
SENATE BILL 5011

State of Washington

53rd Legislature

1993 Regular Session

By Senators Nelson and Newhouse

Read first time 01/11/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to recommendations of the juvenile issues task
2 force; amending RCW 13.40.020, 13.40.0357, 13.40.050, and 13.40.100;
3 adding new sections to chapter 13.16 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 13.40.020 and 1990 1st ex.s. c 12 s 1 are each amended
6 to read as follows:

7 For the purposes of this chapter:

8 (1) "Serious offender" means a person fifteen years of age or older
9 who has committed an offense which if committed by an adult would be:

10 (a) A class A felony, or an attempt to commit a class A felony;

11 (b) Manslaughter in the first degree; or

12 (c) Assault in the second degree, extortion in the first degree,
13 child molestation in the second degree, kidnapping in the second
14 degree, robbery in the second degree, residential burglary, or burglary
15 in the second degree, where such offenses include the infliction of
16 bodily harm upon another or where during the commission of or immediate
17 withdrawal from such an offense the perpetrator is armed with a deadly
18 weapon or firearm as defined in RCW 9A.04.110;

1 (2) "Community service" means compulsory service, without
2 compensation, performed for the benefit of the community by the
3 offender as punishment for committing an offense. Community service
4 may be performed through public or private organizations or through
5 work crews;

6 (3) "Community supervision" means an order of disposition by the
7 court of an adjudicated youth not committed to the department. A
8 community supervision order for a single offense may be for a period of
9 up to two years for a sex offense as defined by RCW 9.94A.030 and up to
10 one year for other offenses ~~((and))~~. Community supervision is an
11 individualized program comprised of one or more of the following:

12 (a) Community-based sanctions;

13 (b) Community-based rehabilitation;

14 (c) Monitoring and reporting requirements;

15 (4) Community-based sanctions may include one or more of the
16 following:

17 (a) A fine, not to exceed one hundred dollars;

18 (b) Community service not to exceed one hundred fifty hours of
19 service;

20 ~~((+e))~~ (5) "Community-based rehabilitation" means one or more of
21 the following: Attendance of information classes;

22 ~~((d) Counseling; or~~

23 ~~(e) Such other services to the extent funds are available for such~~
24 ~~services,))~~ counseling, outpatient substance abuse treatment programs,
25 outpatient mental health programs, anger management classes, or other
26 services; attendance at school or other educational programs
27 appropriate for the juvenile as determined by the school district; or
28 placement in foster care that is not used as a pretrial,
29 postadjudication, or postdisposition detention facility. Placement in
30 community-based rehabilitation programs is subject to available funds;

31 (6) "Monitoring and reporting requirements" means one or more of
32 the following: Curfews; requirements to remain at home, school, work,
33 or court-ordered treatment programs during specified hours;
34 restrictions from leaving or entering specified geographical areas;
35 requirements to report to the probation officer as directed and to
36 remain under the probation officer's supervision; and other
37 conditions~~((r))~~ or limitations as the court may require which may not
38 include confinement;

1 (~~(4)~~) (7) "Confinement" means (~~(physical custody by the~~
2 ~~department of social and health services in a facility operated by or~~
3 ~~pursuant to a contract with the state, or physical custody in a~~
4 ~~facility operated by or pursuant to a contract with any county)~~)
5 incarceration in a detention facility following: Arrest pending a
6 detention hearing under RCW 13.40.050; entry of an order of detention
7 entered pursuant to RCW 13.40.050; commitment to a county detention
8 facility, the department, or an inpatient drug and alcohol treatment
9 facility following imposition of option D of RCW 13.40.0357;
10 modification of a disposition for violation of the disposition; or
11 modification of parole for violation of parole. The county may operate
12 or contract with vendors to operate county detention facilities. The
13 department may operate or contract to operate detention facilities for
14 juveniles committed to the department. Confinement of less than
15 thirty-one days imposed as part of a disposition or modification order
16 may be served consecutively or intermittently, in the discretion of the
17 court;

18 (~~(5)~~) (8) "Court", when used without further qualification, means
19 the juvenile court judge(s) or commissioner(s);

20 (~~(6)~~) (9) "Criminal history" includes all criminal complaints
21 against the respondent for which, prior to the commission of a current
22 offense:

23 (a) The allegations were found correct by a court. If a respondent
24 is convicted of two or more charges arising out of the same course of
25 conduct, only the highest charge from among these shall count as an
26 offense for the purposes of this chapter; or

27 (b) The criminal complaint was diverted by a prosecutor pursuant to
28 the provisions of this chapter on agreement of the respondent and after
29 an advisement to the respondent that the criminal complaint would be
30 considered as part of the respondent's criminal history;

31 (~~(7)~~) (10) "Department" means the department of social and health
32 services;

33 (~~(8)~~) (11) "Detention facility" means a facility for the physical
34 confinement of a juvenile alleged to have committed an offense or an
35 adjudicated offender subject to a disposition or modification order.
36 Detention facilities may be secure, semisecure, or nonsecure, and may
37 include group homes, foster homes, and home detention with electronic
38 or staff monitoring. Detention foster homes and group homes may not be
39 used for placement of juveniles who are ordered into rehabilitation

