

2 SSB 5282 - S AMD - 583
3 By Senator Roach

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

7 "Sec. 1. RCW 46.52.020 and 1990 c 210 s 2 are each amended to read
8 as follows:

9 (1) A driver of any vehicle involved in an accident resulting in
10 the injury to or death of any person shall immediately stop such
11 vehicle at the scene of such accident or as close thereto as possible
12 but shall then forthwith return to, and in every event remain at, the
13 scene of such accident until he has fulfilled the requirements of
14 subsection (3) of this section; every such stop shall be made without
15 obstructing traffic more than is necessary.

16 (2) The driver of any vehicle involved in an accident resulting
17 only in damage to a vehicle which is driven or attended by any person
18 or damage to other property shall immediately stop such vehicle at the
19 scene of such accident or as close thereto as possible and shall
20 forthwith return to, and in any event shall remain at, the scene of
21 such accident until he has fulfilled the requirements of subsection (3)
22 of this section; every such stop shall be made without obstructing
23 traffic more than is necessary.

24 (3) Unless otherwise provided in subsection (7) of this section the
25 driver of any vehicle involved in an accident resulting in injury to or
26 death of any person or damage to any vehicle which is driven or
27 attended by any person or damage to other property shall give his name,
28 address, insurance company, insurance policy number, and vehicle
29 license number and shall exhibit his vehicle driver's license to any
30 person struck or injured or the driver or any occupant of, or any
31 person attending, any such vehicle collided with and shall render to
32 any person injured in such accident reasonable assistance, including
33 the carrying or the making of arrangements for the carrying of such
34 person to a physician or hospital for medical treatment if it is
35 apparent that such treatment is necessary or if such carrying is
36 requested by the injured person or on his behalf. Under no

1 circumstances shall the rendering of assistance or other compliance
2 with the provisions of this subsection be evidence of the liability of
3 any driver for such accident.

4 (4) Any driver (~~covered by the provisions of~~) under subsection
5 (1) of this section failing to stop or comply with any of the
6 requirements of subsection (3) of this section under said circumstances
7 shall be guilty of a class C felony and, upon conviction, be punished
8 pursuant to chapter 9A.20 RCW (~~9A.20.020:— PROVIDED, That this~~
9 ~~provision shall~~). This subsection does not apply to any person under
10 RCW 46.61.520(1)(d) or injured or incapacitated by such accident to the
11 extent of being physically incapable of complying herewith.

12 (5) Any driver covered by the provisions of subsection (2) of this
13 section failing to stop or to comply with any of the requirements of
14 subsection (3) of this section under said circumstances shall be guilty
15 of a gross misdemeanor: PROVIDED, That this provision shall not apply
16 to any person injured or incapacitated by such accident to the extent
17 of being physically incapable of complying herewith.

18 (6) The license or permit to drive or any nonresident privilege to
19 drive of any person convicted under this section or any local ordinance
20 consisting of substantially the same language as this section of
21 failure to stop and give information or render aid following an
22 accident with any vehicle driven or attended by any person shall be
23 revoked by the department.

24 (7) If none of the persons specified are in condition to receive
25 the information to which they otherwise would be entitled under
26 subsection (3) of this section, and no police officer is present, the
27 driver of any vehicle involved in such accident after fulfilling all
28 other requirements of subsections (1) and (3) of this section insofar
29 as possible on his part to be performed, shall forthwith report such
30 accident to the nearest office of the duly authorized police authority
31 and submit thereto the information specified in subsection (3) of this
32 section.

33 **Sec. 2.** RCW 46.61.520 and 1996 c 199 s 7 are each amended to read
34 as follows:

35 (1) When the death of any person ensues within three years as a
36 proximate result of injury proximately caused by the driving of any
37 vehicle by any person, the driver is guilty of vehicular homicide if
38 the driver was operating a motor vehicle:

- 1 (a) While under the influence of intoxicating liquor or any drug,
 2 as defined by RCW 46.61.502; or
 3 (b) In a reckless manner; or
 4 (c) With disregard for the safety of others; or
 5 (d) In violation of RCW 46.52.020.

6 (2) Vehicular homicide is a class A felony punishable under chapter
 7 9A.20 RCW.

