



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

JUVENILE DISPOSITION SENTENCING STANDARDS

**Effective for Offenses Committed on or After
July 1, 1998**

SENTENCING GUIDELINES COMMISSION

State of Washington



JUVENILE DISPOSITION SENTENCING STANDARDS

Effective July 1, 1998

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SECTION 1 - JUVENILE SENTENCING STANDARDS

JUVENILE SENTENCING STANDARDS

INTRODUCTION

Juveniles who commit criminal offenses are subject to the provisions of the Juvenile Justice Act of 1977. The enabling legislation (RCW 13.40) contains guidelines and procedures used by the juvenile court to impose sentences. The Juvenile Justice Act is based on a determinate sentencing model and prescribes presumptive sanctions that are commensurate with the offender's age, seriousness of current offense, and prior criminal history. When a disposition would impose an excessive penalty on the juvenile, or the juvenile would impose a serious and clear danger to society, the court may impose a disposition which departs from the presumptive standard range. Any disposition that departs from the presumptive standard range must meet certain requirements.

The goal of a determinate sentencing system is to ensure that offenders who commit similar crimes and have similar criminal histories receive similar sentences. Presumptive sentencing schedules are structured so that offenses involving greater harm to a victim and society result in greater punishment. The sentencing standards apply equally to juvenile offenders in all parts of the state, without discrimination, as to any element that does not relate to the crime or a defendant's previous record.

It is the responsibility of the Sentencing Guidelines Commission to review the disposition standards and recommend revisions or modifications to the Legislature. In addition, the Commission evaluates the application of the guidelines and relevant juvenile justice policies, conducts ongoing research on juvenile sentencing, and reports to the Governor and Legislature on racial disproportionality in sentencing, the capacity of state and local juvenile facilities and resources, and juvenile recidivism. The Commission consists of twenty voting members, sixteen of whom are appointed by the Governor. These sixteen appointed members include four Superior Court judges, two defense attorneys, two prosecutors, four citizens, one Juvenile Court Administrator, one elected city official, one elected county official, and the chief of a local law enforcement agency. There are four ex-officio voting members: the Secretary of the Department of Corrections, the Director of the Office of Financial Management, Assistant Secretary of the Department of Social and Health Services' Juvenile Rehabilitation Administration, and the Chair of the Indeterminate Sentence Review Board. The Speaker of the House of Representatives and the President of the Senate each appoint two nonvoting members to the Commission, one from each of the two largest caucuses in each house.

In order to advise the Legislature, the Commission requires accurate information on juvenile offenders, their crimes, and dispositions imposed under the Juvenile Justice Act. This information is derived from copies of disposition documents sent by the court clerks to the Commission office. A computerized database allows the Commission staff to produce descriptive information on sentences and also to analyze the impacts of changes to the disposition standards on juvenile offender populations placed into county detention centers and state Juvenile Rehabilitation Administration institutions.

If you have questions about the disposition standards, wish to be notified of Commission meetings, or desire copies of minutes from Commission meetings, please contact the Commission office. We appreciate any comments or suggestions on the Juvenile Disposition Sentencing Standards or other printed documentation.

INSTRUCTIONS

The following procedures illustrate the process for applying the standards to determine dispositions for juvenile offenders. These juvenile disposition standards reflect comprehensive changes enacted by the 1997 Legislature and should be applied to offenses committed on or after July 1, 1998.¹

As a first step, the appropriate court of jurisdiction should be determined. RCW 13.04.030 should be consulted. By statute, the juvenile court has original jurisdiction for criminal offenses committed by youths 17 years or younger, unless the juvenile is sixteen or seventeen years old and the alleged offense is:

- (A) A serious violent offense as defined in RCW 9.94A.030;
- (B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: any Class A felony, any Class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately;
- (C) Robbery in the first degree, rape of a child in the first degree, or drive-by shooting committed on or after July 1, 1997;
- (D) Burglary in the first degree committed on or after July 1, 1997 and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or
- (E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997 and the juvenile is alleged to have been armed with a firearm.

In such a case the adult criminal court shall have exclusive original jurisdiction.

If the youth is under the jurisdiction of juvenile court, determine the offense category of the current offense(s) and the number of prior offenses. Each prior felony adjudication counts as one point on the sentencing grid. Each prior violation, misdemeanor, or gross misdemeanor adjudication shall count as ¼ point (fractions are rounded down). A violation may include any act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration. Non-felony offenses (i.e., misdemeanors and gross misdemeanors) generally include all category D and E offenses.

Select one of the available sentencing options to determine a disposition for each of the current offenses. The sentence for each current offense is served consecutively by the offender.

¹ Chapter 338, Laws of 1997.

**Effective for Offenses Committed on or After
July 1, 1998**

OPTION A:

STANDARD RANGE

JUVENILE OFFENDER SENTENCING GRID

Offense
Category

Standard Ranges (in weeks)

A+	180 weeks to Age 21 for all category A+ offenses				
A	103 - 129 weeks for all category A offenses				
A-	15 - 36 Except 30 - 40 weeks for 15 to 17 year olds.	52 - 65	80 - 100	103 - 129	103 - 129
B+	15 - 36	15 - 36	52 - 65	80 - 100	103 - 129
B	LS	LS	15 - 36	15 - 36	52 - 65
C+	LS	LS	LS	15 - 36	15 - 36
C	LS	LS	LS	LS	15 - 36
D+	LS	LS	LS	LS	LS
D	LS	LS	LS	LS	LS
E	LS	LS	LS	LS	LS
	0	1	2	3	4 or more

Prior Adjudications**

** Each prior felony adjudication counts as 1 point on the sentencing grid. Violations, Misdemeanors, and Gross Misdemeanors count ¼ point each. Fractions are rounded down.

LS = Local Sanctions:

- 0-30 days (with the exception of violations) and/or
- 0-12 months community supervision and/or
- 0-150 hours community service and/or
- \$0-\$500 fine

OPTION B:

CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE (CDDA)

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed a category A- or B+ offense, the court, under a finding that the offender is chemically dependent and amenable to treatment, may suspend an Option A disposition by imposing a disposition outside of the standard range and placing the offender on community supervision for a year. As a condition of the suspension, the court:

- Must require the offender to undergo available inpatient/outpatient drug or alcohol treatment; and
- May require up to 30 days' confinement, 150 hours of community service, and/or payment of legal financial obligations and restitution

The combination of inpatient treatment and confinement may not exceed 90 days. The treatment provider must submit monthly progress reports and the court may schedule treatment review hearings. The suspension may be revoked and the disposition executed (with credit for confinement time served on the same offense) for violating conditions or failing to make satisfactory progress in treatment.

OPTION C:

MANIFEST INJUSTICE

If the court determines that a disposition under Option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range. The court's findings of a manifest injustice shall be supported by clear and convincing evidence. A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. A disposition outside the standard range is appealable by the state or the respondent.

When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term. When the maximum term in the range is ninety days or less, the minimum term in the range may be no less than 50% of the maximum term in the range. When the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range may be no less than 75% of the maximum term in the range. If the maximum term in the range is more than one year, the minimum term in the range may be no less than 80% of the maximum term in the range.

SPECIAL SEX OFFENDER DISPOSITION ALTERNATIVE (SSODA)

When a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court may order an examination to determine whether the offender is amenable to treatment. If following such an examination the court determines that the offender and the community would benefit from the use of a SSODA, the court may impose a determinate disposition within the standard range or under Option C (i.e., manifest injustice)

and suspend the execution of the disposition and place the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- Devote time to a specific education, employment, or occupation;
- Undergo available outpatient sex offender treatment for up to two years, or inpatient treatment sex offender treatment not to exceed the standard range of confinement for that offense;
- Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;
- Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider (this change shall have prior approval by the court);
- Report as directed to the court and a probation counselor;
- Pay all court-ordered legal financial obligations, perform community service, or any combination thereof;
- Make restitution to the victim for the cost of any counseling reasonably related to the offense;
- Comply with the conditions of any court-ordered probation bond; or
- The court shall order that the offender may not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings.

A disposition entered under the SSODA sentencing option is not appealable.²

FIREARM ENHANCEMENTS

The 1997 Legislature modified the enhancement applied when an offender, or an accomplice, was armed with a firearm.³ The enhancement applies to all felonies except those where the use of a firearm is an element of the offense definition.⁴ The enhancement, which must be served consecutively to the base sentence, is:

- Six months for a Class A felony
- Four months for a Class B felony
- Two months for a Class C felony

² Consult RCW 13.40.160 for a complete description of the SSODA sentencing option.

³ Chapter 338, Laws of 1997.

⁴ Possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm 1 or 2, or use of a machine gun in a felony.

SECTION 2 - LIST OF OFFENSES

**JUVENILE SENTENCING STANDARDS
OFFENSE LIST BY CRIME TYPE**

ARSON AND MALICIOUS MISCHIEF

Cat.	JRA Code	Offense Description	Anticipatory Cat. (Note F)
A	9A48020	Arson 1 (9A.48.020)	B+
B	9A48030	Arson 2 (9A.48.030)	C
C	9A48040	Reckless Burning 1 (9A.48.040)	D
D	9A48050	Reckless Burning 2 (9A.48.050)	E
B	9A48070	Malicious Mischief 1 (9A.48.070)	C
C	9A48080	Malicious Mischief 2 (9A.48.080)	D
D	9A48090	Malicious Mischief 3 (<\$50 is Class E) (9A.48.090)	E
E	0940100	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	0940120	Possession of Incendiary Device (9.40.120)	B+
A	7074180	Possession of Explosive Devices (70.74.180) ^{Note A}	B
E	7077255	Possession of Illegal Fireworks (70.77.255) ^{Note E}	E

ASSAULT AND OTHER CRIMES INVOLVING PHYSICAL HARM

Cat.	JRA Code	Offense Description	Anticipatory Cat. (Note F)
A	9A36011	Assault 1 (9A.36.011)	B+
B+	9A36021	Assault 2 (9A.36.021)	C+
C+	9A36031	Assault 3 (9A.36.031)	D+
D+	9A36041	Assault 4 (9A.36.041)	E
B+	9A36045	Drive-By Shooting (9A.36.045)	C+
D+	9A36050	Reckless Endangerment (9A.36.050)	E
C+	9A36060	Promoting Suicide Attempt (9A.36.060)	D+
D+	9A36070	Coercion (9A.36.070)	E
C+	9A36100	Custodial Assault (9A.36.100)	D+

BURGLARY AND TRESPASS

Cat.	JRA Code	Offense Description	Anticipatory Cat. (Note F)
B+	9A52020	Burglary 1 (9A.52.020)	C+
B	9A52025	Residential Burglary (9A.52.025)	C
B	9A52030	Burglary 2 (9A.52.030)	C
D	9A52060	Burglary Tools (Possession of) (9A.52.060)	E
D	9A52070	Criminal Trespass 1 (9A.52.070)	E
E	9A52080	Criminal Trespass 2 (9A.52.080)	E
C	9A52095	Vehicle Prowling 1 (9A.52.095)	D
D	9A52100	Vehicle Prowling 2 (9A.52.100)	E

DRUGS

Cat.	JRA Code	Offense Description	Anticipatory Cat. (Note F)
E	6644270	Possession/Consumption of Alcohol (66.44.270)	E
C	6941020	Illegally Obtaining Legend Drugs (69.41.020)	D

**JUVENILE SENTENCING STANDARDS
OFFENSE LIST BY CRIME TYPE**

DRUGS Cont.

Cat.	JRA Code	Offense Description	Anticipatory Cat. (Note F)
C+	694103A	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D+
E	694103B	Possession of Legend Drug (69.41.030)	E
B+	695040A	Violation of Uniform Controlled Substances Act-Non-Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (i) or (ii))	B+
C	695040B	Violation of Uniform Controlled Substances Act-Non-Narcotic Sale (69.50.401(a)(1)(iii))	C
E	695040J	Possession of Marijuana <40 Grams (69.50.401(e))	E
C	6950403	Fraudulently Obtaining Controlled Substance(69.50.403)	C
C+	6950410	Sale of Controlled Substance for Profit (69.50.410)	C+
E	947A020	Unlawful Inhalation (9.47A.020)	E
B	695040C	Violation of Uniform Controlled Substances Act-Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1)(i) or (ii))	B
C	695040D	Violation of Uniform Controlled Substances Act-Nonnarcotic Counterfeit Substances (69.50.401(b)(1)(iii), (iv), (v))	C
C	695040E	Violation of Uniform Controlled Substances Act-Sale of Substitute Substance (69.50.401(c))	C
C	695040F	Violation of Uniform Controlled Substances Act-Possession of a Controlled Substance (69.50.401(d))	C
E	695040K	<i>Drug Paraphernalia (69.50.412)^{Note E}</i>	E

FIREARMS AND WEAPONS

Cat.	JRA Code	Offense Description	Anticipatory Cat. (Note F)
B	9A56300	Theft of Firearm (9A.56.300)	C
E	0941050	Carrying Loaded Pistol without Permit (9.41.050)	E
D+	0941250	Possession of Dangerous Weapon (9.41.250)	E
D	0941270	Intimidating Another Person by Use of a Weapon (9.41.270)	E
D	0941280	<i>Carrying Weapon to School (9.41.280)^{Note D}</i>	E
B	9A56310	Possession of a Stolen Firearm (9A.56.310)	C
B	0941041	<i>Unlawful Possession of a Firearm 1 (9.41.040)^{Note B}</i>	C
C	0941042	<i>Unlawful Possession of a Firearm 2 (9.41.040)^{Note C}</i>	D

HOMICIDE

Cat.	JRA Code	Offense Description	Anticipatory Cat. (Note F)
A+	9A32030	Murder 1 (9A.32.030)	A
A+	9A32050	Murder 2 (9A.32.050)	B+
B+	9A32060	Manslaughter 1 (9A.32.060)	C+
C+	9A32070	Manslaughter 2 (9A.32.070)	D+
B+	4661520	Vehicular Homicide (46.61.520)	C+

**JUVENILE SENTENCING STANDARDS
OFFENSE LIST BY CRIME TYPE**

KIDNAPPING

Cat.	JRA Code	Offense Description	Anticipatory Cat. (Note F)
A	9A40020	Kidnap 1 (9A.40.020)	B+
B+	9A40030	Kidnap 2 (9A.40.030)	C+
C+	9A40040	Unlawful Imprisonment (9A.40.040)	D+
C	9A44132	Failure to Register as a Kidnapper (9A.44.130) ^{Note C}	D

OBSTRUCTING GOVERNMENTAL OPERATION

Cat.	JRA Code	Offense Description	Anticipatory Cat. (Note F)
D	9A76020	Obstructing a Law Enforcement Officer (9A.76.020)	E
E	9A76040	Resisting Arrest (9A.76.040)	E
B	9A76140	Introducing Contraband 1 (9A.76.140)	C
C	9A76150	Introducing Contraband 2 (9A.76.150)	D
E	9A76160	Introducing Contraband 3 (9A.76.160)	E
B+	9A76180	Intimidating a Public Servant (9A.76.180)	C+
B+	9A72110	Intimidating a Witness (9A.72.110)	C+

PUBLIC DISTURBANCE

Cat.	JRA Code	Offense Description	Anticipatory Cat. (Note F)
C+	9A8401W	Riot with Weapon (9A.84.010)	D+
D+	9A8401U	Riot without Weapon (9A.84.010)	E
E	9A84020	Failure to Disperse (9A.84.020)	E
E	9A84030	Disorderly Conduct (9A.84.030)	E

SEX CRIMES

Cat.	JRA Code	Offense Description	Anticipatory Cat. (Note F)
D	968A090	Communicating with a Minor for Immoral Purposes (9.68A.090) ^{Note C}	E
C	968A091	Communicating with a Minor for Immoral Purposes - Subsequent Sex (9.68A.090) ^{Note C}	D
A	9A44040	Rape 1 (9A.44.040)	B+
A-	9A44050	Rape 2 (9A.44.050)	B+
C+	9A44060	Rape 3 (9A.44.060)	D+
A-	9A44073	Rape of a Child 1 (9A.44.073)	B+
B+	9A44076	Rape of a Child 2 (9A.44.076)	C+
B	9A64021	Incest 1 (9A.64.020(1))	C
C	9A64022	Incest 2 (9A.64.020(2))	D
D+	9A8801C	Indecent Exposure (Victim <14) (9A.88.010)	E
E	9A8801A	Indecent Exposure (Victim 14+) (9A.88.010)	E
B+	9A88070	Promoting Prostitution 1 (9A.88.070)	C+
C+	9A88080	Promoting Prostitution 2 (9A.88.080)	D+

E 9A88030 O & A (Prostitution) (9A.88.030)

E

**JUVENILE SENTENCING STANDARDS
OFFENSE LIST BY CRIME TYPE**

SEX CRIMES Cont.

