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HOUSE BILL 2412

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State of Washington

56th Legislature

2000 Regular Session

By Representatives Lovick, Ballasiotes, O'Brien, Hurst, Radcliff and Haigh

Read first time 01/12/2000. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to vehicular assault; amending RCW 46.61.522;  
2 reenacting and amending RCW 9.94A.320; and prescribing penalties.

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

4 **Sec. 1.** RCW 46.61.522 and 1996 c 199 s 8 are each amended to read  
5 as follows:

6 (1)(a) A person is guilty of vehicular assault in the first degree  
7 if he or she operates or drives any vehicle:

8 (~~(a)~~) (i) In a reckless manner, and this conduct is the proximate  
9 cause of serious bodily injury to another; or

10 (~~(b)~~) (ii) While under the influence of intoxicating liquor or  
11 any drug, as defined by RCW 46.61.502, and this conduct is the  
12 proximate cause of serious bodily injury to another.

13 (~~(2)~~) (b) "Serious bodily injury" means bodily injury which  
14 involves a substantial risk of death, serious permanent disfigurement,  
15 or protracted loss or impairment of the function of any part or organ  
16 of the body.

17 (~~(3)~~) (c) Vehicular assault in the first degree is a class B  
18 felony punishable under chapter 9A.20 RCW.

1       (2)(a) A person is guilty of vehicular assault in the second degree  
2 if he or she, under circumstances not amounting to assault in the first  
3 degree, operates or drives any vehicle:

4       (i) In a reckless manner, and this conduct is the proximate cause  
5 of substantial bodily injury to another; or

6       (ii) While under the influence of intoxicating liquor or any drug,  
7 as defined by RCW 46.61.502, and this conduct is the proximate cause of  
8 substantial bodily injury to another.

9       (b) "Substantial bodily injury" means bodily injury that involves  
10 a temporary but substantial disfigurement, or that causes a temporary  
11 but substantial loss or impairment of the function of a part or organ  
12 of the body, or that causes a fracture of a part of the body.

13       (c) Vehicular assault in the second degree is a class C felony  
14 punishable under chapter 9A.20 RCW.

15       **Sec. 2.** RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999  
16 c 45 s 4 are each reenacted and amended to read as follows:

17                                   TABLE 2

18                   CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

19	XVI	Aggravated Murder 1 (RCW 10.95.020)
20	XV	Homicide by abuse (RCW 9A.32.055)
21		Malicious explosion 1 (RCW 70.74.280(1))
22		Murder 1 (RCW 9A.32.030)
23	XIV	Murder 2 (RCW 9A.32.050)
24	XIII	Malicious explosion 2 (RCW 70.74.280(2))
25		Malicious placement of an explosive 1 (RCW
26		70.74.270(1))
27	XII	Assault 1 (RCW 9A.36.011)
28		Assault of a Child 1 (RCW 9A.36.120)
29		Malicious placement of an imitation device
30		1 (RCW 70.74.272(1)(a))
31		Rape 1 (RCW 9A.44.040)
32		Rape of a Child 1 (RCW 9A.44.073)
33	XI	Manslaughter 1 (RCW 9A.32.060)
34		Rape 2 (RCW 9A.44.050)

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

2 X Child Molestation 1 (RCW 9A.44.083)

3 Indecent Liberties (with forcible

4 compulsion) (RCW 9A.44.100(1)(a))

5 Kidnapping 1 (RCW 9A.40.020)

6 Leading Organized Crime (RCW

7 9A.82.060(1)(a))

8 Malicious explosion 3 (RCW 70.74.280(3))

9 Manufacture of methamphetamine (RCW

10 69.50.401(a)(1)(ii))

11 Over 18 and deliver heroin,

12 methamphetamine, a narcotic from

13 Schedule I or II, or flunitrazepam

14 from Schedule IV to someone under 18

15 (RCW 69.50.406)

16 IX Assault of a Child 2 (RCW 9A.36.130)

17 Controlled Substance Homicide (RCW

18 69.50.415)

19 Explosive devices prohibited (RCW

20 70.74.180)

21 Homicide by Watercraft, by being under the

22 influence of intoxicating liquor or

23 any drug (RCW ((88.12.029))