8 **Sec. 3.** RCW 9.94A.320 and 1997 c 365 s 4, 1997 c 346 s 3, 1997 c
 9 340 s 1, 1997 c 338 s 51, 1997 c 266 s 15, and 1997 c 120 s 5 are each
 10 reenacted and amended to read as follows:

11 TABLE 2

12 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

13	XV	Aggravated Murder 1 (RCW 10.95.020)
14	XIV	Murder 1 (RCW 9A.32.030)
15		Homicide by abuse (RCW 9A.32.055)
16		Malicious explosion 1 (RCW 70.74.280(1))
17	XIII	Murder 2 (RCW 9A.32.050)
18		Malicious explosion 2 (RCW 70.74.280(2))
19		Malicious placement of an explosive 1 (RCW
20		70.74.270(1))
21	XII	Assault 1 (RCW 9A.36.011)
22		Assault of a Child 1 (RCW 9A.36.120)
23		Rape 1 (RCW 9A.44.040)
24		Rape of a Child 1 (RCW 9A.44.073)
25		Malicious placement of an imitation device
26		1 (RCW 70.74.272(1)(a))
27	XI	Rape 2 (RCW 9A.44.050)
28		Rape of a Child 2 (RCW 9A.44.076)
29		Manslaughter 1 (RCW 9A.32.060)
30	X	Kidnapping 1 (RCW 9A.40.020)
31		Child Molestation 1 (RCW 9A.44.083)
32		Malicious explosion 3 (RCW 70.74.280(3))

1 Over 18 and deliver heroin or narcotic from
2 Schedule I or II to someone under 18
3 (RCW 69.50.406)
4 Leading Organized Crime (RCW
5 9A.82.060(1)(a))
6 Indecent Liberties (with forcible
7 compulsion) (RCW 9A.44.100(1)(a))
8 IX Assault of a Child 2 (RCW 9A.36.130)
9 Robbery 1 (RCW 9A.56.200)
10 Explosive devices prohibited (RCW
11 70.74.180)
12 Malicious placement of an explosive 2 (RCW
13 70.74.270(2))
14 Over 18 and deliver narcotic from Schedule
15 III, IV, or V or a nonnarcotic from
16 Schedule I-V to someone under 18 and 3
17 years junior (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 Vehicular Homicide, by being under the
24 influence of intoxicating liquor or
25 any drug (RCW 46.61.520)
26 VIII Arson 1 (RCW 9A.48.020)
27 Promoting Prostitution 1 (RCW 9A.88.070)
28 Selling for profit (controlled or
29 counterfeit) any controlled substance
30 (RCW 69.50.410)
31 Manufacture, deliver, or possess with
32 intent to deliver heroin or cocaine
33 (RCW 69.50.401(a)(1)(i))
34 Manufacture, deliver, or possess with
35 intent to deliver methamphetamine (RCW
36 69.50.401(a)(1)(ii))

1 Possession of ephedrine or pseudoephedrine
2 with intent to manufacture
3 methamphetamine (RCW 69.50.440)
4 Vehicular Homicide, by the operation of any
5 vehicle in a reckless manner (RCW
6 46.61.520)
7 Manslaughter 2 (RCW 9A.32.070)

8 VII Burglary 1 (RCW 9A.52.020)
9 Vehicular Homicide, by disregard for the
10 safety of others or by hit and run
11 (RCW 46.61.520(1) (c) or (d))
12 Introducing Contraband 1 (RCW 9A.76.140)
13 Indecent Liberties (without forcible
14 compulsion) (RCW 9A.44.100(1) (b) and
15 (c))
16 Child Molestation 2 (RCW 9A.44.086)
17 Dealing in depictions of minor engaged in
18 sexually explicit conduct (RCW
19 9.68A.050)
20 Sending, bringing into state depictions of
21 minor engaged in sexually explicit
22 conduct (RCW 9.68A.060)
23 Involving a minor in drug dealing (RCW
24 69.50.401(f))
25 Drive-by Shooting (RCW 9A.36.045)
26 Unlawful Possession of a Firearm in the
27 first degree (RCW 9.41.040(1)(a))
28 Malicious placement of an explosive 3 (RCW
29 70.74.270(3))