Cat.	JRA Code	Offense Description	Anticipatory Cat. (Note F)
B+	9A4410F	Indecent Liberties with Forcible Compulsion (9A.44.100)	C+
B+	9A44100	Indecent Liberties without Forcible Compulsion (9A.44.100)	C+
A-	9A44083	Child Molestation 1 (9A.44.083)	B+
B	9A44086	Child Molestation 2 (9A.44.086)	C+
C	9A44130	Failure to Register as a Sex Offender (9A.44.130) ^{Note C}	D

THEFT, ROBBERY, EXTORTION, AND FORGERY

Cat.	JRA Code	Offense Description	Anticipatory Cat. (Note F)
B	9A56030	Theft 1 (9A.56.030)	C
C	9A56040	Theft 2 (9A.56.040)	D
D	9A56050	Theft 3 (9A.56.050)	E
B	9A56300	Theft of Firearm (9A.56.300) ^{Note B}	C
B	9A56080	Theft of Livestock (9A.56.080)	C
C	9A60020	Forgery (9A.60.020)	D
A	9A56200	Robbery 1 (9A.56.200)	B+
B+	9A56210	Robbery 2 (9A.56.210)	C+
B+	9A56120	Extortion 1 (9A.56.120)	C+
C+	9A56130	Extortion 2 (9A.56.130)	D+
B	9A56150	Possession of Stolen Property 1 (9A.56.150)	C
C	9A56160	Possession of Stolen Property 2 (9A.56.160)	D
D	9A56170	Possession of Stolen Property 3 (9A.56.170)	E
C	9A56070	Taking Motor Vehicle without Owner's Permission (9A.56.070)	D
B	9A82050	Trafficking in Stolen Property 1 (9A.82.050) ^{Note B}	C

MOTOR VEHICLE - RELATED CRIMES

Cat.	JRA Code	Offense Description	Anticipatory Cat. (Note F)
E	4620021	Driving without a License (46.20.005)	E
C	4652021	Hit And Run-Injury (46.52.020(4))	D
D	4652022	Hit And Run-Attended (46.52.020(5))	E
E	4652010	Hit And Run-Unattended (46.52.010)	E
C	4661522	Vehicular Assault (46.61.522)	D
C	4661024	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	4661500	Reckless Driving (46.61.500)	E
D	4661515	Driving While Under the Influence (46.61.502 And 46.61.504)	E

OTHER

Cat.	JRA Code	Offense Description	Anticipatory Cat. (Note F)
C	1652205	Animal Cruelty 1 (16.52.205) ^{Note C}	D
E	1652207	Animal Cruelty 2 (16.52.207) ^{Note E}	E
B	0961160	Bomb Threat (9.61.160)	C
C	9A76110	Escape 1* (9A.76.110)	C

**JUVENILE SENTENCING STANDARDS
OFFENSE LIST BY CRIME TYPE**

OTHER Cont.

Cat.	JRA Code	Offense Description	Anticipatory Cat. (Note F)
C	9A76120	Escape 2* (9A.76.120)	C
D	9A76130	Escape 3 (9A.76.130)	E
C	9A76070	<i>Rendering Criminal Assistance 1 (9A.76.070)</i> ^{Note C}	D
C	1019130	Failure to Appear in Court (10.19.130)	D
E	0961230	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
D	9A46110	<i>Stalking (9A.46.110)</i> ^{Note D}	E
C	9A46111	<i>Stalking (Repeat) (9A.46.110)</i> ^{Note C}	D
D	9A46020	<i>Harassment (9A.46.020)</i> ^{Note D}	E
C	9A46021	<i>Harassment (Repeat) (9A.46.020)</i> ^{Note C}	D
A	0009988	Other Offense Equivalent to an Adult Class A Felony	B+
B	0009986	Other Offense Equivalent to an Adult Class B Felony	C
C	0009984	Other Offense Equivalent to an Adult Class C Felony	D
D	0009982	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	0009981	Other Offense Equivalent to an Adult Misdemeanor	E
V	0009980	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200)**	V
V	0009979	Violation of Special Sex offender Disposition Alternative (SSODA) Conditions (13.40.160)**	V

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

- 1st escape or attempted escape during 12-month period = 4 weeks confinement.
- 2nd escape or attempted escape during 12-month period = 8 weeks confinement.
- 3rd and subsequent escape or attempted escape during 12-month period = 12 weeks confinement.

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

Note A: These offenses have not yet been listed in Schedule A in RCW 13.40.0357. These offenses should be assigned a Juvenile Disposition Offense Category of A because they are Class A felonies.

Note B: These offenses have not yet been listed in Schedule A in RCW 13.40.0357. These offenses should be assigned a Juvenile Disposition Offense Category of B because they are Class B felonies.

Note C: These offenses have not yet been listed in Schedule A in RCW 13.40.0357. These offenses should be assigned a Juvenile Disposition Offense Category of C because they are Class C felonies.

Note D: These offenses have not yet been listed in Schedule A in RCW 13.40.0357. These offenses should be assigned a Juvenile Disposition Offense Category of D because they are Gross Misdemeanors.

Note E: These offenses have not yet been listed in Schedule A in RCW 13.40.0357. These offenses should be assigned a Juvenile Disposition Offense Category of E because they are Misdemeanors.

Note F: Anticipatory offenses may include any attempts, conspiracies, or solicitations to commit any felony or misdemeanor offenses.

**JUVENILE SENTENCING STANDARDS
OFFENSE LIST BY CRIME**

Cat.	JRA Code	Offense Description	RCW	Anticipatory Cat. (Note F)
C	1652205	Animal Cruelty 1 (Note C)	16.52.205	D
E	1652207	Animal Cruelty 2 (Note E)	16.52.207	E
A	9A48020	Arson 1	9A.48.020	B+
B	9A48030	Arson 2	9A.48.030	C
A	9A36011	Assault 1	9A.36.011	B+
B+	9A36021	Assault 2	9A.36.021	C+
C+	9A36031	Assault 3	9A.36.031	D+
D+	9A36041	Assault 4	9A.36.041	E
C	4661024	Attempting to Elude Pursuing Police Vehicle	46.61.024	D
B	0961160	Bomb Threat	9.61.160	C
B+	9A52020	Burglary 1	9A.52.020	C+
B	9A52030	Burglary 2	9A.52.030	C
D	9A52060	Burglary Tools (Possession of)	9A.52.060	E
E	0941050	Carrying a Loaded Pistol Without Permit	9.41.050	E
D	0941280	Carrying Weapon to School (Note D)	9.41.280	E
A-	9A44083	Child Molestation 1	9A.44.083	B+
B	9A44086	Child Molestation 2	9A.44.086	C+
D+	9A36070	Coercion	9A.36.070	E
C	968A091	Communicating with a Minor for Immoral Purposes - Subsequent Sex (Note C)	9.68A.090	D
D	968A090	Communicating with Minor Immoral Purposes (Note C)	9.68a.090	E
D	9A52070	Criminal Trespass 1	9A.52.070	E
E	9A52080	Criminal Trespass 2	9A.52.080	E
C+	9A36100	Custodial Assault	9A.36.100	D+
E	9A84030	Disorderly Conduct	9A.84.030	E
B+	9A36045	Drive-By Shooting	9A.36.045	C+
D	4661515	Driving While Under The Influence	46.61.502 & 46.61.504	E
E	4620021	Driving Without a License	46.20.005	E
E	695040K	Drug Paraphernalia (Note E)	69.50.412	E
C	9A76110	Escape 1*	9A.76.110	C
C	9A76120	Escape 2*	9A.76.120	C
D	9A76130	Escape 3	9A.76.130	E
B+	9A56120	Extortion 1	9A.56.120	C+
C+	9A56130	Extortion 2	9A.56.130	D+
C	1019130	Failure to Appear In Court	10.19.130	D
E	9A84020	Failure to Disperse	9A.84.020	E
C	9A44132	Failure to Register as a Kidnapper (Note C)	9A.44.130	D
C	9A44130	Failure to Register as a Sex Offender (Note C)	9A.44.130	D
C	9A60020	Forgery	9A.60.020	D
C	6950403	Fraudulently Obtaining Controlled Substance	69.50.403	C
D	9A46020	Harassment (Note D)	9A.46.020	E
C	9A46021	Harassment (Repeat) (Note C)	9A.46.020	D
D	4652022	Hit and Run-Attended	46.52.020(5)	E
C	4652021	Hit and Run-Injury	46.52.020(4)	D

**JUVENILE SENTENCING STANDARDS
OFFENSE LIST BY CRIME**

Cat.	JRA Code	Offense Description	RCW	Anticipatory Cat. (Note F)
E	4652010	Hit and Run-Unattended	46.52.010	E
C	6941020	Illegally Obtaining Legend Drugs	69.41.020	D
B	9A64021	Incest 1	9A.64.020(1)	C
C	9A64022	Incest 2	9A.64.020(2)	D
D+	9A8801C	Indecent Exposure (Victim <14)	9A.88.010	E
E	9A8801A	Indecent Exposure (Victim 14+)	9A.88.010	E
B+	9A4410F	Indecent Liberties with Forcible Compulsion	9A.44.100	C+
B+	9A44100	Indecent Liberties Without Forcible Compulsion	9A.44.100	C+
B+	9A76180	Intimidating a Public Servant	9A.76.180	C+
B+	9A72110	Intimidating a Witness	9A.72.110	C+
D	0941270	Intimidating Another Person by Use of a Weapon	9.41.270	E
B	9A76140	Introducing Contraband 1	9A.76.140	C
C	9A76150	Introducing Contraband 2	9A.76.150	D
E	9A76160	Introducing Contraband 3	9A.76.160	E
A	9A40020	Kidnap 1	9A.40.020	B+
B+	9A40030	Kidnap 2	9A.40.030	C+
B	9A48070	Malicious Mischief 1	9A.48.070	C
C	9A48080	Malicious Mischief 2	9A.48.080	D
D	9A48090	Malicious Mischief 3 (<\$50 Is Class E)	9A.48.090	E
B+	9A32060	Manslaughter 1	9A.32.060	C+
C+	9A32070	Manslaughter 2	9A.32.070	D+
A+	9A32030	Murder 1	9A.32.030	A
A+	9A32050	Murder 2	9A.32.050	B+
E	9A88030	O & A (Prostitution)	9A.88.030	E
E	0961230	Obscene, Harassing, Etc., Phone Calls	9.61.230	E
D	9A76020	Obstructing a Law Enforcement Officer	9A.76.020	E
A	0009988	Other Offense Equivalent to an Adult Class A Felony		B+
B	0009986	Other Offense Equivalent to an Adult Class B Felony		C
C	0009984	Other Offense Equivalent to an Adult Class C Felony		D
D	0009982	Other Offense Equivalent to an Adult Gross Misdemeanor		E
E	0009981	Other Offense Equivalent to an Adult Misdemeanor		E
B	9A56310	Possession of a Stolen Firearm	9A.56.310	C
D+	0941250	Possession of Dangerous Weapon	9.41.250	E
A	7074180	Possession of Explosive Devices (Note A)	70.74.180	B
E	7077255	Possession of Illegal Fireworks (Note E)	70.77.255	E
A	0940120	Possession of Incendiary Device	9.40.120	B+
E	694103B	Possession of Legend Drug	69.41.030	E
E	695040J	Possession of Marijuana <40 Grams	69.50.401(E)	E
B	9A56150	Possession of Stolen Property 1	9A.56.150	C
C	9A56160	Possession of Stolen Property 2	9A.56.160	D
D	9A56170	Possession of Stolen Property 3	9A.56.170	E
E	6644270	Possession/Consumption of Alcohol	66.44.270	E
B+	9A88070	Promoting Prostitution 1	9A.88.070	C+
C+	9A88080	Promoting Prostitution 2	9A.88.080	D+

**JUVENILE SENTENCING STANDARDS
OFFENSE LIST BY CRIME**

Cat.	JRA Code	Offense Description	RCW	Anticipatory Cat. (Note F)
C+	9A36060	Promoting Suicide Attempt	9A.36.060	D+
A	9A44040	Rape 1	9A.44.040	B+
A-	9A44050	Rape 2	9A.44.050	B+
C+	9A44060	Rape 3	9A.44.060	D+
A-	9A44073	Rape of a Child 1	9A.44.073	B+
B+	9A44076	Rape of a Child 2	9A.44.076	C+
C	9A48040	Reckless Burning 1	9A.48.040	D
D	9A48050	Reckless Burning 2	9A.48.050	E
E	4661500	Reckless Driving	46.61.500	E
D+	9A36050	Reckless Endangerment	9A.36.050	E
C	9A76070	Rendering Criminal Assistance 1 (Note C)	9A.76.070	D
B	9A52025	Residential Burglary	9A.52.025	C
E	9A76040	Resisting Arrest	9A.76.040	E
C+	9A8401W	Riot with Weapon	9A.84.010	D+
D+	9A8401U	Riot Without Weapon	9A.84.010	E
A	9A56200	Robbery 1	9A.56.200	B+
B+	9A56210	Robbery 2	9A.56.210	C+
C+	6950410	Sale of Controlled Substance for Profit	69.50.410	C+
C+	694103A	Sale, Delivery, Possession of Legend Drug with Intent to Sell	69.41.030	D+
D	9A46110	Stalking (Note D)	9A.46.110	E
C	9A46111	Stalking (Repeat) (Note C)	9A.46.110	D
C	9A56070	Taking Motor Vehicle Without Owner's Permission	9A.56.070	D
E	0940100	Tampering with Fire Alarm Apparatus	9.40.100	E
B	9A56030	Theft 1	9A.56.030	C
C	9A56040	Theft 2	9A.56.040	D
D	9A56050	Theft 3	9A.56.050	E
B	9A56300	Theft of a Firearm (Note B)	9A.56.300	C
B	9A56080	Theft of Livestock	9A.56.080	C
B	9A82050	Trafficking In Stolen Property 1 (Note B)	9A.82.050	C
C+	9A40040	Unlawful Imprisonment	9A.40.040	D+
E	947A020	Unlawful Inhalation	9.47A.020	E
B	0941041	Unlawful Possession of A Firearm 1 (Note B)	9.41.040	C
C	0941042	Unlawful Possession of a Firearm 2 (Note C)	9.41.040	D
C	9A52095	Vehicle Prowling 1	9A.52.095	D
D	9A52100	Vehicle Prowling 2	9A.52.100	E
C	4661522	Vehicular Assault	46.61.522	D
B+	4661520	Vehicular Homicide	46.61.520	C+
V	0009980	Violation of Order of Restitution, Community Supervision, or Confinement **	13.40.200	D
V	0009979	Violation of Special Sex Offender Disposition Alternative (SSODA) Conditions **	13.40.160	D
B+	695040A	Violation of Uniform Controlled Substances Act-Non-Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (i)or (ii))	(69.50.401(a)(1) (i)or (ii))	B+

**JUVENILE SENTENCING STANDARDS
OFFENSE LIST BY CRIME**

Cat.	JRA Code	Offense Description	RCW	Anticipatory Cat. (Note F)
B	695040C	Violation of Uniform Controlled Substances Act-Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1)(i) or (ii))	69.50.401(B)(1)(i) or (ii)	B
C	695040D	Violation of Uniform Controlled Substances Act-Nonnarcotic Counterfeit Substances	69.50.401(B)(1)(iii),(iv),(v)	C
C	695040B	Violation of Uniform Controlled Substances Act-Nonnarcotic Sale	69.50.401(A)(1)(iii)	C
C	695040F	Violation of Uniform Controlled Substances Act-Possession of a Controlled Substance	69.50.401(D)	C
C	695040E	Violation Of Uniform Controlled Substances Act-Sale of Substitute Substance	69.50.401(C)	C

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

- 1st escape or attempted escape during 12-month period = 4 weeks confinement.
- 2nd escape or attempted escape during 12-month period = 8 weeks confinement.
- 3rd and subsequent escape or attempted escape during 12-month period = 12 weeks confinement.

