
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-0088.2/25 2nd draft

ATTY/TYPIST: RR:jlb

BRIEF DESCRIPTION: Concerning juvenile justice.

1 AN ACT Relating to juvenile justice; and amending RCW 13.40.160,
2 13.40.165, 13.40.185, 13.40.0357, and 72.05.420.

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

4 **Sec. 1.** RCW 13.40.160 and 2023 c 295 s 9 are each amended to
5 read as follows:

6 (1) The standard range disposition for a juvenile adjudicated of
7 an offense is determined according to RCW 13.40.0357.

8 (a) When the court sentences an offender to a local sanction as
9 provided in RCW 13.40.0357 option A, the court shall impose a
10 determinate disposition within the standard ranges, except as
11 provided in (~~subsection (2), (3), (4), (5), or (6)~~) subsections (2)
12 through (5) of this section. The disposition may be comprised of one
13 or more local sanctions.

14 (b) When the court sentences an offender to a standard range as
15 provided in RCW 13.40.0357 option A that includes a term of
16 confinement exceeding (~~thirty~~) 30 days, commitment shall be to the
17 department for the standard range of confinement, except as provided
18 in (~~subsection (2), (3), (4), (5), or (6)~~) subsections (2) through
19 (5) of this section for the following offenses:

20 (i) Murder in the first degree committed at any age;

21 (ii) Murder in the second degree committed at any age;

1 (iii) Rape in the first degree committed at any age;

2 (iv) Assault in the first degree committed when the juvenile was
3 age 16 or older;

4 (v) Drive-by shooting committed when the juvenile was age 16 or
5 older; and

6 (vi) Kidnapping in the first degree committed when the juvenile
7 was age 16 or older.

8 (c) Except for offenses listed in (b) of this subsection, before
9 the court sentences an offender to a standard range as provided in
10 RCW 13.40.0357 option A that includes a term of confinement exceeding
11 30 days, the court shall make an independent finding, supported by
12 clear and convincing evidence, that commitment to juvenile
13 rehabilitation is needed because a community-based placement would
14 not adequately protect the community. A stipulation by the parties
15 alone is not sufficient to support an independent finding that
16 commitment to juvenile rehabilitation is needed under this
17 subsection. Commitment of a juvenile to confinement over 30 days must
18 be to the department for the standard range of confinement, except as
19 provided in this subsection and subsections (2) through (5) of this
20 section.

21 (d) If the court does not make a finding under (c) of this
22 subsection that commitment to juvenile rehabilitation is needed, the
23 court may place the juvenile on electronic monitoring for up to the
24 minimum of the juvenile's standard range while on community
25 supervision.

26 (2) If the court concludes, and enters reasons for its
27 conclusion, that disposition within the standard range would
28 effectuate a manifest injustice the court shall impose a disposition
29 outside the standard range, as indicated in option D of RCW
30 13.40.0357. The court's finding of manifest injustice shall be
31 supported by clear and convincing evidence.

32 A disposition outside the standard range shall be determinate and
33 shall be comprised of confinement or community supervision, or a
34 combination thereof. When a judge finds a manifest injustice and
35 imposes a sentence of confinement exceeding (~~thirty~~) 30 days, the
36 court shall sentence the juvenile to a maximum term, and the
37 provisions of RCW 13.40.030(2) shall be used to determine the range.
38 A disposition outside the standard range is appealable under RCW
39 13.40.230 by the state or the respondent. A disposition (~~within the~~

1 ~~standard range))~~ with a term of confinement that is 30 days or less
2 is not appealable under RCW 13.40.230.

3 (3) If a juvenile offender is found to have committed a sex
4 offense, other than a sex offense that is also a serious violent
5 offense as defined by RCW 9.94A.030, and has no history of a prior
6 sex offense, the court may impose the special sex offender
7 disposition alternative under RCW 13.40.162.

