

Fiscal Year 2023

Criminal Code Review: Unranked Offenses and Drug Sentences



Washington State
Sentencing Guidelines Commission
May 2023

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Executive Summary

Background

In June 2021, the Chair of the House Public Safety Committee requested the Sentencing Guidelines Commission (SGC) “undertake a review of the criminal code in specific areas outlined below, to support the ongoing work of the Washington State Criminal Sentencing Task Force.” This request included three specific work tasks:

- 1) Examine ‘unranked’ felony offenses and make recommendations as to which of those offenses should be ranked on the adult felony sentencing grid, and which offenses could be advisably repealed.
- 2) Develop proposals to move statutes that specifically prescribe felony criminal penalties from the Uniform Controlled Substances Act, Chapter 69.50 RCW, into the Sentencing Reform Act, Chapter 9.94A RCW and to consolidate any other criminal statutes that specifically prescribe felony criminal penalties into the Sentencing Reform Act, Chapter 9.94A RCW.
- 3) Review sentences for drug offenses to make recommendations that reduce the reliance on punitive sanctions and restructure outcomes to prioritize a therapeutic model for associated drug offenses.

The SGC created the Criminal Code Review Committee (CCRC) to complete initial reviews and discussions and then bring proposed recommendations to the full SGC for examination. The CCRC met frequently between July 2021 and September 2022. SGC member Judge Josephine Wiggs chaired the committee, which included SGC members and non-SGC members with subject matter expertise.¹

During the review of the unranked offenses, the CCRC and the SGC did not analyze disproportionality of convictions or disparity in sentencing lengths by race categories when making their recommendations. The SGC considers the work it has done thus far as a first pass. It intends to take a more focused look at many of the unranked offenses and completing a deeper review of the data after the new research staff member has been hired.

Recommendations

Unranked Offenses

The SGC recommends repealing any unranked offenses that have not had a single conviction since fiscal year 2000. These crimes did not occur or are unknown to practitioners—either way—those unranked offenses have not been used in the past 21 years. The Legislature can determine if any of those offenses should remain to serve a different purpose. The remaining unranked offenses were considered on an individual basis and the recommendations for each can be found in the table in Appendix B.

¹ Criminal Code Review Committee member list can be found in Appendix A.

Moving Offenses with Felony Criminal Penalties into the Sentencing Reform Act

The SGC believes no change is necessary. Such a move would be a major undertaking and there are resources available for non-practitioners who seek this information. Practitioners know where to find what they need and did not feel they needed the change.

Reduce Reliance on Punitive Sanctions for Drug Offenses

a. Repeal RCW 69.50.408

This statute increases plea deals, takes discretion away from the courts, and is not transparent. Should a sentence above the standard be just, there are aggravating factors available.

b. Review the penalties for Manufacture, Deliver, or Possess with Intent to Manufacture or Deliver – Cannabis (RCW 69.50.401(2)(c))

When Initiative 502 passed in November 2012 to make recreational use of cannabis legal, the subsection of RCW 69.50.401 that related to cannabis was not changed. Other statutory penalties related to the manufacturing, delivery, or possession of cannabis have been changed, however, this cannabis-related offense is still a class C felony ranked at a seriousness level I on the drug grid.

c. Establish a threshold amount for Manufacture, Deliver, or Possess with Intent to Manufacture or Deliver – Cannabis (RCW 69.50.401(2)(c))

The SGC believes assigning a threshold quantity to this offense is necessary in distinguishing between an amount for personal use and an amount for manufacturing.

Prioritize Therapeutic Models for Drug Offenses

a. Expand Drug Court Eligibility

There is a bevy of research that shows drug courts are effective. The crime that qualifies most often for Washington's drug courts is no longer a felony. And many non-drug crimes have an underlying substance use disorder factor. To make the best use of this effective sentencing alternative and get more people with substance use disorders into treatment, the SGC believes drug court eligibility should be expanded to include drug delivery types of offenses as well as non-drug offenses.

b. Increase Treatment Funding and Support Harm Reduction Strategies

Providing treatment along with monitoring, supervision and the threat of penalties could not only improve medical outcomes of individuals with substance use disorder, but also decrease their likelihood of recidivism. However, people cannot get that help if treatment beds and resources are not available. A greater focus on treatment as a sentencing option or alternative will require additional funding.

Harm reduction strategies have many benefits, including decreasing overdoses and the infectious disease transmission. Harm reduction strategies can be used to educate and treat those with substance use disorders, thereby improving treatment retention. The Health Care Authority, in collaboration with the Substance Use Recovery Services Advisory Committee, submitted a report to the Legislature in December 2022 that noted harm reduction strategies within the state are underutilized and advocated for additional investments.

c. Institute a Statewide Quality Assurance and Continuous Quality Improvement Process for Drug Courts

There are 44 drug treatment courts in Washington and most of them have never been evaluated. The state paid over \$9 million for drug court programs in the last biennium. It is important to determine if the program is maintaining treatment fidelity and if it is targeting the correct population. This will indicate if the program is cost-effective.

Conduct a Review of the Drug Sentencing Grid

When the Legislature created the drug grid in 2002, they also included a review of the drug grid in the bill. That review was started but was never completed. The SGC believes that an evaluation needs to occur to see where the grid is working and where it is not before any recommendations for changes can be made.

Examine Unranked Felony Offenses and Make Recommendations as to Which of Those Offenses Should Be Ranked on the Adult Felony Sentencing Grid and Which Offenses Could Be Advisably Repealed

History of Unranked Offenses

When the SGC, as directed by the Legislature, created the standard sentencing grid in 1983, it ranked felony offenses into 14 levels of seriousness that would be applied to the standard sentencing grid. At that time the SGC decided not to rank “a small number of felonies, most of which occur very rarely.”² For these ‘unranked’ offenses, statute allowed the court to impose a sentence “which may include not more than one year of confinement, community service work, restitution, a term of community supervision not to exceed one year, and a fine.”³

After the Sentencing Reform Act passed, the SGC periodically assessed unranked offenses to determine if any “should be considered for recommended ranking, based mainly on frequency of sentences.”⁴ The two criteria that were used then were (1) more than ten convictions in the past ten years and (2) at least one conviction in the past three years. Also considered was if there was a clear trend that the convictions were increasing or decreasing over the last few years.

As of 2023, unranked offenses still have a default sentencing range of 0–12 months and because they still are not part of the standard sentencing grid, the calculation of an offender score is unnecessary. Unranked offenses include offense classifications of A, B or C. Whether ranked or unranked, class A felonies have a statutory maximum of life, class B felonies have a statutory maximum of 10 years, and class C felonies have a statutory maximum of five years.

Drug offenses that are “conspiracy or attempt to commit” are not sentenced on any grid but instead are unranked felonies.

In fiscal year 1989, there were 134 unranked offenses and by fiscal year 2008 that number increased to 236.⁵ The list of unranked offenses used by the SGC included 328, an increase of 194 offenses in the past 31 years.

Criminal Sentencing Task Force Review

In November 2020, the Washington State Criminal Sentencing Task Force’s Grid Subgroup (Grid Group) started to conduct a review of unranked offenses to assist its sentencing grid research. The purpose of that review was for Grid Group members to “identify the most similar ranked offense(s) for each of their assigned unranked offenses” and “suggest whether the unranked offense should remain unranked, be ranked, be eliminated, or addressed in some other way.”⁶

² Washington State Sentencing Guidelines Commission. (1983). Sentencing guidelines commission: Report to the legislature. Olympia, WA.

³ Ibid.

⁴ Van Wagenen, D. (June 18, 1997). *Unranked felonies* [Memorandum]. Washington State Sentencing Guidelines Commission. Olympia, WA.

⁵ Washington State Sentencing Guidelines Commission. (2010). [20 years in sentencing: A look at Washington state adult felony sentencing fiscal years 1989 to 2008](#). Olympia, WA.

⁶ [Washington Criminal Sentencing Task Force, Sentencing Effectiveness Work Group – Grid Subgroup Meeting Summary: November 17, 2020](#).

Through this review, Grid Group members realized many of the unranked offenses were obscure; most members admitted they had not heard of many of those offenses. They thought some offenses would be better suited with civil penalties or could be eliminated, while other offenses warranted serious policy considerations. Although there was an agreement that reviewing all unranked offenses was important, Grid Group members decided that reviewing all unranked offenses would be too time consuming based on their assignment timeline and instead focused on the most frequently used unranked offenses.⁷ Still, this was very time consuming, and it was soon suggested that the SGC might be a better source for such a review.

Sentencing Guidelines Commission Review

For the SGC's review, data from fiscal years 2000-2020 were collected on unranked offenses. The Caseload Forecast Council (CFC) provided data on felony convictions and the Administrative Office of the Courts (AOC) provided data on court cases and charges. The list of unranked offenses found in statute that the SGC used as its source included a total of 328 offenses.⁸ Of those 328, three offenses are designated class A, 100 are class B, and 225 are class C.

Unlike prior reviews of unranked offenses completed by the SGC, this review was not focused specifically on whether the unranked offenses should be ranked. The SGC's CCRC used a decision tree for its review of the unranked offenses to determine if the crime's conduct was: i) already encompassed in another statute, ii) if it should be repealed, iii) if it should be ranked, or iv) if it should be left as an unranked felony. Committee members also considered how long the offense has been in effect and how frequently it has resulted in a charge and/or conviction.

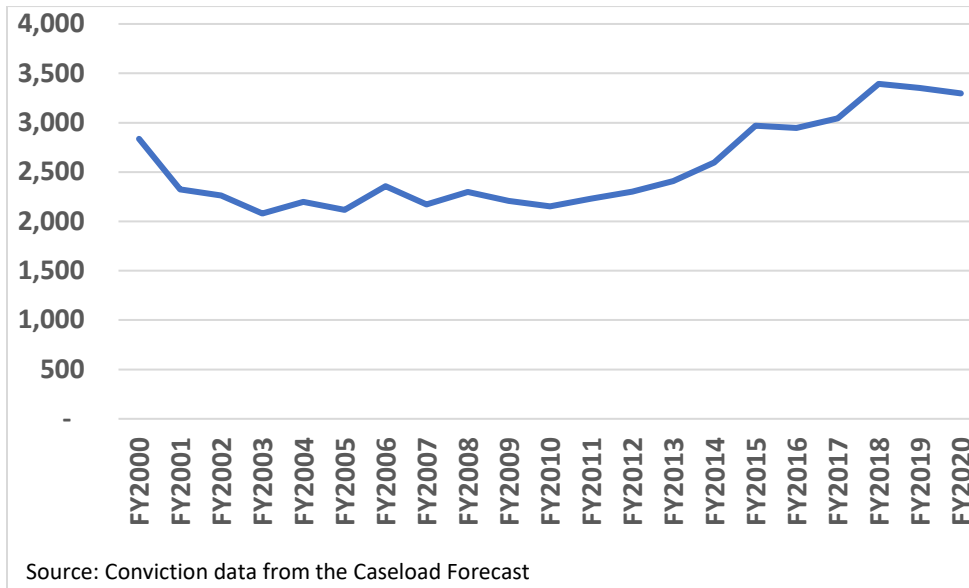
The CCRC and the SGC did not analyze disproportionality of convictions or disparity in sentencing lengths by race categories when making their recommendations. The SGC considers the work it has done thus far as a first pass. It intends to take a more focused look at many of the unranked offenses and completing a deeper review of the data after the new research staff member has been hired.

