

2ESSB 5451 - H AMD TO H AMD H-2634.1 688 WITHDRAWN 4-23-93

By Representatives Tate and Long

On page 7, line 34, after "degree," insert "robbery in the first degree when the personal property taken by the person is a motor vehicle,"

On page 8, line 38, after "degree" insert "whether or not the personal property taken by the person is a motor vehicle"

On page 27, after line 18, insert the following:

"**Sec. 6.** RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV	Aggravated Murder 1 (RCW 10.95.020)
XIV	Murder 1 (RCW 9A.32.030) Homicide by abuse (RCW 9A.32.055)
XIII	Murder 2 (RCW 9A.32.050)
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120)
XI	Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073)
X	Kidnapping 1 (RCW 9A.40.020) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076) Child Molestation 1 (RCW 9A.44.083) <u>Robbery 1 when the personal property taken by the person is a motor vehicle (RCW 9A.56.200)</u> Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1)) Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406) Leading Organized Crime (RCW 9A.82.060(1)(a))

1 IX Assault of a Child 2 (RCW 9A.36.130)
2 Robbery 1 except when the personal
3 property taken by the person is a
4 motor vehicle (RCW 9A.56.200)
5 Manslaughter 1 (RCW 9A.32.060)
6 Explosive devices prohibited (RCW
7 70.74.180)
8 Indecent Liberties (with forcible
9 compulsion) (RCW 9A.44.100(1)(a))
10 Endangering life and property by
11 explosives with threat to human
12 being (RCW 70.74.270)
13 Over 18 and deliver narcotic from
14 Schedule III, IV, or V or a
15 nonnarcotic from Schedule I-V to
16 someone under 18 and 3 years junior
17 (RCW 69.50.406)
18 Controlled Substance Homicide (RCW
19 69.50.415)
20 Sexual Exploitation (RCW 9.68A.040)
21 Inciting Criminal Profiteering (RCW
22 9A.82.060(1)(b))
23 VIII Arson 1 (RCW 9A.48.020)
24 Promoting Prostitution 1 (RCW 9A.88.070)
25 Selling for profit (controlled or
26 counterfeit) any controlled
27 substance (RCW 69.50.410)
28 Manufacture, deliver, or possess with
29 intent to deliver heroin or cocaine
30 (RCW 69.50.401(a)(1)(i))
31 Manufacture, deliver, or possess with
32 intent to deliver methamphetamine
33 (RCW 69.50.401(a)(1)(ii))
34 Vehicular Homicide, by being under the
35 influence of intoxicating liquor or
36 any drug or by the operation of any
37 vehicle in a reckless manner (RCW
38 46.61.520)
39 VII Burglary 1 (RCW 9A.52.020)
40 Vehicular Homicide, by disregard for the
41 safety of others (RCW 46.61.520)
42 Introducing Contraband 1 (RCW 9A.76.140)
43 Indecent Liberties (without forcible
44 compulsion) (RCW 9A.44.100(1) (b)
45 and (c))
46 Child Molestation 2 (RCW 9A.44.086)
47 Dealing in depictions of minor engaged
48 in sexually explicit conduct (RCW
49 9.68A.050)
50 Sending, bringing into state depictions
51 of minor engaged in sexually
52 explicit conduct (RCW 9.68A.060)
53 Involving a minor in drug dealing (RCW
54 69.50.401(f))
55 VI Bribery (RCW 9A.68.010)
56 Manslaughter 2 (RCW 9A.32.070)
57 Rape of a Child 3 (RCW 9A.44.079)

1 Intimidating a Juror/Witness (RCW
2 9A.72.110, 9A.72.130)
3 Damaging building, etc., by explosion
4 with no threat to human being (RCW
5 70.74.280(2))
6 Endangering life and property by
7 explosives with no threat to human
8 being (RCW 70.74.270)
9 Incest 1 (RCW 9A.64.020(1))
10 Manufacture, deliver, or possess with
11 intent to deliver narcotics from
12 Schedule I or II (except heroin or
13 cocaine) (RCW 69.50.401(a)(1)(i))
14 Intimidating a Judge (RCW 9A.72.160)
15 Bail Jumping with Murder 1 (RCW
16 9A.76.170(2)(a))
17 V Criminal Mistreatment 1 (RCW 9A.42.020)
18 Rape 3 (RCW 9A.44.060)
19 Sexual Misconduct with a Minor 1 (RCW
20 9A.44.093)
21 Child Molestation 3 (RCW 9A.44.089)
22 Robbery 2 when the personal property
23 taken by the person is a motor
24 vehicle (RCW 9A.56.210)
25 Kidnapping 2 (RCW 9A.40.030)
26 Extortion 1 (RCW 9A.56.120)
27 Incest 2 (RCW 9A.64.020(2))
28 Perjury 1 (RCW 9A.72.020)
29 Extortionate Extension of Credit (RCW
30 9A.82.020)
31 Advancing money or property for
32 extortionate extension of credit
33 (RCW 9A.82.030)
34 Extortionate Means to Collect Extensions
35 of Credit (RCW 9A.82.040)
36 Rendering Criminal Assistance 1 (RCW
37 9A.76.070)
38 Bail Jumping with class A Felony (RCW
39 9A.76.170(2)(b))
40 Delivery of imitation controlled
41 substance by person eighteen or
42 over to person under eighteen (RCW
43 69.52.030(2))
44 IV Residential Burglary (RCW 9A.52.025)
45 Theft of Livestock 1 (RCW 9A.56.080)
46 Robbery 2 except when the personal
47 property taken by the person is a
48 motor vehicle (RCW 9A.56.210)
49 Assault 2 (RCW 9A.36.021)
50 Escape 1 (RCW 9A.76.110)
51 Arson 2 (RCW 9A.48.030)
52 Bribing a Witness/Bribe Received by
53 Witness (RCW 9A.72.090, 9A.72.100)
54 Malicious Harassment (RCW 9A.36.080)
55 Threats to Bomb (RCW 9.61.160)
56 Willful Failure to Return from Furlough
57 (RCW 72.66.060)
58 Hit and Run « Injury Accident (RCW
59 46.52.020(4))

