
HOUSE BILL 2479

State of Washington

57th Legislature

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By Representatives Carrell, Roach, Buck, Schmidt and Casada

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1 AN ACT Relating to protecting the public against terrorists;
2 amending RCW 46.20.117, 9A.32.030, 9A.32.050, 9A.36.011, 9A.36.090,
3 9A.40.020, 9A.48.020, 9A.52.020, 9A.56.120, 9A.04.110, 9A.56.200,
4 9A.04.080, and 10.95.020; reenacting and amending RCW 42.17.310; adding
5 a new section to chapter 9A.76 RCW; adding a new chapter to Title 9A
6 RCW; prescribing penalties; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that public safety is
9 one of the highest priorities of government and that the security of
10 the citizens is endangered when those who are committed to engaging in
11 the commission, instigation, planning, preparation, aiding, or
12 financing of terrorist acts abuse the freedoms, rights, privileges, and
13 laws that underpin the great strength of this state and nation.

14 The legislature further finds that in order to protect the people
15 from harm and reduce threats to their safety and well-being, the state
16 has a compelling interest in obtaining the information necessary to
17 prevent terrorist acts by ensuring that those who are in this country
18 are here legally and are fully complying with the law.

1 The legislature further finds that those who commit crimes while
2 engaged in the commission, instigation, planning, preparation, aiding,
3 or financing of terrorist acts must be severely punished for their
4 atrocious and evil acts.

5 NEW SECTION. **Sec. 2.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Terrorist act" means any violent act, or the threat of any
8 violent act, including mass destruction, bombings, arson, kidnapping,
9 and assassination, against persons or property, that is intended to
10 intimidate or coerce a civilian population, affect or influence the
11 policy of any branch or level of government by intimidation or
12 coercion, affect or influence the conduct of a civilian population or
13 any branch or level of government by intimidation or coercion, or exact
14 revenge, retribution, or retaliation against a civilian population for
15 the conduct of the population or against any branch or level of
16 government for a policy or conduct of the government.

17 (2) "Terrorist organization" means any corporation, company,
18 partnership, association, trust, foundation, fund, club, society,
19 committee, or other group of two or more persons, whether or not
20 incorporated, permanently or temporarily associated together that
21 knowingly, or with reason to know, is engaged in the commission,
22 instigation, planning, preparation, aiding, or financing of any
23 terrorist act.

24 (3) "Terrorist" means any person who knowingly, or with reason to
25 know, is engaged in the commission, instigation, planning, preparation,
26 aiding, or financing of any terrorist act.

27 (4) "Department" means the department of licensing.

28 NEW SECTION. **Sec. 3.** Unless otherwise exempted or restricted by
29 federal law:

30 (1) Any person who is residing in this state who is not a citizen
31 of the United States shall apply for a Washington state identicard
32 under RCW 46.20.117 within fifteen days from the date he or she becomes
33 a resident. For the purposes of this section, a resident is a person
34 who resides in this state for at least thirty consecutive days or for
35 at least ninety days of the previous one hundred twenty days or who
36 otherwise qualifies as a new resident under RCW 46.20.021.

1 (2) Each person applying for an identicard under this section shall
2 provide the department with a valid visa issued to him or her by the
3 United States and his or her residential address and phone number.
4 Each identicard issued to an applicant by the department under this
5 section shall indicate the person's status under the visa and shall
6 include the visa identification number. The department shall not issue
7 an identicard under this section to any person who does not have a
8 valid visa issued by the United States.

9 (3) The identicard is valid so long as the person's visa is valid
10 or until the identicard expires under RCW 46.20.117. A person issued
11 an identicard under this section shall notify the department of any
12 action which changes the status or validity of the person's visa.

13 (4) The department shall keep a record of all persons issued an
14 identicard under this section. The records shall include the person's
15 name, birthdate, place of birth, nationality, residential address and
16 phone number, and his or her visa identification number. Unless
17 disclosure is otherwise required by law, such records shall be
18 confidential except as provided for in this act.

19 (5) The department shall notify appropriate federal authorities of
20 information obtained under this act pertaining to individuals who are
21 not citizens of the United States who do not possess a valid visa
22 issued by the United States.

23 (6) The department may provide information deemed confidential
24 under this act to any law enforcement agency officially requesting such
25 information.

26 (7) Any person who is not a citizen of the United States and who
27 violates this section is guilty of a misdemeanor.

28 **Sec. 4.** RCW 46.20.117 and 1999 c 274 s 15 are each amended to read
29 as follows:

30 (1) **Issuance.** The department shall issue an identicard, containing
31 a picture, if the applicant:

32 (a)(i) Does not hold a valid Washington driver's license; or

33 (ii) Is required to apply under section 3 of this act;

34 (b) Proves his or her identity as required by RCW 46.20.035; and

35 (c) Pays the required fee. The fee is four dollars unless an
36 applicant is a recipient of continuing public assistance grants under
37 Title 74 RCW, who is referred in writing by the secretary of social and

1 health services. For those persons the fee must be the actual cost of
2 production of the identicard.

3 (2) **Design and term.** The identicard must:

4 (a) Be distinctly designed so that it will not be confused with the
5 official driver's license; and

6 (b) Expire on the fifth anniversary of the applicant's birthdate
7 after issuance.

8 (3) **Cancellation.** The department may cancel an identicard if the
9 holder of the identicard used the card or allowed others to use the
10 card in violation of RCW 46.20.0921. The department shall cancel an
11 identicard if the holder obtained the identicard under section 3 of
12 this act through misrepresentation or fraud or no longer holds a valid
13 visa issued by the United States.

14 NEW SECTION. **Sec. 5.** Unless otherwise exempted or restricted by
15 federal law:

16 (1) Any adult person who is not a citizen of the United States who
17 applies to attend any school in this state that receives state funds,
18 or who applies for a child under his or her custody, care, or control
19 to attend any school in this state that receives state funds, shall
20 provide the school his or her visa and identicard and his or her
21 residential address and phone number.

22 (2) A school shall not grant admission to the school to any adult
23 person who does not have a valid visa issued by the United States and
24 a valid identicard. A minor child under the custody, care, or control
25 of a person who is not a citizen of the United States and who has a
26 valid visa and identicard shall be granted admission to the school if
27 otherwise qualified for admission. A minor child under the custody,
28 care, or control of a person who is not a citizen of the United States
29 and who does not have a valid visa and identicard may be granted
30 admission to the school if otherwise qualified for admission. The
31 school shall notify the department of any person who applies for a
32 child to attend the school and who does not possess a valid visa or
33 identicard and shall provide the department with the person's name and
34 residential address and phone number.

