

1 1544 AMS COST S2681.4

2 HB 1544 - S AMD TO JUD COMM AMD (S-2451.1/99) - 378
3 By Senator Costa

4 ADOPTED 4/14/99

5 Beginning on page 9, line 1 of the amendment, strike all of section
6 3 and insert the following:

7 "Sec. 3. RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c
8 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as
9 follows:

10 TABLE 2

11 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

12 ((XV))

13 XVI Aggravated Murder 1 (RCW 10.95.020)

14 ((XIV))

15 XV Murder 1 (RCW 9A.32.030)

16 Homicide by abuse (RCW 9A.32.055)

17 Malicious explosion 1 (RCW 70.74.280(1))

18 ((XIII))

19 XIV Murder 2 (RCW 9A.32.050)

20 XIII Malicious explosion 2 (RCW 70.74.280(2))

21 Malicious placement of an explosive 1 (RCW
22 70.74.270(1))

23 XII Assault 1 (RCW 9A.36.011)

24 Assault of a Child 1 (RCW 9A.36.120)

25 Rape 1 (RCW 9A.44.040)

26 Rape of a Child 1 (RCW 9A.44.073)

27 Malicious placement of an imitation device
28 1 (RCW 70.74.272(1)(a))

29 XI Rape 2 (RCW 9A.44.050)

30 Rape of a Child 2 (RCW 9A.44.076)

31 Manslaughter 1 (RCW 9A.32.060)

1 X Kidnapping 1 (RCW 9A.40.020)
2 Child Molestation 1 (RCW 9A.44.083)
3 Malicious explosion 3 (RCW 70.74.280(3))
4 Over 18 and deliver heroin,
5 methamphetamine, a narcotic from
6 Schedule I or II, or flunitrazepam
7 from Schedule IV to someone under 18
8 (RCW 69.50.406)
9 Leading Organized Crime (RCW
10 9A.82.060(1)(a))
11 Indecent Liberties (with forcible
12 compulsion) (RCW 9A.44.100(1)(a))
13 Manufacture of methamphetamine (RCW
14 69.50.401(a)(1)(ii))

15 IX Assault of a Child 2 (RCW 9A.36.130)
16 Robbery 1 (RCW 9A.56.200)
17 Explosive devices prohibited (RCW
18 70.74.180)
19 Malicious placement of an explosive 2 (RCW
20 70.74.270(2))
21 Over 18 and deliver narcotic from Schedule
22 III, IV, or V or a nonnarcotic, except
23 flunitrazepam or methamphetamine, from
24 Schedule I-V to someone under 18 and 3
25 years junior (RCW 69.50.406)
26 Controlled Substance Homicide (RCW
27 69.50.415)
28 Sexual Exploitation (RCW 9.68A.040)
29 Inciting Criminal Profiteering (RCW
30 9A.82.060(1)(b))
31 Vehicular Homicide, by being under the
32 influence of intoxicating liquor or
33 any drug (RCW 46.61.520)
34 Homicide by Watercraft, by being under the
35 influence of intoxicating liquor or
36 any drug (RCW 88.12.029)

1 VIII Arson 1 (RCW 9A.48.020)
2 Promoting Prostitution 1 (RCW 9A.88.070)
3 Selling for profit (controlled or
4 counterfeit) any controlled substance
5 (RCW 69.50.410)
6 Manufacture, deliver, or possess with
7 intent to deliver heroin or cocaine
8 (RCW 69.50.401(a)(1)(i))
9 Deliver or possess with intent to deliver
10 methamphetamine (RCW
11 69.50.401(a)(1)(ii))
12 Manufacture, deliver, or possess with
13 intent to deliver amphetamine (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 Homicide by Watercraft, by the operation of
22 any vessel in a reckless manner (RCW
23 88.12.029)
24 Manslaughter 2 (RCW 9A.32.070)

25 VII Burglary 1 (RCW 9A.52.020)
26 Vehicular Homicide, by disregard for the
27 safety of others (RCW 46.61.520)
28 Homicide by Watercraft, by disregard for
29 the safety of others (RCW 88.12.029)
30 Introducing Contraband 1 (RCW 9A.76.140)
31 Indecent Liberties (without forcible
32 compulsion) (RCW 9A.44.100(1) (b) and
33 (c))
34 Child Molestation 2 (RCW 9A.44.086)
35 Dealing in depictions of minor engaged in
36 sexually explicit conduct (RCW
37 9.68A.050)

