
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0008.2/03 2nd draft
ATTY/TYPIST: KT:ads
BRIEF DESCRIPTION: Reorganizing criminal provisions in Title 9A RCW.

1 AN ACT Relating to reorganizing criminal statutes; amending RCW
2 9A.20.021, 9A.36.021, 9A.40.030, 9A.40.070, 9A.44.100, 9A.44.130,
3 9A.46.020, 9A.48.090, 9A.56.070, 9A.56.080, 9A.56.085, 9A.56.096,
4 9A.60.040, 9A.64.020, 9A.64.030, 9A.76.023, 9A.76.070, 9A.76.080,
5 9A.82.050, 9A.82.060, 9A.82.080, 9A.82.160, 9A.84.010, 9A.88.010, and
6 4.24.320; reenacting and amending RCW 9A.46.110, 9A.82.010, 9.94A.515,
7 9.94A.515, and 13.40.0357; adding new sections to chapter 9A.56 RCW;
8 adding a new section to chapter 9A.60 RCW; adding a new section to
9 chapter 9A.82 RCW; prescribing penalties; providing an effective date;
10 and providing an expiration date.

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

12 **Sec. 1.** RCW 9A.20.021 and 1982 c 192 s 10 are each amended to read
13 as follows:

14 (1) Felony. Unless a different maximum sentence for a classified
15 felony is specifically established by statute, no person convicted of
16 a classified felony shall be punished by confinement or fine exceeding
17 the following:

1 (a) For a class A felony, by confinement in a state correctional
2 institution for a term of life imprisonment, or by a fine in an amount
3 fixed by the court of fifty thousand dollars, or by both such
4 confinement and fine;

5 (b) For a class B felony, by confinement in a state correctional
6 institution for a term of ten years, or by a fine in an amount fixed by
7 the court of twenty thousand dollars, or by both such confinement and
8 fine;

9 (c) For a class C felony, by confinement in a state correctional
10 institution for five years, or by a fine in an amount fixed by the
11 court of ten thousand dollars, or by both such confinement and fine.

12 (2) Gross misdemeanor. Every person convicted of a gross
13 misdemeanor defined in Title 9A RCW shall be punished by imprisonment
14 in the county jail for a maximum term fixed by the court of not more
15 than one year, or by a fine in an amount fixed by the court of not more
16 than five thousand dollars, or by both such imprisonment and fine.

17 (3) Misdemeanor. Every person convicted of a misdemeanor defined
18 in Title 9A RCW shall be punished by imprisonment in the county jail
19 for a maximum term fixed by the court of not more than ninety days, or
20 by a fine in an amount fixed by the court of not more than one thousand
21 dollars, or by both such imprisonment and fine.

22 (4) This section applies to only those crimes committed on or after
23 July 1, 1984.

24 **Sec. 2.** RCW 9A.36.021 and 2001 2nd sp.s. c 12 s 355 are each
25 amended to read as follows:

26 (1) A person is guilty of assault in the second degree if he or
27 she, under circumstances not amounting to assault in the first degree:

28 (a) Intentionally assaults another and thereby recklessly inflicts
29 substantial bodily harm; or

30 (b) Intentionally and unlawfully causes substantial bodily harm to
31 an unborn quick child by intentionally and unlawfully inflicting any
32 injury upon the mother of such child; or

33 (c) Assaults another with a deadly weapon; or

34 (d) With intent to inflict bodily harm, administers to or causes to
35 be taken by another, poison or any other destructive or noxious
36 substance; or

37 (e) With intent to commit a felony, assaults another; or

1 (f) Knowingly inflicts bodily harm which by design causes such pain
2 or agony as to be the equivalent of that produced by torture.

3 (2) (a) Except as provided in (b) of this subsection, assault in the
4 second degree is a class B felony(~~(, except that)~~).

5 (b) Assault in the second degree with a finding of sexual
6 motivation under RCW 9.94A.835 or 13.40.135 is a class A felony.

7 **Sec. 3.** RCW 9A.40.030 and 2001 2nd sp.s. c 12 s 356 are each
8 amended to read as follows:

9 (1) A person is guilty of kidnapping in the second degree if he or
10 she intentionally abducts another person under circumstances not
11 amounting to kidnapping in the first degree.

12 (2) In any prosecution for kidnapping in the second degree, it is
13 a defense if established by the defendant by a preponderance of the
14 evidence that (a) the abduction does not include the use of or intent
15 to use or threat to use deadly force, and (b) the actor is a relative
16 of the person abducted, and (c) the actor's sole intent is to assume
17 custody of that person. Nothing contained in this paragraph shall
18 constitute a defense to a prosecution for, or preclude a conviction of,
19 any other crime.

20 (3) (a) Except as provided in (b) of this subsection, kidnapping in
21 the second degree is a class B felony(~~(, except that)~~).

22 (b) Kidnapping in the second degree with a finding of sexual
23 motivation under RCW 9.94A.835 or 13.40.135 is a class A felony.

24 **Sec. 4.** RCW 9A.40.070 and 1989 c 318 s 2 are each amended to read
25 as follows:

26 (1) A relative of a person is guilty of custodial interference in
27 the second degree if, with the intent to deny access to such person by
28 a parent, guardian, institution, agency, or other person having a
29 lawful right to physical custody of such person, the relative takes,
30 entices, retains, detains, or conceals the person from a parent,
31 guardian, institution, agency, or other person having a lawful right to
32 physical custody of such person. This subsection shall not apply to a
33 parent's noncompliance with a court-ordered parenting plan.

34 (2) A parent of a child is guilty of custodial interference in the
35 second degree if: (a) The parent takes, entices, retains, detains, or
36 conceals the child, with the intent to deny access, from the other

1 parent having the lawful right to time with the child pursuant to a
2 court-ordered parenting plan; or (b) the parent has not complied with
3 the residential provisions of a court-ordered parenting plan after a
4 finding of contempt under RCW 26.09.160(3); or (c) if the court finds
5 that the parent has engaged in a pattern of willful violations of the
6 court-ordered residential provisions.

7 (3) Nothing in subsection (2)(b) of this (~~subsection~~) section
8 prohibits conviction of custodial interference in the second degree
9 under subsection (2)(a) or (c) of this (~~subsection~~) section in
10 absence of findings of contempt.

11 (4) (a) The first conviction of custodial interference in the second
12 degree is a gross misdemeanor.

13 (b) The second or subsequent conviction of custodial interference
14 in the second degree is a class C felony.

15 **Sec. 5.** RCW 9A.44.100 and 2001 2nd sp.s. c 12 s 359 are each
16 amended to read as follows:

17 (1) A person is guilty of indecent liberties when he or she
18 knowingly causes another person who is not his or her spouse to have
19 sexual contact with him or her or another:

20 (a) By forcible compulsion;

21 (b) When the other person is incapable of consent by reason of
22 being mentally defective, mentally incapacitated, or physically
23 helpless;

24 (c) When the victim is developmentally disabled and the perpetrator
25 is a person who is not married to the victim and who has supervisory
26 authority over the victim;

27 (d) When the perpetrator is a health care provider, the victim is
28 a client or patient, and the sexual contact occurs during a treatment
29 session, consultation, interview, or examination. It is an affirmative
30 defense that the defendant must prove by a preponderance of the
31 evidence that the client or patient consented to the sexual contact
32 with the knowledge that the sexual contact was not for the purpose of
33 treatment;

34 (e) When the victim is a resident of a facility for mentally
35 disordered or chemically dependent persons and the perpetrator is a
36 person who is not married to the victim and has supervisory authority
37 over the victim; or

1 (f) When the victim is a frail elder or vulnerable adult and the
2 perpetrator is a person who is not married to the victim and who has a
3 significant relationship with the victim.

4 (2) (a) Except as provided in (b) of this subsection, indecent
5 liberties is a class B felony(~~(, except that)~~).

6 (b) Indecent liberties by forcible compulsion is a class A felony.

7 **Sec. 6.** RCW 9A.44.130 and 2002 c 31 s 1 are each amended to read
8 as follows:

9 (1) Any adult or juvenile residing whether or not the person has a
10 fixed residence, or who is a student, is employed, or carries on a
11 vocation in this state who has been found to have committed or has been
12 convicted of any sex offense or kidnapping offense, or who has been
13 found not guilty by reason of insanity under chapter 10.77 RCW of
14 committing any sex offense or kidnapping offense, shall register with
15 the county sheriff for the county of the person's residence, or if the
16 person is not a resident of Washington, the county of the person's
17 school, or place of employment or vocation, or as otherwise specified
18 in this section. Where a person required to register under this
19 section is in custody of the state department of corrections, the state
20 department of social and health services, a local division of youth
21 services, or a local jail or juvenile detention facility as a result of
22 a sex offense or kidnapping offense, the person shall also register at
23 the time of release from custody with an official designated by the
24 agency that has jurisdiction over the person. In addition, any such
25 adult or juvenile who is admitted to a public or private institution of
26 higher education shall, within ten days of enrolling or by the first
27 business day after arriving at the institution, whichever is earlier,
28 notify the sheriff for the county of the person's residence of the
29 person's intent to attend the institution. Persons required to
30 register under this section who are enrolled in a public or private
31 institution of higher education on June 11, 1998, must notify the
32 county sheriff immediately. The sheriff shall notify the institution's
33 department of public safety and shall provide that department with the
34 same information provided to a county sheriff under subsection (3) of
35 this section.

36 (2) This section may not be construed to confer any powers pursuant

1 to RCW 4.24.500 upon the public safety department of any public or
2 private institution of higher education.

3 (3) (a) The person shall provide the following information when
4 registering: (i) Name; (ii) address; (iii) date and place of birth;
5 (iv) place of employment; (v) crime for which convicted; (vi) date and
6 place of conviction; (vii) aliases used; (viii) social security number;
7 (ix) photograph; and (x) fingerprints.

8 (b) Any person who lacks a fixed residence shall provide the
9 following information when registering: (i) Name; (ii) date and place
10 of birth; (iii) place of employment; (iv) crime for which convicted;
11 (v) date and place of conviction; (vi) aliases used; (vii) social
12 security number; (viii) photograph; (ix) fingerprints; and (x) where he
13 or she plans to stay.

14 (4) (a) Offenders shall register with the county sheriff within the
15 following deadlines. For purposes of this section the term
16 "conviction" refers to adult convictions and juvenile adjudications for
17 sex offenses or kidnapping offenses:

18 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
19 offense on, before, or after February 28, 1990, and who, on or after
20 July 28, 1991, are in custody, as a result of that offense, of the
21 state department of corrections, the state department of social and
22 health services, a local division of youth services, or a local jail or
23 juvenile detention facility, and (B) kidnapping offenders who on or
24 after July 27, 1997, are in custody of the state department of
25 corrections, the state department of social and health services, a
26 local division of youth services, or a local jail or juvenile detention
27 facility, must register at the time of release from custody with an
28 official designated by the agency that has jurisdiction over the
29 offender. The agency shall within three days forward the registration
30 information to the county sheriff for the county of the offender's
31 anticipated residence. The offender must also register within twenty-
32 four hours from the time of release with the county sheriff for the
33 county of the person's residence, or if the person is not a resident of
34 Washington, the county of the person's school, or place of employment
35 or vocation. The agency that has jurisdiction over the offender shall
36 provide notice to the offender of the duty to register. Failure to
37 register at the time of release and within twenty-four hours of release

1 constitutes a violation of this section and is punishable as provided
2 in subsection (10) of this section.

3 When the agency with jurisdiction intends to release an offender
4 with a duty to register under this section, and the agency has
5 knowledge that the offender is eligible for developmental disability
6 services from the department of social and health services, the agency
7 shall notify the division of developmental disabilities of the release.
8 Notice shall occur not more than thirty days before the offender is to
9 be released. The agency and the division shall assist the offender in
10 meeting the initial registration requirement under this section.
11 Failure to provide such assistance shall not constitute a defense for
12 any violation of this section.

13 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
14 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
15 but are under the jurisdiction of the indeterminate sentence review
16 board or under the department of correction's active supervision, as
17 defined by the department of corrections, the state department of
18 social and health services, or a local division of youth services, for
19 sex offenses committed before, on, or after February 28, 1990, must
20 register within ten days of July 28, 1991. Kidnapping offenders who,
21 on July 27, 1997, are not in custody but are under the jurisdiction of
22 the indeterminate sentence review board or under the department of
23 correction's active supervision, as defined by the department of
24 corrections, the state department of social and health services, or a
25 local division of youth services, for kidnapping offenses committed
26 before, on, or after July 27, 1997, must register within ten days of
27 July 27, 1997. A change in supervision status of a sex offender who
28 was required to register under this subsection (4)(a)(ii) as of July
29 28, 1991, or a kidnapping offender required to register as of July 27,
30 1997, shall not relieve the offender of the duty to register or to
31 reregister following a change in residence. The obligation to register
32 shall only cease pursuant to RCW 9A.44.140.

