
HOUSE BILL 2225

State of Washington

54th Legislature

1996 Regular Session

By Representatives Ballasiotes, Schoesler, Pennington, Sheldon, Kessler, D. Sommers, Radcliff, Koster, Delvin, Conway, Scheuerman, Campbell, Horn, Sheahan, Quall, Mitchell, Thompson, Blanton, Costa, Backlund and Benton

Read first time 01/08/96. Referred to Committee on Corrections.

1 AN ACT Relating to increasing the punishment for rape and indecent
2 liberties; reenacting and amending RCW 9.94A.320; creating a new
3 section; prescribing penalties; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW
6 to read as follows:

7 (1) The legislature finds that:

8 (a) Rape and other sex offenses involving forcible compulsion are
9 among the most terrifying and demeaning criminal acts an individual can
10 perpetrate against another human being and the personal trauma and
11 anguish suffered by the victims of rape and indecent liberties and by
12 their families can create devastating difficulties which often take
13 years to overcome;

14 (b) The pain and complications caused by rape and indecent
15 liberties are even more severe where deadly weapons are involved, where
16 the victim is kidnapped or receives serious physical injuries, where
17 the perpetrator has wrongfully entered the building or vehicle where
18 the victim is situated, or where forcible compulsion is used; and

1 (c) The severity of punishment for those who commit rape or
2 indecent liberties should be commensurate with the crime the
3 perpetrators have forced upon their victims and strict penalties for
4 such cruel and humiliating violations of a person's dignity and honor
5 are both appropriate and just.

6 (2) The legislature hereby intends to ensure that the penalties
7 imposed for rape and indecent liberties are significant and that the
8 victims of rape and indecent liberties will be better able to lead
9 lives free of fear knowing that the perpetrators of such crimes against
10 them will be incarcerated for a substantial length of time.

11 **Sec. 2.** RCW 9.94A.320 and 1995 c 385 s 2, 1995 c 285 s 28, and
12 1995 c 129 s 3 (Initiative Measure No. 159) are each reenacted and
13 amended to read as follows:

14 TABLE 2

15 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

16	XV	Aggravated Murder 1 (RCW 10.95.020)
17	XIV	Murder 1 (RCW 9A.32.030)
18		Homicide by abuse (RCW 9A.32.055)
19		<u>Rape 1 (RCW 9A.44.050)</u>
20	XIII	Murder 2 (RCW 9A.32.050)
21		<u>Rape 2 (with forcible compulsion) (RCW</u>
22		<u>9A.44.050(1)(a))</u>
23	XII	Assault 1 (RCW 9A.36.011)
24		Assault of a Child 1 (RCW 9A.36.120)
25		<u>Indecent Liberties (with forcible</u>
26		<u>compulsion) (RCW 9A.44.100(1)(a))</u>
27	XI	((Rape 1 (RCW 9A.44.040)))
28		Rape of a Child 1 (RCW 9A.44.073)
29	X	Kidnapping 1 (RCW 9A.40.020)
30		<u>Rape 2 (without forcible compulsion) (RCW</u>
31		<u>9A.44.050(1) (b), (c), (d), and (e))</u>
32		Rape of a Child 2 (RCW 9A.44.076)
33		Child Molestation 1 (RCW 9A.44.083)

1 Damaging building, etc., by explosion with
2 threat to human being (RCW
3 70.74.280(1))
4 Over 18 and deliver heroin or narcotic
5 from Schedule I or II to someone
6 under 18 (RCW 69.50.406)
7 Leading Organized Crime (RCW
8 9A.82.060(1)(a))
9 IX Assault of a Child 2 (RCW 9A.36.130)
10 Robbery 1 (RCW 9A.56.200)
11 Manslaughter 1 (RCW 9A.32.060)
12 Explosive devices prohibited (RCW
13 70.74.180)
14 ~~((Indecent Liberties (with forcible
15 compulsion) (RCW 9A.44.100(1)(a))))~~
16 Endangering life and property by
17 explosives with threat to human being
18 (RCW 70.74.270)
19 Over 18 and deliver narcotic from Schedule
20 III, IV, or V or a nonnarcotic from
21 Schedule I-V to someone under 18 and
22 3 years junior (RCW 69.50.406)
23 Controlled Substance Homicide (RCW
24 69.50.415)
25 Sexual Exploitation (RCW 9.68A.040)
26 Inciting Criminal Profiteering (RCW
27 9A.82.060(1)(b))
28 Vehicular Homicide, by being under the
29 influence of intoxicating liquor or
30 any drug (RCW 46.61.520)
31 VIII Arson 1 (RCW 9A.48.020)
32 Promoting Prostitution 1 (RCW 9A.88.070)
33 Selling for profit (controlled or
34 counterfeit) any controlled substance
35 (RCW 69.50.410)
36 Manufacture, deliver, or possess with
37 intent to deliver heroin or cocaine
38 (RCW 69.50.401(a)(1)(i))