Figure 1 shows conviction data for unranked offenses in fiscal years 2000-2020. Annual convictions for unranked offenses averaged between 2,000 and 2,500 in the early to mid-2000s. As of fiscal year 2017, the average rose to between 3,000 to 3,500. Of the total number of convictions between 2000-2020 where an unranked offense was the most serious offense, 13 unranked offenses made up 80% of those convictions and 25 unranked offenses made up to 90% (see Table 1 in Appendix B). This list includes some unranked offenses that have since been ranked, likely due to their frequent use, and were not included in this review. Given that 25 unranked offenses (13% of 328) made up 90% of all those convictions, this further supports that most unranked offenses are infrequently, if ever, used.

⁷ [Washington Criminal Sentencing Task Force, Sentencing Effectiveness Work Group – Grid Subgroup Meeting Summary: December 1, 2020.](#)

⁸ This number may vary from other lists depending on how the offenses are referenced. Some unranked offenses are found in multiple subsections of a single statute.

Figure 1: Number of convictions with an unranked offense



Repeal – Zero Convictions In 20 Years

The SGC decided to recommend repealing any unranked offense that had zero convictions between fiscal year 2000 and 2020. The justifications for the decision include the fact that prosecutors likely have another tool they are using to deal with the behavior associated with the offense, that the offense is so rare in its occurrence that there are no charges for it, or that the conduct is covered under other statutes. The SGC believes these unranked offenses should be repealed and recommends the Legislature examine these offenses to determine if any of them should remain to inform citizens that this type of conduct is illegal, are investigated by other state agencies on a solely civil enforcement basis or are used by the Attorney General’s Office.

Since the number of unranked offenses with zero convictions in the past 20 years was so large (135, or 48% of all unranked offenses), and time for the review was limited, the SGC felt in the spirit of simplification, the offenses should be repealed unless there were specific reasons to leave them as unranked offenses, rank them, or make them gross misdemeanors instead.

Leave as Unranked Felony

Of the 328 unranked offenses, the SGC recommends 137 of them remain as unranked offenses. Generally, these offenses are not duplicated under another statute, are frequently used, or pertain to conduct that the SGC believes should be delineated by law as being unacceptable. Some of these are offenses with zero conviction in less than 20 years, which may need to be re-reviewed in a few years.

RECOMMENDATION: See Appendix B for the SGC’s recommendation per unranked offense

This list includes the RCW, the offense title, any conviction and/or charging data that was provided, and the SGC’s recommendation. The SGC’s recommendations largely fall within three categories; Leave As Is, Repeal, or Rank accompanied by a recommended seriousness level. There are a few miscellaneous categories that pertain to specific offenses.

Develop a Proposal to Move Statutes That Specifically Prescribe Felony Criminal Penalties into the Sentencing Reform Act, Chapter 9.94A RCW

RECOMMENDATION: No Change Necessary

The SGC is of the opinion that such a project would be a huge undertaking for the sake of tidying up the code. Members believe that, as practitioners, they know where to find offenses or where to search for them. For non-practitioners, the offense tables found under Section 4 in the CFC's annual Washington State Adult Sentencing Manuals⁹ would be a suitable resource. These offense tables list all felony offense penalties alphabetically, by RCW and by offense classification. There are also separate tables for specific offense categories, such as violent, unranked, sex, etc. Additionally, the annual publications are available on the CFC's website to purchase for a small fee, or to view or download at no cost.

Review Sentences for Drug Offenses and Make Recommendations to Reduce the Reliance on Punitive Sanctions and to Restructure Outcomes to Prioritize a Therapeutic Model for Associated Drug Offenses

Reduce Reliance on Punitive Sanctions for Drug Offenses

RECOMMENDATION: Repeal RCW 69.50.408

This statute allows courts to sentence defendants convicted of a second or subsequent drug offense under Chapter 69.50 RCW, except cannabis, for a term up to twice the term otherwise authorized.

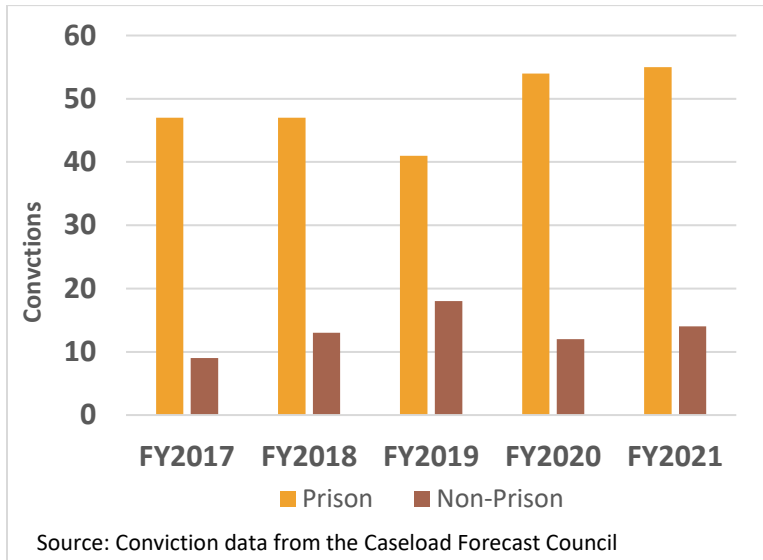
In the last five fiscal years, the state averaged 50 prison sentences and 13 jail sentences per year that could have fallen under this statute (see Fig. 2). The data do not indicate specifically if the statute was applied to those sentences. As shown in Table 2 (see Appendix C), most of the prison sentences for a second or subsequent conviction are for the offense of Deliver or Possess with Intent – Meth and most of the jail convictions are for conspiracy to Manufacture, Deliver, or Possess with Intent to Deliver – Heroin or Cocaine. In fiscal year 2017, there were 32 convictions for second or subsequent Delivery or Possess with Intent – Meth that resulted in an average prison sentence length of 68.4 months. By 2021, the number of prison sentences dropped to 26 prison sentences and those had an average sentence length of 45.1 months.¹⁰ As for jail sentences there have been fewer than 20 total sentences in any of the past five fiscal years (see Table 3 in Appendix C).

The SGC recommends repealing the statute for several reasons. Some members believe this statute likely increases plea deals by the prosecuting attorney, while some believe it takes discretion away from the court. For others, the sentencing does not feel transparent since the potential for doubling the statutory maximum is not included on the sentencing grid. Additionally, it was noted that aggravating factors are available should a sentence above the standard range be just.

⁹ [Publication | Caseload Forecast Council \(wa.gov\)](#)

¹⁰ The decrease in the number of convictions may be related to the impacts of COVID-19.

Figure 2: Average Number of Convictions for Second or Subsequent Drug Violations under Chapter 69.50 RCW per Fiscal Year



RECOMMENDATION: Review the penalties for Manufacture, Deliver, or Possess with Intent to Manufacture or Deliver – Cannabis (RCW 69.50.401(2)(c))

When Initiative 502 passed in November 2012 to make recreational use of cannabis legal, the subsection of RCW 69.50.401 that pertains to cannabis was not changed. Other statutory penalties related to the manufacturing, delivery, or possession of cannabis have been changed, however, this cannabis-related offense is still a class C felony ranked at a seriousness level I on the drug grid.

The SGC recommends the Legislature review this offense and make it commensurate to other changes related to cannabis-related offenses.

RECOMMENDATION: Establish a threshold amount for Manufacture, Deliver, or Possess with Intent to Manufacture or Deliver – Cannabis (RCW 69.50.401(2)(c))

Per RCW 69.50.4014, it is illegal to knowingly possess 40 grams or less of cannabis. This threshold allows law enforcement, prosecutors, and the public to define the crime. The SGC recommends assigning a threshold quantity to this offense in order to distinguish between an amount for personal use and an amount for manufacturing. The SGC believes it is not the appropriate entity to determine what the threshold should be and, as such, does not offer a suggested threshold quantity.

Prioritize Therapeutic Models for Drug Offenses

RECOMMENDATION: Expand the eligibility of drug courts to include drug-adjacent crimes (e.g., Unlawful Possession with intent to Distribute, Unlawful Delivery of a Controlled Substance, crimes against property, crimes involving theft, robbery and burglary) where there is a nexus between the alleged criminal act and an individual’s undiagnosed,

untreated substance use disorder. This recommendation includes the creation and application of objective admittance criteria in alignment with best practice standards.¹¹

It is well established that drug courts are effective. A national review of five different meta-analyses determined that drug courts, on average, reduce crime by 8 to 26%.¹² The Washington State Institute for Public Policy (WSIPP) includes information on drug courts in its benefit-cost model. Under the adult criminal justice portfolio,¹³ WSIPP reports a \$2.82 benefit for every \$1 of cost and shows a 100% probability that the program will produce benefits greater than the costs. Under the juvenile justice portfolio,¹⁴ drug courts show a \$53.66 benefit for every \$1 of cost and a 67% chance that benefits will exceed costs. The Washington Department of Social and Health Services – Research and Data Analysis Division (DSHS-RDA) published a report in 2013 on the outcomes of adult defendants admitted to Washington drug courts.¹⁵ The results showed drug court participants were less likely to be incarcerated, were twice as likely not to be arrested in the three years following participation and were more likely to participate in chemical dependency treatment.

Some of Washington’s drug court eligibility criteria are narrowly defined in statute. RCW 2.30.030 defines ineligible crimes and requires the consent of the prosecutor prior to admission to drug court. Because each drug court looks at its criteria differently, the SGC discussed whether state statute was the proper placement for drug court eligibility criteria, even though it is considered best practice by the National Association of Drug Court Professionals (NADCP) to have such criteria specified in writing.¹⁶ To create uniformity among drug courts across the state, the SGC ultimately supported placing some objective eligibility criteria in statute in addition to the exclusions. Members also believe that placing the criteria in statute would not equate to requiring the executive branch to place people into the program.

Regarding the recommendation for objective criteria, some eligibility criteria are statutory, and some are discretionary to the approval of the prosecuting attorney’s office or other local committees, and it is likely that drug court participation varies by geography. A CCRC member reported that King County has an executive committee that approves eligibility into its drug courts. Another CCRC member suggested moving the sole ‘gate keeper’ function from the prosecuting attorney’s office to the judge or through objective criteria agreed upon by committee, requiring a plea offer to be included on the Judgment & Sentence form to show if the plea was voluntary, and to make funding dependent upon a county’s stipulation for greater eligibility and transparency. In light of what was learned from CCRC members, the SGC recommends the application of objective admittance criteria and alignment with best practice standards.

¹¹ National Association of Drug Court Professionals. (2018). [Adult drug court best practice standards](#). Alexandria, VA.

¹² The White House, President Barack Obama. [Drug courts: A smart approach to criminal justice](#). Washington, DC.

¹³ Washington State Institute for Public Policy. (2019). [Benefit-cost results: Drug courts, Adult Criminal Justice](#). Olympia, WA.

¹⁴ Washington State Institute for Public Policy. (2019). [Benefit-cost results: Drug courts, Juvenile Justice](#). Olympia, WA.

¹⁵ Mayfield, J., Estee, S., Black, C., & Felver, B. E. M. (2013). [Drug court outcomes](#). Washington State Department of Social and Health Services, Research and Data Analysis Division; Olympia.

