
HOUSE BILL 2136

State of Washington

56th Legislature

1999 Regular Session

By Representatives Constantine, Ruderman, Kessler, Lovick, Santos and Kagi

Read first time 02/16/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to enforcing protection orders and restraining
2 orders; amending RCW 26.10.220, 26.26.138, 26.50.010, and 10.31.100;
3 reenacting and amending RCW 9.94A.320; adding a new chapter to Title 26
4 RCW; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** CITATION. This act may be known and cited
7 as the Foreign Protection Order Full Faith and Credit Act.

8 NEW SECTION. **Sec. 2.** LEGISLATIVE INTENT. The problem of women
9 fleeing across state lines to escape their abusers is epidemic in the
10 United States. In 1994, Congress enacted the Violence Against Women
11 Act (VAWA) as Title IV of the Violent Crime Control and Law Enforcement
12 Act (P.L. 103-322). The VAWA provides for improved prevention and
13 prosecution of violent crimes against women and children. Section 2265
14 of the VAWA (Title IV, P.L. 103-322) provides for nation-wide
15 enforcement of civil and criminal protection orders in state and tribal
16 courts throughout the country.

17 The legislature finds that existing statutes may not provide an
18 adequate mechanism for victims, police, prosecutors, and courts to

1 enforce a foreign protection order in our state. It is the intent of
2 the legislature that the barriers faced by persons entitled to
3 protection under a foreign protection order will be removed and that
4 violations of foreign protection orders be criminally prosecuted in
5 this state.

6 NEW SECTION. **Sec. 3.** DEFINITIONS. The definitions in this
7 section apply throughout this chapter unless the context clearly
8 requires otherwise.

9 (1) "Domestic or family violence" includes, but is not limited to,
10 conduct when committed by one family member against another that is
11 classified in the jurisdiction where the conduct occurred as a domestic
12 violence crime or a crime committed in another jurisdiction that under
13 the laws of this state would be classified as domestic violence under
14 RCW 10.99.020.

15 (2) "Family or household members" means spouses, former spouses,
16 persons who have a child in common regardless of whether they have been
17 married or have lived together at any time, adult persons related by
18 blood or marriage, adult persons who are presently residing together or
19 who have resided together in the past, persons sixteen years of age or
20 older who are presently residing together or who have resided together
21 in the past and who have or have had a dating relationship, persons
22 sixteen years of age or older with whom a person sixteen years of age
23 or older has or has had a dating relationship, and persons who have a
24 biological or legal parent-child relationship, including stepparents
25 and stepchildren and grandparents and grandchildren.

26 (3) "Foreign protection order" means an injunction or other order
27 related to domestic or family violence, harassment, sexual abuse, or
28 stalking, for the purpose of preventing violent or threatening acts or
29 harassment against, or contact or communication with or physical
30 proximity to another person issued by a court of another state,
31 territory, or possession of the United States, the Commonwealth of
32 Puerto Rico, or the District of Columbia, or any United States military
33 tribunal, or a tribal court, in a civil or criminal action.

34 (4) "Harassment" includes, but is not limited to, conduct that is
35 classified in the jurisdiction where the conduct occurred as harassment
36 or a crime committed in another jurisdiction that under the laws of
37 this state would be classified as harassment under RCW 9A.46.040.

1 (5) "Judicial day" does not include Saturdays, Sundays, or legal
2 holidays in Washington state.

3 (6) "Person entitled to protection" means a person, regardless of
4 whether the person was the moving party in the foreign jurisdiction,
5 who is benefited by the foreign protection order.

6 (7) "Person under restraint" means a person, regardless of whether
7 the person was the responding party in the foreign jurisdiction, whose
8 ability to contact or communicate with another person, or to be
9 physically close to another person, is restricted by the foreign
10 protection order.

11 (8) "Sexual abuse" includes, but is not limited to, conduct that is
12 classified in the jurisdiction where the conduct occurred as a sex
13 offense or a crime committed in another jurisdiction that under the
14 laws of this state would be classified as a sex offense under RCW
15 9.94A.030.

16 (9) "Stalking" includes, but is not limited to, conduct that is
17 classified in the jurisdiction where the conduct occurred as stalking
18 or a crime committed in another jurisdiction that under the laws of
19 this state would be classified as stalking under RCW 9A.46.110.

20 (10) "Washington court" includes the superior, district, and
21 municipal courts of the state of Washington.

22 NEW SECTION. **Sec. 4.** VALID FOREIGN PROTECTION ORDERS. A foreign
23 protection order is valid if the issuing court had jurisdiction over
24 the parties and matter under the law of the state, territory,
25 possession, tribe, or United States military tribunal. There is a
26 presumption in favor of validity where an order appears authentic on
27 its face.

