

2 SHB 1289 - S COMM AMD

3 By Committee on Law & Justice

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 88.12.155 and 1993 c 244 s 18 are each amended to
8 read as follows:

9 (1)(a) The operator of a vessel involved in a collision, accident,
10 or other casualty(, to the extent the operator can do so without
11 serious danger to the operator's own vessel or persons aboard,)) shall
12 immediately stop at the accident scene or stop as close to the scene as
13 possible and then return and remain there until fulfilling the
14 applicable requirements of this subsection.

15 (b) If the operator collides with an unattended vessel the operator
16 shall either locate the owner of the vessel and notify the owner of the
17 accident, or shall leave in a conspicuous place on the vessel a written
18 notice, giving the operator's name, address, and telephone number. A
19 violation of this subsection (1)(b) is a misdemeanor.

20 (c) If the operator collides with a vessel attended by a person and
21 the collision results only in damage to the vessel, the operator shall
22 give his or her name, address, and telephone number to any person
23 attending the other vessel. Violation of this subsection (1)(c) is a
24 gross misdemeanor.

25 (d) If the operator collides with another vessel or a person, and
26 the collision results in injury to or death of a person, the operator
27 shall give his or her name, address, and telephone number to any person
28 struck or injured at the scene and shall render all practical and
29 necessary assistance to persons affected by the collision, accident, or
30 casualty to save them from danger caused by the incident. ((Under no
31 circumstances may the rendering of assistance or other compliance with
32 this section be evidence of the liability of such operator for the
33 collision, accident, or casualty.)) Violation of this subsection
34 (1)(d) is a class C felony and punishable pursuant to RCW 9A.20.020.

35 (e) The operator shall also report the accident and give all
36 pertinent accident information, as specified by rule by the commission,

1 to the law enforcement agency having jurisdiction(~~(: PROVIDED, That)~~).
2 This requirement shall not apply to operators of vessels when they are
3 participating in an organized competitive event authorized or otherwise
4 permitted by the appropriate agency having jurisdiction and authority
5 to authorize such events. ((These duties are in addition to any duties
6 otherwise imposed by law.)) Except as provided for in RCW 88.12.015
7 and subsections (4) and (5) of this section, a violation of this
8 subsection (1)(e) is a civil infraction punishable under RCW 7.84.100.
9 (f) The provisions of (a), (b), and (c) of this subsection do not
10 apply to incidental damage caused by inadvertent bumping of vessels or
11 to damage incurred in the ordinary course of business by commercial
12 vessels. As used in this section, "commercial vessel" means any vessel
13 used in a trade or business in return for payment or other
14 compensation.
15 (2) Under no circumstances may the rendering of assistance or other
16 compliance with this section be evidence of the operator's liability
17 for the collision, accident, or casualty.
18 (3) Subsection (1) of this section shall not apply to any person
19 injured or incapacitated by the accident if the person is physically
20 incapable of complying with those requirements.
21 (4) Subsection (1) of this section shall not apply if the operator
22 cannot comply without the risk of serious danger to the operator's own
23 vessel or persons aboard. An operator who fails to comply with those
24 requirements because of the risk to his or her own vessel or passengers
25 shall report the accident to the nearest office of the local law
26 enforcement agency immediately upon securing the safety of the
27 operator's passengers and vessel. Violation of this subsection is a
28 misdemeanor.
29 (5) If none of the persons specified are in condition to receive
30 the information to which they would otherwise be entitled, the operator
31 involved in the accident shall comply with all other requirements of
32 subsection (1) of this section as much as possible and immediately
33 report the accident to the nearest office of the local law enforcement
34 agency. Failure to immediately report the accident as provided in this
35 subsection is a misdemeanor.
36 (6) Any person who complies with ((subsection (1) of)) this section
37 or who gratuitously and in good faith renders assistance at the scene
38 of a vessel collision, accident, or other casualty, without objection
39 of the person assisted, shall not be held liable for any civil damages

1 or subject to criminal liability as a result of the rendering of
2 assistance or for any act or omission in providing or arranging
3 salvage, towage, medical treatment, or other assistance, where the
4 assisting person acts as any reasonably prudent person would have acted
5 under the same or similar circumstances.

6 **Sec. 2.** RCW 9.94A.320 and 1994 sp.s. c 7 s 510, 1994 c 275 s 20,
7 and 1994 c 53 s 2 are 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))
30	IX	Assault of a Child 2 (RCW 9A.36.130)
31		Robbery 1 (RCW 9A.56.200)
32		Manslaughter 1 (RCW 9A.32.060)
33		Explosive devices prohibited (RCW
34		70.74.180)

1 Indecent Liberties (with forcible
2 compulsion) (RCW 9A.44.100(1)(a))
3 Endangering life and property by
4 explosives with threat to human being
5 (RCW 70.74.270)
6 Over 18 and deliver narcotic from Schedule
7 III, IV, or V or a nonnarcotic from
8 Schedule I-V to someone under 18 and
9 3 years junior (RCW 69.50.406)
10 Controlled Substance Homicide (RCW
11 69.50.415)
12 Sexual Exploitation (RCW 9.68A.040)
13 Inciting Criminal Profiteering (RCW
14 9A.82.060(1)(b))
15 Vehicular Homicide, by being under the
16 influence of intoxicating liquor or
17 any drug (RCW 46.61.520)

