

2 **E2SHB 2319** - S AMD TO S AMD (S-5375.4/94)
3 By Senators Roach, Nelson, Hochstatter and L. Smith

4 ADOPTED 3/4/94 - ROLL CALL 41-8

5 On page 30, after line 20 of the amendment, insert the following:

6 "Sec. 409. RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are
7 each reenacted and amended to read as follows:

8 TABLE 2

9 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

10	XV	Aggravated Murder 1 (RCW 10.95.020)
11	XIV	Murder 1 (RCW 9A.32.030)
12		Homicide by abuse (RCW 9A.32.055)
13	XIII	Murder 2 (RCW 9A.32.050)
14	XII	Assault 1 (RCW 9A.36.011)
15		Assault of a Child 1 (RCW 9A.36.120)
16	XI	Rape 1 (RCW 9A.44.040)
17		Rape of a Child 1 (RCW 9A.44.073)
18	X	Kidnapping 1 (RCW 9A.40.020)
19		Rape 2 (RCW 9A.44.050)
20		Rape of a Child 2 (RCW 9A.44.076)
21		Child Molestation 1 (RCW 9A.44.083)
22		Damaging building, etc., by explosion with
23		threat to human being (RCW
24		70.74.280(1))
25		Over 18 and deliver heroin or narcotic
26		from Schedule I or II to someone
27		under 18 (RCW 69.50.406)
28		Leading Organized Crime (RCW
29		9A.82.060(1)(a))

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

1 VII Burglary 1 (RCW 9A.52.020)
2 Vehicular Homicide, by disregard for the
3 safety of others (RCW 46.61.520)
4 Introducing Contraband 1 (RCW 9A.76.140)
5 Indecent Liberties (without forcible
6 compulsion) (RCW 9A.44.100(1) (b) and
7 (c))
8 Child Molestation 2 (RCW 9A.44.086)
9 Dealing in depictions of minor engaged in
10 sexually explicit conduct (RCW
11 9.68A.050)
12 Sending, bringing into state depictions of
13 minor engaged in sexually explicit
14 conduct (RCW 9.68A.060)
15 Involving a minor in drug dealing (RCW
16 69.50.401(f))

17 VI Bribery (RCW 9A.68.010)
18 Manslaughter 2 (RCW 9A.32.070)
19 Rape of a Child 3 (RCW 9A.44.079)
20 Intimidating a Juror/Witness (RCW
21 9A.72.110, 9A.72.130)
22 Damaging building, etc., by explosion with
23 no threat to human being (RCW
24 70.74.280(2))
25 Endangering life and property by
26 explosives with no threat to human
27 being (RCW 70.74.270)
28 Incest 1 (RCW 9A.64.020(1))
29 Manufacture, deliver, or possess with
30 intent to deliver narcotics from
31 Schedule I or II (except heroin or
32 cocaine) (RCW 69.50.401(a)(1)(i))
33 Intimidating a Judge (RCW 9A.72.160)
34 Bail Jumping with Murder 1 (RCW
35 9A.76.170(2)(a))

1 V Criminal Mistreatment 1 (RCW 9A.42.020)
2 Reckless Endangerment 1 (RCW 9A.36.045)
3 Rape 3 (RCW 9A.44.060)
4 Sexual Misconduct with a Minor 1 (RCW
5 9A.44.093)
6 Child Molestation 3 (RCW 9A.44.089)
7 Kidnapping 2 (RCW 9A.40.030)
8 Extortion 1 (RCW 9A.56.120)
9 Incest 2 (RCW 9A.64.020(2))
10 Perjury 1 (RCW 9A.72.020)
11 Extortionate Extension of Credit (RCW
12 9A.82.020)
13 Advancing money or property for
14 extortionate extension of credit (RCW
15 9A.82.030)
16 Extortionate Means to Collect Extensions
17 of Credit (RCW 9A.82.040)
18 Rendering Criminal Assistance 1 (RCW
19 9A.76.070)
20 Bail Jumping with class A Felony (RCW
21 9A.76.170(2)(b))
22 Delivery of imitation controlled substance
23 by person eighteen or over to person
24 under eighteen (RCW 69.52.030(2))