28 A defendant must be given reasonable notice and the opportunity to
29 be heard before the order of the foreign state, territory, possession,
30 tribe, or United States military tribunal was issued, provided, in the
31 case of ex parte orders, notice and opportunity to be heard was given
32 as soon as possible after the order was issued, consistent with due
33 process.

34 Failure to provide reasonable notice and opportunity to be heard
35 shall be an affirmative defense to any charge or process filed seeking
36 enforcement of a foreign protection order.

1 NEW SECTION. **Sec. 5.** FILING OF FOREIGN PROTECTION ORDERS. (1) A

2 person entitled to protection who has a valid foreign protection order
3 may file that order by presenting a certified, authenticated, or
4 exemplified copy of the foreign protection order to a clerk of the
5 court of a Washington court in which the person entitled to protection
6 resides or to a clerk of the court of a Washington court where the
7 person entitled to protection believes enforcement may be necessary.
8 Any out-of-state department, agency, or court responsible for
9 maintaining protection order records, may by facsimile or electronic
10 transmission send a reproduction of the foreign protection order to the
11 clerk of the court of Washington as long as it contains a facsimile or
12 digital signature by any person authorized to make such transmission.

13 (2) Filing of a foreign protection order with a court and entry of
14 the foreign protection order into any computer-based criminal
15 intelligence information system available in this state used by law
16 enforcement agencies to list outstanding warrants are not prerequisites
17 for enforcement of the foreign protection order.

18 (3) The court shall accept the filing of a foreign protection order
19 without a fee or cost.

20 (4) The clerk of the court shall provide information to a person
21 entitled to protection of the availability of domestic violence, sexual
22 abuse, and other services to victims in the community where the court
23 is located and in the state.

24 (5) The clerk of the court shall assist the person entitled to
25 protection in completing an information form that must include, but
26 need not be limited to, the following:

27 (a) The name of the person entitled to protection and any other
28 protected parties;

29 (b) The name and address of the person who is subject to the
30 restraint provisions of the foreign protection order;

31 (c) The date the foreign protection order was entered;

32 (d) The date the foreign protection order expires;

33 (e) The relief granted under (specify the
34 relief awarded and citations thereto, and designate which of the
35 violations are arrestable offenses);

36 (f) The judicial district and contact information for court
37 administration for the court in which the foreign protection order was
38 entered;

1 (g) The Social Security number, date of birth, and description of
2 the person subject to the restraint provisions of the foreign
3 protection order;

4 (h) Whether the person who is subject to the restraint provisions
5 of the foreign protection order is believed to be armed and dangerous;

6 (i) Whether the person who is subject to the restraint provisions
7 of the foreign protection order was served with the order, and if so,
8 the method used to serve the order.

9 An inability to answer any of the above questions does not preclude
10 the filing or enforcement of a foreign protection order.

11 (6) The clerk of the court shall forward a copy of the foreign
12 protection order and the completed information form to the county
13 sheriff on or before the next judicial day for entry into any
14 computer-based criminal intelligence information system available in
15 this state used by law enforcement agencies to list outstanding
16 warrants.

17 (7) The clerk of the court shall provide the person entitled to
18 protection with a copy bearing proof of filing with the court.

19 (8) Any assistance provided by the clerk under this section does
20 not constitute the practice of law. The clerk is not liable for any
21 incomplete or incorrect information that he or she is provided.

22 NEW SECTION. **Sec. 6.** TRANSMITTAL OF FILED FOREIGN PROTECTION
23 ORDERS TO LAW ENFORCEMENT AGENCY. (1) The clerk of the court shall
24 forward a copy of a foreign protection order that is filed under this
25 chapter on or before the next judicial day to the county sheriff along
26 with the completed information form. The clerk may forward the foreign
27 protection order to the county sheriff by facsimile or electronic
28 transmission.

29 Upon receipt of a filed foreign protection order, the county
30 sheriff shall immediately enter the foreign protection order into any
31 computer-based criminal intelligence information system available in
32 this state used by law enforcement agencies to list outstanding
33 warrants. The foreign protection order must remain in the computer for
34 the period stated in the order. The county sheriff shall only expunge
35 from the computer-based criminal intelligence information system
36 foreign protection orders that are expired, vacated, or superseded.
37 Entry into the law enforcement information system constitutes notice to
38 all law enforcement agencies of the existence of the foreign protection

1 order. The foreign protection order is fully enforceable in any county
2 in the state.