1 placements pursuant to a community supervision disposition. "Secure
2 detention" means lockup or staff-secure facilities. "Nonsecure
3 detention" means residential placement in the community in a physically
4 nonrestrictive environment under the supervision of the department of
5 youth services or department of social and health services. "Home
6 detention" means placement of the juvenile in the custody of the
7 juvenile's parent, guardian, or custodian in a physically
8 nonrestrictive environment under the supervision of the department of
9 youth services or the department of social and health services with
10 electronic monitoring or department staff monitoring;

11 (12) "Diversion unit" means any probation counselor who enters into
12 a diversion agreement with an alleged youthful offender, or any other
13 person or entity except a law enforcement official or entity, with whom
14 the juvenile court administrator has contracted to arrange and
15 supervise such agreements pursuant to RCW (~~13.04.040, as now or~~
16 ~~hereafter amended,~~) 13.40.080, or any person or entity specially
17 funded by the legislature to arrange and supervise diversion agreements
18 in accordance with the requirements of this chapter;

19 (~~(9)~~) (13) "Institution" means a juvenile facility established
20 pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

21 (~~(10)~~) (14) "Juvenile," "youth," and "child" mean any individual
22 who is under the chronological age of eighteen years and who has not
23 been previously transferred to adult court;

24 (~~(11)~~) (15) "Juvenile offender" means any juvenile who has been
25 found by the juvenile court to have committed an offense, including a
26 person eighteen years of age or older over whom jurisdiction has been
27 extended under RCW 13.40.300;

28 (~~(12)~~) (16) "Manifest injustice" means a disposition that would
29 either impose an excessive penalty on the juvenile or would impose a
30 serious, and clear danger to society in light of the purposes of this
31 chapter;

32 (~~(13)~~) (17) "Middle offender" means a person who has committed an
33 offense and who is neither a minor or first offender nor a serious
34 offender;

35 (~~(14)~~) (18) "Minor or first offender" means a person sixteen
36 years of age or younger whose current offense(s) and criminal history
37 fall entirely within one of the following categories:

38 (a) Four misdemeanors;

39 (b) Two misdemeanors and one gross misdemeanor;

- 1 (c) One misdemeanor and two gross misdemeanors;
2 (d) Three gross misdemeanors;
3 (e) One class C felony except manslaughter in the second degree and
4 one misdemeanor or gross misdemeanor;
5 (f) One class B felony except: Any felony which constitutes an
6 attempt to commit a class A felony; manslaughter in the first degree;
7 assault in the second degree; extortion in the first degree; indecent
8 liberties; kidnapping in the second degree; robbery in the second
9 degree; burglary in the second degree; residential burglary; vehicular
10 homicide; or arson in the second degree.

11 For purposes of this definition, current violations shall be
12 counted as misdemeanors;

13 (~~(15)~~) (19) "Offense" means an act designated a violation or a
14 crime if committed by an adult under the law of this state, under any
15 ordinance of any city or county of this state, under any federal law,
16 or under the law of another state if the act occurred in that state;

17 (~~(16)~~) (20) "Respondent" means a juvenile who is alleged or
18 proven to have committed an offense;

19 (~~(17)~~) (21) "Restitution" means financial reimbursement by the
20 offender to the victim, and shall be limited to easily ascertainable
21 damages for injury to or loss of property, actual expenses incurred for
22 medical treatment for physical injury to persons, lost wages resulting
23 from physical injury, and costs of the victim's counseling reasonably
24 related to the offense if the offense is a sex offense. Restitution
25 shall not include reimbursement for damages for mental anguish, pain
26 and suffering, or other intangible losses. Nothing in this chapter
27 shall limit or replace civil remedies or defenses available to the
28 victim or offender;

29 (~~(18)~~) (22) "Secretary" means the secretary of the department of
30 social and health services;

31 (~~(19)~~) (23) "Services" mean services which provide alternatives
32 to incarceration for those juveniles who have pleaded or been
33 adjudicated guilty of an offense or have signed a diversion agreement
34 pursuant to this chapter;

35 (~~(20)~~) (24) "Sex offense" means an offense defined as a sex
36 offense in RCW 9.94A.030;

37 (~~(21)~~) (25) "Sexual motivation" means that one of the purposes
38 for which the respondent committed the offense was for the purpose of
39 his or her sexual gratification;

1	D+	Assault 4 (9A.36.041)	E
2	D+	Reckless Endangerment	
3		(9A.36.050)	E
4	C+	Promoting Suicide Attempt	
5		(9A.36.060)	D+
6	D+	Coercion (9A.36.070)	E
7	C+	Custodial Assault (9A.36.100)	D+
8		Burglary and Trespass	
9	B+	Burglary 1 (9A.52.020)	C+
10	B	Burglary 2 (9A.52.030)	C
11	D	Burglary Tools (Possession of)	
12		(9A.52.060)	E
13	D	Criminal Trespass 1 (9A.52.070)	E
14	E	Criminal Trespass 2 (9A.52.080)	E
15	D	Vehicle Prowling (9A.52.100)	E
16		Drugs	
17	E	Possession/Consumption of Alcohol	
18		(66.44.270)	E
19	C	Illegally Obtaining Legend Drug	
20		(69.41.020)	D
21	C+	Sale, Delivery, Possession of Legend	
22		Drug with Intent to Sell	
23		(69.41.030)	D+
24	E	Possession of Legend Drug	
25		(69.41.030)	E
26	B+	Violation of Uniform Controlled	
27		Substances Act - Narcotic Sale	
28		(69.50.401(a)(1)(i))	B+
29	C	Violation of Uniform Controlled	
30		Substances Act - Nonnarcotic Sale	
31		(69.50.401(a)(1)(ii))	C
32	E	Possession of Marihuana <40 grams	
33		(69.50.401(e))	E
34	C	Fraudulently Obtaining Controlled	
35		Substance (69.50.403)	C
36	C+	Sale of Controlled Substance	
37		for Profit (69.50.410)	C+