24 79A.60.050)

25 Inciting Criminal Profiteering (RCW

26 9A.82.060(1)(b))

27 Malicious placement of an explosive 2 (RCW

28 70.74.270(2))

29 Over 18 and deliver narcotic from Schedule

30 III, IV, or V or a nonnarcotic, except

31 flunitrazepam or methamphetamine, from

32 Schedule I-V to someone under 18 and 3

33 years junior (RCW 69.50.406)

34 Robbery 1 (RCW 9A.56.200)

35 Sexual Exploitation (RCW 9.68A.040)

36 Vehicular Homicide, by being under the

37 influence of intoxicating liquor or

38 any drug (RCW 46.61.520)

1 VIII Arson 1 (RCW 9A.48.020)  
2 Deliver or possess with intent to deliver  
3 methamphetamine (RCW  
4 69.50.401(a)(1)(ii))  
5 Homicide by Watercraft, by the operation of  
6 any vessel in a reckless manner (RCW  
7 ((~~88.12.029~~)) 79A.60.050)  
8 Manslaughter 2 (RCW 9A.32.070)  
9 Manufacture, deliver, or possess with  
10 intent to deliver amphetamine (RCW  
11 69.50.401(a)(1)(ii))  
12 Manufacture, deliver, or possess with  
13 intent to deliver heroin or cocaine  
14 (RCW 69.50.401(a)(1)(i))  
15 Possession of ephedrine or pseudoephedrine  
16 with intent to manufacture  
17 methamphetamine (RCW 69.50.440)  
18 Promoting Prostitution 1 (RCW 9A.88.070)  
19 Selling for profit (controlled or  
20 counterfeit) any controlled substance  
21 (RCW 69.50.410)  
22 Vehicular Homicide, by the operation of any  
23 vehicle in a reckless manner (RCW  
24 46.61.520)

25 VII Burglary 1 (RCW 9A.52.020)  
26 Child Molestation 2 (RCW 9A.44.086)  
27 Dealing in depictions of minor engaged in  
28 sexually explicit conduct (RCW  
29 9.68A.050)  
30 Drive-by Shooting (RCW 9A.36.045)  
31 Homicide by Watercraft, by disregard for  
32 the safety of others (RCW  
33 ((~~88.12.029~~)) 79A.60.050)  
34 Indecent Liberties (without forcible  
35 compulsion) (RCW 9A.44.100(1) (b) and  
36 (c))  
37 Introducing Contraband 1 (RCW 9A.76.140)

1 Involving a minor in drug dealing (RCW  
2 69.50.401(f))  
3 Malicious placement of an explosive 3 (RCW  
4 70.74.270(3))  
5 Sending, bringing into state depictions of  
6 minor engaged in sexually explicit  
7 conduct (RCW 9.68A.060)  
8 Unlawful Possession of a Firearm in the  
9 first degree (RCW 9.41.040(1)(a))  
10 Use of a Machine Gun in Commission of a  
11 Felony (RCW 9.41.225)  
12 Vehicular Homicide, by disregard for the  
13 safety of others (RCW 46.61.520)

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

30 V Abandonment of dependent person 1 (RCW  
31 9A.42.060)  
32 Advancing money or property for  
33 extortionate extension of credit (RCW  
34 9A.82.030)  
35 Bail Jumping with class A Felony (RCW  
36 9A.76.170(2)(b))  
37 Child Molestation 3 (RCW 9A.44.089)  
38 Criminal Mistreatment 1 (RCW 9A.42.020)