35 (3) An adult person who is not a citizen of the United States
36 attending a school or who has a child under his or her custody, care,
37 or control attending a school shall notify the school of any action
38 which changes the status or validity of the person's visa. The school

1 shall notify the department that the person has notified the school of
2 an action which has changed the status or validity of the person's visa
3 and shall provide the department with the person's name and residential
4 address and phone number.

5 (4) The school shall keep a record of all persons who are not
6 citizens of the United States who attend the school or who have a child
7 under their custody, care, or control who attend the school. The
8 records shall include the person's name, residential address and phone
9 number, and his or her visa identification number. Unless disclosure
10 is otherwise required by law, such records shall be confidential.

11 (5) The school and the department may exchange information deemed
12 confidential under this act for purposes of ensuring persons are
13 complying with this act. The school may provide information deemed
14 confidential under this act to any law enforcement agency officially
15 requesting such information.

16 (6) The school shall deny or cancel admission for any adult person
17 who is not a citizen of the United States if the person obtained
18 admission through an invalid or false or fake visa or identicard or no
19 longer holds a valid visa issued by the United States.

20 (7) Any person who is not a citizen of the United States and who
21 violates this section is guilty of a misdemeanor.

22 NEW SECTION. **Sec. 6.** Unless otherwise exempted or restricted by
23 federal law:

24 (1) Any person who is not a citizen of the United States who
25 applies for any public assistance, benefits, or services that include
26 state funds shall provide the agency his or her visa and identicard and
27 his or her residential address and phone number.

28 (2) An agency shall not grant any public assistance, benefit, or
29 service to any person unless the person is a citizen of the United
30 States, or if the person is not a citizen of the United States, unless
31 the person has a valid visa issued by the United States and a valid
32 identicard. The agency may grant public assistance, benefits, or
33 services to a person who is not a citizen of the United States and who
34 does not have a valid visa and identicard if the agency determines that
35 there is a substantial risk that the health or safety of a minor child
36 is in imminent danger and the public assistance, benefits, or services
37 are necessary to protect the health or safety of the minor child. The
38 agency shall notify the department of any person who is not a citizen

1 of the United States who applies for public assistance, benefits, or
2 services and who does not have a valid visa and identicard that the
3 person has applied for public assistance, benefits, or services and
4 does not possess a valid visa or identicard and shall provide the
5 department with the person's name and residential address and phone
6 number.

7 (3) A person who is not a citizen of the United States who receives
8 public assistance, benefits, or services shall notify the agency of any
9 action which changes the status or validity of the person's visa. The
10 agency shall notify the department that the person has notified the
11 agency of an action which has changed the status or validity of the
12 person's visa and shall provide the department with the person's name
13 and residential address and phone number.

14 (4) The agency shall keep a record of all persons who are not
15 citizens of the United States who receive public assistance, benefits,
16 or services. The records shall include the person's name, residential
17 address and phone number, and his or her visa identification number.
18 Unless disclosure is otherwise required by law, such records shall be
19 confidential.

20 (5) The agency and the department may exchange information deemed
21 confidential under this act for purposes of ensuring persons are
22 complying with this act. The agency may provide information deemed
23 confidential under this act to any law enforcement agency officially
24 requesting such information.

25 (6) The agency shall deny or cancel public assistance, benefits, or
26 services for any person who is not a citizen of the United States if
27 the person obtained public assistance, benefits, or services through an
28 invalid or false or fake visa or identicard or no longer holds a valid
29 visa issued by the United States. The agency may decide to not deny or
30 cancel public assistance, benefits, or services to a person who is not
31 a citizen of the United States and who obtained public assistance,
32 benefits, or services through misrepresentation or fraud or no longer
33 holds a valid visa issued by the United States if the agency determines
34 that there is a substantial risk that the health or safety of a minor
35 child is in imminent danger and the public assistance, benefits, or
36 services are necessary to protect the health or safety of the minor
37 child.

38 (7) Any person who is not a citizen of the United States and who
39 violates this section is guilty of a misdemeanor.

1 NEW SECTION. **Sec. 7.** Unless otherwise exempted or restricted by
2 federal law:

3 (1) Any person who is not a citizen of the United States who
4 applies for employment with any public or private employer in this
5 state shall provide the employer with his or her visa and identicard
6 and his or her residential address and phone number.

7 (2) An employer shall not grant employment to any person who does
8 not have a valid visa issued by the United States and a valid
9 identicard. The agency shall notify the department of any person who
10 is not a citizen of the United States who applies for employment and
11 who does not have a valid visa and identicard that the person has
12 applied for employment and does not possess a valid visa or identicard
13 and shall provide the department with the person's name and residential
14 address and phone number.

15 (3) A person who is not a citizen of the United States who is
16 employed shall notify the employer of any action which changes the
17 status or validity of the person's visa. The employer shall notify the
18 department that the person has notified the employer of an action which
19 has changed the status or validity of the person's visa and shall
20 provide the department with the person's name and residential address
21 and phone number.

22 (4) The employer shall keep a record of all persons who are not
23 citizens of the United States who are employed by the employer. The
24 records shall include the person's name, residential address and phone
25 number, and his or her visa identification number. Unless disclosure
26 is otherwise required by law, such records shall be confidential.

27 (5) The employer and the department may exchange information deemed
28 confidential under this act for purposes of ensuring persons are
29 complying with this act. The employer may provide information deemed
30 confidential under this act to any law enforcement agency officially
31 requesting such information.

32 (6) The employer shall deny or cancel employment for any person who
33 is not a citizen of the United States if the person obtained employment
34 through misrepresentation or fraud or no longer holds a valid visa
35 issued by the United States.

36 (7) Any person who is not a citizen of the United States and who
37 violates this section is guilty of a misdemeanor.

1 NEW SECTION. **Sec. 8.** A new section is added to chapter 9A.76 RCW
2 to read as follows:

3 (1) Any person who is not a citizen of the United States who is
4 requested or signaled to stop by a law enforcement officer shall
5 provide the law enforcement officer his or her visa and identicard upon
6 request.

7 (2) A violation of this section is a misdemeanor.

8 **Sec. 9.** RCW 42.17.310 and 2001 c 278 s 1, 2001 c 98 s 2, and 2001
9 c 70 s 1 are each reenacted and amended to read as follows:

10 (1) The following are exempt from public inspection and copying:

11 (a) Personal information in any files maintained for students in
12 public schools, patients or clients of public institutions or public
13 health agencies, or welfare recipients.

14 (b) Personal information in files maintained for employees,
15 appointees, or elected officials of any public agency to the extent
16 that disclosure would violate their right to privacy.