3 (2) The information entered into the computer-based criminal
4 intelligence information system must include, if available, notice to
5 law enforcement whether the foreign protection order was served and the
6 method of service.

7 NEW SECTION. **Sec. 7.** PEACE OFFICER IMMUNITY. A peace officer or
8 a peace officer's legal advisor may not be held criminally or civilly
9 liable for making an arrest under this chapter if the peace officer or
10 the peace officer's legal advisor acted in good faith and without
11 malice.

12 NEW SECTION. **Sec. 8.** FEES NOT PERMITTED. A public agency may not
13 charge a fee for filing or preparation of certified, authenticated, or
14 exemplified copies to a person entitled to protection who seeks relief
15 under this chapter or to a foreign prosecutor or a foreign law
16 enforcement agency seeking to enforce a protection order entered by a
17 Washington court. A person entitled to protection and foreign
18 prosecutors or law enforcement agencies must be provided the necessary
19 number of certified, authenticated, or exemplified copies at no cost.

20 NEW SECTION. **Sec. 9.** VIOLATION OF FOREIGN ORDERS. (1) Whenever
21 a foreign protection order is granted to a person entitled to
22 protection and the person under restraint knows of the foreign
23 protection order, a violation of a provision prohibiting the person
24 under restraint from contacting or communicating with another person,
25 or of a provision excluding the person under restraint from a
26 residence, workplace, school, or day care, or a violation of any
27 provision for which the foreign protection order specifically indicates
28 that a violation will be a crime, is a gross misdemeanor except as
29 provided in subsections (3) and (4) of this section. Upon conviction,
30 and in addition to any other penalties provided by law, the court may
31 require the person under restraint to submit to electronic monitoring.
32 The court shall specify who will provide the electronic monitoring
33 services, and the terms under which the monitoring will be performed.
34 The order also may include a requirement that the person under
35 restraint pay the costs of the monitoring. The court shall consider
36 the ability of the convicted person to pay for electronic monitoring.

1 (2) A peace officer shall arrest without a warrant and take into
2 custody a person when the peace officer has probable cause to believe
3 that a foreign protection order has been issued of which the person
4 under restraint has knowledge and the person under restraint has
5 violated a provision of the foreign protection order that prohibits the
6 person under restraint from contacting or communicating with another
7 person, or a provision that excludes the person under restraint from a
8 residence, workplace, school, or day care, or a violation of any
9 provision for which the foreign protection order specifically indicates
10 that a violation will be a crime. Presence of the order in the law
11 enforcement computer-based criminal intelligence information system is
12 not the only means of establishing knowledge of the order.

13 (3) An assault that is a violation of a valid foreign protection
14 order that does not amount to assault in the first or second degree
15 under RCW 9A.36.011 or 9A.36.021 is a class C felony, and conduct in
16 violation of a valid foreign protection order issued under this chapter
17 that is reckless and creates a substantial risk of death or serious
18 physical injury to another person is a class C felony.

19 (4) A violation of a valid foreign protection order is a class C
20 felony if the offender has at least two previous convictions for
21 violating the provisions of a no-contact order issued under chapter
22 10.99 RCW, a domestic violence protection order issued under chapter
23 26.09, 26.10, 26.26, or 26.50 RCW, or a federal or out-of-state order
24 that is comparable to a no-contact or protection order issued under
25 Washington law. The previous convictions may involve the same person
26 entitled to protection or other person entitled to protection
27 specifically protected by the no-contact orders or protection orders
28 the offender violated.

29 **Sec. 10.** RCW 26.10.220 and 1996 c 248 s 10 are each amended to
30 read as follows:

31 (1) Whenever a restraining order is issued under this chapter, and
32 the person to be restrained knows of the order, a violation of the
33 provisions restricting the person from acts or threats of violence or
34 of a provision restraining the person from going onto the grounds of or
35 entering the residence, workplace, school, or day care of another is a
36 gross misdemeanor.

37 (2) A person is deemed to have notice of a restraining order if:

1 (a) The person to be restrained or the person's attorney signed the
2 order;

3 (b) The order recites that the person to be restrained or the
4 person's attorney appeared in person before the court;

5 (c) The order was served upon the person to be restrained; or

6 (d) The peace officer gives the person oral or written evidence of
7 the order by reading from it or handing to the person a certified copy
8 of the original order, certified to be an accurate copy of the original
9 by a notary public or by the clerk of the court.