33 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
34 or after July 23, 1995, and kidnapping offenders who, on or after July
35 27, 1997, as a result of that offense are in the custody of the United
36 States bureau of prisons or other federal or military correctional
37 agency for sex offenses committed before, on, or after February 28,
38 1990, or kidnapping offenses committed on, before, or after July 27,

1 1997, must register within twenty-four hours from the time of release
2 with the county sheriff for the county of the person's residence, or if
3 the person is not a resident of Washington, the county of the person's
4 school, or place of employment or vocation. Sex offenders who, on July
5 23, 1995, are not in custody but are under the jurisdiction of the
6 United States bureau of prisons, United States courts, United States
7 parole commission, or military parole board for sex offenses committed
8 before, on, or after February 28, 1990, must register within ten days
9 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not
10 in custody but are under the jurisdiction of the United States bureau
11 of prisons, United States courts, United States parole commission, or
12 military parole board for kidnapping offenses committed before, on, or
13 after July 27, 1997, must register within ten days of July 27, 1997.
14 A change in supervision status of a sex offender who was required to
15 register under this subsection (4) (a) (iii) as of July 23, 1995, or a
16 kidnapping offender required to register as of July 27, 1997 shall not
17 relieve the offender of the duty to register or to reregister following
18 a change in residence, or if the person is not a resident of
19 Washington, the county of the person's school, or place of employment
20 or vocation. The obligation to register shall only cease pursuant to
21 RCW 9A.44.140.

22 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
23 who are convicted of a sex offense on or after July 28, 1991, for a sex
24 offense that was committed on or after February 28, 1990, and
25 kidnapping offenders who are convicted on or after July 27, 1997, for
26 a kidnapping offense that was committed on or after July 27, 1997, but
27 who are not sentenced to serve a term of confinement immediately upon
28 sentencing, shall report to the county sheriff to register immediately
29 upon completion of being sentenced.

30 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
31 RESIDENTS. Sex offenders and kidnapping offenders who move to
32 Washington state from another state or a foreign country that are not
33 under the jurisdiction of the state department of corrections, the
34 indeterminate sentence review board, or the state department of social
35 and health services at the time of moving to Washington, must register
36 within thirty days of establishing residence or reestablishing
37 residence if the person is a former Washington resident. The duty to
38 register under this subsection applies to sex offenders convicted under

1 the laws of another state or a foreign country, federal or military
2 statutes, or Washington state for offenses committed on or after
3 February 28, 1990, and to kidnapping offenders convicted under the laws
4 of another state or a foreign country, federal or military statutes, or
5 Washington state for offenses committed on or after July 27, 1997. Sex
6 offenders and kidnapping offenders from other states or a foreign
7 country who, when they move to Washington, are under the jurisdiction
8 of the department of corrections, the indeterminate sentence review
9 board, or the department of social and health services must register
10 within twenty-four hours of moving to Washington. The agency that has
11 jurisdiction over the offender shall notify the offender of the
12 registration requirements before the offender moves to Washington.

13 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
14 or juvenile who has been found not guilty by reason of insanity under
15 chapter 10.77 RCW of (A) committing a sex offense on, before, or after
16 February 28, 1990, and who, on or after July 23, 1995, is in custody,
17 as a result of that finding, of the state department of social and
18 health services, or (B) committing a kidnapping offense on, before, or
19 after July 27, 1997, and who on or after July 27, 1997, is in custody,
20 as a result of that finding, of the state department of social and
21 health services, must register within twenty-four hours from the time
22 of release with the county sheriff for the county of the person's
23 residence. The state department of social and health services shall
24 provide notice to the adult or juvenile in its custody of the duty to
25 register. Any adult or juvenile who has been found not guilty by
26 reason of insanity of committing a sex offense on, before, or after
27 February 28, 1990, but who was released before July 23, 1995, or any
28 adult or juvenile who has been found not guilty by reason of insanity
29 of committing a kidnapping offense but who was released before July 27,
30 1997, shall be required to register within twenty-four hours of
31 receiving notice of this registration requirement. The state
32 department of social and health services shall make reasonable attempts
33 within available resources to notify sex offenders who were released
34 before July 23, 1995, and kidnapping offenders who were released before
35 July 27, 1997. Failure to register within twenty-four hours of
36 release, or of receiving notice, constitutes a violation of this
37 section and is punishable as provided in subsection (10) of this
38 section.

1 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks
2 a fixed residence and leaves the county in which he or she is
3 registered and enters and remains within a new county for twenty-four
4 hours is required to register with the county sheriff not more than
5 twenty-four hours after entering the county and provide the information
6 required in subsection (3) (b) of this section.

7 (viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER
8 SUPERVISION. Offenders who lack a fixed residence and who are under
9 the supervision of the department shall register in the county of their
10 supervision.

11 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND
12 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,
13 who move to another state, or who work, carry on a vocation, or attend
14 school in another state shall register a new address, fingerprints, and
15 photograph with the new state within ten days after establishing
16 residence, or after beginning to work, carry on a vocation, or attend
17 school in the new state. The person must also send written notice
18 within ten days of moving to the new state or to a foreign country to
19 the county sheriff with whom the person last registered in Washington
20 state. The county sheriff shall promptly forward this information to
21 the Washington state patrol.

22 (b) Failure to register within the time required under this section
23 constitutes a per se violation of this section and is punishable as
24 provided in subsection (10) of this section. The county sheriff shall
25 not be required to determine whether the person is living within the
26 county.

27 (c) An arrest on charges of failure to register, service of an
28 information, or a complaint for a violation of this section, or
29 arraignment on charges for a violation of this section, constitutes
30 actual notice of the duty to register. Any person charged with the
31 crime of failure to register under this section who asserts as a
32 defense the lack of notice of the duty to register shall register
33 immediately following actual notice of the duty through arrest,
34 service, or arraignment. Failure to register as required under this
35 subsection (4) (c) constitutes grounds for filing another charge of
36 failing to register. Registering following arrest, service, or
37 arraignment on charges shall not relieve the offender from criminal

1 liability for failure to register prior to the filing of the original
2 charge.

3 (d) The deadlines for the duty to register under this section do
4 not relieve any sex offender of the duty to register under this section
5 as it existed prior to July 28, 1991.

6 (5) (a) If any person required to register pursuant to this section
7 changes his or her residence address within the same county, the person
8 must send written notice of the change of address to the county sheriff
9 within seventy-two hours of moving. If any person required to register
10 pursuant to this section moves to a new county, the person must send
11 written notice of the change of address at least fourteen days before
12 moving to the county sheriff in the new county of residence and must
13 register with that county sheriff within twenty-four hours of moving.
14 The person must also send written notice within ten days of the change
15 of address in the new county to the county sheriff with whom the person
16 last registered. The county sheriff with whom the person last
17 registered shall promptly forward the information concerning the change
18 of address to the county sheriff for the county of the person's new
19 residence. Upon receipt of notice of change of address to a new state,
20 the county sheriff shall promptly forward the information regarding the
21 change of address to the agency designated by the new state as the
22 state's offender registration agency.

23 (b) It is an affirmative defense to a charge that the person failed
24 to send a notice at least fourteen days in advance of moving as
25 required under (a) of this subsection that the person did not know the
26 location of his or her new residence at least fourteen days before
27 moving. The defendant must establish the defense by a preponderance of
28 the evidence and, to prevail on the defense, must also prove by a
29 preponderance that the defendant sent the required notice within
30 twenty-four hours of determining the new address.

31 (6) (a) Any person required to register under this section who lacks
32 a fixed residence shall provide written notice to the sheriff of the
33 county where he or she last registered within forty-eight hours
34 excluding weekends and holidays after ceasing to have a fixed
35 residence. The notice shall include the information required by
36 subsection (3) (b) of this section, except the photograph and
37 fingerprints. The county sheriff may, for reasonable cause, require
38 the offender to provide a photograph and fingerprints. The sheriff

1 shall forward this information to the sheriff of the county in which
2 the person intends to reside, if the person intends to reside in
3 another county.

4 (b) A person who lacks a fixed residence must report weekly, in
5 person, to the sheriff of the county where he or she is registered.
6 The weekly report shall be on a day specified by the county sheriff's
7 office, and shall occur during normal business hours. The county
8 sheriff's office may require the person to list the locations where the
9 person has stayed during the last seven days. The lack of a fixed
10 residence is a factor that may be considered in determining an
11 offender's risk level and shall make the offender subject to disclosure
12 of information to the public at large pursuant to RCW 4.24.550.

13 (c) If any person required to register pursuant to this section
14 does not have a fixed residence, it is an affirmative defense to the
15 charge of failure to register, that he or she provided written notice
16 to the sheriff of the county where he or she last registered within
17 forty-eight hours excluding weekends and holidays after ceasing to have
18 a fixed residence and has subsequently complied with the requirements
19 of subsections (4) (a) (vii) or (viii) and (6) of this section. To
20 prevail, the person must prove the defense by a preponderance of the
21 evidence.

22 (7) A sex offender subject to registration requirements under this
23 section who applies to change his or her name under RCW 4.24.130 or any
24 other law shall submit a copy of the application to the county sheriff
25 of the county of the person's residence and to the state patrol not
26 fewer than five days before the entry of an order granting the name
27 change. No sex offender under the requirement to register under this
28 section at the time of application shall be granted an order changing
29 his or her name if the court finds that doing so will interfere with
30 legitimate law enforcement interests, except that no order shall be
31 denied when the name change is requested for religious or legitimate
32 cultural reasons or in recognition of marriage or dissolution of
33 marriage. A sex offender under the requirement to register under this
34 section who receives an order changing his or her name shall submit a
35 copy of the order to the county sheriff of the county of the person's
36 residence and to the state patrol within five days of the entry of the
37 order.

1 (8) The county sheriff shall obtain a photograph of the individual
2 and shall obtain a copy of the individual's fingerprints.

3 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
4 70.48.470, and 72.09.330:

5 (a) "Sex offense" means:

6 (i) Any offense defined as a sex offense by RCW 9.94A.030;

7 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a
8 minor in the second degree);

9 (iii) Any violation under RCW 9.68A.090 (communication with a minor
10 for immoral purposes);

11 (iv) Any federal or out-of-state conviction for an offense that
12 under the laws of this state would be classified as a sex offense under
13 this subsection; and

14 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
15 criminal attempt, criminal solicitation, or criminal conspiracy to
16 commit an offense that is classified as a sex offense under RCW
17 9.94A.030 or this subsection.

18 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in
19 the first degree, kidnapping in the second degree, and unlawful
20 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a
21 minor and the offender is not the minor's parent; (ii) any offense that
22 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,
23 or criminal conspiracy to commit an offense that is classified as a
24 kidnapping offense under this subsection (9)(b); and (iii) any federal
25 or out-of-state conviction for an offense that under the laws of this
26 state would be classified as a kidnapping offense under this subsection
27 (9)(b).

28 (c) "Employed" or "carries on a vocation" means employment that is
29 full-time or part-time for a period of time exceeding fourteen days, or
30 for an aggregate period of time exceeding thirty days during any
31 calendar year. A person is employed or carries on a vocation whether
32 the person's employment is financially compensated, volunteered, or for
33 the purpose of government or educational benefit.

34 (d) "Student" means a person who is enrolled, on a full-time or
35 part-time basis, in any public or private educational institution. An
36 educational institution includes any secondary school, trade or
37 professional institution, or institution of higher education.

1 (10) (a) A person who knowingly fails to register with the county
2 sheriff or notify the county sheriff, or who changes his or her name
3 without notifying the county sheriff and the state patrol, as required
4 by this section is guilty of a class C felony if the crime for which
5 the individual was convicted was a felony sex offense as defined in
6 subsection (9) (a) of this section or a federal or out-of-state
7 conviction for an offense that under the laws of this state would be a
8 felony sex offense as defined in subsection (9) (a) of this section.

9 (b) If the crime for which the individual was convicted was other
10 than a felony or a federal or out-of-state conviction for an offense
11 that under the laws of this state would be other than a felony,
12 violation of this section is a gross misdemeanor.

13 (11) (a) A person who knowingly fails to register or who moves
14 within the state without notifying the county sheriff as required by
15 this section is guilty of a class C felony if the crime for which the
16 individual was convicted was a felony kidnapping offense as defined in
17 subsection (9) (b) of this section or a federal or out-of-state
18 conviction for an offense that under the laws of this state would be a
19 felony kidnapping offense as defined in subsection (9) (b) of this
20 section.

21 (b) If the crime for which the individual was convicted was other
22 than a felony or a federal or out-of-state conviction for an offense
23 that under the laws of this state would be other than a felony,
24 violation of this section is a gross misdemeanor.