¹⁶ National Association of Drug Court Professionals. (2018). [Adult drug court best practice standards](#). Alexandria, VA.

Until recently, Washington drug court populations were largely individuals charged with felony drug possession,¹⁷ yet substance use disorder can be the underlying factor for many different types of offenses, not just drug-related offenses. In the NADCP's Best Practices guide, it reported that research showed that when addicted individuals were charged with theft and property crimes, drug courts reaped almost twice the cost savings.¹⁸ The HCA's report to the Legislature noted that some counties will not accept people with drug delivery charges.¹⁹ The report pointed out that this could lead to racial disparities as national data from the NADCP show that while white individuals are more likely to be involved with trafficking, Black individuals are more likely to be arrested for drug trafficking. DSHS-RDA reported that half of Washington's drug court participants in fiscal years 2008 and 2009 had entered with a drug possession offense and that 63% of drug court participants were White, non-Hispanic individuals.²⁰

Anecdotes have conveyed that some courts in Washington have decided to expand their drug court eligibility criteria after the Blake decision²¹. A member with lived experience who participated on the CCRC explained that when a person gets to a point where they are committing property crimes to buy illicit substances, the severity of that substance use disorder has increased to a point where the individual really needs assistance. Several SGC members agreed that most individuals who are charged with Possession with Intent and/or Delivery offenses are individuals who use drugs who have been relegated to a role in the distribution and selling of illicit substances. Others suggest there is a socioeconomic aspect at play for some people who turn to drug delivery.

The SGC strongly believes there is a need for offramps from the criminal legal system and drug courts are an evidence-based option to be considered. The SGC recommends expanding drug court eligibility and encourages some level of consistent statewide criteria among drug courts to reduce access inequality.

RECOMMENDATION: More funding is needed for treatment. Treatment on demand is essential and harm reduction strategies should also be supported, e.g., supplying fentanyl test strips to reduce morbidity and mortality associated with illicit substance use.

Harm reduction strategies reduce overdoses, transmission of infectious diseases, and other harms associated with drug use. They aim to decrease the stigma associated with substance use disorder, provide education on safer substance use, and offer access to substance use disorder treatment and

¹⁷ Estee, S., Black, C., Felver, B. E. M., Mayfield, J., & Lucenko, B. (2012). *Characteristics and criminal histories of adult offenders admitted to treatment under Washington state's criminal justice treatment account*. Washington State Department of Social and Health Services, Research and Data Analysis Division; Olympia, WA.

¹⁸ National Association of Drug Court Professionals. (2018). *Adult drug court best practice standards*. Alexandria, VA.

¹⁹ Washington State Health Care Authority. (2023). *Substance use recovery services plan*. Olympia, WA.

²⁰ Estee, S., Black, C., Felver, B. E. M., Mayfield, J., & Lucenko, B. (2012). *Characteristics and criminal histories of adult offenders admitted to treatment under Washington state's criminal justice treatment account*. Washington State Department of Social and Health Services, Research and Data Analysis Division; Olympia, WA.

²¹ The Washington State Supreme Court released its decision in February 2021 for *State v. Blake* ruling that Washington's felony drug possession statute was unconstitutional

other health services.^{22,23,24,25} They can also improve substance use treatment retention.²⁶ Harm reduction strategies offer individual and public health benefits and help reduce certain safety issues related to drug use.²⁷ As of 2022, it was reported that 105 countries support harm reduction in their national policies.²⁸

The HCA's report noted that harm reduction strategies, among others, have been effective in Washington, but are underutilized and recommended "continued and increased investments" in programs that are trauma-informed, public health-based and include harm reduction approaches.²⁹ A specific type of harm reduction strategy recommended in the HCA's report was safe supply. The report suggested a work group be established to provide recommendation on a safe supply framework.

Incorporating more therapeutic options into the criminal justice system and providing treatment to those who need it along with monitoring, supervision and the threat of sanctions could improve individuals' medical outcomes and decrease their likelihood of recidivism.³⁰ There are many barriers for people with substance use disorder in obtaining treatment, such as lack of infrastructure, lack of resources, and lack of treatment staff.³¹

Increasing funding to reduce punitive sanctions and expand the use of therapeutic options was a unanimous recommendation of both the CCRC members and the SGC members.

RECOMMENDATION: Institute a periodic, ongoing evaluation process requirement for drug courts using best practice principles or model(s) as recommended by the Administrative Office of the Courts and the National Association of Drug Court Professionals.

In the 2021-2023 state budget, the Criminal Justice Treatment Account was provided dedicated funding of \$9 million for drug court treatment.³² In Chapter 311, Laws of 2021 (ESB 5476), the

²² U.S. Department of Health & Human Services. [Overdose Prevention Strategy, Harm Reduction](#). Washington, DC.

²³ U.S. Department of Health & Human Services, Substance Abuse and Mental Health Services Administration. (2022, August 16). [Harm Reduction](#). Washington, DC.

²⁴ Coulson, M. & Hartman, M. (2022, February 16). [What is harm reduction?](#) John Hopkins Bloomberg School of Public Health; Baltimore, MD

²⁵ Washington State Health Care Authority. (2023). [Substance use recovery services plan](#). Olympia, WA.

²⁶ Rowell-Cunsolo, T. L, Bellerose, M., & Hart, C. (2021). [Access to harm reduction treatment among formerly incarcerated individuals during the COVID-18 era](#). *Health Security, Vol. 19(S1), S-95-S-101*. doi: [10.1089/hs.2021.0037](#)

²⁷ National Institutes of Health, National Institute on Drug Abuse. [Harm reduction](#). Rockville, MD.

²⁸ Harm Reduction International. (2022). [The global state of harm reduction 2022, 8th ed.](#) London, United Kingdom.

²⁹ Washington State Health Care Authority. (2023). [Substance use recovery services plan](#). Olympia, WA.

³⁰ Chandler, R. K., Fletcher, B. W., & Volkow, N. D. (2009). [Treating drug abuse and addiction in the criminal justice system: Improving public health and safety](#). *Journal of the American Medical Association, 301(2)*, 183-190. doi: [10.1001/jama.2008.976](#)

³¹ Ibid.

³² Washington State Health Care Authority. (2021). [Criminal justice treatment account \(CJTA\) fact sheet: Substance use disorder treatment for drug court and justice involved individuals](#). Olympia, WA.

AOC was provided \$4.5 million in funding “solely to fund grants for therapeutic courts operated by municipalities and district courts.”³³

RCW 2.30.030(4)(i) requires any jurisdiction that establishes a therapeutic court to evaluate its program.³⁴ As part of its Best Practice Standards, the NADCP recommends drug courts evaluate their programs annually, but also encourages that “no less than once every five years, a skilled and independent evaluator examines the drug court program’s adherence to best practices and participant outcomes.”³⁵ In 2019, the SGC and the Washington Association of Prosecuting Attorneys surveyed the state’s prosecuting attorneys’ offices to create an inventory of the alternatives to confinement being used at the county level.³⁶ Of the 12 offices that mentioned drug court, only four indicated their program had been evaluated. This finding highlights the limited number of Washington’s drug courts that have not been evaluated, let alone recently evaluated. It is vital to a program’s success to know if it is maintaining fidelity to best practices and targeting the correct population. An evaluation will inform the program facilitators and Legislative members if the program is reliably implementing its treatment approach and whether it is cost-effective.

The SGC recommends creation of a schedule for drug court evaluation to occur every five years. The schedule would stagger the courts to be evaluated each year to make the project practicable.

Conduct a Review of the Drug Sentencing Grid

RECOMMENDATION: Conduct an analysis of the drug sentencing grid. Suggested areas of review include, but are not limited to, disproportionality, comparison of sentence lengths pre- and post-drug grid, comparison of offenses with similar presumptive sentence ranges, and evaluate for meeting original intent of the bill.

In 2002, the Legislature passed 2SHB 2338, Chapter 290, Laws of 2002, which created the drug sentencing grid. The intent of the bill was “to increase the use of effective substance use disorder treatment...in order to make frugal use of state and local resources...”³⁷ The intended outcome of the legislation would be a reduction in recidivism, which would then increase the likelihood that defendants would become productive and law-abiding citizens.

The bill directed WSIPP to “evaluate the effectiveness of the drug offense sentencing grid in reducing recidivism and its financial impact.”³⁸ WSIPP published its preliminary report in January 2007³⁹ describing its research design and the use of benefit-cost analysis. The final report, due December 2008, was not completed.

Some members believe the bill’s original intent “to increase the use of effective substance abuse treatment for defendants and offenders in Washington in order to make frugal use of state and local

³³ [Engrossed Senate Bill 5476, Chapter 311, Laws of 2021.](#)

³⁴ [RCW 2.30.030.](#)

³⁵ National Association of Drug Court Professionals. (2018). [Adult drug court best practice standards.](#) Alexandria, VA.

³⁶ Washington State Sentencing Guidelines Commission. (2020). [WAPA/SGC diversion program survey results.](#) Olympia, WA.

³⁷ [Second Substitute House Bill 2338, Chapter 290, Laws of 2002](#)

³⁸ Ibid.

³⁹ Drake, E. (2007). [Drug offender sentencing grid: Preliminary report](#) (Document No. 08-01-1201). Washington State Institute for Public Policy: Olympia.

resources, thus reducing recidivism and increasing the likelihood that defendants and offenders will become productive and law-abiding persons”⁴⁰ is still an achievable goal. Others believe that recidivism should not be the primary focus as relapse often occurs as a part of recovery but, rather, the focus should be equality in access to treatment.

The SGC recommends analysis of the drug grid be completed before making recommendations related to the offense rankings, scoring or the grid itself. The SGC also recommends that analysis of the drug grid go beyond long-term recidivism and financial impacts, as noted in the original bill, to also include impacts of the drug grid on disproportionality, sentence lengths, and presumptive sentencing range variance, at minimum. Having an analysis similar to what WSIPP completed on the standard grid for the Criminal Sentencing Task Force,⁴¹ with similar focus on disparities and overrepresentation, would provide a picture of how well the drug grid is or is not working.

⁴⁰ [Second Substitute House Bill 2338, Chapter 290, Laws of 2002](#)

⁴¹ Knoth, L. (2021). [Examining Washington State’s sentencing guidelines: A report for the Criminal Sentencing Task Force](#) (Document Number 21-05-1901). Washington State Institute for Public Policy: Olympia.

Appendix A

Criminal Code Review Committee Volunteers

The Sentencing Guidelines Commission would like to thank all the participants who volunteered their time and expertise to this project. This report would not be possible without their assistance.