10 (3) A peace officer shall verify the existence of a restraining
11 order by:

12 (a) Obtaining information confirming the existence and terms of the
13 order from a law enforcement agency; or

14 (b) Obtaining a certified copy of the order, certified to be an
15 accurate copy of the original by a notary public or by the clerk of the
16 court.

17 (4) A peace officer shall arrest and take into custody, pending
18 release on bail, personal recognizance, or court order, a person
19 without a warrant when the officer has probable cause to believe that:

20 (a) A restraining order has been issued under this chapter;

21 (b) The respondent or person to be restrained knows of the order;
22 and

23 (c) The person to be arrested has violated the terms of the order
24 restraining the person from acts or threats of violence or restraining
25 the person from going onto the grounds of or entering the residence,
26 workplace, school, or day care of another.

27 (5) It is a defense to prosecution under subsection (1) of this
28 section that the court order was issued contrary to law or court rule.

29 (6) No peace officer may be held criminally or civilly liable for
30 making an arrest under subsection (4) of this section if the officer
31 acts in good faith and without malice.

32 **Sec. 11.** RCW 26.26.138 and 1996 c 248 s 11 are each amended to
33 read as follows:

34 (1) Whenever a restraining order is issued under this chapter, and
35 the person to be restrained knows of the order, a violation of the
36 provisions restricting the person from acts or threats of violence or
37 of a provision restraining the person from going onto the grounds of or

1 entering the residence, workplace, school, or day care of another is a
2 gross misdemeanor.

3 (2) A person is deemed to have notice of a restraining order if:

4 (a) The person to be restrained or the person's attorney signed the
5 order;

6 (b) The order recites that the person to be restrained or the
7 person's attorney appeared in person before the court;

8 (c) The order was served upon the person to be restrained; or

9 (d) The peace officer gives the person oral or written evidence of
10 the order by reading from it or handing to the person a certified copy
11 of the original order, certified to be an accurate copy of the original
12 by a notary public or by the clerk of the court.

13 (3) A peace officer shall verify the existence of a restraining
14 order by:

15 (a) Obtaining information confirming the existence and terms of the
16 order from a law enforcement agency; or

17 (b) Obtaining a certified copy of the order, certified to be an
18 accurate copy of the original by a notary public or by the clerk of the
19 court.

20 (4) A peace officer shall arrest and take into custody, pending
21 release on bail, personal recognizance, or court order, a person
22 without a warrant when the officer has probable cause to believe that:

23 (a) A restraining order has been issued under this chapter;

24 (b) The respondent or person to be restrained knows of the order;
25 and

26 (c) The person to be arrested has violated the terms of the order
27 restraining the person from acts or threats of violence or restraining
28 the person from going onto the grounds of or entering the residence,
29 workplace, school, or day care of another.

30 (5) It is a defense to prosecution under subsection (1) of this
31 section that the court order was issued contrary to law or court rule.

32 (6) No peace officer may be held criminally or civilly liable for
33 making an arrest under subsection (4) of this section if the officer
34 acts in good faith and without malice.

35 **Sec. 12.** RCW 26.50.010 and 1995 c 246 s 1 are each amended to read
36 as follows:

37 As used in this chapter, the following terms shall have the
38 meanings given them:

1 (1) "Domestic violence" means: (a) Physical harm, bodily injury,
2 assault, or the infliction of fear of imminent physical harm, bodily
3 injury or assault, between family or household members; (b) sexual
4 assault of one family or household member by another; or (c) stalking
5 as defined in RCW 9A.46.110 of one family or household member by
6 another family or household member.

7 (2) "Family or household members" means spouses, former spouses,
8 persons who have a child in common regardless of whether they have been
9 married or have lived together at any time, adult persons related by
10 blood or marriage, adult persons who are presently residing together or
11 who have resided together in the past, persons sixteen years of age or
12 older who are presently residing together or who have resided together
13 in the past and who have or have had a dating relationship, persons
14 sixteen years of age or older with whom a ((respondent)) person sixteen
15 years of age or older has or has had a dating relationship, and persons
16 who have a biological or legal parent-child relationship, including
17 stepparents and stepchildren and grandparents and grandchildren.

18 (3) "Dating relationship" means a social relationship of a romantic
19 nature. Factors that the court may consider in making this
20 determination include: (a) The length of time the relationship has
21 existed; (b) the nature of the relationship; and (c) the frequency of
22 interaction between the parties.

23 (4) "Court" includes the superior, district, and municipal courts
24 of the state of Washington.

25 (5) "Judicial day" does not include Saturdays, Sundays, or legal
26 holidays.

27 (6) "Electronic monitoring" means a program in which a person's
28 presence at a particular location is monitored from a remote location
29 by use of electronic equipment.