30 VI Bribery (RCW 9A.68.010)
31 Rape of a Child 3 (RCW 9A.44.079)
32 Intimidating a Juror/Witness (RCW
33 9A.72.110, 9A.72.130)
34 Malicious placement of an imitation device
35 2 (RCW 70.74.272(1)(b))
36 Incest 1 (RCW 9A.64.020(1))
37 Manufacture, deliver, or possess with
38 intent to deliver narcotics from

1 Schedule I or II (except heroin or
2 cocaine) (RCW 69.50.401(a)(1)(i))
3 Intimidating a Judge (RCW 9A.72.160)
4 Bail Jumping with Murder 1 (RCW
5 9A.76.170(2)(a))
6 Theft of a Firearm (RCW 9A.56.300)

7 V Persistent prison misbehavior (RCW
8 9.94.070)
9 Criminal Mistreatment 1 (RCW 9A.42.020)
10 Abandonment of dependent person 1 (RCW
11 9A.42.060)
12 Rape 3 (RCW 9A.44.060)
13 Sexual Misconduct with a Minor 1 (RCW
14 9A.44.093)
15 Child Molestation 3 (RCW 9A.44.089)
16 Kidnapping 2 (RCW 9A.40.030)
17 Extortion 1 (RCW 9A.56.120)
18 Incest 2 (RCW 9A.64.020(2))
19 Perjury 1 (RCW 9A.72.020)
20 Extortionate Extension of Credit (RCW
21 9A.82.020)
22 Advancing money or property for
23 extortionate extension of credit (RCW
24 9A.82.030)
25 Extortionate Means to Collect Extensions of
26 Credit (RCW 9A.82.040)
27 Rendering Criminal Assistance 1 (RCW
28 9A.76.070)
29 Bail Jumping with class A Felony (RCW
30 9A.76.170(2)(b))
31 Sexually Violating Human Remains (RCW
32 9A.44.105)
33 Delivery of imitation controlled substance
34 by person eighteen or over to person
35 under eighteen (RCW 69.52.030(2))
36 Possession of a Stolen Firearm (RCW
37 9A.56.310)

1 IV Residential Burglary (RCW 9A.52.025)
2 Theft of Livestock 1 (RCW 9A.56.080)
3 Robbery 2 (RCW 9A.56.210)
4 Assault 2 (RCW 9A.36.021)
5 Escape 1 (RCW 9A.76.110)
6 Arson 2 (RCW 9A.48.030)
7 Commercial Bribery (RCW 9A.68.060)
8 Bribing a Witness/Bribe Received by Witness
9 (RCW 9A.72.090, 9A.72.100)
10 Malicious Harassment (RCW 9A.36.080)
11 Threats to Bomb (RCW 9.61.160)
12 Willful Failure to Return from Furlough
13 (RCW 72.66.060)
14 Hit and Run--Injury Accident (RCW
15 46.52.020(4))
16 Hit and Run with Vessel--Injury Accident
17 (RCW 88.12.155(3))
18 Vehicular Assault (RCW 46.61.522)
19 Manufacture, deliver, or possess with
20 intent to deliver narcotics from
21 Schedule III, IV, or V or nonnarcotics
22 from Schedule I-V (except marijuana or
23 methamphetamines) (RCW 69.50.401
24 (a)(1) (iii) through (v))
25 Influencing Outcome of Sporting Event (RCW
26 9A.82.070)
27 Use of Proceeds of Criminal Profiteering
28 (RCW 9A.82.080 (1) and (2))
29 Knowingly Trafficking in Stolen Property
30 (RCW 9A.82.050(2))
31 III Criminal Gang Intimidation (RCW 9A.46.120)
32 Criminal Mistreatment 2 (RCW 9A.42.030)
33 Abandonment of dependent person 2 (RCW
34 9A.42.070)
35 Extortion 2 (RCW 9A.56.130)
36 Unlawful Imprisonment (RCW 9A.40.040)
37 Assault 3 (RCW 9A.36.031)
38 Assault of a Child 3 (RCW 9A.36.140)
39 Custodial Assault (RCW 9A.36.100)