17 (c) Information required of any taxpayer in connection with the
18 assessment or collection of any tax if the disclosure of the
19 information to other persons would (i) be prohibited to such persons by
20 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
21 taxpayer's right to privacy or result in unfair competitive
22 disadvantage to the taxpayer.

23 (d) Specific intelligence information and specific investigative
24 records compiled by investigative, law enforcement, and penology
25 agencies, and state agencies vested with the responsibility to
26 discipline members of any profession, the nondisclosure of which is
27 essential to effective law enforcement or for the protection of any
28 person's right to privacy.

29 (e) Information revealing the identity of persons who are witnesses
30 to or victims of crime or who file complaints with investigative, law
31 enforcement, or penology agencies, other than the public disclosure
32 commission, if disclosure would endanger any person's life, physical
33 safety, or property. If at the time a complaint is filed the
34 complainant, victim or witness indicates a desire for disclosure or
35 nondisclosure, such desire shall govern. However, all complaints filed
36 with the public disclosure commission about any elected official or
37 candidate for public office must be made in writing and signed by the
38 complainant under oath.

1 (f) Test questions, scoring keys, and other examination data used
2 to administer a license, employment, or academic examination.

3 (g) Except as provided by chapter 8.26 RCW, the contents of real
4 estate appraisals, made for or by any agency relative to the
5 acquisition or sale of property, until the project or prospective sale
6 is abandoned or until such time as all of the property has been
7 acquired or the property to which the sale appraisal relates is sold,
8 but in no event shall disclosure be denied for more than three years
9 after the appraisal.

10 (h) Valuable formulae, designs, drawings, computer source code or
11 object code, and research data obtained by any agency within five years
12 of the request for disclosure when disclosure would produce private
13 gain and public loss.

14 (i) Preliminary drafts, notes, recommendations, and intra-agency
15 memorandums in which opinions are expressed or policies formulated or
16 recommended except that a specific record shall not be exempt when
17 publicly cited by an agency in connection with any agency action.

18 (j) Records which are relevant to a controversy to which an agency
19 is a party but which records would not be available to another party
20 under the rules of pretrial discovery for causes pending in the
21 superior courts.

22 (k) Records, maps, or other information identifying the location of
23 archaeological sites in order to avoid the looting or depredation of
24 such sites.

25 (l) Any library record, the primary purpose of which is to maintain
26 control of library materials, or to gain access to information, which
27 discloses or could be used to disclose the identity of a library user.

28 (m) Financial information supplied by or on behalf of a person,
29 firm, or corporation for the purpose of qualifying to submit a bid or
30 proposal for (i) a ferry system construction or repair contract as
31 required by RCW 47.60.680 through 47.60.750 or (ii) highway
32 construction or improvement as required by RCW 47.28.070.

33 (n) Railroad company contracts filed prior to July 28, 1991, with
34 the utilities and transportation commission under RCW 81.34.070, except
35 that the summaries of the contracts are open to public inspection and
36 copying as otherwise provided by this chapter.

37 (o) Financial and commercial information and records supplied by
38 private persons pertaining to export services provided pursuant to

1 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
2 export projects pursuant to RCW 43.23.035.

3 (p) Financial disclosures filed by private vocational schools under
4 chapters 28B.85 and 28C.10 RCW.

5 (q) Records filed with the utilities and transportation commission
6 or attorney general under RCW 80.04.095 that a court has determined are
7 confidential under RCW 80.04.095.

8 (r) Financial and commercial information and records supplied by
9 businesses or individuals during application for loans or program
10 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
11 or during application for economic development loans or program
12 services provided by any local agency.

13 (s) Membership lists or lists of members or owners of interests of
14 units in timeshare projects, subdivisions, camping resorts,
15 condominiums, land developments, or common-interest communities
16 affiliated with such projects, regulated by the department of
17 licensing, in the files or possession of the department.

18 (t) All applications for public employment, including the names of
19 applicants, resumes, and other related materials submitted with respect
20 to an applicant.

21 (u) The residential addresses or residential telephone numbers of
22 employees or volunteers of a public agency which are held by any public
23 agency in personnel records, public employment related records, or
24 volunteer rosters, or are included in any mailing list of employees or
25 volunteers of any public agency.

26 (v) The residential addresses and residential telephone numbers of
27 the customers of a public utility contained in the records or lists
28 held by the public utility of which they are customers, except that
29 this information may be released to the division of child support or
30 the agency or firm providing child support enforcement for another
31 state under Title IV-D of the federal social security act, for the
32 establishment, enforcement, or modification of a support order.

33 (w)(i) The federal social security number of individuals governed
34 under chapter 18.130 RCW maintained in the files of the department of
35 health, except this exemption does not apply to requests made directly
36 to the department from federal, state, and local agencies of
37 government, and national and state licensing, credentialing,
38 investigatory, disciplinary, and examination organizations; (ii) the
39 current residential address and current residential telephone number of

1 a health care provider governed under chapter 18.130 RCW maintained in
2 the files of the department, if the provider requests that this
3 information be withheld from public inspection and copying, and
4 provides to the department an accurate alternate or business address
5 and business telephone number. On or after January 1, 1995, the
6 current residential address and residential telephone number of a
7 health care provider governed under RCW 18.130.040 maintained in the
8 files of the department shall automatically be withheld from public
9 inspection and copying unless the provider specifically requests the
10 information be released, and except as provided for under RCW
11 42.17.260(9).

12 (x) Information obtained by the board of pharmacy as provided in
13 RCW 69.45.090.

14 (y) Information obtained by the board of pharmacy or the department
15 of health and its representatives as provided in RCW 69.41.044,
16 69.41.280, and 18.64.420.

17 (z) Financial information, business plans, examination reports, and
18 any information produced or obtained in evaluating or examining a
19 business and industrial development corporation organized or seeking
20 certification under chapter 31.24 RCW.

21 (aa) Financial and commercial information supplied to the state
22 investment board by any person when the information relates to the
23 investment of public trust or retirement funds and when disclosure
24 would result in loss to such funds or in private loss to the providers
25 of this information.

26 (bb) Financial and valuable trade information under RCW 51.36.120.

27 (cc) Client records maintained by an agency that is a domestic
28 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
29 crisis center as defined in RCW 70.125.030.

30 (dd) Information that identifies a person who, while an agency
31 employee: (i) Seeks advice, under an informal process established by
32 the employing agency, in order to ascertain his or her rights in
33 connection with a possible unfair practice under chapter 49.60 RCW
34 against the person; and (ii) requests his or her identity or any
35 identifying information not be disclosed.