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

Note A: These offenses have not yet been listed in Schedule A in RCW 13.40.0357. These offenses should be assigned a Juvenile Disposition Offense Category of A because they are Class A felonies.

Note B: These offenses have not yet been listed in Schedule A in RCW 13.40.0357. These offenses should be assigned a Juvenile Disposition Offense Category of B because they are Class B felonies.

Note C: These offenses have not yet been listed in Schedule A in RCW 13.40.0357. These offenses should be assigned a Juvenile Disposition Offense Category of C because they are Class C felonies.

Note D: These offenses have not yet been listed in Schedule A in RCW 13.40.0357. These offenses should be assigned a Juvenile Disposition Offense Category of D because they are Gross Misdemeanors.

Note E: These offenses have not yet been listed in Schedule A in RCW 13.40.0357. These offenses should be assigned a Juvenile Disposition Offense Category of E because they are Misdemeanors.

Note F: Anticipatory offenses may include any attempts, conspiracies, or solicitations to commit any felony or misdemeanor offenses.

**JUVENILE SENTENCING STANDARDS
OFFENSE LIST BY OFFENSE CATEGORY**

Cat.	JRA Code	Offense Description	RCW	Anticipatory Cat. (Note F)
A+	9A32030	Murder 1	9A.32.030	A
A+	9A32050	Murder 2	9A.32.050	B+
A	9A48020	Arson 1	9A.48.020	B+
A	9A36011	Assault 1	9A.36.011	B+
A	9A40020	Kidnap 1	9A.40.020	B+
A	0009988	Other Offense Equivalent to an Adult Class A Felony		B+
A	7074180	Possession of Explosive Devices (Note A)	70.74.180	B
A	0940120	Possession of Incendiary Device	9.40.120	B+
A	9A44040	Rape 1	9A.44.040	B+
A	9A56200	Robbery 1	9A.56.200	B+
A-	9A44083	Child Molestation 1	9A.44.083	B+
A-	9A44050	Rape 2	9A.44.050	B+
A-	9A44073	Rape of a Child 1	9A.44.073	B+
B+	9A36021	Assault 2	9A.36.021	C+
B+	9A52020	Burglary 1	9A.52.020	C+
B+	9A36045	Drive-By Shooting	9A.36.045	C+
B+	9A56120	Extortion 1	9A.56.120	C+
B+	9A4410F	Indecent Liberties with Forcible Compulsion	9A.44.100	C+
B+	9A44100	Indecent Liberties Without Forcible Compulsion	9A.44.100	C+
B+	9A76180	Intimidating a Public Servant	9A.76.180	C+
B+	9A72110	Intimidating a Witness	9A.72.110	C+
B+	9A40030	Kidnap 2	9A.40.030	C+
B+	9A32060	Manslaughter 1	9A.32.060	C+
B+	9A88070	Promoting Prostitution 1	9A.88.070	C+
B+	9A44076	Rape of a Child 2	9A.44.076	C+
B+	9A56210	Robbery 2	9A.56.210	C+
B+	4661520	Vehicular Homicide	46.61.520	C+
B+	695040A	Violation of Uniform Controlled Substances Act-Non-Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (i) or (ii))	(69.50.401(a)(1) (i) or (ii))	B+
B	9A48030	Arson 2	9A.48.030	C
B	0961160	Bomb Threat	9.61.160	C
B	9A52030	Burglary 2	9A.52.030	C
B	9A44086	Child Molestation 2	9A.44.086	C+
B	9A64021	Incest 1	9A.64.020(1)	C
B	9A76140	Introducing Contraband 1	9A.76.140	C
B	9A48070	Malicious Mischief 1	9A.48.070	C
B	0009986	Other Offense Equivalent to an Adult Class B Felony		C
B	9A56310	Possession of a Stolen Firearm	9A.56.310	C
B	9A56150	Possession of Stolen Property 1	9A.56.150	C
B	9A52025	Residential Burglary	9A.52.025	C
B	9A56030	Theft 1	9A.56.030	C
B	9A56300	Theft of a Firearm (Note B)	9A.56.300	C
B	9A56080	Theft of Livestock	9A.56.080	C
B	9A82050	Trafficking In Stolen Property 1 (Note B)	9A.82.050	C
B	0941041	Unlawful Possession of A Firearm 1 (Note B)	9.41.040	C

**JUVENILE SENTENCING STANDARDS
OFFENSE LIST BY OFFENSE CATEGORY**

Cat.	JRA Code	Offense Description	RCW	Anticipatory Cat. (Note F)
B	695040C	Violation of Uniform Controlled Substances Act-Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1)(I) or (ii))	69.50.401(B) (1)(i) or (ii)	B
C+	9A36031	Assault 3	9A.36.031	D+
C+	9A36100	Custodial Assault	9A.36.100	D+
C+	9A56130	Extortion 2	9A.56.130	D+
C+	9A32070	Manslaughter 2	9A.32.070	D+
C+	9A88080	Promoting Prostitution 2	9A.88.080	D+
C+	9A36060	Promoting Suicide Attempt	9A.36.060	D+
C+	9A44060	Rape 3	9A.44.060	D+
C+	9A8401W	Riot with Weapon	9A.84.010	D+
C+	6950410	Sale of Controlled Substance for Profit	69.50.410	C+
C+	694103A	Sale, Delivery, Possession of Legend Drug with Intent to Sell	69.41.030	D+
C+	9A40040	Unlawful Imprisonment	9A.40.040	D+
C	1652205	Animal Cruelty 1 (Note C)	16.52.205	D
C	4661024	Attempting to Elude Pursuing Police Vehicle	46.61.024	D
C	968A091	Communicating with a Minor for Immoral Purposes - Subsequent Sex (Note C)	9.68A.090	D
C	9A76110	Escape 1*	9A.76.110	C
C	9A76120	Escape 2*	9A.76.120	C
C	1019130	Failure to Appear In Court	10.19.130	D
C	9A44132	Failure to Register as a Kidnapper (Note C)	9A.44.130	D
C	9A44130	Failure to Register as a Sex Offender (Note C)	9A.44.130	D
C	9A60020	Forgery	9A.60.020	D
C	6950403	Fraudulently Obtaining Controlled Substance	69.50.403	C
C	9A46021	Harassment (Repeat) (Note C)	9A.46.020	D
C	4652021	Hit and Run-Injury	46.52.020(4)	D
C	6941020	Illegally Obtaining Legend Drugs	69.41.020	D
C	9A64022	Incest 2	9A.64.020(2)	D
C	9A76150	Introducing Contraband 2	9A.76.150	D
C	9A48080	Malicious Mischief 2	9A.48.080	D
C	0009984	Other Offense Equivalent to an Adult Class C Felony		D
C	9A56160	Possession of Stolen Property 2	9A.56.160	D
C	9A48040	Reckless Burning 1	9A.48.040	D
C	9A76070	Rendering Criminal Assistance 1 (Note C)	9A.76.070	D
C	9A46111	Stalking (Repeat) (Note C)	9A.46.110	D
C	9A56070	Taking Motor Vehicle Without Owner's Permission	9A.56.070	D
C	9A56040	Theft 2	9A.56.040	D
C	0941042	Unlawful Possession of a Firearm 2 (Note C)	9.41.040	D
C	9A52095	Vehicle Prowling 1	9A.52.095	D
C	4661522	Vehicular Assault	46.61.522	D
C	695040D	Violation of Uniform Controlled Substances Act-Nonnarcotic Counterfeit Substances	69.50.401(B) (1)(iii),(iv),(v)	C
C	695040B	Violation of Uniform Controlled Substances Act-Nonnarcotic Sale	69.50.401(A) (1)(iii)	C

**JUVENILE SENTENCING STANDARDS
OFFENSE LIST BY OFFENSE CATEGORY**

Cat.	JRA Code	Offense Description	RCW	Anticipatory Cat. (Note F)
C	695040F	Violation of Uniform Controlled Substances Act- Possession of a Controlled Substance	69.50.401(D)	C
C	695040E	Violation Of Uniform Controlled Substances Act-Sale of Substitute Substance	69.50.401(C)	C
D+	9A36041	Assault 4	9A.36.041	E
D+	9A36070	Coercion	9A.36.070	E
D+	9A8801C	Indecent Exposure (Victim <14)	9A.88.010	E
D+	0941250	Possession of Dangerous Weapon	9.41.250	E
D+	9A36050	Reckless Endangerment	9A.36.050	E
D+	9A8401U	Riot Without Weapon	9A.84.010	E
D	9A52060	Burglary Tools (Possession of)	9A.52.060	E
D	0941280	Carrying Weapon to School (Note D)	9.41.280	E
D	968A090	Communicating with a Minor for Immoral Purposes (Note C)	9.68a.090	E
D	9A52070	Criminal Trespass 1	9A.52.070	E
D	4661515	Driving While Under The Influence	46.61.502 & 46.61.504	E
D	9A76130	Escape 3	9A.76.130	E
D	9A46020	Harassment (Note D)	9A.46.020	E
D	4652022	Hit and Run-Attended	46.52.020(5)	E
D	0941270	Intimidating Another Person by Use of a Weapon	9.41.270	E
D	9A48090	Malicious Mischief 3 (<\$50 Is Class E)	9A.48.090	E
D	9A76020	Obstructing a Law Enforcement Officer	9A.76.020	E
D	0009982	Other Offense Equivalent to an Adult Gross Misdemeanor		E
D	9A56170	Possession of Stolen Property 3	9A.56.170	E
D	9A48050	Reckless Burning 2	9A.48.050	E
D	9A46110	Stalking (Note D)	9A.46.110	E
D	9A56050	Theft 3	9A.56.050	E
D	9A52100	Vehicle Prowling 2	9A.52.100	E
E	1652207	Animal Cruelty 2 (Note E)	16.52.207	E
E	0941050	Carrying a Loaded Pistol Without Permit	9.41.050	E
E	9A52080	Criminal Trespass 2	9A.52.080	E
E	9A84030	Disorderly Conduct	9A.84.030	E
E	4620021	Driving Without a License	46.20.005	E
E	695040K	Drug Paraphernalia (Note E)	69.50.412	E
E	9A84020	Failure to Disperse	9A.84.020	E
E	4652010	Hit and Run-Unattended	46.52.010	E
E	9A8801A	Indecent Exposure (Victim 14+)	9A.88.010	E
E	9A76160	Introducing Contraband 3	9A.76.160	E
E	9A88030	O & A (Prostitution)	9A.88.030	E
E	0961230	Obscene, Harassing, Etc., Phone Calls	9.61.230	E
E	0009981	Other Offense Equivalent to an Adult Misdemeanor		E
E	7077255	Possession of Illegal Fireworks (Note E)	70.77.255	E
E	694103B	Possession of Legend Drug	69.41.030	E
E	695040J	Possession of Marijuana <40 Grams	69.50.401(E)	E

**JUVENILE SENTENCING STANDARDS
OFFENSE LIST BY OFFENSE CATEGORY**

Cat.	JRA Code	Offense Description	RCW	Anticipatory Cat. (Note F)
E	6644270	Possession/Consumption of Alcohol	66.44.270	E
E	4661500	Reckless Driving	46.61.500	E
E	9A76040	Resisting Arrest	9A.76.040	E
E	0940100	Tampering with Fire Alarm Apparatus	9.40.100	E
E	947A020	Unlawful Inhalation	9.47A.020	E
V	0009980	Violation of Order of Restitution, Community Supervision, or Confinement **	13.40.200	V
V	0009979	Violation of Special Sex Offender Disposition Alternative (SSODA) Conditions **	13.40.160	V

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

- 1st escape or attempted escape during 12-month period = 4 weeks confinement.
- 2nd escape or attempted escape during 12-month period = 8 weeks confinement.
- 3rd and subsequent escape or attempted escape during 12-month period = 12 weeks confinement.

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

Note A: These offenses have not yet been listed in Schedule A in RCW 13.40.0357. These offenses should be assigned a Juvenile Disposition Offense Category of A because they are Class A felonies.

Note B: These offenses have not yet been listed in Schedule A in RCW 13.40.0357. These offenses should be assigned a Juvenile Disposition Offense Category of B because they are Class B felonies.

Note C: These offenses have not yet been listed in Schedule A in RCW 13.40.0357. These offenses should be assigned a Juvenile Disposition Offense Category of C because they are Class C felonies.

Note D: These offenses have not yet been listed in Schedule A in RCW 13.40.0357. These offenses should be assigned a Juvenile Disposition Offense Category of D because they are Gross Misdemeanors.

Note E: These offenses have not yet been listed in Schedule A in RCW 13.40.0357. These offenses should be assigned a Juvenile Disposition Offense Category of E because they are Misdemeanors.

Note F: Anticipatory offenses may include any attempts, conspiracies, or solicitations to commit any felony or misdemeanor offenses.

SECTION 3 - *SELECTED STATUTES FROM TITLE 13

*This section includes selected statutes only and does not contain RCW 13.40 in its entirety. For a complete listing of all statutes contained in this chapter, contact the Code Reviser.

**SELECTED STATUTES FROM TITLE 13 RCW
JUVENILE JUSTICE ACT OF 1977**

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RCW 13.40.005 Juvenile disposition standards commission--Abolished--References to commission--Transfer of powers, duties, and functions. (1) The juvenile disposition standards commission is hereby abolished and its powers, duties, and functions are hereby transferred to the sentencing guidelines commission. All references to the director or the juvenile disposition standards commission in the Revised Code of Washington shall be construed to mean the director or the sentencing guidelines commission.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the juvenile disposition standards commission shall be delivered to the custody of the sentencing guidelines commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the juvenile disposition standards commission shall be made available to the sentencing guidelines commission. All funds, credits, or other assets held by the juvenile disposition standards commission shall be assigned to the sentencing guidelines commission.

(b) Any appropriations made to the juvenile disposition standards commission shall, on June 30, 1997, be transferred and credited to the sentencing guidelines commission.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the juvenile disposition standards commission are transferred to the jurisdiction of the sentencing guidelines commission. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the sentencing guidelines commission to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the juvenile disposition standards commission shall be continued and acted upon by the sentencing guidelines commission. All existing contracts and obligations shall remain in full force and shall be performed by the sentencing guidelines commission.

(5) The transfer of the powers, duties, functions, and personnel of the juvenile disposition standards commission shall not affect the validity of any act performed before June 30, 1997.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law. [1995 c 269 § 301.]

NOTE:

Reviser's note: 1995 c 269 directed that this section be added to chapter 9.94A RCW. This section has been codified in chapter 13.40 RCW, which relates more directly to the juvenile disposition standards commission.

RCW 13.40.010 Short title--Intent--Purpose. (1) This chapter shall be known and cited as the Juvenile Justice Act of 1977.

(2) It is the intent of the legislature that a system capable of having primary responsibility for,

being accountable for, and responding to the needs of youthful offenders, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that communities, families, and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, the legislature declares the following to be equally important purposes of this chapter:

- (a) Protect the citizenry from criminal behavior;
- (b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;
- (c) Make the juvenile offender accountable for his or her criminal behavior;
- (d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;
- (e) Provide due process for juveniles alleged to have committed an offense;
- (f) Provide necessary treatment, supervision, and custody for juvenile offenders;
- (g) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;
- (h) Provide for restitution to victims of crime;
- (i) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels;
- (j) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the courts, institutions, and community services; and
- (k) Encourage the parents, guardian, or custodian of the juvenile to actively participate in the juvenile justice process. [1997 c 338 § 8; 1992 c 205 § 101; 1977 ex.s. c 291 § 55.]