SGC Members:

Judge Josephine Wiggs, Subcommittee Chair

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Joanne Smieja, Washington Voices

Appendix B

Table 1: Total Number and Accumulating Percent of Convictions During Fiscal Years 2000 – 2020 Where the Most Serious Offense⁴² Was an Unranked Offense

OFFENSE TITLE	#	%
FAILURE TO REGISTER AS SEX OFFENDER - POST 7/24/99	7,405	17.3%
POSS OF CONTROL SUBSTANCE - OTHER, EXCEPT PCP/FLUNIT Attempted	3,923	26.4%
POSS OF CONTROL SUBSTANCE - OTHER, EXCEPT PCP/FLUNIT Conspiracy	3,510	34.6%
CRIMINAL MISCHIEF (previously RIOT)	3,074	41.8%
MFG DEL POS W/I HEROIN Conspiracy	2,724	48.1%
RETAIL THEFT WITH EXTENUATING CIRCUMSTANCES 3	2,514	54.0%
CRIMINAL IMPERSONATION 1	2,205	59.1%
POSS OF CONTROL SUBSTANCE - SCHEDULE I/II OR FLUNIT Attempted	1,910	63.6%
DEL POS W/I METH Conspiracy	1,882	68.0%
MFG DEL POS W/I HEROIN COCAINE Conspiracy	1,570	71.7%
POSS OF CONTROL SUBSTANCE - SCHEDULE I/II OR FLUNIT Conspiracy	1,376	74.9%
MFG METH Conspiracy	1,069	77.4%
MONEY LAUNDERING	851	79.3%
ALIEN IN POSSESSION OF A FIREARM	622	80.8%
POSS OF CONTROL SUBSTANCE - BY PRISONERS	528	82.0%
MFG DEL POS W/I MARIJUANA Conspiracy	512	83.2%
MFG DEL POS W/I SCH I/II NARC OR FLUNIT Conspiracy	413	84.2%
NO CONTACT ORDER - DOMESTIC VIOLATION SENTENCE (PRE 7/1/00)	401	85.1%
DEL POS W/I METH Attempted	308	85.8%
NO CONTACT ORDER - DOMESTIC VIOLATION PRETRIAL (PRE 7/1/00)	299	86.5%
MFG DEL POS W/I HEROIN Attempted	295	87.2%
POSS OF DEPICTION OF MINOR (PRE 06/07/06)	269	87.9%
ANIMAL CRUELTY 1	254	88.4%
VOYEURISM (PRE 06/07/06)	240	89.0%
FAILURE TO REGISTER- SEX OFFENDER/KIDNAP (7/27/97-7/24/99)	226	89.5%

⁴² The most serious offense is based on the offense with the longest sentence on the conviction. Convictions that included an unranked offense but where a ranked felony had the longest sentence on the conviction are not included in this list. Some of these unranked offenses have since been ranked and, thus, were not included in this review.

Appendix C

Table 2: Number of “second or subsequent” Drug Convictions Resulting in a Prison Sentence by Fiscal Year and Average Sentence Length (Mos)

Offense	2021		2020		2019		2018		2017	
	#	Mos	#	Mos	#	Mos	#	Mos	#	Mos
Del Pos w/I Meth - 2 nd offense	26	45.1	21	61.4	26	55.2	28	58.5	32	68.4
Del Pos w/I Meth - 2 nd offense (conspiracy)	1	50	1	33	1	12				
Del Pos w/I Meth - 2 nd offense (attempt)										
Del Pos w/I Meth - 2 nd offense (solicitation)			2	48	2	39.4	1	45		
Forged Prescription - VUCSA – Subseq									1	12
Mfg Del Pos w/I Her Coc – Subseq	17	51.5	21	66.7	9	48.7	21	49.2	17	57.4
Mfg Del Pos w/I Her Coc - Subseq (attempt)							1	12		
Mfg Del Pos w/I Her Coc - Subseq (conspiracy)							1	12		
Mfg Del Pos w/I Her Coc - Subseq (solicitation)			1	26.3			1	45	3	35
Mfg Del Pos w/I Cannabis - Subseq					1	24				
Mfg Del Pos w/I Sch I/II Narc or Flunt - Subseq	2	84	1	220	2	22.5	1	134		
Poss of Ephd/Psed/Anh Amm w/I Mfg Meth - Subseq									1	29.8
Selling for Profit - Subseq	1	75							1	61

Table 3: Number of “second or subsequent” Drug Convictions Resulting in a Jail Sentence by Fiscal Year and Average Sentence Length (Mos)

Offense	2021		2020		2019		2018		2017	
	#	Mos	#	Mos	#	Mos	#	Mos	#	Mos
Del Pos w/I Meth - 2 nd offense			2	0	3	0.7	1	3.2	2	0.4
Del Pos w/I Meth - 2 nd offense (conspiracy)	4	1.7	1	6.8	3	4				
Del Pos w/I Meth - 2 nd offense (attempt)			1	0.1	1	0	1	6		
Del Pos w/I Meth - 2 nd offense (solicitation)										
Forged Prescription - VUCSA – Subseq									2	1
Mfg Del Pos w/I Her Coc – Subseq	1	0			3	4				
Mfg Del Pos w/I Her Coc - Subseq (attempt)	2	1.1					1	6		
Mfg Del Pos w/I Her Coc - Subseq (conspiracy)	7	5.5	7	5.7	7	1.8	10	3.7	2	10
Mfg Del Pos w/I Her Coc - Subseq (solicitation)					1	9			1	9
Mfg Del Pos w/I Cannabis - Subseq			1	0					2	3
Mfg Del Pos w/I Sch I/II Narc or Flunt - Subseq										
Poss of Ephd/Psed/Anh Amm w/I Mfg Meth - Subseq										
Selling for Profit - Subseq										

Source: [Caseload Forecast Council Annual Statistical Summary of Adult Felony Sentencing reports](#)

Appendix D

Table 4: Recommendations For Each Unranked Offense

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
10.66.090(2)	Willfully Disobeys an Off-limits Order (Subsequent Violation or Enters Protected Against Drug Trafficking Area)	C	1	1	1	5/7/1989	REPEAL
16.08.100(2)	Dangerous Dog Attack (Subsequent Offense)	C				4/20/1987	REPEAL
16.08.100(3)	Dangerous Dog Attack Resulting in Severe Injury or Death	C	8	49	65	4/20/1987	LEAVE AS UNRANKED
16.52.117(2)(a)	Animal Fighting	C	25			3/31/1982	RANK AT SL 3
	REASON: This is a serious offense that ought to be ranked. At a seriousness level 3, a person would need a criminal history score of 2 to have a sentence range similar to that of an unranked offense. To make it commensurate to Animal Cruelty 1 and Animal Fighting - Mutilation, the recommendation is to rank it at seriousness level 3.						
16.52.117(2)(b)	Animal Fighting - Mutilation	B				7/28/2019	RANK AT SL 3
	REASON: This is a serious offense that ought to be ranked. At a seriousness level 3, a person would need a criminal history score of 2 to have a sentence range similar to that of an unranked offense. To make it commensurate to Animal Cruelty 1 and Animal Fighting, the recommendation is to rank it at seriousness level 3.						
16.52.205(1),(2)	Animal Cruelty 1	C	455			6/9/1994	RANK AT SL 3
	REASON: Animal Cruelty is related to intentional infliction of pain and can be a precursor to worse behavior that could impact issues related to community safety. Animal Cruelty 1 with Sexual Conduct or Contact is ranked at seriousness level 3. Animal Cruelty 2 is a gross misdemeanor which offers the same sentence range (0 to 12 months) as an unranked offense. To make it commensurate to Animal Fighting and Animal Fighting – Mutilation, the recommendation is to rank it at seriousness level 3.						
16.52.320	Kill or Cause Substantial Harm with Malice to Livestock	C	3	5	11	7/22/2011	REPEAL
	REASON: This conduct could be charged under Animal Cruelty 1 (causing harm - RCW 16.52.205(1),(2)) or Malicious Mischief 1 or 2 (non-distressful death – RCW 9A.48.070, .080).						
18.04.370(1)(b)	Unlawful Use of a Professional Title	C				7/1/2001	LEAVE AS UNRANKED
18.04.370(1)(c)	Unlawful Use of CPA Title after Suspension	C		1	1	7/1/2004	LEAVE AS UNRANKED
18.39.350	Embalmers/Funeral Directors Violation	C				3/26/1982	REPEAL

⁴³ Count Case Charges is the number of cases filed with the law number.

⁴⁴ Count Charges is the number of charges with the law number. It differs from the Count Case Charges because there can be multiple charges associated to a case and if a charge has been amended, it is included in the filing count.

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
18.64.046(7)	Unlawful Selling of Ephedrine, Pseudoephedrine or Phenylpropanolamine by a Wholesaler	C				7/1/2004	RANK AT SL 3 INCREASE TO CLASS B
	REASON: This offense should be ranked the same as Manufacture of Methamphetamine (RCW 69.50.401(2)(b) – class B, SL 3) so as not to punish companies more leniently for illegally selling precursor drugs than individuals who sell the final product.						
19.100.210	Franchise Investment Protection Violation	B				5/20/1971	REPEAL
19.110.075(2)	Disclosures Knowingly Not Provided at Sale of Business Opportunity (Violation of RCW 19.110.070)	B				7/1/2004	LEAVE AS UNRANKED
19.110.075(2)	Registration Knowingly not Obtained Prior to Sale of Business Opportunity (Violation of RCW 19.110.050)	B				7/1/2004	LEAVE AS UNRANKED
19.110.120	Defraud or Provide Misleading or Untrue Documents Related to a Business Opportunity Sale	B	1	5	5	5/14/1981	LEAVE AS UNRANKED
19.116.080(1)	Unlawful Subleasing of Motor Vehicle	C	22			3/14/1990	REPEAL
	REASON: Seems to be a contractual violation and should be a civil issue, not a criminal issue.						
19.116.080(2)	Unlawful Transfer of Ownership of Motor Vehicle	C				3/14/1990	REPEAL
19.142.080	Failure to Use a Trust Account or Furnish Bond for Health Studio	C				5/11/1987	REPEAL
19.144.100(1)	Use or Investment of Proceeds from Mortgage Fraud Activities	B				6/12/2008	RANK AT SL 3
	REASON: This is a serious crime if done knowingly. Based on pattern of activity, this is more serious than one-time Theft 1 (SL 2).						
19.144.100(2)	Control of Real Property Resulting from Mortgage Fraud Activities	B				6/12/2008	RANK AT SL 3
	REASON: This is a serious crime if done knowingly. Based on pattern of activity, this is more serious than Theft 1 (SL 2).						
19.146.050	Failure to Use a Trust Account	C	7	2	4	5/15/1987	LEAVE AS UNRANKED

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
19.146.235(9)	Impairing Mortgage Broker Investigation	B		2	2	5/17/1993	REPEAL
19.158.160	Commercial Telephone Solicitor Deception (Value of \$250 or more)	C	1			4/18/1989	LEAVE AS UNRANKED
19.210.040	Unused Property, Merchants – Prohibited Sales (Third or Subsequent Offense within 5 Years)	C				7/22/2001	REPEAL
19.225.110	Uniform Athlete Agent Act Violation	C				6/13/2002	LEAVE AS UNRANKED
19.230.300	False Statement, Misrepresentation or False Certification of Uniform Money services Record	C				10/1/2003	LEAVE AS UNRANKED
19.25.020(2)(a)	Reproduction of Sound Recording without Consent of Owner - Recording Fixed before 2/15/1972 (at least 1,000 Recordings or Subsequent Conviction)	B	1			7/28/1991	LEAVE AS UNRANKED
19.25.020(2)(b)	Reproduction of Sound Recording without Consent of Owner - Recording Fixed before 2/15/1972 (more than 100 but less than 1,000 Recordings)	C	3			7/28/1991	LEAVE AS UNRANKED
19.25.030(2)(a)	Use of Recording of Live Performance without Consent of Owner (at least 1,000 Recordings or at least 100 Unauthorized Audiovisual Recordings or Subsequent Offense)	B				7/28/1991	REPEAL