1	E	((Glue Sniffing (9.47A.050)))	E
2		<u>Unlawful Inhalation (9.47A.020)</u>	
3	B	Violation of Uniform Controlled	
4		Substances Act - Narcotic	
5		Counterfeit Substances	
6		(69.50.401(b)(1)(i))	B
7	C	Violation of Uniform Controlled	
8		Substances Act - Nonnarcotic	
9		Counterfeit Substances	
10		(69.50.401(b)(1) (ii), (iii), (iv))	C
11	C	Violation of Uniform Controlled	
12		Substances Act - Possession of a	
13		Controlled Substance	
14		(69.50.401(d))	C
15	C	Violation of Uniform Controlled	
16		Substances Act - Possession of a	
17		Controlled Substance	
18		(69.50.401(c))	C
19		Firearms and Weapons	
20		((C+ Committing Crime when Armed	
21		(9.41.025) ----- D+))	
22	E	Carrying Loaded Pistol Without	
23		Permit (9.41.050)	E
24	E	Use of Firearms by Minor (<14)	
25		(9.41.240)	E
26	D+	Possession of Dangerous Weapon	
27		(9.41.250)	E
28	D	Intimidating Another Person by use	
29		of Weapon (9.41.270)	E
30		Homicide	
31	A+	Murder 1 (9A.32.030)	A
32	A+	Murder 2 (9A.32.050)	B+
33	B+	Manslaughter 1 (9A.32.060)	C+
34	C+	Manslaughter 2 (9A.32.070)	D+
35	B+	Vehicular Homicide (46.61.520)	C+

36 **Kidnapping**

1	A	Kidnap 1 (9A.40.020)	B+
2	B+	Kidnap 2 (9A.40.030)	C+
3	C+	Unlawful Imprisonment	
4		(9A.40.040)	D+
5	D	Custodial Interference	
6		((9A.40.050)) <u>1 (9A.40.060)</u>	E
7		Obstructing Governmental Operation	
8	E	Obstructing a Public Servant	
9		(9A.76.020)	E
10	E	Resisting Arrest (9A.76.040)	E
11	B	Introducing Contraband 1	
12		(9A.76.140)	C
13	C	Introducing Contraband 2	
14		(9A.76.150)	D
15	E	Introducing Contraband 3	
16		(9A.76.160)	E
17	B+	Intimidating a Public Servant	
18		(9A.76.180)	C+
19	B+	Intimidating a Witness	
20		(9A.72.110)	C+
21	(E)	Criminal Contempt	
22		(9.23.010)	E)
23		Public Disturbance	
24	C+	Riot with Weapon (9A.84.010)	D+
25	D+	Riot Without Weapon	
26		(9A.84.010)	E
27	E	Failure to Disperse (9A.84.020)	E
28	E	Disorderly Conduct (9A.84.030)	E
29		Sex Crimes	
30	A	Rape 1 (9A.44.040)	B+
31	A-	Rape 2 (9A.44.050)	B+
32	C+	Rape 3 (9A.44.060)	D+
33	A-	Rape of a Child 1 (9A.44.073)	B+
34	B	Rape of a Child 2 (9A.44.076)	C+
35	B	Incest 1 (9A.64.020(1))	C
36	C	Incest 2 (9A.64.020(2))	D

1	D+	((Public Indecency)) <u>Indecent Exposure</u>	
2		(Victim <14) (9A.88.010)	E
3	E	((Public Indecency)) <u>Indecent Exposure</u>	
4		(Victim 14 or over) (9A.88.010)	E
5	B+	Promoting Prostitution 1	
6		(9A.88.070)	C+
7	C+	Promoting Prostitution 2	
8		(9A.88.080)	D+
9	E	O & A (Prostitution) (9A.88.030)	E
10	B+	Indecent Liberties (9A.44.100)	C+
11	B+	Child Molestation 1 (9A.44.083)	C+
12	C+	Child Molestation 2 (9A.44.086)	C
13		Theft, Robbery, Extortion, and Forgery	
14	B	Theft 1 (9A.56.030)	C
15	C	Theft 2 (9A.56.040)	D
16	D	Theft 3 (9A.56.050)	E
17	B	Theft of Livestock (9A.56.080)	C
18	C	Forgery ((9A.56.020)) <u>(9A.60.020)</u>	D
19	A	Robbery 1 (9A.56.200)	B+
20	B+	Robbery 2 (9A.56.210)	C+
21	B+	Extortion 1 (9A.56.120)	C+
22	C+	Extortion 2 (9A.56.130)	D+
23	B	Possession of Stolen Property 1	
24		(9A.56.150)	C
25	C	Possession of Stolen Property 2	
26		(9A.56.160)	D
27	D	Possession of Stolen Property 3	
28		(9A.56.170)	E
29	C	Taking Motor Vehicle Without	
30		Owner's Permission (9A.56.070)	D
31		Motor Vehicle Related Crimes	
32	E	Driving Without a License	
33		(46.20.021)	E
34	C	Hit and Run - Injury	
35		(46.52.020(4))	D
36	D	Hit and Run-Attended	
37		(46.52.020(5))	E