30 (7) "Essential personal effects" means those items necessary for a
31 person's immediate health, welfare, and livelihood. "Essential
32 personal effects" includes but is not limited to clothing, cribs,
33 bedding, documents, medications, and personal hygiene items.

34 **Sec. 13.** RCW 10.31.100 and 1997 c 66 s 10 are each amended to read
35 as follows:

36 A police officer having probable cause to believe that a person has
37 committed or is committing a felony shall have the authority to arrest
38 the person without a warrant. A police officer may arrest a person

1 without a warrant for committing a misdemeanor or gross misdemeanor
2 only when the offense is committed in the presence of the officer,
3 except as provided in subsections (1) through (10) of this section.

4 (1) Any police officer having probable cause to believe that a
5 person has committed or is committing a misdemeanor or gross
6 misdemeanor, involving physical harm or threats of harm to any person
7 or property or the unlawful taking of property or involving the use or
8 possession of cannabis, or involving the acquisition, possession, or
9 consumption of alcohol by a person under the age of twenty-one years
10 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070
11 or 9A.52.080, shall have the authority to arrest the person.

12 (2) A police officer shall arrest and take into custody, pending
13 release on bail, personal recognizance, or court order, a person
14 without a warrant when the officer has probable cause to believe that:

15 (a) An order has been issued of which the person has knowledge
16 under RCW 10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040,
17 26.10.115, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW
18 restraining the person and the person has violated the terms of the
19 order restraining the person from acts or threats of violence or
20 restraining the person from going onto the grounds of or entering a
21 residence, workplace, school, or day care or, in the case of an order
22 issued under RCW 26.44.063, imposing any other restrictions or
23 conditions upon the person; or

24 (b) A foreign protection order, as defined in section 3 of this
25 act, has been issued of which the person under restraint has knowledge
26 and the person under restraint has violated a provision of the foreign
27 protection order prohibiting the person under restraint from contacting
28 or communicating with another person, or of a provision excluding the
29 person under restraint from a residence, workplace, school, or day
30 care, or a violation of any provision for which the foreign protection
31 order specifically indicates that a violation will be a crime; or

32 (c) The person is sixteen years or older and within the preceding
33 four hours has assaulted a family or household member as defined in RCW
34 10.99.020 and the officer believes: (i) A felonious assault has
35 occurred; (ii) an assault has occurred which has resulted in bodily
36 injury to the victim, whether the injury is observable by the
37 responding officer or not; or (iii) that any physical action has
38 occurred which was intended to cause another person reasonably to fear
39 imminent serious bodily injury or death. Bodily injury means physical

1 pain, illness, or an impairment of physical condition. When the
2 officer has probable cause to believe that family or household members
3 have assaulted each other, the officer is not required to arrest both
4 persons. The officer shall arrest the person whom the officer believes
5 to be the primary physical aggressor. In making this determination,
6 the officer shall make every reasonable effort to consider: (i) The
7 intent to protect victims of domestic violence under RCW 10.99.010;
8 (ii) the comparative extent of injuries inflicted or serious threats
9 creating fear of physical injury; and (iii) the history of domestic
10 violence between the persons involved.

11 (3) Any police officer having probable cause to believe that a
12 person has committed or is committing a violation of any of the
13 following traffic laws shall have the authority to arrest the person:

14 (a) RCW 46.52.010, relating to duty on striking an unattended car
15 or other property;

16 (b) RCW 46.52.020, relating to duty in case of injury to or death
17 of a person or damage to an attended vehicle;

18 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
19 racing of vehicles;

20 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
21 influence of intoxicating liquor or drugs;

22 (e) RCW 46.20.342, relating to driving a motor vehicle while
23 operator's license is suspended or revoked;

24 (f) RCW 46.61.5249, relating to operating a motor vehicle in a
25 negligent manner.

26 (4) A law enforcement officer investigating at the scene of a motor
27 vehicle accident may arrest the driver of a motor vehicle involved in
28 the accident if the officer has probable cause to believe that the
29 driver has committed in connection with the accident a violation of any
30 traffic law or regulation.

31 (5) Any police officer having probable cause to believe that a
32 person has committed or is committing a violation of RCW 88.12.025
33 shall have the authority to arrest the person.

34 (6) An officer may act upon the request of a law enforcement
35 officer in whose presence a traffic infraction was committed, to stop,
36 detain, arrest, or issue a notice of traffic infraction to the driver
37 who is believed to have committed the infraction. The request by the
38 witnessing officer shall give an officer the authority to take
39 appropriate action under the laws of the state of Washington.

