
HOUSE BILL 2738

State of Washington

54th Legislature

1996 Regular Session

By Representatives Thompson, McMorris, Pelesky, Sterk, Buck, Silver, McMahan, Cooke, Mulliken and Blanton

Read first time 01/17/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to attempting to elude a pursuing police vehicle;
2 amending RCW 46.20.285 and 46.61.024; reenacting and amending RCW
3 9.94A.320; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.20.285 and 1990 c 250 s 43 are each amended to read
6 as follows:

7 The department shall forthwith revoke the license of any driver for
8 the period of one calendar year unless otherwise provided in this
9 section, upon receiving a record of the driver's conviction of any of
10 the following offenses, when the conviction has become final:

11 (1) For vehicular homicide the period of revocation shall be two
12 years;

13 (2) Vehicular assault;

14 (3) Driving a motor vehicle while under the influence of
15 intoxicating liquor or a narcotic drug, or under the influence of any
16 other drug to a degree which renders the driver incapable of safely
17 driving a motor vehicle, upon a showing by the department's records
18 that the conviction is the second such conviction for the driver within
19 a period of five years. Upon a showing that the conviction is the

1 third such conviction for the driver within a period of five years, the
2 period of revocation shall be two years;

3 (4) For attempting to elude a pursuing police vehicle the period of
4 revocation shall be two years;

5 (5) Any other felony in the commission of which a motor vehicle is
6 used;

7 ~~((+5))~~ (6) Failure to stop and give information or render aid as
8 required under the laws of this state in the event of a motor vehicle
9 accident resulting in the death or personal injury of another or
10 resulting in damage to a vehicle that is driven or attended by another;

11 ~~((+6))~~ (7) Perjury or the making of a false affidavit or statement
12 under oath to the department under Title 46 RCW or under any other law
13 relating to the ownership or operation of motor vehicles;

14 ~~((+7))~~ (8) Reckless driving upon a showing by the department's
15 records that the conviction is the third such conviction for the driver
16 within a period of two years.

17 **Sec. 2.** RCW 46.61.024 and 1983 c 80 s 1 are each amended to read
18 as follows:

19 Any driver of a motor vehicle who willfully fails or refuses to
20 immediately bring his vehicle to a stop and who drives his vehicle in
21 a manner indicating a wanton or willful disregard for the lives or
22 property of others while attempting to elude a pursuing police vehicle,
23 after being given a visual or audible signal to bring the vehicle to a
24 stop, shall be guilty of a class ~~((C))~~ (B) felony. The signal given by
25 the police officer may be by hand, voice, emergency light, or siren.
26 The officer giving such a signal shall be in uniform and his vehicle
27 shall be appropriately marked showing it to be an official police
28 vehicle.

29 The license or permit to drive or any nonresident driving privilege
30 of a person convicted of a violation of this section shall be revoked
31 by the department of licensing.

32 **Sec. 3.** RCW 9.94A.320 and 1995 c 385 s 2, 1995 c 285 s 28, and
33 1995 c 129 s 3 (Initiative Measure No. 159) are each reenacted and
34 amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

1		
2		
3	XV	Aggravated Murder 1 (RCW 10.95.020)
4	XIV	Murder 1 (RCW 9A.32.030)
5		Homicide by abuse (RCW 9A.32.055)
6	XIII	Murder 2 (RCW 9A.32.050)
7	XII	Assault 1 (RCW 9A.36.011)
8		Assault of a Child 1 (RCW 9A.36.120)
9	XI	Rape 1 (RCW 9A.44.040)
10		Rape of a Child 1 (RCW 9A.44.073)
11	X	Kidnapping 1 (RCW 9A.40.020)
12		Rape 2 (RCW 9A.44.050)
13		Rape of a Child 2 (RCW 9A.44.076)
14		Child Molestation 1 (RCW 9A.44.083)
15		Damaging building, etc., by explosion with
16		threat to human being (RCW
17		70.74.280(1))
18		Over 18 and deliver heroin or narcotic
19		from Schedule I or II to someone
20		under 18 (RCW 69.50.406)
21		Leading Organized Crime (RCW
22		9A.82.060(1)(a))
23	IX	Assault of a Child 2 (RCW 9A.36.130)
24		Robbery 1 (RCW 9A.56.200)
25		Manslaughter 1 (RCW 9A.32.060)
26		Explosive devices prohibited (RCW
27		70.74.180)
28		Indecent Liberties (with forcible
29		compulsion) (RCW 9A.44.100(1)(a))
30		Endangering life and property by
31		explosives with threat to human being
32		(RCW 70.74.270)