1 Unlawful possession of firearm in the
2 second degree (RCW 9.41.040(1)(b))
3 Harassment (RCW 9A.46.020)
4 Promoting Prostitution 2 (RCW 9A.88.080)
5 Willful Failure to Return from Work Release
6 (RCW 72.65.070)
7 Burglary 2 (RCW 9A.52.030)
8 Introducing Contraband 2 (RCW 9A.76.150)
9 Communication with a Minor for Immoral
10 Purposes (RCW 9.68A.090)
11 Patronizing a Juvenile Prostitute (RCW
12 9.68A.100)
13 Escape 2 (RCW 9A.76.120)
14 Perjury 2 (RCW 9A.72.030)
15 Bail Jumping with class B or C Felony (RCW
16 9A.76.170(2)(c))
17 Intimidating a Public Servant (RCW
18 9A.76.180)
19 Tampering with a Witness (RCW 9A.72.120)
20 Manufacture, deliver, or possess with
21 intent to deliver marijuana (RCW
22 69.50.401(a)(1)(iii))
23 Delivery of a material in lieu of a
24 controlled substance (RCW
25 69.50.401(c))
26 Manufacture, distribute, or possess with
27 intent to distribute an imitation
28 controlled substance (RCW
29 69.52.030(1))
30 Recklessly Trafficking in Stolen Property
31 (RCW 9A.82.050(1))
32 Theft of livestock 2 (RCW 9A.56.080)
33 Securities Act violation (RCW 21.20.400)
34 II Unlawful Practice of Law (RCW 2.48.180)
35 Malicious Mischief 1 (RCW 9A.48.070)
36 Possession of Stolen Property 1 (RCW
37 9A.56.150)
38 Theft 1 (RCW 9A.56.030)

1 Class B Felony Theft of Rental, Leased, or
2 Lease-purchased Property (RCW
3 9A.56.096(4))
4 Trafficking in Insurance Claims (RCW
5 48.30A.015)
6 Unlicensed Practice of a Profession or
7 Business (RCW 18.130.190(7))
8 Health Care False Claims (RCW 48.80.030)
9 Possession of controlled substance that is
10 either heroin or narcotics from
11 Schedule I or II (RCW 69.50.401(d))
12 Possession of phencyclidine (PCP) (RCW
13 69.50.401(d))
14 Create, deliver, or possess a counterfeit
15 controlled substance (RCW
16 69.50.401(b))
17 Computer Trespass 1 (RCW 9A.52.110)
18 Escape from Community Custody (RCW
19 72.09.310)
20 I Theft 2 (RCW 9A.56.040)
21 Class C Felony Theft of Rental, Leased, or
22 Lease-purchased Property (RCW
23 9A.56.096(4))
24 Possession of Stolen Property 2 (RCW
25 9A.56.160)
26 Forgery (RCW 9A.60.020)
27 Taking Motor Vehicle Without Permission
28 (RCW 9A.56.070)
29 Vehicle Prowl 1 (RCW 9A.52.095)
30 Attempting to Elude a Pursuing Police
31 Vehicle (RCW 46.61.024)
32 Malicious Mischief 2 (RCW 9A.48.080)
33 Reckless Burning 1 (RCW 9A.48.040)
34 Unlawful Issuance of Checks or Drafts (RCW
35 9A.56.060)
36 Unlawful Use of Food Stamps (RCW 9.91.140
37 (2) and (3))
38 False Verification for Welfare (RCW
39 74.08.055)

1 Forged Prescription (RCW 69.41.020)
2 Forged Prescription for a Controlled
3 Substance (RCW 69.50.403)
4 Possess Controlled Substance that is a
5 Narcotic from Schedule III, IV, or V
6 or Non-narcotic from Schedule I-V
7 (except phencyclidine) (RCW
8 69.50.401(d))"

9 **SSB 5282** - S AMD - 583
10 By Senator Roach

11
12 In line 1 of the title, after "death;" strike the remainder of the
13 title and insert "amending RCW 46.52.020 and 46.61.520; reenacting and
14 amending RCW 9.94A.320; and prescribing penalties."

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