

HOUSE BILL 1902

State of Washington 55th Legislature 1998 Regular Session

By Representatives Cody, Carrell, Conway, Sheahan, Kenney, Costa, Lantz, Lambert, Sherstad, Thompson and Blalock

Read first time 02/13/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to offenses involving the taking of a motor
2 vehicle; amending RCW 9A.56.040; reenacting and amending RCW 9.94A.320;
3 adding a new section to chapter 9A.56 RCW; and prescribing penalties.

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

5 NEW SECTION. Sec. 1. A new section is added to chapter 9A.56 RCW
6 to read as follows:

7 (1) A person is guilty of motor vehicle theft if the person commits
8 theft of a motor vehicle, regardless of its value.

9 (2) Motor vehicle theft is a class B felony.

10 Sec. 2. RCW 9.94A.320 and 1996 c 302 s 6, 1996 c 205 s 3, and 1996
11 c 36 s 2 are reenacted and each amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- 14 XV Aggravated Murder 1 (RCW 10.95.020)
15 XIV Murder 1 (RCW 9A.32.030)
16 Homicide by abuse (RCW 9A.32.055)

1 XIII Murder 2 (RCW 9A.32.050)
2 XII Assault 1 (RCW 9A.36.011)
3 Assault of a Child 1 (RCW 9A.36.120)
4 XI Rape 1 (RCW 9A.44.040)
5 Rape of a Child 1 (RCW 9A.44.073)
6 X Kidnapping 1 (RCW 9A.40.020)
7 Rape 2 (RCW 9A.44.050)
8 Rape of a Child 2 (RCW 9A.44.076)
9 Child Molestation 1 (RCW 9A.44.083)
10 Damaging building, etc., by explosion with
11 threat to human being (RCW
12 70.74.280(1))
13 Over 18 and deliver heroin or narcotic from
14 Schedule I or II to someone under 18
15 (RCW 69.50.406)
16 Leading Organized Crime (RCW
17 9A.82.060(1)(a))
18 IX Assault of a Child 2 (RCW 9A.36.130)
19 Robbery 1 (RCW 9A.56.200)
20 Manslaughter 1 (RCW 9A.32.060)
21 Explosive devices prohibited (RCW
22 70.74.180)
23 Indecent Liberties (with forcible
24 compulsion) (RCW 9A.44.100(1)(a))
25 Endangering life and property by explosives
26 with threat to human being (RCW
27 70.74.270)
28 Over 18 and deliver narcotic from Schedule
29 III, IV, or V or a nonnarcotic from
30 Schedule I-V to someone under 18 and 3
31 years junior (RCW 69.50.406)
32 Controlled Substance Homicide (RCW
33 69.50.415)
34 Sexual Exploitation (RCW 9.68A.040)
35 Inciting Criminal Profiteering (RCW
36 9A.82.060(1)(b))

1 Vehicular Homicide, by being under the
2 influence of intoxicating liquor or
3 any drug (RCW 46.61.520)

4 VIII Arson 1 (RCW 9A.48.020)
5 Promoting Prostitution 1 (RCW 9A.88.070)
6 Selling for profit (controlled or
7 counterfeit) any controlled substance
8 (RCW 69.50.410)
9 Manufacture, deliver, or possess with
10 intent to deliver heroin or cocaine
11 (RCW 69.50.401(a)(1)(i))
12 Manufacture, deliver, or possess with
13 intent to deliver methamphetamine (RCW
14 69.50.401(a)(1)(ii))
15 Possession of ephedrine or pseudoephedrine
16 with intent to manufacture
17 methamphetamine (RCW 69.50.440)
18 Vehicular Homicide, by the operation of any
19 vehicle in a reckless manner (RCW
20 46.61.520)

21 VII Burglary 1 (RCW 9A.52.020)
22 Vehicular Homicide, by disregard for the
23 safety of others (RCW 46.61.520)
24 Introducing Contraband 1 (RCW 9A.76.140)
25 Indecent Liberties (without forcible
26 compulsion) (RCW 9A.44.100(1) (b) and
27 (c))
28 Child Molestation 2 (RCW 9A.44.086)
29 Dealing in depictions of minor engaged in
30 sexually explicit conduct (RCW
31 9.68A.050)
32 Sending, bringing into state depictions of
33 minor engaged in sexually explicit
34 conduct (RCW 9.68A.060)
35 Involving a minor in drug dealing (RCW
36 69.50.401(f))
37 Reckless Endangerment 1 (RCW 9A.36.045)

1 Unlawful Possession of a Firearm in the
2 first degree (RCW 9.41.040(1)(a))

3 VI Bribery (RCW 9A.68.010)
4 Manslaughter 2 (RCW 9A.32.070)
5 Rape of a Child 3 (RCW 9A.44.079)
6 Intimidating a Juror/Witness (RCW
7 9A.72.110, 9A.72.130)
8 Damaging building, etc., by explosion with
9 no threat to human being (RCW
10 70.74.280(2))
11 Endangering life and property by explosives
12 with no threat to human being (RCW
13 70.74.270)
14 Incest 1 (RCW 9A.64.020(1))
15 Manufacture, deliver, or possess with
16 intent to deliver narcotics from
17 Schedule I or II (except heroin or
18 cocaine) (RCW 69.50.401(a)(1)(i))
19 Intimidating a Judge (RCW 9A.72.160)
20 Bail Jumping with Murder 1 (RCW
21 9A.76.170(2)(a))
22 Theft of a Firearm (RCW 9A.56.300)

