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HOUSE BILL 2319 - CORRECTED COPY

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives Appelwick, Leonard, Johanson, Valle, Wang, Wineberry, Scott, Karahalios, Caver, Kessler, Basich, Wolfe, J. Kohl, Veloria, Quall, Holm, Jones, Shin, King, Patterson, Eide, Dellwo, L. Johnson, Springer, Pruitt, Ogden, H. Myers and Anderson; by request of Governor Lowry

Read first time 01/14/94. Referred to Committee on Judiciary.

1 AN ACT Relating to violence prevention; amending RCW 74.14A.020,  
2 70.190.010, 70.190.005, 70.190.030, 74.14A.050, 43.330.010, 50.65.030,  
3 50.65.040, 50.65.065, 9.41.050, 9.41.060, 9.41.070, 9.41.080, 9.41.090,  
4 9.41.110, 9.41.180, 9.41.190, 9.41.220, 9.41.240, 9.41.250, 9.41.260,  
5 9.41.270, 9.41.280, 9.41.300, 9.94A.040, 9.94A.125, 13.04.030,  
6 13.40.020, 13.40.027, 13.40.040, 13.40.0357, and 13.40.210; reenacting  
7 and amending RCW 9.41.010 and 9.41.040; adding new sections to chapter  
8 70.190 RCW; adding a new section to chapter 28A.300 RCW; adding new  
9 sections to chapter 43.330 RCW; adding a new section to chapter 50.65  
10 RCW; adding new sections to chapter 9.41 RCW; adding a new section to  
11 chapter 13.40 RCW; adding a new chapter to Title 7 RCW; creating new  
12 sections; recodifying RCW 9.41.160; repealing RCW 50.65.150, 9.41.030,  
13 9.41.093, 9.41.100, 9.41.130, 9.41.200, 9.41.210, and 9.41.230;  
14 prescribing penalties; making appropriations; providing an effective  
15 date; and declaring an emergency.

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

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8 INTENT

9 NEW SECTION. **Sec. 1.** The legislature finds that youth violence is  
10 an increasingly serious problem that threatens the long-term economic,  
11 social, and public safety interests of the state. Violent acts  
12 committed by and against young people have escalated sharply over the  
13 past decade. Moreover, increasing numbers of youth are carrying  
14 firearms, especially handguns.

15 The legislature further finds that there is no single factor  
16 responsible for the escalation of youth violence. Poverty, domestic  
17 violence, child abuse and neglect, racism, alcohol and other drugs,  
18 fractured communities and families, increased firearm availability, the  
19 escalation of gang activity, and the glamorization of violence by the  
20 media all contribute to the increase. Because so many factors  
21 contribute to the problem, no single approach can be expected to solve  
22 it.

23 The legislature further finds that reducing youth violence will  
24 require a comprehensive effort through a collaborative partnership  
25 among families, schools, communities, and government. A unified  
26 response that includes efforts directed at changing attitudes about  
27 violence, supporting families and communities, and protecting public  
28 safety is required to confront violent youth and firearm violence, as  
29 well as the root causes of youth violence.

30 The legislature further finds that strong, healthy families are an  
31 especially critical part of the solution. However, families in the

1 state are increasingly isolated, without strong ties to their community  
2 or kin to call upon, fragmented by falling incomes and unemployment.  
3 These families find it difficult to raise responsible, self-confident  
4 children who can achieve their potential.

5 The legislature further finds that families and children in need of  
6 services are often unable to locate the assistance they require. If  
7 they do find services, families and children encounter myriad agencies,  
8 eligibility systems, and regulations that diminish effectiveness.  
9 Although communities vary widely across the state, little flexibility  
10 exists in the delivery of family services. The state has inadvertently  
11 created a centralized and uncoordinated family services system.

12 It is therefore the purpose of this act to: (1) Prevent youth  
13 violence by promoting nonviolent means for resolving conflicts; (2)  
14 improve outcomes for at-risk families and children by enhancing the  
15 availability and accessibility of family support services; (3) expand  
16 opportunities for at-risk youth to engage in productive activities,  
17 such as employment and training, peer counseling, mentoring, and  
18 recreation, that provide healthy, viable alternatives to violence; (4)  
19 empower communities to prioritize and coordinate family services and  
20 youth violence prevention and intervention activities that meet local  
21 needs; (5) protect public safety by strengthening the system for  
22 transitioning juvenile offenders from state facilities to the  
23 community; (6) protect public safety by limiting juveniles' access to  
24 firearms, particularly handguns, and by encouraging safe storage of  
25 firearms, and; (7) demonstrate that violence committed by youth will  
26 not be tolerated by increasing the severity and certainty of punishment  
27 for youth who commit violent acts or offenses involving firearms.

28 **PART I - FAMILY SERVICES**

29 **Sec. 101.** RCW 74.14A.020 and 1983 c 192 s 2 are each amended to  
30 read as follows:

31 (~~The department of social and health services~~) State efforts  
32 shall address the needs of children and their families, including  
33 emotionally disturbed ((and)), developmentally disabled, and mentally  
34 ill children, potentially dependent children, and families-in-conflict  
35 by:

36 (1) Serving children and families as a unit in the least  
37 restrictive setting available and in close proximity to the family

1 home, consistent with the best interests and special needs of the  
2 child;

3 (2) Ensuring that appropriate social and health services are  
4 provided to the family unit both prior to the removal of a child from  
5 the home and after the family ((reunification)) is reunited;

6 (3) Ensuring that the safety and best interests of the child are  
7 the paramount considerations when making placement and service delivery  
8 decisions;

9 (4) Recognizing the interdependent and changing nature of families  
10 and communities, building upon inherent family strengths, maintaining  
11 their dignity and respect, and tailoring programs to their specific  
12 circumstances;

13 (5) Developing and implementing comprehensive, preventive, and  
14 early intervention social and health services which ((have  
15 demonstrated)) demonstrate the ability to delay or reduce the need for  
16 out-of-home placements and ameliorate problems before they become  
17 chronic or severe;

18 ((+4)) (6) Being sensitive to the family and community culture,  
19 norms, values, and expectations, ensuring that all services are  
20 accessible and are provided in a culturally competent and relevant  
21 manner, and ensuring participation of racial and ethnic minorities at  
22 all levels of planning, delivery, and evaluation efforts;

23 (7)(a) Developing coordinated social and health services which:

24 ((+a)) (i) Identify problems experienced by children and their  
25 families early and provide services which are adequate in availability,  
26 appropriate to the situation, and effective;

27 ((+b)) (ii) Seek to bring about meaningful change before family  
28 situations become irreversibly destructive and before disturbed  
29 psychological behavioral patterns and health problems become severe or  
30 permanent;

31 ((+c)) (iii) Serve children and families in their own homes thus  
32 preventing unnecessary out-of-home placement or institutionalization;

33 ((+d)) (iv) Focus resources on social and health problems as they  
34 begin to manifest themselves rather than waiting for chronic and severe  
35 patterns of illness, criminality, and dependency to develop which  
36 require long-term treatment, maintenance, or custody;

37 ((+e)) (v) Reduce duplication of and gaps in service delivery;

1       (~~(f)~~) (vi) Improve planning, budgeting, and communication among  
2 (~~all units of the department~~) state and local agencies serving  
3 children and families; and

4       (~~(g) Develop~~) (vii) Use outcome standards for measuring the  
5 effectiveness of social and health services for children and families.

6       (b) In developing services under this subsection, local communities  
7 shall be partners with the state in planning, developing, implementing,  
8 and administering support networks that are tailored to their unique  
9 needs.

10       **Sec. 102.** RCW 70.190.010 and 1992 c 198 s 3 are each amended to  
11 read as follows:

12       Unless the context clearly requires otherwise, the definitions in  
13 this section apply throughout this chapter.

14       (1) "Comprehensive plan" means a two-year plan that examines  
15 available resources and unmet needs for a county or multicounty  
16 area(~~(7)~~) and barriers that limit the effective use of resources(~~(, and~~  
17 ~~a plan to address these issues that is broadly supported)~~). In  
18 addition, the plan shall include consideration of the public health  
19 services improvement plan under RCW 43.70.520 and other official public  
20 health assessments.

21       (2) "Participating state agencies" means the office of the  
22 superintendent of public instruction, the department of social and  
23 health services, the department of health, the employment security  
24 department, the department of community, trade, and economic  
25 development, and such other departments as may be specifically  
26 designated by the governor.

27       (3) "Family policy council" or "council" means the superintendent  
28 of public instruction, the secretary of social and health services, the  
29 secretary of health, the commissioner of the employment security  
30 department, and the director of the department of community, trade, and  
31 economic development or their designees, one legislator from each  
32 caucus of the senate and house of representatives, and one  
33 representative of the governor.

34       (4) "Outcome based" means defined and measurable outcomes and  
35 indicators that make it possible for communities to evaluate progress  
36 in meeting their goals and whether systems are fulfilling their  
37 responsibilities.

1 (5) "Matching funds" means an amount no less than twenty-five  
2 percent of the amount budgeted for a consortium's project. Up to half  
3 of the consortium's matching funds may be in-kind goods and services.  
4 Funding sources allowable for match include appropriate federal or  
5 local levy funds, private charitable funding, and other charitable  
6 giving. Basic education funds shall not be used as a match.

7 ((Consortium)) Community family councils" means a diverse  
8 group of individuals that includes at least representatives of local  
9 service providers, service recipients, local governments administering  
10 or funding children or family service programs, participating state  
11 agencies, local school districts, law enforcement agencies, superior  
12 court judges, local health departments, the business community,  
13 existing children's commissions, ethnic and racial minority  
14 ((populations)) communities, and ((other interested persons)) Indian  
15 tribes organized for the purpose of designing and providing  
16 collaborative and coordinated services under this chapter.  
17 ~~((Consortiums shall represent a county, multicounty, or municipal~~  
18 ~~service area. In addition, consortiums may represent Indian tribes~~  
19 ~~applying either individually or collectively.)) A community family  
20 council may serve a geographic area smaller than a county, encompass  
21 more than one county, or serve only an Indian tribe. However, a  
22 community family council serving a geographic area smaller than a  
23 county may be recognized only if interagency agreements have been  
24 executed with other community family councils to ensure that families  
25 throughout the entire county are served.~~

26 (5) "Family services" means programs that support families by  
27 preventing and intervening early in problems such as child abuse and  
28 neglect, violence, other criminal behavior, substance abuse, suicide,  
29 teen pregnancy, academic failure, homelessness, and other risks to  
30 children.

31 **Sec. 103.** RCW 70.190.005 and 1992 c 198 s 1 are each amended to  
32 read as follows:

33 The legislature finds that a primary goal of public involvement in  
34 the lives of children has been to strengthen the family unit.

35 However, the legislature recognizes that traditional two-parent  
36 families with one parent routinely at home are now in the minority. In  
37 addition, extended family and natural community supports have eroded  
38 drastically. The legislature recognizes that public policy assumptions

1 must be altered to account for this new social reality. Public effort  
2 must be redirected to expand, support, strengthen, and help refashion  
3 family and community associations to care for children.

4 The legislature finds that a broad variety of services for children  
5 and families has been independently designed over the years and that  
6 the coordination and cost-effectiveness of these services will be  
7 enhanced through the adoption of a common approach to their delivery.  
8 The legislature further finds that the most successful programs for  
9 reaching and working with at-risk families and children treat  
10 individuals' problems in the context of the family, offer a broad  
11 spectrum of services, are flexible in the use of program resources, and  
12 use staff who are trained in crossing traditional program categories in  
13 order to broker services necessary to fully meet a family's needs.

14 The legislature further finds that eligibility criteria,  
15 expenditure restrictions, and reporting requirements of state and  
16 federal categorical programs often create barriers toward the effective  
17 use of resources for addressing the multiple problems of at-risk  
18 families and children.

19 The purposes of this chapter are (1) to modify public policy and  
20 programs to empower communities to support and respond to the needs of  
21 individual families and children ~~((and))~~; (2) to improve the  
22 responsiveness of services for children and families at risk by  
23 facilitating greater coordination and flexibility in the use of funds  
24 by state and local service agencies; and (3) to partially decentralize  
25 and reconfigure family services, which may include those currently  
26 administered by the department of social and health services, the  
27 department of community, trade, and economic development, the  
28 department of health, the employment security department, and the  
29 office of the superintendent of public instruction. Selected state-  
30 administered services shall be administered by community family  
31 councils so families can better access services to prevent or intervene  
32 early in risks to youth.

33 NEW SECTION. Sec. 104. (1) Beginning July 30, 1994, the family  
34 policy council shall recognize community family councils meeting the  
35 requirements of this chapter. The family policy council shall provide  
36 technical assistance and start-up funds to targeted community family  
37 councils in accordance with this chapter beginning August 31, 1994.

1 (2) The family policy council shall develop criteria to target  
2 community family councils for initial development of comprehensive  
3 plans and proposals.

4 NEW SECTION. Sec. 105. Community family councils shall submit  
5 initial proposals to the family policy council by October 30, 1994, for  
6 local administration and/or decategorization of family services. Based  
7 on the proposals submitted by community family councils, by December 1,  
8 1994, the family policy council shall recommend to the governor those  
9 family services to be decentralized for local administration and/or  
10 decategorized. The governor shall include his recommendations in his  
11 1995-97 budget request.

12 **Sec. 106.** RCW 70.190.030 and 1992 c 198 s 5 are each amended to  
13 read as follows:

14 ~~((1))~~ The family policy council shall ~~((annually))~~ solicit from  
15 ~~((consortiums))~~ recognized community family councils proposals to  
16 facilitate greater flexibility, coordination, and responsiveness of  
17 services at the community level. The council shall consider such  
18 proposals only if:

19 ~~((a))~~ (1) A comprehensive plan has been prepared by the  
20 ~~((consortium))~~ community family council; and

21 ~~((b))~~ (2) The proposal reflects the principles listed in RCW  
22 74.14A.025; and

23 (3) The ~~((consortium))~~ community family council has identified and  
24 agreed to contribute matching funds as specified in RCW 70.190.010; and

25 ~~((c))~~ (4) An interagency agreement has been prepared by the  
26 family policy council and the participating local service and support  
27 agencies that governs the use of funds ~~((, specifies the relationship of  
28 the project to the principles listed in RCW 74.14A.025,))~~; and

29 (5) The community family council identifies specific outcomes and  
30 indicators addressing the following areas: (a) Readiness for school;  
31 (b) family self-sufficiency and stability; (c) family functioning and  
32 safety; (d) family health; and (e) youth at risk; and

33 ~~((d))~~ (6) Funds are ~~((to be))~~ used ~~((to provide support or  
34 services needed to implement a family's or child's case plan that are  
35 not otherwise adequately available through existing categorical  
36 services or community programs))~~ for prevention and early intervention  
37 services targeted to at-risk families likely to encounter the juvenile



1 or adult justice system, child protective services, or child welfare  
2 services; (({and})) and

3 ~~((e)) (7) The ((consortium)) community family council has~~  
4 ~~provided written agreements that identify a lead agency that will~~  
5 ~~assume fiscal and programmatic responsibility for the project(, and~~  
6 ~~identify participants in a consortium council with broad participation~~  
7 ~~and that shall have responsibility for ensuring effective coordination~~  
8 ~~of resources)); and~~

9 ~~((f)) (8) Assurances are made regarding the quality and~~  
10 ~~accessibility of services to underserved populations; and~~

11 ~~(9) Evaluation methodologies consistent with the requirements of~~  
12 ~~this chapter are used; and~~

13 ~~(10) The ((consortium)) community family council has designed into~~  
14 ~~its comprehensive plan standards for accountability. Accountability~~  
15 ~~standards include, but are not limited to, the public hearing process~~  
16 ~~eliciting public comment about the appropriateness of the proposed~~  
17 ~~comprehensive plan. The ((consortium)) community family council must~~  
18 ~~submit reports to the family policy council outlining the public~~  
19 ~~response regarding the appropriateness and effectiveness of the~~  
20 ~~comprehensive plan.~~

21 ~~((2) The family policy council may submit a prioritized list of~~  
22 ~~projects recommended for funding in the governor's budget document.~~

23 ~~(3) The participating state agencies shall identify funds to~~  
24 ~~implement the proposed projects from budget requests or existing~~  
25 ~~appropriations for services to children and their families.))~~

26 NEW SECTION. Sec. 107. Community family councils in counties that  
27 did not participate in 1994 under sections 104 and 105 of this act may  
28 submit proposals for recognition to the family policy council by July  
29 1, 1995, and/or 1996. If a county geographic area or Indian tribe is  
30 not represented by a community family council or a network of councils,  
31 the family policy council shall provide further assistance to create a  
32 community family council in conjunction with the county and other  
33 political subdivisions. If no organization is willing or qualified to  
34 assume powers and duties as a community family council under this  
35 chapter by June 30, 1997, the family policy council shall designate a  
36 single state agency to administer funds otherwise transferred to  
37 community family councils through legislative action.