1	E	Hit and Run-Unattended	
2		(46.52.010)	E
3	C	Vehicular Assault (46.61.522)	D
4	C	Attempting to Elude Pursuing	
5		Police Vehicle (46.61.024)	D
6	E	Reckless Driving (46.61.500)	E
7	D	Driving While Under the Influence	
8		(46.61.515)	E
9	((B+	Negligent Homicide by Motor	
10		Vehicle (46.61.520)	C+))
11	D	Vehicle Prowling (9A.52.100)	E
12	C	Taking Motor Vehicle Without	
13		Owner's Permission (9A.56.070)	D
14		Other	
15	B	Bomb Threat (9.61.160)	C
16	C	Escape 1 (9A.76.110)	C
17	C	Escape 2 (9A.76.120)	C
18	D	Escape 3 (9A.76.130)	E
19	C	Failure to Appear in Court	
20		(10.19.130)	D
21	((E	Tampering with Fire Alarm	
22		Apparatus (9.40.100)	E))
23	E	Obscene, Harassing, Etc.,	
24		Phone Calls (9.61.230)	E
25	A	Other Offense Equivalent to an	
26		Adult Class A Felony	B+
27	B	Other Offense Equivalent to an	
28		Adult Class B Felony	C
29	C	Other Offense Equivalent to an	
30		Adult Class C Felony	D
31	D	Other Offense Equivalent to an	
32		Adult Gross Misdemeanor	E
33	E	Other Offense Equivalent to an	
34		Adult Misdemeanor	E
35	V	Violation of Order of Restitution,	
36		Community Supervision, or	
37		Confinement (13.40.200)	V

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

3 1st escape or attempted escape during 12-month period - 4 weeks
4 confinement

5 2nd escape or attempted escape during 12-month period - 8 weeks
6 confinement

7 3rd and subsequent escape or attempted escape during 12-month
8 period - 12 weeks confinement

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

11 **SCHEDULE B**

12 **PRIOR OFFENSE INCREASE FACTOR**

13 For use with all CURRENT OFFENSES occurring on or after July 1,
14 1989.

15 **TIME SPAN**

16	OFFENSE	0-12	13-24	25 Months
17	CATEGORY	Months	Months	or More
18			
19	A+	.9	.9	.9
20	A	.9	.8	.6
21	A-	.9	.8	.5
22	B+	.9	.7	.4
23	B	.9	.6	.3
24	C+	.6	.3	.2
25	C	.5	.2	.2
26	D+	.3	.2	.1
27	D	.2	.1	.1
28	E	.1	.1	.1

29 Prior history - Any offense in which a diversion agreement or counsel
30 and release form was signed, or any offense which has been adjudicated

1 by court to be correct prior to the commission of the current
2 offense(s).

3 **SCHEDULE C**
4 **CURRENT OFFENSE POINTS**

5 For use with all CURRENT OFFENSES occurring on or after July 1,
6 1989.

7 **AGE**

8 OFFENSE	12 &					
9 CATEGORY	Under	13	14	15	16	17
10						
11 A+		STANDARD	RANGE	180-224	WEEKS	
12 A	250	300	350	375	375	375
13 A-	150	150	150	200	200	200
14 B+	110	110	120	130	140	150
15 B	45	45	50	50	57	57
16 C+	44	44	49	49	55	55
17 C	40	40	45	45	50	50
18 D+	16	18	20	22	24	26
19 D	14	16	18	20	22	24
20 E	4	4	4	6	8	10

21 **JUVENILE SENTENCING STANDARDS**
22 **SCHEDULE D-1**

23 This schedule may only be used for minor/first offenders. After the
24 determination is made that a youth is a minor/first offender, the court
25 has the discretion to select sentencing option A, B, or C. In
26 addition, the court may select option D. A disposition order for a
27 minor/first offender may not include an order of confinement except
28 pursuant to option D.