36 (ee) Investigative records compiled by an employing agency
37 conducting a current investigation of a possible unfair practice under
38 chapter 49.60 RCW or of a possible violation of other federal, state,
39 or local laws prohibiting discrimination in employment.

1 (ff) Business related information protected from public inspection
2 and copying under RCW 15.86.110.

3 (gg) Financial, commercial, operations, and technical and research
4 information and data submitted to or obtained by the clean Washington
5 center in applications for, or delivery of, program services under
6 chapter 70.95H RCW.

7 (hh) Information and documents created specifically for, and
8 collected and maintained by a quality improvement committee pursuant to
9 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
10 4.24.250, regardless of which agency is in possession of the
11 information and documents.

12 (ii) Personal information in files maintained in a data base
13 created under RCW 43.07.360.

14 (jj) Financial and commercial information requested by the public
15 stadium authority from any person or organization that leases or uses
16 the stadium and exhibition center as defined in RCW 36.102.010.

17 (kk) Names of individuals residing in emergency or transitional
18 housing that are furnished to the department of revenue or a county
19 assessor in order to substantiate a claim for property tax exemption
20 under RCW 84.36.043.

21 (ll) The names, residential addresses, residential telephone
22 numbers, and other individually identifiable records held by an agency
23 in relation to a vanpool, carpool, or other ride-sharing program or
24 service. However, these records may be disclosed to other persons who
25 apply for ride-matching services and who need that information in order
26 to identify potential riders or drivers with whom to share rides.

27 (mm) The personally identifying information of current or former
28 participants or applicants in a paratransit or other transit service
29 operated for the benefit of persons with disabilities or elderly
30 persons.

31 (nn) The personally identifying information of persons who acquire
32 and use transit passes and other fare payment media including, but not
33 limited to, stored value smart cards and magnetic strip cards, except
34 that an agency may disclose this information to a person, employer,
35 educational institution, or other entity that is responsible, in whole
36 or in part, for payment of the cost of acquiring or using a transit
37 pass or other fare payment media, or to the news media when reporting
38 on public transportation or public safety. This information may also

1 be disclosed at the agency's discretion to governmental agencies or
2 groups concerned with public transportation or public safety.

3 (oo) Proprietary financial and commercial information that the
4 submitting entity, with review by the department of health,
5 specifically identifies at the time it is submitted and that is
6 provided to or obtained by the department of health in connection with
7 an application for, or the supervision of, an antitrust exemption
8 sought by the submitting entity under RCW 43.72.310. If a request for
9 such information is received, the submitting entity must be notified of
10 the request. Within ten business days of receipt of the notice, the
11 submitting entity shall provide a written statement of the continuing
12 need for confidentiality, which shall be provided to the requester.
13 Upon receipt of such notice, the department of health shall continue to
14 treat information designated under this section as exempt from
15 disclosure. If the requester initiates an action to compel disclosure
16 under this chapter, the submitting entity must be joined as a party to
17 demonstrate the continuing need for confidentiality.

18 (pp) Records maintained by the board of industrial insurance
19 appeals that are related to appeals of crime victims' compensation
20 claims filed with the board under RCW 7.68.110.

21 (qq) Financial and commercial information supplied by or on behalf
22 of a person, firm, corporation, or entity under chapter 28B.95 RCW
23 relating to the purchase or sale of tuition units and contracts for the
24 purchase of multiple tuition units.

25 (rr) Any records of investigative reports prepared by any state,
26 county, municipal, or other law enforcement agency pertaining to sex
27 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
28 defined in RCW 71.09.020, which have been transferred to the Washington
29 association of sheriffs and police chiefs for permanent electronic
30 retention and retrieval pursuant to RCW 40.14.070(2)(b).

31 (ss) Credit card numbers, debit card numbers, electronic check
32 numbers, card expiration dates, or bank or other financial account
33 numbers supplied to an agency for the purpose of electronic transfer of
34 funds, except when disclosure is expressly required by law.

35 (tt) Financial information, including but not limited to account
36 numbers and values, and other identification numbers supplied by or on
37 behalf of a person, firm, corporation, limited liability company,
38 partnership, or other entity related to an application for a liquor
39 license, gambling license, or lottery retail license.

1 (uu) Records maintained by the employment security department and
2 subject to chapter 50.13 RCW if provided to another individual or
3 organization for operational, research, or evaluation purposes.

4 (vv) Individually identifiable information received by the work
5 force training and education coordinating board for research or
6 evaluation purposes.

7 (ww) Those portions of records containing specific and unique
8 vulnerability assessments or specific and unique prevention or response
9 plans, ~~((either))~~ any of which ~~((is))~~ are intended to ~~((prevent))~~ deter
10 or mitigate ~~((criminal))~~ terrorist acts as defined in ~~((RCW 70.74.285))~~
11 section 2 of this act, the public disclosure of which would have a
12 substantial likelihood of threatening public safety.

13 (xx) Commercial fishing catch data from logbooks required to be
14 provided to the department of fish and wildlife under RCW 77.12.047,
15 when the data identifies specific catch location, timing, or
16 methodology and the release of which would result in unfair competitive
17 disadvantage to the commercial fisher providing the catch data.
18 However, this information may be released to government agencies
19 concerned with the management of fish and wildlife resources.

20 (yy) Sensitive wildlife data obtained by the department of fish and
21 wildlife. However, sensitive wildlife data may be released to
22 government agencies concerned with the management of fish and wildlife
23 resources. Sensitive wildlife data includes:

24 (i) The nesting sites or specific locations of endangered species
25 designated under RCW 77.12.020, or threatened or sensitive species
26 classified by rule of the department of fish and wildlife;

27 (ii) Radio frequencies used in, or locational data generated by,
28 telemetry studies; or

29 (iii) Other location data that could compromise the viability of a
30 specific fish or wildlife population, and where at least one of the
31 following criteria are met:

32 (A) The species has a known commercial or black market value;

33 (B) There is a history of malicious take of that species; or

34 (C) There is a known demand to visit, take, or disturb, and the
35 species behavior or ecology renders it especially vulnerable or the
36 species has an extremely limited distribution and concentration.

37 (zz) The personally identifying information of persons who acquire
38 recreational licenses under RCW 77.32.010 or commercial licenses under
39 chapter 77.65 or 77.70 RCW, except name, address of contact used by the

1 department, and type of license, endorsement, or tag. However, the
2 department of fish and wildlife may disclose personally identifying
3 information to:

4 (i) Government agencies concerned with the management of fish and
5 wildlife resources;

6 (ii) The department of social and health services, child support
7 division, and to the department of licensing in order to implement RCW
8 77.32.014 and 46.20.291; and

9 (iii) Law enforcement agencies for the purpose of firearm
10 possession enforcement under RCW 9.41.040.