8 ~~((If the juvenile offender is subject to a standard range~~
9 ~~disposition of local sanctions or 15 to 36 weeks of confinement and~~
10 ~~has not committed an A- or B+ offense))~~ Unless a juvenile has been
11 adjudicated of an A+ offense or a sex offense as defined under RCW
12 9.94A.030, the court may impose the disposition alternative under RCW
13 13.40.165.

14 ~~((If a juvenile is subject to a commitment of 15 to 65 weeks~~
15 ~~of confinement, the court may impose the disposition alternative~~
16 ~~under RCW 13.40.167.~~

17 ~~(6) When the offender is subject to a standard range commitment~~
18 ~~of 15 to 36 weeks and is ineligible for a suspended disposition~~
19 ~~alternative, a manifest injustice disposition below the standard~~
20 ~~range, special sex offender disposition alternative, chemical~~
21 ~~dependency disposition alternative, or mental health disposition~~
22 ~~alternative, the court in a county with a pilot program under RCW~~
23 ~~13.40.169 may impose the disposition alternative under RCW 13.40.169.~~

24 ~~(7))~~ RCW 13.40.193 shall govern the disposition of any juvenile
25 adjudicated of possessing a firearm in violation of RCW
26 9.41.040(2)(a)(v) or any crime in which a special finding is entered
27 that the juvenile was armed with a firearm.

28 ~~((8))~~ (6) RCW 13.40.308 shall govern the disposition of any
29 juvenile adjudicated of theft of a motor vehicle as defined under RCW
30 9A.56.065, possession of a stolen motor vehicle as defined under RCW
31 9A.56.068, taking a motor vehicle without permission in the first
32 degree under RCW 9A.56.070, and taking a motor vehicle without
33 permission in the second degree under RCW 9A.56.075.

34 ~~((9))~~ (7) Whenever a juvenile offender is entitled to credit
35 for time spent in detention prior to a dispositional order, the
36 dispositional order shall specifically state the number of days of
37 credit for time served.

38 ~~((10))~~ (8) Except as provided under ~~((subsection (3), (4), (5),~~
39 ~~or (6))~~ subsections (3) through (5) of this section, or option B of

1 RCW 13.40.0357, or RCW 13.40.127, the court shall not suspend or
2 defer the imposition or the execution of the disposition.

3 ~~((11))~~ (9) In no case shall the term of confinement imposed by
4 the court at disposition exceed that to which an adult could be
5 subjected for the same offense.

6 **Sec. 2.** RCW 13.40.165 and 2023 c 449 s 18 are each amended to
7 read as follows:

8 (1) The purpose of this disposition alternative is to ensure that
9 successful treatment options to reduce recidivism are available to
10 eligible youth, pursuant to RCW 71.24.615. It is also the purpose of
11 the disposition alternative to assure that minors in need of
12 substance use disorder, mental health, and/or co-occurring disorder
13 treatment receive an appropriate continuum of culturally relevant
14 care and treatment, including prevention and early intervention,
15 self-directed care, parent-directed care, and residential treatment.
16 To facilitate the continuum of care and treatment to minors in out-
17 of-home placements, all divisions of the department that provide
18 these services to minors shall jointly plan and deliver these
19 services. It is also the purpose of the disposition alternative to
20 protect the rights of minors against needless hospitalization and
21 deprivations of liberty and to enable treatment decisions to be made
22 in response to clinical needs and in accordance with sound
23 professional judgment. The mental health, substance abuse, and co-
24 occurring disorder treatment providers shall, to the extent possible,
25 offer services that involve minors' parents, guardians, and family.

26 (2) The court must consider eligibility for the substance use
27 disorder or mental health disposition alternative when a juvenile
28 offender is subject to a standard range disposition (~~(of local~~
29 ~~sanctions or 15 to 36 weeks of confinement)~~) and has not committed an
30 (~~(A- or B+)~~) A+ offense (~~(, other than a first time B+ offense under~~
31 ~~chapter 69.50 RCW)~~). The court, on its own motion or the motion of
32 the state or the respondent if the evidence shows that the offender
33 may be chemically dependent, substance abusing, or has significant
34 mental health or co-occurring disorders may order an examination by a
35 substance use disorder counselor from a substance use disorder
36 treatment facility approved under chapter 70.96A RCW or a mental
37 health professional as defined in chapter 71.34 RCW to determine if
38 the youth is chemically dependent, substance abusing, or suffers from
39 significant mental health or co-occurring disorders. The state shall

1 pay the cost of any examination ordered under this subsection unless
2 third-party insurance coverage is available.

