

HOUSE BILL 2726

State of Washington

55th Legislature

1998 Regular Session

By Representatives Dunn, Koster, Boldt, Sump, Smith, Mielke and Chandler

Read first time . Referred to Committee on .

1 AN ACT Relating to rape of a child; and reenacting and amending RCW
2 9.94A.320.

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

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

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

9	XV	Aggravated Murder 1 (RCW 10.95.020)
10		<u>Rape of a Child 1 (RCW 9A.44.073)</u>
11	XIV	Murder 1 (RCW 9A.32.030)
12		Homicide by abuse (RCW 9A.32.055)
13		Malicious explosion 1 (RCW 70.74.280(1))
14		<u>Rape of a Child 2 (RCW 9A.44.076)</u>
15	XIII	Murder 2 (RCW 9A.32.050)
16		Malicious explosion 2 (RCW 70.74.280(2))

1 Malicious placement of an explosive 1 (RCW
2 70.74.270(1))

3 XII Assault 1 (RCW 9A.36.011)
4 Assault of a Child 1 (RCW 9A.36.120)
5 Rape 1 (RCW 9A.44.040)
6 (~~Rape of a Child 1 (RCW 9A.44.073)~~)
7 Malicious placement of an imitation device
8 1 (RCW 70.74.272(1)(a))

9 XI Rape 2 (RCW 9A.44.050)
10 (~~Rape of a Child 2 (RCW 9A.44.076)~~)
11 Manslaughter 1 (RCW 9A.32.060)

12 X Kidnapping 1 (RCW 9A.40.020)
13 Child Molestation 1 (RCW 9A.44.083)
14 Malicious explosion 3 (RCW 70.74.280(3))
15 Over 18 and deliver heroin or narcotic from
16 Schedule I or II to someone under 18
17 (RCW 69.50.406)
18 Leading Organized Crime (RCW
19 9A.82.060(1)(a))
20 Indecent Liberties (with forcible
21 compulsion) (RCW 9A.44.100(1)(a))

22 IX Assault of a Child 2 (RCW 9A.36.130)
23 Robbery 1 (RCW 9A.56.200)
24 Explosive devices prohibited (RCW
25 70.74.180)
26 Malicious placement of an explosive 2 (RCW
27 70.74.270(2))
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 Manslaughter 2 (RCW 9A.32.070)

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

1 Unlawful Possession of a Firearm in the
2 first degree (RCW 9.41.040(1)(a))
3 Malicious placement of an explosive 3 (RCW
4 70.74.270(3))

5 VI Bribery (RCW 9A.68.010)
6 Rape of a Child 3 (RCW 9A.44.079)
7 Intimidating a Juror/Witness (RCW
8 9A.72.110, 9A.72.130)
9 Malicious placement of an imitation device
10 2 (RCW 70.74.272(1)(b))
11 Incest 1 (RCW 9A.64.020(1))
12 Manufacture, deliver, or possess with
13 intent to deliver narcotics from
14 Schedule I or II (except heroin or
15 cocaine) (RCW 69.50.401(a)(1)(i))
16 Intimidating a Judge (RCW 9A.72.160)
17 Bail Jumping with Murder 1 (RCW
18 9A.76.170(2)(a))
19 Theft of a Firearm (RCW 9A.56.300)

20 V Persistent prison misbehavior (RCW
21 9.94.070)
22 Criminal Mistreatment 1 (RCW 9A.42.020)
23 Abandonment of dependent person 1 (RCW
24 9A.42.060)
25 Rape 3 (RCW 9A.44.060)
26 Sexual Misconduct with a Minor 1 (RCW
27 9A.44.093)
28 Child Molestation 3 (RCW 9A.44.089)
29 Kidnapping 2 (RCW 9A.40.030)
30 Extortion 1 (RCW 9A.56.120)
31 Incest 2 (RCW 9A.64.020(2))
32 Perjury 1 (RCW 9A.72.020)
33 Extortionate Extension of Credit (RCW
34 9A.82.020)
35 Advancing money or property for
36 extortionate extension of credit (RCW
37 9A.82.030)