1 MINOR/FIRST OFFENDER

2 OPTION A

3 STANDARD RANGE

4			Community	
5		Community	Service	
6	Points	Supervision	Hours	Fine
7	1-9	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10
8	10-19	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10
9	20-29	((0-3)) <u>0-12</u> months	and/or 0-16	and/or 0-\$10
10	30-39	((0-3)) <u>0-12</u> months	and/or 8-24	and/or 0-\$25
11	40-49	((3-6)) <u>0-12</u> months	and/or 16-32	and/or 0-\$25
12	50-59	((3-6)) <u>0-12</u> months	and/or 24-40	and/or 0-\$25
13	60-69	((6-9)) <u>0-12</u> months	and/or 32-48	and/or 0-\$50
14	70-79	((6-9)) <u>0-12</u> months	and/or 40-55	and/or 0-\$50
15	80-89	((9-12)) <u>0-12</u> months	and/or 48-64	and/or 10-\$100
16	90-109	((9-12)) <u>0-12</u> months	and/or 56-72	and/or 10-\$100

17 OR

18 OPTION B

19 STATUTORY OPTION

- 20 0-12 Months Community Supervision
- 21 0-150 Hours Community Service
- 22 0-100 Fine

23 A term of community supervision with a maximum of 150 hours, \$100.00
24 fine, and 12 months supervision.

25 OR

26 OPTION C

27 MANIFEST INJUSTICE

28 When a term of community supervision would effectuate a manifest
29 injustice, another disposition may be imposed. When a judge imposes a

1 sentence of confinement exceeding 30 days, the court shall sentence the
2 juvenile to a maximum term and the provisions of RCW (~~(13.40.030(5))~~)
3 13.40.030(2), as now or hereafter amended, shall be used to determine
4 the range.

5 **AND**

6 **OPTION D**

7 **SUBSTANCE ABUSE TREATMENT**

8 In addition to any disposition entered under option A, B, or C,
9 following adjudication for an offense, but prior to disposition, the
10 court may order the child to be evaluated for a substance abuse problem
11 to determine whether inpatient or outpatient treatment for substance
12 abuse is necessary. If the court finds that the child suffers from a
13 substance abuse problem the court may order the child to participate in
14 an outpatient treatment program as a condition of community
15 supervision. If the evaluation recommends that the child be placed in
16 inpatient treatment for a substance abuse problem, the court may order
17 inpatient treatment if the commitment criteria are met for involuntary
18 commitment of minors to inpatient drug and alcohol treatment pursuant
19 to RCW 70.96A.140. The maximum period of time the court may order the
20 offender into inpatient treatment is ninety days as a term of the
21 disposition order for the offense. Payment for placement in inpatient
22 treatment or participation in outpatient treatment is subject to
23 available funds.

24 **JUVENILE SENTENCING STANDARDS**

25 **SCHEDULE D-2**

26 This schedule may only be used for middle offenders. After the
27 determination is made that a youth is a middle offender, the court has
28 the discretion to select sentencing option A, B, or C.

29 **MIDDLE OFFENDER**

30 **OPTION A**

31 **STANDARD RANGE**

1		Community			
2		Community	Service	Confinement	
3	Points	Supervision	Hours	Fine	
4				
5	1-9	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10	and/or 0
6	10-19	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10	and/or 0
7	20-29	((0-3)) <u>0-12</u> months	and/or 0-16	and/or 0-\$10	and/or 0
8	30-39	((0-3)) <u>0-12</u> months	and/or 8-24	and/or 0-\$25	and/or
9					((2-4)) <u>0-10</u>
10	<u>40-49</u>	((3-6)) <u>0-12</u> months	and/or 16-32	and/or 0-\$25	and/or
11					((2-4)) <u>0-10</u>
12	<u>50-59</u>	((3-6)) <u>0-12</u> months	and/or 24-40	and/or 0-\$25	and/or
13					((5-10)) <u>0-10</u>
14	<u>60-69</u>	((6-9)) <u>0-12</u> months	and/or 32-48	and/or 0-\$50	and/or
15					((5-10)) <u>10-20</u>
16	<u>70-79</u>	((6-9)) <u>0-12</u> months	and/or 40-56	and/or 0-\$50	and/or
17					10-20
18	80-89	((9-12)) <u>0-12</u> months	and/or 48-64	and/or 0-\$100	and/or
19					10-20
20	90-109	((9-12)) <u>0-12</u> months	and/or 56-72	and/or 0-\$100	and/or
21					((15-30)) <u>20-30</u>
22	<u>110-129</u>				<u>8-12</u>
23	<u>130-149</u>				<u>13-16</u>
24	<u>150-199</u>				<u>21-28</u>
25	<u>200-249</u>				<u>30-40</u>
26	<u>250-299</u>				<u>52-65</u>
27	<u>300-374</u>				<u>80-100</u>
28	<u>375+</u>				<u>103-129</u>

29 Middle offenders with more than 110 points do not have to be committed.
30 They may be assigned community supervision under option B.
31 All A+ offenses 180-224 weeks

1 OR

2
3 OPTION B

4 STATUTORY OPTION

5 0-12 Months Community Supervision

6 0-150 Hours Community Service

7 0-100 Fine

8 The court may impose a determinate disposition of community supervision
9 and/or up to 30 days confinement; in which case, if confinement has
10 been imposed, the court shall state either aggravating or mitigating
11 factors as set forth in RCW 13.40.150, as now or hereafter amended.

12 OR

13
14 OPTION C

15 MANIFEST INJUSTICE

16 If the court determines that a disposition under A or B would
17 effectuate a manifest injustice, the court shall sentence the juvenile
18 to a maximum term and the provisions of RCW ((13.40.030(5)))
19 13.40.030(2), as now or hereafter amended, shall be used to determine
20 range.