RCW 13.40.020 Definitions. (Effective July 1, 1998.) For the purposes of this chapter:

- (1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;
- (2) Community-based sanctions may include one or more of the following:
 - (a) A fine, not to exceed five hundred dollars;
 - (b) Community service not to exceed one hundred fifty hours of service;
- (3) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;
- (4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:
 - (a) Community-based sanctions;
 - (b) Community-based rehabilitation;
 - (c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(6) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

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

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(8) "Department" means the department of social and health services;

(9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;

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

(16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-

12 months of community supervision; (c) 0-150 hours of community service; or (d) \$0-\$500 fine;

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

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

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

(20) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

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

(23) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(24) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(27) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(29) "Violent offense" means a violent offense as defined in RCW 9.94A.030. [1997 c 338 § 10; (1997 c 338 § 9 expired July 1, 1998). Prior: 1995 c 395 § 2; 1995 c 134 § 1; prior: 1994 sp.s. c 7 § 520; 1994 c 271 § 803; 1994 c 261 § 18; 1993 c 373 § 1; 1990 1st ex.s. c 12 § 1; 1990 c 3 § 301; 1989 c 407 § 1; 1988 c 145 § 17; 1983 c 191 § 7; 1981 c 299 § 2; 1979 c 155 § 54; 1977 ex.s. c 291 § 56.]

RCW 13.40.030 Security guidelines--Legislative review. (1) The secretary shall submit guidelines pertaining to the nature of the security to be imposed on youth placed in his or her custody based on the age, offense(s), and criminal history of the juvenile offender. Such guidelines shall be submitted to the legislature for its review no later than November 1st of each year. At the same time the secretary shall submit a report on security at juvenile facilities during the preceding year. The report shall include the number of escapes from each juvenile facility, the

most serious offense for which each escapee had been confined, the number and nature of offenses found to have been committed by juveniles while on escape status, the number of authorized leaves granted, the number of failures to comply with leave requirements, the number and nature of offenses committed while on leave, and the number and nature of offenses committed by juveniles while in the community on minimum security status; to the extent this information is available to the secretary. The department shall include security status definitions in the security guidelines it submits to the legislature pursuant to this section.

(2) The permissible ranges of confinement resulting from a finding of manifest injustice under RCW 13.40.0357 are subject to the following limitations:

(a) Where the maximum term in the range is ninety days or less, the minimum term in the range may be no less than fifty percent of the maximum term in the range;

(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range may be no less than seventy-five percent of the maximum term in the range; and

(c) Where the maximum term in the range is more than one year, the minimum term in the range may be no less than eighty percent of the maximum term in the range. [1996 c 232 § 5;1989 c 407 § 3;1985 c 73 § 1;1983 c 191 § 6;1981 c 299 § 5;1979 c 155 § 55;1977 ex.s. c 291 § 57.]

RCW 13.40.0351 Equal application of guidelines and standards. The sentencing guidelines and prosecuting standards apply equally to juvenile offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or the previous record of the offender. [1989 c 407 § 5.]

RCW 13.40.0357 Juvenile offender sentencing standards. (Effective July 1, 1998.)

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
Arson and Malicious Mischief		
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (<\$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+
Assault and Other Crimes Involving Physical Harm		
A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045)	C+
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+
Burglary and Trespass		
B+	Burglary 1 (9A.52.020)	C+
B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E
Drugs		
E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession Legend Drug with Intent to Sell (69.41.030)	D+
E	Possession of Legend Drug (69.41.030)	E
B+	Violation of Uniform Controlled Substances Act - Narcotic Methamphetamine or Flunitrazepam Sale (69.50.401(a)(1)(i) or (ii))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale(69.50.401(a)(1)(iii))	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	Unlawful Inhalation (9.47A.020)	E

B	Violation of Uniform Controlled Substances Act-Narcotic Methamphetamine or Flunitrazepam Counterfeit Substances (69.50.401(b)(1)(i) or (ii))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (6950.401(c)).	C

Firearms and Weapons

B	Theft of Firearm (9A.56.300)	C
B	Possession of Stolen Firearm (9A.56.310)	C
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Possession of Firearms by Minor (<18) (9.41.040(1) (b) (iii))	C
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E

Homicide

A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+
C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+

Kidnapping

A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+

Obstructing Governmental Operation

D	Obstructing a Law Enforcement Officer (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+
B+	Intimidating a Witness (9A.72.110)	C+

Public Disturbance

C+	Riot with Weapon (9A.84.010)	D+
D+	Riot Without Weapon (9A.84.010)	E
E	Failure to Disperse (9A.84.020)	E
E	Disorderly Conduct (9A.84.030)	E

Sex Crimes

A	Rape 1 (9A.44.040)	B+
A-	Rape 2 (9A.44.050)	B+
C+	Rape 3 (9A.44.060)	D+
A-	Rape of a Child 1 (9A.44.073)	B+
B+	Rape of a Child 2 (9A.44.076)	C+
B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D+	Indecent Exposure (Victim <14) (9A.88.010)	E
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E

B+	Indecent Liberties (9A.44.100)	C+
A-	Child Molestation 1 (9A.44.083)	B+
B	Child Molestation 2 (9A.44.086)	C+

Theft, Robbery, Extortion, and Forgery

B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C
C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200)	B+
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D

Motor Vehicle Related Crimes

E	Driving Without a License (46.20.005)	E
C	Hit and Run - Injury (46.52.020(4))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E

Other

B	Bomb Threat (9.61.160)	C
C	Escape 1 ¹ (9A.76.110)	C
C	Escape 2 ¹ (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) ²	V

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

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

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

JUVENILE SENTENCING STANDARDS

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

**OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE**

A+		180 WEEKS TO AGE 21 YEARS			
A		103 WEEKS TO 129 WEEKS			
A-	15-36 WEEKS EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS	
Current Offense Category	B+	15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
B	LOCAL SANCTIONS (LS)		52-65 15-36 WEEKS		WEEKS
C+	LS		15-36 WEEKS		
C	LS	Local Sanctions: 0 to 30 Days		15-36 WEEKS	
D+	LS	0 to 12 Months Community Supervision			
D	LS	0 to 150 Hours Community Service			
E	LS	\$0 to \$500 Fine			
		0	1	2	3
		PRIOR ADJUDICATIONS			
					4 or more

NOTE:

References in the grid to days or weeks mean periods of confinement.

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

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

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

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

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

**OR
OPTION B
CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36

weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(5) and 13.40.165.

OR

**OPTION C
MANIFEST INJUSTICE**

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2). [1997 c 338 § 12; 1997 c 66 § 6; (1997 c 338 § 11 expired July 1, 1998); 1996 c 205 § 6; 1995 c 395 § 3; 1994 sp.s. c 7 § 522; 1989 c 407 § 7.]

NOTES:

Reviser's note: This section was amended by 1997 c 66 § 6 and by 1997 c 338 § 12, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Finding--Evaluation--Report--1997 c 338: "The legislature finds it critical to evaluate the effectiveness of the revisions made in this act to juvenile sentencing for purposes of measuring improvements in public safety and reduction of recidivism.

To accomplish this evaluation, the Washington state institute for public policy shall conduct a study of the sentencing revisions. The study shall: (1) Be conducted starting January 1, 2001;(2) examine whether the revisions have affected the rate of initial offense commission and recidivism; (3) determine the impacts of the revisions by age, race, and gender impacts of the revisions; (4) compare the utilization and effectiveness of sentencing alternatives and manifest injustice determinations before and after the revisions; and (5) examine the impact and effectiveness of changes made in the exclusive original jurisdiction of juvenile court over juvenile offenders.

The institute shall report the results of the study to the governor and legislature not later than July 1, 2002." [1997 c 338 § 59.]

RCW 13.40.038 County juvenile detention facilities--Policy--Detention and risk assessment standards. It is the policy of this state that all county juvenile detention facilities provide a humane, safe, and rehabilitative environment and that unadjudicated youth remain in the community whenever possible, consistent with public safety and the provisions of chapter 13.40 RCW.

The counties shall develop and implement detention intake standards and risk assessment standards to determine whether detention is warranted and if so whether the juvenile should be placed in secure, nonsecure, or home detention to implement the goals of this section. Inability to pay for a less restrictive detention placement shall not be a basis for denying a respondent a less restrictive placement in the community. The detention and risk assessment standards shall be developed and implemented no later than December 31, 1992. [1992 c 205 § 105; 1986 c 288 § 7.]

RCW 13.40.040 Taking juvenile into custody, grounds--Detention of, grounds--Release on bond, conditions--Bail jumping. (1) A juvenile may be taken into custody:

(a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the juvenile has committed an offense or has violated terms of a disposition order or release order; or

(b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection (2) of this section; or

(c) Pursuant to a court order that the juvenile be held as a material witness; or

(d) Where the secretary or the secretary's designee has suspended the parole of a juvenile offender.

- (2) A juvenile may not be held in detention unless there is probable cause to believe that:
- (a) The juvenile has committed an offense or has violated the terms of a disposition order;
- and
- (i) The juvenile will likely fail to appear for further proceedings; or
 - (ii) Detention is required to protect the juvenile from himself or herself; or
 - (iii) The juvenile is a threat to community safety; or
 - (iv) The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or
 - (v) The juvenile has committed a crime while another case was pending; or
- (b) The juvenile is a fugitive from justice; or
 - (c) The juvenile's parole has been suspended or modified; or
 - (d) The juvenile is a material witness.
- (3) Upon a finding that members of the community have threatened the health of a juvenile taken into custody, at the juvenile's request the court may order continued detention pending further order of the court.

(4) A juvenile detained under this section may be released upon posting a probation bond set by the court. The juvenile's parent or guardian may sign for the probation bond. A court authorizing such a release shall issue an order containing a statement of conditions imposed upon the juvenile and shall set the date of his or her next court appearance. The court shall advise the juvenile of any conditions specified in the order and may at any time amend such an order in order to impose additional or different conditions of release upon the juvenile or to return the juvenile to custody for failing to conform to the conditions imposed. In addition to requiring the juvenile to appear at the next court date, the court may condition the probation bond on the juvenile's compliance with conditions of release. The juvenile's parent or guardian may notify the court that the juvenile has failed to conform to the conditions of release or the provisions in the probation bond. If the parent notifies the court of the juvenile's failure to comply with the probation bond, the court shall notify the surety. As provided in the terms of the bond, the surety shall provide notice to the court of the offender's noncompliance. A juvenile may be released only to a responsible adult or the department of social and health services. Failure to appear on the date scheduled by the court pursuant to this section shall constitute the crime of bail jumping. [1997 c 338 § 13; 1995 c 395 § 4; 1979 c 155 § 57; 1977 ex.s. c 291 § 58.]

RCW 13.40.045 Escapees--Arrest warrants. The secretary, assistant secretary, or the secretary's designee shall issue arrest warrants for juveniles who escape from department residential custody. The secretary, assistant secretary, or the secretary's designee may issue arrest warrants for juveniles who abscond from parole supervision or fail to meet conditions of parole. These arrest warrants shall authorize any law enforcement, probation and parole, or peace officer of this state, or any other state where the juvenile is located, to arrest the juvenile and to place the juvenile in physical custody pending the juvenile's return to confinement in a state juvenile rehabilitation facility. [1997 c 338 § 14; 1994 sp.s. c 7 § 518.]

RCW 13.40.050 Detention procedures--Notice of hearing--Conditions of release--Consultation with parent, guardian, or custodian. (1) When a juvenile taken into custody is held in detention:

- (a) An information, a community supervision modification or termination of diversion petition, or a parole modification petition shall be filed within seventy-two hours, Saturdays, Sundays, and holidays excluded, or the juvenile shall be released; and
- (b) A detention hearing, a community supervision modification or termination of diversion petition, or a parole modification petition shall be held within seventy-two hours, Saturdays,

Sundays, and holidays excluded, from the time of filing the information or petition, to determine whether continued detention is necessary under RCW 13.40.040.

(2) Notice of the detention hearing, stating the time, place, and purpose of the hearing, stating the right to counsel, and requiring attendance shall be given to the parent, guardian, or custodian if such person can be found and shall also be given to the juvenile if over twelve years of age.

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

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

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

(6) If detention is not necessary under RCW 13.40.040, the court shall impose the most appropriate of the following conditions or, if necessary, any combination of the following conditions:

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

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

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

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

(e) Require that the juvenile return to detention during specified hours; or

(f) Require the juvenile to post a probation bond set by the court under terms and conditions as provided in RCW 13.40.040(4).

(7) A juvenile may be released only to a responsible adult or the department.

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

(9) A person notified under this section who fails without reasonable cause to appear and abide by the order of the court may be proceeded against as for contempt of court. In determining whether a parent, guardian, or custodian had reasonable cause not to appear, the court may consider all factors relevant to the person's ability to appear as summoned. [1997 c 338 § 15; 1995 c 395 § 5; 1992 c 205 § 106; 1979 c 155 § 58; 1977 ex.s. c 291 § 59.]

RCW 13.40.054 Probation bond or collateral--Modification or revocation of probation bond. (1) As provided in this chapter, the court may order a juvenile to post a probation bond as defined in RCW 13.40.020 or to deposit cash or post other collateral in lieu of a probation bond, to enhance public safety, increase the likelihood that a respondent will appear as required to respond to charges, and increase compliance with community supervision imposed under various alternative disposition options. The parents or guardians of the juvenile may sign for a probation bond on behalf of the juvenile or deposit cash or other collateral in lieu of a bond if approved by the court.

(2) A parent or guardian who has signed for a probation bond, deposited cash, or posted other collateral on behalf of a juvenile has the right to notify the court if the juvenile violates any of the terms and conditions of the bond. The parent or guardian who signed for a probation bond may move the court to modify the terms of the bond or revoke the bond without penalty to the surety or parent. The court shall notify the surety if a parent or guardian notifies the court that the

juvenile has violated conditions of the probation bond and has requested modification or revocation of the bond. At a hearing on the motion, the court may consider the nature and seriousness of the violation or violations and may either keep the bond in effect, modify the terms of the bond with the consent of the parent or guardian and surety, or revoke the bond. If the court revokes the bond the court may require full payment of the face amount of the bond. In the alternative, the court may revoke the bond and impose a partial payment for less than the full amount of the bond or may revoke the bond without imposing any penalty. In reaching its decision, the court may consider the timeliness of the parent's or guardian's notification to the court and the efforts of the parent and surety to monitor the offender's compliance with conditions of the bond and release. A surety shall have the same obligations and rights as provided sureties in adult criminal cases. Rules of forfeiture and revocation of bonds issued in adult criminal cases shall apply to forfeiture and revocation of probation bonds issued under this chapter except as specifically provided in this subsection. [1995 c 395 § 1.]

RCW 13.40.056 Nonrefundable bail fee. When a juvenile charged with an offense posts a probation bond or deposits cash or posts other collateral in lieu of a bond, ten dollars of the total amount required to be posted as bail shall be paid in cash as a nonrefundable bail fee. The bail fee shall be distributed to the county for costs associated with implementing chapter 395, Laws of 1995. [1995 c 395 § 9.]

RCW 13.40.070 Complaints—Screening—Filing information—Diversion—Modification of community supervision—Notice to parent or guardian—Probation counselor acting for prosecutor—Referral to mediation or reconciliation programs. (1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and
(b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

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

(3) If the requirements of subsections (1)(a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (7) of this section. If the prosecutor finds that the requirements of subsection (1)(a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

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

(5) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, a class C felony listed in RCW 9.94A.440(2) as a crime against persons or listed in RCW 9A.46.060 as a crime of harassment, or a class C felony that is a violation of RCW 9.41.080 or 9.41.040(1)(b)(iii); or

(b) An alleged offender is accused of a felony and has a criminal history of any felony, or at least two gross misdemeanors, or at least two misdemeanors; or

- (c) An alleged offender has previously been committed to the department; or
 - (d) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion; or
 - (e) An alleged offender has two or more diversion contracts on the alleged offender's criminal history; or
 - (f) A special allegation has been filed that the offender or an accomplice was armed with a firearm when the offense was committed.
- (6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that must or may be filed under subsections (5) and (7) of this section, a case under this subsection may also be filed.
- (7) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.
- (8) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversion interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversion unit, the victim shall be notified of the referral and informed how to contact the unit.
- (9) The responsibilities of the prosecutor under subsections (1) through (8) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.
- (10) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to mediation or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims. [1997 c 338 § 17; 1994 sp.s. c 7 § 543; 1992 c 205 § 107; 1989 c 407 § 9; 1983 c 191 § 18; 1981 c 299 § 7; 1979 c 155 § 60; 1977 ex.s. c 291 § 61.]