1 Custodial Sexual Misconduct 1 (RCW  
2 9A.44.160)  
3 Delivery of imitation controlled substance  
4 by person eighteen or over to person  
5 under eighteen (RCW 69.52.030(2))  
6 Extortion 1 (RCW 9A.56.120)  
7 Extortionate Extension of Credit (RCW  
8 9A.82.020)  
9 Extortionate Means to Collect Extensions of  
10 Credit (RCW 9A.82.040)  
11 Incest 2 (RCW 9A.64.020(2))  
12 Kidnapping 2 (RCW 9A.40.030)  
13 On and after July 1, 2000: No-Contact  
14 Order Violation: Domestic Violence  
15 Pretrial Condition (RCW 10.99.040(4)  
16 (b) and (c))  
17 On and after July 1, 2000: No-Contact  
18 Order Violation: Domestic Violence  
19 Sentence Condition (RCW 10.99.050(2))  
20 On and after July 1, 2000: Protection  
21 Order Violation: Domestic Violence  
22 Civil Action (RCW 26.50.110 (4) and  
23 (5))  
24 On and after July 1, 2000: Stalking (RCW  
25 9A.46.110)  
26 Perjury 1 (RCW 9A.72.020)  
27 Persistent prison misbehavior (RCW  
28 9.94.070)  
29 Possession of a Stolen Firearm (RCW  
30 9A.56.310)  
31 Rape 3 (RCW 9A.44.060)  
32 Rendering Criminal Assistance 1 (RCW  
33 9A.76.070)  
34 Sexual Misconduct with a Minor 1 (RCW  
35 9A.44.093)  
36 Sexually Violating Human Remains (RCW  
37 9A.44.105)  
38 Vehicular Assault 1 (RCW 46.61.522(1))  
39 IV Arson 2 (RCW 9A.48.030)

1 Assault 2 (RCW 9A.36.021)  
2 Assault by Watercraft (RCW ((~~88.12.032~~))  
3 79A.60.060)  
4 Bribing a Witness/Bribe Received by Witness  
5 (RCW 9A.72.090, 9A.72.100)  
6 Commercial Bribery (RCW 9A.68.060)  
7 Counterfeiting (RCW 9.16.035(4))  
8 Escape 1 (RCW 9A.76.110)  
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)~~)) 79A.60.200(3))  
13 Indecent Exposure to Person Under Age  
14 Fourteen (subsequent sex offense) (RCW  
15 9A.88.010)  
16 Influencing Outcome of Sporting Event (RCW  
17 9A.82.070)  
18 Knowingly Trafficking in Stolen Property  
19 (RCW 9A.82.050(2))  
20 Malicious Harassment (RCW 9A.36.080)  
21 Manufacture, deliver, or possess with  
22 intent to deliver narcotics from  
23 Schedule III, IV, or V or nonnarcotics  
24 from Schedule I-V (except marijuana,  
25 amphetamine, methamphetamines, or  
26 flunitrazepam) (RCW 69.50.401(a)(1)  
27 (iii) through (v))  
28 Residential Burglary (RCW 9A.52.025)  
29 Robbery 2 (RCW 9A.56.210)  
30 Theft of Livestock 1 (RCW 9A.56.080)  
31 Threats to Bomb (RCW 9.61.160)  
32 Use of Proceeds of Criminal Profiteering  
33 (RCW 9A.82.080 (1) and (2))  
34 Vehicular Assault 2 (RCW 46.61.522(2))  
35 Willful Failure to Return from Furlough  
36 (RCW 72.66.060)  
37 III Abandonment of dependent person 2 (RCW  
38 9A.42.070)  
39 Assault 3 (RCW 9A.36.031)

1 Assault of a Child 3 (RCW 9A.36.140)  
2 Bail Jumping with class B or C Felony (RCW  
3 9A.76.170(2)(c))  
4 Burglary 2 (RCW 9A.52.030)  
5 Communication with a Minor for Immoral  
6 Purposes (RCW 9.68A.090)  
7 Criminal Gang Intimidation (RCW 9A.46.120)  
8 Criminal Mistreatment 2 (RCW 9A.42.030)  
9 Custodial Assault (RCW 9A.36.100)  
10 Delivery of a material in lieu of a  
11 controlled substance (RCW  
12 69.50.401(c))  
13 Escape 2 (RCW 9A.76.120)  
14 Extortion 2 (RCW 9A.56.130)  
15 Harassment (RCW 9A.46.020)  
16 Intimidating a Public Servant (RCW  
17 9A.76.180)  
18 Introducing Contraband 2 (RCW 9A.76.150)  
19 Maintaining a Dwelling or Place for  
20 Controlled Substances (RCW  
21 69.50.402(a)(6))  
22 Malicious Injury to Railroad Property (RCW  
23 81.60.070)  
24 Manufacture, deliver, or possess with  
25 intent to deliver marijuana (RCW  
26 69.50.401(a)(1)(iii))  
27 Manufacture, distribute, or possess with  
28 intent to distribute an imitation  
29 controlled substance (RCW  
30 69.52.030(1))  
31 Patronizing a Juvenile Prostitute (RCW  
32 9.68A.100)  
33 Perjury 2 (RCW 9A.72.030)  
34 Possession of Incendiary Device (RCW  
35 9.40.120)  
36 Possession of Machine Gun or Short-Barreled  
37 Shotgun or Rifle (RCW 9.41.190)  
38 Promoting Prostitution 2 (RCW 9A.88.080)