25 **Sec. 7.** RCW 9A.46.020 and 1999 c 27 s 2 are each amended to read
26 as follows:

27 (1) A person is guilty of harassment if:

28 (a) Without lawful authority, the person knowingly threatens:

29 (i) To cause bodily injury immediately or in the future to the
30 person threatened or to any other person; or

31 (ii) To cause physical damage to the property of a person other
32 than the actor; or

33 (iii) To subject the person threatened or any other person to
34 physical confinement or restraint; or

35 (iv) Maliciously to do any other act which is intended to
36 substantially harm the person threatened or another with respect to his
37 or her physical or mental health or safety; and

1 (b) The person by words or conduct places the person threatened in
2 reasonable fear that the threat will be carried out. "Words or
3 conduct" includes, in addition to any other form of communication or
4 conduct, the sending of an electronic communication.

5 (2) (a) Except as provided in (b) of this subsection, a person who
6 harasses another is guilty of a gross misdemeanor punishable under
7 chapter 9A.20 RCW(~~(, except that the person)~~).

8 (b) A person who harasses another is guilty of a class C felony
9 punishable under chapter 9A.20 RCW if either of the following applies:

10 (~~(a)~~) (i) The person has previously been convicted in this or any
11 other state of any crime of harassment, as defined in RCW 9A.46.060, of
12 the same victim or members of the victim's family or household or any
13 person specifically named in a no-contact or no-harassment order; or

14 (~~(b)~~) (ii) the person harasses another person under subsection
15 (1) (a) (i) of this section by threatening to kill the person threatened
16 or any other person.

17 (3) The penalties provided in this section for harassment do not
18 preclude the victim from seeking any other remedy otherwise available
19 under law.

20 **Sec. 8.** RCW 9A.46.110 and 1999 c 143 s 35 and 1999 c 27 s 3 are
21 each reenacted and amended to read as follows:

22 (1) A person commits the crime of stalking if, without lawful
23 authority and under circumstances not amounting to a felony attempt of
24 another crime:

25 (a) He or she intentionally and repeatedly harasses or repeatedly
26 follows another person; and

27 (b) The person being harassed or followed is placed in fear that
28 the stalker intends to injure the person, another person, or property
29 of the person or of another person. The feeling of fear must be one
30 that a reasonable person in the same situation would experience under
31 all the circumstances; and

32 (c) The stalker either:

33 (i) Intends to frighten, intimidate, or harass the person; or

34 (ii) Knows or reasonably should know that the person is afraid,
35 intimidated, or harassed even if the stalker did not intend to place
36 the person in fear or intimidate or harass the person.

1 (2) (a) It is not a defense to the crime of stalking under
2 subsection (1) (c) (i) of this section that the stalker was not given
3 actual notice that the person did not want the stalker to contact or
4 follow the person; and

5 (b) It is not a defense to the crime of stalking under subsection
6 (1) (c) (ii) of this section that the stalker did not intend to frighten,
7 intimidate, or harass the person.

8 (3) It shall be a defense to the crime of stalking that the
9 defendant is a licensed private investigator acting within the capacity
10 of his or her license as provided by chapter 18.165 RCW.

11 (4) Attempts to contact or follow the person after being given
12 actual notice that the person does not want to be contacted or followed
13 constitutes prima facie evidence that the stalker intends to intimidate
14 or harass the person. "Contact" includes, in addition to any other
15 form of contact or communication, the sending of an electronic
16 communication to the person.

17 (5) (a) Except as provided in (b) of this subsection, a person who
18 stalks another person is guilty of a gross misdemeanor (~~(except that~~
19 ~~the person)~~).

20 (b) A person who stalks another is guilty of a class C felony if
21 any of the following applies: (~~(a)~~) (i) The stalker has previously
22 been convicted in this state or any other state of any crime of
23 harassment, as defined in RCW 9A.46.060, of the same victim or members
24 of the victim's family or household or any person specifically named in
25 a protective order; (~~(b)~~) (ii) the stalking violates any protective
26 order protecting the person being stalked; (~~(c)~~) (iii) the stalker
27 has previously been convicted of a gross misdemeanor or felony stalking
28 offense under this section for stalking another person; (~~(d)~~) (iv)
29 the stalker was armed with a deadly weapon, as defined in RCW
30 9.94A.602, while stalking the person; (~~(e)~~) (v) the stalker's victim
31 is or was a law enforcement officer, judge, juror, attorney, victim
32 advocate, legislator, or community correction's officer, and the
33 stalker stalked the victim to retaliate against the victim for an act
34 the victim performed during the course of official duties or to
35 influence the victim's performance of official duties; or (~~(f)~~) (vi)
36 the stalker's victim is a current, former, or prospective witness in an
37 adjudicative proceeding, and the stalker stalked the victim to

1 retaliate against the victim as a result of the victim's testimony or
2 potential testimony.

3 (6) As used in this section:

4 (a) "Follows" means deliberately maintaining visual or physical
5 proximity to a specific person over a period of time. A finding that
6 the alleged stalker repeatedly and deliberately appears at the person's
7 home, school, place of employment, business, or any other location to
8 maintain visual or physical proximity to the person is sufficient to
9 find that the alleged stalker follows the person. It is not necessary
10 to establish that the alleged stalker follows the person while in
11 transit from one location to another.

12 (b) "Harasses" means unlawful harassment as defined in RCW
13 10.14.020.

14 (c) "Protective order" means any temporary or permanent court order
15 prohibiting or limiting violence against, harassment of, contact or
16 communication with, or physical proximity to another person.

17 (d) "Repeatedly" means on two or more separate occasions.

18 **Sec. 9.** RCW 9A.48.090 and 1996 c 35 s 1 are each amended to read
19 as follows:

20 (1) A person is guilty of malicious mischief in the third degree if
21 he or she:

22 (a) Knowingly and maliciously causes physical damage to the
23 property of another, under circumstances not amounting to malicious
24 mischief in the first or second degree; or

25 (b) Writes, paints, or draws any inscription, figure, or mark of
26 any type on any public or private building or other structure or any
27 real or personal property owned by any other person unless the person
28 has obtained the express permission of the owner or operator of the
29 property, under circumstances not amounting to malicious mischief in
30 the first or second degree.

31 (2) (a) Malicious mischief in the third degree under subsection
32 (1) (a) of this section is a gross misdemeanor if the damage to the
33 property is in an amount exceeding fifty dollars (~~(; otherwise, it is a~~
34 ~~misdemeanor)~~).

35 (b) Malicious mischief in the third degree under subsection (1) (a)
36 of this section is a misdemeanor if the damage to the property is fifty
37 dollars or less.

1 (c) Malicious mischief in the third degree under subsection (1)(b)
2 of this section is a gross misdemeanor.

3 **Sec. 10.** RCW 9A.56.070 and 2002 c 324 s 1 are each amended to read
4 as follows:

5 (1) ~~((a))~~ A person is guilty of taking a motor vehicle without
6 permission in the first degree if he or she, without the permission of
7 the owner or person entitled to possession, intentionally takes or
8 drives away an automobile or motor vehicle, whether propelled by steam,
9 electricity, or internal combustion engine, that is the property of
10 another, and he or she:

11 ~~((i))~~ (a) Alters the motor vehicle for the purpose of changing
12 its appearance or primary identification, including obscuring,
13 removing, or changing the manufacturer's serial number or the vehicle
14 identification number plates;

15 ~~((ii))~~ (b) Removes, or participates in the removal of, parts from
16 the motor vehicle with the intent to sell the parts;

17 ~~((iii))~~ (c) Exports, or attempts to export, the motor vehicle
18 across state lines or out of the United States for profit;

19 ~~((iv))~~ (d) Intends to sell the motor vehicle; or

20 ~~((v))~~ (e) Is engaged in a conspiracy and the central object of
21 the conspiratorial agreement is the theft of motor vehicles for sale to
22 others for profit.

23 ~~((b))~~ (2) Taking a motor vehicle without permission in the first
24 degree is a class B felony.

25 ~~((2)(a) A person is guilty of taking a motor vehicle without
26 permission in the second degree if he or she, without the permission of
27 the owner or person entitled to possession, intentionally takes or
28 drives away any automobile or motor vehicle, whether propelled by
29 steam, electricity, or internal combustion engine, that is the property
30 of another, or he or she voluntarily rides in or upon the automobile or
31 motor vehicle with knowledge of the fact that the automobile or motor
32 vehicle was unlawfully taken.~~

33 ~~—(b) Taking a motor vehicle without permission in the second degree
34 is a class C felony.)~~

35 NEW SECTION. **Sec. 11.** A new section is added to chapter 9A.56 RCW
36 to read as follows:

1 (1) A person is guilty of taking a motor vehicle without permission
2 in the second degree if he or she, without the permission of the owner
3 or person entitled to possession, intentionally takes or drives away
4 any automobile or motor vehicle, whether propelled by steam,
5 electricity, or internal combustion engine, that is the property of
6 another, or he or she voluntarily rides in or upon the automobile or
7 motor vehicle with knowledge of the fact that the automobile or motor
8 vehicle was unlawfully taken.

9 (2) Taking a motor vehicle without permission in the second degree
10 is a class C felony.

11 **Sec. 12.** RCW 9A.56.080 and 1986 c 257 s 32 are each amended to
12 read as follows:

13 (1) Every person who, with intent to sell or exchange and to
14 deprive or defraud the lawful owner thereof, willfully takes, leads, or
15 transports away, conceals, withholds, slaughters, or otherwise
16 appropriates any horse, mule, cow, heifer, bull, steer, swine, or sheep
17 is guilty of theft of livestock in the first degree.

18 ~~(2) ((A person who commits what would otherwise be theft of
19 livestock in the first degree but without intent to sell or exchange,
20 and for the person's own use only, is guilty of theft of livestock in
21 the second degree.~~

22 ~~---(3)) Theft of livestock in the first degree is a class B felony.~~

23 ~~((4) Theft of livestock in the second degree is a class C
24 felony.))~~

25 NEW SECTION. **Sec. 13.** A new section is added to chapter 9A.56 RCW
26 to read as follows:

27 (1) A person who commits what would otherwise be theft of livestock
28 in the first degree but without intent to sell or exchange, and for the
29 person's own use only, is guilty of theft of livestock in the second
30 degree.

31 (2) Theft of livestock in the second degree is a class C felony.

32 **Sec. 14.** RCW 9A.56.085 and 1989 c 131 s 1 are each amended to read
33 as follows:

34 (1) Whenever a person is convicted of a violation of RCW 9A.56.080

1 or section 13 of this act, the convicting court shall order the person
2 to pay the amount of two thousand dollars for each animal killed or
3 possessed.

4 (2) For the purpose of this section, the term "convicted" includes
5 a plea of guilty, a finding of guilt regardless of whether the
6 imposition of the sentence is deferred or any part of the penalty is
7 suspended, or the levying of a fine.

8 (3) If two or more persons are convicted of any violation of this
9 section, the amount required under this section shall be imposed upon
10 them jointly and severally.

11 (4) The fine in this section shall be imposed in addition to and
12 regardless of any penalty, including fines or costs, that is provided
13 for any violation of this section. The amount imposed by this section
14 shall be included by the court in any pronouncement of sentence and may
15 not be suspended, waived, modified, or deferred in any respect.
16 Nothing in this section may be construed to abridge or alter
17 alternative rights of action or remedies in equity or under common law
18 or statutory law, criminal or civil.

19 (5) A defaulted payment or any installment payment may be collected
20 by any means authorized by law for the enforcement of orders of the
21 court or collection of a fine or costs, including vacation of a
22 deferral of sentencing or of a suspension of sentence.

23 (6) The two thousand dollars additional penalty shall be remitted
24 by the county treasurer to the state treasurer as provided under RCW
25 10.82.070.

26 **Sec. 15.** RCW 9A.56.096 and 1997 c 346 s 1 are each amended to read
27 as follows:

28 (1) A person who, with intent to deprive the owner or owner's
29 agent, wrongfully obtains, or exerts unauthorized control over, or by
30 color or aid of deception gains control of personal property that is
31 rented or leased to the person, is guilty of theft of rental, leased,
32 or lease-purchased property.

33 (2) The finder of fact may presume intent to deprive if the finder
34 of fact finds either of the following:

35 (a) That the person who rented or leased the property failed to
36 return or make arrangements acceptable to the owner of the property or

1 the owner's agent to return the property to the owner or the owner's
2 agent within seventy-two hours after receipt of proper notice following
3 the due date of the rental, lease, or lease-purchase agreement; or

4 (b) That the renter or lessee presented identification to the owner
5 or the owner's agent that was materially false, fictitious, or not
6 current with respect to name, address, place of employment, or other
7 appropriate items.

