

SUBSTITUTE HOUSE BILL 2216

State of Washington 62nd Legislature 2012 Regular Session

By House Judiciary (originally sponsored by Representatives Hurst, Pearson, Van De Wege, Dahlquist, Tharinger, Goodman, Johnson, Dammeier, Sells, Kelley, McCune, and Kristiansen)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to vehicular homicide and vehicular assault
2 sentences; amending RCW 66.08.190; reenacting and amending RCW
3 9.94A.515; adding a new section to chapter 43.79 RCW; and prescribing
4 penalties.

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

6 Sec. 1. RCW 9.94A.515 and 2010 c 289 s 11 and 2010 c 227 s 9 are
7 each reenacted and amended to read as follows:

8

TABLE 2

CRIMES INCLUDED WITHIN
EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
XV Homicide by abuse (RCW 9A.32.055)
Malicious explosion 1 (RCW 70.74.280(1))

1 Murder 1 (RCW 9A.32.030)  
2 XIV Murder 2 (RCW 9A.32.050)  
3 Trafficking 1 (RCW 9A.40.100(1))  
4 XIII Malicious explosion 2 (RCW  
5 70.74.280(2))  
6 Malicious placement of an explosive 1  
7 (RCW 70.74.270(1))  
8 XII Assault 1 (RCW 9A.36.011)  
9 Assault of a Child 1 (RCW 9A.36.120)  
10 Malicious placement of an imitation  
11 device 1 (RCW 70.74.272(1)(a))  
12 Promoting Commercial Sexual Abuse  
13 of a Minor (RCW 9.68A.101)  
14 Rape 1 (RCW 9A.44.040)  
15 Rape of a Child 1 (RCW 9A.44.073)  
16 Trafficking 2 (RCW 9A.40.100(2))  
17 XI Manslaughter 1 (RCW 9A.32.060)  
18 Rape 2 (RCW 9A.44.050)  
19 Rape of a Child 2 (RCW 9A.44.076)  
20 Vehicular Homicide, by being under  
21 the influence of intoxicating liquor  
22 or any drug (RCW 46.61.520)  
23 X Child Molestation 1 (RCW 9A.44.083)  
24 Criminal Mistreatment 1 (RCW  
25 9A.42.020)  
26 Indecent Liberties (with forcible  
27 compulsion) (RCW  
28 9A.44.100(1)(a))  
29 Kidnapping 1 (RCW 9A.40.020)  
30 Leading Organized Crime (RCW  
31 9A.82.060(1)(a))  
32 Malicious explosion 3 (RCW  
33 70.74.280(3))  
34 Sexually Violent Predator Escape  
35 (RCW 9A.76.115)





1 Bribery (RCW 9A.68.010)  
2 Incest 1 (RCW 9A.64.020(1))  
3 Intimidating a Judge (RCW 9A.72.160)  
4 Intimidating a Juror/Witness (RCW  
5 9A.72.110, 9A.72.130)  
6 Malicious placement of an imitation  
7 device 2 (RCW 70.74.272(1)(b))  
8 Possession of Depictions of a Minor  
9 Engaged in Sexually Explicit  
10 Conduct 1 (RCW 9.68A.070(1))  
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 2  
16 (RCW 9A.42.070)  
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 2 (RCW  
24 9A.42.030)  
25 Custodial Sexual Misconduct 1 (RCW  
26 9A.44.160)  
27 Dealing in Depictions of Minor  
28 Engaged in Sexually Explicit  
29 Conduct 2 (RCW 9.68A.050(2))  
30 Domestic Violence Court Order  
31 Violation (RCW 10.99.040,  
32 10.99.050, 26.09.300, 26.10.220,  
33 26.26.138, 26.50.110, 26.52.070,  
34 or 74.34.145)  
35 Driving While Under the Influence  
36 (RCW 46.61.502(6))  
37 Extortion 1 (RCW 9A.56.120)