1 Manufacture, deliver, or possess with
2 intent to deliver methamphetamine
3 (RCW 69.50.401(a)(1)(ii))
4 Vehicular Homicide, by the operation of
5 any vehicle in a reckless manner (RCW
6 46.61.520)

7 VII Burglary 1 (RCW 9A.52.020)
8 Vehicular Homicide, by disregard for the
9 safety of others (RCW 46.61.520)
10 Introducing Contraband 1 (RCW 9A.76.140)
11 Indecent Liberties (without forcible
12 compulsion) (RCW 9A.44.100(1) (b) and
13 (c))
14 Child Molestation 2 (RCW 9A.44.086)
15 Dealing in depictions of minor engaged in
16 sexually explicit conduct (RCW
17 9.68A.050)
18 Sending, bringing into state depictions of
19 minor engaged in sexually explicit
20 conduct (RCW 9.68A.060)
21 Involving a minor in drug dealing (RCW
22 69.50.401(f))
23 Reckless Endangerment 1 (RCW 9A.36.045)
24 Unlawful Possession of a Firearm in the
25 first degree (RCW 9.41.040(1)(a))

26 VI Bribery (RCW 9A.68.010)
27 Manslaughter 2 (RCW 9A.32.070)
28 Rape of a Child 3 (RCW 9A.44.079)
29 Intimidating a Juror/Witness (RCW
30 9A.72.110, 9A.72.130)
31 Damaging building, etc., by explosion with
32 no threat to human being (RCW
33 70.74.280(2))
34 Endangering life and property by
35 explosives with no threat to human
36 being (RCW 70.74.270)
37 Incest 1 (RCW 9A.64.020(1))

1 Manufacture, deliver, or possess with
2 intent to deliver narcotics from
3 Schedule I or II (except heroin or
4 cocaine) (RCW 69.50.401(a)(1)(i))
5 Intimidating a Judge (RCW 9A.72.160)
6 Bail Jumping with Murder 1 (RCW
7 9A.76.170(2)(a))
8 Theft of a Firearm (RCW 9A.56.300)

9 V Persistent prison misbehavior (RCW
10 9.94.070)
11 Criminal Mistreatment 1 (RCW 9A.42.020)
12 Rape 3 (RCW 9A.44.060)
13 Sexual Misconduct with a Minor 1 (RCW
14 9A.44.093)
15 Child Molestation 3 (RCW 9A.44.089)
16 Kidnapping 2 (RCW 9A.40.030)
17 Extortion 1 (RCW 9A.56.120)
18 Incest 2 (RCW 9A.64.020(2))
19 Perjury 1 (RCW 9A.72.020)
20 Extortionate Extension of Credit (RCW
21 9A.82.020)
22 Advancing money or property for
23 extortionate extension of credit (RCW
24 9A.82.030)
25 Extortionate Means to Collect Extensions
26 of Credit (RCW 9A.82.040)
27 Rendering Criminal Assistance 1 (RCW
28 9A.76.070)
29 Bail Jumping with class A Felony (RCW
30 9A.76.170(2)(b))
31 Sexually Violating Human Remains (RCW
32 9A.44.105)
33 Delivery of imitation controlled substance
34 by person eighteen or over to person
35 under eighteen (RCW 69.52.030(2))
36 Possession of a Stolen Firearm (RCW
37 9A.56.310)