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 Vehicular Homicide, by being under the
11 influence of intoxicating liquor or
12 any drug (RCW 46.61.520)

13 VIII Arson 1 (RCW 9A.48.020)
14 Promoting Prostitution 1 (RCW 9A.88.070)
15 Selling for profit (controlled or
16 counterfeit) any controlled substance
17 (RCW 69.50.410)
18 Manufacture, deliver, or possess with
19 intent to deliver heroin or cocaine
20 (RCW 69.50.401(a)(1)(i))
21 Manufacture, deliver, or possess with
22 intent to deliver methamphetamine
23 (RCW 69.50.401(a)(1)(ii))
24 Vehicular Homicide, by the operation of
25 any vehicle in a reckless manner (RCW
26 46.61.520)

27 VII Burglary 1 (RCW 9A.52.020)
28 Vehicular Homicide, by disregard for the
29 safety of others (RCW 46.61.520)
30 Introducing Contraband 1 (RCW 9A.76.140)
31 Indecent Liberties (without forcible
32 compulsion) (RCW 9A.44.100(1) (b) and
33 (c))
34 Child Molestation 2 (RCW 9A.44.086)
35 Dealing in depictions of minor engaged in
36 sexually explicit conduct (RCW
37 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 Reckless Endangerment 1 (RCW 9A.36.045)
7 Unlawful Possession of a Firearm in the
8 first degree (RCW 9.41.040(1)(a))
9 VI Bribery (RCW 9A.68.010)
10 Manslaughter 2 (RCW 9A.32.070)
11 Rape of a Child 3 (RCW 9A.44.079)
12 Intimidating a Juror/Witness (RCW
13 9A.72.110, 9A.72.130)
14 Damaging building, etc., by explosion with
15 no threat to human being (RCW
16 70.74.280(2))
17 Endangering life and property by
18 explosives with no threat to human
19 being (RCW 70.74.270)
20 Incest 1 (RCW 9A.64.020(1))
21 Manufacture, deliver, or possess with
22 intent to deliver narcotics from
23 Schedule I or II (except heroin or
24 cocaine) (RCW 69.50.401(a)(1)(i))
25 Intimidating a Judge (RCW 9A.72.160)
26 Bail Jumping with Murder 1 (RCW
27 9A.76.170(2)(a))
28 Theft of a Firearm (RCW 9A.56.300)
29 V Persistent prison misbehavior (RCW
30 9.94.070)
31 Criminal Mistreatment 1 (RCW 9A.42.020)
32 Rape 3 (RCW 9A.44.060)
33 Sexual Misconduct with a Minor 1 (RCW
34 9A.44.093)
35 Child Molestation 3 (RCW 9A.44.089)
36 Kidnapping 2 (RCW 9A.40.030)
37 Extortion 1 (RCW 9A.56.120)
38 Incest 2 (RCW 9A.64.020(2))

1 Perjury 1 (RCW 9A.72.020)
2 Extortionate Extension of Credit (RCW
3 9A.82.020)
4 Advancing money or property for
5 extortionate extension of credit (RCW
6 9A.82.030)
7 Extortionate Means to Collect Extensions
8 of Credit (RCW 9A.82.040)
9 Rendering Criminal Assistance 1 (RCW
10 9A.76.070)
11 Bail Jumping with class A Felony (RCW
12 9A.76.170(2)(b))
13 Sexually Violating Human Remains (RCW
14 9A.44.105)
15 Delivery of imitation controlled substance
16 by person eighteen or over to person
17 under eighteen (RCW 69.52.030(2))
18 Possession of a Stolen Firearm (RCW
19 9A.56.310)