8 (3) As used in subsection (2) of this section, "proper notice"
9 consists of a written demand by the owner or the owner's agent made
10 after the due date of the rental, lease, or lease-purchase period,
11 mailed by certified or registered mail to the renter or lessee at: (a)
12 The address the renter or lessee gave when the contract was made; or
13 (b) the renter or lessee's last known address if later furnished in
14 writing by the renter, lessee, or the agent of the renter or lessee.

15 (4) The replacement value of the property obtained must be utilized
16 in determining the amount involved in the theft of rental, leased, or
17 lease-purchased property.

18 (5)(a) Theft of rental, leased, or lease-purchased property is
19 a ~~(7)~~ class B felony if the rental, leased, or lease-purchased
20 property is valued at one thousand five hundred dollars or more ~~(7)~~.

21 (b) Theft of rental, leased, or lease-purchased property is a class
22 C felony if the rental, leased, or lease-purchased property is valued
23 at two hundred fifty dollars or more but less than one thousand five
24 hundred dollars ~~(7 and)~~.

25 (c) Theft of rental, leased, or lease-purchased property is a gross
26 misdemeanor if the rental, leased, or lease-purchased property is
27 valued at less than two hundred fifty dollars.

28 ~~(5)~~ (6) This section applies to rental agreements that provide
29 that the renter may return the property any time within the rental
30 period and pay only for the time the renter actually retained the
31 property, in addition to any minimum rental fee, to lease agreements,
32 and to lease-purchase agreements as defined under RCW 63.19.010. This
33 section does not apply to rental or leasing of real property under the
34 residential landlord-tenant act, chapter 59.18 RCW.

35 **Sec. 16.** RCW 9A.60.040 and 1993 c 457 s 1 are each amended to read
36 as follows:

1 (1) A person is guilty of criminal impersonation in the first
2 degree if the person:

3 (a) Assumes a false identity and does an act in his or her assumed
4 character with intent to defraud another or for any other unlawful
5 purpose; or

6 (b) Pretends to be a representative of some person or organization
7 or a public servant and does an act in his or her pretended capacity
8 with intent to defraud another or for any other unlawful purpose.

9 (2) Criminal impersonation in the first degree is a gross
10 misdemeanor.

11 ~~((3) A person is guilty of criminal impersonation in the second
12 degree if the person:~~

13 ~~(a) Claims to be a law enforcement officer or creates an impression
14 that he or she is a law enforcement officer; and~~

15 ~~(b) Under circumstances not amounting to criminal impersonation in
16 the first degree, does an act with intent to convey the impression that
17 he or she is acting in an official capacity and a reasonable person
18 would believe the person is a law enforcement officer.~~

19 ~~(4) Criminal impersonation in the second degree is a misdemeanor.))~~

20 NEW SECTION. **Sec. 17.** A new section is added to chapter 9A.60 RCW
21 to read as follows:

22 (1) A person is guilty of criminal impersonation in the second
23 degree if the person:

24 (a) Claims to be a law enforcement officer or creates an impression
25 that he or she is a law enforcement officer; and

26 (b) Under circumstances not amounting to criminal impersonation in
27 the first degree, does an act with intent to convey the impression that
28 he or she is acting in an official capacity and a reasonable person
29 would believe the person is a law enforcement officer.

30 (2) Criminal impersonation in the second degree is a misdemeanor.

31 **Sec. 18.** RCW 9A.64.020 and 1999 c 143 s 39 are each amended to
32 read as follows:

33 (1) (a) A person is guilty of incest in the first degree if he
34 engages in sexual intercourse with a person whom he knows to be related
35 to him, either legitimately or illegitimately, as an ancestor,
36 descendant, brother, or sister of either the whole or the half blood.

1 (b) Incest in the first degree is a class B felony.

2 (2) (a) A person is guilty of incest in the second degree if he
3 engages in sexual contact with a person whom he knows to be related to
4 him, either legitimately or illegitimately, as an ancestor, descendant,
5 brother, or sister of either the whole or the half blood.

6 (b) Incest in the second degree is a class C felony.

7 (3) As used in this section(~~(7)~~):

8 (a) "Descendant" includes stepchildren and adopted children under
9 eighteen years of age(~~(7)~~

10 ~~(4) As used in this section,)~~;

11 (b) "Sexual contact" has the same meaning as in RCW 9A.44.010(~~(7)~~

12 ~~(5) As used in this section,)~~; and

13 (c) "Sexual intercourse" has the same meaning as in RCW 9A.44.010.

14 ~~((6) Incest in the first degree is a class B felony.~~

15 ~~(7) Incest in the second degree is a class C felony.))~~

16 **Sec. 19.** RCW 9A.64.030 and 1985 c 7 s 3 are each amended to read
17 as follows:

18 (1) It is unlawful for any person to sell or purchase a minor
19 child.

20 (2) A transaction shall not be a purchase or sale under subsection
21 (1) of this section if any of the following exists:

22 (a) The transaction is between the parents of the minor child; or

23 (b) The transaction is between a person receiving or to receive the
24 child and an agency recognized under RCW 26.33.020; or

25 (c) The transaction is between the person receiving or to receive
26 the child and a state agency or other governmental agency; or

27 (d) The transaction is pursuant to chapter 26.34 RCW; or

28 (e) The transaction is pursuant to court order; or

29 (f) The only consideration paid by the person receiving or to
30 receive the child is intended to pay for the prenatal hospital or
31 medical expenses involved in the birth of the child, or attorneys' fees
32 and court costs involved in effectuating transfer of child custody.

33 (3) (a) Child selling is a class C felony (~~and~~).

34 (b) Child buying is a class C felony.

35 **Sec. 20.** RCW 9A.76.023 and 1998 c 252 s 1 are each amended to read
36 as follows:

1 (1) A person is guilty of disarming a law enforcement officer if
2 with intent to interfere with the performance of the officer's duties
3 the person knowingly removes a firearm or weapon from the person of a
4 law enforcement officer or corrections officer or deprives a law
5 enforcement officer or corrections officer of the use of a firearm or
6 weapon, when the officer is acting within the scope of the officer's
7 duties, does not consent to the removal, and the person has reasonable
8 cause to know or knows that the individual is a law enforcement or
9 corrections officer.

10 (2) (a) Except as provided in (b) of this subsection, disarming a
11 law enforcement or corrections officer is a class C felony ((unless)).

12 (b) Disarming a law enforcement or corrections officer is a class
13 B felony if the firearm involved is discharged when the person removes
14 the firearm(, in which case the offense is a class B felony)).

15 **Sec. 21.** RCW 9A.76.070 and 1982 1st ex.s. c 47 s 21 are each
16 amended to read as follows:

17 (1) A person is guilty of rendering criminal assistance in the
18 first degree if he or she renders criminal assistance to a person who
19 has committed or is being sought for murder in the first degree or any
20 class A felony or equivalent juvenile offense.

21 (2) (a) Except as provided in (b) of this subsection, rendering
22 criminal assistance in the first degree is((†)) a class C felony.

23 ((†)) (b) Rendering criminal assistance in the first degree is a
24 gross misdemeanor if it is established by a preponderance of the
25 evidence that the actor is a relative as defined in RCW 9A.76.060((†

26 — (b) A class C felony in all other cases)).

27 **Sec. 22.** RCW 9A.76.080 and 1982 1st ex.s. c 47 s 22 are each
28 amended to read as follows:

29 (1) A person is guilty of rendering criminal assistance in the
30 second degree if he renders criminal assistance to a person who has
31 committed or is being sought for a class B or class C felony or an
32 equivalent juvenile offense or to someone being sought for violation of
33 parole, probation, or community supervision.

34 (2) (a) Except as provided in (b) of this subsection, rendering
35 criminal assistance in the second degree is((†)) a gross misdemeanor.

1 ~~((a))~~ (b) Rendering criminal assistance in the second degree is
2 a misdemeanor if it is established by a preponderance of the evidence
3 that the actor is a relative as defined in RCW 9A.76.060 ~~((7~~
4 ~~— (b) A gross misdemeanor in all other cases))~~ .

5 **Sec. 23.** RCW 9A.82.010 and 2001 c 222 s 3 and 2001 c 217 s 11 are
6 each reenacted and amended to read as follows:

7 Unless the context requires the contrary, the definitions in this
8 section apply throughout this chapter.

9 (1) (a) "Beneficial interest" means:

10 (i) The interest of a person as a beneficiary under a trust
11 established under Title 11 RCW in which the trustee for the trust holds
12 legal or record title to real property;

13 (ii) The interest of a person as a beneficiary under any other
14 trust arrangement under which a trustee holds legal or record title to
15 real property for the benefit of the beneficiary; or

16 (iii) The interest of a person under any other form of express
17 fiduciary arrangement under which one person holds legal or record
18 title to real property for the benefit of the other person.

19 (b) "Beneficial interest" does not include the interest of a
20 stockholder in a corporation or the interest of a partner in a general
21 partnership or limited partnership.

22 (c) A beneficial interest is considered to be located where the
23 real property owned by the trustee is located.

24 (2) "Control" means the possession of a sufficient interest to
25 permit substantial direction over the affairs of an enterprise.

26 (3) "Creditor" means a person making an extension of credit or a
27 person claiming by, under, or through a person making an extension of
28 credit.

29 (4) "Criminal profiteering" means any act, including any
30 anticipatory or completed offense, committed for financial gain, that
31 is chargeable or indictable under the laws of the state in which the
32 act occurred and, if the act occurred in a state other than this state,
33 would be chargeable or indictable under the laws of this state had the
34 act occurred in this state and punishable as a felony and by
35 imprisonment for more than one year, regardless of whether the act is
36 charged or indicted, as any of the following:

37 (a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

- 1 (b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;
- 2 (c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;
- 3 (d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;
- 4 (e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060,
- 5 (~~and~~) 9A.56.080, and section 13 of this act;
- 6 (f) Unlawful sale of subscription television services, as defined
- 7 in RCW 9A.56.230;
- 8 (g) Theft of telecommunication services or unlawful manufacture of
- 9 a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;
- 10 (h) Child selling or child buying, as defined in RCW 9A.64.030;
- 11 (i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and
- 12 9A.68.050;
- 13 (j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;
- 14 (k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;
- 15 (l) Extortionate extension of credit, as defined in RCW 9A.82.020;
- 16 (m) Advancing money for use in an extortionate extension of credit,
- 17 as defined in RCW 9A.82.030;
- 18 (n) Collection of an extortionate extension of credit, as defined
- 19 in RCW 9A.82.040;
- 20 (o) Collection of an unlawful debt, as defined in RCW 9A.82.045;
- 21 (p) Delivery or manufacture of controlled substances or possession
- 22 with intent to deliver or manufacture controlled substances under
- 23 chapter 69.50 RCW;
- 24 (q) Trafficking in stolen property, as defined in RCW 9A.82.050;
- 25 (r) Leading organized crime, as defined in RCW 9A.82.060;
- 26 (s) Money laundering, as defined in RCW 9A.83.020;
- 27 (t) Obstructing criminal investigations or prosecutions in
- 28 violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130,
- 29 9A.76.070, or 9A.76.180;
- 30 (u) Fraud in the purchase or sale of securities, as defined in RCW
- 31 21.20.010;
- 32 (v) Promoting pornography, as defined in RCW 9.68.140;
- 33 (w) Sexual exploitation of children, as defined in RCW 9.68A.040,
- 34 9.68A.050, and 9.68A.060;
- 35 (x) Promoting prostitution, as defined in RCW 9A.88.070 and
- 36 9A.88.080;
- 37 (y) Arson, as defined in RCW 9A.48.020 and 9A.48.030;
- 38 (z) Assault, as defined in RCW 9A.36.011 and 9A.36.021;

1 (aa) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;
2 (bb) A pattern of equity skimming, as defined in RCW 61.34.020;
3 (cc) Commercial telephone solicitation in violation of RCW
4 19.158.040(1);
5 (dd) Trafficking in insurance claims, as defined in RCW 48.30A.015;
6 (ee) Unlawful practice of law, as defined in RCW 2.48.180;
7 (ff) Commercial bribery, as defined in RCW 9A.68.060;
8 (gg) Health care false claims, as defined in RCW 48.80.030;
9 (hh) Unlicensed practice of a profession or business, as defined in
10 RCW 18.130.190(7);
11 (ii) Improperly obtaining financial information, as defined in RCW
12 9.35.010; or
13 (jj) Identity theft, as defined in RCW 9.35.020.
14 (5) "Dealer in property" means a person who buys and sells property
15 as a business.
16 (6) "Debtor" means a person to whom an extension of credit is made
17 or a person who guarantees the repayment of an extension of credit or
18 in any manner undertakes to indemnify the creditor against loss
19 resulting from the failure of a person to whom an extension is made to
20 repay the same.
21 (7) "Documentary material" means any book, paper, document,
22 writing, drawing, graph, chart, photograph, phonograph record, magnetic
23 tape, computer printout, other data compilation from which information
24 can be obtained or from which information can be translated into usable
25 form, or other tangible item.
26 (8) "Enterprise" includes any individual, sole proprietorship,
27 partnership, corporation, business trust, or other profit or nonprofit
28 legal entity, and includes any union, association, or group of
29 individuals associated in fact although not a legal entity, and both
30 illicit and licit enterprises and governmental and nongovernmental
31 entities.
32 (9) "Extortionate extension of credit" means an extension of credit
33 with respect to which it is the understanding of the creditor and the
34 debtor at the time the extension is made that delay in making repayment
35 or failure to make repayment could result in the use of violence or
36 other criminal means to cause harm to the person, reputation, or
37 property of any person.