1 (7) Any police officer having probable cause to believe that a
2 person has committed or is committing any act of indecent exposure, as
3 defined in RCW 9A.88.010, may arrest the person.

4 (8) A police officer may arrest and take into custody, pending
5 release on bail, personal recognizance, or court order, a person
6 without a warrant when the officer has probable cause to believe that
7 an order has been issued of which the person has knowledge under
8 chapter 10.14 RCW and the person has violated the terms of that order.

9 (9) Any police officer having probable cause to believe that a
10 person has, within twenty-four hours of the alleged violation,
11 committed a violation of RCW 9A.50.020 may arrest such person.

12 (10) A police officer having probable cause to believe that a
13 person illegally possesses or illegally has possessed a firearm or
14 other dangerous weapon on private or public elementary or secondary
15 school premises shall have the authority to arrest the person.

16 For purposes of this subsection, the term "firearm" has the meaning
17 defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning
18 defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

19 (11) Except as specifically provided in subsections (2), (3), (4),
20 and (6) of this section, nothing in this section extends or otherwise
21 affects the powers of arrest prescribed in Title 46 RCW.

22 (12) No police officer may be held criminally or civilly liable for
23 making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police
24 officer acts in good faith and without malice.

25 **Sec. 14.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c
26 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as
27 follows:

28 TABLE 2

29 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

30	XV	Aggravated Murder 1 (RCW 10.95.020)
31	XIV	Murder 1 (RCW 9A.32.030)
32		Homicide by abuse (RCW 9A.32.055)
33		Malicious explosion 1 (RCW 70.74.280(1))
34	XIII	Murder 2 (RCW 9A.32.050)
35		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, a narcotic from
16 Schedule I or II, or flunitrazepam
17 from Schedule IV to someone under 18
18 (RCW 69.50.406)
19 Leading Organized Crime (RCW
20 9A.82.060(1)(a))
21 Indecent Liberties (with forcible
22 compulsion) (RCW 9A.44.100(1)(a))
23 Manufacture of methamphetamine (RCW
24 69.50.401(a)(1)(ii))

25 IX Assault of a Child 2 (RCW 9A.36.130)
26 Robbery 1 (RCW 9A.56.200)
27 Explosive devices prohibited (RCW
28 70.74.180)
29 Malicious placement of an explosive 2 (RCW
30 70.74.270(2))
31 Over 18 and deliver narcotic from Schedule
32 III, IV, or V or a nonnarcotic, except
33 flunitrazepam, from Schedule I-V to
34 someone under 18 and 3 years junior
35 (RCW 69.50.406)
36 Controlled Substance Homicide (RCW
37 69.50.415)

1 Sexual Exploitation (RCW 9.68A.040)
2 Inciting Criminal Profiteering (RCW
3 9A.82.060(1)(b))
4 Vehicular Homicide, by being under the
5 influence of intoxicating liquor or
6 any drug (RCW 46.61.520)
7 Homicide by Watercraft, by being under the
8 influence of intoxicating liquor or
9 any drug (RCW 88.12.029)

10 VIII Arson 1 (RCW 9A.48.020)
11 Promoting Prostitution 1 (RCW 9A.88.070)
12 Selling for profit (controlled or
13 counterfeit) any controlled substance
14 (RCW 69.50.410)
15 Manufacture, deliver, or possess with
16 intent to deliver heroin or cocaine
17 (RCW 69.50.401(a)(1)(i))
18 Deliver or possess with intent to deliver
19 m e t h a m p h e t a m i n e (R C W
20 69.50.401(a)(1)(ii))
21 Manufacture, deliver, or possess with
22 intent to deliver amphetamine (RCW
23 69.50.401(a)(1)(ii))
24 Possession of ephedrine or pseudoephedrine
25 with intent to manufacture
26 methamphetamine (RCW 69.50.440)
27 Vehicular Homicide, by the operation of any
28 vehicle in a reckless manner (RCW
29 46.61.520)
30 Homicide by Watercraft, by the operation of
31 any vessel in a reckless manner (RCW
32 88.12.029)
33 Manslaughter 2 (RCW 9A.32.070)