18 VIII Arson 1 (RCW 9A.48.020)
19 Promoting Prostitution 1 (RCW 9A.88.070)
20 Selling for profit (controlled or
21 counterfeit) any controlled substance
22 (RCW 69.50.410)
23 Manufacture, deliver, or possess with
24 intent to deliver heroin or cocaine
25 (RCW 69.50.401(a)(1)(i))
26 Manufacture, deliver, or possess with
27 intent to deliver methamphetamine
28 (RCW 69.50.401(a)(1)(ii))
29 Vehicular Homicide, by the operation of
30 any vehicle in a reckless manner (RCW
31 46.61.520)

32 VII Burglary 1 (RCW 9A.52.020)
33 Vehicular Homicide, by disregard for the
34 safety of others (RCW 46.61.520)
35 Introducing Contraband 1 (RCW 9A.76.140)
36 Indecent Liberties (without forcible
37 compulsion) (RCW 9A.44.100(1) (b) and
38 (c))

1 Child Molestation 2 (RCW 9A.44.086)
2 Dealing in depictions of minor engaged in
3 sexually explicit conduct (RCW
4 9.68A.050)
5 Sending, bringing into state depictions of
6 minor engaged in sexually explicit
7 conduct (RCW 9.68A.060)
8 Involving a minor in drug dealing (RCW
9 69.50.401(f))

10 VI Bribery (RCW 9A.68.010)
11 Manslaughter 2 (RCW 9A.32.070)
12 Rape of a Child 3 (RCW 9A.44.079)
13 Intimidating a Juror/Witness (RCW
14 9A.72.110, 9A.72.130)
15 Damaging building, etc., by explosion with
16 no threat to human being (RCW
17 70.74.280(2))
18 Endangering life and property by
19 explosives with no threat to human
20 being (RCW 70.74.270)
21 Incest 1 (RCW 9A.64.020(1))
22 Manufacture, deliver, or possess with
23 intent to deliver narcotics from
24 Schedule I or II (except heroin or
25 cocaine) (RCW 69.50.401(a)(1)(i))
26 Intimidating a Judge (RCW 9A.72.160)
27 Bail Jumping with Murder 1 (RCW
28 9A.76.170(2)(a))

29 V Criminal Mistreatment 1 (RCW 9A.42.020)
30 Theft of a Firearm (RCW 9A.56.300)
31 Reckless Endangerment 1 (RCW 9A.36.045)
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 Hit and Run with Vessel - Injury Accident
19 (RCW 88.12.155 (1)(d))
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 Bribing a Witness/Bribe Received by
27 Witness (RCW 9A.72.090, 9A.72.100)
28 Malicious Harassment (RCW 9A.36.080)
29 Threats to Bomb (RCW 9.61.160)
30 Willful Failure to Return from Furlough
31 (RCW 72.66.060)
32 Hit and Run « Injury Accident (RCW
33 46.52.020(4))
34 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 or pistol by felon (RCW
21 9.41.040)
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)
39 Manufacture, deliver, or possess with

1 intent to deliver marijuana (RCW
2 69.50.401(a)(1)(ii))
3 Delivery of a material in lieu of a
4 controlled substance (RCW
5 69.50.401(c))
6 Manufacture, distribute, or possess with
7 intent to distribute an imitation
8 controlled substance (RCW
9 69.52.030(1))
10 Recklessly Trafficking in Stolen Property
11 (RCW 9A.82.050(1))
12 Theft of livestock 2 (RCW 9A.56.080)
13 Securities Act violation (RCW 21.20.400)
14 II Malicious Mischief 1 (RCW 9A.48.070)
15 Possession of Stolen Property 1 (RCW
16 9A.56.150)
17 Theft 1 (RCW 9A.56.030)
18 Possession of controlled substance that is
19 either heroin or narcotics from
20 Schedule I or II (RCW 69.50.401(d))
21 Possession of phencyclidine (PCP) (RCW
22 69.50.401(d))
23 Create, deliver, or possess a counterfeit
24 controlled substance (RCW
25 69.50.401(b))
26 Computer Trespass 1 (RCW 9A.52.110)
27 Escape from Community Custody (RCW
28 72.09.310)
29 I Theft 2 (RCW 9A.56.040)
30 Possession of Stolen Property 2 (RCW
31 9A.56.160)
32 Forgery (RCW 9A.60.020)
33 Taking Motor Vehicle Without Permission
34 (RCW 9A.56.070)
35 Vehicle Prowl 1 (RCW 9A.52.095)
36 Attempting to Elude a Pursuing Police
37 Vehicle (RCW 46.61.024)
38 Malicious Mischief 2 (RCW 9A.48.080)

1 Reckless Burning 1 (RCW 9A.48.040)
2 Unlawful Issuance of Checks or Drafts (RCW
3 9A.56.060)
4 Unlawful Use of Food Stamps (RCW 9.91.140
5 (2) and (3))
6 False Verification for Welfare (RCW
7 74.08.055)
8 Forged Prescription (RCW 69.41.020)
9 Forged Prescription for a Controlled
10 Substance (RCW 69.50.403)
11 Possess Controlled Substance that is a
12 Narcotic from Schedule III, IV, or V
13 or Non-narcotic from Schedule I-V
14 (except phencyclidine) (RCW
15 69.50.401(d))"

16 **SHB 1289** - S COMM AMD
17 By Committee on Law & Justice

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19 On page 1, line 1 of the title, after "vessels;" strike the
20 remainder of the title and insert "amending RCW 88.12.155; reenacting
21 and amending RCW 9.94A.320; and prescribing penalties."

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