1 (10) "Extortionate means" means the use, or an express or implicit
2 threat of use, of violence or other criminal means to cause harm to the
3 person, reputation, or property of any person.

4 (11) "Financial institution" means any bank, trust company, savings
5 and loan association, savings bank, mutual savings bank, credit union,
6 or loan company under the jurisdiction of the state or an agency of the
7 United States.

8 (12) "Pattern of criminal profiteering activity" means engaging in
9 at least three acts of criminal profiteering, one of which occurred
10 after July 1, 1985, and the last of which occurred within five years,
11 excluding any period of imprisonment, after the commission of the
12 earliest act of criminal profiteering. In order to constitute a
13 pattern, the three acts must have the same or similar intent, results,
14 accomplices, principals, victims, or methods of commission, or be
15 otherwise interrelated by distinguishing characteristics including a
16 nexus to the same enterprise, and must not be isolated events.
17 However, in any civil proceedings brought pursuant to RCW 9A.82.100 by
18 any person other than the attorney general or county prosecuting
19 attorney in which one or more acts of fraud in the purchase or sale of
20 securities are asserted as acts of criminal profiteering activity, it
21 is a condition to civil liability under RCW 9A.82.100 that the
22 defendant has been convicted in a criminal proceeding of fraud in the
23 purchase or sale of securities under RCW 21.20.400 or under the laws of
24 another state or of the United States requiring the same elements of
25 proof, but such conviction need not relate to any act or acts asserted
26 as acts of criminal profiteering activity in such civil action under
27 RCW 9A.82.100.

28 (13) "Real property" means any real property or interest in real
29 property, including but not limited to a land sale contract, lease, or
30 mortgage of real property.

31 (14) "Records" means any book, paper, writing, record, computer
32 program, or other material.

33 (15) "Repayment of an extension of credit" means the repayment,
34 satisfaction, or discharge in whole or in part of a debt or claim,
35 acknowledged or disputed, valid or invalid, resulting from or in
36 connection with that extension of credit.

37 (16) "Stolen property" means property that has been obtained by
38 theft, robbery, or extortion.

1 (17) "To collect an extension of credit" means to induce in any way
2 a person to make repayment thereof.

3 (18) "To extend credit" means to make or renew a loan or to enter
4 into an agreement, tacit or express, whereby the repayment or
5 satisfaction of a debt or claim, whether acknowledged or disputed,
6 valid or invalid, and however arising, may or shall be deferred.

7 (19) "Traffic" means to sell, transfer, distribute, dispense, or
8 otherwise dispose of stolen property to another person, or to buy,
9 receive, possess, or obtain control of stolen property, with intent to
10 sell, transfer, distribute, dispense, or otherwise dispose of the
11 property to another person.

12 (20) (a) "Trustee" means:

13 (i) A person acting as a trustee under a trust established under
14 Title 11 RCW in which the trustee holds legal or record title to real
15 property;

16 (ii) A person who holds legal or record title to real property in
17 which another person has a beneficial interest; or

18 (iii) A successor trustee to a person who is a trustee under (a) (i)
19 or (ii) of this subsection.

20 (b) "Trustee" does not mean a person appointed or acting as:

21 (i) A personal representative under Title 11 RCW;

22 (ii) A trustee of any testamentary trust;

23 (iii) A trustee of any indenture of trust under which a bond is
24 issued; or

25 (iv) A trustee under a deed of trust.

26 (21) "Unlawful debt" means any money or other thing of value
27 constituting principal or interest of a debt that is legally
28 unenforceable in the state in full or in part because the debt was
29 incurred or contracted:

30 (a) In violation of any one of the following:

31 (i) Chapter 67.16 RCW relating to horse racing;

32 (ii) Chapter 9.46 RCW relating to gambling;

33 (b) In a gambling activity in violation of federal law; or

34 (c) In connection with the business of lending money or a thing of
35 value at a rate that is at least twice the permitted rate under the
36 applicable state or federal law relating to usury.

1 **Sec. 24.** RCW 9A.82.050 and 2001 c 222 s 8 are each amended to read
2 as follows:

3 (1) ~~((A person who recklessly traffics in stolen property is guilty
4 of trafficking in stolen property in the second degree.~~

5 ~~—(2))~~) A person who knowingly initiates, organizes, plans, finances,
6 directs, manages, or supervises the theft of property for sale to
7 others, or who knowingly traffics in stolen property, is guilty of
8 trafficking in stolen property in the first degree.

9 ~~((3) Trafficking in stolen property in the second degree is a
10 class C felony.))~~

11 (2) Trafficking in stolen property in the first degree is a class
12 B felony.

13 NEW SECTION. **Sec. 25.** A new section is added to chapter 9A.82 RCW
14 to read as follows:

15 (1) A person who recklessly traffics in stolen property is guilty
16 of trafficking in stolen property in the second degree.

17 (2) Trafficking in stolen property in the second degree is a class
18 C felony.

19 **Sec. 26.** RCW 9A.82.060 and 2001 c 222 s 9 are each amended to read
20 as follows:

21 (1) A person commits the offense of leading organized crime by:

22 (a) Intentionally organizing, managing, directing, supervising, or
23 financing any three or more persons with the intent to engage in a
24 pattern of criminal profiteering activity; or

25 (b) Intentionally inciting or inducing others to engage in violence
26 or intimidation with the intent to further or promote the
27 accomplishment of a pattern of criminal profiteering activity.

28 (2) (a) Leading organized crime as defined in subsection (1)(a) of
29 this section is a class A felony(~~(, and)~~).

30 (b) Leading organized crime as defined in subsection (1)(b) of this
31 section is a class B felony.

32 **Sec. 27.** RCW 9A.82.080 and 2001 c 222 s 11 are each amended to
33 read as follows:

34 (1) (a) It is unlawful for a person who has knowingly received any
35 of the proceeds derived, directly or indirectly, from a pattern of

1 criminal profiteering activity to use or invest, whether directly or
2 indirectly, any part of the proceeds, or the proceeds derived from the
3 investment or use thereof, in the acquisition of any title to, or any
4 right, interest, or equity in, real property or in the establishment or
5 operation of any enterprise.

6 (b) A violation of this subsection is a class B felony.

7 (2) (a) It is unlawful for a person knowingly to acquire or
8 maintain, directly or indirectly, any interest in or control of any
9 enterprise or real property through a pattern of criminal profiteering
10 activity.

11 (b) A violation of this subsection is a class B felony.

12 (3) (a) It is unlawful for a person knowingly to conspire or attempt
13 to violate subsection (1) or (2) of this section.

14 ~~((4) A violation of subsection (1) or (2) of this section is a
15 class B felony.))~~

16 (b) A violation of this subsection ~~((3) of this section))~~ is a
17 class C felony.

18 **Sec. 28.** RCW 9A.82.160 and 2001 c 222 s 20 are each amended to
19 read as follows:

20 (1) A trustee who knowingly fails to comply with RCW 9A.82.130(1)
21 is guilty of a gross misdemeanor.

22 (2) A trustee who conveys title to real property after service of
23 the notice as provided in RCW 9A.82.130(1) with the intent to evade the
24 provisions of RCW 9A.82.100 or 9A.82.120 with respect to such property
25 is guilty of a class C felony.

26 **Sec. 29.** RCW 9A.84.010 and 1975 1st ex.s. c 260 s 9A.84.010 are
27 each amended to read as follows:

28 (1) A person is guilty of the crime of riot if, acting with three
29 or more other persons, he or she knowingly and unlawfully uses or
30 threatens to use force, or in any way participates in the use of such
31 force, against any other person or against property.

32 (2) (a) Except as provided in (b) of this subsection, the crime of
33 riot is a gross misdemeanor.

34 (b) The crime of riot is ~~((~~

35 ~~(a))~~ a class C felony, if the actor is armed with a deadly
36 weapon ~~((~~

1 ~~(b) A gross misdemeanor in all other cases)).~~

2 **Sec. 30.** RCW 9A.88.010 and 2001 c 88 s 2 are each amended to read
3 as follows:

4 (1) A person is guilty of indecent exposure if he or she
5 intentionally makes any open and obscene exposure of his or her person
6 or the person of another knowing that such conduct is likely to cause
7 reasonable affront or alarm. The act of breastfeeding or expressing
8 breast milk is not indecent exposure.

9 (2) (a) Except as provided in (b) and (c) of this subsection,
10 indecent exposure is a misdemeanor ((unless such)).

11 (b) Indecent exposure is a gross misdemeanor on the first offense
12 if the person exposes himself or herself to a person under the age of
13 fourteen years ((in which case indecent exposure is a gross misdemeanor
14 on the first offense and, if such)).

15 (c) Indecent exposure is a class C felony if the person has
16 previously been convicted under this ((subsection)) section or of a sex
17 offense as defined in RCW 9.94A.030 ((, then such person is guilty of a
18 class C felony punishable under chapter 9A.20 RCW)).

19 **Sec. 31.** RCW 4.24.320 and 1979 c 145 s 1 are each amended to read
20 as follows:

21 Any person who suffers damages as a result of actions described in
22 RCW 9A.48.080(c) or any owner of a horse, mule, cow, heifer, bull,
23 steer, swine, or sheep who suffers damages as a result of a willful,
24 unauthorized act described in RCW 9A.56.080 or section 13 of this act
25 may bring an action against the person or persons committing the act in
26 a court of competent jurisdiction for exemplary damages up to three
27 times the actual damages sustained, plus attorney's fees.

28 **Sec. 32.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c
29 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133
30 s 4 are each reenacted and amended to read as follows:

31 TABLE 2
32 CRIMES INCLUDED WITHIN
33 EACH SERIOUSNESS LEVEL

1 XVI Aggravated Murder 1 (RCW
2 10.95.020)
3 XV Homicide by abuse (RCW 9A.32.055)
4 Malicious explosion 1 (RCW
5 70.74.280(1))
6 Murder 1 (RCW 9A.32.030)
7 XIV Murder 2 (RCW 9A.32.050)
8 XIII Malicious explosion 2 (RCW
9 70.74.280(2))
10 Malicious placement of an explosive 1
11 (RCW 70.74.270(1))
12 XII Assault 1 (RCW 9A.36.011)
13 Assault of a Child 1 (RCW 9A.36.120)
14 Malicious placement of an imitation
15 device 1 (RCW 70.74.272(1)(a))
16 Rape 1 (RCW 9A.44.040)
17 Rape of a Child 1 (RCW 9A.44.073)
18 XI Manslaughter 1 (RCW 9A.32.060)
19 Rape 2 (RCW 9A.44.050)
20 Rape of a Child 2 (RCW 9A.44.076)
21 X Child Molestation 1 (RCW 9A.44.083)
22 Indecent Liberties (with forcible
23 compulsion) (RCW
24 9A.44.100(1)(a))
25 Kidnapping 1 (RCW 9A.40.020)
26 Leading Organized Crime (RCW
27 9A.82.060(1)(a))
28 Malicious explosion 3 (RCW
29 70.74.280(3))
30 Manufacture of methamphetamine
31 (RCW 69.50.401(a)(1)(ii))
32 Over 18 and deliver heroin,
33 methamphetamine, a narcotic
34 from Schedule I or II, or
35 flunitrazepam from Schedule IV
36 to someone under 18 (RCW
37 69.50.406)

1 Sexually Violent Predator Escape
2 (RCW 9A.76.115)
3 IX Assault of a Child 2 (RCW 9A.36.130)
4 Controlled Substance Homicide (RCW
5 69.50.415)
6 Explosive devices prohibited (RCW
7 70.74.180)
8 Hit and Run--Death (RCW
9 46.52.020(4)(a))
10 Homicide by Watercraft, by being
11 under the influence of intoxicating
12 liquor or any drug (RCW
13 79A.60.050)
14 Inciting Criminal Profiteering (RCW
15 9A.82.060(1)(b))
16 Malicious placement of an explosive 2
17 (RCW 70.74.270(2))
18 Over 18 and deliver narcotic from
19 Schedule III, IV, or V or a
20 nonnarcotic, except flunitrazepam
21 or methamphetamine, from
22 Schedule I-V to someone under 18
23 and 3 years junior (RCW
24 69.50.406)
25 Robbery 1 (RCW 9A.56.200)
26 Sexual Exploitation (RCW 9.68A.040)
27 Vehicular Homicide, by being under
28 the influence of intoxicating
29 liquor or any drug (RCW
30 46.61.520)
31 VIII Arson 1 (RCW 9A.48.020)
32 Deliver or possess with intent to
33 deliver methamphetamine (RCW
34 69.50.401(a)(1)(ii))