3 (3) The report of the examination shall include at a minimum the
4 following: The respondent's version of the facts and the official
5 version of the facts, the respondent's offense history, an assessment
6 of drug-alcohol problems, mental health diagnoses, previous treatment
7 attempts, the respondent's social, educational, and employment
8 situation, and other evaluation measures used. The report shall set
9 forth the sources of the examiner's information.

10 (4) The examiner shall assess and report regarding the
11 respondent's relative risk to the community. A proposed treatment
12 plan shall be provided and shall include, at a minimum:

13 (a) Whether inpatient and/or outpatient treatment is recommended;

14 (b) Availability of appropriate treatment;

15 (c) Monitoring plans, including any requirements regarding living
16 conditions, lifestyle requirements, and monitoring by family members,
17 legal guardians, or others;

18 (d) Anticipated length of treatment; and

19 (e) Recommended crime-related prohibitions.

20 (5) The court on its own motion may order, or on a motion by the
21 state or the respondent shall order, a second examination. The
22 evaluator shall be selected by the party making the motion. The
23 requesting party shall pay the cost of any examination ordered under
24 this subsection unless the requesting party is the offender, in which
25 case the state shall pay the cost if no third-party insurance
26 coverage is available.

27 (6)(a) After receipt of reports of the examination, the court
28 shall then consider whether the offender and the community will
29 benefit from use of this disposition alternative and consider the
30 victim's opinion whether the offender should receive a treatment
31 disposition under this section.

32 (b) If the court determines that this disposition alternative is
33 appropriate, then the court shall impose the standard range for the
34 offense, or if the court concludes, and enters reasons for its
35 conclusion, that such disposition would effectuate a manifest
36 injustice, the court shall impose a disposition above the standard
37 range as indicated in option D of RCW 13.40.0357 if the disposition
38 is an increase from the standard range and the confinement of the
39 offender does not exceed a maximum of 52 weeks, suspend execution of
40 the disposition, and place the offender on community supervision for

1 up to one year. As a condition of the suspended disposition, the
2 court shall require the offender to undergo available outpatient
3 drug/alcohol, mental health, or co-occurring disorder treatment
4 and/or inpatient mental health or drug/alcohol treatment. The court
5 shall only order inpatient treatment under this section if a funded
6 bed is available. If the inpatient treatment is longer than 90 days,
7 the court shall hold a review hearing every 30 days beyond the
8 initial 90 days. The respondent may appear telephonically at these
9 review hearings if in compliance with treatment. As a condition of
10 the suspended disposition, the court may impose conditions of
11 community supervision and other sanctions, including up to 30 days of
12 confinement, 150 hours of community restitution, and payment of
13 restitution.

14 (7) The mental health/co-occurring disorder/drug/alcohol
15 treatment provider shall submit monthly reports on the respondent's
16 progress in treatment to the court and the parties. The reports shall
17 reference the treatment plan and include at a minimum the following:
18 Dates of attendance, respondent's compliance with requirements,
19 treatment activities, the respondent's relative progress in
20 treatment, and any other material specified by the court at the time
21 of the disposition.

22 At the time of the disposition, the court may set treatment
23 review hearings as the court considers appropriate.

24 If the offender violates any condition of the disposition or the
25 court finds that the respondent is failing to make satisfactory
26 progress in treatment, the court may impose sanctions pursuant to RCW
27 13.40.200 or, if the court makes a finding under RCW 13.40.160(1)(c),
28 revoke the suspension and order execution of the disposition. The
29 court shall give credit for any confinement time previously served if
30 that confinement was for the offense for which the suspension is
31 being revoked.