11 (2) Except for information described in subsection (1)(c)(i) of
12 this section and confidential income data exempted from public
13 inspection pursuant to RCW 84.40.020, the exemptions of this section
14 are inapplicable to the extent that information, the disclosure of
15 which would violate personal privacy or vital governmental interests,
16 can be deleted from the specific records sought. No exemption may be
17 construed to permit the nondisclosure of statistical information not
18 descriptive of any readily identifiable person or persons.

19 (3) Inspection or copying of any specific records exempt under the
20 provisions of this section may be permitted if the superior court in
21 the county in which the record is maintained finds, after a hearing
22 with notice thereof to every person in interest and the agency, that
23 the exemption of such records is clearly unnecessary to protect any
24 individual's right of privacy or any vital governmental function.

25 (4) Agency responses refusing, in whole or in part, inspection of
26 any public record shall include a statement of the specific exemption
27 authorizing the withholding of the record (or part) and a brief
28 explanation of how the exemption applies to the record withheld.

29 **Sec. 10.** RCW 9A.32.030 and 1990 c 200 s 1 are each amended to read
30 as follows:

31 (1) A person is guilty of murder in the first degree when:

32 (a) With a premeditated intent to cause the death of another
33 person, he or she causes the death of such person or of a third person;
34 or

35 (b) Under circumstances manifesting an extreme indifference to
36 human life, he or she engages in conduct which creates a grave risk of
37 death to any person, and thereby causes the death of a person; or

1 (c) While acting to knowingly further the commission, instigation,
2 planning, preparation, aiding, or financing of any terrorist act,
3 terrorist organization, or terrorist, he or she engages in intentional
4 or reckless conduct which causes the death of a person; or

5 (d) He or she commits or attempts to commit the crime of either
6 ~~((+1))~~ (i) robbery in the first or second degree, ~~((+2))~~ (ii) rape in
7 the first or second degree, ~~((+3))~~ (iii) burglary in the first degree,
8 ~~((+4))~~ (iv) arson in the first or second degree, or ~~((+5))~~ (v)
9 kidnapping in the first or second degree, and in the course of or in
10 furtherance of such crime or in immediate flight therefrom, he or she,
11 or another participant, causes the death of a person other than one of
12 the participants: Except that in any prosecution under this
13 ~~((subdivision))~~ subsection (1)~~((+e))~~ (d) in which the defendant was
14 not the only participant in the underlying crime, if established by the
15 defendant by a preponderance of the evidence, it is a defense that the
16 defendant:

17 (i) Did not commit the homicidal act or in any way solicit,
18 request, command, importune, cause, or aid the commission thereof; and

19 (ii) Was not armed with a deadly weapon, or any instrument,
20 article, or substance readily capable of causing death or serious
21 physical injury; and

22 (iii) Had no reasonable grounds to believe that any other
23 participant was armed with such a weapon, instrument, article, or
24 substance; and

25 (iv) Had no reasonable grounds to believe that any other
26 participant intended to engage in conduct likely to result in death or
27 serious physical injury.

28 (2) Murder in the first degree is a class A felony.

29 **Sec. 11.** RCW 9A.32.050 and 1975-'76 2nd ex.s. c 38 s 4 are each
30 amended to read as follows:

31 (1) A person is guilty of murder in the second degree when:

32 (a) With intent to cause the death of another person but without
33 premeditation, he or she causes the death of such person or of a third
34 person; or

35 (b) He or she acts or attempts to act to further the commission,
36 instigation, planning, preparation, aiding, or financing of any
37 terrorist act, terrorist organization, or terrorist, or commits or
38 attempts to commit any felony other than those enumerated in RCW

1 9A.32.030(1)((+e+)) (d), and, in the course of and in furtherance of
2 such crime or terrorist act or in immediate flight therefrom, he or
3 she, or another participant, causes the death of a person other than
4 one of the participants; except that in any prosecution under this
5 ((subdivision)) subsection (1)(b) in which the defendant was not the
6 only participant in the underlying crime, if established by the
7 defendant by a preponderance of the evidence, it is a defense that the
8 defendant:

9 (i) Did not commit the homicidal act or in any way solicit,
10 request, command, importune, cause, or aid the commission thereof; and

11 (ii) Was not armed with a deadly weapon, or any instrument,
12 article, or substance readily capable of causing death or serious
13 physical injury; and

14 (iii) Had no reasonable grounds to believe that any other
15 participant was armed with such a weapon, instrument, article, or
16 substance; and

17 (iv) Had no reasonable grounds to believe that any other
18 participant intended to engage in conduct likely to result in death or
19 serious physical injury.

20 (2) Murder in the second degree is a class A felony.

21 **Sec. 12.** RCW 9A.36.011 and 1997 c 196 s 1 are each amended to read
22 as follows:

23 (1) A person is guilty of assault in the first degree if he or she,
24 with intent to inflict great bodily harm:

25 (a) Assaults another with a firearm or any deadly weapon or by any
26 force or means likely to produce great bodily harm or death; or

27 (b) Assaults another while acting to further the commission,
28 instigation, planning, preparation, aiding, or financing of any
29 terrorist act, terrorist organization, or terrorist; or

30 (c) Administers, exposes, or transmits to or causes to be taken by
31 another, poison, the human immunodeficiency virus as defined in chapter
32 70.24 RCW, or any other destructive or noxious substance; or

33 ((+e+)) (d) Assaults another and inflicts great bodily harm.

34 (2) Assault in the first degree is a class A felony.

35 **Sec. 13.** RCW 9A.36.090 and 1982 c 185 s 1 are each amended to read
36 as follows:

1 (1) Whoever knowingly and willfully by telephonic or electronic
2 communication, postal service, or any other means communicates or
3 attempts to communicate any threat to take the life of or to inflict
4 bodily harm upon the governor of the state or his or her immediate
5 family, the governor-elect, the lieutenant governor, other officer next
6 in the order of succession to the office of governor of the state, or
7 the lieutenant governor-elect, for the purpose of furthering the
8 commission, instigation, planning, preparation, aiding, or financing of
9 any terrorist act, terrorist organization, or terrorist, is guilty of
10 a class B felony.

11 (2) ~~Whoever knowingly and willfully ((deposits for conveyance in~~
12 ~~the mail or for a delivery from any post office or by any letter~~
13 ~~carrier any letter, paper, writing, print, missive, or document~~
14 ~~containing)) by telephonic or electronic communication, postal service,~~
15 ~~or any other means communicates or attempts to communicate~~ any threat
16 to take the life of or to inflict bodily harm upon the governor of the
17 state or his or her immediate family, the governor-elect, the
18 lieutenant governor, other officer next in the order of succession to
19 the office of governor of the state, or the lieutenant governor-elect,
20 ~~((or knowingly and wilfully otherwise makes any such threat against the~~
21 ~~governor, governor-elect, lieutenant governor, other officer next in~~
22 ~~the order of succession to the office of governor, or lieutenant~~
23 ~~governor-elect, shall be))~~ is guilty of a class C felony.

