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**SUBSTITUTE HOUSE BILL 2405**

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**State of Washington**

**53rd Legislature**

**1994 Regular Session**

**By** House Committee on Corrections (originally sponsored by Representatives Shin, Wood, J. Kohl, Morris, Conway, Long, Brough, Brumsickle and Springer)

Read first time 02/04/94.

1 AN ACT Relating to crimes; amending RCW 9A.36.045; and reenacting  
2 and amending RCW 9.94A.320.

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

4 **Sec. 1.** RCW 9A.36.045 and 1989 c 271 s 109 are each amended to  
5 read as follows:

6 (1) A person is guilty of reckless endangerment in the first degree  
7 when he or she recklessly discharges a firearm in a manner which  
8 creates a substantial risk of death or serious physical injury to  
9 another person and the discharge is either from a motor vehicle or from  
10 the immediate area of a motor vehicle that was used to transport the  
11 shooter or the firearm to the scene of the discharge.

12 (2) A person who unlawfully discharges a firearm from a moving  
13 motor vehicle may be inferred to have engaged in reckless conduct,  
14 unless the discharge is shown by evidence satisfactory to the trier of  
15 fact to have been made without such recklessness.

16 (3) Reckless endangerment in the first degree is a class ((C)) B  
17 felony.



1 Over 18 and deliver narcotic from Schedule  
2 III, IV, or V or a nonnarcotic from  
3 Schedule I-V to someone under 18 and  
4 3 years junior (RCW 69.50.406)  
5 Controlled Substance Homicide (RCW  
6 69.50.415)  
7 Sexual Exploitation (RCW 9.68A.040)  
8 Inciting Criminal Profiteering (RCW  
9 9A.82.060(1)(b))

10 VIII Arson 1 (RCW 9A.48.020)  
11 Promoting Prostitution 1 (RCW 9A.88.070)  
12 Selling for profit (controlled or  
13 counterfeit) any controlled substance  
14 (RCW 69.50.410)  
15 Manufacture, deliver, or possess with  
16 intent to deliver heroin or cocaine  
17 (RCW 69.50.401(a)(1)(i))  
18 Manufacture, deliver, or possess with  
19 intent to deliver methamphetamine  
20 (RCW 69.50.401(a)(1)(ii))  
21 Vehicular Homicide, by being under the  
22 influence of intoxicating liquor or  
23 any drug or by the operation of any  
24 vehicle in a reckless manner (RCW  
25 46.61.520)

26 VII Burglary 1 (RCW 9A.52.020)  
27 Vehicular Homicide, by disregard for the  
28 safety of others (RCW 46.61.520)  
29 Introducing Contraband 1 (RCW 9A.76.140)  
30 Indecent Liberties (without forcible  
31 compulsion) (RCW 9A.44.100(1) (b) and  
32 (c))  
33 Child Molestation 2 (RCW 9A.44.086)  
34 Dealing in depictions of minor engaged in  
35 sexually explicit conduct (RCW  
36 9.68A.050)

1           Sending, bringing into state depictions of  
2           minor engaged in sexually explicit  
3           conduct (RCW 9.68A.060)  
4           Involving a minor in drug dealing (RCW  
5           69.50.401(f))

6       VI       Bribery (RCW 9A.68.010)  
7           Manslaughter 2 (RCW 9A.32.070)  
8           Rape of a Child 3 (RCW 9A.44.079)  
9           Intimidating a Juror/Witness (RCW  
10           9A.72.110, 9A.72.130)  
11           Damaging building, etc., by explosion with  
12           no threat to human being (RCW  
13           70.74.280(2))  
14           Endangering life and property by  
15           explosives with no threat to human  
16           being (RCW 70.74.270)  
17           Incest 1 (RCW 9A.64.020(1))  
18           Manufacture, deliver, or possess with  
19           intent to deliver narcotics from  
20           Schedule I or II (except heroin or  
21           cocaine) (RCW 69.50.401(a)(1)(i))  
22           Intimidating a Judge (RCW 9A.72.160)  
23           Bail Jumping with Murder 1 (RCW  
24           9A.76.170(2)(a))

25       V       Criminal Mistreatment 1 (RCW 9A.42.020)  
26           Rape 3 (RCW 9A.44.060)  
27           Sexual Misconduct with a Minor 1 (RCW  
28           9A.44.093)  
29           Child Molestation 3 (RCW 9A.44.089)  
30           Kidnapping 2 (RCW 9A.40.030)  
31           Extortion 1 (RCW 9A.56.120)  
32           Incest 2 (RCW 9A.64.020(2))  
33           Perjury 1 (RCW 9A.72.020)  
34           Extortionate Extension of Credit (RCW  
35           9A.82.020)  
36           Advancing money or property for  
37           extortionate extension of credit (RCW  
38           9A.82.030)

1 Extortionate Means to Collect Extensions  
2 of Credit (RCW 9A.82.040)  
3 Rendering Criminal Assistance 1 (RCW  
4 9A.76.070)  
5 Bail Jumping with class A Felony (RCW  
6 9A.76.170(2)(b))  
7 Delivery of imitation controlled substance  
8 by person eighteen or over to person  
9 under eighteen (RCW 69.52.030(2))