1 Extortionate Extension of Credit (RCW  
2 9A.82.020)  
3 Extortionate Means to Collect  
4 Extensions of Credit (RCW  
5 9A.82.040)  
6 Incest 2 (RCW 9A.64.020(2))  
7 Kidnapping 2 (RCW 9A.40.030)  
8 Perjury 1 (RCW 9A.72.020)  
9 Persistent prison misbehavior (RCW  
10 9.94.070)  
11 Physical Control of a Vehicle While  
12 Under the Influence (RCW  
13 46.61.504(6))  
14 Possession of a Stolen Firearm (RCW  
15 9A.56.310)  
16 Rape 3 (RCW 9A.44.060)  
17 Rendering Criminal Assistance 1  
18 (RCW 9A.76.070)  
19 Sending, Bringing into State Depictions  
20 of Minor Engaged in Sexually  
21 Explicit Conduct 2 (RCW  
22 9.68A.060(2))  
23 Sexual Misconduct with a Minor 1  
24 (RCW 9A.44.093)  
25 Sexually Violating Human Remains  
26 (RCW 9A.44.105)  
27 Stalking (RCW 9A.46.110)  
28 Taking Motor Vehicle Without  
29 Permission 1 (RCW 9A.56.070)  
30 Vehicular Assault, by being under the  
31 influence of intoxicating liquor or  
32 any drug (RCW 46.61.522)  
33 IV Arson 2 (RCW 9A.48.030)  
34 Assault 2 (RCW 9A.36.021)  
35 Assault 3 (of a Peace Officer with a  
36 Projectile Stun Gun) (RCW  
37 9A.36.031(1)(h))

1 Assault by Watercraft (RCW  
2 79A.60.060)  
3 Bribing a Witness/Bribe Received by  
4 Witness (RCW 9A.72.090,  
5 9A.72.100)  
6 Cheating 1 (RCW 9.46.1961)  
7 Commercial Bribery (RCW 9A.68.060)  
8 Counterfeiting (RCW 9.16.035(4))  
9 Endangerment with a Controlled  
10 Substance (RCW 9A.42.100)  
11 Escape 1 (RCW 9A.76.110)  
12 Hit and Run--Injury (RCW  
13 46.52.020(4)(b))  
14 Hit and Run with Vessel--Injury  
15 Accident (RCW 79A.60.200(3))  
16 Identity Theft 1 (RCW 9.35.020(2))  
17 Indecent Exposure to Person Under  
18 Age Fourteen (subsequent sex  
19 offense) (RCW 9A.88.010)  
20 Influencing Outcome of Sporting Event  
21 (RCW 9A.82.070)  
22 Malicious Harassment (RCW  
23 9A.36.080)  
24 Possession of Depictions of a Minor  
25 Engaged in Sexually Explicit  
26 Conduct 2 (RCW 9.68(~~1A~~))  
27 A.070(2))  
28 Residential Burglary (RCW  
29 9A.52.025)  
30 Robbery 2 (RCW 9A.56.210)  
31 Theft of Livestock 1 (RCW 9A.56.080)  
32 Threats to Bomb (RCW 9.61.160)  
33 Trafficking in Stolen Property 1 (RCW  
34 9A.82.050)  
35 Unlawful factoring of a credit card or  
36 payment card transaction (RCW  
37 9A.56.290(4)(b))

1 Unlawful transaction of health  
2 coverage as a health care service  
3 contractor (RCW 48.44.016(3))  
4 Unlawful transaction of health  
5 coverage as a health maintenance  
6 organization (RCW 48.46.033(3))  
7 Unlawful transaction of insurance  
8 business (RCW 48.15.023(3))  
9 Unlicensed practice as an insurance  
10 professional (RCW 48.17.063(2))  
11 Use of Proceeds of Criminal  
12 Profiteering (RCW 9A.82.080 (1)  
13 and (2))  
14 Vehicular Assault, (~~by being under the~~  
15 ~~influence of intoxicating liquor or~~  
16 ~~any drug, or~~) by the operation or  
17 driving of a vehicle in a reckless  
18 manner (RCW 46.61.522)  
19 Viewing of Depictions of a Minor  
20 Engaged in Sexually Explicit  
21 Conduct 1 (RCW 9.68A.075(1))  
22 Willful Failure to Return from  
23 Furlough (RCW 72.66.060)  
24 III Animal Cruelty 1 (Sexual Conduct or  
25 Contact) (RCW 16.52.205(3))  
26 Assault 3 (Except Assault 3 of a Peace  
27 Officer With a Projectile Stun  
28 Gun) (RCW 9A.36.031 except  
29 subsection (1)(h))  
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 Custodial Assault (RCW 9A.36.100)  
4 Cyberstalking (subsequent conviction  
5 or threat of death) (RCW  
6 9.61.260(3))  
7 Escape 2 (RCW 9A.76.120)  
8 Extortion 2 (RCW 9A.56.130)  
9 Harassment (RCW 9A.46.020)  
10 Intimidating a Public Servant (RCW  
11 9A.76.180)  
12 Introducing Contraband 2 (RCW  
13 9A.76.150)  
14 Malicious Injury to Railroad Property  
15 (RCW 81.60.070)  
16 Mortgage Fraud (RCW 19.144.080)  
17 Negligently Causing Substantial Bodily  
18 Harm By Use of a Signal  
19 Preemption Device (RCW  
20 46.37.674)  
21 Organized Retail Theft 1 (RCW  
22 9A.56.350(2))  
23 Perjury 2 (RCW 9A.72.030)  
24 Possession of Incendiary Device (RCW  
25 9.40.120)  
26 Possession of Machine Gun or Short-  
27 Barreled Shotgun or Rifle (RCW  
28 9.41.190)  
29 Promoting Prostitution 2 (RCW  
30 9A.88.080)  
31 Retail Theft with Extenuating  
32 Circumstances 1 (RCW  
33 9A.56.360(2))  
34 Securities Act violation (RCW  
35 21.20.400)  
36 Tampering with a Witness (RCW  
37 9A.72.120)