32 (8) For purposes of this section, "victim" means any person who
33 has sustained emotional, psychological, physical, or financial injury
34 to person or property as a direct result of the offense charged.
35 "Victim" may also include a known parent or guardian of a victim who
36 is a minor child or is not a minor child but is incapacitated,
37 incompetent, disabled, or deceased.

38 (9) Whenever a juvenile offender is entitled to credit for time
39 spent in detention prior to a dispositional order, the dispositional

1 order shall specifically state the number of days of credit for time
2 served.

3 (10) In no case shall the term of confinement imposed by the
4 court at disposition exceed that to which an adult could be subjected
5 for the same offense.

6 (11) A disposition under this section is not appealable under RCW
7 13.40.230.

8 (12) Subject to funds appropriated for this specific purpose, the
9 costs incurred by the juvenile courts for the mental health,
10 substance use disorder, and/or co-occurring disorder evaluations,
11 treatment, and costs of supervision required under this section shall
12 be paid by the health care authority.

13 (13) A juvenile, or the parent, guardian, or other person having
14 custody of the juvenile shall not be required to pay the cost of any
15 evaluation or treatment ordered under this section.

16 **Sec. 3.** RCW 13.40.185 and 2017 3rd sp.s. c 6 s 608 are each
17 amended to read as follows:

18 (1) Any term of confinement imposed for an offense which exceeds
19 ~~((thirty))~~ 30 days shall be served under the supervision of the
20 department, although the juvenile court maintains concurrent
21 jurisdiction over the case. If the period of confinement imposed for
22 more than one offense exceeds ~~((thirty))~~ 30 days but the term imposed
23 for each offense is less than ~~((thirty))~~ 30 days or if the court
24 orders electronic monitoring up to the minimum of the standard range
25 under RCW 13.40.160(1)(d), the confinement may, in the discretion of
26 the court, be served in a juvenile facility operated by or pursuant
27 to a contract with the state or a county.

28 (2) Whenever a juvenile is confined in a detention facility or is
29 committed to the department, the court may not directly order a
30 juvenile into a particular county or state facility. The juvenile
31 court administrator and the secretary or the secretary's designee, as
32 appropriate, has the sole discretion to determine in which facility a
33 juvenile should be confined or committed. The counties may operate a
34 variety of detention facilities as determined by the county
35 legislative authority subject to available funds.

36 (3) The juvenile court maintains concurrent jurisdiction over a
37 juvenile who is committed to the department and shall schedule review
38 hearings every six months that the juvenile is in the custody of a
39 juvenile rehabilitation facility to assess the youth's progress.

1 (a) The department shall provide a report to the juvenile court
2 at least 14 days before each review hearing detailing:

- 3 (i) The services received by the juvenile;
4 (ii) Any infractions committed by the juvenile;
5 (iii) How often the juvenile and the juvenile's family have had
6 in-person visitation and video visits since the disposition hearing
7 or the last review hearing, whichever is later.

8 (b) During each review hearing the court shall consider the
9 juvenile's progress and shall release the juvenile from the custody
10 of the department and place the juvenile on up to a year of community
11 supervision, unless the court makes a finding under RCW
12 13.40.160(1)(c).

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

15 **DESCRIPTION AND OFFENSE CATEGORY**

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

21 **Arson and Malicious Mischief**

22	A	Arson 1 (9A.48.020)	B+
23	B	Arson 2 (9A.48.030)	C
24	C	Reckless Burning 1 (9A.48.040)	D
25	D	Reckless Burning 2 (9A.48.050)	E
26	B	Malicious Mischief 1 (9A.48.070)	C
27	C	Malicious Mischief 2 (9A.48.080)	D
28	D	Malicious Mischief 3 (9A.48.090)	E
29	E	Tampering with Fire Alarm Apparatus	E
30		(9.40.100)	
31	E	Tampering with Fire Alarm Apparatus	E
32		with Intent to Commit Arson (9.40.105)	
33	A	Possession of Incendiary Device	B+
34		(9.40.120)	