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

14 IV Residential Burglary (RCW 9A.52.025)
15 Theft of Livestock 1 (RCW 9A.56.080)
16 Robbery 2 (RCW 9A.56.210)
17 Assault 2 (RCW 9A.36.021)
18 Escape 1 (RCW 9A.76.110)
19 Arson 2 (RCW 9A.48.030)
20 Commercial Bribery (RCW 9A.68.060)
21 Bribing a Witness/Bribe Received by Witness
22 (RCW 9A.72.090, 9A.72.100)
23 Malicious Harassment (RCW 9A.36.080)
24 Threats to Bomb (RCW 9.61.160)
25 Willful Failure to Return from Furlough
26 (RCW 72.66.060)
27 Hit and Run--Injury Accident (RCW
28 46.52.020(4))
29 Hit and Run with Vessel--Injury Accident
30 (RCW 88.12.155(3))
31 Vehicular Assault (RCW 46.61.522)
32 Manufacture, deliver, or possess with
33 intent to deliver narcotics from
34 Schedule III, IV, or V or nonnarcotics
35 from Schedule I-V (except marijuana or
36 methamphetamines) (RCW 69.50.401
37 (a)(1) (iii) through (v))
38 Influencing Outcome of Sporting Event (RCW
39 9A.82.070)

1 Use of Proceeds of Criminal Profiteering
2 (RCW 9A.82.080 (1) and (2))
3 Knowingly Trafficking in Stolen Property
4 (RCW 9A.82.050(2))
5 III Criminal Gang Intimidation (RCW 9A.46.120)
6 Criminal Mistreatment 2 (RCW 9A.42.030)
7 Abandonment of dependent person 2 (RCW
8 9A.42.070)
9 Extortion 2 (RCW 9A.56.130)
10 Unlawful Imprisonment (RCW 9A.40.040)
11 Assault 3 (RCW 9A.36.031)
12 Assault of a Child 3 (RCW 9A.36.140)
13 Custodial Assault (RCW 9A.36.100)
14 Unlawful possession of firearm in the
15 second degree (RCW 9.41.040(1)(b))
16 Harassment (RCW 9A.46.020)
17 Promoting Prostitution 2 (RCW 9A.88.080)
18 Willful Failure to Return from Work Release
19 (RCW 72.65.070)
20 Burglary 2 (RCW 9A.52.030)
21 Introducing Contraband 2 (RCW 9A.76.150)
22 Communication with a Minor for Immoral
23 Purposes (RCW 9.68A.090)
24 Patronizing a Juvenile Prostitute (RCW
25 9.68A.100)
26 Escape 2 (RCW 9A.76.120)
27 Perjury 2 (RCW 9A.72.030)
28 Bail Jumping with class B or C Felony (RCW
29 9A.76.170(2)(c))
30 Intimidating a Public Servant (RCW
31 9A.76.180)
32 Tampering with a Witness (RCW 9A.72.120)
33 Manufacture, deliver, or possess with
34 intent to deliver marijuana (RCW
35 69.50.401(a)(1)(iii))
36 Delivery of a material in lieu of a
37 controlled substance (RCW
38 69.50.401(c))

1 Manufacture, distribute, or possess with
2 intent to distribute an imitation
3 controlled substance (RCW
4 69.52.030(1))
5 Recklessly Trafficking in Stolen Property
6 (RCW 9A.82.050(1))
7 Theft of livestock 2 (RCW 9A.56.080)
8 Securities Act violation (RCW 21.20.400)

9 II Unlawful Practice of Law (RCW 2.48.180)
10 Malicious Mischief 1 (RCW 9A.48.070)
11 Possession of Stolen Property 1 (RCW
12 9A.56.150)
13 Theft 1 (RCW 9A.56.030)
14 Class B Felony Theft of Rental, Leased, or
15 Lease-purchased Property (RCW
16 9A.56.096(4))
17 Trafficking in Insurance Claims (RCW
18 48.30A.015)
19 Unlicensed Practice of a Profession or
20 Business (RCW 18.130.190(7))
21 Health Care False Claims (RCW 48.80.030)
22 Possession of controlled substance that is
23 either heroin or narcotics from
24 Schedule I or II (RCW 69.50.401(d))
25 Possession of phencyclidine (PCP) (RCW
26 69.50.401(d))
27 Create, deliver, or possess a counterfeit
28 controlled substance (RCW
29 69.50.401(b))
30 Computer Trespass 1 (RCW 9A.52.110)
31 Escape from Community Custody (RCW
32 72.09.310)

33 I Theft 2 (RCW 9A.56.040)
34 Class C Felony Theft of Rental, Leased, or
35 Lease-purchased Property (RCW
36 9A.56.096(4))
37 Possession of Stolen Property 2 (RCW
38 9A.56.160)

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

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