1 Telephone Harassment (subsequent  
2 conviction or threat of death)  
3 (RCW 9.61.230(2))  
4 Theft of Livestock 2 (RCW 9A.56.083)  
5 Theft with the Intent to Resell 1 (RCW  
6 9A.56.340(2))  
7 Trafficking in Stolen Property 2 (RCW  
8 9A.82.055)  
9 Unlawful Imprisonment (RCW  
10 9A.40.040)  
11 Unlawful possession of firearm in the  
12 second degree (RCW 9.41.040(2))  
13 Vehicular Assault, by the operation or  
14 driving of a vehicle with disregard  
15 for the safety of others (RCW  
16 46.61.522)  
17 Willful Failure to Return from Work  
18 Release (RCW 72.65.070)  
19 II Computer Trespass 1 (RCW  
20 9A.52.110)  
21 Counterfeiting (RCW 9.16.035(3))  
22 Escape from Community Custody  
23 (RCW 72.09.310)  
24 Failure to Register as a Sex Offender  
25 (second or subsequent offense)  
26 (RCW ((9A.44.130(11)(a)))  
27 9A.44.132)  
28 Health Care False Claims (RCW  
29 48.80.030)  
30 Identity Theft 2 (RCW 9.35.020(3))  
31 Improperly Obtaining Financial  
32 Information (RCW 9.35.010)  
33 Malicious Mischief 1 (RCW  
34 9A.48.070)  
35 Organized Retail Theft 2 (RCW  
36 9A.56.350(3))

1 Possession of Stolen Property 1 (RCW  
2 9A.56.150)  
3 Possession of a Stolen Vehicle (RCW  
4 9A.56.068)  
5 Retail Theft with Extenuating  
6 Circumstances 2 (RCW  
7 9A.56.360(3))  
8 Theft 1 (RCW 9A.56.030)  
9 Theft of a Motor Vehicle (RCW  
10 9A.56.065)  
11 Theft of Rental, Leased, or Lease-  
12 purchased Property (valued at one  
13 thousand five hundred dollars or  
14 more) (RCW 9A.56.096(5)(a))  
15 Theft with the Intent to Resell 2 (RCW  
16 9A.56.340(3))  
17 Trafficking in Insurance Claims (RCW  
18 48.30A.015)  
19 Unlawful factoring of a credit card or  
20 payment card transaction (RCW  
21 9A.56.290(4)(a))  
22 Unlawful Practice of Law (RCW  
23 2.48.180)  
24 Unlicensed Practice of a Profession or  
25 Business (RCW 18.130.190(7))  
26 Voyeurism (RCW 9A.44.115)  
27 I Attempting to Elude a Pursuing Police  
28 Vehicle (RCW 46.61.024)  
29 False Verification for Welfare (RCW  
30 74.08.055)  
31 Forgery (RCW 9A.60.020)  
32 Fraudulent Creation or Revocation of a  
33 Mental Health Advance Directive  
34 (RCW 9A.60.060)  
35 Malicious Mischief 2 (RCW  
36 9A.48.080)  
37 Mineral Trespass (RCW 78.44.330)