35 **Assault and Other Crimes Involving**
36 **Physical Harm**

37	A	Assault 1 (9A.36.011)	B+
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1	B+	Assault 2 (9A.36.021)	C+
2	C+	Assault 3 (9A.36.031)	D+
3	D+	Assault 4 (9A.36.041)	E
4	B+	Drive-By Shooting (9A.36.045)	C+
5		committed at age 15 or under	
6	A++	Drive-By Shooting (9A.36.045)	A
7		committed at age 16 or 17	
8	D+	Reckless Endangerment (9A.36.050)	E
9	C+	Promoting Suicide Attempt (9A.36.060)	D+
10	D+	Coercion (9A.36.070)	E
11	C+	Custodial Assault (9A.36.100)	D+
12		Burglary and Trespass	
13	B+	Burglary 1 (9A.52.020) committed at	C+
14		age 15 or under	
15	A-	Burglary 1 (9A.52.020) committed at	B+
16		age 16 or 17	
17	B	Residential Burglary (9A.52.025)	C
18	B	Burglary 2 (9A.52.030)	C
19	D	Burglary Tools (Possession of)	E
20		(9A.52.060)	
21	D	Criminal Trespass 1 (9A.52.070)	E
22	E	Criminal Trespass 2 (9A.52.080)	E
23	C	Mineral Trespass (78.44.330)	C
24	C	Vehicle Prowling 1 (9A.52.095)	D
25	D	Vehicle Prowling 2 (9A.52.100)	E
26		Drugs	
27	E	Possession/Consumption of Alcohol	E
28		(66.44.270)	
29	C	Illegally Obtaining Legend Drug	D
30		(69.41.020)	
31	C+	Sale, Delivery, Possession of Legend	D+
32		Drug with Intent to Sell (69.41.030(2)(a))	
33	E	Possession of Legend	E
34		Drug (69.41.030(2)(b))	

1	B+	Violation of Uniform Controlled	B+
2		Substances Act - Narcotic,	
3		Methamphetamine, or Flunitrazepam	
4		Sale (69.50.401(2) (a) or (b))	
5	C	Violation of Uniform Controlled	C
6		Substances Act - Nonnarcotic Sale	
7		(69.50.401(2)(c))	
8	E	Possession of Cannabis <40 grams	E
9		(69.50.4014)	
10	C	Fraudulently Obtaining Controlled	C
11		Substance (69.50.403)	
12	C+	Sale of Controlled Substance for Profit	C+
13		(69.50.410)	
14	E	Unlawful Inhalation (9.47A.020)	E
15	B	Violation of Uniform Controlled	B
16		Substances Act - Narcotic,	
17		Methamphetamine, or Flunitrazepam	
18		Counterfeit Substances (69.50.4011(2)	
19		(a) or (b))	
20	C	Violation of Uniform Controlled	C
21		Substances Act - Nonnarcotic Counterfeit	
22		Substances (69.50.4011(2) (c), (d), or (e))	
23	E	Violation of Uniform Controlled	E
24		Substances Act - Possession of a	
25		Controlled Substance (69.50.4013)	
26	C	Violation of Uniform Controlled	C
27		Substances Act - Possession of a	
28		Controlled Substance (69.50.4012)	
29		Firearms and Weapons	
30	B	Theft of Firearm (9A.56.300)	C
31	B	Possession of Stolen Firearm	C
32		(9A.56.310)	
33	E	Carrying Loaded Pistol Without Permit	E
34		(9.41.050)	
35	C	Possession of Firearms by Minor (<18)	C
36		(9.41.040(2)(a) (v))	
37	D+	Possession of Dangerous Weapon	E
38		(9.41.250)	