21 AND

22 OPTION D

23 SUBSTANCE ABUSE TREATMENT

24 In addition to any disposition entered under option A, B, or C,
25 following adjudication for an offense, but prior to disposition, the
26 court may order the child to be evaluated for a substance abuse problem
27 to determine whether inpatient or outpatient treatment for substance
28 abuse is necessary. If the court finds that the child suffers from a
29 substance abuse problem the court may order the child to participate in
30 an outpatient treatment program as a condition of community
31 supervision. If the evaluation recommends that the child be placed in
32 inpatient treatment for a substance abuse problem, the court may order
33 inpatient treatment if the commitment criteria are met for involuntary

1 commitment of minors to inpatient drug and alcohol treatment pursuant
2 to RCW 70.96A.140. The maximum period of time the court may order the
3 offender into inpatient treatment is ninety days as a term of the
4 disposition order for the offense. Payment for placement in inpatient
5 treatment or participation in outpatient treatment is subject to
6 available funds.

7 **JUVENILE SENTENCING STANDARDS**
8 **SCHEDULE D-3**

9 This schedule may only be used for serious offenders. After the
10 determination is made that a youth is a serious offender, the court has
11 the discretion to select sentencing option A or B.

12 **SERIOUS OFFENDER**
13 **OPTION A**
14 **STANDARD RANGE**

15	Points	Institution Time
16	0-129	8-12 weeks
17	130-149	13-16 weeks
18	150-199	21-28 weeks
19	200-249	30-40 weeks
20	250-299	52-65 weeks
21	300-374	80-100 weeks
22	375+	103-129 weeks
23	All A+	
24	Offenses	180-224 weeks

25 OR

26
27 **OPTION B**
28 **MANIFEST INJUSTICE**

29 A disposition outside the standard range shall be determined and shall
30 be comprised of confinement or community supervision or a combination
31 thereof. When a judge finds a manifest injustice and imposes a
32 sentence of confinement exceeding 30 days, the court shall sentence the

1 juvenile to a maximum term, and the provisions of RCW (~~13.40.030(5)~~)
2 13.40.030(2), as now or hereafter amended, shall be used to determine
3 the range.

4 **SCHEDULE E**

5 **DEADLY WEAPON DISPOSITION ENHANCEMENT**

6 The following additional times shall be added to the determinate
7 disposition under option A, B, or C in schedule D for middle and
8 serious offenders if the court enters a finding that the offender or an
9 accomplice was armed with a deadly weapon as defined in RCW 9.94A.125:

10 (1) 26 weeks if the offender is adjudicated for the commission of
11 Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1 (RCW
12 9A.40.020);

13 (2) 16 weeks if the offender is adjudicated for the commission of
14 Burglary 1 (RCW 9A.52.020);

15 (3) 12 weeks if the offender is adjudicated for the commission of
16 Assault 2 (RCW 9A.36.020 or 9A.36.021), Escape 1 (RCW 9A.76.110),
17 Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a
18 dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or
19 any drug offense.

20 **Sec. 3.** RCW 13.40.050 and 1992 c 205 s 106 are each amended to
21 read as follows:

22 (1) When a juvenile taken into custody is held in detention:

23 (a) An information, a community supervision modification or
24 termination of diversion petition, or a parole modification petition
25 shall be filed within seventy-two hours, Saturdays, Sundays, and
26 holidays excluded, or the juvenile shall be released; and

27 (b) A detention hearing, a community supervision modification or
28 termination of diversion petition, or a parole modification petition
29 shall be held within seventy-two hours, Saturdays, Sundays, and
30 holidays excluded, from the time of filing the information or petition,
31 to determine whether continued detention is necessary under RCW
32 13.40.040.

33 (2) Upon filing an information, a community supervision
34 modification, or termination of diversion petition as required under
35 subsection (1)(a) of this section, the clerk of the court shall issue

1 a summons directed to the parent, guardian, or custodian, and such
2 other persons as appears to the court to be proper or necessary parties
3 to the proceedings, requiring them to appear personally before the
4 court at the time fixed for the hearing required under subsection
5 (1)(b) of this section. The summons shall include notice of the
6 ((detention)) hearing, stating the time, place, and purpose of the
7 hearing, and stating the right to counsel((, shall be given to the
8 parent, guardian, or custodian if such person can be found and)). Such
9 notice shall also be given to the juvenile ((if over twelve years of
10 age)) held in detention. When the custodian is summoned, the parent or
11 guardian or both shall also be served with a summons.

12 (3) At the commencement of the detention hearing, the court shall
13 advise the parties of their rights under this chapter and shall appoint
14 counsel as specified in this chapter.

15 (4) The court shall, based upon the allegations in the information,
16 determine whether the case is properly before it or whether the case
17 should be treated as a diversion case under RCW 13.40.080. If the case
18 is not properly before the court the juvenile shall be ordered
19 released.

20 (5) Notwithstanding a determination that the case is properly
21 before the court and that probable cause exists, a juvenile shall at
22 the detention hearing be ordered released on the juvenile's personal
23 recognizance pending further hearing unless the court finds detention
24 is necessary under RCW 13.40.040 as now or hereafter amended.