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
19.25.030(2)(b)	Use of Recording of Live Performance without Consent of Owner (at least 100 but less than 1,000 Recordings or more than 10 but less than 100 Unauthorized Audiovisual Recording or Subsequent Offense)	C				7/28/1991	REPEAL
19.25.040(2)(a)	Failure to Disclose Origin of Certain Recordings (at least 100 Recordings or Subsequent Conviction)	B				7/28/1991	REPEAL
19.25.040(2)(b)	Failure to Disclose Origin of Certain Recordings (more than 10 but less than 100 Recordings)	C		10 adu 1 juv	15 adu 1 juv	7/28/1991	REPEAL
19.300.020	Electronic Communication Devices – Illegal Scanning	C	1	1	1	6/12/2008	LEAVE AS UNRANKED
19.310.120	Unlawfully Engaging in Business as an Exchange Facilitator (RCW 19.310.100(1)-(9))	B				7/26/2009	LEAVE AS UNRANKED
19.48.110(1)(b)	Defrauding an Innkeeper (Value of \$75 or more)	B	67	75	98	2/14/1974	REPEAL
	REASON: This offense is duplicative of Theft 3 (9A.56.050). As a gross misdemeanor, Theft 3 pertains to theft of property or services that do not exceed \$750. This unranked class B felony is too severe for \$75+ of food, money, lodging, and ski area facility use.						
19.60.067(2)	Second-hand Precious Metal Dealer Violations (Subsequent Violation)	C				7/22/2011	LEAVE AS UNRANKED
20.01.460(2)	Acting as Commission Merchant, Dealer, Cash Buyer without License	C				3/17/1959	REPEAL
21.30.140	Commodity Transaction Violation	B				3/8/1986	REPEAL
22.09.310	Dealing in Unauthorized Warehouse Receipts for Agricultural Commodities	C				3/25/1963	REPEAL

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
26.04.210	Providing False Statements in Affidavits for Marriage	C				3/17/1909	REPEAL
26.20.030	Family Abandonment	C	6	32	47	3/28/1984	REPEAL
	REASON: Philosophical question arose about how to help parents. Help can be offered in place of/instead of criminal penalty. Additionally, this is likely not applied equitably. There are other laws to deal with harm of children. The SGC recommends the Legislature look at this statute and Abandonment of Dependent Person (RCW 9A.42.080 – gross misdemeanor) as they have similar conduct but different consequences.						
27.44.040(1)	Destroying, Removing or Defacing Indian Graves	C				4/18/1989	REPEAL
27.44.040(2)	Selling Artifacts or Human Remains from Indian Graves	C				4/18/1989	REPEAL
27.53.060	Disturbing Archaeological Resources or Site	C				6/2/1975	REPEAL
29A.08.740	Misuse of Registered Voter Data	C				4/23/1973	REPEAL
29A.84.030	Election or Mail Ballot Violation	C				7/22/2001	LEAVE AS UNRANKED
29A.84.130	Voter Violation of Registration Law	C	17	15	35	1/1/1978	LEAVE AS UNRANKED
29A.84.140	Unqualified Voting Registration	C		2	2	7/22/2001	REPEAL
29A.84.150	Misuse or Alteration of Registration Database	C				1/1/2006	LEAVE AS UNRANKED
29A.84.230(1)	Violation by Signer – Initiative or Referendum with False Name	C	10	4	14	3/21/1913	LEAVE AS UNRANKED
29A.84.240(1)	Violations by Signers – Recall Petition with False Name	B				3/21/1913	REPEAL
29A.84.270	Duplication of Name – Conspiracy to Mislead	B				3/19/1943	REPEAL
29A.84.311	Provides False Information or Conceals or Destroys Candidacy Declaration or Nominating Petition	C	2			6/10/2004	LEAVE AS UNRANKED
29A.84.320	Duplication of Names on Declaration of Candidacy	B				3/19/1943	REPEAL

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
29A.84.540	Removing a Ballot from a Voting Center or Ballot Drop Location	C				3/10/1893	REPEAL
29A.84.545	Unauthorized Removal of Paper Record from Electronic Voting Device	C				7/24/2005	LEAVE AS UNRANKED
29A.84.550	Tampering with Election Materials	C				3/5/1965	REPEAL
29A.84.560	Tampering with Voting Machine	C				3/11/1913	REPEAL
29A.84.620	Hindering or Bribing Voter	C		1	24	3/5/1965	REPEAL
29A.84.650(1)	Voting Repeater – More than One Vote at any Election	C		14	16	3/5/1965	REPEAL
29A.84.655	Election Officer Permits Repeat Vote	C				3/5/1965	REPEAL
29A.84.660	Unqualified Person Voting	C		8	12	3/5/1965	REPEAL
29A.84.680(1)	Absentee Voting Violation	C		9	12	6/14/1983	REPEAL
29A.84.711	Fraud in Certification of Nomination or Ballot	C				6/10/2004	LEAVE AS UNRANKED
29A.84.720	Election Officers – Violation	C				11/9/1877	REPEAL
30A.04.240	Commingling of Funds or Securities	B				3/11/1919	REPEAL
30A.12.090	Bank or Trust Company - False Entry, Statements, etc.	B				3/10/1917	REPEAL
30A.12.100	Bank or Trust Company - Destroy or Secrete Records	B				2/23/1955	REPEAL
30A.12.120	Loan to Officer or Employee from Trust Fund	B				3/10/1917	REPEAL
30A.42.290(2)	Alien Bank or Bureau – False Entry, Statements, etc.	B				4/23/1973	REPEAL
30A.42.290(3)	Alien Bank or Bureau – Destroy or Secrete Records	B				4/23/1973	REPEAL
30A.44.110	Bank or Trust Company - Transfer of Assets Prior to Insolvency	B				3/10/1917	REPEAL

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
30A.44.120	Bank or Trust Company - Receiving Deposits When Insolvent	B				3/10/1917	REPEAL
30B.12.050	State Trust Company – False Entry, Conceal or Destroy Records	B				1/5/2015	LEAVE AS UNRANKED
30B.44B.110(2)	State Trust Company – Transfer of Assets	B				7/28/2019	LEAVE AS UNRANKED
31.12.724(2)	Credit Union - Transfer of Credit Union Assets Prior to Insolvency	B				1/1/1998	REPEAL
31.12.724(3)	Credit Union - Fraudulent Receipt of Credit Union Deposit	B				1/1/1998	REPEAL
31.12.850(2)	Make a False Statement or Entry in Credit Union Books	C				2/23/1984	REPEAL
32.04.100	Mutual Savings Bank - Falsify Savings Book, Document or Statement	B				3/21/1931	REPEAL
32.04.110	Mutual Savings Bank - Conceal or Destroy Evidence	B				3/21/1931	REPEAL
32.24.080	Mutual Savings Bank - Transfer Bank Assets after Insolvency	B				3/21/1931	REPEAL
33.36.030	Savings and Loan Association - Preference in Case of Insolvency	C				3/16/1945	REPEAL
33.36.040	Savings and Loan Association - Making False Statement of Assets or Liabilities	C				3/6/1933	REPEAL
33.36.060	Savings and Loan Association - Suppressing, Secreting or Destroying Evidence or Records	C				3/19/1919	REPEAL
35.36.040	Designation of Bonds – Violation (First Class Cities)	B				3/5/1965	REPEAL
35A.36.040	Designation of Bonds – Violation (Code Cities)	B				3/3/1967	REPEAL

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
36.18.170	Failure to Pay Over Fees to County Treasurer	C				3/9/1893	REPEAL
38.42.050	False Affidavit under Service Member Civil Relief Act	C				5/3/2005	REPEAL
39.44.101	Defraud a Facsimile Signature on Bonds and Coupons	B				3/21/1955	REPEAL
39.62.040	Unauthorized Use of Public Official Facsimile Signature or Seal	B				3/24/1969	REPEAL
40.16.010	Injury to a Public Record	C	13	18	23	3/22/1909	LEAVE AS UNRANKED
40.16.020	Injury to and Misappropriation of Public Record by Officer	B	2	4	4	3/22/1909	LEAVE AS UNRANKED
40.16.030	Offering False Instrument for Filing or Record	C	28	94	180	3/22/1909	LEAVE AS UNRANKED
41.26.062	False Statements or Records to Defraud Law Enforcement Officers and Firefighters Retirement System	B				2/28/1972	REPEAL
41.32.055(1)	False Statements or Records to Defraud Teachers Retirement System	B				3/23/1937	REPEAL
42.17A.750	False Documents Registered with Public Disclosure Commission	C				1/1/2012	LEAVE AS UNRANKED
42.20.070	Misappropriating and Falsifying Accounts by Public Officer	B	18	31	123	3/22/1909	LEAVE AS UNRANKED
42.20.090	Misappropriating and Falsifying Accounts by Treasurer	C		1	1	3/22/1909	REPEAL
42.24.100	False Claim from Municipal Corporation (Charged as Perjury 2)	C		1	2	3/20/1965	REPEAL
43.06.230	Damage Property or Cause Personal Injury after State of Emergency Proclaimed	B				4/25/1969	REPEAL

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
43.08.140	Embezzlement by State Treasurer	B				3/28/1890	REPEAL
43.43.856	Divulging Confidential Investigative Information Pertaining to Organized Crime	B				4/26/1973	REPEAL
46.12.560	Removal of Sticker on Vehicle Stating Previously Destroyed or Title 1 Loss	C				7/1/2011	LEAVE AS UNRANKED
46.12.750(1)	False Statements, Illegal Transfers, Alterations or Forgeries of Vehicle Title	B	259			3/17/1937	LEAVE AS UNRANKED
46.12.750(3)	Unlawful Sale of Vehicle Certificate of Ownership	C		8	8	7/1/2011	LEAVE AS UNRANKED
46.20.0921(2)	Sell or Deliver a Stolen Driver License or Identocard	C	2	5	7	7/27/2003	LEAVE AS UNRANKED
46.20.0921(3)(a)	Manufacture, Sell or Deliver Forged Driver License or Identocard	C		6	14	7/27/2003	LEAVE AS UNRANKED
46.37.673	Use of a Signal Preemption Device Resulting in Property Damage or less Substantial Bodily Harm	C	1	1	1	7/4/2005	LEAVE AS UNRANKED
46.52.130(5)(b)	Abstracts of Driving Records – Intentional Misuse	C				3/25/1963	REPEAL
46.70.021	Licensing Violation for Car Dealers or Manufacturers (Subsequent Violation)	C		1	2	4/3/1986	REPEAL
46.70.180(5)	Odometer Offense	C	4			3/25/1969	LEAVE AS UNRANKED
46.80.020(b)	Engage in Business of Wrecking Vehicles without a License (Subsequent Offense)	C	6			7/23/1995	LEAVE AS UNRANKED
46.87.260	Cab Card Forgery (Effective Until 7/1/2016)	B				5/1/1987	LEAVE AS UNRANKED
46.87.260	Credential Forgery (Effective 7/1/2016)	B				7/1/2016	LEAVE AS UNRANKED