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

1	B++	Rape of a Child 1 (9A.44.073)	B+
2		committed at age 14 or under	
3	A-	Rape of a Child 1 (9A.44.073)	B+
4		committed at age 15	
5	B+	Rape of a Child 2 (9A.44.076)	C+
6	B	Incest 1 (9A.64.020(1))	C
7	C	Incest 2 (9A.64.020(2))	D
8	D+	Indecent Exposure (Victim <14)	E
9		(9A.88.010)	
10	E	Indecent Exposure (Victim 14 or over)	E
11		(9A.88.010)	
12	B+	Promoting Prostitution 1 (9A.88.070)	C+
13	C+	Promoting Prostitution 2 (9A.88.080)	D+
14	E	O & A (Prostitution) (9A.88.030)	E
15	B+	Indecent Liberties (9A.44.100)	C+
16	B++	Child Molestation 1 (9A.44.083)	B+
17		committed at age 14 or under	
18	A-	Child Molestation 1 (9A.44.083)	B+
19		committed at age 15 through age 17	
20	B	Child Molestation 2 (9A.44.086)	C+
21	C	Failure to Register as a Sex Offender	D
22		(9A.44.132)	
23		Theft, Robbery, Extortion, and	
24		Forgery	
25	B	Theft 1 (9A.56.030)	C
26	C	Theft 2 (9A.56.040)	D
27	D	Theft 3 (9A.56.050)	E
28	B	Theft of Livestock 1 and 2 (9A.56.080	C
29		and 9A.56.083)	
30	C	Forgery (9A.60.020)	D
31	A	Robbery 1 (9A.56.200) committed at	B+
32		age 15 or under	
33	A++	Robbery 1 (9A.56.200) committed at	A
34		age 16 or 17	
35	B+	Robbery 2 (9A.56.210)	C+
36	B+	Extortion 1 (9A.56.120)	C+
37	C+	Extortion 2 (9A.56.130)	D+

1	C	Identity Theft 1 (9.35.020(2))	D
2	D	Identity Theft 2 (9.35.020(3))	E
3	D	Improperly Obtaining Financial	E
4		Information (9.35.010)	
5	B	Possession of a Stolen Vehicle	C
6		(9A.56.068)	
7	B	Possession of Stolen Property 1	C
8		(9A.56.150)	
9	C	Possession of Stolen Property 2	D
10		(9A.56.160)	
11	D	Possession of Stolen Property 3	E
12		(9A.56.170)	
13	B	Taking Motor Vehicle Without	C
14		Permission 1 (9A.56.070)	
15	C	Taking Motor Vehicle Without	D
16		Permission 2 (9A.56.075)	
17	B	Theft of a Motor Vehicle (9A.56.065)	C
18		Motor Vehicle Related Crimes	
19	E	Driving Without a License (46.20.005)	E
20	B+	Hit and Run - Death (46.52.020(4)(a))	C+
21	C	Hit and Run - Injury (46.52.020(4)(b))	D
22	D	Hit and Run-Attended (46.52.020(5))	E
23	E	Hit and Run-Unattended (46.52.010)	E
24	C	Vehicular Assault (46.61.522)	D
25	C	Attempting to Elude Pursuing Police	D
26		Vehicle (46.61.024)	
27	E	Reckless Driving (46.61.500)	E
28	D	Driving While Under the Influence	E
29		(46.61.502 and 46.61.504)	
30	B+	Felony Driving While Under the	B
31		Influence (46.61.502(6))	
32	B+	Felony Physical Control of a Vehicle	B
33		While Under the Influence (46.61.504(6))	
34		Other	
35	B	Animal Cruelty 1 (16.52.205)	C
36	B	Bomb Threat (9.61.160)	C

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

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

21 1st escape or attempted escape during 12-month period - 28 days
22 confinement

23 2nd escape or attempted escape during 12-month period - 8 weeks
24 confinement

25 3rd and subsequent escape or attempted escape during 12-month
26 period - 12 weeks confinement

