence (RCW 10.99.040 or  
33 any of the former RCW 26.50.060, 26.50.070, and 26.50.130);

34 (C) Harassment when committed by one family or household member  
35 against another or by one intimate partner against another, as those  
36 terms are defined by the statutes in effect at the time of the  
37 commission of the crime, committed on or after June 7, 2018;

38 (D) Any of the following misdemeanor or gross misdemeanor crimes  
39 not included under (a) (i) (B) or (C) of this subsection, committed on  
40 or after July 23, 2023: Domestic violence (RCW 10.99.020); stalking;

1 cyberstalking; cyber harassment, excluding cyber harassment committed  
2 solely pursuant to the element set forth in RCW 9A.90.120(1)(a)(i);  
3 harassment; aiming or discharging a firearm (RCW 9.41.230); unlawful  
4 carrying or handling of a firearm (RCW 9.41.270); animal cruelty in  
5 the second degree committed under RCW 16.52.207(1); or any prior  
6 offense as defined in RCW 46.61.5055(14) if committed within seven  
7 years of a conviction for any other prior offense under RCW  
8 46.61.5055;

9 (E) A violation of the provisions of a protection order under  
10 chapter 7.105 RCW restraining the person or excluding the person from  
11 a residence, when committed by one family or household member against  
12 another or by one intimate partner against another, committed on or  
13 after July 1, 2022; or

14 (F) A violation of the provisions of an order to surrender and  
15 prohibit weapons, an extreme risk protection order, or the provisions  
16 of any other protection order or no-contact order not included under  
17 (a)(i) (B) or (E) of this subsection restraining the person or  
18 excluding the person from a residence, committed on or after July 23,  
19 2023;

20 (ii) During any period of time that the person is subject to a  
21 protection order, no-contact order, or restraining order by a court  
22 issued under chapter 7.105, 9A.40, 9A.44, 9A.46, 9A.88, 10.99, 26.09,  
23 26.26A, or 26.26B RCW or any of the former chapters 7.90, 7.92,  
24 10.14, and 26.50 RCW that:

25 (A) Was issued after a hearing for which the person received  
26 actual notice, and at which the person had an opportunity to  
27 participate, whether the court then issues a full order or reissues a  
28 temporary order. If the court enters an agreed order by the parties  
29 without a hearing, such an order meets the requirements of this  
30 subsection;

31 (B) Restrains the person from harassing, stalking, or threatening  
32 the person protected under the order or child of the person or  
33 protected person, or others identified in the order, or engaging in  
34 other conduct that would place the protected person in reasonable  
35 fear of bodily injury to the protected person or child or others  
36 identified in the order; and

37 (C) (I) Includes a finding that the person represents a credible  
38 threat to the physical safety of the protected person or child or  
39 others identified in the order, or by its terms explicitly prohibits  
40 the use, attempted use, or threatened use of physical force against

1 the protected person or child or other persons that would reasonably  
2 be expected to cause bodily injury; or

3 (II) Includes an order under RCW 9.41.800 requiring the person to  
4 surrender all firearms and prohibiting the person from accessing,  
5 having in his or her custody or control, possessing, purchasing,  
6 receiving, or attempting to purchase or receive, firearms;

7 (iii) After having previously been involuntarily committed based  
8 on a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740,  
9 71.34.750, chapter 10.77 RCW, or equivalent statutes of another  
10 jurisdiction, unless his or her right to possess a firearm has been  
11 restored as provided in RCW 9.41.047;

12 (iv) After dismissal of criminal charges based on incompetency to  
13 stand trial under RCW 10.77.086, or after dismissal of criminal  
14 charges based on incompetency to stand trial under RCW 10.77.088 when  
15 the court has made a finding indicating that the defendant has a  
16 history of one or more violent acts, unless his or her right to  
17 possess a firearm has been restored as provided in RCW 9.41.047;

18 (v) If the person is under 18 years of age, except as provided in  
19 RCW 9.41.042; and/or

20 (vi) If the person is free on bond or personal recognizance  
21 pending trial for a serious offense as defined in RCW 9.41.010.

22 (b) Unlawful possession of a firearm in the second degree is a  
23 class C felony punishable according to chapter 9A.20 RCW.

24 (3) A person shall not be precluded from possession of a firearm  
25 if the conviction has been the subject of a pardon, annulment,  
26 certificate of rehabilitation, or other equivalent procedure based on  
27 a finding of the rehabilitation of the person convicted or the  
28 conviction or disposition has been the subject of a pardon,  
29 annulment, or other equivalent procedure based on a finding of  
30 innocence. Where no record of the court's disposition of the charges  
31 can be found, there shall be a rebuttable presumption that the person  
32 was not convicted of the charge.

33 (4) Notwithstanding subsection (1) or (2) of this section, a  
34 person convicted or found not guilty by reason of insanity of an  
35 offense prohibiting the possession of a firearm under this section  
36 other than murder, manslaughter, robbery, rape, indecent liberties,  
37 arson, assault, kidnapping, extortion, burglary, or violations with  
38 respect to controlled substances under RCW 69.50.401 and 69.50.410,  
39 who received a probationary sentence under RCW 9.95.200, and who  
40 received a dismissal of the charge under RCW 9.95.240, shall not be

1 precluded from possession of a firearm as a result of the conviction  
2 or finding of not guilty by reason of insanity.