25 IV Residential Burglary (RCW 9A.52.025)
26 Theft of Livestock 1 (RCW 9A.56.080)
27 Robbery 2 (RCW 9A.56.210)
28 Assault 2 (RCW 9A.36.021)
29 Escape 1 (RCW 9A.76.110)
30 Arson 2 (RCW 9A.48.030)
31 Bribing a Witness/Bribe Received by
32 Witness (RCW 9A.72.090, 9A.72.100)
33 Malicious Harassment (RCW 9A.36.080)
34 Threats to Bomb (RCW 9.61.160)
35 Willful Failure to Return from Furlough
36 (RCW 72.66.060)
37 Hit and Run « Injury Accident (RCW
38 46.52.020(4))
39 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 Possession of Stolen Firearm 1 (RCW
15 9A.56.-- (section 416 of this act))
16 Reckless Endangerment 2 (RCW 9A.36.-- (section 411 of this
17 act))
18 Theft of Firearm 1 (RCW 9A.56.-- (section
19 413 of this act))
20 Unlawful Possession of Firearm by Felon
21 (RCW 9.41.040)
22 III Criminal mistreatment 2 (RCW 9A.42.030)
23 Extortion 2 (RCW 9A.56.130)
24 Unlawful Imprisonment (RCW 9A.40.040)
25 Assault 3 (RCW 9A.36.031)
26 Assault of a Child 3 (RCW 9A.36.140)
27 Custodial Assault (RCW 9A.36.100)
28 ~~((Unlawful possession of firearm or pistol by felon (RCW~~
29 ~~9.41.040))~~
30 Harassment (RCW 9A.46.020)
31 Promoting Prostitution 2 (RCW 9A.88.080)
32 Willful Failure to Return from Work
33 Release (RCW 72.65.070)
34 Burglary 2 (RCW 9A.52.030)
35 Introducing Contraband 2 (RCW 9A.76.150)
36 Communication with a Minor for Immoral
37 Purposes (RCW 9.68A.090)
38 Patronizing a Juvenile Prostitute (RCW
39 9.68A.100)

1 Escape 2 (RCW 9A.76.120)
2 Perjury 2 (RCW 9A.72.030)
3 Bail Jumping with class B or C Felony (RCW
4 9A.76.170(2)(c))
5 Intimidating a Public Servant (RCW
6 9A.76.180)
7 Tampering with a Witness (RCW 9A.72.120)
8 Manufacture, deliver, or possess with
9 intent to deliver marijuana (RCW
10 69.50.401(a)(1)(ii))
11 Delivery of a material in lieu of a
12 controlled substance (RCW
13 69.50.401(c))
14 Manufacture, distribute, or possess with
15 intent to distribute an imitation
16 controlled substance (RCW
17 69.52.030(1))
18 Recklessly Trafficking in Stolen Property
19 (RCW 9A.82.050(1))
20 Theft of livestock 2 (RCW 9A.56.080)
21 Securities Act violation (RCW 21.20.400)
22 Possession of Stolen Firearm 2 (RCW
23 9A.56.-- (section 417 of this act))
24 Theft of Firearm 2 (RCW 9A.56.-- (section
25 414 of this act))
26 II Malicious Mischief 1 (RCW 9A.48.070)
27 Possession of Stolen Property 1 (RCW
28 9A.56.150)
29 Theft 1 (RCW 9A.56.030)
30 Possession of controlled substance that is
31 either heroin or narcotics from
32 Schedule I or II (RCW 69.50.401(d))
33 Possession of phencyclidine (PCP) (RCW
34 69.50.401(d))
35 Create, deliver, or possess a counterfeit
36 controlled substance (RCW
37 69.50.401(b))

1 Computer Trespass 1 (RCW 9A.52.110)
2 ((~~Reckless Endangerment 1~~ (RCW
3 9A.36.045)))
4 Escape from Community Custody (RCW
5 72.09.310)

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

31 **Sec. 410.** RCW 9A.36.045 and 1989 c 271 s 109 are each amended to
32 read as follows:

33 (1) A person is guilty of reckless endangerment in the first degree
34 when he or she recklessly discharges a firearm in a manner which
35 creates a substantial risk of death or serious physical injury to
36 another person and the discharge is either from a motor vehicle or from

1 the immediate area of a motor vehicle that was used to transport the
2 shooter or the firearm to the scene of the discharge.

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

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

9 NEW SECTION. **Sec. 411.** A new section is added to chapter 9A.36
10 RCW to read as follows:

11 (1) A person is guilty of reckless endangerment in the second
12 degree when he or she recklessly discharges a firearm or uses any other
13 deadly weapon as defined in RCW 9.94A.125 in conduct not amounting to
14 reckless endangerment in the first degree but which creates a
15 substantial risk of death or serious physical injury to another person.

16 (2) Reckless endangerment in the second degree is a class C felony.

17 **Sec. 412.** RCW 9A.36.050 and 1989 c 271 s 110 are each amended to
18 read as follows:

19 (1) A person is guilty of reckless endangerment in the ((second))
20 third degree when he or she recklessly engages in conduct not amounting
21 to reckless endangerment in the first or second degree but which
22 creates a substantial risk of death or serious physical injury to
23 another person.

24 (2) Reckless endangerment in the ((second)) third degree is a gross
25 misdemeanor.

26 NEW SECTION. **Sec. 413.** A new section is added to chapter 9A.56
27 RCW to read as follows:

28 (1) A person is guilty of theft of a firearm in the first degree if
29 he or she commits theft of:

30 (a) A firearm or firearms in excess of one thousand dollars in
31 value; or

32 (b) A total of three or more firearms; or

33 (c) A firearm or firearms of any value taken from the person of
34 another.