1 Sending, bringing into state depictions of
2 minor engaged in sexually explicit
3 conduct (RCW 9.68A.060)
4 Involving a minor in drug dealing (RCW
5 69.50.401(f))
6 Drive-by Shooting (RCW 9A.36.045)
7 Unlawful Possession of a Firearm in the
8 first degree (RCW 9.41.040(1)(a))
9 Malicious placement of an explosive 3 (RCW
10 70.74.270(3))
11 Use of a Machine Gun in Commission of a
12 Felony (RCW 9.41.225)

13 VI Bribery (RCW 9A.68.010)
14 Rape of a Child 3 (RCW 9A.44.079)
15 Intimidating a Juror/Witness (RCW
16 9A.72.110, 9A.72.130)
17 Malicious placement of an imitation device
18 2 (RCW 70.74.272(1)(b))
19 Incest 1 (RCW 9A.64.020(1))
20 Manufacture, deliver, or possess with
21 intent to deliver narcotics from
22 Schedule I or II (except heroin or
23 cocaine) or flunitrazepam from
24 Schedule IV (RCW 69.50.401(a)(1)(i))
25 Intimidating a Judge (RCW 9A.72.160)
26 Bail Jumping with Murder 1 (RCW
27 9A.76.170(2)(a))
28 Theft of a Firearm (RCW 9A.56.300)

29 V Persistent prison misbehavior (RCW
30 9.94.070)
31 Criminal Mistreatment 1 (RCW 9A.42.020)
32 Abandonment of dependent person 1 (RCW
33 9A.42.060)
34 Rape 3 (RCW 9A.44.060)
35 Sexual Misconduct with a Minor 1 (RCW
36 9A.44.093)
37 Child Molestation 3 (RCW 9A.44.089)
38 Kidnapping 2 (RCW 9A.40.030)

1 Extortion 1 (RCW 9A.56.120)
2 Incest 2 (RCW 9A.64.020(2))
3 Perjury 1 (RCW 9A.72.020)
4 Extortionate Extension of Credit (RCW
5 9A.82.020)
6 Advancing money or property for
7 extortionate extension of credit (RCW
8 9A.82.030)
9 Extortionate Means to Collect Extensions of
10 Credit (RCW 9A.82.040)
11 Rendering Criminal Assistance 1 (RCW
12 9A.76.070)
13 Bail Jumping with class A Felony (RCW
14 9A.76.170(2)(b))
15 Sexually Violating Human Remains (RCW
16 9A.44.105)
17 Delivery of imitation controlled substance
18 by person eighteen or over to person
19 under eighteen (RCW 69.52.030(2))
20 Possession of a Stolen Firearm (RCW
21 9A.56.310)
22 On and after July 1, 2000: Stalking (RCW
23 9A.46.110)
24 On and after July 1, 2000: No-Contact
25 Order Violation: Domestic Violence
26 Pretrial Condition (RCW 10.99.040(4)
27 (b) and (c))
28 On and after July 1, 2000: No-Contact
29 Order Violation: Domestic Violence
30 Sentence Condition (RCW 10.99.050(2))
31 On and after July 1, 2000: Protection
32 Order Violation: Domestic Violence
33 Civil Action (RCW 26.50.110 (4) and
34 (5))
35 IV Residential Burglary (RCW 9A.52.025)
36 Theft of Livestock 1 (RCW 9A.56.080)
37 Robbery 2 (RCW 9A.56.210)
38 Assault 2 (RCW 9A.36.021)
39 Escape 1 (RCW 9A.76.110)

1 Arson 2 (RCW 9A.48.030)
2 Commercial Bribery (RCW 9A.68.060)
3 Bribing a Witness/Bribe Received by Witness
4 (RCW 9A.72.090, 9A.72.100)
5 Malicious Harassment (RCW 9A.36.080)
6 Threats to Bomb (RCW 9.61.160)
7 Willful Failure to Return from Furlough
8 (RCW 72.66.060)
9 Hit and Run--Injury Accident (RCW
10 46.52.020(4))
11 Hit and Run with Vessel--Injury Accident
12 (RCW 88.12.155(3))
13 Vehicular Assault (RCW 46.61.522)
14 Assault by Watercraft (RCW 88.12.032)
15 Manufacture, deliver, or possess with
16 intent to deliver narcotics from
17 Schedule III, IV, or V or nonnarcotics
18 from Schedule I-V (except marijuana,
19 amphetamine, methamphetamines, or
20 flunitrazepam) (RCW 69.50.401(a)(1)
21 (iii) through (v))
22 Influencing Outcome of Sporting Event (RCW
23 9A.82.070)
24 Use of Proceeds of Criminal Profiteering
25 (RCW 9A.82.080 (1) and (2))
26 Knowingly Trafficking in Stolen Property
27 (RCW 9A.82.050(2))
28 Indecent Exposure to Person Under Age
29 Fourteen (subsequent sex offense) (RCW
30 9A.88.010)
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 Maintaining a Dwelling or Place for
35 Controlled Substances (RCW
36 69.50.402(a)(6))
37 Malicious Injury to Railroad Property (RCW
38 81.60.070)