RCW 13.40.077 Recommended prosecuting standards for charging and plea dispositions. (Effective July 1, 1998.)

**RECOMMENDED PROSECUTING STANDARDS
FOR CHARGING AND PLEA DISPOSITIONS**

INTRODUCTION: These standards are intended solely for the guidance of prosecutors in the state of Washington. They are not intended to, do not, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the state.

Evidentiary sufficiency.

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question, or would result in decreased respect for the law. The decision not to prosecute or divert shall not be influenced by the race, gender, religion, or creed of the suspect.

GUIDELINES/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years;
- (ii) Most members of society act as if it were no longer in existence;
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimis Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution-It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. The reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant-It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question, or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be proved under RCW 13.40.160(4).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

The categorization of crimes for these charging standards shall be the same as found in RCW 9.94A.440(2).

The decision to prosecute or use diversion shall not be influenced by the race, gender, religion, or creed of the respondent.

(3) Selection of Charges/Degree of Charge

(a) The prosecutor should file charges which adequately describe the nature of the respondent's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

(i) Will significantly enhance the strength of the state's case at trial; or

(ii) Will result in restitution to all victims.

(b) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

(i) Charging a higher degree;

(ii) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a respondent's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

(4) Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

(a) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;

(b) The completion of necessary laboratory tests; and

(c) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

(5) Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

(a) Probable cause exists to believe the suspect is guilty; and

(b) The suspect presents a danger to the community or is likely to flee if not apprehended; or

(c) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

(6) Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (a) Polygraph testing;
- (b) Hypnosis;
- (c) Electronic surveillance;
- (d) Use of informants.

(7) Prefiling Discussions with Defendant

Discussions with the defendant or his or her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

(8) Plea dispositions:

STANDARD

(a) Except as provided in subsection (2) of this section, a respondent will normally be expected to plead guilty to the charge or charges which adequately describe the nature of his or her criminal conduct or go to trial.

(b) In certain circumstances, a plea agreement with a respondent in exchange for a plea of guilty to a charge or charges that may not fully describe the nature of his or her criminal conduct may be necessary and in the public interest. Such situations may include the following:

- (i) Evidentiary problems which make conviction of the original charges doubtful;
- (ii) The respondent's willingness to cooperate in the investigation or prosecution of others whose criminal conduct is more serious or represents a greater public threat;
- (iii) A request by the victim when it is not the result of pressure from the respondent;
- (iv) The discovery of facts which mitigate the seriousness of the respondent's conduct;
- (v) The correction of errors in the initial charging decision;
- (vi) The respondent's history with respect to criminal activity;
- (vii) The nature and seriousness of the offense or offenses charged;
- (viii) The probable effect of witnesses.

(c) No plea agreement shall be influenced by the race, gender, religion, or creed of the respondent. This includes but is not limited to the prosecutor's decision to utilize such disposition alternatives as the Special Sex Offender Disposition Alternative, the Chemical Dependency Disposition Alternative, and manifest injustice.

(9) Disposition recommendations:

STANDARD

The prosecutor may reach an agreement regarding disposition recommendations.

The prosecutor shall not agree to withhold relevant information from the court concerning the plea agreement. [1997 c 338 § 18; 1996 c 9 § 1.]

RCW13.40.080 Diversion agreement--Scope--Limitations--Restitution orders--Divertee's rights--Diversionary unit's powers and duties--Interpreters--Modification--Fines.

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

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

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by the victim;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed; and

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas.

(3) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the diversionary unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(4)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the diveree.

(b) If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (4)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may not require the juvenile to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) In juvenile court if the divertee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

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

(8) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

(9) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

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

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by *RCW 13.40.020(9). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

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

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

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

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

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

(e) The facts of the alleged offense.

(12) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. When a diversionary unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal

complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(13) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by *RCW 13.40.020(9). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversionary unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(14) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

(15) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(16) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section. [1997 c 338 § 70; 1997 c 121 § 8; 1996 c 124 § 1; 1994 sp.s. c 7 § 544; 1992 c 205 § 108; 1985 c 73 § 2; 1983 c 191 § 16; 1981 c 299 § 8; 1979 c 155 § 61; 1977 ex.s. c 291 § 62.]

RCW 13.40.085 Diversion services costs--Fees--Payment by parent or legal guardian.

The county legislative authority may authorize juvenile court administrators to establish fees to cover the costs of the administration and operation of diversion services provided under this chapter. The parent or legal guardian of a juvenile who receives diversion services must pay for the services based on the parent's or guardian's ability to pay. The juvenile court administrators shall develop a fair and equitable payment schedule. No juvenile who is eligible for diversion as provided in this chapter may be denied diversion services based on an inability to pay for the services. [1993 c 171 § 1.]

RCW 13.40.090 Prosecuting attorney as party to juvenile court proceedings--Exception, procedure. The county prosecuting attorney shall be a party to all juvenile court proceedings involving juvenile offenders or alleged juvenile offenders.

The prosecuting attorney may, after giving appropriate notice to the juvenile court, decline to represent the state of Washington in juvenile court matters except felonies unless requested by the court on an individual basis to represent the state at an adjudicatory hearing in which case he or she shall participate. When the prosecutor declines to represent the state, then such function may be performed by the juvenile court probation counselor authorized by the court or local court rule to serve as the prosecuting authority.

If the prosecuting attorney elects not to participate, the prosecuting attorney shall file with the county clerk each year by the first Monday in July notice of intent not to participate. In a county wherein the prosecuting attorney has elected not to participate in juvenile court, he or she shall not thereafter until the next filing date participate in juvenile court proceedings unless so requested by the court on an individual basis, in which case the prosecuting attorney shall participate. [1977 ex.s. c 291 § 63.]

RCW 13.40.100 Summons or other notification issued upon filing of information--Procedure--Order to take juvenile into custody--Contempt of court, when. (1) Upon the filing of an information the alleged offender shall be notified by summons, warrant, or other method approved by the court of the next required court appearance.

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

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

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

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

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

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

(8) If the person summoned as herein provided fails without reasonable cause to appear and abide the order of the court, the person may be proceeded against as for contempt of court. In determining whether a parent, guardian, or custodian had reasonable cause not to appear, the court may consider all factors relevant to the person's ability to appear as summoned. [1997 c 338 § 19; 1979 c 155 § 62; 1977 ex.s. c 291 § 64.]

RCW 13.40.110 Hearing on question of declining jurisdiction--Held, when--Findings.

(1) The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction. Unless waived by the court, the parties, and their counsel, a decline hearing shall be held when:

(a) The respondent is fifteen, sixteen, or seventeen years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony;

(b) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, child molestation in the second degree, kidnapping in the second degree, or robbery in the second degree; or

(c) The information alleges an escape by the respondent and the respondent is serving a minimum juvenile sentence to age twenty-one.

(2) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

(3) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing. [1997 c 338 § 20; 1990 c 3 § 303; 1988 c 145 § 18; 1979 c 155 § 63; 1977 ex.s. c 291 § 65.]

RCW 13.40.120 Hearings--Time and place. All hearings may be conducted at any time or place within the limits of the judicial district, and such cases may not be heard in conjunction with other business of any other division of the superior court. [1981 c 299 § 9; 1979 c 155 § 64; 1977 ex.s. c 291 § 66.]

RCW 13.40.127 Deferred disposition. (1) A juvenile is eligible for deferred disposition unless he or she:

- (a) Is charged with a sex or violent offense;
- (b) Has a criminal history which includes any felony;
- (c) Has a prior deferred disposition or deferred adjudication; or
- (d) Has two or more diversions.

(2) The juvenile court may, upon motion at least fourteen days before commencement of trial and, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, continue the case for disposition for a period not to exceed one year from the date the juvenile is found guilty. The court shall consider whether the offender and the community will benefit from a deferred disposition before deferring the disposition.

(3) Any juvenile who agrees to a deferral of disposition shall:

- (a) Stipulate to the admissibility of the facts contained in the written police report;
- (b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition if the juvenile fails to comply with terms of supervision; and

(c) Waive the following rights to: (i) A speedy disposition; and (ii) call and confront witnesses.

The adjudicatory hearing shall be limited to a reading of the court's record.

(4) Following the stipulation, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile.

(5) Any juvenile granted a deferral of disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution under RCW 13.40.190 shall be a condition of community supervision under this section.

(6) A parent who signed for a probation bond has the right to notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety of any failure to comply. A surety shall notify the court of the juvenile's failure to comply with the probation bond. The state shall bear the burden to prove, by a preponderance of the evidence, that the juvenile has failed to comply with the terms of community supervision.

(7) A juvenile's lack of compliance shall be determined by the judge upon written motion by the prosecutor or the juvenile's juvenile court community supervision counselor. If a juvenile fails

to comply with terms of supervision, the court shall enter an order of disposition.

(8) At any time following deferral of disposition the court may, following a hearing, continue the case for an additional one-year period for good cause.

(9) At the conclusion of the period set forth in the order of deferral and upon a finding by the court of full compliance with conditions of supervision and payment of full restitution, the respondent's conviction shall be vacated and the court shall dismiss the case with prejudice. [1997 c 338 § 21.]

RCW 13.40.130 Procedure upon plea of guilty or not guilty to information allegations--Notice--Adjudicatory and disposition hearing--Disposition standards used in sentencing. (1)

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

(2) If the respondent pleads guilty, the court may proceed with disposition or may continue the case for a dispositional hearing. If the respondent denies guilt, an adjudicatory hearing date shall be set. The court shall notify the parent, guardian, or custodian who has custody of a juvenile described in the charging document of the dispositional or adjudicatory hearing and shall require attendance.

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

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

(5) If the respondent is found not guilty he or she shall be released from detention.

(6) If the respondent is found guilty the court may immediately proceed to disposition or may continue the case for a dispositional hearing. Notice of the time and place of the continued hearing may be given in open court. If notice is not given in open court to a party, the party and the parent, guardian, or custodian who has custody of the juvenile shall be notified by mail of the time and place of the continued hearing.

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

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

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

(10) A person notified under this section who fails without reasonable cause to appear and abide by the order of the court may be proceeded against as for contempt of court. In determining whether a parent, guardian, or custodian had reasonable cause not to appear, the court may consider all factors relevant to the person's ability to appear as summoned. [1997 c 338 § 22; 1981 c 299 § 10; 1979 c 155 § 65; 1977 ex.s. c 291 § 67]

RCW 13.40.135 Sexual motivation special allegation--Procedures. (1) The prosecuting attorney shall file a special allegation of sexual motivation in every juvenile offense other than sex offenses as defined in RCW 9.94A.030(33) (a) or (c) when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably consistent defense that could be raised under the evidence, would justify a finding of sexual motivation by a reasonable and objective fact-finder.

(2) In a juvenile case wherein there has been a special allegation the state shall prove beyond a reasonable doubt that the juvenile committed the offense with a sexual motivation. The

court shall make a finding of fact of whether or not the sexual motivation was present at the time of the commission of the offense. This finding shall not be applied to sex offenses as defined in RCW 9.94A.030(33) (a) or (c).

(3) The prosecuting attorney shall not withdraw the special allegation of "sexual motivation" without approval of the court through an order of dismissal. The court shall not dismiss the special allegation unless it finds that such an order is necessary to correct an error in the initial charging decision or unless there are evidentiary problems which make proving the special allegation doubtful. [1997 c 338 § 23; 1990 c 3 § 604.]

RCW 13.40.140 Juveniles entitled to usual judicial rights--Notice of--Open court--Privilege against self-incrimination--Waiver of rights, when. (1) A juvenile shall be advised of his or her rights when appearing before the court.

(2) A juvenile and his or her parent, guardian, or custodian shall be advised by the court or its representative that the juvenile has a right to be represented by counsel at all critical stages of the proceedings. Unless waived, counsel shall be provided to a juvenile who is financially unable to obtain counsel without causing substantial hardship to himself or herself or the juvenile's family, in any proceeding where the juvenile may be subject to transfer for criminal prosecution, or in any proceeding where the juvenile may be in danger of confinement. The ability to pay part of the cost of counsel does not preclude assignment. In no case may a juvenile be deprived of counsel because of a parent, guardian, or custodian refusing to pay therefor. The juvenile shall be fully advised of his or her right to an attorney and of the relevant services an attorney can provide.

(3) The right to counsel includes the right to the appointment of experts necessary, and the experts shall be required pursuant to the procedures and requirements established by the supreme court.

(4) Upon application of a party, the clerk of the court shall issue, and the court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of records, documents, or other tangible objects at any hearing, or such subpoenas may be issued by an attorney of record.

(5) All proceedings shall be transcribed verbatim by means which will provide an accurate record.

(6) The general public and press shall be permitted to attend any hearing unless the court, for good cause, orders a particular hearing to be closed. The presumption shall be that all such hearings will be open.

(7) In all adjudicatory proceedings before the court, all parties shall have the right to adequate notice, discovery as provided in criminal cases, opportunity to be heard, confrontation of witnesses except in such cases as this chapter expressly permits the use of hearsay testimony, findings based solely upon the evidence adduced at the hearing, and an unbiased fact-finder.

(8) A juvenile shall be accorded the same privilege against self-incrimination as an adult. An extrajudicial statement which would be constitutionally inadmissible in a criminal proceeding may not be received in evidence at an adjudicatory hearing over objection. Evidence illegally seized or obtained may not be received in evidence over objection at an adjudicatory hearing to prove the allegations against the juvenile if the evidence would be inadmissible in an adult criminal proceeding. An extrajudicial admission or confession made by the juvenile out of court is insufficient to support a finding that the juvenile committed the acts alleged in the information unless evidence of a corpus delicti is first independently established in the same manner as required in an adult criminal proceeding.

(9) Waiver of any right which a juvenile has under this chapter must be an express waiver intelligently made by the juvenile after the juvenile has been fully informed of the right being waived.

(10) Whenever this chapter refers to waiver or objection by a juvenile, the word juvenile shall be construed to refer to a juvenile who is at least twelve years of age. If a juvenile is under twelve years of age, the juvenile's parent, guardian, or custodian shall give any waiver or offer any objection contemplated by this chapter. [1981 c 299 § 11; 1979 c 155 § 66; 1977 ex.s. c 291 § 68.]

RCW 13.40.145 Payment of fees for legal services by publicly funded counsel--Hearing--Order or decree--Entering and enforcing judgments. Upon disposition or at the time of a modification or at the time an appellate court remands the case to the trial court following a ruling in favor of the state the court may order the juvenile or a parent or another person legally obligated to support the juvenile to appear, and the court may inquire into the ability of those persons to pay a reasonable sum representing in whole or in part the fees for legal services provided by publicly funded counsel and the costs incurred by the public in producing a verbatim report of proceedings and clerk's papers for use in the appellate courts.

If, after hearing, the court finds the juvenile, parent, or other legally obligated person able to pay part or all of the attorney's fees and costs incurred on appeal, the court may enter such order or decree as is equitable and may enforce the order or decree by execution, or in any way in which a court of equity may enforce its decrees.

In no event may the court order an amount to be paid for attorneys' fees that exceeds the average per case fee allocation for juvenile proceedings in the county where the services have been provided or the average per case fee allocation for juvenile appeals established by the Washington supreme court.

In any case in which there is no compliance with an order or decree of the court requiring a juvenile, parent, or other person legally obligated to support the juvenile to pay for legal services provided by publicly funded counsel, the court may, upon such person or persons being properly summoned or voluntarily appearing, proceed to inquire into the amount due upon the order or decree and enter judgment for that amount against the defaulting party or parties. Judgment shall be docketed in the same manner as are other judgments for the payment of money.

The county in which such judgments are entered shall be denominated the judgment creditor, and the judgments may be enforced by the prosecuting attorney of that county. Any moneys recovered thereon shall be paid into the registry of the court and shall be disbursed to such person, persons, agency, or governmental entity as the court finds entitled thereto.

Such judgments shall remain valid and enforceable for a period of ten years subsequent to entry.