24 ~~((+2))~~ (3) As used in this section, the term "governor-elect" and
25 "lieutenant governor-elect" means such persons as are the successful
26 candidates for the offices of governor and lieutenant governor,
27 respectively, as ascertained from the results of the general election.
28 As used in this section, the phrase "other officer next in the order of
29 succession to the office of governor" means the person other than the
30 lieutenant governor next in order of succession to the office of
31 governor under Article 3, section 10 of the state Constitution.

32 ~~((+3))~~ (4) The Washington state patrol may investigate for
33 violations of this section.

34 **Sec. 14.** RCW 9A.40.020 and 1975 1st ex.s. c 260 s 9A.40.020 are
35 each amended to read as follows:

36 (1) A person is guilty of kidnapping in the first degree if he or
37 she intentionally abducts another person with intent to:

1 (a) (~~(F)~~) Hold him or her for ransom or reward, or as a shield or
2 hostage; or

3 (b) (~~(F)~~) Facilitate commission of any felony or flight
4 thereafter; or

5 (c) (~~(F)~~) Act to further the commission, instigation, planning,
6 preparation, aiding, or financing of any terrorist act, terrorist
7 organization, or terrorist; or

8 (d) Inflict bodily injury on him or her; or

9 (~~(d)~~) (e) Inflict extreme mental distress on him or her or a
10 third person; or

11 (~~(e)~~) (f) Interfere with the performance of any governmental
12 function.

13 (2) Kidnapping in the first degree is a class A felony.

14 **Sec. 15.** RCW 9A.48.020 and 1981 c 203 s 2 are each amended to read
15 as follows:

16 (1) A person is guilty of arson in the first degree if he or she
17 knowingly and maliciously causes a fire or explosion:

18 (~~(Causes a fire or explosion)~~) Which is manifestly dangerous to
19 any human life, including firemen; or

20 (~~(Causes a fire or explosion)~~) While acting to further the
21 commission, instigation, planning, preparation, aiding, or financing of
22 any terrorist act, terrorist organization, or terrorist; or

23 (c) Which damages a dwelling; or

24 (~~(c) Causes a fire or explosion)~~ (d) In any building in which
25 there (~~shall be~~) is at the time a human being who is not a
26 participant in the crime; or

27 (~~(d) Causes a fire or explosion)~~ (e) On property valued at ten
28 thousand dollars or more with intent to collect insurance proceeds.

29 (2) Arson in the first degree is a class A felony.

30 **Sec. 16.** RCW 9A.52.020 and 1996 c 15 s 1 are each amended to read
31 as follows:

32 (1) A person is guilty of burglary in the first degree if, with
33 intent to commit a crime against a person or property therein, he or
34 she enters or remains unlawfully in a building and if, in entering or
35 while in the building or in immediate flight therefrom, the actor or
36 another participant in the crime (a) is armed with a deadly weapon, or
37 (b) assaults any person, or (c) is acting to further the commission,

1 instigation, planning, preparation, aiding, or financing of any
2 terrorist act, terrorist organization, or terrorist.

3 (2) Burglary in the first degree is a class A felony.

4 **Sec. 17.** RCW 9A.56.120 and 1975 1st ex.s. c 260 s 9A.56.120 are
5 each amended to read as follows:

6 (1) A person is guilty of extortion in the first degree if he or
7 she commits extortion by means of a threat as defined in RCW
8 9A.04.110(25) (a), (b), (~~(c)~~) (c), or (d).

9 (2) Extortion in the first degree is a class B felony.

10 **Sec. 18.** RCW 9A.04.110 and 1988 c 158 s 1 are each amended to read
11 as follows:

12 In this title unless a different meaning plainly is required:

13 (1) "Acted" includes, where relevant, omitted to act;

14 (2) "Actor" includes, where relevant, a person failing to act;

15 (3) "Benefit" is any gain or advantage to the beneficiary,
16 including any gain or advantage to a third person pursuant to the
17 desire or consent of the beneficiary;

18 (4)(a) "Bodily injury," "physical injury," or "bodily harm" means
19 physical pain or injury, illness, or an impairment of physical
20 condition;

21 (b) "Substantial bodily harm" means bodily injury which involves a
22 temporary but substantial disfigurement, or which causes a temporary
23 but substantial loss or impairment of the function of any bodily part
24 or organ, or which causes a fracture of any bodily part;

25 (c) "Great bodily harm" means bodily injury which creates a
26 probability of death, or which causes significant serious permanent
27 disfigurement, or which causes a significant permanent loss or
28 impairment of the function of any bodily part or organ;

29 (5) "Building", in addition to its ordinary meaning, includes any
30 dwelling, fenced area, vehicle, railway car, cargo container, or any
31 other structure used for lodging of persons or for carrying on business
32 therein, or for the use, sale or deposit of goods; each unit of a
33 building consisting of two or more units separately secured or occupied
34 is a separate building;

35 (6) "Deadly weapon" means any explosive or loaded or unloaded
36 firearm, and shall include any other weapon, device, instrument,
37 article, or substance, including a "vehicle" as defined in this

1 section, which, under the circumstances in which it is used, attempted
2 to be used, or threatened to be used, is readily capable of causing
3 death or substantial bodily harm;

4 (7) "Dwelling" means any building or structure, though movable or
5 temporary, or a portion thereof, which is used or ordinarily used by a
6 person for lodging;

7 (8) "Government" includes any branch, subdivision, or agency of the
8 government of this state and any county, city, district, or other local
9 governmental unit;

10 (9) "Governmental function" includes any activity which a public
11 servant is legally authorized or permitted to undertake on behalf of a
12 government;

13 (10) "Indicted" and "indictment" include "informed against" and
14 "information", and "informed against" and "information" include
15 "indicted" and "indictment";

16 (11) "Judge" includes every judicial officer authorized alone or
17 with others, to hold or preside over a court;

18 (12) "Malice" and "maliciously" shall import an evil intent, wish,
19 or design to vex, annoy, or injure another person. Malice may be
20 inferred from an act done in willful disregard of the rights of
21 another, or an act wrongfully done without just cause or excuse, or an
22 act or omission of duty betraying a willful disregard of social duty;