1        NEW SECTION.    **Sec. 108.**    The family policy council shall:

2        (1) Disburse funds identified by the legislature to recognized  
3 community family councils in accordance with the distribution formula  
4 established under section 109 of this act by the office of financial  
5 management;

6        (2) Enter into contracts with community family councils prior to  
7 the distribution of program funds. The contracts shall ensure that:

8            (a) The intent of this chapter is pursued;

9            (b) Coordination within and across counties is maximized;

10          (c) Funds administered by community family councils are reasonably  
11 targeted to reduce the number of families and children entering the  
12 criminal justice system, the child protective services system, or the  
13 child welfare system;

14          (d) Community family councils have access to sufficient and timely  
15 data to make informed and equitable funding decisions.

16          (e) Community family councils are notified of their allocation of  
17 available resources at least sixty days before the start of a new  
18 contract period, if the state budget act is signed; and

19          (f) Ongoing technical assistance is provided to community family  
20 councils.

21        NEW SECTION.    **Sec. 109.**    (1) By June 1, 1995, the office of  
22 financial management, in consultation with affected parties, shall  
23 establish a distribution formula for funding designated by the  
24 legislature to be administered by community family councils. The  
25 formula should reflect local needs assessments and consider at a  
26 minimum:

27            (a) The number of children;

28            (b) The number of children in out-of-home placements;

29            (c) The number of recipients of aid to families with dependent  
30 children;

31            (d) The number of child protective services cases ranked according  
32 to risk;

33            (e) The rate of convictions for violent offenses for juveniles;

34            (f) Social and economic indicators including poverty, low income,  
35 hunger, and homelessness;

36            (g) The number of convictions for crimes against children;

37            (h) The number of convictions for crimes related to illegal drug  
38 and alcohol use;

- 1 (i) The number of child and teenage suicides;  
2 (j) The school dropout rate;  
3 (k) The number of children receiving mental health services as  
4 reported by regional support networks; and  
5 (l) The number of ethnic minority children and children with  
6 disabilities.  
7 (2) The office of financial management shall ensure that funds  
8 distributed to community family councils include direct and indirect  
9 resources allocated for transferred family services.

10 **Sec. 110.** RCW 74.14A.050 and 1993 c 508 s 7 are each amended to  
11 read as follows:

12 The secretary shall:

13 (1)(a) Consult with relevant qualified professionals to develop a  
14 set of minimum guidelines to be used for identifying all children who  
15 are in a state-assisted support system, whether at-home or out-of-home,  
16 who are likely to need long-term care or assistance, because they face  
17 physical, emotional, medical, mental, or other long-term challenges;

18 (b) The guidelines must, at a minimum, consider the following  
19 criteria for identifying children in need of long-term care or  
20 assistance:

21 (i) Placement within the foster care system for two years or more;

22 (ii) Multiple foster care placements;

23 (iii) Repeated unsuccessful efforts to be placed with a permanent  
24 adoptive family;

25 (iv) Chronic behavioral or educational problems;

26 (v) Repetitive criminal acts or offenses;

27 (vi) Failure to comply with court-ordered disciplinary actions and  
28 other imposed guidelines of behavior, including drug and alcohol  
29 rehabilitation; and

30 (vii) Chronic physical, emotional, medical, mental, or other  
31 similar conditions necessitating long-term care or assistance;

32 (2) Along with community family councils, develop programs that are  
33 necessary for the long-term care of children and youth that are  
34 identified for the purposes of this section. Programs must: (a)  
35 Effectively address the educational, physical, emotional, mental, and  
36 medical needs of children and youth; and (b) incorporate an array of  
37 family support options, to individual needs and choices of the child

1 and family. The programs must be ready for implementation by  
2 ((January)) July 1, ((1995)) 1996;

3 ~~(3) ((Conduct an evaluation of all children currently within the~~  
4 ~~foster care agency caseload to identify those children who meet the~~  
5 ~~criteria set forth in this section. The evaluation shall be completed~~  
6 ~~by January 1, 1994. All children entering the foster care system after~~  
7 ~~January 1, 1994, must be evaluated for identification of long term~~  
8 ~~needs within thirty days of placement;~~

9 ~~(4))~~ Study and develop a comprehensive plan for the evaluation and  
10 identification of all children and youth in need of long-term care or  
11 assistance, including, but not limited to, the mentally ill,  
12 developmentally disabled, medically fragile, seriously emotionally or  
13 behaviorally disabled, and physically impaired;

14 ~~((+5))~~ (4) Study and develop a plan for the children and youth in  
15 need of long-term care or assistance to ensure the coordination of  
16 services between the department's divisions and between other state  
17 agencies who are involved with the child or youth; and

18 ~~((+6))~~ (5) Study and develop guidelines for transitional services,  
19 between long-term care programs, based on the person's age or mental,  
20 physical, emotional, or medical condition(~~;~~ and

21 ~~(7) Study and develop a statutory proposal for the emancipation of~~  
22 ~~minors and report its findings and recommendations to the legislature~~  
23 ~~by January 1, 1994)).~~

24 NEW SECTION. Sec. 111. Sections 104, 105, and 107 through 109 of  
25 this act are each added to chapter 70.190 RCW.

26 NEW SECTION. Sec. 112. (1) The sum of five hundred thousand  
27 dollars, or as much thereof as may be necessary, is appropriated for  
28 the biennium ending June 30, 1995, from the general fund--state to the  
29 department of social and health services for the purposes of section  
30 104 of this act.

31 (2) The sum of two million six hundred ninety-three thousand  
32 dollars, or as much thereof as may be necessary, is appropriated from  
33 the general fund--federal to the department of social and health  
34 services for the purposes of section 104 of this act.

35 **PART II - ALTERNATIVES TO VIOLENCE**

1        NEW SECTION.    **Sec. 201.**    The legislature finds that impulsive and  
2 aggressive behavior among primary and secondary school students can be  
3 reduced or modified by systematically modeling and teaching  
4 antiviolence skills across all subject areas and throughout school-  
5 related programs and activities. It is therefore the intent of the  
6 legislature to reduce violent student behavior and encourage the  
7 development of students' social competence by providing funds to train  
8 local school administrators, teachers, staff, parents, and students in  
9 a broad array of antiviolence skills.

10        NEW SECTION.    **Sec. 202.**    During the 1994-95 school year, centers  
11 for the improvement of teaching shall provide for the training of  
12 administrators, staff, parents, and students in subjects such as  
13 conflict mediation, anger management, suicide prevention,  
14 identification and appropriate reaction to student gangs, sexual  
15 harassment, race relations, stress management, self-esteem, positive  
16 relationship building, cultural appreciation, and decision making.  
17 Improvement of teaching coordinating councils within each educational  
18 service district shall determine how to best use funds appropriated for  
19 this purpose and may use them: To hire project trainers; to pay for  
20 staffing costs for training or technical assistance to school districts  
21 or buildings during the 1994-95 school year, curricula and other  
22 materials, and room rental; to reimburse districts for the cost of  
23 providing substitute teachers for training participants; and for travel  
24 reimbursement and stipends for participants. Improvement of teaching  
25 coordinating councils shall develop criteria and prioritize the  
26 provision of training opportunities to school districts and buildings  
27 determined to be most in need of receiving such training. In  
28 developing the training program design, councils shall cooperate with  
29 and draw upon the experience of other educational entities and  
30 organizations, and shall give strong consideration to training school  
31 building-based teams of participants.

32        NEW SECTION.    **Sec. 203.**    A new section is added to chapter 28A.300  
33 RCW to read as follows:

34        The office of the superintendent of public instruction shall assist  
35 educational service districts in identifying effective training  
36 curricula and provide technical assistance in designing methods for  
37 evaluating the effectiveness of training and other related activities

1 provided under programs to develop antiviolenace skills. The office of  
2 the superintendent of public instruction shall collect information from  
3 educational service districts on the total number of people trained, by  
4 school building, an assessment of the effectiveness of training  
5 activities, and other pertinent information, and report its findings to  
6 the governor and the legislature by July 1, 1996.

7 NEW SECTION. **Sec. 204.** The sum of five hundred thousand dollars,  
8 or as much thereof as may be necessary, is appropriated for the  
9 biennium ending June 30, 1995, from the general fund to the office of  
10 the superintendent of public instruction for the purposes of sections  
11 201 through 203 of this act. Of this amount, fifty thousand dollars  
12 may be spent by the office of the superintendent of public instruction  
13 for administrative costs of the antiviolenace training program.  
14 Remaining funds for the 1994-95 school year shall be distributed to  
15 educational service districts based on the proportion of students  
16 enrolled in school districts within each educational service district  
17 boundary as of October 1993.

18 **PART III - YOUTH VIOLENCE PREVENTION AND INTERVENTION**

19 **Sec. 301.** RCW 43.330.010 and 1993 c 280 s 3 are each amended to  
20 read as follows:

21 Unless the context clearly requires otherwise, the definitions in  
22 this section apply throughout this chapter.

23 (1) "Associate development organization" means a local economic  
24 development nonprofit corporation that is broadly representative of  
25 community interests.

26 (2) "At-risk youth" means youth who are most at risk for violence.  
27 These youth meet at least one of the following criteria:

28 (a) Lives in poverty;

29 (b) Abuses substances or resides in a household in which alcohol or  
30 other drugs are abused;

31 (c) Is a member of a family in which physical, sexual, or emotional  
32 abuse or neglect has occurred;

33 (d) Has experienced problems in school, including being suspended  
34 or expelled, dropping out, or failure to thrive academically or  
35 socially;

36 (e) Has associated with a criminal youth gang;

1        (f) Has committed a violent criminal offense or has been  
2 adjudicated by the juvenile justice system; or

3        (g) Has attempted suicide.

4        (3) "Department" means the department of community, trade, and  
5 economic development.

6        ~~((+3+))~~ (4) "Director" means the director of the department of  
7 community, trade, and economic development.

8        NEW SECTION. Sec. 302. (1) Unless the context clearly requires  
9 otherwise, the definitions in this section apply throughout sections  
10 303 and 304 of this act.

11        (a) "At-risk youth" means youth who are most at risk for violence.  
12 These youth meet at least one of the following criteria:

13        (i) Lives in poverty;

14        (ii) Abuses substances or resides in a household in which alcohol  
15 or other drugs are abused;

16        (iii) Is a member of a family in which physical, sexual, or  
17 emotional abuse or neglect has occurred;

18        (iv) Has experienced problems in school, including being suspended  
19 or expelled, dropping out, or failure to thrive academically or  
20 socially;

21        (v) Has associated with a criminal youth gang;

22        (vi) Has committed a violent criminal offense or has been  
23 adjudicated by the juvenile justice system; or

24        (vii) Has attempted suicide.

25        (b) "Department" and "department of community, trade, and economic  
26 development" mean the department of community development.

27        (2) For the purposes of sections 102 and 103 of this act,  
28 "department" and "department of community, trade, and economic  
29 development" mean the department of community development.

30        (3) This section shall expire July 1, 1994.

31        NEW SECTION. Sec. 303. A new section is added to chapter 43.330  
32 RCW to read as follows:

33        (1) The department shall administer a youth violence prevention and  
34 intervention program providing financial and technical resources for  
35 community and school-based initiatives that provide direct and  
36 comprehensive services to at-risk youth and their families.

1 (2) The department shall provide technical and financial resources  
2 to communities, school districts, and institutions that offer youth  
3 long-term positive alternatives to violence, reduce the factors  
4 contributing to youth violence, and establish strong ties between youth  
5 and their communities. The department shall establish a process to  
6 fund activities for the following direct, comprehensive services to at-  
7 risk youth and their families:

8 (a) Education assistance, including tutoring, mentoring, drop-out  
9 prevention, and reentry assistance services;

10 (b) Employment assistance, including job development, school-to-  
11 work placement, employment readiness training, basic skills,  
12 apprenticeships, and community service employment;

13 (c) Peer-to-peer, group, and individual counseling, including  
14 crisis intervention, for at-risk youth and their parents;

15 (d) Youth coalitions that provide opportunities to develop  
16 leadership skills and gain appropriate respect, recognition, and  
17 rewards for their positive contribution to their community;

18 (e) Recreational opportunities that provide healthy, viable  
19 alternatives to violence;

20 (f) Life skills training, including anger management, conflict  
21 resolution, victim awareness, sexual harassment awareness, and cultural  
22 awareness training;

23 (g) Parental involvement, including education and training, home  
24 visits, and referrals;

25 (h) Resource and referral services for youth for a full range of  
26 basic services including health, food, housing, mental health, and  
27 other basic needs; and

28 (i) Self-esteem training, particularly for youth at high risk of  
29 teen pregnancy.

30 (3) The department shall make funds available to community family  
31 councils, community-based private nonprofit organizations, school  
32 districts, educational service districts, juvenile institutions, Indian  
33 tribes, private industry councils, and local governments. The  
34 department shall consider at least the following factors when selecting  
35 projects for funding:

36 (a) Whether there was an assessment made of the factors  
37 contributing to the problem of youth violence in the community that  
38 includes empirical evidence linking these factors to youth violence,  
39 and a strategy proposed that addresses the factors identified;



1 (b) Whether there was active community and youth participation in  
2 designing the program, and in proposed implementation of the  
3 program;

4 (c) Whether there is proposed collaboration among local community  
5 entities in carrying out the project;

6 (d) For employment and training components whether there is  
7 collaboration with the local business community, labor organizations,  
8 and training institutions;

9 (e) Whether there is local commitment of resources and effort to  
10 carrying out the project in the short-term as well as a long-term  
11 commitment to reducing youth violence;

12 (f) The likelihood that the project will significantly benefit  
13 youth who are at-risk or will increase public safety in areas with high  
14 rates of violent crime by juveniles;

15 (g) The experience or expertise of the sponsors to carry out the  
16 proposed project; and

17 (h) The sponsors' plan for evaluating the project.

18 (4) The department shall provide successful applicants with  
19 technical assistance and training resources.

20 (5) The department shall work to involve youth in its efforts to  
21 reduce youth violence.

22 (6) The department shall use all means possible to communicate to  
23 communities and interested parties state-wide information on the best  
24 practices and positive outcomes of the community-based youth violence  
25 prevention and intervention projects. To accomplish this, the  
26 department may provide technical assistance through peers and state  
27 staff, create a speakers' bureau, sponsor conferences and workshops in  
28 which model programs are featured, and publish and distribute a  
29 workbook of best practices.

30 (7) The department shall provide additional assistance to  
31 community-based efforts in skill development, employment readiness, and  
32 work experience, including: (a) Community-based mentoring programs,  
33 providing technical assistance and providing funds for program  
34 development; (b) tutoring services to at-risk youth by the retired  
35 senior volunteer program; and (c) private-sector efforts to assist in  
36 the employment and training of at-risk youth in such areas as work  
37 experience, mentoring programs, skill development, and apprenticeships.  
38 In developing and implementing these efforts, the department shall  
39 consult with the work force training and education coordinating board,

1 employment security department, and other relevant agencies. The  
2 department shall provide funds to community-based organizations to  
3 identify at-risk youth to participate in private-sector efforts and to  
4 provide ongoing assistance to youth participating in the programs.