20 IV Residential Burglary (RCW 9A.52.025)
21 Theft of Livestock 1 (RCW 9A.56.080)
22 Robbery 2 (RCW 9A.56.210)
23 Assault 2 (RCW 9A.36.021)
24 Escape 1 (RCW 9A.76.110)
25 Arson 2 (RCW 9A.48.030)
26 Commercial Bribery (RCW 9A.68.060)
27 Bribing a Witness/Bribe Received by
28 Witness (RCW 9A.72.090, 9A.72.100)
29 Malicious Harassment (RCW 9A.36.080)
30 Threats to Bomb (RCW 9.61.160)
31 Willful Failure to Return from Furlough
32 (RCW 72.66.060)
33 Hit and Run « Injury Accident (RCW
34 46.52.020(4))
35 Vehicular Assault (RCW 46.61.522)

1 Manufacture, deliver, or possess with
2 intent to deliver narcotics from
3 Schedule III, IV, or V or
4 nonnarcotics from Schedule I-V
5 (except marijuana or
6 methamphetamines) (RCW
7 69.50.401(a)(1)(ii) through (iv))
8 Influencing Outcome of Sporting Event (RCW
9 9A.82.070)
10 Use of Proceeds of Criminal Profiteering
11 (RCW 9A.82.080 (1) and (2))
12 Knowingly Trafficking in Stolen Property
13 (RCW 9A.82.050(2))
14 III Criminal Mistreatment 2 (RCW 9A.42.030)
15 Extortion 2 (RCW 9A.56.130)
16 Unlawful Imprisonment (RCW 9A.40.040)
17 Assault 3 (RCW 9A.36.031)
18 Assault of a Child 3 (RCW 9A.36.140)
19 Custodial Assault (RCW 9A.36.100)
20 Unlawful possession of firearm in the
21 second degree (RCW 9.41.040(1)(b))
22 Harassment (RCW 9A.46.020)
23 Promoting Prostitution 2 (RCW 9A.88.080)
24 Willful Failure to Return from Work
25 Release (RCW 72.65.070)
26 Burglary 2 (RCW 9A.52.030)
27 Introducing Contraband 2 (RCW 9A.76.150)
28 Communication with a Minor for Immoral
29 Purposes (RCW 9.68A.090)
30 Patronizing a Juvenile Prostitute (RCW
31 9.68A.100)
32 Escape 2 (RCW 9A.76.120)
33 Perjury 2 (RCW 9A.72.030)
34 Bail Jumping with class B or C Felony (RCW
35 9A.76.170(2)(c))
36 Intimidating a Public Servant (RCW
37 9A.76.180)
38 Tampering with a Witness (RCW 9A.72.120)

1 Manufacture, deliver, or possess with
2 intent to deliver marijuana (RCW
3 69.50.401(a)(1)(ii))
4 Delivery of a material in lieu of a
5 controlled substance (RCW
6 69.50.401(c))
7 Manufacture, distribute, or possess with
8 intent to distribute an imitation
9 controlled substance (RCW
10 69.52.030(1))
11 Recklessly Trafficking in Stolen Property
12 (RCW 9A.82.050(1))
13 Theft of livestock 2 (RCW 9A.56.080)
14 Securities Act violation (RCW 21.20.400)

15 II Unlawful Practice of Law (RCW 2.48.180)
16 Malicious Mischief 1 (RCW 9A.48.070)
17 Possession of Stolen Property 1 (RCW
18 9A.56.150)
19 Theft 1 (RCW 9A.56.030)
20 Attempting to Elude a Pursuing Police
21 Vehicle (RCW 46.61.024)
22 Trafficking in Insurance Claims (RCW
23 48.30A.015)
24 Unlicensed Practice of a Profession or
25 Business (RCW 18.130.190(7))
26 Health Care False Claims (RCW 48.80.030)
27 Possession of controlled substance that is
28 either heroin or narcotics from
29 Schedule I or II (RCW 69.50.401(d))
30 Possession of phencyclidine (PCP) (RCW
31 69.50.401(d))
32 Create, deliver, or possess a counterfeit
33 controlled substance (RCW
34 69.50.401(b))
35 Computer Trespass 1 (RCW 9A.52.110)
36 Escape from Community Custody (RCW
37 72.09.310)

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

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