23 (13) "Officer" and "public officer" means a person holding office
24 under a city, county, or state government, or the federal government
25 who performs a public function and in so doing is vested with the
26 exercise of some sovereign power of government, and includes all
27 assistants, deputies, clerks, and employees of any public officer and
28 all persons lawfully exercising or assuming to exercise any of the
29 powers or functions of a public officer;

30 (14) "Omission" means a failure to act;

31 (15) "Peace officer" means a duly appointed city, county, or state
32 law enforcement officer;

33 (16) "Pecuniary benefit" means any gain or advantage in the form of
34 money, property, commercial interest, or anything else the primary
35 significance of which is economic gain;

36 (17) "Person", "he", "she", and "actor" include any natural person
37 and, where relevant, a corporation, joint stock association, or an
38 unincorporated association;

1 (18) "Place of work" includes but is not limited to all the lands
2 and other real property of a farm or ranch in the case of an actor who
3 owns, operates, or is employed to work on such a farm or ranch;

4 (19) "Prison" means any place designated by law for the keeping of
5 persons held in custody under process of law, or under lawful arrest,
6 including but not limited to any state correctional institution or any
7 county or city jail;

8 (20) "Prisoner" includes any person held in custody under process
9 of law, or under lawful arrest;

10 (21) "Property" means anything of value, whether tangible or
11 intangible, real or personal;

12 (22) "Public servant" means any person other than a witness who
13 presently occupies the position of or has been elected, appointed, or
14 designated to become any officer or employee of government, including
15 a legislator, judge, judicial officer, juror, and any person
16 participating as an advisor, consultant, or otherwise in performing a
17 governmental function;

18 (23) "Signature" includes any memorandum, mark, or sign made with
19 intent to authenticate any instrument or writing, or the subscription
20 of any person thereto;

21 (24) "Statute" means the Constitution or an act of the legislature
22 or initiative or referendum of this state;

23 (25) "Threat" means to communicate, directly or indirectly, the
24 intent to:

25 (a) ~~((Tø))~~ Cause bodily injury in the future to the person
26 threatened or to any other person; or

27 (b) ~~((Tø))~~ Cause physical damage to the property of a person other
28 than the actor; or

29 (c) ~~((Tø))~~ Subject the person threatened or any other person to
30 physical confinement or restraint; or

31 (d) ~~((Tø))~~ Commit a terrorist act against the person or property of
32 the person threatened or against the person or property of any other
33 person; or

34 (e) Accuse any person of a crime or cause criminal charges to be
35 instituted against any person; or

36 ~~((e)Tø))~~ (f) Expose a secret or publicize an asserted fact,
37 whether true or false, tending to subject any person to hatred,
38 contempt, or ridicule; or

1 (~~(f)~~-Tø)) (g) Reveal any information sought to be concealed by the
2 person threatened; or

3 (~~(g)~~-Tø)) (h) Testify or provide information or withhold testimony
4 or information with respect to another's legal claim or defense; or

5 (~~(h)~~-Tø)) (i) Take wrongful action as an official against anyone
6 or anything, or wrongfully withhold official action, or cause such
7 action or withholding; or

8 (~~(i)~~-Tø)) (j) Bring about or continue a strike, boycott, or other
9 similar collective action to obtain property which is not demanded or
10 received for the benefit of the group which the actor purports to
11 represent; or

12 (~~(j)~~-Tø)) (k) Do any other act which is intended to harm
13 substantially the person threatened or another with respect to his or
14 her health, safety, business, financial condition, or personal
15 relationships;

16 (26) "Vehicle" means a "motor vehicle" as defined in the vehicle
17 and traffic laws, any aircraft, or any vessel equipped for propulsion
18 by mechanical means or by sail;

19 (27) Words in the present tense shall include the future tense; and
20 in the masculine shall include the feminine and neuter genders; and in
21 the singular shall include the plural; and in the plural shall include
22 the singular.

23 **Sec. 19.** RCW 9A.56.200 and 1975 1st ex.s. c 260 s 9A.56.200 are
24 each amended to read as follows:

25 (1) A person is guilty of robbery in the first degree if in the
26 commission of a robbery or of immediate flight therefrom, he or she:

27 (a) Is armed with a deadly weapon; or

28 (b) Displays what appears to be a firearm or other deadly weapon;
29 or

30 (c) Inflicts bodily injury; or

31 (d) Is acting to further the commission, instigation, planning,
32 preparation, aiding, or financing of any terrorist act, terrorist
33 organization, or terrorist.

34 (2) Robbery in the first degree is a class A felony.

35 **Sec. 20.** RCW 9A.04.080 and 1998 c 221 s 2 are each amended to read
36 as follows:

1 (1) Prosecutions for criminal offenses shall not be commenced after
2 the periods prescribed in this section.

3 (a) The following offenses may be prosecuted at any time after
4 their commission:

5 (i) Murder;

6 (ii) Homicide by abuse;

7 (iii) Arson if a death results;

8 (iv) Vehicular homicide;

9 (v) Vehicular assault if a death results;

10 (vi) Hit-and-run injury-accident if a death results (RCW
11 46.52.020(4)).

12 (b) The following offenses shall not be prosecuted more than ten
13 years after their commission:

14 (i) Any felony committed by a public officer if the commission is
15 in connection with the duties of his or her office or constitutes a
16 breach of his or her public duty or a violation of the oath of office;

17 (ii) Arson if no death results; (~~(or)~~)

18 (iii) Any felony in which an element of the offense is to further
19 the commission, instigation, planning, preparation, aiding, or
20 financing of any terrorist act, terrorist organization, or terrorist if
21 no death results; or

22 (iv) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is
23 reported to a law enforcement agency within one year of its commission;
24 except that if the victim is under fourteen years of age when the rape
25 is committed and the rape is reported to a law enforcement agency
26 within one year of its commission, the violation may be prosecuted up
27 to three years after the victim's eighteenth birthday or up to ten
28 years after the rape's commission, whichever is later. If a violation
29 of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape
30 may not be prosecuted: (A) More than three years after its commission
31 if the violation was committed against a victim fourteen years of age
32 or older; or (B) more than three years after the victim's eighteenth
33 birthday or more than seven years after the rape's commission,
34 whichever is later, if the violation was committed against a victim
35 under fourteen years of age.

36 (c) Violations of the following statutes shall not be prosecuted
37 more than three years after the victim's eighteenth birthday or more
38 than seven years after their commission, whichever is later: RCW

1 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,
2 9A.44.100(1)(b), or 9A.64.020.

3 (d) The following offenses shall not be prosecuted more than six
4 years after their commission: Violations of RCW 9A.82.060 or
5 9A.82.080.