5 (8) The department shall establish a system to evaluate the  
6 effectiveness of the community-based prevention and intervention  
7 initiatives. The evaluation shall be coordinated with the public  
8 health services improvement plan under RCW 43.70.520. By January 1,  
9 1995, the department shall report to the governor and the legislature  
10 on the system established and the outcomes achieved to date. By  
11 January 1, 1996, and every biennium through June 30, 1999, the  
12 department shall submit to the governor and the legislature an  
13 evaluation of the projects under section 304 of this act, RCW 50.65.030  
14 (5), (6), and (12), RCW 50.65.040, 50.65.065(1), and this section.

15 (9) For the purposes of this section, "community" means a  
16 geographic region recognized as a community by the applicant, including  
17 a neighborhood, city, county, Indian tribe, or multicounty region.

18 (10) This section shall expire June 30, 1999.

19 NEW SECTION. **Sec. 304.** A new section is added to chapter 43.330  
20 RCW to read as follows:

21 (1) The department, in collaboration with the departments of health  
22 and social and health services and the office of the superintendent of  
23 public instruction, shall develop and administer a violence prevention  
24 education and awareness campaign. The campaign must be developed and  
25 implemented in partnership with media organizations and other  
26 interested organizations and corporations. The campaign must be  
27 designed to increase awareness and knowledge of violence issues,  
28 including fetal alcohol syndrome/effects, among at-risk children and  
29 youth, and their parents, and to promote efforts in reducing violence  
30 in homes, schools, and communities. As part of the campaign, the  
31 department shall administer a toll-free resource and referral line.  
32 The department may contract all or part of the activities associated  
33 with the campaign to qualified private, nonprofit or for-profit  
34 organizations.

35 (2) The department shall assist private sector efforts to educate  
36 and provide young people with opportunities, utilizing electronic and  
37 print media, to discuss and address violence issues. The department  
38 shall work with community-based organizations to identify youth to

1 participate in the efforts and shall fund the development of programs  
2 and activities associated with such efforts.

3 NEW SECTION. **Sec. 305.** A new section is added to chapter 50.65  
4 RCW to read as follows:

5 The commissioner shall target at-risk youth, as defined in RCW  
6 43.330.010, for special projects that focus on efforts that are  
7 directed toward youth violence prevention and intervention and other  
8 service opportunities as alternatives to at-risk behavior. Youth may  
9 participate in teams and plan and provide services to their community  
10 by participating in activities that address issues relating to youth  
11 violence such as gangs, substance abuse, and the lack of positive  
12 alternative activities. The department shall provide team members with  
13 a stipend, training, and a postservice educational benefit to the  
14 extent permitted by available funding. The department shall provide a  
15 team with a team mentor to work with the team throughout the summer and  
16 the following school year. Projects must be designed to link the ethic  
17 of civic responsibility to the attainment of educational goals and the  
18 development of strong basic work skills. The commissioner may combine  
19 resources to pilot additional innovative approaches to reducing  
20 violence in communities.

21 **Sec. 306.** RCW 50.65.030 and 1993 c 302 s 1 are each amended to  
22 read as follows:

23 The Washington service corps is established within the employment  
24 security department. The commissioner shall:

25 (1) Appoint a director and other personnel as necessary to carry  
26 out the purposes of this chapter;

27 (2) Coordinate youth employment and training efforts under the  
28 department's jurisdiction and cooperate with other agencies or  
29 departments providing youth services to ensure that funds appropriated  
30 for the purposes of this chapter will not be expended to duplicate  
31 existing services, but will increase the services of youth to the  
32 state;

33 (3) The employment security department is authorized to place  
34 subgrants with other federal, state, and local governmental agencies  
35 and private agencies to provide youth employment projects and to  
36 increase the numbers of youth employed;

1 (4) Determine appropriate financial support levels by private  
2 business, community groups, foundations, public agencies, and  
3 individuals which will provide matching funds for enrollees in service  
4 projects under work agreements. The matching funds requirement may be  
5 waived for public agencies or reduced for private agencies;

6 (5) Recruit enrollees who are residents of the state unemployed at  
7 the time of application and are at least (~~eighteen~~) seventeen years  
8 of age but have not reached their twenty-sixth birthday;

9 (6) Recruit supervising agencies to host the enrollees in full-time  
10 service activities which shall not exceed (~~eleven~~) twelve months'  
11 duration;

12 (7) Assist supervising agencies in the development of scholarships  
13 and matching funds from private and public agencies, individuals, and  
14 foundations in order to support a portion of the enrollee's stipend and  
15 benefits;

16 (8) Develop general employment guidelines for placement of  
17 enrollees in supervising agencies to establish appropriate authority  
18 for hiring, firing, grievance procedures, and employment standards  
19 which are consistent with state and federal law;

20 (9) Match enrollees with appropriate public agencies and available  
21 service projects;

22 (10) Monitor enrollee activities for compliance with this chapter  
23 and compliance with work agreements;

24 (11) Assist enrollees in transition to employment upon termination  
25 from the programs, including such activities as orientation to the  
26 labor market, on-the-job training, and placement in the private sector;

27 (12) Establish a program for providing (~~incentives~~) a postservice  
28 educational benefit to encourage successful completion of terms of  
29 enrollment in the service corps and the continuation of educational  
30 pursuits. Such (~~incentives~~) benefits shall be in the form of  
31 educational assistance equivalent to two years of community or  
32 technical college tuition for (~~eleven~~) twelve months of service.  
33 Enrollees in special summer and school-related projects may earn a  
34 postservice educational benefit in an amount to be set by rule by the  
35 commissioner. Educational assistance funding shall only be used for  
36 tuition, fees, and course-related books and supplies. Enrollees who  
37 receive educational assistance funding shall start using it within one  
38 year of their service completion and shall finish using it within four  
39 years of their service completion;

1 (13) Enter into agreements with the state's community and technical  
2 college system and other educational institutions or independent  
3 nonprofit agencies to provide special education in basic skills,  
4 including reading, writing, and mathematics for those participants who  
5 may benefit by participation in such classes. Participation is not  
6 mandatory but shall be strongly encouraged.

7 **Sec. 307.** RCW 50.65.040 and 1993 c 302 s 2 are each amended to  
8 read as follows:

9 The commissioner may select and enroll in the Washington service  
10 corps program any person who is at least (~~eighteen~~) seventeen years  
11 of age but has not reached their twenty-sixth birthday, is a resident  
12 of the state, and who is not for medical, legal, or psychological  
13 reasons incapable of service. Efforts shall be made to enroll youths  
14 who are economically, socially, physically, or educationally  
15 disadvantaged. The commissioner may enroll a limited number of special  
16 participants over the age of twenty-five so that the program can draw  
17 on their special skills or life experiences to fulfill the purposes of  
18 this chapter. The commissioner may prescribe such additional standards  
19 and procedures in consultation with supervising agencies as may be  
20 necessary in conformance with this chapter. In addition, the  
21 commissioner may select and enroll youth fourteen to seventeen years of  
22 age on special projects during the summer and at other times during the  
23 school year that may complement and support their school curriculum  
24 (~~or that link and support service with learning~~) by linking learning  
25 with service while focusing on participant learning outcomes that may  
26 lead to awarding of educational credit.

27 **Sec. 308.** RCW 50.65.065 and 1993 c 302 s 4 are each amended to  
28 read as follows:

29 For each enrollee, the work agreements, or combination of work  
30 agreements, developed under RCW 50.65.060 shall:

31 (1) Include a variety of experiences (~~consisting of~~) such as:  
32 Indoor activities; outdoor activities; and volunteer activities;

33 (2) Provide time for participation in a core training program  
34 common to all participants.

35 NEW SECTION. **Sec. 309.** The sum of three million eight hundred  
36 fifty-three thousand dollars, or as much thereof as may be necessary,

1 is appropriated for the biennium ending June 30, 1995, from the general  
2 fund--state to the department of community development for the purposes  
3 of section 303 of this act.

4 NEW SECTION. **Sec. 310.** The sum of seven hundred seventy-four  
5 thousand dollars, or as much thereof as may be necessary, is  
6 appropriated for the biennium ending June 30, 1995, from the general  
7 fund--federal to the department of community development for the  
8 purposes of section 303 of this act.

9 NEW SECTION. **Sec. 311.** The sum of six hundred fifty thousand  
10 dollars, or as much thereof as may be necessary, is appropriated for  
11 the biennium ending June 30, 1995, from the general fund--state to the  
12 department of community development for the purposes of section 304 of  
13 this act.

14 NEW SECTION. **Sec. 312.** The sum of one million one hundred twenty-  
15 four thousand dollars, or as much thereof as may be necessary, is  
16 appropriated for the biennium ending June 30, 1995, from the general  
17 fund--state to the employment security department for the purposes of  
18 section 305 of this act.

19 NEW SECTION. **Sec. 313.** RCW 50.65.150 and 1993 c 302 s 5 are each  
20 repealed.

21 **PART IV - PUBLIC SAFETY**

22 **Sec. 401.** RCW 9.41.010 and 1992 c 205 s 117 and 1992 c 145 s 5 are  
23 each reenacted and amended to read as follows:

24 Unless the context clearly requires otherwise, the definitions in  
25 this section apply throughout this chapter.

26 (1) (~~"Short firearm" or~~) "Pistol" (~~((as used in this chapter))~~)  
27 means any firearm with a barrel less than twelve inches in length.

28 (2) "Crime of violence" (~~((as used in this chapter))~~) means:

29 (a) Any of the following felonies, as now existing or hereafter  
30 amended: Any felony defined under any law as a class A felony or an  
31 attempt to commit a class A felony, criminal solicitation of or  
32 criminal conspiracy to commit a class A felony, manslaughter in the  
33 first degree, manslaughter in the second degree, indecent liberties if

1 committed by forcible compulsion, rape in the second degree, kidnapping  
2 in the second degree, arson in the second degree, assault in the second  
3 degree, assault of a child in the second degree, extortion in the first  
4 degree, burglary in the second degree, and robbery in the second  
5 degree;

6 (b) Any conviction or adjudication for a felony offense in effect  
7 at any time prior to July 1, 1976, which is comparable to a felony  
8 classified as a crime of violence in subsection (2)(a) of this section;  
9 and

10 (c) Any federal or out-of-state conviction or adjudication for an  
11 offense comparable to a felony classified as a crime of violence under  
12 subsection (2) (a) or (b) of this section.

13 (3) "Firearm" (~~as used in this chapter~~) means a weapon or device  
14 from which a projectile may be fired by an explosive such as gunpowder.

15 (4) "Commercial seller" (~~as used in this chapter~~) means a person  
16 who has a federal firearms license or a person engaged in buying and  
17 offering for sale ten or more pistols in a twelve-month period.

18 (5) "Dangerous weapon" means a weapon, device, instrument,  
19 material, or substance that, under the circumstances in which it is  
20 used, attempted to be used, or threatened to be used, is readily  
21 capable of causing death or substantial bodily harm, including but not  
22 limited to any firearm, dagger, dirk, sword, knife or other cutting or  
23 stabbing instrument, club, nun-chu-ka sticks, throwing star, slung  
24 shot, slingshot, sand club, metal knuckles, blackjack, or billy club.

25 (6) "Machine gun" means any firearm known as a machine gun,  
26 mechanical rifle, submachine gun, or any other mechanism or instrument  
27 not requiring that the trigger be pressed for each shot and having a  
28 reservoir clip, disc, drum, belt, or other separable mechanical device  
29 for storing, carrying, or supplying ammunition which can be loaded into  
30 the firearm, mechanism, or instrument, and fired therefrom.

31 (7) "Shotgun" means a weapon designed or redesigned, made or  
32 remade, and intended to be fired from the shoulder and designed or  
33 redesigned and made or remade to use the energy of the explosive in a  
34 fixed shotgun shell to fire through a smooth bore either a number of  
35 ball shot or a single projectile for each single pull of the trigger.

36 (8) "Short-barreled shotgun" means a shotgun having one or more  
37 barrels less than eighteen inches in length and any weapon made from a  
38 shotgun by any means of modification if such modified weapon has an  
39 overall length of less than twenty-six inches.

1       (9) "Rifle" means a weapon designed or redesigned, made or remade,  
2 and intended to be fired from the shoulder and designed or redesigned  
3 and made or remade to use the energy of the explosive in a fixed  
4 metallic cartridge to fire only a single projectile through a rifled  
5 bore for each single pull of the trigger.

6       (10) "Short-barreled rifle" means a rifle having one or more  
7 barrels less than sixteen inches in length and any weapon made from a  
8 rifle by any means of modification if such modified weapon has an  
9 overall length of less than twenty-six inches.

10       (11) "Semiautomatic firearm" means any repeating firearm that  
11 utilizes a portion of the energy of a firing shell or cartridge to  
12 extract the firing shell or cartridge case and chamber the next round,  
13 and that requires a separate pull of the trigger to fire each shell or  
14 cartridge.

15       (12) "Assault weapon" means any of the following:

16       (a) Any semiautomatic firearms or replicas or duplicates of  
17 semiautomatic firearms known as:

18       (i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs  
19 (all models);

20       (ii) Action Arms Israeli Military Industries UZI and Galil;

21       (iii) Beretta AR-70 (SC-70);

22       (iv) Colt AR 15 and Spotar;

23       (v) Fabrique Nationale FN/FAL, FN/LAR, and FNC;

24       (vi) MAC 10, M-10, MAC 11, and M-11;

25       (vii) Steyr AUG;

26       (viii) INTRATEC TEC-9, TEC-DC-9, and TEC-22; and

27       (ix) Revolving cylinder shotguns such as, or similar to, the Street  
28 Sweeper and Striker 12.

29       (b) A semiautomatic rifle capable of accepting a detachable  
30 magazine and that has at least two of the following physical  
31 characteristics:

32       (i) A folding or telescoping stock;

33       (ii) A pistol grip that protrudes conspicuously beneath the action  
34 of the weapon;

35       (iii) A bayonet mount;

36       (iv) A flash suppressor or threaded barrel designed to accommodate  
37 a flash suppressor; or

38       (v) A grenade launcher.



1 (c) A semiautomatic pistol capable of accepting a detachable  
2 magazine and that has at least two of the following physical  
3 characteristics:

4 (i) An ammunition magazine that attaches to the pistol outside of  
5 the pistol grip;

6 (ii) A threaded barrel capable of accepting a barrel extender,  
7 flash suppressor, forward hand grip, or silencer;

8 (iii) A shroud that is attached to or partially or completely  
9 encircles the barrel and that permits a person to hold the firearm with  
10 the nontrigger hand without being burned; or

11 (iv) A manufactured weight of fifty or more ounces when the firearm  
12 is loaded.

13 (d) A semiautomatic shotgun capable of accepting a detachable  
14 magazine and which has either a folding or telescoping stock, or a  
15 pistol grip that protrudes conspicuously beneath the action of the  
16 weapon.

17 **Sec. 402.** RCW 9.41.040 and 1992 c 205 s 118 and 1992 c 168 s 2 are  
18 each reenacted and amended to read as follows:

19 (1) A person is guilty of the crime of unlawful possession of a  
20 ~~((short firearm or))~~ pistol, if ~~(( $\tau$ ))~~: (a) Having previously been  
21 convicted or, as a juvenile, adjudicated in this state or elsewhere of  
22 a ~~((crime of violence))~~ most serious offense as defined in RCW  
23 9.94A.030 or of a felony, gross misdemeanor, or misdemeanor in which a  
24 firearm was used or displayed, the person owns or has in his or her  
25 possession any ~~((short firearm or))~~ pistol; or (b) the person is under  
26 the age of eighteen years and in possession of any pistol, except as  
27 provided in RCW 9.41.240.

28 (2) Unlawful possession of a ~~((short firearm or))~~ pistol shall be  
29 punished as a class C felony under chapter 9A.20 RCW.

