
SENATE BILL 5005

State of Washington

57th Legislature

2001 Regular Session

By Senators Roach, West and McCaslin

Read first time 01/08/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to murder in the first degree; amending RCW
2 9A.32.040, 9.94A.110, 9.94A.560, 10.95.030, 10.95.050, 10.95.060,
3 10.95.090, 10.95.120, 43.43.830, and 43.330.190; reenacting and
4 amending RCW 9.94A.320 and 9.94A.440; repealing RCW 10.95.020 and
5 10.95.040; and prescribing penalties.

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

7 **Sec. 1.** RCW 9A.32.040 and 1982 c 10 s 2 are each amended to read
8 as follows:

9 Notwithstanding RCW 9A.32.030(2), any person convicted of the crime
10 of murder in the first degree shall be sentenced (~~to life~~
11 ~~imprisonment~~) as provided in chapter 10.95 RCW.

12 **Sec. 2.** RCW 9.94A.110 and 2000 c 75 s 8 are each amended to read
13 as follows:

14 (1) Before imposing a sentence upon a defendant, the court shall
15 conduct a sentencing hearing. The sentencing hearing shall be held
16 within forty court days following conviction. Upon the motion of
17 either party for good cause shown, or on its own motion, the court may
18 extend the time period for conducting the sentencing hearing.

1 Except in cases where the defendant shall be sentenced to a term of
2 total confinement for life without the possibility of release or, when
3 authorized by RCW 10.95.030 (~~for the crime of aggravated murder in the~~
4 ~~first degree~~)), sentenced to death, the court may order the department
5 to complete a risk assessment report. If available before sentencing,
6 the report shall be provided to the court.

7 Unless specifically waived by the court, the court shall order the
8 department to complete a chemical dependency screening report before
9 imposing a sentence upon a defendant who has been convicted of a
10 violation of the uniform controlled substances act under chapter 69.50
11 RCW or a criminal solicitation to commit such a violation under chapter
12 9A.28 RCW where the court finds that the offender has a chemical
13 dependency that has contributed to his or her offense. In addition,
14 the court shall, at the time of plea or conviction, order the
15 department to complete a presentence report before imposing a sentence
16 upon a defendant who has been convicted of a felony sexual offense.
17 The department of corrections shall give priority to presentence
18 investigations for sexual offenders. If the court determines that the
19 defendant may be a mentally ill person as defined in RCW 71.24.025,
20 although the defendant has not established that at the time of the
21 crime he or she lacked the capacity to commit the crime, was
22 incompetent to commit the crime, or was insane at the time of the
23 crime, the court shall order the department to complete a presentence
24 report before imposing a sentence.

25 The court shall consider the risk assessment report and presentence
26 reports, if any, including any victim impact statement and criminal
27 history, and allow arguments from the prosecutor, the defense counsel,
28 the offender, the victim, the survivor of the victim, or a
29 representative of the victim or survivor, and an investigative law
30 enforcement officer as to the sentence to be imposed.

31 If the court is satisfied by a preponderance of the evidence that
32 the defendant has a criminal history, the court shall specify the
33 convictions it has found to exist. All of this information shall be
34 part of the record. Copies of all risk assessment reports and
35 presentence reports presented to the sentencing court and all written
36 findings of facts and conclusions of law as to sentencing entered by
37 the court shall be sent to the department by the clerk of the court at
38 the conclusion of the sentencing and shall accompany the offender if
39 the offender is committed to the custody of the department. Court

1 clerks shall provide, without charge, certified copies of documents
2 relating to criminal convictions requested by prosecuting attorneys.