6 (e) The following offenses shall not be prosecuted more than five
7 years after their commission: Any class C felony under chapter 74.09,
8 82.36, or 82.38 RCW.

9 (f) Bigamy shall not be prosecuted more than three years after the
10 time specified in RCW 9A.64.010.

11 (g) A violation of RCW 9A.56.030 must not be prosecuted more than
12 three years after the discovery of the offense when the victim is a tax
13 exempt corporation under 26 U.S.C. Sec. 501(c)(3).

14 (h) No other felony may be prosecuted more than three years after
15 its commission; except that in a prosecution under RCW 9A.44.115, if
16 the person who was viewed, photographed, or filmed did not realize at
17 the time that he or she was being viewed, photographed, or filmed, the
18 prosecution must be commenced within two years of the time the person
19 who was viewed or in the photograph or film first learns that he or she
20 was viewed, photographed, or filmed.

21 (i) No gross misdemeanor may be prosecuted more than two years
22 after its commission.

23 (j) No misdemeanor may be prosecuted more than one year after its
24 commission.

25 (2) The periods of limitation prescribed in subsection (1) of this
26 section do not run during any time when the person charged is not
27 usually and publicly resident within this state.

28 (3) If, before the end of a period of limitation prescribed in
29 subsection (1) of this section, an indictment has been found or a
30 complaint or an information has been filed, and the indictment,
31 complaint, or information is set aside, then the period of limitation
32 is extended by a period equal to the length of time from the finding or
33 filing to the setting aside.

34 **Sec. 21.** RCW 10.95.020 and 1998 c 305 s 1 are each amended to read
35 as follows:

36 (1) A person is guilty of aggravated first degree murder if he or
37 she commits first degree murder as defined by RCW 9A.32.030(1)(a), as

1 now or hereafter amended, and one or more of the following aggravating
2 circumstances exist:

3 ~~((1))~~ (a) The victim was a law enforcement officer, corrections
4 officer, or fire fighter who was performing his or her official duties
5 at the time of the act resulting in death and the victim was known or
6 reasonably should have been known by the person to be such at the time
7 of the killing;

8 ~~((2))~~ (b) At the time of the act resulting in the death, the
9 person was serving a term of imprisonment, had escaped, or was on
10 authorized or unauthorized leave in or from a state facility or program
11 for the incarceration or treatment of persons adjudicated guilty of
12 crimes;

13 ~~((3))~~ (c) At the time of the act resulting in death, the person
14 was in custody in a county or county-city jail as a consequence of
15 having been adjudicated guilty of a felony;

16 ~~((4))~~ (d) The person committed the murder pursuant to an
17 agreement that he or she would receive money or any other thing of
18 value for committing the murder;

19 ~~((5))~~ (e) The person solicited another person to commit the
20 murder and had paid or had agreed to pay money or any other thing of
21 value for committing the murder;

22 ~~((6))~~ (f) The person committed the murder to obtain or maintain
23 his or her membership or to advance his or her position in the
24 hierarchy of an organization, association, or identifiable group;

25 ~~((7))~~ (g) The murder was committed during the course of or as a
26 result of a shooting where the discharge of the firearm, as defined in
27 RCW 9.41.010, is either from a motor vehicle or from the immediate area
28 of a motor vehicle that was used to transport the shooter or the
29 firearm, or both, to the scene of the discharge;

30 ~~((8))~~ (h) The victim was:

31 ~~((a))~~ (i) A judge; juror or former juror; prospective, current,
32 or former witness in an adjudicative proceeding; prosecuting attorney;
33 deputy prosecuting attorney; defense attorney; a member of the
34 indeterminate sentence review board; or a probation or parole officer;
35 and

36 ~~((b))~~ (ii) The murder was related to the exercise of official
37 duties performed or to be performed by the victim;

38 ~~((9))~~ (i) The person committed the murder to conceal the
39 commission of a crime or to protect or conceal the identity of any

1 person committing a crime, including, but specifically not limited to,
2 any attempt to avoid prosecution as a persistent offender as defined in
3 RCW 9.94A.030;

4 ~~((10))~~ (j) There was more than one victim and the murders were
5 part of a common scheme or plan or the result of a single act of the
6 person;

7 ~~((11))~~ (k) The murder was committed in the course of, in
8 furtherance of, or in immediate flight from one of the following
9 crimes:

10 ~~((a))~~ (i) Robbery in the first or second degree;

11 ~~((b))~~ (ii) Rape in the first or second degree;

12 ~~((c))~~ (iii) Burglary in the first or second degree or residential
13 burglary;

14 ~~((d))~~ (iv) Kidnapping in the first degree; ~~((e~~

15 ~~(e))~~ (v) Arson in the first degree;

16 ~~((12))~~ (vi) Assault in the first degree if an element of the
17 assault included acting to further the commission, instigation,
18 planning, preparation, aiding, or financing of any terrorist act,
19 terrorist organization, or terrorist;

20 (vii) Extortion in the first degree if an element of the extortion
21 included threatening to commit a terrorist act against person or
22 property; or

23 (viii) Threatening the governor in the first degree;

24 (l) The victim was regularly employed or self-employed as a
25 newsreporter and the murder was committed to obstruct or hinder the
26 investigative, research, or reporting activities of the victim;

27 ~~((13))~~ (m) At the time the person committed the murder, there
28 existed a court order, issued in this or any other state, which
29 prohibited the person from either contacting the victim, molesting the
30 victim, or disturbing the peace of the victim, and the person had
31 knowledge of the existence of that order;

32 ~~((14))~~ (n) At the time the person committed the murder, the
33 person and the victim were "family or household members" as that term
34 is defined in RCW 10.99.020(1), and the person had previously engaged
35 in a pattern or practice of three or more of the following crimes
36 committed upon the victim within a five-year period, regardless of
37 whether a conviction resulted:

38 ~~((a))~~ (i) Harassment as defined in RCW 9A.46.020; or

39 ~~((b))~~ (ii) Any criminal assault.

1 (2) A person is guilty of aggravated first degree murder if he or
2 she commits murder as defined by RCW 9A.32.030(1)(c), as now or
3 hereafter amended.

4 NEW SECTION. Sec. 22. Sections 1 through 3 and 5 through 7 of
5 this act constitute a new chapter in Title 9A RCW.

6 NEW SECTION. Sec. 23. If any provision of this act or its
7 application to any person or circumstance is held invalid, the
8 remainder of the act or the application of the provision to other
9 persons or circumstances is not affected.

10 NEW SECTION. Sec. 24. This act is necessary for the immediate
11 preservation of the public peace, health, morals, or safety, or support
12 of the state government and its existing public institutions, and takes
13 effect immediately.

--- END ---