1 Possession of Incendiary Device (RCW
2 9.40.120)
3 Possession of Machine Gun or Short-Barreled
4 Shotgun or Rifle (RCW 9.41.190)
5 Telephone Harassment (subsequent conviction
6 or threat of death) (RCW 9.61.230)
7 Unlawful Use of Building for Drug Purposes
8 (RCW 69.53.010)

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,
15 or Lease-purchased Property (valued at
16 one thousand five hundred dollars or
17 more) (RCW 9A.56.096(4))
18 Trafficking in Insurance Claims (RCW
19 48.30A.015)
20 Unlicensed Practice of a Profession or
21 Business (RCW 18.130.190(7))
22 Health Care False Claims (RCW 48.80.030)
23 Possession of controlled substance that is
24 either heroin or narcotics from
25 Schedule I or II or flunitrazepam from
26 Schedule IV (RCW 69.50.401(d))
27 Possession of phencyclidine (PCP) (RCW
28 69.50.401(d))
29 Create, deliver, or possess a counterfeit
30 controlled substance (RCW
31 69.50.401(b))
32 Computer Trespass 1 (RCW 9A.52.110)
33 Escape from Community Custody (RCW
34 72.09.310)

1 I Theft 2 (RCW 9A.56.040)
2 ((~~Class C Felony~~)) Theft of Rental, Leased,
3 or Lease-purchased Property (valued at
4 two hundred fifty dollars or more but
5 less than one thousand five hundred
6 dollars) (RCW 9A.56.096(4))
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 or
30 flunitrazepam) (RCW 69.50.401(d))

31 **Sec. 4.** RCW 81.60.070 and 1992 c 7 s 60 are each amended to read
32 as follows:

33 Every person who, in such manner as might, if not discovered,
34 endanger the safety of any engine, motor, car or train, or any person
35 thereon, shall in any manner interfere or tamper with or obstruct any
36 switch, frog, rail, roadbed, sleeper, viaduct, bridge, trestle,
37 culvert, embankment, structure, or appliance pertaining to or connected
38 with any railway, or any train, engine, motor, or car on such railway,

1 and every person who shall discharge any firearm or throw any dangerous
2 missile at any train, engine, motor, or car on any railway, shall be
3 punished by imprisonment in a state correctional facility for not more
4 than ((~~twenty-five~~)) ten years.

5 **Sec. 5.** RCW 9.40.120 and 1971 ex.s. c 302 s 4 are each amended to
6 read as follows:

7 Every person who possesses, manufactures, or disposes of an
8 incendiary device knowing it to be such is guilty of a felony, and upon
9 conviction, shall be punished by imprisonment in a state prison for a
10 term of not more than ((~~twenty-five~~)) ten years.

11 NEW SECTION. **Sec. 6.** The code reviser shall alphabetize the
12 offenses within each seriousness level in RCW 9.94A.320, including any
13 offenses added in the 1999 legislative session.

14 NEW SECTION. **Sec. 7.** The amendments made by sections 3 through 5
15 of this act shall apply to offenses committed on or after the effective
16 date of this act except that the amendments made by this act to
17 seriousness level V in RCW 9.94A.320 shall apply to offenses committed
18 on or after July 1, 2000."

19 Renumber the remaining sections consecutively and correct any
20 internal references accordingly.

21 **HB 1544** - S AMD TO JUD COMM AMD (S-2451.1/99) - 378
22 By Senator Costa

23 ADOPTED 4/14/99

24 On page 38, beginning on line 5 of the title amendment, after
25 "amending" strike the remainder of the title amendment and insert "RCW
26 81.60.070, 9.40.120, 9.94A.030, 9.94A.360, and 9.94A.400; reenacting
27 and amending RCW 9.94A.040, 9.94A.310, 9.94A.320, and 9A.44.130;
28 creating new sections; and prescribing penalties."

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