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

29 **JUVENILE SENTENCING STANDARDS**

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

32 **OPTION A**

33 **JUVENILE OFFENDER SENTENCING GRID**

34 **STANDARD RANGE**

35 A++ 129 to 260 weeks for all category A++ offenses

1	A+	180 weeks to age 21 for all category A+ offenses					
2	A	103-129 weeks for all category A offenses					
3	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
4	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
5	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
6	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
7	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
8		C	LS	LS	LS	LS	15-36 weeks
9		D+	LS	LS	LS	LS	LS
10		D	LS	LS	LS	LS	LS
11		E	LS	LS	LS	LS	LS
12	PRIOR		0	1	2	3	4 or more
13	ADJUDICATIONS						

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

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

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

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

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

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

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

1 (1) If the offender is subject to a standard range disposition
2 involving confinement by the department, the court may impose the
3 standard range based on a finding under RCW 13.40.160(1)(c) and
4 suspend the disposition on condition that the offender comply with
5 one or more local sanctions and any educational or treatment
6 requirement. The treatment programs provided to the offender must be
7 either research-based best practice programs as identified by the
8 Washington state institute for public policy or the joint legislative
9 audit and review committee, or for chemical dependency treatment
10 programs or services, they must be evidence-based or research-based
11 best practice programs. For the purposes of this subsection:

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

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

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

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

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

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

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

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

31 ~~(iii) Assault in the second degree (RCW 9A.36.021), extortion in~~
32 ~~the first degree (RCW 9A.56.120), kidnapping in the second degree~~
33 ~~(RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular~~
34 ~~homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or~~
35 ~~manslaughter 2 (RCW 9A.32.070); or~~

36 ~~(iv) Violation of the uniform controlled substances act (RCW~~
37 ~~69.50.401(2) (a) and (b)), when the offense includes infliction of~~
38 ~~bodily harm upon another or when during the commission or immediate~~

1 ~~withdrawal from the offense the respondent was armed with a deadly~~
2 ~~weapon;~~

3 ~~(c) Is ordered to serve a disposition for a firearm violation~~
4 ~~under RCW 13.40.193;~~

5 ~~(d)) Is adjudicated of a sex offense as defined in RCW~~
6 ~~9.94A.030 ((; or~~

7 ~~(e) Has a prior option B disposition)).~~

8 (4) The court may revoke a suspended disposition only if the
9 court makes a finding under RCW 13.40.160(1)(c).

10 OR

11 OPTION C

12 CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

13 ((If the juvenile offender is subject to a standard range
14 disposition of local sanctions or 15 to 36 weeks of confinement and
15 has not committed a B++ or B+ offense)) Unless a juvenile has been
16 adjudicated of an A+ offense or a sex offense as defined under RCW
17 9.94A.030, the court may impose a disposition under RCW 13.40.160(4)
18 and 13.40.165. The court may revoke this disposition alternative only
19 if the court makes a finding under RCW 13.40.160(1)(c).

20 OR

21 OPTION D

22 MANIFEST INJUSTICE

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

26 **Sec. 5.** RCW 72.05.420 and 1998 c 269 s 10 are each amended to
27 read as follows:

28 (1) The department shall not initially place an offender in a
29 community facility unless((;

30 ~~(a) The~~) the department has conducted a risk assessment,
31 including a determination of drug and alcohol abuse, and the results
32 indicate the juvenile will pose not more than a minimum risk to
33 public safety((; and

34 ~~(b) The offender has spent at least ten percent of his or her~~
35 ~~sentence, but in no event less than thirty days, in a secure~~
36 ~~institution operated by, or under contract with, the department)).~~

1 The risk assessment must include consideration of all prior
2 convictions and all available nonconviction data released upon
3 request under RCW 10.97.050, and any serious infractions or serious
4 violations while under the jurisdiction of the secretary or the
5 courts.

6 ~~(2) ((No juvenile offender may be placed in a community facility
7 until the juvenile's student records and information have been
8 received and the department has reviewed them in conjunction with all
9 other information used for risk assessment, security classification,
10 and placement of the juvenile.~~

11 (3)) A juvenile offender shall not be placed in a community
12 facility until the department's risk assessment and security
13 classification is complete and local law enforcement has been
14 properly notified.

--- END ---