1 (2) The definition of theft and the defense allowed against the
2 prosecution of theft under RCW 9A.56.020 shall apply to the theft of a
3 firearm in the first degree.

4 (3) Theft of a firearm in the first degree is a class B felony.

5 NEW SECTION. **Sec. 414.** A new section is added to chapter 9A.56
6 RCW to read as follows:

7 (1) A person is guilty of theft of a firearm in the second degree
8 if he or she commits theft of any firearm or firearms which does not
9 amount to theft of a firearm in the first degree.

10 (2) The definition of theft and the defense allowed against the
11 prosecution of theft under RCW 9A.56.020 shall apply to the theft of a
12 firearm in the second degree.

13 (3) Theft of a firearm in the second degree is a class C felony.

14 **Sec. 415.** RCW 9A.56.040 and 1987 c 140 s 2 are each amended to
15 read as follows:

16 (1) A person is guilty of theft in the second degree if he or she
17 commits theft of:

18 (a) Property or services which exceed(s) two hundred and fifty
19 dollars in value, but does not exceed one thousand five hundred dollars
20 in value; or

21 (b) A public record, writing, or instrument kept, filed, or
22 deposited according to law with or in the keeping of any public office
23 or public servant; or

24 (c) An access device; or

25 (d) A motor vehicle, of a value less than one thousand five hundred
26 dollars(~~;~~ or

27 ~~(e) A firearm, of a value less than one thousand five hundred~~
28 ~~dollars)).~~

29 (2) Theft in the second degree is a class C felony.

30 NEW SECTION. **Sec. 416.** A new section is added to chapter 9A.56
31 RCW to read as follows:

32 (1) A person is guilty of possessing a stolen firearm in the first
33 degree if he or she possesses a stolen firearm or firearms which:

34 (a) Exceed one thousand dollars in value; or

35 (b) Total three or more firearms.

1 (2) The definition of possessing stolen property and the defense
2 allowed against the prosecution of possessing stolen property under RCW
3 9A.56.020 shall apply to possessing a stolen firearm in the first
4 degree.

5 (3) Possessing a stolen firearm in the first degree is a class B
6 felony.

7 NEW SECTION. **Sec. 417.** A new section is added to chapter 9A.56
8 RCW to read as follows:

9 (1) A person is guilty of possessing a stolen firearm in the second
10 degree if he or she possesses a stolen firearm or firearms not
11 amounting to possessing a stolen firearm in the first degree.

12 (2) The definition of possessing stolen property and the defense
13 allowed against the prosecution of possessing stolen property under RCW
14 9A.56.020 shall apply to possessing a stolen firearm in the second
15 degree.

16 (3) Possessing a stolen firearm in the second degree is a class C
17 felony.

18 **Sec. 418.** RCW 9A.56.160 and 1987 c 140 s 4 are each amended to
19 read as follows:

20 (1) A person is guilty of possessing stolen property in the second
21 degree if:

22 (a) He or she possesses stolen property which exceeds two hundred
23 fifty dollars in value but does not exceed one thousand five hundred
24 dollars in value; or

25 (b) He or she possesses a stolen public record, writing or
26 instrument kept, filed, or deposited according to law; or

27 (c) He or she possesses a stolen access device; or

28 (d) He or she possesses a stolen motor vehicle of a value less than
29 one thousand five hundred dollars(~~(; or~~

30 ~~(e) He possesses a stolen firearm~~)).

31 (2) Possessing stolen property in the second degree is a class C
32 felony."

33 Renumber the remaining sections consecutively and correct any
34 internal references accordingly.

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2 By Senator Roach

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4 On page 56, beginning on line 3 of the amendment, strike all of
5 sections 431 and 432

6 Renumber the remaining sections consecutively and correct any
7 internal references accordingly.

8 **E2SHB 2319** - S AMD TO S AMD (S-5375.4/94)

9 By Senators Roach, Nelson, Hochsttter and L. Smith

10 ADOPTED 3/4/94

11 On page 159, line 21 of the title amendment, after "13.40.265,"
12 insert "9A.36.045, 9A.36.050, 9A.56.040, 9A.56.160,"

13 On page 159, line 24 of the title amendment, after "9.41.280,"
14 strike "9A.56.040, 9A.56.160,"

15 On page 159, line 33 of the title amendment, after "amending RCW"
16 insert "9.94A.320,"

17 **E2SHB 2319** - S AMD TO S AMD (S-5375.4/94)

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20 On page 160, line 5 of the title amendment, after "9.94A RCW;"
21 insert "adding a new section to chapter 9A.36 RCW; adding new sections
22 to chapter 9A.56 RCW;"

--- END ---