30 (3) As used in this section, a person has been "convicted or  
31 adjudicated" at such time as a plea of guilty has been accepted or a  
32 verdict of guilty has been filed, notwithstanding the pendency of any  
33 future proceedings including but not limited to sentencing or  
34 disposition, post-trial or post-factfinding motions, and appeals. A  
35 person shall not be precluded from possession if the conviction or  
36 adjudication has been the subject of a pardon, annulment, certificate  
37 of rehabilitation, or other equivalent procedure based on a finding of  
38 the rehabilitation of the person convicted or adjudicated or the

1 conviction or disposition has been the subject of a pardon, annulment,  
2 or other equivalent procedure based on a finding of innocence.

3 (4) Except as provided in subsection (5) of this section, a person  
4 is guilty of the crime of unlawful possession of a (~~short firearm or~~)  
5 pistol if, after having been convicted or adjudicated of any felony  
6 violation of the uniform controlled substances act, chapter 69.50 RCW,  
7 or equivalent statutes of another jurisdiction, the person owns or has  
8 in his or her possession or under his or her control any (~~short~~  
9 ~~firearm or~~) pistol.

10 (5) Notwithstanding subsection (1) of this section, a person  
11 convicted of an offense other than murder, manslaughter, robbery, rape,  
12 indecent liberties, arson, assault, kidnapping, extortion, burglary, or  
13 violations with respect to controlled substances under RCW 69.50.401(a)  
14 and 69.50.410, who received a probationary sentence under RCW 9.95.200,  
15 and who received a dismissal of the charge under RCW 9.95.240, shall  
16 not be precluded from ownership, possession, or control of a firearm as  
17 a result of the conviction.

18 (6)(a) A person who has been committed by court order for treatment  
19 of mental illness under RCW 71.05.320 or chapter 10.77 RCW, or  
20 equivalent statutes of another jurisdiction, may not possess, in any  
21 manner, a firearm as defined in RCW 9.41.010.

22 (b) At the time of commitment, the court shall specifically state  
23 to the person under (a) of this subsection and give the person notice  
24 in writing that the person is barred from possession of firearms.

25 (c) The secretary of social and health services shall develop  
26 appropriate rules to create an approval process under this subsection.  
27 The rules must provide for the immediate restoration of the right to  
28 possess a firearm upon a showing in a court of competent jurisdiction  
29 that a person no longer is required to participate in an inpatient or  
30 outpatient treatment program, and is no longer required to take  
31 medication to treat any condition related to the commitment. Unlawful  
32 possession of a firearm under this subsection shall be punished as a  
33 class C felony under chapter 9A.20 RCW.

34 **Sec. 403.** RCW 9.41.050 and 1982 1st ex.s. c 47 s 3 are each  
35 amended to read as follows:

36 (1) Except in the person's place of abode or fixed place of  
37 business, a person shall not carry a pistol concealed on his or her

1 person without a concealed pistol license (~~(to carry a concealed~~  
2 ~~weapon)~~).

3 (2) A person who is in possession of an unloaded pistol shall not  
4 leave the unloaded pistol in a vehicle unless the unloaded pistol is  
5 locked within the vehicle and concealed from view from outside the  
6 vehicle.

7 (3) A person shall not carry or place a loaded pistol in any  
8 vehicle unless the person has a concealed pistol license (~~(to carry a~~  
9 ~~concealed weapon)~~) and: (a) The pistol is on the licensee's person,  
10 (b) the licensee is within the vehicle at all times that the pistol is  
11 there, or (c) the licensee is away from the vehicle and the pistol is  
12 locked within the vehicle and concealed from view from outside the  
13 vehicle.

14 **Sec. 404.** RCW 9.41.060 and 1961 c 124 s 5 are each amended to read  
15 as follows:

16 The provisions of RCW 9.41.050 shall not apply to marshals,  
17 sheriffs, prison or jail wardens or their deputies, (~~(policemen)~~)  
18 police officers or other law enforcement officers, or to members of the  
19 army, navy or marine corps of the United States or of the national  
20 guard or organized reserves when on duty, or to regularly enrolled  
21 members of any organization duly authorized to purchase or receive such  
22 (~~(weapons)~~) pistols from the United States or from this state, or to  
23 regularly enrolled members of clubs organized for the purpose of target  
24 shooting or modern and antique firearm collecting or to individual  
25 hunters: PROVIDED, Such members are at, or are going to or from their  
26 places of target practice, or their collector's gun shows and exhibits,  
27 or are on a hunting, camping or fishing trip, or to officers or  
28 employees of the United States duly authorized to carry a concealed  
29 pistol, or to any person engaged in the business of manufacturing,  
30 repairing, or dealing in firearms or the agent or representative of any  
31 such person having in his or her possession, using, or carrying a  
32 pistol in the usual or ordinary course of such business, or to any  
33 person while carrying a pistol unloaded and in a secure wrapper from  
34 the place of purchase to his or her home or place of business or to a  
35 place of repair or back to his or her home or place of business or in  
36 moving from one place of abode or business to another.

1       **Sec. 405.** RCW 9.41.070 and 1992 c 168 s 1 are each amended to read  
2 as follows:

3       (1) The judge of a court of record, the chief of police of a  
4 municipality, or the sheriff of a county, shall within (~~thirty~~) sixty  
5 days after the filing of an application of any person issue a license  
6 to such person to carry a pistol concealed on his or her person within  
7 this state for four years from date of issue, for the purposes of  
8 protection or while engaged in business, sport, or while traveling.  
9 However, if the applicant does not have a valid permanent Washington  
10 driver's license or Washington state identification card or has not  
11 been a resident of the state for the previous consecutive ninety days,  
12 the issuing authority shall have up to (~~sixty~~) ninety days after the  
13 filing of the application to determine the applicant's residency for  
14 the purposes of this section. The issuing authority shall issue a  
15 license to an otherwise qualified applicant within the time limits  
16 provided in this section unless the issuing authority discovers an  
17 unresolved criminal charge, in which case an additional sixty days is  
18 allowed. However, the issuing agency must notify the applicant in  
19 writing of the additional delay and clearly state the reasons for the  
20 additional delay. Such applicant's constitutional right to bear arms  
21 shall not be denied, unless he or she:

22       (a) Is ineligible to (~~own~~) possess a pistol under the provisions  
23 of RCW 9.41.040; or

24       (b) Is under twenty-one years of age; or

25       (c) Is subject to a court order or injunction regarding firearms  
26 pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

27       (d) Is free on bond or personal recognizance pending trial, appeal,  
28 or sentencing for a (~~crime of violence~~) most serious offense as  
29 defined in RCW 9.94A.030; or

30       (e) Has an outstanding warrant for his or her arrest from any court  
31 of competent jurisdiction for a felony or misdemeanor; or

32       (f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d)  
33 within one year before filing an application to carry a pistol  
34 concealed on his or her person; or

35       (g) Has been convicted or as a juvenile adjudicated of any (~~of the~~  
36 ~~following offenses: Assault in the third degree, indecent liberties,~~  
37 ~~malicious mischief in the first degree, possession of stolen property~~  
38 ~~in the first or second degree, or theft in the first or second degree))  
39 felony, of any criminal violation under chapter 26.50 RCW; or of~~

1 driving or being in actual physical control of a motor vehicle while  
2 under the influence of intoxicating liquor or any drug. Any person who  
3 becomes ineligible for a concealed pistol (~~(permit)~~) license as a  
4 result of a conviction for a crime listed in this subsection (1)(g) and  
5 then successfully completes all terms of his or her sentence, as  
6 evidenced by a certificate of discharge issued under RCW 9.94A.220 in  
7 the case of a sentence under chapter 9.94A RCW, and has not again been  
8 convicted of any crime and is not under indictment for any crime, may,  
9 (~~(one)~~) ten years or longer after such successful sentence completion,  
10 petition the district court for a declaration that the person is no  
11 longer ineligible for a concealed pistol (~~(permit)~~) license under this  
12 subsection (1)(g).

13 (2) Any person whose firearms rights have been restricted and who  
14 has been granted relief from disabilities by the secretary of the  
15 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.  
16 Sec. 921(a)(20) shall have his or her right to acquire, receive,  
17 transfer, ship, transport, carry, and possess firearms in accordance  
18 with Washington state law restored except as otherwise prohibited by  
19 this chapter.

20 (3) The license shall be revoked by the issuing authority  
21 immediately upon conviction of a crime which makes such a person  
22 ineligible to (~~(own)~~) possess a pistol or upon the third conviction for  
23 a violation of this chapter within five calendar years.

24 (4) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the  
25 issuing authority shall:

26 (a) On the first forfeiture, (~~(revoke the license for one year;~~  
27 ~~(b) On the second forfeiture,)~~) revoke the license for two years;  
28 (~~(c)~~) (b) On the (~~(third)~~) second or subsequent forfeiture,  
29 revoke the license for five years.

30 Any person whose license is revoked as a result of a forfeiture of  
31 a firearm under RCW 9.41.098(1)(d) may not reapply for a new license  
32 until the end of the revocation period. The issuing authority shall  
33 notify, in writing, the department of licensing upon revocation of a  
34 license. The department of licensing shall record the revocation.

35 (5) A person may apply for a license only in, and such license may  
36 be issued only in, the municipality or the county in which the  
37 applicant resides. The license shall be in triplicate, in form to be  
38 prescribed by the department of licensing, and shall bear the name,  
39 address, and description, fingerprints, and signature of the licensee,

1 and the licensee's driver's license number or state identification card  
2 number if used for identification in applying for the license. The  
3 license application shall contain a warning substantially as follows:

4 CAUTION: Although state and local laws do not differ, federal  
5 law and state law on the possession of firearms differ. If you  
6 are prohibited by federal law from possessing a firearm, you  
7 may be prosecuted in federal court. A state license is not a  
8 defense to a federal prosecution.

9 The license application shall contain a description of the major  
10 differences between state and federal law and an explanation of the  
11 fact that local laws and ordinances on firearms are preempted by state  
12 law and must be consistent with state law. The application shall  
13 contain questions about the applicant's place of birth, whether the  
14 applicant is a United States citizen, and if not a citizen whether the  
15 applicant has declared the intent to become a citizen and whether he or  
16 she has been required to register with the state or federal government  
17 and any identification or registration number, if applicable. The  
18 applicant shall not be required to produce a birth certificate or other  
19 evidence of citizenship. An applicant who is not a citizen shall  
20 provide documentation showing resident alien status and the applicant's  
21 intent to become a citizen. ~~((A person who makes a false statement  
22 regarding citizenship on the application is guilty of a misdemeanor.))~~  
23 A person who is not a citizen of the United States, or has not declared  
24 his or her intention to become a citizen shall meet the additional  
25 requirements of RCW 9.41.170.

26 The original thereof shall be delivered to the licensee, the  
27 duplicate shall within seven days be sent by registered mail to the  
28 director of licensing and the triplicate shall be preserved for six  
29 years, by the authority issuing ~~((said))~~ the license.

30 (6) The fee for the original issuance of a four-year license shall  
31 be twenty-three dollars~~((:—PROVIDED, That))~~. No other ~~((additional  
32 charges by any))~~ branch or unit of government ~~((shall be borne by))~~ may  
33 impose any additional charges on the applicant for the issuance of the  
34 license~~((:—PROVIDED FURTHER, That))~~.

35 The fee shall be distributed as follows:

36 (a) Four dollars shall be paid to the state general fund;

37 (b) Four dollars shall be paid to the agency taking the  
38 fingerprints of the person licensed;

1 (c) Twelve dollars shall be paid to the issuing authority for the  
2 purpose of enforcing this chapter; and

3 (d) Three dollars to the firearms range account in the general  
4 fund.

5 (7) The fee for the renewal of such license shall be fifteen  
6 dollars(~~(: PROVIDED, That)~~). No other ((additional charges by any))  
7 branch or unit of government ((shall be borne by)) may impose any  
8 additional charges on the applicant for the renewal of the license(~~(: PROVIDED FURTHER, That)~~).  
9

10 The renewal fee shall be distributed as follows:

11 (a) Four dollars shall be paid to the state general fund;

12 (b) Eight dollars shall be paid to the issuing authority for the  
13 purpose of enforcing this chapter; and

14 (c) Three dollars to the firearms range account in the general  
15 fund.

16 (8) Payment shall be by cash, check, or money order at the option  
17 of the applicant. Additional methods of payment may be allowed at the  
18 option of the issuing authority.

19 (9) A licensee may renew a license if the licensee applies for  
20 renewal within ninety days before or after the expiration date of the  
21 license. A license so renewed shall take effect on the expiration date  
22 of the prior license. A licensee renewing after the expiration date of  
23 the license must pay a late renewal penalty of ten dollars in addition  
24 to the renewal fee specified in subsection (7) of this section. The  
25 fee shall be distributed as follows:

26 (a) Three dollars shall be deposited in the state wildlife fund and  
27 used exclusively for the printing and distribution of a pamphlet on the  
28 legal limits of the use of firearms, firearms safety, and the  
29 preemptive nature of state law. The pamphlet shall be given to each  
30 applicant for a license; and

31 (b) Seven dollars shall be paid to the issuing authority for the  
32 purpose of enforcing this chapter.

33 (10) Notwithstanding the requirements of subsections (1) through  
34 (9) of this section, the chief of police of the municipality or the  
35 sheriff of the county of the applicant's residence may issue a  
36 temporary emergency license for good cause pending review under  
37 subsection (1) of this section.

38 (11) A political subdivision of the state shall not modify the  
39 requirements of this section or chapter, nor may a political

1 subdivision ask the applicant to voluntarily submit any information not  
2 required by this section. A civil suit may be brought to enjoin a  
3 wrongful refusal to issue a license or a wrongful modification of the  
4 requirements of this section or chapter. The civil suit may be brought  
5 in the county in which the application was made or in Thurston county  
6 at the discretion of the petitioner. Any person who prevails against  
7 a public agency in any action in the courts for a violation of this  
8 chapter shall be awarded costs, including reasonable attorneys' fees,  
9 incurred in connection with such legal action.

10 (12) A person who knowingly makes a false statement regarding  
11 citizenship, identity, or other required information on an application  
12 for a concealed pistol license is guilty of a gross misdemeanor and  
13 upon conviction is subject to a fine of up to one thousand dollars for  
14 each violation and up to one year in jail.

15 **Sec. 406.** RCW 9.41.080 and 1935 c 172 s 8 are each amended to read  
16 as follows:

17 No person (~~(shall)~~) may deliver a pistol or ammunition usable only  
18 in a pistol to any person under the age of (~~(twenty-one)~~) eighteen or  
19 to (~~(one who he has reasonable cause to believe has been convicted of~~  
20 a crime of violence, or is a drug addict, an habitual drunkard, or of  
21 unsound mind)) any person otherwise prohibited from possessing a pistol  
22 under RCW 9.41.040 and in no case may a person make such delivery  
23 without personal knowledge or clear evidence of the identity and age of  
24 the person receiving the pistol.

25 **Sec. 407.** RCW 9.41.090 and 1988 c 36 s 2 are each amended to read  
26 as follows:

27 (1) In addition to the other requirements of this chapter, no  
28 commercial seller (~~(shall)~~) may deliver a pistol to the purchaser  
29 thereof until:

30 (a) The purchaser produces a valid concealed pistol license and the  
31 commercial seller has recorded the purchaser's name, license number,  
32 and issuing agency, such record to be made in triplicate and processed  
33 as provided in subsection (4) of this section; or

34 (b) The seller is notified in writing by the chief of police of the  
35 municipality or the sheriff of the county that the purchaser (~~(meets~~  
36 ~~the requirements of)) is eligible to possess a pistol under RCW  
37 9.41.040 and that the application to purchase is granted; or~~



1 (c) Five consecutive days including Saturday, Sunday and holidays  
2 have elapsed from the time of receipt of the application for the  
3 purchase thereof as provided herein by the chief of police or sheriff  
4 designated in subsection (4) of this section, and, when delivered,  
5 (~~said~~) the pistol shall be securely wrapped and shall be unloaded.  
6 However, if the purchaser does not have a valid permanent Washington  
7 driver's license or state identification card or has not been a  
8 resident of the state for the previous consecutive ninety days, the  
9 waiting period under this subsection (1)(c) shall be up to sixty days.