1 Possession of Stolen Property 2 (RCW  
2 9A.56.160)  
3 Reckless Burning 1 (RCW 9A.48.040)  
4 Taking Motor Vehicle Without  
5 Permission 2 (RCW 9A.56.075)  
6 Theft 2 (RCW 9A.56.040)  
7 Theft of Rental, Leased, or Lease-  
8 purchased Property (valued at two  
9 hundred fifty dollars or more but  
10 less than one thousand five  
11 hundred dollars) (RCW  
12 9A.56.096(5)(b))  
13 Transaction of insurance business  
14 beyond the scope of licensure  
15 (RCW 48.17.063)  
16 Unlawful Issuance of Checks or Drafts  
17 (RCW 9A.56.060)  
18 Unlawful Possession of Fictitious  
19 Identification (RCW 9A.56.320)  
20 Unlawful Possession of Instruments of  
21 Financial Fraud (RCW 9A.56.320)  
22 Unlawful Possession of Payment  
23 Instruments (RCW 9A.56.320)  
24 Unlawful Possession of a Personal  
25 Identification Device (RCW  
26 9A.56.320)  
27 Unlawful Production of Payment  
28 Instruments (RCW 9A.56.320)  
29 Unlawful Trafficking in Food Stamps  
30 (RCW 9.91.142)  
31 Unlawful Use of Food Stamps (RCW  
32 9.91.144)  
33 Vehicle Prowl 1 (RCW 9A.52.095)

34 **Sec. 2.** RCW 66.08.190 and 2011 1st sp.s. c 50 s 960 are each  
35 amended to read as follows:

36 (1) (~~Except for revenues generated by the 2003 surcharge of~~  
37 ~~\$0.42/liter on retail sales of spirits that must be distributed to the~~

1 ~~state general fund during the 2003-2005 biennium,~~) When excess funds  
2 are distributed, all moneys subject to distribution must be disbursed  
3 as follows:

4 (a) Three-tenths of one percent to border areas under RCW  
5 66.08.195; and

6 (b) Except as provided in subsection (4) or (5) of this section,  
7 from the amount remaining after distribution under (a) of this  
8 subsection, (i) fifty percent to the general fund of the state, (ii)  
9 ten percent to the counties of the state, and (iii) forty percent to  
10 the incorporated cities and towns of the state.

11 (2) During the months of June, September, December, and March of  
12 each year, prior to disbursing the distribution to incorporated cities  
13 and towns under subsection (1)(b) of this section, the treasurer must  
14 deduct from that distribution an amount that will fund that quarter's  
15 allotments under RCW 43.88.110 from any legislative appropriation from  
16 the city and town research services account. The treasurer must  
17 deposit the amount deducted into the city and town research services  
18 account.

19 (3) The governor may notify and direct the state treasurer to  
20 withhold the revenues to which the counties and cities are entitled  
21 under this section if the counties or cities are found to be in  
22 noncompliance pursuant to RCW 36.70A.340.

23 (4) During the 2011-2013 fiscal biennium, from the amount remaining  
24 after distribution under subsection (1)(a) of this section, (a) 51.7  
25 percent to the general fund of the state, (b) 9.7 percent to the  
26 counties of the state, and (c) 38.6 percent to the incorporated cities  
27 and towns of the state.

28 (5)(a) During the 2013-2015 fiscal biennium, of the amount to be  
29 distributed to the state general fund under subsection (1)(b) of this  
30 section, eight hundred thousand dollars shall be distributed to the  
31 vehicular homicide enforcement account.

32 (b) During the 2015-2017 fiscal biennium, of the amount to be  
33 distributed to the state general fund under subsection (1)(b) of this  
34 section, two million dollars shall be distributed to the vehicular  
35 homicide enforcement account.

36 (c) During the 2017-2019 fiscal biennium and each biennium  
37 thereafter, of the amount to be distributed to the state general fund

1 under subsection (1)(b) of this section, three million dollars shall be  
2 distributed to the vehicular homicide enforcement account.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.79 RCW  
4 to read as follows:

5 The vehicular homicide enforcement account is created in the state  
6 treasury. Moneys in the account may be spent only after appropriation.  
7 Revenues to the account consist of amounts distributed under RCW  
8 66.08.190(5) and other amounts appropriated or transferred to the  
9 account by the legislature. Expenditures from the account may be made  
10 only for costs to the department of corrections incurred as a result of  
11 implementation of section 1, chapter . . . , Laws of 2012 (section 1  
12 of this act).

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