1 Homicide by Watercraft, by the
2 operation of any vessel in a
3 reckless manner (RCW
4 79A.60.050)
5 Manslaughter 2 (RCW 9A.32.070)
6 Manufacture, deliver, or possess with
7 intent to deliver amphetamine
8 (RCW 69.50.401(a)(1)(ii))
9 Manufacture, deliver, or possess with
10 intent to deliver heroin or cocaine
11 (when the offender has a criminal
12 history in this state or any other
13 state that includes a sex offense or
14 serious violent offense or the
15 Washington equivalent) (RCW
16 69.50.401(a)(1)(i))
17 Possession of Ephedrine or any of its
18 Salts or Isomers or Salts of
19 Isomers, Pseudoephedrine or any
20 of its Salts or Isomers or Salts of
21 Isomers, Pressurized Ammonia
22 Gas, or Pressurized Ammonia Gas
23 Solution with intent to
24 manufacture methamphetamine
25 (RCW 69.50.440)
26 Promoting Prostitution 1 (RCW
27 9A.88.070)
28 Selling for profit (controlled or
29 counterfeit) any controlled
30 substance (RCW 69.50.410)
31 Theft of Ammonia (RCW 69.55.010)
32 Vehicular Homicide, by the operation
33 of any vehicle in a reckless
34 manner (RCW 46.61.520)
35 VII Burglary 1 (RCW 9A.52.020)
36 Child Molestation 2 (RCW 9A.44.086)

1 Civil Disorder Training (RCW
2 9A.48.120)
3 Dealing in depictions of minor
4 engaged in sexually explicit
5 conduct (RCW 9.68A.050)
6 Drive-by Shooting (RCW 9A.36.045)
7 Homicide by Watercraft, by disregard
8 for the safety of others (RCW
9 79A.60.050)
10 Indecent Liberties (without forcible
11 compulsion) (RCW 9A.44.100(1)
12 (b) and (c))
13 Introducing Contraband 1 (RCW
14 9A.76.140)
15 Involving a minor in drug dealing
16 (RCW 69.50.401(f))
17 Malicious placement of an explosive 3
18 (RCW 70.74.270(3))
19 Manufacture, deliver, or possess with
20 intent to deliver heroin or cocaine
21 (except when the offender has a
22 criminal history in this state or
23 any other state that includes a sex
24 offense or serious violent offense
25 or the Washington equivalent)
26 (RCW 69.50.401(a)(1)(i))
27 Sending, bringing into state depictions
28 of minor engaged in sexually
29 explicit conduct (RCW
30 9.68A.060)
31 Unlawful Possession of a Firearm in
32 the first degree (RCW
33 9.41.040(1)(a))
34 Use of a Machine Gun in Commission
35 of a Felony (RCW 9.41.225)

1 Vehicular Homicide, by disregard for
2 the safety of others (RCW
3 46.61.520)

4 VI Bail Jumping with Murder 1 (RCW
5 9A.76.170(3)(a))
6 Bribery (RCW 9A.68.010)
7 Incest 1 (RCW 9A.64.020(1))
8 Intimidating a Judge (RCW
9 9A.72.160)
10 Intimidating a Juror/Witness (RCW
11 9A.72.110, 9A.72.130)
12 Malicious placement of an imitation
13 device 2 (RCW 70.74.272(1)(b))
14 Manufacture, deliver, or possess with
15 intent to deliver narcotics from
16 Schedule I or II (except heroin or
17 cocaine) or flunitrazepam from
18 Schedule IV (RCW
19 69.50.401(a)(1)(i))
20 Rape of a Child 3 (RCW 9A.44.079)
21 Theft of a Firearm (RCW 9A.56.300)
22 Unlawful Storage of Ammonia (RCW
23 69.55.020)

24 V Abandonment of dependent person 1
25 (RCW 9A.42.060)
26 Advancing money or property for
27 extortionate extension of credit
28 (RCW 9A.82.030)
29 Bail Jumping with class A Felony
30 (RCW 9A.76.170(3)(b))
31 Child Molestation 3 (RCW 9A.44.089)
32 Criminal Mistreatment 1 (RCW
33 9A.42.020)
34 Custodial Sexual Misconduct 1 (RCW
35 9A.44.160)

1 Delivery of imitation controlled
2 substance by person eighteen or
3 over to person under eighteen
4 (RCW 69.52.030(2))
5 Domestic Violence Court Order
6 Violation (RCW 10.99.040,
7 10.99.050, 26.09.300, 26.10.220,
8 26.26.138, 26.50.110, 26.52.070,
9 or 74.34.145)
10 Extortion 1 (RCW 9A.56.120)
11 Extortionate Extension of Credit
12 (RCW 9A.82.020)
13 Extortionate Means to Collect
14 Extensions of Credit (RCW
15 9A.82.040)
16 Incest 2 (RCW 9A.64.020(2))
17 Kidnapping 2 (RCW 9A.40.030)
18 Perjury 1 (RCW 9A.72.020)
19 Persistent prison misbehavior (RCW
20 9.94.070)
21 Possession of a Stolen Firearm (RCW
22 9A.56.310)
23 Rape 3 (RCW 9A.44.060)
24 Rendering Criminal Assistance 1
25 (RCW 9A.76.070)
26 Sexual Misconduct with a Minor 1
27 (RCW 9A.44.093)
28 Sexually Violating Human Remains
29 (RCW 9A.44.105)
30 Stalking (RCW 9A.46.110)
31 Taking Motor Vehicle Without
32 Permission 1 (RCW
33 9A.56.070((†)))
34 IV Arson 2 (RCW 9A.48.030)
35 Assault 2 (RCW 9A.36.021)
36 Assault by Watercraft (RCW
37 79A.60.060)

1 Bribing a Witness/Bribe Received by
2 Witness (RCW 9A.72.090,
3 9A.72.100)
4 Cheating 1 (RCW 9.46.1961)
5 Commercial Bribery (RCW
6 9A.68.060)
7 Counterfeiting (RCW 9.16.035(4))
8 Endangerment with a Controlled
9 Substance (RCW 9A.42.100)
10 Escape 1 (RCW 9A.76.110)
11 Hit and Run--Injury (RCW
12 46.52.020(4)(b))
13 Hit and Run with Vessel--Injury
14 Accident (RCW 79A.60.200(3))
15 Identity Theft 1 (RCW 9.35.020(2)(a))
16 Indecent Exposure to Person Under
17 Age Fourteen (subsequent sex
18 offense) (RCW 9A.88.010)
19 Influencing Outcome of Sporting
20 Event (RCW 9A.82.070)
21 ~~((Knowingly Trafficking in Stolen
22 Property (RCW 9A.82.050(2))))~~
23 Malicious Harassment (RCW
24 9A.36.080)
25 Manufacture, deliver, or possess with
26 intent to deliver narcotics from
27 Schedule III, IV, or V or
28 nonnarcotics from Schedule I-V
29 (except marijuana, amphetamine,
30 methamphetamines, or
31 flunitrazepam) (RCW
32 69.50.401(a)(1) (iii) through (v))
33 Residential Burglary (RCW
34 9A.52.025)
35 Robbery 2 (RCW 9A.56.210)
36 Theft of Livestock 1 (RCW 9A.56.080)
37 Threats to Bomb (RCW 9.61.160)

1 Trafficking in Stolen Property 1 (RCW
2 9A.82.050)
3 Use of Proceeds of Criminal
4 Profiteering (RCW 9A.82.080 (1)
5 and (2))
6 Vehicular Assault, by being under the
7 influence of intoxicating liquor or
8 any drug, or by the operation or
9 driving of a vehicle in a reckless
10 manner (RCW 46.61.522)
11 Willful Failure to Return from
12 Furlough (RCW 72.66.060)
13 III Abandonment of dependent person 2
14 (RCW 9A.42.070)
15 Assault 3 (RCW 9A.36.031)
16 Assault of a Child 3 (RCW 9A.36.140)
17 Bail Jumping with class B or C Felony
18 (RCW 9A.76.170(3)(c))
19 Burglary 2 (RCW 9A.52.030)
20 Communication with a Minor for
21 Immoral Purposes (RCW
22 9.68A.090)
23 Criminal Gang Intimidation (RCW
24 9A.46.120)
25 Criminal Mistreatment 2 (RCW
26 9A.42.030)
27 Custodial Assault (RCW 9A.36.100)
28 Delivery of a material in lieu of a
29 controlled substance (RCW
30 69.50.401(c))
31 Escape 2 (RCW 9A.76.120)
32 Extortion 2 (RCW 9A.56.130)
33 Harassment (RCW 9A.46.020)
34 Intimidating a Public Servant (RCW
35 9A.76.180)
36 Introducing Contraband 2 (RCW
37 9A.76.150)

1 Maintaining a Dwelling or Place for
2 Controlled Substances (RCW
3 69.50.402(a)(6))
4 Malicious Injury to Railroad Property
5 (RCW 81.60.070)
6 Manufacture, deliver, or possess with
7 intent to deliver marijuana (RCW
8 69.50.401(a)(1)(iii))
9 Manufacture, distribute, or possess
10 with intent to distribute an
11 imitation controlled substance
12 (RCW 69.52.030(1))
13 Patronizing a Juvenile Prostitute
14 (RCW 9.68A.100)
15 Perjury 2 (RCW 9A.72.030)
16 Possession of Incendiary Device (RCW
17 9.40.120)
18 Possession of Machine Gun or Short-
19 Barreled Shotgun or Rifle (RCW
20 9.41.190)
21 Promoting Prostitution 2 (RCW
22 9A.88.080)
23 ~~((Recklessly Trafficking in Stolen
24 Property (RCW 9A.82.050(1))))~~
25 Securities Act violation (RCW
26 21.20.400)
27 Tampering with a Witness (RCW
28 9A.72.120)
29 Telephone Harassment (subsequent
30 conviction or threat of death)
31 (RCW 9.61.230)
32 Theft of Livestock 2 ~~((RCW
33 9A.56.080))~~ section 13 of this act
34 Trafficking in Stolen Property 2
35 (section 25 of this act)
36 Unlawful Imprisonment (RCW
37 9A.40.040)

1 Unlawful possession of firearm in the
2 second degree (RCW
3 9.41.040(1)(b))
4 Unlawful Use of Building for Drug
5 Purposes (RCW 69.53.010)
6 Vehicular Assault, by the operation or
7 driving of a vehicle with disregard
8 for the safety of others (RCW
9 46.61.522)
10 Willful Failure to Return from Work
11 Release (RCW 72.65.070)
12 II Computer Trespass 1 (RCW
13 9A.52.110)
14 Counterfeiting (RCW 9.16.035(3))
15 Create, deliver, or possess a counterfeit
16 controlled substance (RCW
17 69.50.401(b))
18 Escape from Community Custody
19 (RCW 72.09.310)
20 Health Care False Claims (RCW
21 48.80.030)
22 Identity Theft 2 (RCW 9.35.020(2)(b))
23 Improperly Obtaining Financial
24 Information (RCW 9.35.010)
25 Malicious Mischief 1 (RCW
26 9A.48.070)
27 Possession of controlled substance that
28 is either heroin or narcotics from
29 Schedule I or II or flunitrazepam
30 from Schedule IV (RCW
31 69.50.401(d))
32 Possession of phencyclidine (PCP)
33 (RCW 69.50.401(d))
34 Possession of Stolen Property 1 (RCW
35 9A.56.150)
36 Theft 1 (RCW 9A.56.030)