10 (2) In any case under subsection (1)(c) of this section where the  
11 applicant has an outstanding warrant for his or her arrest from any  
12 court of competent jurisdiction for a felony or misdemeanor, the seller  
13 shall hold the delivery of the pistol until the warrant for arrest is  
14 served and satisfied by appropriate court appearance. The local  
15 jurisdiction for purposes of the sale shall confirm the existence of  
16 outstanding warrants within seventy-two hours after notification of the  
17 application to purchase a pistol is received. The local jurisdiction  
18 shall also immediately confirm the satisfaction of the warrant on  
19 request of the seller so that the hold may be released if the warrant  
20 was for a crime other than a crime of violence.

21 (3) In any case where the chief or sheriff of the local  
22 jurisdiction has reasonable grounds based on the following  
23 circumstances: (a) Open criminal charges, (b) pending criminal  
24 proceedings, (c) pending commitment proceedings, (d) an outstanding  
25 warrant for a (~~crime of violence~~) most serious offense as defined in  
26 RCW 9.94A.030, or (e) an arrest for a (~~crime of violence~~) most  
27 serious offense as defined in RCW 9.94A.030 if the records of  
28 disposition have not yet been reported or entered sufficiently to  
29 determine eligibility to purchase a pistol, the local jurisdiction may  
30 hold the sale and delivery of the pistol beyond five days up to  
31 (~~thirty~~) sixty days in order to confirm existing records in this  
32 state or elsewhere. After (~~thirty~~) sixty days, the hold will be  
33 lifted unless an extension of the (~~thirty~~) sixty days is approved by  
34 a local district court or municipal court for good cause shown. An  
35 applicant shall be notified of each hold placed on the sale by local  
36 law enforcement and of any application to the court for additional hold  
37 period to confirm records or confirm the identity of the applicant.

38 (4) At the time of applying for the purchase of a pistol, the  
39 purchaser shall sign in triplicate and deliver to the seller an

1 application containing his or her full name, address, place of birth,  
2 and the date and hour of the application; the applicant's driver's  
3 license number or state identification card number; and a description  
4 of the weapon including, the make, model, caliber and manufacturer's  
5 number; and a statement that the purchaser is eligible to ((own))  
6 possess a pistol under RCW 9.41.040. The application shall contain a  
7 warning substantially as follows:

8 CAUTION: Although state and local laws do not differ, federal  
9 law and state law on the possession of firearms differ. If you  
10 are prohibited by federal law from possessing a firearm, you  
11 may be prosecuted in federal court. State permission to  
12 purchase a firearm is not a defense to a federal prosecution.

13 The purchaser shall be given a copy of the department of wildlife or  
14 department of fish and wildlife pamphlet on the legal limits of the use  
15 of firearms, firearms safety, and the fact that local laws and  
16 ordinances on firearms are preempted by state law and must be  
17 consistent with state law.

18 The seller shall, by the end of the business day, sign and attach  
19 his or her address and deliver the original of the application and such  
20 other documentation as required under subsection (1) of this section to  
21 the chief of police of the municipality or the sheriff of the county of  
22 which the seller is a resident. The seller shall deliver the pistol to  
23 the purchaser following the period of time specified in this section  
24 unless the seller is notified in writing by the chief of police of the  
25 municipality or the sheriff of the county, whichever is applicable,  
26 denying the purchaser's application to purchase and the grounds  
27 thereof. The application shall not be denied unless the purchaser  
28 ~~((fails to meet the requirements specified in))~~ is not eligible to  
29 possess a pistol under RCW 9.41.040. The chief of police of the  
30 municipality or the county sheriff shall maintain a file containing the  
31 original of the application to purchase a pistol.

32 (5) Sales by wholesalers to dealers are exempt from the provisions  
33 of this section.

34 (6) A person who knowingly makes a false statement regarding  
35 residency, identity, or other required information on the application  
36 to purchase a pistol is guilty of a gross misdemeanor and upon  
37 conviction is subject to a fine of up to one thousand dollars for each  
38 violation and up to one year in jail.

1       **Sec. 408.** RCW 9.41.110 and 1979 c 158 s 2 are each amended to read  
2 as follows:

3       (1) No commercial seller may sell or otherwise transfer, or expose  
4 for sale or transfer, or have in his or her possession with intent to  
5 sell, or otherwise transfer, any pistol without being licensed as  
6 provided in this section. Any person violating this subsection is  
7 guilty of a gross misdemeanor and upon conviction is subject to a fine  
8 of up to one thousand dollars for each violation and up to one year in  
9 jail.

10       (2) The duly constituted licensing authorities of any city, town,  
11 or political subdivision of this state shall grant licenses in forms  
12 prescribed by the director of licensing effective for not more than one  
13 year from the date of issue permitting the licensee to sell pistols  
14 within this state subject to the following conditions, for breach of  
15 any of which the license shall be forfeited and the licensee subject to  
16 punishment as provided in RCW 9.41.010 through 9.41.160.

17       ~~((1))~~ (3)(a) The business shall be carried on only in the  
18 building designated in the license or at temporary locations as  
19 approved by the issuing authority for occasional sales.

20       ~~((2))~~ (b) The license or a copy thereof, certified by the issuing  
21 authority, shall be displayed on the premises or temporary location  
22 where it can easily be read.

23       ~~((3))~~ (c) No pistol (~~shall~~) may be sold (~~(a)~~) in violation of  
24 any provisions of RCW 9.41.010 through 9.41.160, nor (~~(b) shall~~) may  
25 a pistol be sold under any circumstances unless the purchaser is  
26 personally known to the seller or shall present clear evidence of his  
27 or her identity.

28       ~~((4))~~ (d) A true record in triplicate shall be made of every  
29 pistol sold, in a book kept for the purpose, the form of which may be  
30 prescribed by the director of licensing and shall be personally signed  
31 by the purchaser and by the person effecting the sale, each in the  
32 presence of the other, and shall contain the date of sale, the caliber,  
33 make, model and manufacturer's number of the weapon, the name, address,  
34 occupation, (~~color~~) and place of birth of the purchaser and a  
35 statement signed by the purchaser that he or she has never been  
36 convicted in this state or elsewhere of a (~~crime of violence~~) most  
37 serious offense as defined in RCW 9.94A.030 and is eligible to possess  
38 a pistol under RCW 9.41.040. One copy shall within six hours be sent  
39 by registered mail to the chief of police of the municipality or the

1 sheriff of the county of which the dealer is a resident; the duplicate  
2 the dealer shall within seven days send to the director of licensing;  
3 the triplicate the dealer shall retain for six years.

4 ~~((+5))~~ (e) The license fee shall be five dollars, which shall be  
5 paid into the state treasury.

6 (4) This section shall not apply to sales at wholesale.

7 ~~((+6))~~ (5) The dealer's licenses authorized to be issued by this  
8 section are general licenses covering all sales by the licensee within  
9 the effective period of the licenses.

10 ~~((+7))~~ (6) Except as provided in RCW 9.41.090 ~~((as now or~~  
11 ~~hereinafter amended))~~, every city, town, and political subdivision of  
12 this state is prohibited from requiring the purchaser to secure a  
13 permit to purchase or from requiring the dealer to secure an individual  
14 permit for each sale.

15 ~~((The fee paid for issuing said license shall be five dollars which~~  
16 ~~fee shall be paid into the state treasury.))~~

17 **Sec. 409.** RCW 9.41.180 and 1992 c 7 s 8 are each amended to read  
18 as follows:

19 Except as provided in RCW 9.41.185, every person who ((shall)) sets  
20 a so-called trap, spring pistol, rifle, or other ((deadly)) dangerous  
21 weapon(, shall be punished as follows:

22 ~~(1) If no injury result therefrom to any human being, by~~  
23 ~~imprisonment in the county jail for not more than one year or by a fine~~  
24 ~~of not more than one thousand dollars, or by both.~~

25 ~~(2) If injuries not fatal result therefrom to any human being, by~~  
26 ~~imprisonment in a state correctional facility for not more than twenty~~  
27 ~~years.~~

28 ~~(3) If the death of a human being results therefrom, by~~  
29 ~~imprisonment in a state correctional facility for not more than twenty~~  
30 ~~years)) is guilty of a gross misdemeanor.~~

31 **Sec. 410.** RCW 9.41.190 and 1982 1st ex.s. c 47 s 2 are each  
32 amended to read as follows:

33 (1) It is unlawful for any person to manufacture, own, buy, sell,  
34 loan, furnish, transport, or have in possession or under control, any  
35 machine gun, assault weapon, short-barreled shotgun, or short-barreled  
36 rifle, or any part thereof capable of use; or assembling or repairing

1 any machine gun(~~(: PROVIDED, HOWEVER, That such limitation)~~), assault  
2 weapon, short-barreled shotgun, or short-barreled rifle.

3 (2) This section shall not apply to:

4 (a) Any peace officer in the discharge of official duty, or to any  
5 officer or member of the armed forces of the United States or the state  
6 of Washington(~~(: PROVIDED FURTHER, That this section does not apply~~  
7 to)); or

8 (b) A person, including an employee of such person, who or which is  
9 exempt from or licensed under the National Firearms Act (26 U.S.C.  
10 section 5801 et seq.), and engaged in the production, manufacture,  
11 repair, or testing of weapons or equipment to be used or purchased by  
12 the armed forces of the United States, and having a United States  
13 government industrial security clearance.

14 (3) Any person violating this section is guilty of a class C  
15 felony.

16 **Sec. 411.** RCW 9.41.220 and 1933 c 64 s 4 are each amended to read  
17 as follows:

18 All machine guns, assault weapons, short-barreled shotguns, or  
19 short-barreled rifles, or parts thereof, illegally held or illegally  
20 possessed are hereby declared to be contraband, and it shall be the  
21 duty of all peace officers, and/or any officer or member of the armed  
22 forces of the United States or the state of Washington, to seize said  
23 machine gun, or parts thereof, wherever and whenever found.

24 **Sec. 412.** RCW 9.41.240 and 1971 c 34 s 1 are each amended to read  
25 as follows:

26 (1) No minor under the age of fourteen years (~~shall~~) may handle  
27 or have in his or her possession or under his or her control, except  
28 while accompanied by or under the immediate charge of his or her parent  
29 or guardian or other adult approved for the purpose of this section by  
30 the parent or guardian, or while under the supervision of a certified  
31 safety instructor at an established gun range or firearm training  
32 class, any firearm of any kind for hunting or target practice or for  
33 other purposes. Every person violating (~~any of the foregoing~~  
34 provisions)) this subsection, or aiding or knowingly permitting any  
35 such minor to violate (~~the same~~) this subsection, shall be guilty of  
36 a misdemeanor.

1       (2) No person under the age of eighteen years may handle or have in  
2 his or her possession or under his or her control, except while  
3 accompanied by or under the immediate charge of his or her parent or  
4 guardian or other adult approved for the purpose of this section by the  
5 parent or guardian, or while under the supervision of a certified  
6 safety instructor at an established gun range or firearm training  
7 class, any pistol. Any person violating this subsection shall be  
8 guilty of a class C felony and, in addition to any other penalties  
9 imposed, shall serve a minimum of ten days of confinement.

10       (3) This section shall not apply to any peace officer in the  
11 discharge of official duty, or to any officer or member of the armed  
12 forces of the United States or the state of Washington or to any  
13 person, including an employee of such person, who or which is exempt  
14 from or licensed under the National Firearms Act (26 U.S.C. Sec. 5801  
15 et seq.), and engaged in the production, manufacture, repair, or  
16 testing of weapons or equipment to be used or purchased by the armed  
17 forces of the United States, and having a United States government  
18 industrial security clearance.

19       **Sec. 413.** RCW 9.41.250 and 1959 c 143 s 1 are each amended to read  
20 as follows:

21       Every person who shall manufacture, sell, or dispose of or have in  
22 his or her possession any instrument or weapon of the kind usually  
23 known as slung shot, sand club, or metal knuckles, or spring blade  
24 knife, or any knife the blade of which is automatically released by a  
25 spring mechanism or other mechanical device, or any knife having a  
26 blade which opens, or falls, or is ejected into position by the force  
27 of gravity, or by an outward, downward, or centrifugal thrust or  
28 movement(~~(; who shall furtively carry with intent to conceal any~~  
29 ~~dagger, dirk, pistol, or other dangerous weapon; or who shall use any~~  
30 ~~contrivance or device for suppressing the noise of any firearm,~~) shall  
31 be guilty of a gross misdemeanor.

32       **Sec. 414.** RCW 9.41.260 and 1909 c 249 s 283 are each amended to  
33 read as follows:

34       Every proprietor, lessee, or occupant of any place of amusement, or  
35 any plat of ground or building, who shall allow it to be used for the  
36 exhibition of skill in throwing any sharp instrument or in shooting any

1 bow (~~gun, pistol~~) or firearm of any description, at or toward any  
2 human being, shall be guilty of a misdemeanor.

3 **Sec. 415.** RCW 9.41.270 and 1969 c 8 s 1 are each amended to read  
4 as follows:

5 (1) It (~~shall be unlawful~~) is a class C felony for anyone to aim  
6 any firearm, whether loaded or not, at or towards any human being, or  
7 to carry, exhibit, display, or draw any (~~firearm, dagger, sword, knife~~  
8 or ~~other cutting or stabbing instrument, club, or any other weapon~~  
9 apparently capable of producing bodily harm,) dangerous weapon in a  
10 manner, under circumstances, and at a time and place that either  
11 manifests an intent to intimidate another or that warrants alarm for  
12 the safety of other persons or to use any contrivance or device for  
13 suppressing the noise of any firearm.

14 (2) (~~Any person violating the provisions of subsection (1) above~~  
15 ~~shall be guilty of a gross misdemeanor~~) It is a class C felony to  
16 willfully discharge or threaten to discharge any firearm, air gun, or  
17 other weapon, or throw any deadly missile in a public place, or in any  
18 place where any person might be endangered thereby, although no injury  
19 result.

20 (3) It is a misdemeanor to furtively carry with intent to conceal  
21 any dangerous weapon.

22 (4) Subsection (1) of this section shall not apply to or affect the  
23 following:

24 (a) Any act committed by a person while in his or her place of  
25 abode or fixed place of business;

26 (b) Any person who by virtue of his or her office or public  
27 employment is vested by law with a duty to preserve public safety,  
28 maintain public order, or to make arrests for offenses, while in the  
29 performance of such duty;

30 (c) Any person acting for the purpose of protecting himself or  
31 herself against the use of presently threatened unlawful force by  
32 another, or for the purpose of protecting another against the use of  
33 such unlawful force by a third person;

34 (d) Any person making or assisting in making a lawful arrest for  
35 the commission of a felony; or

36 (e) Any person engaged in military activities sponsored by the  
37 federal or state governments.

1       **Sec. 416.** RCW 9.41.280 and 1993 c 347 s 1 are each amended to read  
2 as follows:

3       (1) It is unlawful for a person to carry onto public or private  
4 elementary or secondary school premises, school-provided  
5 transportation, or areas of facilities while being used exclusively by  
6 public or private schools:

7       (a) Any ~~((firearm; or~~

8       ~~(b) Any))~~ dangerous weapon ~~((as defined in RCW 9.41.250))~~; or

9       ~~((c) Any device commonly known as "nun-chu-ka sticks", consisting  
10 of two or more lengths of wood, metal, plastic, or similar substance  
11 connected with wire, rope, or other means; or~~

12       ~~(d) Any device, commonly known as "throwing stars", which are  
13 multi-pointed, metal objects designed to embed upon impact from any  
14 aspect; or~~

15       ~~(e))~~ (b) Any air gun, including any air pistol or air rifle,  
16 designed to propel a BB, pellet, or other projectile by the discharge  
17 of compressed air, carbon dioxide, or other gas.