When the juvenile reaches the age of eighteen or at the conclusion of juvenile court jurisdiction, whichever occurs later, the superior court clerk must docket the remaining balance of the juvenile's legal financial obligations in the same manner as other judgments for the payment of money. The judgment remains valid and enforceable until ten years from the date of its imposition. The clerk of superior court may seek extension of the judgment for legal financial obligations, including crime victims' assessments, in the same manner as RCW 6.17.020 for purposes of collection as allowed under RCW 36.18.190. [1997c 121 § 6; 1995 c 275 § 4; 1984 c 86 § 1.]

RCW 13.40.150 Disposition hearing--Scope--Factors to be considered prior to entry of dispositional order. (Effective July 1, 1998.) (1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but

sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) For purposes of disposition:

- (a) Violations which are current offenses count as misdemeanors;
- (b) Violations may not count as part of the offender's criminal history;
- (c) In no event may a disposition for a violation include confinement.

(3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:

- (a) Consider the facts supporting the allegations of criminal conduct by the respondent;
- (b) Consider information and arguments offered by parties and their counsel;
- (c) Consider any predisposition reports;

(d) Consult with the respondent's parent, guardian, or custodian on the appropriateness of dispositional options under consideration and afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;

(e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;

(f) Determine the amount of restitution owing to the victim, if any, or set a hearing for a later date not to exceed one hundred eighty days from the date of the disposition hearing to determine the amount; except that the court may continue the hearing beyond the one hundred eighty days for good cause;

(g) Determine the respondent's offender score;

(h) Consider whether or not any of the following mitigating factors exist:

(i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;

(ii) The respondent acted under strong and immediate provocation;

(iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;

(iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and

(v) There has been at least one year between the respondent's current offense and any prior criminal offense;

(i) Consider whether or not any of the following aggravating factors exist:

(i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;

(ii) The offense was committed in an especially heinous, cruel, or depraved manner;

(iii) The victim or victims were particularly vulnerable;

(iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement;

(v) The current offense included a finding of sexual motivation pursuant to RCW 13.40.135;

(vi) The respondent was the leader of a criminal enterprise involving several persons;

(vii) There are other complaints which have resulted in diversion or a finding or plea of guilty but which are not included as criminal history; and

(viii) The standard range disposition is clearly too lenient considering the seriousness of the juvenile's prior adjudications.

(4) The following factors may not be considered in determining the punishment to be imposed:

(a) The sex of the respondent;

(b) The race or color of the respondent or the respondent's family;

(c) The creed or religion of the respondent or the respondent's family;

(d) The economic or social class of the respondent or the respondent's family; and

(e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter.

(5) A court may not commit a juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community. [1997 c 338 § 24; 1995 c 268 § 5; 1992 c 205 § 109; 1990 c 3 § 605; 1981 c 299 § 12; 1979 c 155 § 67; 1977 ex.s. c 291 § 69.]

RCW 13.40.160 Disposition order--Court's action prescribed--Disposition outside standard range--Right of appeal--Special sex offender disposition alternative. (Effective July 1, 1998.) (1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsections (2), (4), and (5) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsections (2), (4), and (5) of this section.

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

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2).

(4) When a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

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

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

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

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option C, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

(b)(i) Devote time to a specific education, employment, or occupation;

(ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;

(iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;

(iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;

(v) Report as directed to the court and a probation counselor;

(vi) Pay all court-ordered legal financial obligations, perform community service, or any combination thereof;

(vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense;

(viii) Comply with the conditions of any court-ordered probation bond; or

(ix) The court shall order that the offender may not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings. The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district. The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

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

Except as provided in this subsection (4), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (4) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

A disposition entered under this subsection (4) is not appealable under RCW 13.40.230.

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

(6) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(1)(b)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

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

(8) Except as provided under subsection (4) or (5) of this section or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense. [1997 c 338 § 25; 1997 c 265 § 1; 1995 c 395 § 7; 1994 sp.s. c 7 § 523; 1992 c 45 § 6; 1990 c 3 § 302; 1989 c 407 § 4; 1983 c 191 § 8; 1981 c 299 § 13; 1979 c 155 § 68; 1977 ex.s. c 291 § 70.]

NOTES:

Reviser's note: This section was amended by 1997 c 265 § 1 and by 1997 c 338 § 25, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

RCW 13.40.165 Chemical dependency disposition alternative. (Effective July 1, 1998.)

(1) When a juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent, may order an examination by a chemical dependency counselor from a

chemical dependency treatment facility approved under chapter 70.96A RCW to determine if the youth is chemically dependent and amenable to treatment.

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

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

- (a) Whether inpatient and/or outpatient treatment is recommended;
- (b) Availability of appropriate treatment;
- (c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (d) Anticipated length of treatment;
- (e) Recommended crime-related prohibitions; and
- (f) Whether the respondent is amenable to treatment.

(4) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any examination ordered under this subsection (4) or subsection (1) of this section unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(5)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this chemical dependency disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section.

(b) If the court determines that this chemical dependency disposition alternative is appropriate, then the court shall impose the standard range for the offense, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol treatment and/or inpatient drug/alcohol treatment. For purposes of this section, the sum of confinement time and inpatient treatment may not exceed ninety days. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to thirty days of confinement, one hundred fifty hours of community service, and payment of legal financial obligations and restitution.

(6) The drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

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

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(7) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

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

(10) A disposition under this section is not appealable under RCW13.40.230. [1997 c 338 § 26.]

RCW 13.40.180 Disposition order--Consecutive terms when two or more offenses--Limitations. Where a disposition is imposed on a youth for two or more offenses, the terms shall run consecutively, subject to the following limitations:

(1) Where the offenses were committed through a single act or omission, omission, or through an act or omission which in itself constituted one of the offenses and also was an element of the other, the aggregate of all the terms shall not exceed one hundred fifty percent of the term imposed for the most serious offense;

(2) The aggregate of all consecutive terms shall not exceed three hundred percent of the term imposed for the most serious offense; and

(3) The aggregate of all consecutive terms of community supervision shall not exceed two years in length, or require payment of more than two hundred dollars in fines or the performance of more than two hundred hours of community service. [1981 c 299 § 14; 1977 ex.s. c 291 § 72.]

RCW 13.40.185 Disposition order--Confinement under departmental supervision or in juvenile facility, when. (1) Any term of confinement imposed for an offense which exceeds thirty days shall be served under the supervision of the department. If the period of confinement imposed for more than one offense exceeds thirty days but the term imposed for each offense is less than thirty days, the confinement may, in the discretion of the court, be served in a juvenile facility operated by or pursuant to a contract with the state or a county.

(2) Whenever a juvenile is confined in a detention facility or is committed to the department, the court may not directly order a juvenile into a particular county or state facility. The juvenile court administrator and the secretary, assistant secretary, or the secretary's designee, as appropriate, has the sole discretion to determine in which facility a juvenile should be confined or committed. The counties may operate a variety of detention facilities as determined by the county legislative authority subject to available funds. [1994 sp.s. c 7 § 524; 1981 c 299 § 15.]

RCW 13.40.190 Disposition order--Restitution for loss--Modification of restitution order. (1) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. In addition, restitution may be ordered for loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which, pursuant to a plea agreement, are not prosecuted. The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter. The court may determine the amount, terms, and conditions of the restitution including a payment plan extending up to ten years if the court determines that the respondent does not have the means to make full restitution over a shorter period. Restitution may include the costs of counseling reasonably related to the offense. If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution. For the purposes of this section, the respondent shall remain under the court's

jurisdiction for a maximum term of ten years after the respondent's eighteenth birthday. Prior to the expiration of the ten-year period, the juvenile court may extend the judgment for the payment of restitution for an additional ten years.

(2) Regardless of the provisions of subsection (1) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the disposition order for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(3) If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments.

(4) A respondent under obligation to pay restitution may petition the court for modification of the restitution order. [1997 c 338 § 29; 1997 c 121 § 9; 1996 c 124 § 2; 1995 c 33 § 5; 1994 sp.s. c 7 § 528; 1987 c 281 § 5; 1985 c 257 § 2; 1983 c 191 § 9; 1979 c 155 § 69; 1977 ex.s. c 291 § 73.]

NOTE:

Reviser's note: This section was amended by 1997 c 121 § 9 and by 1997 c 338 § 29, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

RCW 13.40.192 Legal financial obligations--Enforceability--Treatment of obligations upon age of eighteen or conclusion of juvenile court jurisdiction--Extension of judgment. If a juvenile is ordered to pay legal financial obligations, including fines, penalty assessments, attorneys' fees, court costs, and restitution, the money judgment remains enforceable for a period of ten years. When the juvenile reaches the age of eighteen years or at the conclusion of juvenile court jurisdiction, whichever occurs later, the superior court clerk must docket the remaining balance of the juvenile's legal financial obligations in the same manner as other judgments for the payment of money. The judgment remains valid and enforceable until ten years from the date of its imposition. The clerk of the superior court may seek extension of the judgment for legal financial obligations, including crime victims' assessments, in the same manner as RCW 6.17.020 for purposes of collection as allowed under RCW 36.18.190. [1997 c 121 § 7.]

RCW 13.40.193 Firearms--Length of confinement. (Effective July 1, 1998.) (1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(1)(b)(iii), the court shall impose a minimum disposition of ten days of confinement. If the offender's standard range of disposition for the offense as indicated in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement.

(2) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. If the offender or an accomplice was armed with a firearm when the offender committed any felony other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun in a felony, the following periods of total confinement must be added to the sentence: For a class A felony, six months; for a class B felony, four months; and for a class C

felony, two months. The additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW13.40.0357.

(3) When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both.

(4) Any term of confinement ordered pursuant to this section shall run consecutively to any term of confinement imposed in the same disposition for other offenses. [1997 c 338 § 30; 1994 sp.s. c 7 § 525.]

RCW 13.40.196 Firearms--Special allegation. A prosecutor may file a special allegation that the offender or an accomplice was armed with a firearm when the offender committed the alleged offense. If a special allegation has been filed and the court finds that the offender committed the alleged offense, the court shall also make a finding whether the offender or an accomplice was armed with a firearm when the offender committed the offense. [1994 sp.s. c 7 § 526.]

RCW 13.40.200 Violation of order of restitution, community supervision, fines, penalty assessments, or confinement--Modification of order after hearing--Scope--Rights--Use of fines. (1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2)The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community service hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community service.

(3) If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed thirty days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community service. The number of hours of community service in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

(5) When a respondent has willfully violated the terms of a probation bond, the court may modify, revoke, or retain the probation bond as provided in RCW 13.40.054. [1997 c 338 § 31; 1995 c 395 § 8; 1986 c 288 § 5; 1983 c 191 § 15; 1979 c 155 § 70; 1977 ex.s. c 291 § 74.]

RCW 13.40.205 Release from physical custody, when--Authorized leaves--Leave plan and order--Notice. (1) A juvenile sentenced to a term of confinement to be served under the supervision of the department shall not be released from the physical custody of the department prior to the release date established under RCW 13.40.210 except as otherwise provided in this section.

(2) A juvenile serving a term of confinement under the supervision of the department may be released on authorized leave from the physical custody of the department only if consistent with public safety and if:

(a) Sixty percent of the minimum term of confinement has been served; and

(b) The purpose of the leave is to enable the juvenile:

(i) To visit the juvenile's family for the purpose of strengthening or preserving family relationships;

(ii) To make plans for parole or release which require the juvenile's personal appearance in the community and which will facilitate the juvenile's reintegration into the community; or

(iii) To make plans for a residential placement out of the juvenile's home which requires the juvenile's personal appearance in the community.

(3) No authorized leave may exceed seven consecutive days. The total of all pre-minimum term authorized leaves granted to a juvenile prior to final discharge from confinement shall not exceed thirty days.

(4) Prior to authorizing a leave, the secretary shall require a written leave plan, which shall detail the purpose of the leave and how it is to be achieved, the address at which the juvenile shall reside, the identity of the person responsible for supervising the juvenile during the leave, and a statement by such person acknowledging familiarity with the leave plan and agreeing to supervise the juvenile and to notify the secretary immediately if the juvenile violates any terms or conditions of the leave. The leave plan shall include such terms and conditions as the secretary deems appropriate and shall be signed by the juvenile.

(5) Upon authorizing a leave, the secretary shall issue to the juvenile an authorized leave order which shall contain the name of the juvenile, the fact that the juvenile is on leave from a designated facility, the time period of the leave, and the identity of an appropriate official of the department to contact when necessary. The authorized leave order shall be carried by the juvenile at all times while on leave.

(6) Prior to the commencement of any authorized leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will reside during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave.

(7) The secretary may authorize a leave, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the period of time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. In cases of emergency or medical leave the secretary may waive all or any portions of subsections (2)(a), (3), (4), (5), and (6) of this section.

(8) If requested by the juvenile's victim or the victim's immediate family, the secretary shall give notice of any leave to the victim or the victim's immediate family.

(9) A juvenile who violates any condition of an authorized leave plan may be taken into custody and returned to the department in the same manner as an adult in identical circumstances.

(10) Notwithstanding the provisions of this section, a juvenile placed in minimum security status may participate in work, educational, community service, or treatment programs in the community up to twelve hours a day if approved by the secretary. Such a release shall not be deemed a leave of absence.

(11) Subsections (6), (7), and (8) of this section do not apply to juveniles covered by RCW 13.40.215. [1990 c 3 § 103; 1983 c 191 § 10.]

RCW 13.40.210 Setting of release or discharge date--Administrative release authorized, when--Parole program, revocation or modification of, scope--Intensive supervision program--Parole officer's right of arrest. (1) The secretary shall, except in the case of a juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the juvenile was found to be guilty established pursuant to RCW 13.40.030, set a release or discharge date for each juvenile committed to its custody. The release or discharge date shall be within the prescribed range to which a juvenile has been committed except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3)(a) Following the juvenile's release under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section. The decision to place an offender on parole shall be based on an assessment by the department of the offender's risk for reoffending upon release. The department shall prioritize available parole resources to provide supervision and services to offenders at moderate to high risk for reoffending.

(b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: (i) Undergo available medical, psychiatric, drug and alcohol, sex offender, mental

health, and other offense-related treatment services; (ii) report as directed to a parole officer and/or designee; (iii) pursue a course of study, vocational training, or employment; (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries; (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community service. Community service for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community service may be performed through public or private organizations or through work crews.

(c) The secretary may further require up to twenty-five percent of the highest risk juvenile offenders who are placed on parole to participate in an intensive supervision program. Offenders participating in an intensive supervision program shall be required to comply with all terms and conditions listed in (b) of this subsection and shall also be required to comply with the following additional terms and conditions: (i) Obey all laws and refrain from any conduct that threatens public safety; (ii) report at least once a week to an assigned community case manager; and (iii) meet all other requirements imposed by the community case manager related to participating in the intensive supervision program. As a part of the intensive supervision program, the secretary may require day reporting.

(d) After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; and (v) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030.

(b) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section. [1997 c 338 § 32; 1994 sp.s. c 7 § 527; 1990 c 3 § 304; 1987 c 505 § 4; 1985 c 287 § 1; 1985 c 257 § 4; 1983 c 191 § 11; 1979 c 155 § 71; 1977 ex.s. c 291 § 75.]

RCW 13.40.215 Juveniles found to have committed violent or sex offense or stalking-- Notification of discharge, parole, leave, release, transfer, or escape--To whom given--School attendance--Definitions.

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense, a sex offense, or stalking, to the following:

(i) The chief of police of the city, if any, in which the juvenile will reside;

(ii) The sheriff of the county in which the juvenile will reside; and

(iii) The approved private schools and the common school district board of directors of the district in which the juvenile intends to reside or the approved private school or public school district in which the juvenile last attended school, whichever is appropriate, except when it has been determined by the department that the juvenile is twenty-one years old; is not required to return to school under chapter 28A.225 RCW; or will be in the community for less than seven consecutive days on approved leave and will not be attending school during that time.

(b) After July 27, 1997, the department shall send a written notice to approved private and public schools under the same conditions identified in subsection (1)(a)(iii) of this section when a juvenile adjudicated of any offense is transferred to a community residential facility.