3 (5) In addition to any other penalty provided for by law, if a  
4 person under the age of 18 years is found by a court to have  
5 possessed a firearm in a vehicle in violation of subsection (1) or  
6 (2) of this section or to have committed an offense while armed with  
7 a firearm during which offense a motor vehicle served an integral  
8 function, the court shall notify the department of licensing within  
9 24 hours and the person's privilege to drive shall be revoked under  
10 RCW 46.20.265, unless the offense is the juvenile's first offense in  
11 violation of this section and has not committed an offense while  
12 armed with a firearm, an unlawful possession of a firearm offense, or  
13 an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

14 (6) Nothing in chapter 129, Laws of 1995 shall ever be construed  
15 or interpreted as preventing an offender from being charged and  
16 subsequently convicted for the separate felony crimes of theft of a  
17 firearm or possession of a stolen firearm, or both, in addition to  
18 being charged and subsequently convicted under this section for  
19 unlawful possession of a firearm in the first or second degree.  
20 Notwithstanding any other law, if the offender is convicted under  
21 this section for unlawful possession of a firearm in the first or  
22 second degree and for the felony crimes of theft of a firearm or  
23 possession of a stolen firearm, or both, then the offender shall  
24 serve consecutive sentences for each of the felony crimes of  
25 conviction listed in this subsection.

26 (7)(a) A person, whether an adult or a juvenile, commits the  
27 civil infraction of unlawful possession of a firearm if the person  
28 has in the person's possession or has in the person's control a  
29 firearm after the person files a voluntary waiver of firearm rights  
30 under RCW 9.41.350 and the form has been accepted by the clerk of the  
31 court and the voluntary waiver has not been lawfully revoked.

32 (b) The civil infraction of unlawful possession of a firearm is a  
33 class 4 civil infraction punishable according to chapter 7.80 RCW.

34 (c) Each firearm unlawfully possessed under this subsection (7)  
35 shall be a separate infraction.

36 (d) The court may, in its discretion, order performance of up to  
37 two hours of community restitution in lieu of a monetary penalty  
38 prescribed for a civil infraction under this subsection (7).

39 (8) Each firearm unlawfully possessed under this section shall be  
40 a separate offense.

1 (9) A person may petition to restore the right to possess a  
2 firearm as provided in RCW 9.41.041.

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

5 **DESCRIPTION AND OFFENSE CATEGORY**

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

6  
7  
8  
9  
10  
11 **Arson and Malicious Mischief**

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

25 **Assault and Other Crimes Involving**  
26 **Physical Harm**

27	A	Assault 1 (9A.36.011)	B+
28	B+	Assault 2 (9A.36.021)	C+
29	C+	Assault 3 (9A.36.031)	D+
30	D+	Assault 4 (9A.36.041)	E
31	B+	Drive-By Shooting (9A.36.045)	C+
32		committed at age 15 or under	
33	A++	Drive-By Shooting (9A.36.045)	A
34		committed at age 16 or 17	
35	D+	Reckless Endangerment (9A.36.050)	E
36	C+	Promoting Suicide Attempt (9A.36.060)	D+

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

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



1		<b>Kidnapping</b>	
2	A	Kidnap 1 (9A.40.020)	B+
3	B+	Kidnap 2 (9A.40.030)	C+
4	C+	Unlawful Imprisonment (9A.40.040)	D+
5		<b>Obstructing Governmental Operation</b>	
6	D	Obstructing a Law Enforcement Officer	E
7		(9A.76.020)	
8	E	Resisting Arrest (9A.76.040)	E
9	B	Introducing Contraband 1 (9A.76.140)	C
10	C	Introducing Contraband 2 (9A.76.150)	D
11	E	Introducing Contraband 3 (9A.76.160)	E
12	B+	Intimidating a Public Servant	C+
13		(9A.76.180)	
14	B+	Intimidating a Witness (9A.72.110)	C+
15		<b>Public Disturbance</b>	
16	C+	Criminal Mischief with Weapon	D+
17		(9A.84.010(2)(b))	
18	D+	Criminal Mischief Without Weapon	E
19		(9A.84.010(2)(a))	
20	E	Failure to Disperse (9A.84.020)	E
21	E	Disorderly Conduct (9A.84.030)	E
22		<b>Sex Crimes</b>	
23	A	Rape 1 (9A.44.040)	B+
24	B++	Rape 2 (9A.44.050) committed at age 14	B+
25		or under	
26	A-	Rape 2 (9A.44.050) committed at age 15	B+
27		through age 17	
28	C+	Rape 3 (9A.44.060)	D+
29	B++	Rape of a Child 1 (9A.44.073)	B+
30		committed at age 14 or under	
31	A-	Rape of a Child 1 (9A.44.073)	B+
32		committed at age 15	
33	B+	Rape of a Child 2 (9A.44.076)	C+
34	B	Incest 1 (9A.64.020(1))	C
35	C	Incest 2 (9A.64.020(2))	D