1 Vehicular Assault (RCW 46.61.522)
2 Manufacture, deliver, or possess with
3 intent to deliver narcotics from
4 Schedule III, IV, or V or
5 nonnarcotics from Schedule I-V
6 (except marijuana or
7 methamphetamines) (RCW
8 69.50.401(a)(1)(ii) through (iv))
9 Influencing Outcome of Sporting Event
10 (RCW 9A.82.070)
11 Use of Proceeds of Criminal Profiteering
12 (RCW 9A.82.080 (1) and (2))
13 Knowingly Trafficking in Stolen Property
14 (RCW 9A.82.050(2))
15 III Criminal mistreatment 2 (RCW 9A.42.030)
16 Extortion 2 (RCW 9A.56.130)
17 Unlawful Imprisonment (RCW 9A.40.040)
18 Assault 3 (RCW 9A.36.031)
19 Assault of a Child 3 (RCW 9A.36.140)
20 Custodial Assault (RCW 9A.36.100)
21 Unlawful possession of firearm or pistol by felon (RCW
22 9.41.040)
23 Harassment (RCW 9A.46.020)
24 Promoting Prostitution 2 (RCW 9A.88.080)
25 Willful Failure to Return from Work
26 Release (RCW 72.65.070)
27 Burglary 2 (RCW 9A.52.030)
28 Introducing Contraband 2 (RCW 9A.76.150)
29 Communication with a Minor for Immoral
30 Purposes (RCW 9.68A.090)
31 Patronizing a Juvenile Prostitute (RCW
32 9.68A.100)
33 Escape 2 (RCW 9A.76.120)
34 Perjury 2 (RCW 9A.72.030)
35 Bail Jumping with class B or C Felony
36 (RCW 9A.76.170(2)(c))
37 Intimidating a Public Servant (RCW
38 9A.76.180)
39 Tampering with a Witness (RCW 9A.72.120)
40 Manufacture, deliver, or possess with
41 intent to deliver marijuana (RCW
42 69.50.401(a)(1)(ii))
43 Delivery of a material in lieu of a
44 controlled substance (RCW
45 69.50.401(c))
46 Manufacture, distribute, or possess with
47 intent to distribute an imitation
48 controlled substance (RCW
49 69.52.030(1))
50 Recklessly Trafficking in Stolen
51 Property (RCW 9A.82.050(1))
52 Theft of livestock 2 (RCW 9A.56.080)
53 Securities Act violation (RCW 21.20.400)
54 II Malicious Mischief 1 (RCW 9A.48.070)
55 Possession of Stolen Property 1 (RCW
56 9A.56.150)
57 Theft 1 (RCW 9A.56.030)

1 Possession of controlled substance that
2 is 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
7 counterfeit controlled substance
8 (RCW 69.50.401(b))
9 Computer Trespass 1 (RCW 9A.52.110)
10 Reckless Endangerment 1 (RCW 9A.36.045)
11 Escape from Community Custody (RCW
12 72.09.310)
13 I Theft 2 (RCW 9A.56.040)
14 Possession of Stolen Property 2 (RCW
15 9A.56.160)
16 Forgery (RCW 9A.60.020)
17 Taking Motor Vehicle Without Permission
18 (RCW 9A.56.070)
19 Vehicle Prowl 1 (RCW 9A.52.095)
20 Attempting to Elude a Pursuing Police
21 Vehicle (RCW 46.61.024)
22 Malicious Mischief 2 (RCW 9A.48.080)
23 Reckless Burning 1 (RCW 9A.48.040)
24 Unlawful Issuance of Checks or Drafts
25 (RCW 9A.56.060)
26 Unlawful Use of Food Stamps (RCW
27 9.91.140 (2) and (3))
28 False Verification for Welfare (RCW
29 74.08.055)
30 Forged Prescription (RCW 69.41.020)
31 Forged Prescription for a Controlled
32 Substance (RCW 69.50.403)
33 Possess Controlled Substance that is a
34 Narcotic from Schedule III, IV, or
35 V or Non-narcotic from Schedule I-V
36 (except phencyclidine) (RCW
37 69.50.401(d))"

38 Renumber the remaining sections consecutively and correct
39 internal references accordingly.

EFFECT: Includes robbery 1 involving a motor vehicle as a serious violent crime and enhances the seriousness levels of robbery 1 and 2 involving a motor vehicle for purposes of sentencing offenders under the sentencing grid.

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