(c) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific juvenile:

(i) The victim of the offense for which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the juvenile in any court proceedings involving the offense; and

(iii) Any person specified in writing by the prosecuting attorney. Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the juvenile. The notice to the chief of police or the sheriff shall include the identity of the juvenile, the residence where the juvenile will reside, the identity of the person, if any, responsible for supervising the juvenile, and the time period of any authorized leave.

(d) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical furloughs.

(e) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2)(a) If a juvenile found to have committed a violent offense, a sex offense, or stalking escapes from a facility of the department, the secretary shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the juvenile resided immediately before the juvenile's arrest. If previously requested, the secretary shall also notify the witnesses and the victim of the offense which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide. If the juvenile is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(b) The secretary may authorize a leave, for a juvenile found to have committed a violent offense, a sex offense, or stalking, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. Prior to the commencement of an emergency or medical leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will be during the

leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave. If previously requested, the department shall also notify the witnesses and victim of the offense which the juvenile was found to have committed or the victim's next of kin if the offense was a homicide.

In case of an emergency or medical leave the secretary may waive all or any portion of the requirements for leaves pursuant to RCW 13.40.205 (2)(a), (3), (4), and (5).

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The secretary shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) Upon discharge, parole, or other authorized leave or release, a convicted juvenile sex offender shall not attend a public or approved private elementary, middle, or high school that is attended by a victim or a sibling of a victim of the sex offender. The parents or legal guardians of the convicted juvenile sex offender shall be responsible for transportation or other costs associated with or required by the sex offender's change in school that otherwise would be paid by a school district. Upon discharge, parole, or other authorized leave or release of a convicted juvenile sex offender, the secretary shall send written notice of the discharge, parole, or other authorized leave or release and the requirements of this subsection to the common school district board of directors of the district in which the sex offender intends to reside or the district in which the sex offender last attended school, whichever is appropriate. The secretary shall send a similar notice to any approved private school the juvenile will attend, if known, or if unknown, to the approved private schools within the district the juvenile resides or intends to reside.

(6) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Stalking" means the crime of stalking as defined in RCW 9A.46.110;

(d) "Next of kin" means a person's spouse, parents, siblings, and children. [1997 c 265 § 2; 1995 c 324 § 1. Prior: 1994 c 129 § 6; 1994 c 78 § 1; 1993 c 27 § 1; 1990 c 3 § 101.]

RCW 13.40.217 Juveniles adjudicated of sex offenses--Release of information authorized.(1) In addition to any other information required to be released under this chapter, the department is authorized, pursuant to RCW 4.24.550, to release relevant information that is necessary to protect the public concerning juveniles adjudicated of sex offenses.

(2) In order for public agencies to have the information necessary for notifying the public about sex offenders as authorized in RCW 4.24.550, the secretary shall issue to appropriate law enforcement agencies narrative notices regarding the pending release of sex offenders from the department's juvenile rehabilitation facilities. The narrative notices shall, at a minimum, describe the identity and criminal history behavior of the offender and shall include the department's risk level classification for the offender. For sex offenders classified as either risk level II or III, the narrative notices shall also include the reasons underlying the classification.

(3) For the purposes of this section, the department shall classify as risk level I those offenders whose risk assessments indicate a low risk of reoffense within the community at large. The department shall classify as risk level II those offenders whose risk assessments indicate a moderate risk of reoffense within the community at large. The department shall classify as risk level III those offenders whose risk assessments indicate a high risk of reoffense within the community at large. [1997 c 364 § 2; 1990 c 3 § 102.]

RCW 13.40.230 Appeal from order of disposition--Jurisdiction--Procedure--Scope--Release pending appeal. (1) Dispositions reviewed pursuant to RCW 13.40.160 shall be reviewed in the appropriate division of the court of appeals.

An appeal under this section shall be heard solely upon the record that was before the disposition court. No written briefs may be required, and the appeal shall be heard within thirty days following the date of sentencing and a decision rendered within fifteen days following the argument. The supreme court shall promulgate any necessary rules to effectuate the purposes of this section.

(2) To uphold a disposition outside the standard range, the court of appeals must find (a) that the reasons supplied by the disposition judge are supported by the record which was before the judge and that those reasons clearly and convincingly support the conclusion that a disposition within the range would constitute a manifest injustice, and (b) that the sentence imposed was neither clearly excessive nor clearly too lenient.

(3) If the court does not find subsection (2)(a) of this section it shall remand the case for disposition within the standard range.

(4) If the court finds subsection (2)(a) but not subsection (2)(b) of this section it shall remand the case with instructions for further proceedings consistent with the provisions of this chapter.

(5) The disposition court may impose conditions on release pending appeal as provided in RCW 13.40.040(4) and 13.40.050(6).

(6) Appeal of a disposition under this section does not affect the finality or appeal of the underlying adjudication of guilt. [1997 c 338 § 35; 1981 c 299 § 16; 1979 c 155 § 72; 1977 ex.s. c 291 § 77.]

RCW 13.40.240 Construction of RCW references to juvenile delinquents or juvenile delinquency. All references to juvenile delinquents or juvenile delinquency in other chapters of the Revised Code of Washington shall be construed as meaning juvenile offenders or the commitment of an offense by juveniles as defined by this chapter. [1977 ex.s. c 291 § 78.]

RCW 13.40.250 Traffic and civil infraction cases. A traffic or civil infraction case involving a juvenile under the age of sixteen may be diverted in accordance with the provisions of this chapter or filed in juvenile court.

(1) If a notice of a traffic or civil infraction is filed in juvenile court, the juvenile named in the notice shall be afforded the same due process afforded to adult defendants in traffic infraction cases.

(2) A monetary penalty imposed upon a juvenile under the age of sixteen who is found to have committed a traffic or civil infraction may not exceed one hundred dollars. At the juvenile's request, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the prevailing state minimum wage per hour.

(3) A diversion agreement entered into by a juvenile referred pursuant to this section shall be limited to thirty hours of community service, or educational or informational sessions.

(4) If a case involving the commission of a traffic or civil infraction or offense by a juvenile under the age of sixteen has been referred to a diversion unit, an abstract of the action taken by the diversion unit may be forwarded to the department of licensing in the manner provided for in RCW 46.20.270(2). [1997 c 338 § 36; 1980 c 128 § 16.]

RCW 13.40.265 Firearm, alcohol, and drug violations. (1)(a) If a juvenile thirteen years of age or older is found by juvenile court to have committed an offense while armed with a firearm or an offense that is a violation of RCW 9.41.040(1)(b)(iii) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(b) Except as otherwise provided in (c) of this subsection, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

(c) If the offense is the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered, whichever is later. If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

(2)(a) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed.

(b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement. [1997 c 338 § 37; 1994 sp.s. c 7 § 435; 1989 c 271 § 116; 1988 c 148 § 2.]

RCW 13.40.280 Transfer of juvenile to department of corrections facility--Grounds--Hearing--Term--Retransfer to a facility for juveniles. (1) The secretary, with the consent of the secretary of the department of corrections, has the authority to transfer a juvenile presently or hereafter committed to the department of social and health services to the department of corrections for appropriate institutional placement in accordance with this section.

(2) The secretary of the department of social and health services may, with the consent of the secretary of the department of corrections, transfer a juvenile offender to the department of corrections if it is established at a hearing before a review board that continued placement of the juvenile offender in an institution for juvenile offenders presents a continuing and serious threat to the safety of others in the institution. The department of social and health services shall establish rules for the conduct of the hearing, including provision of counsel for the juvenile offender.

(3) Assaults made against any staff member at a juvenile corrections institution that are reported to a local law enforcement agency shall require a hearing held by the department of social and health services review board within ten judicial working days. The board shall determine whether the accused juvenile offender represents a continuing and serious threat to the safety of others in the institution.

(4) Upon conviction in a court of law for custodial assault as defined in RCW 9A.36.100, the department of social and health services review board shall conduct a second hearing, within five judicial working days, to recommend to the secretary of the department of social and health services that the convicted juvenile be transferred to an adult correctional facility if the review board has determined the juvenile offender represents a continuing and serious threat to the safety of others in the institution.

The juvenile has the burden to show cause why the transfer to an adult correctional facility should not occur.

(5) A juvenile offender transferred to an institution operated by the department of corrections shall not remain in such an institution beyond the maximum term of confinement imposed by the juvenile court.

(6) A juvenile offender who has been transferred to the department of corrections under this section may, in the discretion of the secretary of the department of social and health services and

with the consent of the secretary of the department of corrections, be transferred from an institution operated by the department of corrections to a facility for juvenile offenders deemed appropriate by the secretary.[1989 c 410 §2; 1989 c 407 §8; 1983 c 191 § 22.]

NOTE:

Reviser's note: This section was amended by 1989 c 407 § 8 and by 1989 c 410 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

RCW 13.40.285 Juvenile offender sentenced to terms in juvenile and adult facilities--Transfer to department of corrections--Term of confinement. A juvenile offender ordered to serve a term of confinement with the department of social and health services who is subsequently sentenced to the department of corrections may, with the consent of the department of corrections, be transferred by the secretary of social and health services to the department of corrections to serve the balance of the term of confinement ordered by the juvenile court. The juvenile and adult sentences shall be served consecutively. In no case shall the secretary credit time served as a result of an adult conviction against the term of confinement ordered by the juvenile court. [1983 c 191 § 23.]

RCW 13.40.300 Commitment of juvenile beyond age twenty-one prohibited--Jurisdiction of juvenile court after juvenile's eighteenth birthday. (1) In no case may a juvenile offender be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday. A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) Proceedings are pending seeking the adjudication of a juvenile offense and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday;

(b) The juvenile has been found guilty after a fact finding or after a plea of guilty and an automatic extension is necessary to allow for the imposition of disposition; or

(c) Disposition has been held and an automatic extension is necessary to allow for the execution and enforcement of the court's order of disposition. If an order of disposition imposes commitment to the department, then jurisdiction is automatically extended to include a period of up to twelve months of parole, in no case extending beyond the offender's twenty-first birthday.

(2) If the juvenile court previously has extended jurisdiction beyond the juvenile offender's eighteenth birthday and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons.

(3) In no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday except for the purpose of enforcing an order of restitution.

(4) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older. [1994 sp.s. c 7 § 530; 1986 c 288 § 6; 1983 c 191 § 17; 1981 c 299 § 17; 1979 c 155 § 73; 1975 1st ex.s. c 170 § 1. Formerly RCW 13.04.260.]

RCW 13.40.310 Transitional treatment program for gang and drug-involved juvenile offenders. (1) The department of social and health services may contract with a community-based nonprofit organization to establish a three-step transitional treatment program for gang and

drug-involved juvenile offenders committed to the custody of the department under chapter 13.40 RCW. Any such program shall provide six to twenty-four months of treatment. The program shall emphasize the principles of self-determination, unity, collective work and responsibility, cooperative economics, and creativity. The program shall be culturally relevant and appropriate and shall include:

(a) A culturally relevant and appropriate institution-based program that provides comprehensive drug and alcohol services, individual and family counseling, and a wilderness experience of constructive group living, rigorous physical exercise, and academic studies;

(b) A culturally relevant and appropriate community-based structured group living program that focuses on individual goals, positive community involvement, coordinated drug and alcohol treatment, coordinated individual and family counseling, academic and vocational training, and employment in apprenticeship, internship, and entrepreneurial programs; and

(c) A culturally relevant and appropriate transitional group living program that provides support services, academic services, and coordinated individual and family counseling.

(2) Participation in any such program shall be on a voluntary basis.

(3) The department shall adopt rules as necessary to implement any such program. [1991 c 326 § 4.]

RCW 13.40.320 Juvenile offender basic training camp program. (Effective July 1, 1998.) (1) The department of social and health services shall establish and operate a medium security juvenile offender basic training camp program. The department shall site a juvenile offender basic training camp facility in the most cost-effective facility possible and shall review the possibility of using an existing abandoned and/or available state, federally, or military-owned site or facility.

(2) The department may contract under this chapter with private companies, the national guard, or other federal, state, or local agencies to operate the juvenile offender basic training camp, notwithstanding the provisions of RCW 41.06.380. Requests for proposals from possible contractors shall not call for payment on a per diem basis.

(3) The juvenile offender basic training camp shall accommodate at least seventy offenders. The beds shall count as additions to, and not be used as replacements for, existing bed capacity at existing department of social and health services juvenile facilities.

(4) The juvenile offender basic training camp shall be a structured and regimented model lasting one hundred twenty days emphasizing the building up of an offender's self-esteem, confidence, and discipline. The juvenile offender basic training camp program shall provide participants with basic education, prevocational training, work-based learning, live work, work ethic skills, conflict resolution counseling, substance abuse intervention, anger management counseling, and structured intensive physical training. The juvenile offender basic training camp program shall have a curriculum training and work schedule that incorporates a balanced assignment of these or other rehabilitation and training components for no less than sixteen hours per day, six days a week.

The department shall adopt rules for the safe and effective operation of the juvenile offender basic training camp program, standards for an offender's successful program completion, and rules for the continued after-care supervision of offenders who have successfully completed the program.

(5) Offenders eligible for the juvenile offender basic training camp option shall be those with a disposition of not more than sixty-five weeks. Violent and sex offenders shall not be eligible for the juvenile offender basic training camp program.

(6) If the court determines that the offender is eligible for the juvenile offender basic training camp option, the court may recommend that the department place the offender in the program. The department shall evaluate the offender and may place the offender in the program. The

evaluation shall include, at a minimum, a risk assessment developed by the department and designed to determine the offender's suitability for the program. No juvenile who is assessed as a high risk offender or suffers from any mental or physical problems that could endanger his or her health or drastically affect his or her performance in the program shall be admitted to or retained in the juvenile offender basic training camp program.

(7) All juvenile offenders eligible for the juvenile offender basic training camp sentencing option shall spend one hundred twenty days of their disposition in a juvenile offender basic training camp. If the juvenile offender's activities while in the juvenile offender basic training camp are so disruptive to the juvenile offender basic training camp program, as determined by the secretary according to rules adopted by the department, as to result in the removal of the juvenile offender from the juvenile offender basic training camp program, or if the offender cannot complete the juvenile offender basic training camp program due to medical problems, the secretary shall require that the offender be committed to a juvenile institution to serve the entire remainder of his or her disposition, less the amount of time already served in the juvenile offender basic training camp program.

(8) All offenders who successfully graduate from the one hundred twenty day juvenile offender basic training camp program shall spend the remainder of their disposition on parole in a division of juvenile rehabilitation intensive aftercare program in the local community. The program shall provide for the needs of the offender based on his or her progress in the aftercare program as indicated by ongoing assessment of those needs and progress. The intensive aftercare program shall monitor postprogram juvenile offenders and assist them to successfully reintegrate into the community. In addition, the program shall develop a process for closely monitoring and assessing public safety risks. The intensive aftercare program shall be designed and funded by the department of social and health services.

(9) The department shall also develop and maintain a data base to measure recidivism rates specific to this incarceration program. The data base shall maintain data on all juvenile offenders who complete the juvenile offender basic training camp program for a period of two years after they have completed the program. The data base shall also maintain data on the criminal activity, educational progress, and employment activities of all juvenile offenders who participated in the program. [1997 c 338 § 38; 1995 c 40 § 1; 1994 sp.s. c 7 § 532.]

Findings and intent--Juvenile basic training camps--1994 sp.s. c 7: "The legislature finds that the number of juvenile offenders and the severity of their crimes is increasing rapidly state-wide. In addition, many juvenile offenders continue to reoffend after they are released from the juvenile justice system causing disproportionately high and expensive rates of recidivism.

The legislature further finds that juvenile criminal behavior is often the result of a lack of self-discipline, the lack of systematic work habits and ethics, the inability to deal with authority figures, and an unstable or unstructured living environment. The legislature further finds that the department of social and health services currently operates an insufficient number of confinement beds to meet the rapidly growing juvenile offender population. Together these factors are combining to produce a serious public safety hazard and the need to develop more effective and stringent juvenile punishment and rehabilitation options.