18       (2) Any such person violating subsection (1) of this section is  
19 guilty of a gross misdemeanor.

20       Any violation of subsection (1) of this section by elementary or  
21 secondary school students constitutes grounds for expulsion from the  
22 state's public schools in accordance with RCW 28A.600.010. However,  
23 any violation of subsection (1)(a) of this section by an elementary or  
24 secondary school student involving a firearm shall result in expulsion  
25 in accordance with RCW 28A.600.010. An appropriate school authority  
26 shall promptly notify law enforcement and the student's parent or  
27 guardian regarding any allegation or indication of such violation.

28       (3) Subsection (1) of this section does not apply to:

29       (a) Any student or employee of a private military academy when on  
30 the property of the academy;

31       (b) Any person engaged in military, law enforcement, or school  
32 district security activities;

33       (c) Any person who is involved in a convention, showing,  
34 demonstration, lecture, or firearms safety course authorized by school  
35 authorities in which the firearms of collectors or instructors are  
36 handled or displayed;

37       (d) Any person who possesses nun-chu-ka sticks, throwing stars, or  
38 other dangerous weapons to be used in martial arts classes authorized  
39 to be conducted on the school premises;



1 (e) Any person while the person is participating in a firearms or  
2 air gun competition approved by the school or school district;

3 (f) Any person who has been issued a license under RCW 9.41.070,  
4 while picking up or dropping off a student;

5 (g) Any person legally in possession of a (~~firearm or~~) dangerous  
6 weapon that is secured within an attended vehicle or concealed from  
7 view within a locked unattended vehicle while conducting legitimate  
8 business at the school;

9 (h) Any person who is in lawful possession of an unloaded firearm,  
10 secured in a vehicle while conducting legitimate business at the  
11 school; or

12 (i) Any law enforcement officer of the federal, state, or local  
13 government agency.

14 (4) Except as provided in subsection (3)(b), (c), (e), and (i) of  
15 this section, firearms are not permitted in a public or private school  
16 building.

17 (5) "GUN-FREE ZONE" signs shall be posted around school facilities  
18 giving warning of the prohibition of the possession of firearms on  
19 school grounds.

20 **Sec. 417.** RCW 9.41.300 and 1993 c 396 s 1 are each amended to read  
21 as follows:

22 (1) It is unlawful for any person to enter the following places  
23 when he or she knowingly possesses or knowingly has under his or her  
24 control a weapon:

25 (a) The restricted access areas of a jail, or of a law enforcement  
26 facility, or any place used for the confinement of a person (i)  
27 arrested for, charged with, or convicted of an offense, (ii) charged  
28 with being or adjudicated to be a juvenile offender as defined in RCW  
29 13.40.020, (iii) held for extradition or as a material witness, or (iv)  
30 otherwise confined pursuant to an order of a court, except an order  
31 under chapter 13.32A or 13.34 RCW. Restricted access areas do not  
32 include common areas of egress or ingress open to the general public;

33 (b) Those areas in any building which are used in connection with  
34 court proceedings, including courtrooms, jury rooms, judge's chambers,  
35 offices and areas used to conduct court business, waiting areas, and  
36 corridors adjacent to areas used in connection with court proceedings.  
37 The restricted areas do not include common areas of ingress and egress  
38 to the building that is used in connection with court proceedings, when

1 it is possible to protect court areas without restricting ingress and  
2 egress to the building. The restricted areas shall be the minimum  
3 necessary to fulfill the objective of this subsection (1)(b).

4 In addition, the local legislative authority shall provide either  
5 a stationary locked box sufficient in size for (~~short firearms~~)  
6 pistols and key to a weapon owner for weapon storage, or shall  
7 designate an official to receive weapons for safekeeping, during the  
8 owner's visit to restricted areas of the building. The locked box or  
9 designated official shall be located within the same building used in  
10 connection with court proceedings. The local legislative authority  
11 shall be liable for any negligence causing damage to or loss of a  
12 weapon either placed in a locked box or left with an official during  
13 the owner's visit to restricted areas of the building.

14 The local judicial authority shall designate and clearly mark those  
15 areas where weapons are prohibited, and shall post notices at each  
16 entrance to the building of the prohibition against weapons in the  
17 restricted areas;

18 (c) The restricted access areas of a public mental health facility  
19 certified by the department of social and health services for inpatient  
20 hospital care and state institutions for the care of the mentally ill,  
21 excluding those facilities solely for evaluation and treatment.  
22 Restricted access areas do not include common areas of egress and  
23 ingress open to the general public; or

24 (d) That portion of an establishment classified by the state liquor  
25 control board as off-limits to persons under twenty-one years of age.

26 (2) Notwithstanding RCW 9.41.290, cities, towns, counties, and  
27 other municipalities may enact laws and ordinances:

28 (a) Restricting the display or discharge of firearms in any portion  
29 of their respective jurisdictions where there is a reasonable  
30 likelihood that humans, domestic animals, or property will be  
31 jeopardized. Such laws and ordinances shall not abridge the right of  
32 the individual guaranteed by Article I, section 24 of the state  
33 Constitution to bear arms in defense of self or others; and

34 (b) Restricting the possession of firearms in any park, stadium  
35 (~~or~~), convention center, or other public facility, operated by a  
36 city, town, county, or other municipality, except that such  
37 restrictions shall not apply to:

38 (i) Any (~~firearm~~) pistol in the possession of a person licensed  
39 under RCW 9.41.070; or

1 (ii) Any showing, demonstration, or lecture involving the  
2 exhibition of firearms.

3 (3) The perimeter of the premises of any specific location covered  
4 by subsection (1) or (2) of this section shall be posted at reasonable  
5 intervals to alert the public as to the existence of any law  
6 restricting the possession of firearms on the premises.

7 (4) Subsections (1) and (2) of this section (~~does~~) do not apply  
8 to:

9 (a) A person engaged in military activities sponsored by the  
10 federal or state governments, while engaged in official duties;

11 (b) Law enforcement personnel; or

12 (c) Security personnel while engaged in official duties.

13 (5) Subsection (1)(a) of this section does not apply to a person  
14 licensed pursuant to RCW 9.41.070 who, upon entering the place or  
15 facility, directly and promptly proceeds to the administrator of the  
16 facility or the administrator's designee and obtains written permission  
17 to possess the firearm while on the premises or checks his or her  
18 firearm. The person may reclaim the firearms upon leaving but must  
19 immediately and directly depart from the place or facility.

20 (6) Subsection (1)(c) of this section does not apply to any  
21 administrator or employee of the facility or to any person who, upon  
22 entering the place or facility, directly and promptly proceeds to the  
23 administrator of the facility or the administrator's designee and  
24 obtains written permission to possess the firearm while on the  
25 premises.

26 (7) Subsection (1)(d) of this section does not apply to the  
27 proprietor of the premises or his or her employees while engaged in  
28 their employment.

29 (8) Any person violating subsection (1) of this section is guilty  
30 of a misdemeanor.

31 (9) "Weapon" as used in this section means any firearm, explosive  
32 as defined in RCW 70.74.010, or instrument or weapon listed in RCW  
33 9.41.250.

34 NEW SECTION. Sec. 418. A new section is added to chapter 9.41 RCW  
35 to read as follows:

36 (1) The advisory panel on assault weapons is established.

37 (2) The panel shall advise the legislature on current technology,  
38 information, and data related to assault weapons or firearms that the

1 panel believes should be considered assault weapons for the purposes of  
2 this chapter and shall make recommendations to the legislature  
3 regarding any proposed changes to the current roster of assault weapons  
4 contained in this chapter.

5 (3) The panel shall consist of nine members appointed by the  
6 governor.

7 (4) The members of the panel shall include:

8 (a) A representative of the Washington association of sheriffs and  
9 police chiefs, who shall serve as chair;

10 (b) A representative of the national rifle association or its  
11 affiliated state organization, or of a similar citizens' group, who  
12 resides in Washington state;

13 (c) A representative of Washington cease fire or of a similar  
14 citizens' group, who resides in Washington state;

15 (d) A representative of pistol dealers, manufacturers, or  
16 gunsmiths;

17 (e) One state representative;

18 (f) One state senator; and

19 (g) Three citizens.

20 (5) The panel shall meet at least twice annually at the request of  
21 the chair or by request of a majority of the members.

22 (6) The panel shall consider the following characteristics of a  
23 semiautomatic firearm, with no undue weight given to any one  
24 characteristic, in determining whether to recommend listing it as an  
25 assault weapon:

26 (a) Concealability;

27 (b) Detectability by standard security equipment;

28 (c) Weight;

29 (d) Quality;

30 (e) Safety;

31 (f) Caliber;

32 (g) Utility for legitimate sporting activities or self-protection.

33 (7) Nothing in this section may be construed as requiring the panel  
34 to test any firearm or have any firearm tested at the panel's expense.

35 NEW SECTION. **Sec. 419.** Any person voluntarily surrendering an  
36 assault weapon to the chief of police or county sheriff in the city or  
37 county of the person's residence within ninety days of the effective  
38 date of this section shall be immune from prosecution for the

1 possession of that assault weapon. The police chief or sheriff shall  
2 make a determination of the fair market value of any assault weapon  
3 surrendered within ninety days of the effective date of this section  
4 and shall pay the owner of any assault weapon so surrendered the fair  
5 market value of the assault weapon or two hundred dollars, whichever is  
6 less.

7 **Sec. 420.** RCW 9.94A.040 and 1986 c 257 s 18 are each amended to  
8 read as follows:

9 (1) A sentencing guidelines commission is established as an agency  
10 of state government.

11 (2) The commission shall, following a public hearing or hearings:

12 (a) Devise a series of recommended standard sentence ranges for all  
13 felony offenses and a system for determining which range of punishment  
14 applies to each offender based on the extent and nature of the  
15 offender's criminal history, if any;

16 (b) Devise recommended prosecuting standards in respect to charging  
17 of offenses and plea agreements; and

18 (c) Devise recommended standards to govern whether sentences are to  
19 be served consecutively or concurrently.

20 (3) Each of the commission's recommended standard sentence ranges  
21 shall include one or more of the following: Total confinement, partial  
22 confinement, community supervision, community service, and a fine.

23 (4) In devising the standard sentence ranges of total and partial  
24 confinement under this section, the commission is subject to the  
25 following limitations:

26 (a) If the maximum term in the range is one year or less, the  
27 minimum term in the range shall be no less than one-third of the  
28 maximum term in the range, except that if the maximum term in the range  
29 is ninety days or less, the minimum term may be less than one-third of  
30 the maximum;

31 (b) If the maximum term in the range is greater than one year, the  
32 minimum term in the range shall be no less than seventy-five percent of  
33 the maximum term in the range; and

34 (c) The maximum term of confinement in a range may not exceed the  
35 statutory maximum for the crime as provided in RCW 9A.20.020.

36 (5) In carrying out its duties under subsection (2) of this  
37 section, the commission shall give consideration to the existing  
38 guidelines adopted by the association of superior court judges and the

1 Washington association of prosecuting attorneys and the experience  
2 gained through use of those guidelines. The commission shall emphasize  
3 confinement for the violent offender and alternatives to total  
4 confinement for the nonviolent offender.

5 (6) This commission shall conduct a study to determine the capacity  
6 of correctional facilities and programs which are or will be available.  
7 While the commission need not consider such capacity in arriving at its  
8 recommendations, the commission shall project whether the  
9 implementation of its recommendations would result in exceeding such  
10 capacity. If the commission finds that this result would probably  
11 occur, then the commission shall prepare an additional list of standard  
12 sentences which shall be consistent with such capacity.

13 (7) The commission may recommend to the legislature revisions or  
14 modifications to the standard sentence ranges and other standards. If  
15 implementation of the revisions or modifications would result in  
16 exceeding the capacity of correctional facilities, then the commission  
17 shall accompany its recommendation with an additional list of standard  
18 sentence ranges which are consistent with correction capacity.

19 (8) The commission shall study the existing criminal code and from  
20 time to time make recommendations to the legislature for modification.

21 (9) The commission, in conjunction with the juvenile disposition  
22 standards commission established under RCW 13.40.027, shall develop a  
23 youthful offender sentencing option for violent and repeat nonviolent  
24 youthful offenders. In developing such an option, the commission shall  
25 consider, at a minimum: (a) The broadest range of potential options  
26 from the perspective of jurisdiction, programs, placement, offender  
27 review, and community reintegration; (b) the effectiveness of such  
28 programs in other states; (c) the program, operation, fiscal, and  
29 population impacts to the department of corrections and the department  
30 of social and health services; and (d) the potential for racial  
31 disproportionality and procedures to minimize or avoid such impact on  
32 minority youth. The commissions shall propose statutory guidelines to  
33 the appropriate committees of the legislature by January 1, 1995.

34 (10) The commission shall exercise its duties under this section in  
35 conformity with chapter 34.05 RCW(~~, as now existing or hereafter~~  
36 ~~amended~~)).

37 **Sec. 421.** RCW 9.94A.125 and 1983 c 163 s 3 are each amended to  
38 read as follows:

1 In a criminal case wherein there has been a special allegation and  
2 evidence establishing that the accused or an accomplice was armed with  
3 a deadly weapon at the time of the commission of the crime, the court  
4 shall make a finding of fact of whether or not the accused or an  
5 accomplice was armed with a deadly weapon at the time of the commission  
6 of the crime, or if a jury trial is had, the jury shall, if it  
7 (~~find[s]~~) finds the defendant guilty, also find a special verdict as  
8 to whether or not the defendant or an accomplice was armed with a  
9 deadly weapon at the time of the commission of the crime.

10 For purposes of this section, ((a)) "deadly weapon (~~is an~~  
11 ~~implement or instrument which has the capacity to inflict death and~~  
12 ~~from the manner in which it is used, is likely to produce or may easily~~  
13 ~~and readily produce death~~)" shall have the same definition as  
14 "dangerous weapon" under RCW 9.41.010. The following instruments are  
15 included in the term deadly weapon: Blackjack, sling shot, billy, sand  
16 club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or  
17 any other firearm, any knife having a blade longer than three inches,  
18 any razor with an unguarded blade, any metal pipe or bar used or  
19 intended to be used as a club, any explosive, and any weapon containing  
20 poisonous or injurious gas.