25 (6) If detention is not necessary under RCW 13.40.040, as now or
26 hereafter amended, the court shall impose the most appropriate of the
27 following conditions or, if necessary, any combination of the following
28 conditions:

29 (a) Place the juvenile in the custody of a designated person
30 agreeing to supervise such juvenile;

31 (b) Place restrictions on the travel of the juvenile during the
32 period of release;

33 (c) Require the juvenile to report regularly to and remain under
34 the supervision of the juvenile court;

35 (d) Impose any condition other than detention deemed reasonably
36 necessary to assure appearance as required; or

37 (e) Require that the juvenile return to detention during specified
38 hours.

1 (7) If the parent, guardian, or custodian of the juvenile in
2 detention is available, the court shall consult with them prior to a
3 determination to further detain or release the juvenile or treat the
4 case as a diversion case under RCW 13.40.080.

5 **Sec. 4.** RCW 13.40.100 and 1979 c 155 s 62 are each amended to read
6 as follows:

7 (1) Upon the filing of an information the alleged offender shall be
8 notified by summons, warrant, or other method approved by the court of
9 the next required court appearance.

10 (2) (~~If notice is by summons,~~) The clerk of the court shall also
11 issue a summons directed to (~~the juvenile, if the juvenile is twelve~~
12 ~~or more years of age, and another to~~) the parents, guardian, or
13 custodian, and such other persons as appear to the court to be proper
14 or necessary parties to the proceedings, requiring them to appear
15 personally before the court at the time fixed to hear the petition.
16 Where the custodian is summoned, the parent or guardian or both shall
17 also be served with a summons.

18 (3) A copy of the information shall be attached to each summons.

19 (4) The summons shall advise the parties of the right to counsel.

20 (5) The judge may endorse upon the summons an order directing the
21 parents, guardian, or custodian having the custody or control of the
22 juvenile to bring the juvenile to the hearing.

23 (6) If it appears from affidavit or sworn statement presented to
24 the judge that there is probable cause for the issuance of a warrant of
25 arrest or that the juvenile needs to be taken into custody pursuant to
26 RCW 13.34.050, as now or hereafter amended, the judge may endorse upon
27 the summons an order that an officer serving the summons shall at once
28 take the juvenile into custody and take the juvenile to the place of
29 detention or shelter designated by the court.

30 (7) Service of summons may be made under the direction of the court
31 by any law enforcement officer or probation counselor.

32 (8) If the person summoned as herein provided fails without
33 reasonable cause to appear and abide the order of the court, the person
34 may be proceeded against as for contempt of court.

35 **Sec. 5.** RCW 13.40.130 and 1981 c 299 s 10 are each amended to read
36 as follows:

1 (1) The respondent shall be advised of the allegations in the
2 information and shall be required to plead guilty or not guilty to the
3 allegation(s). The state or the respondent may make preliminary
4 motions up to the time of the plea.

5 (2) If the respondent pleads guilty, the court may proceed with
6 disposition or may continue the case for a dispositional hearing. If
7 the respondent denies guilt, an adjudicatory hearing date shall be set.

8 (3) The clerk of the court shall issue a summons directed to the
9 parents, guardian, or custodian, and such other persons as appears to
10 the court to be proper or necessary parties to the adjudicatory and
11 subsequent dispositional hearings, requiring them to appear personally
12 before the court at the time fixed for the adjudicatory and/or
13 dispositional hearing or hearings. Where the custodian is summoned,
14 the parent or guardian or both shall also be served with a summons.

15 (4) At the adjudicatory hearing it shall be the burden of the
16 prosecution to prove the allegations of the information beyond a
17 reasonable doubt.

18 ~~((+4))~~ (5) The court shall record its findings of fact and shall
19 enter its decision upon the record. Such findings shall set forth the
20 evidence relied upon by the court in reaching its decision.

21 ~~((+5))~~ (6) If the respondent is found not guilty he or she shall
22 be released from detention.

23 ~~((+6))~~ (7) If the respondent is found guilty the court may
24 immediately proceed to disposition or may continue the case for a
25 dispositional hearing. Notice of the time and place of the continued
26 hearing may be given in open court. If notice is not given in open
27 court to a party, the party shall be notified by mail of the time and
28 place of the continued hearing.

29 ~~((+7))~~ (8) The court following an adjudicatory hearing may request
30 that a predisposition study be prepared to aid the court in its
31 evaluation of the matters relevant to disposition of the case.

32 ~~((+8))~~ (9) The disposition hearing shall be held within fourteen
33 days after the adjudicatory hearing or plea of guilty unless good cause
34 is shown for further delay, or within twenty-one days if the juvenile
35 is not held in a detention facility, unless good cause is shown for
36 further delay.

37 ~~((+9))~~ (10) In sentencing an offender, the court shall use the
38 disposition standards in effect on the date of the offense.

1 (11)(a) A parent, guardian, or custodian, if served with a summons
2 under this section, shall be subject to the jurisdiction of the court.
3 The court may order the parent, guardian, or custodian to assist the
4 court in any reasonable manner in providing appropriate education or
5 counseling for the child. The court may, in conjunction with the
6 disposition hearing, conduct a hearing on whether the parent, guardian,
7 or custodian has significantly contributed to the circumstances
8 bringing the child within the jurisdiction of the court.