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
48.06.030	Insurance Solicitation Permit Violation	B				3/7/1947	REPEAL
48.06.190	Exhibiting False Accounts of Insurer	B				3/7/1947	REPEAL
48.102.160(3)	Fraudulent Life Insurance Settlement	B				7/26/2009	LEAVE AS UNRANKED
48.102.160(4)	Unlicensed Life Insurance Provider	B				7/26/2009	LEAVE AS UNRANKED
48.102.160(5)	Unlicensed Settlement Broker	B				7/26/2009	LEAVE AS UNRANKED
48.160.080	Sells Guaranteed Asset Protection Waivers without Registration	B				7/26/2009	LEAVE AS UNRANKED
48.30.220	Willful Destruction, Injury, Secretion of Insured Property	C	100	123 adu 1 juv	134 adu 1 juv	4/2/1965	LEAVE AS UNRANKED
48.30.230	False Insurance Claims (Value in Excess of \$1,500)	C	119	76	106	3/26/1990	LEAVE AS UNRANKED
49.12.410(2)	Child Labor Law Violation – Death/Disability	C				4/1/1992	REPEAL
51.48.020(1)	Evading Industrial Insurance Premiums	C	44			7/1/1961	LEAVE AS UNRANKED
51.48.103(2)	Engaging in Business after Certificate of Coverage Revocation	C	6	12	13	3/7/1986	LEAVE AS UNRANKED
51.48.270	False Statement or Concealing Information by Employee	C	2	23	127	4/1/1986	LEAVE AS UNRANKED
51.48.280(1)	Unlawful Receipt of Remuneration for Kickbacks, Bribes, or Rebates by any Person	C				4/1/1986	REPEAL
51.48.280(2)	Unlawful Offer or Payment for Kickbacks, Bribes, or Rebates to any Person	C				4/1/1986	REPEAL
64.36.020(5)(b)	Timeshare Registration Requirement Violation	C				7/1/2004	LEAVE AS UNRANKED
64.36.210	Timeshare Fraud	C				7/1/2004	LEAVE AS UNRANKED
65.12.750	Fraudulent Procurement or False Entry on Land Title Registration	C		1	1	3/19/1907	REPEAL

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
65.12.760	Forgery of Registrar's Signature or Seal	B		2	2	3/19/1907	REPEAL
66.44.120(2)(b)	Unlawful Use of Liquor Board Seal (Third or Subsequent Offense)	C				1/3/1934	REPEAL
67.08.015	Promoting Illegal Boxing, Martial Arts and Wrestling	C				3/26/2004	LEAVE AS UNRANKED
67.24.010	Fraud in Sporting Contest	B				3/7/1945	REPEAL
67.70.130	Lottery Fraud	B	40	13	41	7/16/1982	LEAVE AS UNRANKED
67.70.140	Unlicensed Lottery Activity	B				7/16/1982	REPEAL
67.70.160	State Lottery Violations Except Lottery Fraud and Unlicensed Lottery Activity	C				7/16/1982	REPEAL
68.05.330	Unfair Practice of Funeral or Cemetery Board	C				3/13/1979	REPEAL
68.44.060	Unauthorized Loans to Cemetery Authority	C				3/22/1943	REPEAL
68.50.140(1)	Removing Human Remains	C				3/22/1909	LEAVE AS UNRANKED
68.50.140(2)	Purchasing or Receiving Human Remains	C				3/22/1909	LEAVE AS UNRANKED
68.50.140(3)	Opening Graves with Intent to Sell or Remove Personal Effects or Human Remains	C				3/22/1909	LEAVE AS UNRANKED
68.50.140(4)	Removal, Disinterment or Mutilation of Human Remains	C		2	2	7/24/2005	LEAVE AS UNRANKED
68.60.040(1)	Destruction of Tomb, Plot, Marker, or Cemetery Property	C	17	10 adu 4 juv	42 adu 34 juv	3/19/1990	LEAVE AS UNRANKED
68.60.040(3)	Transports Removed Human Remains, Opens a Grave or Removes Personal Effects from Grave	C		2	3	3/19/1990	REPEAL
68.60.050	Removes, Defaces or Destroys any Historic Grave	C		1	1	4/18/1989	REPEAL

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
68.64.150	Anatomical Gifts - Illegal Purchase or Sale	C				6/12/2008	LEAVE AS UNRANKED
68.64.160	Anatomical Gift - Illegal Financial Gain	C				6/12/2008	LEAVE AS UNRANKED
69.25.155(1)	Interference with Person Performing Official Duties	C	19	26	26	7/1/2004	LEAVE AS UNRANKED
69.25.155(2)	Interference with Person Performing Official Duties with a Deadly Weapon	B				7/1/2004	LEAVE AS UNRANKED
69.30.085	Participation in Shellfish Operation or Activities while License is Denied, Revoked or Suspended	C				7/22/2011	LEAVE AS UNRANKED
69.40.020	Poison in Milk or Food Product	C				3/2/1905	REPEAL
69.40.030	Placing Poison or other Harmful Object or Substance in Food, Drinks, Medicine or Water	B	1	5 adu 5 juv	9 adu 5 juv	7/1/1854	REPEAL
69.41.030(2)(a)	Sale, Delivery or Possession with Intent to Sell Legend Drug without Prescription	B	77	132 adu 142 juv	193 adu 179 juv	4/26/1973	REPEAL
	REASON: Considered this to be an outdated statute. Handing medication to friend/relative/spouse who does not have a prescription is illegal under this statute.						
69.41.040	Illegal Issuance of Legend Drug Prescription	B		2	2	4/26/1973	REPEAL
69.41.350	Possession of Steroids in Excess of 200 tablets or (8) 2cc Bottles without a Valid Prescription	C				5/12/1989	REPEAL
69.43.070(1)	Unlawful Delivery of Precursor Drug with Intent to Use	B	14			3/21/1988	REPEAL
69.43.070(2)	Unlawful Receipt of Precursor Drug with Intent to Use	B				3/21/1988	REPEAL
69.43.080	False Statement in Report of Precursor Drugs	C	1	11	22	3/21/1988	REPEAL
69.50.402	Dispensing Violation (VUCSA)	C	7	450 adu 5 juv	561 adu 6 juv	5/21/1971	REPEAL
69.50.416	Controlled Substance Label Violation	C	9			7/25/1993	REPEAL

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
69.50.465	Conducting or Maintaining a Marijuana Club	C	1			7/1/2015	REPEAL
69.51A.240	Medical Marijuana – Unlawful Actions	C	2	2	2	7/1/2016	REPEAL
69.52.030(3)	Advertising Imitation Controlled Substances	C	1			7/1/1982	REPEAL
69.53.020	Unlawful Fortification of Building for Drug Purposes	C		10	14	5/18/1987	REPEAL
69.53.030	Unlawful Use of Fortified Building	C	1	20	23	5/18/1987	REPEAL
7.105.460	Possession of a Firearm in Violation of an Extreme Risk Protection Order - 3rd or Subsequent Offense	C				11/8/2016	LEAVE AS UNRANKED
70.155.140	Shipping or Transporting Tobacco Products Ordered Through Mail or Internet	C				7/26/2009	LEAVE AS UNRANKED
70.245.200(1)	Forging Request for Medication	A	1			11/4/2008	LEAVE AS UNRANKED
70.245.200(2)	Coerce Patient to Request Life-ending Medication	A	1			11/4/2008	LEAVE AS UNRANKED
70.345.030	Retail Sales, Distribution or Delivery Sales of Vapor Products without a License	C				6/28/2016	LEAVE AS UNRANKED
70.345.090	Engaging in Delivery Sales of Vapor Products without a License or Proper Shipping Documentation	C				6/28/2016	LEAVE AS UNRANKED
70.74.022(1)	Manufacture, Purchase, Sell or Store Explosive Device without License	C	188			3/22/1988	LEAVE AS UNRANKED
70.74.275	Intimidation or Harassment with an Explosive	C	18	34 adu 12 juv	37 adu 14 juv	7/25/1993	LEAVE AS UNRANKED
70A.15.3150	Releasing into Ambient Air Hazardous Air Pollutant	C				5/15/1991	REPEAL

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
70A.300.100(1)(a)	Transport, Disposal or Export of Hazardous Waste that Places Another Person in Danger of Injury or Death	B				12/8/1988	REPEAL
70A.300.100(1)(b)	Transport, Disposal or Export of Hazardous Waste that Places Another Person's Property in Danger of Harm	C	14			12/8/1988	LEAVE AS UNRANKED
72.23.170	Assist Escape of Mental Patient	C				2/4/1959	REPEAL
72.23.300	Bringing Narcotics, Liquor, or Weapons into State Institution or Grounds	B				3/19/1949	REPEAL
74.08.100	False Age and Residency Public Assistance Verification	B				11/2/1948	REPEAL
74.09.230	False Statement for Medical Assistance	C	250	213	748	5/10/1979	LEAVE AS UNRANKED
74.09.240(1)	Receiving or Asking for Bribes, Kickbacks or Rebates	C				5/10/1979	REPEAL
74.09.240(2)	Paying or Offering Bribes, Kickbacks or Rebates	C				5/10/1979	REPEAL
74.09.250	False Statements Regarding Institutions, Facilities	C				5/10/1979	REPEAL
74.09.260	Excessive Charges, Payments	C				5/10/1979	REPEAL
74.09.290	Unlawful Disclosure of Patient Records or DSHS Information	C				5/10/1979	REPEAL
76.36.120	Forgery of Forest Product Mark	B				1/18/1926	REPEAL
76.48.141(1)(a)	Fraudulent Document as Specialized Forest Products Permit, Sales Invoice, Bill of Lading, etc.	C		2	3	4/14/1967	REPEAL
76.48.141(1)(b)	Fraudulent Representation of Authority to Harvest Specialized Forest Products	C		2	2	4/27/1979	REPEAL

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
76.48.141(2)	Fraudulent Document for Specialized Forest Products Buyer	C	7	1	4	7/26/2009	LEAVE AS UNRANKED
77.15.135(4)(d)	Unlawful Trafficking in Species with Extinction 1	C		6	8	11/3/2015	LEAVE AS UNRANKED
77.15.770(2)	Unlawful Trade in Shark Fins 1	C				7/22/2011	LEAVE AS UNRANKED
77.15.811	Unlawful Use of Invasive Species 1	C				6/12/2014	LEAVE AS UNRANKED
79A.60.090	Eluding a Law Enforcement Vessel	C	14	28 adu 4 juv	30 adu 4 juv	3/28/1990	LEAVE AS UNRANKED
81.60.080(1)	Sabotaging Rolling Stock	C	6			3/24/1941	REPEAL
81.60.080(2)	Receiving Stolen Railroad Property	C				3/24/1941	REPEAL
82.24.100	Forgery or Counterfeit Cigarette Tax Stamp	B		1	1	3/25/1935	REPEAL
82.24.110(2)	Transportation of more than 10,000 Cigarettes without Proper Stamps	C	12	8 adu 1 juv	8 adu 1 juv	5/19/1987	LEAVE AS UNRANKED
82.24.500	Unlawfully Purchase, Sell, Consign or Distribute Cigarettes	C	12	30	55	4/4/1986	LEAVE AS UNRANKED
82.24.570(2)	Manufacture, Sell or Possess Counterfeit Cigarettes	C				7/27/2003	LEAVE AS UNRANKED
82.24.570(3)	Manufacture, Sell or Possess Counterfeit Cigarettes (Subsequent Violation)	B				7/27/2003	LEAVE AS UNRANKED
82.26.190	Distributors and Retailer of Tobacco Products License Violation	C	1			7/1/2005	LEAVE AS UNRANKED
82.32.290(2)	False Statement to Department of Revenue	C	88	70	324	3/25/1935	LEAVE AS UNRANKED
82.32.290(4)	Phantomware Violation	C	1			7/28/2013	LEAVE AS UNRANKED
82.38.270	Special Fuel Violations	C				5/21/1971	REPEAL
82.42.085	Evading the Collection of Aircraft Fuel Tax	C				7/1/2015	LEAVE AS UNRANKED
82.87.140	Evade Payment of Capital Gains Tax	C				1/1/2022	N/A - EFFECTIVE 2022