1 Theft of Rental, Leased, or Lease-
2 purchased Property (valued at one
3 thousand five hundred dollars or
4 more) (RCW 9A.56.096(~~(4)~~))
5 (5)(a)
6 Trafficking in Insurance Claims (RCW
7 48.30A.015)
8 Unlawful Practice of Law (RCW
9 2.48.180)
10 Unlicensed Practice of a Profession or
11 Business (RCW 18.130.190(7))
12 I Attempting to Elude a Pursuing Police
13 Vehicle (RCW 46.61.024)
14 False Verification for Welfare (RCW
15 74.08.055)
16 Forged Prescription (RCW 69.41.020)
17 Forged Prescription for a Controlled
18 Substance (RCW 69.50.403)
19 Forgery (RCW 9A.60.020)
20 Malicious Mischief 2 (RCW
21 9A.48.080)
22 Possess Controlled Substance that is a
23 Narcotic from Schedule III, IV, or
24 V or Non-narcotic from Schedule
25 I-V (except phencyclidine or
26 flunitrazepam) (RCW
27 69.50.401(d))
28 Possession of Stolen Property 2 (RCW
29 9A.56.160)
30 Reckless Burning 1 (RCW 9A.48.040)
31 Taking Motor Vehicle Without
32 Permission 2 (~~(RCW~~
33 ~~9A.56.070(2))~~ section 11 of this
34 act)
35 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-
 2 purchased Property (valued at two
 3 hundred fifty dollars or more but
 4 less than one thousand five
 5 hundred dollars) (RCW
 6 9A.56.096(~~(4)~~) (5)(b))
 7 Unlawful Issuance of Checks or Drafts
 8 (RCW 9A.56.060)
 9 Unlawful Use of Food Stamps (RCW
 10 9.91.140 (2) and (3))
 11 Vehicle Prowl 1 (RCW 9A.52.095)

12 **Sec. 33.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c
 13 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133
 14 s 4 are each reenacted and amended to read as follows:

15 TABLE 2

16 CRIMES INCLUDED WITHIN
 17 EACH SERIOUSNESS LEVEL

- 18 XVI Aggravated Murder 1 (RCW
 19 10.95.020)
 20 XV Homicide by abuse (RCW 9A.32.055)
 21 Malicious explosion 1 (RCW
 22 70.74.280(1))
 23 Murder 1 (RCW 9A.32.030)
 24 XIV Murder 2 (RCW 9A.32.050)
 25 XIII Malicious explosion 2 (RCW
 26 70.74.280(2))
 27 Malicious placement of an explosive 1
 28 (RCW 70.74.270(1))
 29 XII Assault 1 (RCW 9A.36.011)
 30 Assault of a Child 1 (RCW 9A.36.120)
 31 Malicious placement of an imitation
 32 device 1 (RCW 70.74.272(1)(a))
 33 Rape 1 (RCW 9A.44.040)
 34 Rape of a Child 1 (RCW 9A.44.073)
 35 XI Manslaughter 1 (RCW 9A.32.060)

1 Rape 2 (RCW 9A.44.050)
2 Rape of a Child 2 (RCW 9A.44.076)
3 X Child Molestation 1 (RCW 9A.44.083)
4 Indecent Liberties (with forcible
5 compulsion) (RCW
6 9A.44.100(1)(a))
7 Kidnapping 1 (RCW 9A.40.020)
8 Leading Organized Crime (RCW
9 9A.82.060(1)(a))
10 Malicious explosion 3 (RCW
11 70.74.280(3))
12 Sexually Violent Predator Escape
13 (RCW 9A.76.115)
14 IX Assault of a Child 2 (RCW 9A.36.130)
15 Explosive devices prohibited (RCW
16 70.74.180)
17 Hit and Run--Death (RCW
18 46.52.020(4)(a))
19 Homicide by Watercraft, by being
20 under the influence of intoxicating
21 liquor or any drug (RCW
22 79A.60.050)
23 Inciting Criminal Profiteering (RCW
24 9A.82.060(1)(b))
25 Malicious placement of an explosive 2
26 (RCW 70.74.270(2))
27 Robbery 1 (RCW 9A.56.200)
28 Sexual Exploitation (RCW 9.68A.040)
29 Vehicular Homicide, by being under
30 the influence of intoxicating
31 liquor or any drug (RCW
32 46.61.520)
33 VIII Arson 1 (RCW 9A.48.020)
34 Homicide by Watercraft, by the
35 operation of any vessel in a
36 reckless manner (RCW
37 79A.60.050)

1 Manslaughter 2 (RCW 9A.32.070)
2 Promoting Prostitution 1 (RCW
3 9A.88.070)
4 Theft of Ammonia (RCW 69.55.010)
5 Vehicular Homicide, by the operation
6 of any vehicle in a reckless
7 manner (RCW 46.61.520)
8 VII Burglary 1 (RCW 9A.52.020)
9 Child Molestation 2 (RCW 9A.44.086)
10 Civil Disorder Training (RCW
11 9A.48.120)
12 Dealing in depictions of minor
13 engaged in sexually explicit
14 conduct (RCW 9.68A.050)
15 Drive-by Shooting (RCW 9A.36.045)
16 Homicide by Watercraft, by disregard
17 for the safety of others (RCW
18 79A.60.050)
19 Indecent Liberties (without forcible
20 compulsion) (RCW 9A.44.100(1)
21 (b) and (c))
22 Introducing Contraband 1 (RCW
23 9A.76.140)
24 Malicious placement of an explosive 3
25 (RCW 70.74.270(3))
26 Sending, bringing into state depictions
27 of minor engaged in sexually
28 explicit conduct (RCW
29 9.68A.060)
30 Unlawful Possession of a Firearm in
31 the first degree (RCW
32 9.41.040(1)(a))
33 Use of a Machine Gun in Commission
34 of a Felony (RCW 9.41.225)
35 Vehicular Homicide, by disregard for
36 the safety of others (RCW
37 46.61.520)

1 VI Bail Jumping with Murder 1 (RCW
2 9A.76.170(3)(a))
3 Bribery (RCW 9A.68.010)
4 Incest 1 (RCW 9A.64.020(1))
5 Intimidating a Judge (RCW
6 9A.72.160)
7 Intimidating a Juror/Witness (RCW
8 9A.72.110, 9A.72.130)
9 Malicious placement of an imitation
10 device 2 (RCW 70.74.272(1)(b))
11 Rape of a Child 3 (RCW 9A.44.079)
12 Theft of a Firearm (RCW 9A.56.300)
13 Unlawful Storage of Ammonia (RCW
14 69.55.020)
15 V Abandonment of dependent person 1
16 (RCW 9A.42.060)
17 Advancing money or property for
18 extortionate extension of credit
19 (RCW 9A.82.030)
20 Bail Jumping with class A Felony
21 (RCW 9A.76.170(3)(b))
22 Child Molestation 3 (RCW 9A.44.089)
23 Criminal Mistreatment 1 (RCW
24 9A.42.020)
25 Custodial Sexual Misconduct 1 (RCW
26 9A.44.160)
27 Domestic Violence Court Order
28 Violation (RCW 10.99.040,
29 10.99.050, 26.09.300, 26.10.220,
30 26.26.138, 26.50.110, 26.52.070,
31 or 74.34.145)
32 Extortion 1 (RCW 9A.56.120)
33 Extortionate Extension of Credit
34 (RCW 9A.82.020)
35 Extortionate Means to Collect
36 Extensions of Credit (RCW
37 9A.82.040)

1 Incest 2 (RCW 9A.64.020(2))
2 Kidnapping 2 (RCW 9A.40.030)
3 Perjury 1 (RCW 9A.72.020)
4 Persistent prison misbehavior (RCW
5 9.94.070)
6 Possession of a Stolen Firearm (RCW
7 9A.56.310)
8 Rape 3 (RCW 9A.44.060)
9 Rendering Criminal Assistance 1
10 (RCW 9A.76.070)
11 Sexual Misconduct with a Minor 1
12 (RCW 9A.44.093)
13 Sexually Violating Human Remains
14 (RCW 9A.44.105)
15 Stalking (RCW 9A.46.110)
16 Taking Motor Vehicle Without
17 Permission 1 (RCW
18 9A.56.070((+)))
19 IV Arson 2 (RCW 9A.48.030)
20 Assault 2 (RCW 9A.36.021)
21 Assault by Watercraft (RCW
22 79A.60.060)
23 Bribing a Witness/Bribe Received by
24 Witness (RCW 9A.72.090,
25 9A.72.100)
26 Cheating 1 (RCW 9.46.1961)
27 Commercial Bribery (RCW
28 9A.68.060)
29 Counterfeiting (RCW 9.16.035(4))
30 Endangerment with a Controlled
31 Substance (RCW 9A.42.100)
32 Escape 1 (RCW 9A.76.110)
33 Hit and Run--Injury (RCW
34 46.52.020(4)(b))
35 Hit and Run with Vessel--Injury
36 Accident (RCW 79A.60.200(3))
37 Identity Theft 1 (RCW 9.35.020(2)(a))

1 Indecent Exposure to Person Under
2 Age Fourteen (subsequent sex
3 offense) (RCW 9A.88.010)
4 Influencing Outcome of Sporting
5 Event (RCW 9A.82.070)
6 ~~((Knowingly Trafficking in Stolen
7 Property (RCW 9A.82.050(2))))~~
8 Malicious Harassment (RCW
9 9A.36.080)
10 Residential Burglary (RCW
11 9A.52.025)
12 Robbery 2 (RCW 9A.56.210)
13 Theft of Livestock 1 (RCW 9A.56.080)
14 Threats to Bomb (RCW 9.61.160)
15 Trafficking in Stolen Property 1 (RCW
16 9A.82.050)
17 Use of Proceeds of Criminal
18 Profiteering (RCW 9A.82.080 (1)
19 and (2))
20 Vehicular Assault, by being under the
21 influence of intoxicating liquor or
22 any drug, or by the operation or
23 driving of a vehicle in a reckless
24 manner (RCW 46.61.522)
25 Willful Failure to Return from
26 Furlough (RCW 72.66.060)
27 III Abandonment of dependent person 2
28 (RCW 9A.42.070)
29 Assault 3 (RCW 9A.36.031)
30 Assault of a Child 3 (RCW 9A.36.140)
31 Bail Jumping with class B or C Felony
32 (RCW 9A.76.170(3)(c))
33 Burglary 2 (RCW 9A.52.030)
34 Communication with a Minor for
35 Immoral Purposes (RCW
36 9.68A.090)

1 Criminal Gang Intimidation (RCW
2 9A.46.120)
3 Criminal Mistreatment 2 (RCW
4 9A.42.030)
5 Custodial Assault (RCW 9A.36.100)
6 Escape 2 (RCW 9A.76.120)
7 Extortion 2 (RCW 9A.56.130)
8 Harassment (RCW 9A.46.020)
9 Intimidating a Public Servant (RCW
10 9A.76.180)
11 Introducing Contraband 2 (RCW
12 9A.76.150)
13 Malicious Injury to Railroad Property
14 (RCW 81.60.070)
15 Patronizing a Juvenile Prostitute
16 (RCW 9.68A.100)
17 Perjury 2 (RCW 9A.72.030)
18 Possession of Incendiary Device (RCW
19 9.40.120)
20 Possession of Machine Gun or Short-
21 Barreled Shotgun or Rifle (RCW
22 9.41.190)
23 Promoting Prostitution 2 (RCW
24 9A.88.080)
25 ~~((Recklessly Trafficking in Stolen
26 Property (RCW 9A.82.050(1))))~~
27 Securities Act violation (RCW
28 21.20.400)
29 Tampering with a Witness (RCW
30 9A.72.120)
31 Telephone Harassment (subsequent
32 conviction or threat of death)
33 (RCW 9.61.230)
34 Theft of Livestock 2 ~~((RCW
35 9A.56.080))~~ section 13 of this act)
36 Trafficking in Stolen Property 2
37 (section 25 of this act)

1 Unlawful Imprisonment (RCW
2 9A.40.040)
3 Unlawful possession of firearm in the
4 second degree (RCW
5 9.41.040(1)(b))
6 Vehicular Assault, by the operation or
7 driving of a vehicle with disregard
8 for the safety of others (RCW
9 46.61.522)
10 Willful Failure to Return from Work
11 Release (RCW 72.65.070)
12 II Computer Trespass 1 (RCW
13 9A.52.110)
14 Counterfeiting (RCW 9.16.035(3))
15 Escape from Community Custody
16 (RCW 72.09.310)
17 Health Care False Claims (RCW
18 48.80.030)
19 Identity Theft 2 (RCW 9.35.020(2)(b))
20 Improperly Obtaining Financial
21 Information (RCW 9.35.010)
22 Malicious Mischief 1 (RCW
23 9A.48.070)
24 Possession of Stolen Property 1 (RCW
25 9A.56.150)
26 Theft 1 (RCW 9A.56.030)
27 Theft of Rental, Leased, or Lease-
28 purchased Property (valued at one
29 thousand five hundred dollars or
30 more) (RCW 9A.56.096(~~(4)~~))
31 (5)(a)
32 Trafficking in Insurance Claims (RCW
33 48.30A.015)
34 Unlawful Practice of Law (RCW
35 2.48.180)
36 Unlicensed Practice of a Profession or
37 Business (RCW 18.130.190(7))