9 (b) If funds are available for this purpose and for implementing
10 (d) and (e) of this subsection and if the court, after conducting the
11 hearing under (a) of this subsection, enters findings of fact that a
12 deficiency in parenting skills has significantly contributed to the
13 circumstances bringing the child within the jurisdiction of the court,
14 the court may order the parent, guardian, or custodian to participate
15 in educational or counseling programs reasonably calculated to address
16 the deficiencies of the parent, if it finds such participation would be
17 consistent with the best interests of the juvenile. The court may
18 order such participation either with the child or separately.

19 (c) If funds are available for this purpose and for implementing
20 (d) and (e) of this subsection and if the court, after conducting the
21 hearing under (a) of this subsection, enters findings of fact that the
22 parent's, guardian's, or custodian's addiction to or habitual use of
23 alcohol or controlled substances has significantly contributed to the
24 circumstances bringing the child within the jurisdiction of the court,
25 the court may order the parent, guardian, or custodian to participate
26 in treatment and pay the costs thereof, if the court finds such
27 participation would be consistent with the best interests of the
28 juvenile.

29 (d) A dispositional order that requires a parent, guardian, or
30 custodian to participate in educational, counseling, or treatment
31 programs as provided in (b) and (c) of this subsection shall be in
32 writing and shall contain appropriate findings of fact and conclusions
33 of law. The court shall state with particularity, both orally and in
34 the written order of the disposition, the precise terms of the
35 disposition. Upon entering an order requiring such participation, the
36 court shall give the parent, guardian, or custodian notice of the
37 order. The notice shall inform the recipient of the right to request
38 a hearing within ten days after entry of the order and the right to
39 employ an attorney to represent the parent, guardian, or custodian at

1 the hearing or, if the parent, guardian, or custodian is financially
2 unable to employ an attorney, the right to request court-appointed
3 counsel. If the parent, guardian, or custodian does not request a
4 hearing within ten days after entry of the order, the order shall take
5 effect at that time. If the parent, guardian, or custodian requests a
6 hearing, the court shall set the matter for hearing and, if requested,
7 appoint an attorney as provided by RCW 10.101.020.

8 (e) If the court finds that a parent, guardian, or custodian has
9 failed to comply with a court order under this section, the court may
10 exercise its powers of contempt in addition to any other remedy
11 provided by law to compel obedience of the parent, guardian, or
12 custodian to the court's order. The court shall notify the parent,
13 guardian, or custodian of the right to counsel, as set forth in (d) of
14 this subsection, in any proceeding to compel obedience to the court's
15 order.

16 NEW SECTION. Sec. 6. (1) The counties are expressly authorized to
17 implement and operate a youth offender discipline program to provide an
18 intensive educational and physical training and rehabilitative program
19 for appropriate children.

20 (2) A child may be placed in a youth offender discipline program if
21 he or she is at least fourteen years of age but less than eighteen
22 years of age at the time of adjudication and has been committed to the
23 department as:

24 (a) A serious offender, as defined in RCW 13.40.020(1); or

25 (b) A minor or first offender, as defined in RCW 13.40.020(18).

26 NEW SECTION. Sec. 7. (1) Each county establishing a youth
27 offender discipline program shall screen children sent to the program,
28 so that only those children who have medical and psychological profiles
29 conducive to successfully completing an intensive work, educational,
30 and disciplinary program may be admitted to the program. A
31 participating county shall adopt rules for screening such admissions.

32 (2) The program shall include educational assignments, work
33 assignments, and physical training exercises. Children shall be
34 required to participate in educational, vocational, and substance abuse
35 programs.

1 NEW SECTION. **Sec. 8.** Each county establishing a youth offender
2 discipline program shall:

3 (1) Provide an aftercare component for monitoring and assisting the
4 release of program participants into the community;

5 (2) Adopt rules for the program and aftercare which provide for at
6 least six months of participation in the program and aftercare for
7 successful completion and which also provide disciplinary sanctions and
8 restrictions on the privileges of the general population of children in
9 the program; and

10 (3) Keep records and monitor criminal activity, educational
11 progress, and employment placement of program participants after their
12 release from the program. An outcome evaluation study shall be
13 published no later than eighteen months after the program becomes
14 operational, which includes a comparison of criminal activity,
15 educational progress, and employment placements of children completing
16 the program with the criminal activity, educational progress, and
17 employment records of children completing other types of programs.

18 NEW SECTION. **Sec. 9.** A participating county may also contract
19 with private organizations for the operation of the youth offender
20 discipline program and aftercare.

21 NEW SECTION. **Sec. 10.** (1) If a child in the youth offender
22 discipline program becomes unmanageable or medically or psychologically
23 ineligible, the participating county shall remove the child from the
24 program.

25 (2) A participating county shall either establish criteria for
26 training contract staff or provide a special training program for
27 county personnel selected for the youth offender discipline program,
28 which shall include appropriate methods of dealing with children who
29 have been placed in such a stringent program.

30 NEW SECTION. **Sec. 11.** Sections 6 through 10 of this act are each
31 added to chapter 13.16 RCW.

--- END ---