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
87.03.200	Defraud Facsimile Signatures on Bonds and Coupons – Irrigation Districts	B				5/31/1977	REPEAL
88.08.020	Tampering with Lights or Signals	B		1	1	3/22/1909	REPEAL
88.08.050(1)	Injury to Lighthouses or United States Light	B				3/22/1909	REPEAL
88.46.080(2)(b)	Unlawful Operation of a Covered Vessel (Subsequent Violation)	C				5/15/1991	REPEAL
9.02.120	Unauthorized Abortion	C		2	3	11/5/1991	REPEAL
9.05.030	Assembly of Saboteurs	B		5	9	3/7/1903	REPEAL
9.05.060(2)	Criminal Sabotage	B	19			3/19/1919	LEAVE AS UNRANKED
9.08.072	Transferring Stolen Pet Animal to a Research Institution, not by a USDA Licensed Dealer -2nd or Subsequent Offense	C				7/1/2004	LEAVE AS UNRANKED
9.08.074	Transferring Stolen Pet Animal to a Person who Previously Sold a Stolen Pet Animal to a Research Facility	C				7/1/2004	LEAVE AS UNRANKED
9.08.076	Transferring a Stolen Pet Animal to a Research Institution by a USDA Licensed Dealer	C				7/1/2004	LEAVE AS UNRANKED
9.08.090	Crimes Against Animal Facilities	C				5/21/1991	REPEAL
9.16.010	Removing Lawful Brands	C	2	2	2	7/1/1873	REPEAL
9.16.020	Imitating Lawful Brands with Intent	C				3/22/1909	REPEAL
9.24.020	Fraudulent Issue of Stock, Scrip, etc.	B				3/22/1909	REPEAL
9.24.030	Insolvent Bank Receiving Deposit	B				3/22/1909	REPEAL
9.24.050	False Report of Corporation	B		2	2	3/22/1909	REPEAL
9.26A.110(3)	Fraud in Obtaining Telecommunications Services (Value Exceeds \$250)	C	15	5	5	5/18/1981	REPEAL

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
	REASON: In 1995, the Legislature created this statute (and others like it) because theft of telecommunication services had increased. The cellular industry estimated that up to 40% of all cellular airtime was being stolen. Prior to this legislation, there was no state law addressing theft of services in this specific manner. If the cellular industry was still losing the kind of money it was back in the 1990s we would see many more convictions for these offenses.						
9.26A.115	Use of Fraudulent Telecommunication Services	B				7/1/2004	REPEAL
	REASON: In 1995, the Legislature created this statute (and others like it) because theft of telecommunication services had increased. The cellular industry estimated that up to 40% of all cellular airtime was being stolen. Prior to this legislation, there was no state law addressing theft of services in this specific manner. Out of the five telecommunications offenses, there were 42 convictions. If the cellular industry was still losing the kind of money it was back in the 1990s we would see many more convictions for these offenses.						
9.26A.140(1)(a),(b), or (c)	Unauthorized Sale or Procurement of Telephone Records	C				6/7/2006	LEAVE AS UNRANKED
9.38.015	False Statement of Identity to a Financial Institution - 3rd or Subsequent Offense	C				7/23/1995	REPEAL
9.38.060	Digital Signatures Fraud	C	2			7/22/2001	LEAVE AS UNRANKED
9.40.105	Tampering with Fire Alarm, Emergency Signal, or Fire- fighting Equipment with Intent to Commit Arson	B		1	1	7/1/2004	LEAVE AS UNRANKED
9.41.080	Delivery of Firearms to Ineligible Person	C	179	284	341	7/1/1935	LEAVE AS UNRANKED
9.41.110(8)	Delivery of Firearm by Dealer to Ineligible Person	C	20			7/1/1935	LEAVE AS UNRANKED
9.41.115	Unlawful Private Transfer of a Firearm (Subsequent Offense)	C				11/4/2014	LEAVE AS UNRANKED
9.41.171	Alien Possession of a Firearm	C	883			7/26/2009	LEAVE AS UNRANKED
9.41.360	Unsafe Storage of a Firearm	C				11/6/2018	LEAVE AS UNRANKED
9.45.020	Substitution of Child	B				3/22/1909	REPEAL
9.45.070	Mock Auction	C				3/22/1909	REPEAL
9.45.124	Fraud in Measurement of Goods	B				3/21/1967	REPEAL
9.45.126	Inducing Fraud in Measurement of Goods	B				3/21/1967	REPEAL
9.45.170	Fraud in Liquor Warehouse Receipts	C				3/18/1909	REPEAL
9.45.210	Altering Sample or Certificate of Assay	C				7/1/2004	REPEAL
9.45.220	Making False Sample or Assay of Ore	C				7/1/2004	REPEAL

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
9.45.260	Malicious Sprinkler Contractor Work	C				3/31/1992	REPEAL
9.45.270(2)	Fraudulent Filing of Vehicle Report of Sale (Value Exceeds \$250)	C	2	2	2	6/7/2006	LEAVE AS UNRANKED
9.45.270(3)	Fraudulent Filing of Vehicle Report of Sale (Value Exceeds \$1,500)	B	1			6/7/2006	LEAVE AS UNRANKED
9.46.037	Unlawful Wagers of a Sporting Event, Athletic Event, or Competition	C				3/25/2020	LEAVE AS UNRANKED
9.46.039	Greyhound Racing	B				6/6/1996	REPEAL
9.46.155	Bribing to Obtain a License from Public Officials, Employees, Agents	C				5/14/1981	REPEAL
9.46.160	Gambling without License	B	1	6	10	4/26/1973	LEAVE AS UNRANKED
9.46.180	Causing Person to Violate Gambling Laws	B		1	4	4/26/1973	REPEAL
9.46.190	Violations of Fraud or Deceit Regarding Gambling Activity	C				4/26/1973	REPEAL
9.46.215	Ownership or Interest in Gambling Device	C	5	6	6	4/1/1994	LEAVE AS UNRANKED
9.46.220	Professional Gambling 1	B	14	48	75	7/28/1991	LEAVE AS UNRANKED
9.46.221	Professional Gambling 2	C	26	44	65	7/28/1991	LEAVE AS UNRANKED
9.46.240	Transmission or Receiving Gambling Information by Internet	C	2	8	9	4/26/1973	LEAVE AS UNRANKED
9.47.090	Maintaining a Bucket Shop	C	15	3	13	7/1/1909	REPEAL
	REASON: It is believed this statute is antiquated and may also fall under the Securities and Investments Title RCW 21.						
9.47.120	Bunco Steering	B				7/1/1909	REPEAL
9.62.010(1)	Malicious Prosecution	C	46	72 adu 18 juv	91 adu 20 juv	7/1/1909	LEAVE AS UNRANKED
9.68.060	Erotic Material (Third or Subsequent Offense)	B				5/23/1969	REPEAL
9.68.140	Promoting Pornography	C	8	10	11	4/1/1982	REPEAL
	REASON: This is an antiquated law and may currently be unconstitutional since the judge is required to determine what constitutes erotic material.						

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
9.68A.053(2)	Minor Dealing in Depictions of Another Minor Twelve Years or Younger Engaged in Sexually Explicit Conduct 1	B		7	10	7/28/2019	LEAVE AS UNRANKED
9.68A.053(3)	Minor Dealing in Depictions of Another Minor Twelve Years or Younger Engaged in Sexually Explicit Conduct 2	B		1	2	7/28/2019	LEAVE AS UNRANKED
9.68A.053(4)	Minor Financing or Selling Depictions of Another Minor Engaged in Sexually Explicit Conduct	B		1	1	7/28/2019	LEAVE AS UNRANKED
9.68A.075(2)	Viewing Depictions of Minor Engaged in Sexually Explicit Conduct 2 (Effective 6/10/2010)	C	67	162 adu 8 juv	222 adu 13 juv	6/10/2010	LEAVE AS UNRANKED
9.68A.102	Promoting Travel for Commercial Sexual Abuse of a Minor	C	3	7 adu 1 juv	11 adu 1 juv	7/22/2007	LEAVE AS UNRANKED
9.73.230	Intercepting, Transmitting or Recording Conversations Concerning Controlled Substances	C				3/7/1989	REPEAL
9.81.020	Subversive Acts	B	1			3/19/1951	LEGISLATURE TO REVIEW FOR CONSTITUTIONALITY
	NOTE: This was repealed under Chapter 201, 2023 Laws (SSB 5087)						
9.81.030	Member of Subversive Organization	C				3/19/1951	LEGISLATURE TO REVIEW FOR CONSTITUTIONALITY
	NOTE: This was repealed under Chapter 201, 2023 Laws (SSB 5087)						
9.82.010	Treason	A				3/22/1909	REPEAL
9.82.030	Misprision of Treason	C				3/22/1909	REPEAL
9.91.150(1)	Tree Spiking	C				3/23/1988	REPEAL
9.91.170(5)	Intentional Infliction, Injury or Death to a Dog Guide or Service Animal	C		1	1	7/22/2001	REPEAL
	REASON: Conduct may be captured under Animal Cruelty 1 and assault charge could accompany any animal cruelty charge if someone were to engage in behavior against the dog.						

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
9.91.175(3)	Intentionally Injures, Disables or Causes Death of an On-Duty Search and Rescue Dog	C				7/24/2005	REPEAL
REASON: Conduct may be captured under Animal Cruelty 1 and assault charge could accompany any animal cruelty charge if someone were to engage in behavior against the dog.							
9.94.010	Prison Riot	B	64			3/17/1955	LEAVE AS UNRANKED
9.94.030	Holding Hostages or Interfering with Officer's Duty	B	16	17	23	3/17/1955	LEAVE AS UNRANKED
9.94.040(1)	Possession of Weapons by Prisoners (State Facility)	B	108	10 adu 3 juv	11 adu 3 juv	3/17/1955	LEAVE AS UNRANKED
9.94.040(2)	Possession of Weapons by Prisoners (County or Local Facility)	C	16	524 adu 10 juv	607 adu 10 juv	7/23/1995	LEAVE AS UNRANKED
9.94.041(1)	Possession of Controlled Substance by Prisoner (State Facility)	C				3/26/1979	REDUCE CONTROLLED SUBSTANCE TO MISDEMEANOR. LEAVE REST AS UNRANKED FELONY
REASON: This statute pertains to contraband controlled substances, alcohol and electronic telecommunications devices. DOC reported they do not pursue felony charges but instead infract persons found with contraband.							
This statute pertains to contraband controlled substances, alcohol and electronic telecommunications devices. Contraband electronic telecommunications devices are clearly a safety issue. The only difference between this felony and the current misdemeanor level for possession of controlled substance is the location of the person. Incarcerated persons, however, need substance use disorder services just like those who are not incarcerated. The approach should be consistent regardless of the location of the person. For these reasons, the SGC recommends reducing the penalty related to contraband controlled substances and alcohol to a misdemeanor but leave the contraband electronic devices as an unranked felony.							
9.94.041(2)	Possession of Controlled Substance by Prisoner (County or Local Facility)	C	603	358 adu 1 juv	416 adu 1 juv	7/23/1995	REDUCE CONTROLLED SUBSTANCE TO MISDEMEANOR. LEAVE REST AS UNRANKED FELONY
REASON: This statute pertains to contraband controlled substances, alcohol and electronic telecommunications devices. Contraband electronic telecommunications devices are clearly a safety issue. The only difference between this felony and the current misdemeanor level for possession of controlled substance is the location of the person. Incarcerated persons, however, need substance use disorder services just like those who are not incarcerated. The approach should be consistent regardless of the location of the person. For these reasons, the SGC recommends reducing the penalty related to contraband controlled substances and alcohol to a misdemeanor but leave the contraband electronic devices as an unranked felony.							
9.94.043	Possession of Weapons in Prison by Non-prisoner	B	1	2	3	3/26/1979	LEAVE AS UNRANKED