1 VII Burglary 1 (RCW 9A.52.020)
2 Vehicular Homicide, by disregard for the
3 safety of others (RCW 46.61.520)
4 Homicide by Watercraft, by disregard for
5 the safety of others (RCW 88.12.029)
6 Introducing Contraband 1 (RCW 9A.76.140)
7 Indecent Liberties (without forcible
8 compulsion) (RCW 9A.44.100(1) (b) and
9 (c))
10 Child Molestation 2 (RCW 9A.44.086)
11 Dealing in depictions of minor engaged in
12 sexually explicit conduct (RCW
13 9.68A.050)
14 Sending, bringing into state depictions of
15 minor engaged in sexually explicit
16 conduct (RCW 9.68A.060)
17 Involving a minor in drug dealing (RCW
18 69.50.401(f))
19 Drive-by Shooting (RCW 9A.36.045)
20 Unlawful Possession of a Firearm in the
21 first degree (RCW 9.41.040(1)(a))
22 Malicious placement of an explosive 3 (RCW
23 70.74.270(3))
24 VI Bribery (RCW 9A.68.010)
25 Rape of a Child 3 (RCW 9A.44.079)
26 Intimidating a Juror/Witness (RCW
27 9A.72.110, 9A.72.130)
28 Malicious placement of an imitation device
29 2 (RCW 70.74.272(1)(b))
30 Incest 1 (RCW 9A.64.020(1))
31 Manufacture, deliver, or possess with
32 intent to deliver narcotics from
33 Schedule I or II (except heroin or
34 cocaine) or flunitrazepam from
35 Schedule IV (RCW 69.50.401(a)(1)(i))
36 Intimidating a Judge (RCW 9A.72.160)
37 Bail Jumping with Murder 1 (RCW
38 9A.76.170(2)(a))
39 Theft of a Firearm (RCW 9A.56.300)

1 V Persistent prison misbehavior (RCW
2 9.94.070)
3 Criminal Mistreatment 1 (RCW 9A.42.020)
4 Abandonment of dependent person 1 (RCW
5 9A.42.060)
6 Rape 3 (RCW 9A.44.060)
7 Sexual Misconduct with a Minor 1 (RCW
8 9A.44.093)
9 Child Molestation 3 (RCW 9A.44.089)
10 Kidnapping 2 (RCW 9A.40.030)
11 Extortion 1 (RCW 9A.56.120)
12 Incest 2 (RCW 9A.64.020(2))
13 Perjury 1 (RCW 9A.72.020)
14 Extortionate Extension of Credit (RCW
15 9A.82.020)
16 Advancing money or property for
17 extortionate extension of credit (RCW
18 9A.82.030)
19 Extortionate Means to Collect Extensions of
20 Credit (RCW 9A.82.040)
21 Rendering Criminal Assistance 1 (RCW
22 9A.76.070)
23 Bail Jumping with class A Felony (RCW
24 9A.76.170(2)(b))
25 Sexually Violating Human Remains (RCW
26 9A.44.105)
27 Delivery of imitation controlled substance
28 by person eighteen or over to person
29 under eighteen (RCW 69.52.030(2))
30 Possession of a Stolen Firearm (RCW
31 9A.56.310)
32 Violation of a Foreign Protection Order
33 (section 9 (3) and (4) of this act)

34 IV Residential Burglary (RCW 9A.52.025)
35 Theft of Livestock 1 (RCW 9A.56.080)
36 Robbery 2 (RCW 9A.56.210)
37 Assault 2 (RCW 9A.36.021)
38 Escape 1 (RCW 9A.76.110)
39 Arson 2 (RCW 9A.48.030)

1 Commercial Bribery (RCW 9A.68.060)
2 Bribing a Witness/Bribe Received by Witness
3 (RCW 9A.72.090, 9A.72.100)
4 Malicious Harassment (RCW 9A.36.080)
5 Threats to Bomb (RCW 9.61.160)
6 Willful Failure to Return from Furlough
7 (RCW 72.66.060)
8 Hit and Run--Injury Accident (RCW
9 46.52.020(4))
10 Hit and Run with Vessel--Injury Accident
11 (RCW 88.12.155(3))
12 Vehicular Assault (RCW 46.61.522)
13 Assault by Watercraft (RCW 88.12.032)
14 Manufacture, deliver, or possess with
15 intent to deliver narcotics from
16 Schedule III, IV, or V or nonnarcotics
17 from Schedule I-V (except marijuana,
18 amphetamine, methamphetamines, or
19 flunitrazepam) (RCW 69.50.401(a)(1)
20 (iii) through (v))
21 Influencing Outcome of Sporting Event (RCW
22 9A.82.070)
23 Use of Proceeds of Criminal Profiteering
24 (RCW 9A.82.080 (1) and (2))
25 Knowingly Trafficking in Stolen Property
26 (RCW 9A.82.050(2))
27 III Criminal Gang Intimidation (RCW 9A.46.120)
28 Criminal Mistreatment 2 (RCW 9A.42.030)
29 Abandonment of dependent person 2 (RCW
30 9A.42.070)
31 Extortion 2 (RCW 9A.56.130)
32 Unlawful Imprisonment (RCW 9A.40.040)
33 Assault 3 (RCW 9A.36.031)
34 Assault of a Child 3 (RCW 9A.36.140)
35 Custodial Assault (RCW 9A.36.100)
36 Unlawful possession of firearm in the
37 second degree (RCW 9.41.040(1)(b))
38 Harassment (RCW 9A.46.020)
39 Promoting Prostitution 2 (RCW 9A.88.080)