1 I Attempting to Elude a Pursuing Police
 2 Vehicle (RCW 46.61.024)
 3 False Verification for Welfare (RCW
 4 74.08.055)
 5 Forgery (RCW 9A.60.020)
 6 Malicious Mischief 2 (RCW
 7 9A.48.080)
 8 Possession of Stolen Property 2 (RCW
 9 9A.56.160)
 10 Reckless Burning 1 (RCW 9A.48.040)
 11 Taking Motor Vehicle Without
 12 Permission 2 ((RCW
 13 ~~9A.56.070(2))~~ section 11 of this
 14 act)
 15 Theft 2 (RCW 9A.56.040)
 16 Theft of Rental, Leased, or Lease-
 17 purchased Property (valued at two
 18 hundred fifty dollars or more but
 19 less than one thousand five
 20 hundred dollars) (RCW
 21 9A.56.096(~~(4)~~) (5)(b))
 22 Unlawful Issuance of Checks or Drafts
 23 (RCW 9A.56.060)
 24 Unlawful Use of Food Stamps (RCW
 25 9.91.140 (2) and (3))
 26 Vehicle Prowl 1 (RCW 9A.52.095)

27 **Sec. 34.** RCW 13.40.0357 and 2002 c 324 s 3 and 2002 c 175 s 20 are
 28 each reenacted and amended to read as follows:

29 **DESCRIPTION AND OFFENSE CATEGORY**

30			
31			JUVENILE DISPOSITION
32	JUVENILE		CATEGORY FOR
33	DISPOSITION		ATTEMPT, BAILJUMP,
34	OFFENSE		CONSPIRACY, OR
	CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION

1		
2	Arson and Malicious Mischief		
3	A	Arson 1 (9A.48.020)	B+
4	B	Arson 2 (9A.48.030)	C
5	C	Reckless Burning 1 (9A.48.040)	D
6	D	Reckless Burning 2 (9A.48.050)	E
7	B	Malicious Mischief 1 (9A.48.070)	C
8	C	Malicious Mischief 2 (9A.48.080)	D
9	D	Malicious Mischief 3 (((<\$50 is E class)))	
10		(9A.48.090 (2) (a) and (c))	E
11	<u>E</u>	<u>Malicious Mischief 3 (9A.48.090(2)(b))</u>	<u>E</u>
12	E	Tampering with Fire Alarm Apparatus	
13		(9.40.100)	E
14	A	Possession of Incendiary Device (9.40.120)	B+
15	Assault and Other Crimes Involving		
16	Physical Harm		
17	A	Assault 1 (9A.36.011)	B+
18	B+	Assault 2 (9A.36.021)	C+
19	C+	Assault 3 (9A.36.031)	D+
20	D+	Assault 4 (9A.36.041)	E
21	B+	Drive-By Shooting (9A.36.045)	C+
22	D+	Reckless Endangerment (9A.36.050)	E
23	C+	Promoting Suicide Attempt (9A.36.060)	D+
24	D+	Coercion (9A.36.070)	E
25	C+	Custodial Assault (9A.36.100)	D+
26	Burglary and Trespass		
27	B+	Burglary 1 (9A.52.020)	C+
28	B	Residential Burglary (9A.52.025)	C
29	B	Burglary 2 (9A.52.030)	C
30	D	Burglary Tools (Possession of) (9A.52.060)	E
31	D	Criminal Trespass 1 (9A.52.070)	E
32	E	Criminal Trespass 2 (9A.52.080)	E
33	C	Vehicle Prowling 1 (9A.52.095)	D
34	D	Vehicle Prowling 2 (9A.52.100)	E
35	Drugs		

1	E	Possession/Consumption of Alcohol	
2		(66.44.270)	E
3	C	Illegally Obtaining Legend Drug	
4		(69.41.020)	D
5	C+	Sale, Delivery, Possession of Legend Drug	
6		with Intent to Sell (69.41.030)	D+
7	E	Possession of Legend Drug (69.41.030)	E
8	B+	Violation of Uniform Controlled	
9		Substances Act - Narcotic,	
10		Methamphetamine, or Flunitrazepam Sale	
11		(69.50.401(a)(1) (i) or (ii))	B+
12	C	Violation of Uniform Controlled	
13		Substances Act - Nonnarcotic Sale	
14		(69.50.401(a)(1)(iii))	C
15	E	Possession of Marihuana <40 grams	
16		(69.50.401(e))	E
17	C	Fraudulently Obtaining Controlled	
18		Substance (69.50.403)	C
19	C+	Sale of Controlled Substance for Profit	
20		(69.50.410)	C+
21	E	Unlawful Inhalation (9.47A.020)	E
22	B	Violation of Uniform Controlled	
23		Substances Act - Narcotic,	
24		Methamphetamine, or Flunitrazepam	
25		Counterfeit Substances (69.50.401(b)(1) (i)	
26		or (ii))	B
27	C	Violation of Uniform Controlled	
28		Substances Act - Nonnarcotic Counterfeit	
29		Substances (69.50.401(b)(1) (iii), (iv), (v))	C
30	C	Violation of Uniform Controlled	
31		Substances Act - Possession of a Controlled	
32		Substance (69.50.401(d))	C
33	C	Violation of Uniform Controlled	
34		Substances Act - Possession of a Controlled	
35		Substance (69.50.401(c))	C
36		Firearms and Weapons	
37	B	Theft of Firearm (9A.56.300)	C

1	B	Possession of Stolen Firearm (9A.56.310)	C
2	E	Carrying Loaded Pistol Without Permit	
3		(9.41.050)	E
4	C	Possession of Firearms by Minor (<18)	
5		(9.41.040(1)(b)(iii))	C
6	D+	Possession of Dangerous Weapon	
7		(9.41.250)	E
8	D	Intimidating Another Person by use of	
9		Weapon (9.41.270)	E
10		Homicide	
11	A+	Murder 1 (9A.32.030)	A
12	A+	Murder 2 (9A.32.050)	B+
13	B+	Manslaughter 1 (9A.32.060)	C+
14	C+	Manslaughter 2 (9A.32.070)	D+
15	B+	Vehicular Homicide (46.61.520)	C+
16		Kidnapping	
17	A	Kidnap 1 (9A.40.020)	B+
18	B+	Kidnap 2 (9A.40.030)	C+
19	C+	Unlawful Imprisonment (9A.40.040)	D+
20		Obstructing Governmental Operation	
21	D	Obstructing a Law Enforcement Officer	
22		(9A.76.020)	E
23	E	Resisting Arrest (9A.76.040)	E
24	B	Introducing Contraband 1 (9A.76.140)	C
25	C	Introducing Contraband 2 (9A.76.150)	D
26	E	Introducing Contraband 3 (9A.76.160)	E
27	B+	Intimidating a Public Servant (9A.76.180)	C+
28	B+	Intimidating a Witness (9A.72.110)	C+
29		Public Disturbance	
30	C+	Riot with Weapon (9A.84.010(2)(b))	D+
31	D+	Riot Without Weapon (9A.84.010(2)(a))	E
32	E	Failure to Disperse (9A.84.020)	E
33	E	Disorderly Conduct (9A.84.030)	E
34		Sex Crimes	
35	A	Rape 1 (9A.44.040)	B+
36	A-	Rape 2 (9A.44.050)	B+

1	C+	Rape 3 (9A.44.060)	D+
2	A-	Rape of a Child 1 (9A.44.073)	B+
3	B+	Rape of a Child 2 (9A.44.076)	C+
4	B	Incest 1 (9A.64.020(1))	C
5	C	Incest 2 (9A.64.020(2))	D
6	D+	Indecent Exposure (Victim <14)	
7		(9A.88.010)	E
8	E	Indecent Exposure (Victim 14 or over)	
9		(9A.88.010)	E
10	B+	Promoting Prostitution 1 (9A.88.070)	C+
11	C+	Promoting Prostitution 2 (9A.88.080)	D+
12	E	O & A (Prostitution) (9A.88.030)	E
13	B+	Indecent Liberties (9A.44.100)	C+
14	A-	Child Molestation 1 (9A.44.083)	B+
15	B	Child Molestation 2 (9A.44.086)	C+
16		Theft, Robbery, Extortion, and Forgery	
17	B	Theft 1 (9A.56.030)	C
18	C	Theft 2 (9A.56.040)	D
19	D	Theft 3 (9A.56.050)	E
20	B	Theft of Livestock <u>1 and 2</u> (9A.56.080 <u>and</u>	
21		<u>section 13 of this act</u>)	C
22	C	Forgery (9A.60.020)	D
23	A	Robbery 1 (9A.56.200)	B+
24	B+	Robbery 2 (9A.56.210)	C+
25	B+	Extortion 1 (9A.56.120)	C+
26	C+	Extortion 2 (9A.56.130)	D+
27	C	Identity Theft 1 (9.35.020(2)(a))	D
28	D	Identity Theft 2 (9.35.020(2)(b))	E
29	D	Improperly Obtaining Financial	
30		Information (9.35.010)	E
31	B	Possession of Stolen Property 1	
32		(9A.56.150)	C
33	C	Possession of Stolen Property 2	
34		(9A.56.160)	D
35	D	Possession of Stolen Property 3	
36		(9A.56.170)	E

1	C	Taking Motor Vehicle Without Permission	
2		1 and 2 (9A.56.070 (((1) and (2))) <u>and</u>	
3		<u>section 11 of this act)</u>	D
4		Motor Vehicle Related Crimes	
5	E	Driving Without a License (46.20.005)	E
6	B+	Hit and Run - Death (46.52.020(4)(a))	C+
7	C	Hit and Run - Injury (46.52.020(4)(b))	D
8	D	Hit and Run-Attended (46.52.020(5))	E
9	E	Hit and Run-Unattended (46.52.010)	E
10	C	Vehicular Assault (46.61.522)	D
11	C	Attempting to Elude Pursuing Police	
12		Vehicle (46.61.024)	D
13	E	Reckless Driving (46.61.500)	E
14	D	Driving While Under the Influence	
15		(46.61.502 and 46.61.504)	E
16		Other	
17	B	Bomb Threat (9.61.160)	C
18	C	Escape 1 ¹ (9A.76.110)	C
19	C	Escape 2 ¹ (9A.76.120)	C
20	D	Escape 3 (9A.76.130)	E
21	E	Obscene, Harassing, Etc., Phone Calls	
22		(9.61.230)	E
23	A	Other Offense Equivalent to an Adult Class	
24		A Felony	B+
25	B	Other Offense Equivalent to an Adult Class	
26		B Felony	C
27	C	Other Offense Equivalent to an Adult Class	
28		C Felony	D
29	D	Other Offense Equivalent to an Adult	
30		Gross Misdemeanor	E
31	E	Other Offense Equivalent to an Adult	
32		Misdemeanor	E
33	V	Violation of Order of Restitution,	
34		Community Supervision, or Confinement	
35		(13.40.200) ²	V

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

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

3 2nd escape or attempted escape during 12-month period - 8 weeks
4 confinement

5 3rd and subsequent escape or attempted escape during 12-month
6 period - 12 weeks confinement

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

9 **JUVENILE SENTENCING STANDARDS**

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

12 **OPTION A**
13 **JUVENILE OFFENDER SENTENCING GRID**
14 **STANDARD RANGE**

15 A+ 180 WEEKS TO AGE 21 YEARS

16 A 103 WEEKS TO 129 WEEKS

17	A-	15-36	52-65	80-100	103-129
18		WEEKS	WEEKS	WEEKS	WEEKS
19		EXCEPT			
20		30-40			
21		WEEKS FOR			
22		15-17			
23		YEAR OLDS			

24	Current	B+	15-36	52-65	80-100	103-129
25	Offense		WEEKS	WEEKS	WEEKS	WEEKS

26	Category	B	LOCAL			52-65
27			SANCTIONS (LS)	15-36 WEEKS		WEEKS

28	C+	LS			15-36 WEEKS	
----	----	----	--	--	-------------	--

29	C	LS				15-36 WEEKS
----	---	----	--	--	--	-------------

30 Local Sanctions:
31 0 to 30 Days

1	D+	LS	0 to 12 Months Community Supervision	
2			0 to 150 Hours Community Restitution	
3	D	LS	\$0 to \$500 Fine	
4				
5	E	LS		
6	<hr/>			
7			0 1 2 3 4	
8				or more
9	PRIOR ADJUDICATIONS			

10 NOTE: References in the grid to days or weeks mean periods of
11 confinement.

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

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

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

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

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

28 **OR**

29 **OPTION B**

30 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

31 If the juvenile offender is subject to a standard range disposition
32 of local sanctions or 15 to 36 weeks of confinement and has not
33 committed an A- or B+ offense, the court may impose a disposition under
34 RCW 13.40.160(4) and 13.40.165.

35 **OR**

36 **OPTION C**

37 **MANIFEST INJUSTICE**

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

4 NEW SECTION. **Sec. 35.** Section 32 of this act expires July 1,
5 2004.

6 NEW SECTION. **Sec. 36.** Section 33 of this act takes effect July 1,
7 2004.

--- END ---