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
9.94.045	Possession of Controlled Substance in Prison by Non- prisoner	C	9	61	75	3/26/1979	LEAVE AS UNRANKED
90.56.300(2)(b)	Unlawful Operation of Onshore or Offshore Facility (Subsequent Conviction)	C				3/21/1990	REPEAL
90.56.530	Reckless Operation of a Tank Vessel	C				5/15/1991	REPEAL
90.56.540	Operation of a Vessel while under the Influence of Intoxicating Liquor or Drugs	C				5/15/1991	REPEAL
9A.36.060	Promoting a Suicide Attempt	C	8	12	13	6/27/1975	RANK FELONY
	REASON: This statute has not changed since the passage of the Death with Dignity Act. The unranked offense for Coerce a Patient to Request Life-ending Medication (RCW 70.245.200(2)) is a class A offense. The SGC believed this is relevant due to highly publicized cases where people have been prodded into committing suicide on social media and is prevalent in the LGBTQ movement. The SGC recommends ranking this offense but did not offer at what seriousness level to rank it. An alternative would be to update the statute's language to be consistent with the Death with Dignity Act.						
9A.36.090	Threats Against Governor or Family	C	11	20	26	4/1/1982	RANK AT SERIOUSNESS LEVEL 4
	REASON: The SGC considers this a serious offense that should be ranked.						
9A.40.060	Custodial Interference 1	C	228	538 adu 5 juv	795 adu 6 juv	3/2/1984	RANK FELONY
	REASON: The SGC considers this a serious offense that should be ranked but did not offer what seriousness level to rank it.						
9A.40.070	Custodial Interference 2 (Subsequent Offense)	C	2	50 adu 2 juv	58 adu 2 juv	3/2/1984	LEAVE AS UNRANKED
9A.40.090	Luring of a Child or Developmentally Disabled Person	C	270			7/25/1993	RANK AT SERIOUSNESS LEVEL 4
	REASON: Because this offense pertains to vulnerable persons, the SGC believes it is appropriate that this offense be ranked.						
9A.40.110	Coercion of Involuntary Servitude	C	1	1	1	6/12/2014	RANK AT SERIOUSNESS LEVEL 5
	REASON: Because of the seriousness of this offense, the SGC believes it is appropriate that this offense be ranked.						
9A.44.100(1)(d-f)	Indecent Liberties - without Forcible Compulsion	B	42			7/25/1993	LEAVE AS UNRANKED
9A.44.132(1)(a)	Failure to Register as a Sex Offender (First Violation)	C	7,576			6/10/2010	NO POSITION (DEFER TO ESHB 1394 AND SOPB)
9A.44.132(3)	Failure to Register as a Kidnapping Offender	C	181			6/10/2010	LEAVE AS UNRANKED

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
9A.44.196	Criminal Trespass Against Children	C	33	43	49	3/20/2006	LEAVE AS UNRANKED
9A.49.020	Unlawful Discharge of a Laser 1	C	18	41 adu 16 juv	46 adu 20 juv	7/25/1999	LEAVE AS UNRANKED
9A.56.230	Unlawful Sale of Subscription Television Services	C		6	6	5/21/1985	REPEAL
9A.56.262	Theft of Telecommunication Service	C	23	62 adu 21 juv	71 adu 24 juv	7/23/1995	REPEAL
	REASON: In 1995, the Legislature created this statute (and others like it) because theft of telecommunication services had increased. The cellular industry estimated that up to 40% of all cellular airtime was being stolen. Prior to this legislation, there was no state law addressing theft of services in this specific manner. Out of the five telecommunications offenses, there were 42 convictions. If the cellular industry was still losing the kind of money it was back in the 1990s we would see many more convictions for these offenses.						
9A.56.264	Unlawful Manufacture of a Telecommunication Device	C				7/23/1995	REPEAL
	REASON: In 1995, the Legislature created this statute (and others like it) because theft of telecommunication services had increased. The cellular industry estimated that up to 40% of all cellular airtime was being stolen. Prior to this legislation, there was no state law addressing theft of services in this specific manner. Out of the five telecommunications offenses, there were 42 convictions. If the cellular industry was still losing the kind of money it was back in the 1990s we would see many more convictions for these offenses.						
9A.56.266	Unlawful Sale of a Telecommunication Device	C	4			7/23/1995	REPEAL
	REASON: In 1995, the Legislature created this statute (and others like it) because theft of telecommunication services had increased. The cellular industry estimated that up to 40% of all cellular airtime was being stolen. Prior to this legislation, there was no state law addressing theft of services in this specific manner. Out of the five telecommunications offenses, there were 42 convictions. If the cellular industry was still losing the kind of money it was back in the 1990s we would see many more convictions for these offenses.						
9A.56.360(4)	Retail Theft with Special Circumstances 3	C	2,958			6/7/2006	LEAVE AS UNRANKED
9A.56.370	Mail Theft	C	371			7/22/2011	LEAVE AS UNRANKED
9A.56.380	Possession of Stolen Mail	C	222	589 adu 5 juv	1015 adu 7 juv	7/22/2011	LEAVE AS UNRANKED
9A.58.020	Possessing or Capturing Personal Identification Document	C	10	16	17	6/12/2008	LEAVE AS UNRANKED
9A.60.030	Obtaining Signature by Deception or Duress	C	98	138	272	7/25/1993	LEAVE AS UNRANKED
9A.60.040	Criminal Impersonation 1	C	3,253			7/25/1993	LEAVE AS UNRANKED

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
9A.60.070	Issuing a False Academic Credential	C				6/7/2006	REPEAL (ISSUING) FELONY AND (USING) GROSS MISDEMEANOR PENALTIES AND REPLACE WITH CIVIL PENALTIES
	REASON: The penalty for issuing a false academic credential is a class C felony, while the penalty for using a false academic credential is a gross misdemeanor. The SGC believes the penalty for issuing and using false academic credentials should be the same but also believe they should not result in a criminal penalty. The SGC recommends repealing both criminal penalties and replacing them with civil penalties.						
9A.61.030	Defrauding a Public Utility 1	B	40	92	137	4/20/1989	REPEAL
	REASON: The amount for Theft 1 is \$5,000+ while the amount for this offense is \$1,500+. The SGC believes this conduct is captured under the Theft 1 statute (RCW 9A.56.030) and recommends repealing this offense to simplify the code while also removing the inconsistent values between the two statutes.						
9A.61.040	Defrauding a Public Utility 2	C	16	29	34	4/20/1989	REPEAL
	REASON: The amount for Theft 2 is \$750-\$5,000 while the amount for this offense is \$500+. The SGC believes this conduct is captured under the Theft 2 statute (RCW 9A.56.040) and recommends repealing this offense to simplify the code while also removing the inconsistent values between the two statutes.						
9A.64.010	Bigamy	C	16	35	36	7/1/1976	REDUCE TO MISDEMEANOR
	REASON: The SGC believes this offense is not serious enough to be at a felony level and recommends reducing it.						
9A.64.030(3)(a)	Child Selling	C	1			3/7/1980	LEAVE AS UNRANKED
9A.64.030(3)(b)	Child Buying	C				3/7/1980	LEAVE AS UNRANKED
9A.68.020	Requesting Unlawful Compensation	C		2	2	7/1/1976	REPEAL
9A.68.030	Receiving or Granting Unlawful Compensation	C	4	3	3	7/1/1976	LEAVE AS UNRANKED
9A.68.040	Trading in Public Office	C		4	8	7/1/1976	REPEAL
9A.68.050	Trading in Special Influence	C		2 adu 1 juv	2 adu 1 juv	7/1/1976	REPEAL
9A.76.023(2)(a)	Disarming a Law Enforcement or Corrections Officer	C	55	87 adu 3 juv	114 adu 7 juv	6/11/1998	RANK AT SERIOUSNESS LEVEL 3 OR HIGHER
	REASON: The SGC recommends ranking this offense to make it commensurate to Assault of Law Enforcement Officer (RCW 9A.36.031(g)).						
9A.76.023(2)(b)	Disarming a Law Enforcement or Corrections Officer and Firearm is Discharged	B	28	5	5	6/11/1998	RANK AT SERIOUSNESS LEVEL 4 OR HIGHER
	REASON: The SGC recommends ranking this offense to make it commensurate to Assault of Law Enforcement Officer (RCW 9A.36.031(g)). Because under this offense the firearm is discharged, the SGC recommends ranking it at a level higher than Disarming a Law Enforcement or Corrections Office (RCW 9A.76.023(2)(a)).						
9A.76.130(3)(b)	Escape 3 (Third or Subsequent Offense)	C	14	19 adu 6 juv	19 adu 6 juv	7/24/2015	LEAVE AS UNRANKED

RCW	Offense Title	Class	Count FY00-20 Convictions	Count Case Charges ⁴³	Count Charges ⁴⁴	Effective Date	Recommendation
9A.76.177	Amber Alert – Making False Statements to a Public Servant	C				6/12/2008	REPEAL
9A.76.200	Harming a Police Dog/Horse or an Accelerant Detection Dog	C	66	34 adu 1 juv	50 adu 1 juv	3/11/1982	LEAVE AS UNRANKED
9A.82.045	Collection of Unlawful Debt	C	15	16	17	7/1/1985	LEAVE AS UNRANKED
9A.82.080(3)	Use of Proceeds of Criminal Profiteering – Attempt or Conspiracy	C				7/1/1985	REPEAL
9A.82.160	Criminal Profiteering Lien after Service of Notice	C				7/1/1985	REPEAL
9A.83.020	Money Laundering	B	1,599			6/11/1992	LEAVE AS UNRANKED
9A.84.010(2)(b)	Criminal Mischief	C	3,705			7/1/1976	LEAVE AS UNRANKED
9A.86.010	Disclosing Intimate Images	C				9/26/2015	LEAVE AS UNRANKED
9A.88.010(2)(c)	Indecent Exposure to a Person Age 14 or Older (Subsequent Conviction or has Prior Sex Offense Conviction)	C	148	426 adu 16 juv	645 adu 22 juv	7/1/1990	N/A – CONVICTIONS WERE PRE-1999 WHEN OFFENSE WAS UNRANKED. OFFENSE HAS BEEN AT SERIOUSNESS LEVEL 4
9A.88.085	Promoting Travel for Prostitution	C	10	18	19	6/7/2006	LEAVE AS UNRANKED

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