1 Willful Failure to Return from Work Release
2 (RCW 72.65.070)
3 Burglary 2 (RCW 9A.52.030)
4 Introducing Contraband 2 (RCW 9A.76.150)
5 Communication with a Minor for Immoral
6 Purposes (RCW 9.68A.090)
7 Patronizing a Juvenile Prostitute (RCW
8 9.68A.100)
9 Escape 2 (RCW 9A.76.120)
10 Perjury 2 (RCW 9A.72.030)
11 Bail Jumping with class B or C Felony (RCW
12 9A.76.170(2)(c))
13 Intimidating a Public Servant (RCW
14 9A.76.180)
15 Tampering with a Witness (RCW 9A.72.120)
16 Manufacture, deliver, or possess with
17 intent to deliver marijuana (RCW
18 69.50.401(a)(1)(iii))
19 Delivery of a material in lieu of a
20 controlled substance (RCW
21 69.50.401(c))
22 Manufacture, distribute, or possess with
23 intent to distribute an imitation
24 controlled substance (RCW
25 69.52.030(1))
26 Recklessly Trafficking in Stolen Property
27 (RCW 9A.82.050(1))
28 Theft of livestock 2 (RCW 9A.56.080)
29 Securities Act violation (RCW 21.20.400)
30 II Unlawful Practice of Law (RCW 2.48.180)
31 Malicious Mischief 1 (RCW 9A.48.070)
32 Possession of Stolen Property 1 (RCW
33 9A.56.150)
34 Theft 1 (RCW 9A.56.030)
35 Class B Felony Theft of Rental, Leased, or
36 Lease-purchased Property (RCW
37 9A.56.096(4))
38 Trafficking in Insurance Claims (RCW
39 48.30A.015)

1 Unlicensed Practice of a Profession or
2 Business (RCW 18.130.190(7))
3 Health Care False Claims (RCW 48.80.030)
4 Possession of controlled substance that is
5 either heroin or narcotics from
6 Schedule I or II or flunitrazepam from
7 Schedule IV (RCW 69.50.401(d))
8 Possession of phencyclidine (PCP) (RCW
9 69.50.401(d))
10 Create, deliver, or possess a counterfeit
11 controlled substance (RCW
12 69.50.401(b))
13 Computer Trespass 1 (RCW 9A.52.110)
14 Escape from Community Custody (RCW
15 72.09.310)

16 I Theft 2 (RCW 9A.56.040)
17 Class C Felony Theft of Rental, Leased, or
18 Lease-purchased Property (RCW
19 9A.56.096(4))
20 Possession of Stolen Property 2 (RCW
21 9A.56.160)
22 Forgery (RCW 9A.60.020)
23 Taking Motor Vehicle Without Permission
24 (RCW 9A.56.070)
25 Vehicle Prowl 1 (RCW 9A.52.095)
26 Attempting to Elude a Pursuing Police
27 Vehicle (RCW 46.61.024)
28 Malicious Mischief 2 (RCW 9A.48.080)
29 Reckless Burning 1 (RCW 9A.48.040)
30 Unlawful Issuance of Checks or Drafts (RCW
31 9A.56.060)
32 Unlawful Use of Food Stamps (RCW 9.91.140
33 (2) and (3))
34 False Verification for Welfare (RCW
35 74.08.055)
36 Forged Prescription (RCW 69.41.020)
37 Forged Prescription for a Controlled
38 Substance (RCW 69.50.403)

1 Possess Controlled Substance that is a
2 Narcotic from Schedule III, IV, or V
3 or Non-narcotic from Schedule I-V
4 (except phencyclidine or
5 flunitrazepam) (RCW 69.50.401(d))

6 NEW SECTION. **Sec. 15.** Sections 1 through 9 and 16 of this act
7 constitute a new chapter in Title 26 RCW.

8 NEW SECTION. **Sec. 16.** CAPTIONS NOT LAW. Captions used in this
9 chapter are not part of the law.

10 NEW SECTION. **Sec. 17.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected.

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