23 V Persistent prison misbehavior (RCW
24 9.94.070)
25 Criminal Mistreatment 1 (RCW 9A.42.020)
26 Abandonment of dependent person 1 (RCW
27 9A.42.060)
28 Rape 3 (RCW 9A.44.060)
29 Sexual Misconduct with a Minor 1 (RCW
30 9A.44.093)
31 Child Molestation 3 (RCW 9A.44.089)
32 Kidnapping 2 (RCW 9A.40.030)
33 Extortion 1 (RCW 9A.56.120)
34 Incest 2 (RCW 9A.64.020(2))
35 Perjury 1 (RCW 9A.72.020)
36 Extortionate Extension of Credit (RCW
37 9A.82.020)

1 Advancing money or property for
2 extortionate extension of credit (RCW
3 9A.82.030)
4 Extortionate Means to Collect Extensions of
5 Credit (RCW 9A.82.040)
6 Rendering Criminal Assistance 1 (RCW
7 9A.76.070)
8 Bail Jumping with class A Felony (RCW
9 9A.76.170(2)(b))
10 Sexually Violating Human Remains (RCW
11 9A.44.105)
12 Delivery of imitation controlled substance
13 by person eighteen or over to person
14 under eighteen (RCW 69.52.030(2))
15 Possession of a Stolen Firearm (RCW
16 9A.56.310)

17 IV Residential Burglary (RCW 9A.52.025)
18 Theft of Livestock 1 (RCW 9A.56.080)
19 Robbery 2 (RCW 9A.56.210)
20 Assault 2 (RCW 9A.36.021)
21 Escape 1 (RCW 9A.76.110)
22 Arson 2 (RCW 9A.48.030)
23 Commercial Bribery (RCW 9A.68.060)
24 Bribing a Witness/Bribe Received by Witness
25 (RCW 9A.72.090, 9A.72.100)
26 Malicious Harassment (RCW 9A.36.080)
27 Threats to Bomb (RCW 9.61.160)
28 Willful Failure to Return from Furlough
29 (RCW 72.66.060)
30 Hit and Run -- Injury Accident (RCW
31 46.52.020(4))
32 Hit and Run with Vessel -- Injury Accident
33 (RCW 88.12.155(3))
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 nonnarcotics
4 from Schedule I-V (except marijuana or
5 methamphetamines) (RCW 69.50.401(a)(1)
6 (iii) through (v))
7 Influencing Outcome of Sporting Event (RCW
8 9A.82.070)
9 Use of Proceeds of Criminal Profiteering
10 (RCW 9A.82.080 (1) and (2))
11 Knowingly Trafficking in Stolen Property
12 (RCW 9A.82.050(2))
13 III Criminal Mistreatment 2 (RCW 9A.42.030)
14 Abandonment of dependent person 2 (RCW
15 9A.42.070)
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 in the
22 second degree (RCW 9.41.040(1)(b))
23 Harassment (RCW 9A.46.020)
24 Promoting Prostitution 2 (RCW 9A.88.080)
25 Willful Failure to Return from Work Release
26 (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 (RCW
36 9A.76.170(2)(c))
37 Intimidating a Public Servant (RCW
38 9A.76.180)
39 Tampering with a Witness (RCW 9A.72.120)

1 Manufacture, deliver, or possess with
2 intent to deliver marijuana (RCW
3 69.50.401(a)(1)(iii))
4 Delivery of a material in lieu of a
5 controlled substance (RCW
6 69.50.401(c))
7 Manufacture, distribute, or possess with
8 intent to distribute an imitation
9 controlled substance (RCW
10 69.52.030(1))
11 Recklessly Trafficking in Stolen Property
12 (RCW 9A.82.050(1))
13 Theft of livestock 2 (RCW 9A.56.080)
14 Securities Act violation (RCW 21.20.400)

15 II Motor Vehicle Theft (section 1 of this act)
16 Taking Motor Vehicle Without Permission
17 (RCW 9A.56.070)
18 Unlawful Practice of Law (RCW 2.48.180)
19 Malicious Mischief 1 (RCW 9A.48.070)
20 Possession of Stolen Property 1 (RCW
21 9A.56.150)
22 Theft 1 (RCW 9A.56.030)
23 Trafficking in Insurance Claims (RCW
24 48.30A.015)
25 Unlicensed Practice of a Profession or
26 Business (RCW 18.130.190(7))
27 Health Care False Claims (RCW 48.80.030)
28 Possession of controlled substance that is
29 either heroin or narcotics from
30 Schedule I or II (RCW 69.50.401(d))
31 Possession of phencyclidine (PCP) (RCW
32 69.50.401(d))
33 Create, deliver, or possess a counterfeit
34 controlled substance (RCW
35 69.50.401(b))
36 Computer Trespass 1 (RCW 9A.52.110)
37 Escape from Community Custody (RCW
38 72.09.310)

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

26 **Sec. 3.** RCW 9A.56.040 and 1995 c 129 s 12 are each amended to read
27 as follows:

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

30 (a) Property or services which exceed(s) two hundred and fifty
31 dollars in value other than a firearm as defined in RCW 9.41.010, but
32 does not exceed one thousand five hundred dollars in value; or

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

36 (c) An access device(~~or~~

37 ~~(d) A motor vehicle, of a value less than one thousand five hundred~~
38 ~~dollars)).~~

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

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