10 IV Residential Burglary (RCW 9A.52.025)  
11 Theft of Livestock 1 (RCW 9A.56.080)  
12 Robbery 2 (RCW 9A.56.210)  
13 Assault 2 (RCW 9A.36.021)  
14 Reckless Endangerment 1 (RCW 9A.36.045)  
15 Escape 1 (RCW 9A.76.110)  
16 Arson 2 (RCW 9A.48.030)  
17 Bribing a Witness/Bribe Received by  
18 Witness (RCW 9A.72.090, 9A.72.100)  
19 Malicious Harassment (RCW 9A.36.080)  
20 Threats to Bomb (RCW 9.61.160)  
21 Willful Failure to Return from Furlough  
22 (RCW 72.66.060)  
23 Hit and Run « Injury Accident (RCW  
24 46.52.020(4))  
25 Vehicular Assault (RCW 46.61.522)  
26 Manufacture, deliver, or possess with  
27 intent to deliver narcotics from  
28 Schedule III, IV, or V or  
29 nonnarcotics from Schedule I-V  
30 (except marijuana or  
31 methamphetamines) (RCW  
32 69.50.401(a)(1)(ii) through (iv))  
33 Influencing Outcome of Sporting Event (RCW  
34 9A.82.070)  
35 Use of Proceeds of Criminal Profiteering  
36 (RCW 9A.82.080 (1) and (2))  
37 Knowingly Trafficking in Stolen Property  
38 (RCW 9A.82.050(2))

1     III           Criminal mistreatment 2 (RCW 9A.42.030)  
2                   Extortion 2 (RCW 9A.56.130)  
3                   Unlawful Imprisonment (RCW 9A.40.040)  
4                   Assault 3 (RCW 9A.36.031)  
5                   Assault of a Child 3 (RCW 9A.36.140)  
6                   Custodial Assault (RCW 9A.36.100)  
7                   Unlawful possession of firearm or pistol by felon (RCW  
8                   9.41.040)  
9                   Harassment (RCW 9A.46.020)  
10                  Promoting Prostitution 2 (RCW 9A.88.080)  
11                  Willful Failure to Return from Work  
12                  Release (RCW 72.65.070)  
13                  Burglary 2 (RCW 9A.52.030)  
14                  Introducing Contraband 2 (RCW 9A.76.150)  
15                  Communication with a Minor for Immoral  
16                  Purposes (RCW 9.68A.090)  
17                  Patronizing a Juvenile Prostitute (RCW  
18                  9.68A.100)  
19                  Escape 2 (RCW 9A.76.120)  
20                  Perjury 2 (RCW 9A.72.030)  
21                  Bail Jumping with class B or C Felony (RCW  
22                  9A.76.170(2)(c))  
23                  Intimidating a Public Servant (RCW  
24                  9A.76.180)  
25                  Tampering with a Witness (RCW 9A.72.120)  
26                  Manufacture, deliver, or possess with  
27                  intent to deliver marijuana (RCW  
28                  69.50.401(a)(1)(ii))  
29                  Delivery of a material in lieu of a  
30                  controlled substance (RCW  
31                  69.50.401(c))  
32                  Manufacture, distribute, or possess with  
33                  intent to distribute an imitation  
34                  controlled substance (RCW  
35                  69.52.030(1))  
36                  Recklessly Trafficking in Stolen Property  
37                  (RCW 9A.82.050(1))  
38                  Theft of livestock 2 (RCW 9A.56.080)  
39                  Securities Act violation (RCW 21.20.400)

1       II       Malicious Mischief 1 (RCW 9A.48.070)  
2               Possession of Stolen Property 1 (RCW  
3               9A.56.150)  
4               Theft 1 (RCW 9A.56.030)  
5               Possession of controlled substance that is  
6               either heroin or narcotics from  
7               Schedule I or II (RCW 69.50.401(d))  
8               Possession of phencyclidine (PCP) (RCW  
9               69.50.401(d))  
10              Create, deliver, or possess a counterfeit  
11              controlled substance (RCW  
12              69.50.401(b))  
13              Computer Trespass 1 (RCW 9A.52.110)  
14              (~~Reckless Endangerment 1~~ (RCW  
15              ~~9A.36.045~~))  
16              Escape from Community Custody (RCW  
17              72.09.310)

18       I       Theft 2 (RCW 9A.56.040)  
19               Possession of Stolen Property 2 (RCW  
20               9A.56.160)  
21               Forgery (RCW 9A.60.020)  
22               Taking Motor Vehicle Without Permission  
23               (RCW 9A.56.070)  
24               Vehicle Prowl 1 (RCW 9A.52.095)  
25               Attempting to Elude a Pursuing Police  
26               Vehicle (RCW 46.61.024)  
27               Malicious Mischief 2 (RCW 9A.48.080)  
28               Reckless Burning 1 (RCW 9A.48.040)  
29               Unlawful Issuance of Checks or Drafts (RCW  
30               9A.56.060)  
31               Unlawful Use of Food Stamps (RCW 9.91.140  
32               (2) and (3))  
33               False Verification for Welfare (RCW  
34               74.08.055)  
35               Forged Prescription (RCW 69.41.020)  
36               Forged Prescription for a Controlled  
37               Substance (RCW 69.50.403)  
38               Possess Controlled Substance that is a  
39               Narcotic from Schedule III, IV, or V

1 or Non-narcotic from Schedule I-V  
2 (except phencyclidine) (RCW  
3 69.50.401(d))

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