21 **Sec. 422.** RCW 13.04.030 and 1988 c 14 s 1 are each amended to read  
22 as follows:

23 The juvenile courts in the several counties of this state, shall  
24 have exclusive original jurisdiction over all proceedings:

25 (1) Under the interstate compact on placement of children as  
26 provided in chapter 26.34 RCW;

27 (2) Relating to children alleged or found to be dependent as  
28 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170(~~(~~  
29 ~~as now or hereafter amended)~~);

30 (3) Relating to the termination of a parent and child relationship  
31 as provided in RCW 13.34.180 through 13.34.210(~~(~~  
32 ~~as now or hereafter amended)~~);

33 (4) To approve or disapprove alternative residential placement as  
34 provided in RCW 13.32A.170;

35 (5) Relating to juveniles alleged or found to have committed  
36 offenses, traffic infractions, or violations as provided in RCW  
37 13.40.020 through 13.40.230(~~(~~  
~~as now or hereafter amended)~~), unless:

1 (a) The juvenile court transfers jurisdiction of a particular  
2 juvenile to adult criminal court pursuant to RCW 13.40.110(~~(, as now or~~  
3 ~~hereafter amended)~~); or

4 (b) The statute of limitations applicable to adult prosecution for  
5 the offense, traffic infraction, or violation has expired; or

6 (c) The alleged offense is (i) a serious violent offense as defined  
7 in RCW 9.94A.030 committed by a juvenile sixteen years of age or older  
8 or (ii) a violent offense as defined in RCW 9.94A.030 or a class B  
9 felony with a finding of sexual motivation as defined in RCW 9.94A.030  
10 committed by a juvenile sixteen years of age or older who, prior to the  
11 offense alleged, has been convicted or as a juvenile adjudicated on at  
12 least one separate occasion, whether in this state or elsewhere, of a  
13 felony that under the laws of this state would be considered a violent  
14 offense as provided in RCW 9.94A.030 or a class B felony with a finding  
15 of sexual motivation as provided in RCW 9.94A.030. The juvenile, the  
16 prosecutor, or the court on its own motion may, before a hearing on the  
17 information on its merits, file a motion requesting the court to order  
18 the case transferred for prosecution in juvenile court and the matter  
19 shall be set for hearing on the question of declining jurisdiction.  
20 The court after a decline hearing may order the case transferred for  
21 juvenile prosecution upon a finding that the declination would be in  
22 the best interests of the juvenile or the public. The court shall  
23 consider the relevant reports, facts, opinions, and arguments presented  
24 by the parties and their counsel, with particular attention paid to  
25 issues of racial disproportionality. When the juvenile is transferred  
26 for juvenile prosecution or retained for criminal prosecution, the  
27 court shall set forth in writing its finding, which shall be supported  
28 by relevant facts and opinions produced at the hearing; or

29 (d) The alleged offense or infraction is a traffic, fish, boating,  
30 or game offense or traffic infraction committed by a juvenile sixteen  
31 years of age or older and would, if committed by an adult, be tried or  
32 heard in a court of limited jurisdiction, in which instance the  
33 appropriate court of limited jurisdiction shall have jurisdiction over  
34 the alleged offense or infraction: PROVIDED, That if such an alleged  
35 offense or infraction and an alleged offense or infraction subject to  
36 juvenile court jurisdiction arise out of the same event or incident,  
37 the juvenile court may have jurisdiction of both matters: PROVIDED  
38 FURTHER, That the jurisdiction under this subsection does not  
39 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)



1 or subsection (5)(a) of this section: PROVIDED FURTHER, That courts of  
2 limited jurisdiction which confine juveniles for an alleged offense or  
3 infraction may place juveniles in juvenile detention facilities under  
4 an agreement with the officials responsible for the administration of  
5 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

6 (6) Under the interstate compact on juveniles as provided in  
7 chapter 13.24 RCW;

8 (7) Relating to termination of a diversion agreement under RCW  
9 13.40.080 (~~as now or hereafter amended~~), including a proceeding in  
10 which the divertee has attained eighteen years of age; and

11 (8) Relating to court validation of a voluntary consent to foster  
12 care placement under chapter 13.34 RCW, by the parent or Indian  
13 custodian of an Indian child, except if the parent or Indian custodian  
14 and child are residents of or domiciled within the boundaries of a  
15 federally recognized Indian reservation over which the tribe exercises  
16 exclusive jurisdiction.

17 **Sec. 423.** RCW 13.40.020 and 1993 c 373 s 1 are each amended to  
18 read as follows:

19 For the purposes of this chapter:

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

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

23 (b) Manslaughter in the first degree; or

24 (c) Assault in the second degree, extortion in the first degree,  
25 child molestation in the second degree, kidnapping in the second  
26 degree, robbery in the second degree, residential burglary, or burglary  
27 in the second degree, where such offenses include the infliction of  
28 bodily harm upon another or where during the commission of or immediate  
29 withdrawal from such an offense the perpetrator is armed with a deadly  
30 weapon or firearm as defined in RCW 9A.04.110;

31 (2) "Community service" means compulsory service, without  
32 compensation, performed for the benefit of the community by the  
33 offender as punishment for committing an offense. Community service  
34 may be performed through public or private organizations or through  
35 work crews;

36 (3) "Community supervision" means an order of disposition by the  
37 court of an adjudicated youth not committed to the department. A  
38 community supervision order for a single offense may be for a period of

1 up to two years for a sex offense as defined by RCW 9.94A.030 and up to  
2 one year for other offenses. Community supervision is an  
3 individualized program comprised of one or more of the following:

4 (a) Community-based sanctions;

5 (b) Community-based rehabilitation;

6 (c) Monitoring and reporting requirements;

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

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

10 (b) Community service not to exceed one hundred fifty hours of  
11 service;

12 (5) "Community-based rehabilitation" means one or more of the  
13 following: Attendance of information classes; counseling, outpatient  
14 substance abuse treatment programs, outpatient mental health programs,  
15 anger management classes, or other services; or attendance at school or  
16 other educational programs appropriate for the juvenile as determined  
17 by the school district. Placement in community-based rehabilitation  
18 programs is subject to available funds;

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

27 (7) "Confinement" means physical custody by the department of  
28 social and health services in a facility operated by or pursuant to a  
29 contract with the state, custody under community reintegration status,  
30 or physical custody in a detention facility operated by or pursuant to  
31 a contract with any county. The county may operate or contract with  
32 vendors to operate county detention facilities. The department may  
33 operate or contract to operate detention facilities for juveniles  
34 committed to the department. Pretrial confinement or confinement of  
35 less than thirty-one days imposed as part of a disposition or  
36 modification order may be served consecutively or intermittently, in  
37 the discretion of the court and may be served in a detention group  
38 home, detention foster home, or with electronic monitoring. Detention  
39 group homes and detention foster homes used for confinement shall not

1 also be used for the placement of dependent children. Confinement in  
2 detention group homes and detention foster homes and electronic  
3 monitoring are subject to available funds;

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

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

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

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

16 (10) "Department" means the department of social and health  
17 services;

18 (11) "Detention facility" means a county facility for the physical  
19 confinement of a juvenile alleged to have committed an offense or an  
20 adjudicated offender subject to a disposition or modification order;

21 (12) "Diversion unit" means any probation counselor who enters into  
22 a diversion agreement with an alleged youthful offender, or any other  
23 person or entity except a law enforcement official or entity, with whom  
24 the juvenile court administrator has contracted to arrange and  
25 supervise such agreements pursuant to RCW 13.40.080, or any person or  
26 entity specially funded by the legislature to arrange and supervise  
27 diversion agreements in accordance with the requirements of this  
28 chapter;

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

31 (14) "Juvenile," "youth," and "child" mean any individual who is  
32 under the chronological age of eighteen years and who has not been  
33 previously transferred to adult court;

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

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

4 (17) "Middle offender" means a person who has committed an offense  
5 and who is neither a minor or first offender nor a serious offender;

6 (18) "Minor or first offender" means a person sixteen years of age  
7 or younger whose current offense(s) and criminal history fall entirely  
8 within one of the following categories:

9 (a) Four misdemeanors;

10 (b) Two misdemeanors and one gross misdemeanor;

11 (c) One misdemeanor and two gross misdemeanors;

12 (d) Three gross misdemeanors;

13 (e) One class C felony except manslaughter in the second degree or  
14 possession of a pistol and one misdemeanor or gross misdemeanor;

15 (f) One class B felony except: Any felony which constitutes an  
16 attempt to commit a class A felony; manslaughter in the first degree;  
17 assault in the second degree; extortion in the first degree; indecent  
18 liberties; kidnapping in the second degree; robbery in the second  
19 degree; burglary in the second degree; residential burglary; vehicular  
20 homicide; or arson in the second degree.

21 For purposes of this definition, current violations shall be  
22 counted as misdemeanors;

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

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

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

1 (22) "Secretary" means the secretary of the department of social  
2 and health services;

3 (23) "Services" mean services which provide alternatives to  
4 incarceration for those juveniles who have pleaded or been adjudicated  
5 guilty of an offense or have signed a diversion agreement pursuant to  
6 this chapter;

7 (24) "Sex offense" means an offense defined as a sex offense in RCW  
8 9.94A.030;

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

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

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

18 **Sec. 424.** RCW 13.40.027 and 1993 c 415 s 9 are each amended to  
19 read as follows:

20 (1) It is the responsibility of the commission to: (a)(i) Evaluate  
21 the effectiveness of existing disposition standards and related  
22 statutes in implementing policies set forth in RCW 13.40.010 generally,  
23 (ii) specifically review the guidelines relating to the confinement of  
24 minor and first offenders as well as the use of diversion, and (iii)  
25 review the application of current and proposed juvenile sentencing  
26 standards and guidelines for potential adverse impacts on the  
27 sentencing outcomes of racial and ethnic minority youth; (b) solicit  
28 the comments and suggestions of the juvenile justice community  
29 concerning disposition standards; ~~((and))~~ (c) make recommendations to  
30 the legislature regarding revisions or modifications of the disposition  
31 standards in accordance with RCW 13.40.030; and (d) in conjunction with  
32 the sentencing guidelines commission established under RCW 9.94A.040,  
33 develop a youthful offender sentencing option for violent and repeat  
34 nonviolent youthful offenders. In developing such an option, the  
35 commission shall consider, at a minimum: (i) The broadest range of  
36 potential options from the perspective of jurisdiction, programs,  
37 placement, offender review, and community reintegration; (ii) the  
38 effectiveness of such programs in other states; (iii) the program,

1 operation, fiscal, and population impacts to the department of  
2 corrections and the department of social and health services; and (iv)  
3 the potential for racial disproportionality and procedures to minimize  
4 or avoid such impact on minority youth. The commissions shall propose  
5 statutory guidelines to the appropriate committees of the legislature  
6 by January 1, 1995. The evaluations shall be submitted to the  
7 legislature on December 1 of each even-numbered year thereafter.

8 (2) It is the responsibility of the department to: (a) Provide the  
9 commission with available data concerning the implementation of the  
10 disposition standards and related statutes and their effect on the  
11 performance of the department's responsibilities relating to juvenile  
12 offenders; (b) at the request of the commission, provide technical and  
13 administrative assistance to the commission in the performance of its  
14 responsibilities; and (c) provide the commission and legislature with  
15 recommendations for modification of the disposition standards.

16 NEW SECTION. Sec. 425. A new section is added to chapter 13.40  
17 RCW to read as follows:

18 (1) Juvenile offenders serving a term of confinement under the  
19 supervision of the department may, under specific conditions, be  
20 transferred from physical custody after serving eighty percent of the  
21 minimum term of confinement, but no sooner than sixty days prior to the  
22 minimum term of confinement, if the department determines the community  
23 and the juvenile will benefit from a period of community reintegration.

24 (2) Juvenile offenders may be transferred to community  
25 reintegration status after completing eighty percent of the minimum  
26 term of confinement, but no sooner than sixty days prior to the minimum  
27 term of confinement, provided they:

28 (a) Pass a risk assessment process conducted by the department; and  
29 (b) Have an appropriate residence.

30 (3) Juvenile offenders may be transferred to community  
31 reintegration status after completing one hundred percent of the  
32 minimum term of confinement, provided they have an appropriate  
33 residence.

34 (4) Juvenile offenders transferred to community reintegration  
35 status, pursuant to a written community case plan, may be required to:

36 (a) Reside at a specific address and be present at the address  
37 during specified hours;

38 (b) Submit to at least thirty days on electronic monitoring;

- 1 (c) Report daily to an assigned tracker;
- 2 (d) Participate in training, education, and employment programs;
- 3 (e) Undergo available medical, psychiatric, and offense treatment
- 4 services;
- 5 (f) Report at least once a week to an assigned community case
- 6 manager;
- 7 (g) Not pose a threat to public safety and obey all laws; and
- 8 (h) Meet other requirements imposed by the community case manager
- 9 related to community reintegration.

10 (5) Community reintegration shall extend to the maximum term of

11 confinement.

12 (6) A juvenile offender's involvement on community reintegration

13 may be terminated at the department's discretion and the offender may

14 be returned to a secure facility.

15 (7) All juveniles placed on community reintegration status are

16 subject to the requirements set forth in RCW 9A.44.130 and 13.40.215.

17 (8) Prior to the transfer to community reintegration status, the

18 department shall give notice of the transfer to the appropriate law

19 enforcement agency in the jurisdiction in which the juvenile will

20 reside. The notice shall include the identity of the juvenile, the

21 time period, the residence of the juvenile, and the identity of the

22 person responsible for supervising the juvenile in the residence.

23 (9) If requested and approved under chapter 13.06 RCW, the

24 secretary shall permit a county or group of counties to perform the

25 functions under this section.

26 (10) The department shall, with funds appropriated by the

27 legislature, beginning December 1, 1995, report annually to the

28 legislature on the effectiveness of community reintegration programs.

29 The report shall specifically address the following components:

- 30 (a) Cost-effectiveness of the program;
- 31 (b) Community acceptance of the program;
- 32 (c) Work and school progress and treatment completion;
- 33 (d) Recidivism rates; and
- 34 (e) Disproportionate treatment of minority offenders.

35 **Sec. 426.** RCW 13.40.040 and 1979 c 155 s 57 are each amended to

36 read as follows:

- 37 (1) A juvenile may be taken into custody:

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

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

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

11 (d) Without a court order, where the secretary or the secretary's  
12 designee has suspended the parole ((of a)) or terminated the juvenile  
13 ((offender)) offender's involvement in community reintegration.

14 (2) A juvenile may not be held in detention unless there is  
15 probable cause to believe that:

16 (a) The juvenile has committed an offense or has violated the terms  
17 of a disposition order; and

18 (i) The juvenile will likely fail to appear for further  
19 proceedings; or

20 (ii) Detention is required to protect the juvenile from himself or  
21 herself; or

22 (iii) The juvenile is a threat to community safety; or

23 (iv) The juvenile will intimidate witnesses or otherwise unlawfully  
24 interfere with the administration of justice; or

25 (v) The juvenile has committed a crime while another case was  
26 pending; or

27 (b) The juvenile is a fugitive from justice; or

28 (c) The juvenile's parole has been suspended or modified; or

29 (d) The juvenile is a material witness.

30 (3) Upon a finding that members of the community have threatened  
31 the health of a juvenile taken into custody, at the juvenile's request  
32 the court may order continued detention pending further order of the  
33 court.

34 (4) A juvenile detained under this section may be released upon  
35 posting bond set by the court. A court authorizing such a release  
36 shall issue an order containing a statement of conditions imposed upon  
37 the juvenile and shall set the date of his or her next court  
38 appearance. The court shall advise the juvenile of any conditions  
39 specified in the order and may at any time amend such an order in order



1 to impose additional or different conditions of release upon the  
 2 juvenile or to return the juvenile to custody for failing to conform to  
 3 the conditions imposed. Failure to appear on the date scheduled by the  
 4 court pursuant to this section shall constitute the crime of bail  
 5 jumping.