1 Recklessly Trafficking in Stolen Property  
2 (RCW 9A.82.050(1))  
3 Securities Act violation (RCW 21.20.400)  
4 Tampering with a Witness (RCW 9A.72.120)  
5 Telephone Harassment (subsequent conviction  
6 or threat of death) (RCW 9.61.230)  
7 Theft of Livestock 2 (RCW 9A.56.080)  
8 Unlawful Imprisonment (RCW 9A.40.040)  
9 Unlawful possession of firearm in the  
10 second degree (RCW 9.41.040(1)(b))  
11 Unlawful Use of Building for Drug Purposes  
12 (RCW 69.53.010)  
13 Willful Failure to Return from Work Release  
14 (RCW 72.65.070)

15 II Computer Trespass 1 (RCW 9A.52.110)  
16 Counterfeiting (RCW 9.16.035(3))  
17 Create, deliver, or possess a counterfeit  
18 controlled substance (RCW  
19 69.50.401(b))  
20 Escape from Community Custody (RCW  
21 72.09.310)  
22 Health Care False Claims (RCW 48.80.030)  
23 Malicious Mischief 1 (RCW 9A.48.070)  
24 Possession of controlled substance that is  
25 either heroin or narcotics from  
26 Schedule I or II or flunitrazepam from  
27 Schedule IV (RCW 69.50.401(d))  
28 Possession of phencyclidine (PCP) (RCW  
29 69.50.401(d))  
30 Possession of Stolen Property 1 (RCW  
31 9A.56.150)  
32 Theft 1 (RCW 9A.56.030)  
33 Theft of Rental, Leased, or Lease-purchased  
34 Property (valued at one thousand five  
35 hundred dollars or more) (RCW  
36 9A.56.096(4))  
37 Trafficking in Insurance Claims (RCW  
38 48.30A.015)  
39 Unlawful Practice of Law (RCW 2.48.180)

1                   Unlicensed Practice of a Profession or  
2                   Business (RCW 18.130.190(7))

3       I            Attempting to Elude a Pursuing Police  
4                   Vehicle (RCW 46.61.024)

5                   False Verification for Welfare (RCW  
6                   74.08.055)

7                   Forged Prescription (RCW 69.41.020)

8                   Forged Prescription for a Controlled  
9                   Substance (RCW 69.50.403)

10                  Forgery (RCW 9A.60.020)

11                  Malicious Mischief 2 (RCW 9A.48.080)

12                  Possess Controlled Substance that is a  
13                   Narcotic from Schedule III, IV, or V  
14                   or Non-narcotic from Schedule I-V  
15                   (except phencyclidine or  
16                   flunitrazepam) (RCW 69.50.401(d))

17                  Possession of Stolen Property 2 (RCW  
18                   9A.56.160)

19                  Reckless Burning 1 (RCW 9A.48.040)

20                  Taking Motor Vehicle Without Permission  
21                   (RCW 9A.56.070)

22                  Theft 2 (RCW 9A.56.040)

23                  Theft of Rental, Leased, or Lease-purchased  
24                   Property (valued at two hundred fifty  
25                   dollars or more but less than one  
26                   thousand five hundred dollars) (RCW  
27                   9A.56.096(4))

28                  Unlawful Issuance of Checks or Drafts (RCW  
29                   9A.56.060)

30                  Unlawful Use of Food Stamps (RCW 9.91.140  
31                   (2) and (3))

32                  Vehicle Prowl 1 (RCW 9A.52.095)

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