1 IV Residential Burglary (RCW 9A.52.025)
2 Theft of Livestock 1 (RCW 9A.56.080)
3 Robbery 2 (RCW 9A.56.210)
4 Assault 2 (RCW 9A.36.021)
5 Escape 1 (RCW 9A.76.110)
6 Arson 2 (RCW 9A.48.030)
7 Commercial Bribery (RCW 9A.68.060)
8 Bribing a Witness/Bribe Received by
9 Witness (RCW 9A.72.090, 9A.72.100)
10 Malicious Harassment (RCW 9A.36.080)
11 Threats to Bomb (RCW 9.61.160)
12 Willful Failure to Return from Furlough
13 (RCW 72.66.060)
14 Hit and Run « Injury Accident (RCW
15 46.52.020(4))
16 Vehicular Assault (RCW 46.61.522)
17 Manufacture, deliver, or possess with
18 intent to deliver narcotics from
19 Schedule III, IV, or V or
20 nonnarcotics from Schedule I-V
21 (except marijuana or
22 methamphetamines) (RCW
23 69.50.401(a)(1)(ii) through (iv))
24 Influencing Outcome of Sporting Event (RCW
25 9A.82.070)
26 Use of Proceeds of Criminal Profiteering
27 (RCW 9A.82.080 (1) and (2))
28 Knowingly Trafficking in Stolen Property
29 (RCW 9A.82.050(2))
30 III Criminal Mistreatment 2 (RCW 9A.42.030)
31 Extortion 2 (RCW 9A.56.130)
32 Unlawful Imprisonment (RCW 9A.40.040)
33 Assault 3 (RCW 9A.36.031)
34 Assault of a Child 3 (RCW 9A.36.140)
35 Custodial Assault (RCW 9A.36.100)
36 Unlawful possession of firearm in the
37 second degree (RCW 9.41.040(1)(b))
38 Harassment (RCW 9A.46.020)
39 Promoting Prostitution 2 (RCW 9A.88.080)

1 Willful Failure to Return from Work
2 Release (RCW 72.65.070)
3 Burglary 2 (RCW 9A.52.030)
4 Introducing Contraband 2 (RCW 9A.76.150)
5 Communication with a Minor for Immoral
6 Purposes (RCW 9.68A.090)
7 Patronizing a Juvenile Prostitute (RCW
8 9.68A.100)
9 Escape 2 (RCW 9A.76.120)
10 Perjury 2 (RCW 9A.72.030)
11 Bail Jumping with class B or C Felony (RCW
12 9A.76.170(2)(c))
13 Intimidating a Public Servant (RCW
14 9A.76.180)
15 Tampering with a Witness (RCW 9A.72.120)
16 Manufacture, deliver, or possess with
17 intent to deliver marijuana (RCW
18 69.50.401(a)(1)(ii))
19 Delivery of a material in lieu of a
20 controlled substance (RCW
21 69.50.401(c))
22 Manufacture, distribute, or possess with
23 intent to distribute an imitation
24 controlled substance (RCW
25 69.52.030(1))
26 Recklessly Trafficking in Stolen Property
27 (RCW 9A.82.050(1))
28 Theft of livestock 2 (RCW 9A.56.080)
29 Securities Act violation (RCW 21.20.400)
30 II Unlawful Practice of Law (RCW 2.48.180)
31 Malicious Mischief 1 (RCW 9A.48.070)
32 Possession of Stolen Property 1 (RCW
33 9A.56.150)
34 Theft 1 (RCW 9A.56.030)
35 Trafficking in Insurance Claims (RCW
36 48.30A.015)
37 Unlicensed Practice of a Profession or
38 Business (RCW 18.130.190(7))
39 Health Care False Claims (RCW 48.80.030)

1 Possession of controlled substance that is
2 either heroin or narcotics from
3 Schedule I or II (RCW 69.50.401(d))
4 Possession of phencyclidine (PCP) (RCW
5 69.50.401(d))
6 Create, deliver, or possess a counterfeit
7 controlled substance (RCW
8 69.50.401(b))
9 Computer Trespass 1 (RCW 9A.52.110)
10 Escape from Community Custody (RCW
11 72.09.310)

12 I Theft 2 (RCW 9A.56.040)
13 Possession of Stolen Property 2 (RCW
14 9A.56.160)
15 Forgery (RCW 9A.60.020)
16 Taking Motor Vehicle Without Permission
17 (RCW 9A.56.070)
18 Vehicle Prowl 1 (RCW 9A.52.095)
19 Attempting to Elude a Pursuing Police
20 Vehicle (RCW 46.61.024)
21 Malicious Mischief 2 (RCW 9A.48.080)
22 Reckless Burning 1 (RCW 9A.48.040)
23 Unlawful Issuance of Checks or Drafts (RCW
24 9A.56.060)
25 Unlawful Use of Food Stamps (RCW 9.91.140
26 (2) and (3))
27 False Verification for Welfare (RCW
28 74.08.055)
29 Forged Prescription (RCW 69.41.020)
30 Forged Prescription for a Controlled
31 Substance (RCW 69.50.403)
32 Possess Controlled Substance that is a
33 Narcotic from Schedule III, IV, or V
34 or Non-narcotic from Schedule I-V
35 (except phencyclidine) (RCW
36 69.50.401(d))

1 NEW SECTION. **Sec. 3.** This act shall take effect July 1, 1996.

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