The legislature intends that juvenile offenders who enter the state rehabilitation system have the opportunity and are given the responsibility to become more effective participants in society by enhancing their personal development, work ethics, and life skills. The legislature recognizes that structured incarceration programs for juvenile offenders such as juvenile offender basic training camps, can instill the self-discipline, accountability, self-esteem, and work ethic skills that could discourage many offenders from returning to the criminal justice system. Juvenile offender basic training camp incarceration programs generally emphasize life skills training, prevocational work skills training, anger management, dealing with difficult at-home family problems and/or abuses, discipline, physical training, structured and intensive work activities, and educational classes. The legislature further recognizes that juvenile offenders can benefit from a highly structured basic training camp environment and the public can also benefit through increased public protection and reduced cost due to lowered rates of recidivism." [1994 sp.s. c 7 § 531.]

RCW 13.40.400 Applicability of RCW 10.01.040 to chapter. The provisions of RCW 10.01.040 apply to chapter 13.40 RCW. [1979 c 155 § 74.]

RCW 13.40.430 Disparity in disposition of juvenile offenders--Data collection--Annual report. The department shall within existing funds collect such data as may be necessary to monitor any disparity in processing or disposing of cases involving juvenile offenders due to economic, gender, geographic, or racial factors that may result from implementation of section 1, chapter 373, Laws of 1993. Beginning December 1, 1993, the department shall report annually to the legislature on economic, gender, geographic, or racial disproportionality in the rates of arrest, detention, trial, treatment, and disposition in the state's juvenile justice system. The report shall cover the preceding calendar year. The annual report shall identify the causes of such disproportionality and shall specifically point out any economic, gender, geographic, or racial disproportionality resulting from implementation of section 1, chapter 373, Laws of 1993. [1993 c 373 § 2.]

RCW 13.40.440 Chapter 9.92 RCW not to affect dispositions under juvenile justice act. See RCW 9.92.200.

RCW 13.40.450 Chapters 13.04 and 13.40 RCW as exclusive authority for adjudication and disposition of juvenile offenders. See RCW 13.04.450.

RCW 13.40.460 Juvenile rehabilitation programs--Administration. The secretary, assistant secretary, or the secretary's designee shall manage and administer the department's juvenile rehabilitation responsibilities, including but not limited to the operation of all state institutions or facilities used for juvenile rehabilitation.

The secretary or assistant secretary shall:

- (1) Prepare a biennial budget request sufficient to meet the confinement and rehabilitative needs of the juvenile rehabilitation program, as forecast by the office of financial management;
- (2) Create by rule a formal system for inmate classification. This classification system shall consider:
 - (a) Public safety;
 - (b) Internal security and staff safety;
 - (c) Rehabilitative resources both within and outside the department;
 - (d) An assessment of each offender's risk of sexually aggressive behavior as provided in RCW 13.40.470; and
 - (e) An assessment of each offender's vulnerability to sexually aggressive behavior as provided in RCW 13.40.470;
- (3) Develop agreements with local jurisdictions to develop regional facilities with a variety of custody levels;
- (4) Adopt rules establishing effective disciplinary policies to maintain order within institutions;
- (5) Develop a comprehensive diagnostic evaluation process to be used at intake, including but not limited to evaluation for substance addiction or abuse, literacy, learning disabilities, fetal alcohol syndrome or effect, attention deficit disorder, and mental health;
- (6) Develop placement criteria:

(a) To avoid assigning youth who present a moderate or high risk of sexually aggressive behavior to the same sleeping quarters as youth assessed as vulnerable to sexual victimization under RCW 13.40.470(1)(c); and

(b) To avoid placing a juvenile offender on parole status who has been assessed as a moderate to high risk for sexually aggressive behavior in a department community residential program with another child who is: (i) Dependent under chapter 13.34 RCW, or an at-risk youth or child in need of services under chapter 13.32A RCW; and (ii) not also a juvenile offender on parole status;

(7) Develop a plan to implement, by July 1, 1995:

(a) Substance abuse treatment programs for all state juvenile rehabilitation facilities and institutions;

(b) Vocational education and instruction programs at all state juvenile rehabilitation facilities and institutions; and

(c) An educational program to establish self-worth and responsibility in juvenile offenders. This educational program shall emphasize instruction in character-building principles such as: Respect for self, others, and authority; victim awareness; accountability; work ethics; good citizenship; and life skills; and

(8) Study, in conjunction with the superintendent of public instruction, educators, and superintendents of state facilities for juvenile offenders, the feasibility and value of consolidating within a single entity the provision of educational services to juvenile offenders committed to state facilities. The assistant secretary shall report his or her findings to the legislature by December 1, 1995. [1997 c 386 § 54; 1994 sp.s. c 7 § 516.]

Implementation deadline--1997 c 386 § 54: "The policy developed under RCW 13.40.460(6)(b) shall be implemented within the juvenile rehabilitation administration and the division of children and family services by July 1, 1998." [1997 c 386 § 55.]

SECTION 4 - JUVENILE REHABILITATION ADMINISTRATION
SENTENCING WORKSHEET

JUVENILE REHABILITATION ADMINISTRATION

Sentencing Worksheet Instructions

These instructions describe the use of the Juvenile Rehabilitation Administration Sentencing Worksheet DSHS 20-198 (7-98).

PURPOSE

The Sentencing Worksheet is used to report information pertinent to the sentencing of each juvenile offender admitted to JRA or those sentenced to community supervision through the Special Sex Offender Disposition Alternative (SSODA) or Option B (Chemical Dependency Disposition Alternative (CDDA)). The form serves as a worksheet for determining the minimum and maximum length of the standard range of confinement for each offense. The structure of the form conforms to and facilitates the application of the sentencing standards developed by the Sentencing Guidelines Commission, as required by RCW 13.40.030.

A single sentencing grid will establish standard ranges to be imposed, unless the court chooses Option B (CDDA) or Option C (manifest injustice).

If a manifest injustice is invoked or the 300% or 150% rule is in effect, the length of the actual sentence ordered by the court should be entered on the worksheet in lieu of the standard range.

Data from the Sentencing Worksheet will be processed and stored in the Juvenile Rehabilitation Administration computer files in Olympia. For youths admitted to JRA the data will be used by JRA facilities for setting minimum and maximum release dates. Data about offenders assigned to the community through SSODA and Option B (CDDA) will be used to track offenders in those programs. Data extracted from the system will be used by JRA to study the impact of the implementation of the Juvenile Justice Act.

GENERAL INSTRUCTIONS:

A JRA Sentencing Worksheet is completed for each juvenile admitted to the Juvenile Rehabilitation Administration and each juvenile sentenced to community supervision through either SSODA or Option B (CDDA).

The Juvenile Disposition Sentencing Standards are reviewed by the Sentencing Guidelines Commission each year and are submitted to the Legislature for possible revision in every even year. In addition, the Legislature may review the standards during any legislative session. It is the responsibility of the sentencing court to ensure that the appropriate standards are being used for a specific offender.

Questions regarding the use of the juvenile **sentencing standards** should be referred to:

Sentencing Guidelines Commission
P O Box 40927
Olympia, WA 98504-0927
(360) 956-2130

Questions regarding the use or completion of the **Juvenile Rehabilitation Administration sentencing worksheet** should be referred to:

Juvenile Rehabilitation Administration
P O Box 45720
Olympia, WA 98504-5720
(360) 902-8085

Personnel designated by the administrator of each juvenile court are responsible for the accuracy of the information provided to JRA. Please read the detailed instructions on the following pages before completing the worksheet. If you have any questions regarding the worksheet or these instructions, please contact the JRA Information Services Manager.

For offenders admitted to JRA, the court should place the white copy in the case file, send the yellow copy to JRA, and retain the pink copy. The yellow copy of the worksheet should be sent to JRA, along with any other admittance documents, in time to precede or coincide with the juvenile's arrival.

For offenders sentenced to community supervision through SSODA or Option B (CDDA), the court should send a copy of the worksheet to the JRA regional office. The worksheet should be sent as soon as possible after the offender's disposition.

Up to three current offenses can be put on a worksheet. If there are more than four offenses, attach a second sheet.

If there are more than sixteen prior offenses, compute the total score of the additional prior offenses not listed and place it in the appropriate box.

Supply of forms:

Requests for blank forms should be directed to your local JRA regional office.

Instructions for completing each item:

The following definitions and procedures are to be used for completing the individual items. (The numbers correspond to the numbers on the attached sample worksheet.)

Worksheet

Definitions

**Effective for Offenses Committed on or After
July 1, 1998**

OPTION A:

STANDARD RANGE

JUVENILE OFFENDER SENTENCING GRID

Offense Category	Standard Ranges (in weeks)				
A+	180 weeks to Age 21 for all category A+ offenses				
A	103 - 129 weeks for all category A offenses				
A-	15 - 36 Except 30 - 40 weeks for 15 to 17 year olds.	52 - 65	80 - 100	103 - 129	103 - 129
B+	15 - 36	15 - 36	52 - 65	80 - 100	103 - 129
B	LS	LS	15 - 36	15 - 36	52 - 65
C+	LS	LS	LS	15 - 36	15 - 36
C	LS	LS	LS	LS	15 - 36
D+	LS	LS	LS	LS	LS
D	LS	LS	LS	LS	LS
E	LS	LS	LS	LS	LS
	0	1	2	3	4 or more

Prior Adjudications**

** Each prior felony adjudication counts as 1 point on the sentencing grid. Violations, Misdemeanors, and Gross Misdemeanors count ¼ point each. Fractions are rounded down.

LS = Local Sanctions:

- 0-30 days (with the exception of category E offenses and violations) and/or
- 0-12 months community supervision and/or
- 0-150 hours community service and/or

- \$0-\$500 fine

APPENDIX

APPENDIX A

RACE CODES

597 INDIAN-AMERICAN
600 ASIAN-INDIAN
604 CAMBODIAN
605 CHINESE
611 JAPANESE
612 KOREAN
613 LAOTIAN
618 THAI
619 VIETNAMESE
653 HAWAIIAN
655 SAMOAN
660 GUAMANIAN
699 OTHER-ASIAN
799 OTHER RACE
800 WHITE
870 BLK-AFR-AMR
935 ESKIMO
941 ALEUT
999 UNREPORTED

HISPANIC ORIGIN CODES

709 YES,CUBAN
722 YES,MEXICAN-AMER
727 YES,PUERTO RICAN
799 YES,OTHER SPANISH
000 NOT REPORTED
999 NO

APPENDIX B

COUNTY COURT CODES

COURT CODE	COURT NAME
001	ADAMS
002	ASOTIN/GARFIELD
003	BENTON/FRANKLIN
004	CHELAN
005	CLALLAM
006	CLARK
007	COLUMBIA/WALLA WALLA
008	COWLITZ
009	DOUGLAS
026	PEND OR/STEVENS/FERRY
003	BENTON/FRANKLIN
002	ASOTIN/GARFIELD
013	GRANT
014	GRAYS HARBOR
015	ISLAND
016	JEFFERSON
017	KING
018	KITSAP
019	KITTITAS
020	KLICKITAT
021	LEWIS
022	LINCOLN
023	MASON
024	OKANOGAN
025	PACIFIC/WAHKIAKUM
026	PEND OR/STEVENS/FERRY
027	PIERCE
028	SAN JUAN
029	SKAGIT
030	SKAMANIA
031	SNOHOMISH
032	SPOKANE
026	PEND OR/STEVENS/FERRY
034	THURSTON
025	PACIFIC/WAHKIAKUM
007	COLUMBIA/WALLA WALLA
037	WHATCOM
038	WHITMAN
039	YAKIMA

APPENDIX C

JUVENILE DISPOSITION SENTENCING GRIDS FOR OFFENSES COMMITTED ON OR BEFORE JUNE 30, 1998

JUVENILE SENTENCING STANDARDS

SCHEDULE B

PRIOR OFFENSE INCREASE FACTOR

For use with all CURRENT OFFENSES occurring before July 1, 1998

TIME SPAN			
OFFENSE CATEGORY	1-12 MONTHS	13-24 MONTHS	25 MONTHS OR MORE
A+	.9	.9	.9
A	.9	.8	.6
A-	.9	.8	.5
B+	.9	.7	.4
B	.9	.6	.3
C+	.6	.3	.2
C	.5	.2	.2
D+	.3	.2	.1
D	.2	.1	.1
E	.1	.1	.1

Prior History: Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

JUVENILE SENTENCING STANDARDS

SCHEDULE C

CURRENT OFFENSE POINTS

For use with all CURRENT OFFENSES occurring before July 1, 1998

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

JUVENILE SENTENCING STANDARDS

SCHEDULE D-1

For use with all CURRENT OFFENSES occurring before July 1, 1998

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

MINOR/FIRST OFFENDER

OPTION A

STANDARD RANGE

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

OPTION B

STATUTORY OPTION

0 - 12 Months Community Supervision
 0 - 150 Hours Community Service
 \$0 - \$100 Fine
 Posting of a Probation Bond

A term of community supervision with a maximum of 150 hours, \$100 fine, and 12 months supervision.

OR

OR OPTION C

MANIFEST INJUSTICE

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range.

JUVENILE SENTENCING STANDARDS

SCHEDULE D-2

For use with all CURRENT OFFENSES occurring before July 1, 1998

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

MIDDLE OFFENDER

OPTION A

<u>STANDARD RANGE</u>					
<u>Points</u>	<u>Community Supervision</u>	<u>Community Service</u>		<u>Confinement</u>	
		<u>Hours</u>	<u>Fine</u>	<u>Days</u>	<u>Weeks</u>
1 - 9	0 - 3 months	&/or 0 - 8	&/or 0 - \$10	&/or 0	
10 - 19	0 - 3 months	&/or 0 - 8	&/or 0 - \$10	&/or 0	
20 - 29	0 - 3 months	&/or 0 - 16	&/or 0 - \$10	&/or 0	
30 - 39	0 - 3 months	&/or 8 - 24	&/or 0 - \$25	&/or 2 - 4	
40 - 49	3 - 6 months	&/or 16 - 32	&/or 0 - \$25	&/or 2 - 4	
50 - 59	3 - 6 months	&/or 24 - 40	&/or 0 - \$25	&/or 5 - 10	
60 - 69	6 - 9 months	&/or 32 - 48	&/or 0 - \$50	&/or 5 - 10	
70 - 79	6 - 9 months	&/or 40 - 56	&/or 0 - \$50	&/or 10 - 20	
80 - 89	9 - 12 months	&/or 48 - 64	&/or 0 - \$100	&/or 10 - 20	
90 - 109	9 - 12 months	&/or 56 - 72	&/or 0 - \$100	&/or 15 - 30	
110 - 129					8 - 12
130 - 149	Middle offenders with more than 110 points do not have to be committed. They may be assigned community supervision under Option B.				13 - 16
150 - 199					21 - 28
200 - 249					30 - 40
250 - 299					52 - 65
300 - 374					80 - 100
375+					103 - 129
All A+ Offenses					180 - 224

OPTION B

<u>STATUTORY OPTION</u>	
0 - 12	Months Community Supervision
0 - 150	Hours Community Service
\$0 - \$100	Fine
Posting of a Probation Bond	
If the offender has less than 110 points, the court may impose a determinate disposition of community supervision and/or up to 30 days confinement; in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150.	
OR	If the middle offender has 110 points or more, the court may impose a disposition under Option A and may suspend the disposition on the condition that the offender serve up to thirty days of confinement and follow all conditions of community supervision. If the offender fails to comply with the terms of community supervision, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order execution of the disposition. If the court imposes confinement for offenders with 110 points or more, the court shall state either aggravating or mitigating factors set forth in RCW 13.40.150.

OR OPTION C

MANIFEST INJUSTICE

If the court determines that a disposition under Option A or B would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall be used to determine the range.

JUVENILE SENTENCING STANDARDS

SCHEDULE D-3

For use with all CURRENT OFFENSES occurring before July 1, 1998

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

SERIOUS OFFENDER

OPTION A

<u>STANDARD RANGE</u>	
<u>Points</u>	<u>Institution Time</u>
0 - 129	8 - 12
130 - 149	13 - 16
150 - 199	21 - 28
200 - 249	30 - 40
250 - 299	52 - 65
300 - 374	80 - 100
375+	103 - 129
All A+ Offenses	180 - 224

OR

OPTION B

<u>MANIFEST INJUSTICE</u>
<p>A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision including posting a probation bond or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030 (2) shall be used to determine the range.</p>