6 **Sec. 427.** RCW 13.40.0357 and 1989 c 407 s 7 are each amended to  
 7 read as follows:

8 SCHEDULE A

9 DESCRIPTION AND OFFENSE CATEGORY

10			JUVENILE
11	JUVENILE		DISPOSITION
12	DISPOSITION		CATEGORY FOR ATTEMPT,
13	OFFENSE		BAILJUMP, CONSPIRACY,
14	CATEGORY	DESCRIPTION (RCW CITATION)	OR SOLICITATION
15	.....		
16		Arson and Malicious Mischief	
17	A	Arson 1 (9A.48.020)	B+
18	B	Arson 2 (9A.48.030)	C
19	C	Reckless Burning 1 (9A.48.040)	D
20	D	Reckless Burning 2 (9A.48.050)	E
21	B	Malicious Mischief 1 (9A.48.070)	C
22	C	Malicious Mischief 2 (9A.48.080)	D
23	D	Malicious Mischief 3 (<\$50 is	
24		E class) (9A.48.090)	E
25	E	Tampering with Fire Alarm	
26		Apparatus (9.40.100)	E
27	A	Possession of Incendiary Device	
28		(9.40.120)	B+
29		Assault and Other Crimes	
30		Involving Physical Harm	
31	A	Assault 1 (9A.36.011)	B+
32	B+	Assault 2 (9A.36.021)	C+
33	C+	Assault 3 (9A.36.031)	D+
34	D+	Assault 4 (9A.36.041)	E

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

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

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

1	C	Incest 2 (9A.64.020(2))	D
2	D+	(( <del>Public Indecency</del> )) <u>Indecent Exposure</u>	
3		(Victim <14) (9A.88.010)	E
4	E	(( <del>Public Indecency</del> )) <u>Indecent Exposure</u>	
5		(Victim 14 or over) (9A.88.010)	E
6	B+	Promoting Prostitution 1	
7		(9A.88.070)	C+
8	C+	Promoting Prostitution 2	
9		(9A.88.080)	D+
10	E	O & A (Prostitution) (9A.88.030)	E
11	B+	Indecent Liberties (9A.44.100)	C+
12	B+	Child Molestation 1 (9A.44.083)	C+
13	C+	Child Molestation 2 (9A.44.086)	C
14		<u>Theft, Robbery, Extortion, and Forgery</u>	
15	B	Theft 1 (9A.56.030)	C
16	C	Theft 2 (9A.56.040)	D
17	D	Theft 3 (9A.56.050)	E
18	B	Theft of Livestock (9A.56.080)	C
19	C	Forgery (( <del>9A.56.020</del> )) <u>(9A.60.020)</u>	D
20	A	Robbery 1 (9A.56.200)	B+
21	B+	Robbery 2 (9A.56.210)	C+
22	B+	Extortion 1 (9A.56.120)	C+
23	C+	Extortion 2 (9A.56.130)	D+
24	B	Possession of Stolen Property 1	
25		(9A.56.150)	C
26	C	Possession of Stolen Property 2	
27		(9A.56.160)	D
28	D	Possession of Stolen Property 3	
29		(9A.56.170)	E
30	C	Taking Motor Vehicle Without	
31		Owner's Permission (9A.56.070)	D
32		<u>Motor Vehicle Related Crimes</u>	
33	E	Driving Without a License	
34		(46.20.021)	E
35	C	Hit and Run - Injury	
36		(46.52.020(4))	D

1	D	Hit and Run-Attended	
2		(46.52.020(5))	E
3	E	Hit and Run-Unattended	
4		(46.52.010)	E
5	C	Vehicular Assault (46.61.522)	D
6	C	Attempting to Elude Pursuing	
7		Police Vehicle (46.61.024)	D
8	E	Reckless Driving (46.61.500)	E
9	D	Driving While Under the Influence	
10		(46.61.515)	E
11	<del>((B+</del>	<del>Negligent Homicide by Motor</del>	
12		<del>Vehicle (46.61.520)</del>	<del>C+))</del>
13	D	Vehicle Prowling (9A.52.100)	E
14	C	Taking Motor Vehicle Without	
15		Owner's Permission (9A.56.070)	D
16		Other	
17	B	Bomb Threat (9.61.160)	C
18	C	Escape 1 (9A.76.110)	C
19	C	Escape 2 (9A.76.120)	C
20	D	Escape 3 (9A.76.130)	E
21	C	Failure to Appear in Court	
22		(10.19.130)	D
23	<del>((E</del>	<del>Tampering with Fire Alarm</del>	
24		<del>Apparatus (9.40.100)</del>	<del>E))</del>
25	E	Obscene, Harassing, Etc.,	
26		Phone Calls (9.61.230)	E
27	A	Other Offense Equivalent to an	
28		Adult Class A Felony	B+
29	B	Other Offense Equivalent to an	
30		Adult Class B Felony	C
31	C	Other Offense Equivalent to an	
32		Adult Class C Felony	D
33	D	Other Offense Equivalent to an	
34		Adult Gross Misdemeanor	E
35	E	Other Offense Equivalent to an	
36		Adult Misdemeanor	E

1 V Violation of Order of Restitution,  
 2 Community Supervision, or  
 3 Confinement (13.40.200) V

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

6 1st escape or attempted escape during 12-month period - 4 weeks  
 7 confinement

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

10 3rd and subsequent escape or attempted escape during 12-month  
 11 period - 12 weeks confinement

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

14 SCHEDULE B  
 15 PRIOR OFFENSE INCREASE FACTOR

16 For use with all CURRENT OFFENSES occurring on or after July 1,  
 17 1989.

18 TIME SPAN

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

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

5 SCHEDULE C  
 6 CURRENT OFFENSE POINTS

7 For use with all CURRENT OFFENSES occurring on or after July 1,  
 8 1989.

9 AGE

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

23 JUVENILE SENTENCING STANDARDS  
 24 SCHEDULE D-1

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



1 MINOR/FIRST OFFENDER

2 OPTION A  
3 STANDARD RANGE

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

17 OR

18 OPTION B  
19 STATUTORY OPTION

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

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

25 OR

26 OPTION C  
27 MANIFEST INJUSTICE

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

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

5 JUVENILE SENTENCING STANDARDS  
 6 SCHEDULE D-2

7 This schedule may only be used for middle offenders. After the  
 8 determination is made that a youth is a middle offender, the court has  
 9 the discretion to select sentencing option A, B, or C. If the court  
 10 finds that the juvenile was armed with a firearm, as defined in RCW  
 11 9.41.010, in the commission of the offense, the court shall add the  
 12 following sentencing enhancement: (i) 26 weeks for class A felonies;  
 13 (ii) 16 weeks for class B felonies; and (iii) 12 weeks for class C  
 14 felonies. If the court finds that the juvenile violated RCW  
 15 9.41.240(2), the juvenile shall serve a minimum of ten days of  
 16 confinement.

17 MIDDLE OFFENDER

18 OPTION A  
 19 STANDARD RANGE

20	Community				Confinement
21	Community	Service			
22	Points	Supervision	Hours	Fine	Days Weeks
23	.....	.....	.....	.....	.....
24	1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
25	10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
26	20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
27	30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
28	40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
29	50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
30	60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
31	70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
32	80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
33	90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30

1	110-129	8-12
2	130-149	13-16
3	150-199	21-28
4	200-249	30-40
5	250-299	52-65
6	300-374	80-100
7	375+	103-129

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

11 OR

12

13 OPTION B

14 STATUTORY OPTION

15 0-12 Months Community Supervision

16 0-150 Hours Community Service

17 0-100 Fine

18 The court may impose a determinate disposition of community supervision  
19 and/or up to 30 days confinement; in which case, if confinement has  
20 been imposed, the court shall state either aggravating or mitigating  
21 factors as set forth in RCW 13.40.150(~~(, as now or hereafter amended)~~).

22 OR

23

24 OPTION C

25 MANIFEST INJUSTICE

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

JUVENILE SENTENCING STANDARDS

SCHEDULE D-3

1 This schedule may only be used for serious offenders. After the  
2 determination is made that a youth is a serious offender, the court has  
3 the discretion to select sentencing option A or B. If the court finds  
4 that the juvenile was armed with a firearm, as defined in RCW 9.41.010,  
5 in the commission of the offense, the court shall add the following  
6 sentencing enhancement: (i) 26 weeks for class A felonies; (ii) 16  
7 weeks for class B felonies; and (iii) 12 weeks for class C felonies.  
8 If the court finds that the juvenile violated RCW 9.41.240(2), the  
9 juvenile shall serve a minimum of ten days of confinement.  
10  
11

12 SERIOUS OFFENDER

13 OPTION A

14 STANDARD RANGE

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

25 OR

26  
27 OPTION B

28 MANIFEST INJUSTICE

29 A disposition outside the standard range shall be determined and shall  
30 be comprised of confinement or community supervision or a combination  
31 thereof. When a judge finds a manifest injustice and imposes a  
32 sentence of confinement exceeding 30 days, the court shall sentence the  
33 juvenile to a maximum term, and the provisions of RCW (~~13.40.030(5)~~,

1 ~~as now or hereafter amended,~~) 13.40.030(2) shall be used to determine  
2 the range.

3 **Sec. 428.** RCW 13.40.210 and 1990 c 3 s 304 are each amended to  
4 read as follows:

5 (1) The secretary shall, except in the case of a juvenile committed  
6 by a court to a term of confinement in a state institution outside the  
7 appropriate standard range for the offense(s) for which the juvenile  
8 was found to be guilty established pursuant to RCW 13.40.030, as now or  
9 hereafter amended, set a release or discharge date for each juvenile  
10 committed to its custody which shall be within the prescribed range to  
11 which a juvenile has been committed. Such dates shall be determined  
12 prior to the expiration of sixty percent of a juvenile's minimum term  
13 of confinement included within the prescribed range to which the  
14 juvenile has been committed. The secretary shall release any juvenile  
15 committed to the custody of the department within four calendar days  
16 prior to the juvenile's release date or on the release date set under  
17 this chapter: PROVIDED, That days spent in the custody of the  
18 department shall be tolled by any period of time during which a  
19 juvenile has absented himself or herself from the department's  
20 supervision without the prior approval of the secretary or the  
21 secretary's designee.

22 (2) The secretary shall monitor the average daily population of the  
23 state's juvenile residential facilities. When the secretary concludes  
24 that in-residence population of residential facilities exceeds one  
25 hundred five percent of the rated bed capacity specified in statute, or  
26 in absence of such specification, as specified by the department in  
27 rule, the secretary may recommend reductions to the governor. On  
28 certification by the governor that the recommended reductions are  
29 necessary, the secretary has authority to administratively release a  
30 sufficient number of offenders to reduce in-residence population to one  
31 hundred percent of rated bed capacity. The secretary shall release  
32 those offenders who have served the greatest proportion of their  
33 sentence. However, the secretary may deny release in a particular case  
34 at the request of an offender, or if the secretary finds that there is  
35 no responsible custodian, as determined by the department, to whom to  
36 release the offender, or if the release of the offender would pose a  
37 clear danger to society. The department shall notify the committing  
38 court of the release at the end of each calendar year if any such early

1 releases have occurred during that year as a result of excessive in-  
2 residence population. In no event shall a serious offender, as defined  
3 in RCW 13.40.020(1) be granted release under the provisions of this  
4 subsection.

5 (3) Following the juvenile's release pursuant to subsection (1) of  
6 this section, the secretary may require the juvenile to comply with a  
7 program of parole to be administered by the department in his or her  
8 community which shall last no longer than eighteen months, except that  
9 in the case of a juvenile sentenced for rape in the first or second  
10 degree, rape of a child in the first or second degree, child  
11 molestation in the first degree, or indecent liberties with forcible  
12 compulsion, the period of parole shall be twenty-four months. A parole  
13 program is mandatory for offenders released under subsection (2) of  
14 this section. The secretary shall, for the period of parole,  
15 facilitate the juvenile's reintegration into his or her community and  
16 to further this goal may require the juvenile to: (a) Undergo  
17 available medical or psychiatric treatment; (b) report as directed to  
18 a parole officer; (c) pursue a course of study or vocational training;  
19 (d) remain within prescribed geographical boundaries and notify the  
20 department of any change in his or her address; ~~((and))~~ (e) refrain  
21 from committing new offenses; (f) be present at a specific residence or  
22 location during certain designated hours; and (g) be subject to  
23 electronic monitoring. After termination of the parole period, the  
24 juvenile shall be discharged from the department's supervision.

25 (4) The department may also modify parole for violation thereof.  
26 If, after affording a juvenile all of the due process rights to which  
27 he or she would be entitled if the juvenile were an adult, the  
28 secretary finds that a juvenile has violated a condition of his or her  
29 parole, the secretary shall order one of the following which is  
30 reasonably likely to effectuate the purpose of the parole and to  
31 protect the public: (a) Continued supervision under the same  
32 conditions previously imposed; (b) intensified supervision with  
33 increased reporting requirements; (c) additional conditions of  
34 supervision authorized by this chapter; (d) except as provided in (e)  
35 of this subsection, imposition of a period of confinement not to exceed  
36 thirty days in a facility operated by or pursuant to a contract with  
37 the state of Washington or any city or county for a portion of each day  
38 or for a certain number of days each week with the balance of the days  
39 or weeks spent under supervision; and (e) the secretary may order any

1 of the conditions or may return the offender to confinement in an  
2 institution for the remainder of the sentence range if the offense for  
3 which the offender was sentenced is rape in the first or second degree,  
4 rape of a child in the first or second degree, child molestation in the  
5 first degree, indecent liberties with forcible compulsion, or a sex  
6 offense that is also a serious violent offense as defined by RCW  
7 9.94A.030.

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

12 (6) If so requested and approved under chapter 13.06 RCW, the  
13 secretary shall permit a county or group of counties to perform  
14 functions under subsections (3) through (5) of this section.

15 NEW SECTION. **Sec. 429.** The definitions set forth in this section  
16 apply throughout this chapter.

17 (1) "Child" means a person under eighteen years of age.

18 (2) "Firearm" means a weapon or device from which a projectile may  
19 be fired by an explosive such as gunpowder.

20 (3) "Law enforcement officer" means an officer, agent, or employee  
21 of Washington state or a political subdivision of the state, who is  
22 authorized by law to engage in or supervise the prevention, detection,  
23 investigation, or prosecution of a violation of law.

24 (4) "Locking device" means a padlock, keylock, combination lock, or  
25 similar locking device that, when the device is locked on, around, or  
26 in the firearm, prevents the firearm from functioning.

27 NEW SECTION. **Sec. 430.** (1) A person suffering bodily injury or  
28 death as a result of the discharge of a firearm may bring an action in  
29 any court against any permissible defendant for damages and such other  
30 relief as the court deems appropriate.

31 (2) For the purposes of this chapter an individual owner of a  
32 firearm that was stored loaded where a child obtained access that  
33 resulted in bodily injury or death is a permissible defendant.

34 NEW SECTION. **Sec. 431.** (1) Each defendant in an action brought  
35 under section 430 of this act may be held strictly liable in tort,  
36 without regard to fault or proof of defect, for all direct and

1 consequential damages that arise from bodily injury or death  
2 proximately resulting from the discharge of the firearm with respect to  
3 which the defendant is a permissible defendant, except as provided in  
4 subsection (2) of this section.

5 (2) Subsection (1) of this section does not apply whenever any of  
6 the following occurs:

7 (a) The child obtains the firearm as a result of an illegal act by  
8 any person;

9 (b) The firearm is kept in a locked container or in a location that  
10 a reasonable person would believe to be secure;

11 (c) The firearm is carried on the person or within such a close  
12 proximity thereto so that the individual can readily retrieve and use  
13 the firearm as if carried on the person;

14 (d) The firearm is equipped with a locking device;

15 (e) The defendant is a law enforcement officer or a member of the  
16 armed forces or national guard and the child obtains the firearm  
17 during, or incidental to, the performance of the person's duties;

18 (f) The child obtained, or obtained and discharged, the firearm in  
19 a lawful act of self-defense or defense of another person or persons;

20 (g) The defendant who kept a loaded firearm on a premise that was  
21 under his or her custody or control had no reasonable expectation,  
22 based on objective facts and circumstances, that a child was likely to  
23 be present on the premise.

24 (3) There is no liability under subsection (1) of this section if  
25 it is established by a preponderance of the evidence that:

26 (a) The plaintiff suffered the injury while committing a crime  
27 punishable by imprisonment for a term exceeding one year;

28 (b) The plaintiff's injury was self-inflicted;

29 (c) The injury was suffered as a result of the discharge, by a law  
30 enforcement officer in the performance of official duties, of a firearm  
31 issued by Washington state or a department or agency or political  
32 subdivision of the state;

33 (d) The injury was suffered as a result of the discharge, by a  
34 member of the armed forces of the United States in the performance of  
35 military duties, of a firearm issued by the United States or a  
36 department or agency of the United States.

37 (4) In an action brought under this section, the court may allow  
38 the prevailing party a reasonable attorney's fee as part of the costs.





1        NEW SECTION.    **Sec. 501.**    This act may be known and cited as the  
2 youth violence prevention and community safety act.

3        NEW SECTION.    **Sec. 502.**    Part headings and the table of contents as  
4 used in this act do not constitute any part of the law.

5        NEW SECTION.    **Sec. 503.**    If any provision of this act or its  
6 application to any person or circumstance is held invalid, the  
7 remainder of the act or the application of the provision to other  
8 persons or circumstances is not affected.

9        NEW SECTION.    **Sec. 504.**    This act is necessary for the immediate  
10 preservation of the public peace, health, or safety, or support of the  
11 state government and its existing public institutions, and shall take  
12 effect immediately, except for section 301 of this act, which shall  
13 take effect July 1, 1994.

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