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

1	B	Possession of Stolen Property 1	C
2		(9A.56.150)	
3	C	Possession of Stolen Property 2	D
4		(9A.56.160)	
5	D	Possession of Stolen Property 3	E
6		(9A.56.170)	
7	B	Taking Motor Vehicle Without	C
8		Permission 1 (9A.56.070)	
9	C	Taking Motor Vehicle Without	D
10		Permission 2 (9A.56.075)	
11	B	Theft of a Motor Vehicle (9A.56.065)	C
12		<b>Motor Vehicle Related Crimes</b>	
13	E	Driving Without a License (46.20.005)	E
14	B+	Hit and Run - Death (46.52.020(4)(a))	C+
15	C	Hit and Run - Injury (46.52.020(4)(b))	D
16	D	Hit and Run-Attended (46.52.020(5))	E
17	E	Hit and Run-Unattended (46.52.010)	E
18	C	Vehicular Assault (46.61.522)	D
19	C	Attempting to Elude Pursuing Police	D
20		Vehicle (46.61.024)	
21	E	Reckless Driving (46.61.500)	E
22	D	Driving While Under the Influence	E
23		(46.61.502 and 46.61.504)	
24	B+	Felony Driving While Under the	B
25		Influence (46.61.502(6))	
26	B+	Felony Physical Control of a Vehicle	B
27		While Under the Influence (46.61.504(6))	
28		<b>Other</b>	
29	B	Animal Cruelty 1 (16.52.205)	C
30	B	Bomb Threat (9.61.160)	C
31	C	Escape 1 <sup>1</sup> (9A.76.110)	C
32	C	Escape 2 <sup>1</sup> (9A.76.120)	C
33	D	Escape 3 (9A.76.130)	E
34	E	Obscene, Harassing, Etc., Phone Calls	E
35		(9.61.230)	

1	A	Other Offense Equivalent to an Adult	B+
2		Class A Felony	
3	B	Other Offense Equivalent to an Adult	C
4		Class B Felony	
5	C	Other Offense Equivalent to an Adult	D
6		Class C Felony	
7	D	Other Offense Equivalent to an Adult	E
8		Gross Misdemeanor	
9	E	Other Offense Equivalent to an Adult	E
10		Misdemeanor	
11	V	Violation of Order of Restitution,	V
12		Community Supervision, or Confinement	
13		(13.40.200) <sup>2</sup>	

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

16 1st escape or attempted escape during 12-month period - 28 days  
17 confinement

18 2nd escape or attempted escape during 12-month period - 8 weeks  
19 confinement

20 3rd and subsequent escape or attempted escape during 12-month  
21 period - 12 weeks confinement

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

24 **JUVENILE SENTENCING STANDARDS**

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

27 **OPTION A**

28 **JUVENILE OFFENDER SENTENCING GRID**

29 **STANDARD RANGE**

30	A++	129 to 260 weeks for all category A++ offenses				
31	A+	180 weeks to age 21 for all category A+ offenses				
32	A	103-129 weeks for all category A offenses				
33	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
34	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks

1	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
2	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
3	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
4		C	LS	LS	LS	LS	15-36 weeks
5		D+	LS	LS	LS	LS	LS
6		D	LS	LS	LS	LS	LS
7		E	LS	LS	LS	LS	LS
8	PRIOR		0	1	2	3	4 or more
9	ADJUDICATIONS						

10 NOTE: References in the grid to days or weeks mean periods of  
11 confinement. "LS" means "local sanctions" as defined in RCW  
12 13.40.020.

13 (1) The vertical axis of the grid is the current offense  
14 category. The current offense category is determined by the offense  
15 of adjudication.

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

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

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

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

29 **OR**  
30 **OPTION B**  
31 **SUSPENDED DISPOSITION ALTERNATIVE**

32 (1) If the offender is subject to a standard range disposition  
33 involving confinement by the department, the court may impose the  
34 standard range and suspend the disposition on condition that the  
35 offender comply with one or more local sanctions and any educational  
36 or treatment requirement. The treatment programs provided to the

1 offender must be either research-based best practice programs as  
2 identified by the Washington state institute for public policy or the  
3 joint legislative audit and review committee, or for chemical  
4 dependency treatment programs or services, they must be evidence-  
5 based or research-based best practice programs. For the purposes of  
6 this subsection:

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

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

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

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

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

21 (b) Is fourteen years of age or older and is adjudicated of one  
22 or more of the following offenses:

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

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

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

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

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

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

40 (e) Has a prior option B disposition.

1 OR

2 OPTION C

3 CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

4 If the juvenile offender is subject to a standard range  
5 disposition of local sanctions or 15 to 36 weeks of confinement and  
6 has not committed a B++ or B+ offense, the court may impose a  
7 disposition under RCW 13.40.160(4) and 13.40.165.

8 OR

9 OPTION D

10 MANIFEST INJUSTICE

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

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