3 (2) To prevent wrongful disclosure of information related to mental
4 health services, as defined in RCW 71.05.445 and 71.34.225, a court may
5 take only those steps necessary during a sentencing hearing or any
6 hearing in which the department presents information related to mental
7 health services to the court. The steps may be taken on motion of the
8 defendant, the prosecuting attorney, or on the court's own motion. The
9 court may seal the portion of the record relating to information
10 relating to mental health services, exclude the public from the hearing
11 during presentation or discussion of information relating to mental
12 health services, or grant other relief to achieve the result intended
13 by this subsection, but nothing in this subsection shall be construed
14 to prevent the subsequent release of information related to mental
15 health services as authorized by RCW 71.05.445, 71.34.225, or
16 72.09.585. Any person who otherwise is permitted to attend any hearing
17 pursuant to chapter 7.69 or 7.69A RCW shall not be excluded from the
18 hearing solely because the department intends to disclose or discloses
19 information related to mental health services.

20 **Sec. 3.** RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and
21 2000 c 66 s 2 are each reenacted and amended to read as follows:

22 TABLE 2

23 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

24 XVI	((Aggravated)) Murder 1 (RCW ((10.95.020)) 25 <u>9A.32.030</u>)
26 XV	Homicide by abuse (RCW 9A.32.055) 27 Malicious explosion 1 (RCW 70.74.280(1)) 28 ((Murder 1 (RCW 9A.32.030)))
29 XIV	Murder 2 (RCW 9A.32.050)
30 XIII	Malicious explosion 2 (RCW 70.74.280(2)) 31 Malicious placement of an explosive 1 (RCW 32 70.74.270(1))
33 XII	Assault 1 (RCW 9A.36.011) 34 Assault of a Child 1 (RCW 9A.36.120)

1 Malicious placement of an imitation device
2 1 (RCW 70.74.272(1)(a))
3 Rape 1 (RCW 9A.44.040)
4 Rape of a Child 1 (RCW 9A.44.073)
5 XI Manslaughter 1 (RCW 9A.32.060)
6 Rape 2 (RCW 9A.44.050)
7 Rape of a Child 2 (RCW 9A.44.076)
8 X Child Molestation 1 (RCW 9A.44.083)
9 Indecent Liberties (with forcible
10 compulsion) (RCW 9A.44.100(1)(a))
11 Kidnapping 1 (RCW 9A.40.020)
12 Leading Organized Crime (RCW
13 9A.82.060(1)(a))
14 Malicious explosion 3 (RCW 70.74.280(3))
15 Manufacture of methamphetamine (RCW
16 69.50.401(a)(1)(ii))
17 Over 18 and deliver heroin,
18 methamphetamine, a narcotic from
19 Schedule I or II, or flunitrazepam
20 from Schedule IV to someone under 18
21 (RCW 69.50.406)
22 IX Assault of a Child 2 (RCW 9A.36.130)
23 Controlled Substance Homicide (RCW
24 69.50.415)
25 Explosive devices prohibited (RCW
26 70.74.180)
27 Homicide by Watercraft, by being under the
28 influence of intoxicating liquor or
29 any drug (RCW 79A.60.050)
30 Inciting Criminal Profiteering (RCW
31 9A.82.060(1)(b))
32 Malicious placement of an explosive 2 (RCW
33 70.74.270(2))
34 Over 18 and deliver narcotic from Schedule
35 III, IV, or V or a nonnarcotic, except
36 flunitrazepam or methamphetamine, from
37 Schedule I-V to someone under 18 and 3
38 years junior (RCW 69.50.406)

1 Robbery 1 (RCW 9A.56.200)
2 Sexual Exploitation (RCW 9.68A.040)
3 Vehicular Homicide, by being under the
4 influence of intoxicating liquor or
5 any drug (RCW 46.61.520)

6 VIII Arson 1 (RCW 9A.48.020)
7 Deliver or possess with intent to deliver
8 methamphetamine (RCW
9 69.50.401(a)(1)(ii))
10 Hit and Run--Death (RCW 46.52.020(4)(a))
11 Homicide by Watercraft, by the operation of
12 any vessel in a reckless manner (RCW
13 79A.60.050)
14 Manslaughter 2 (RCW 9A.32.070)
15 Manufacture, deliver, or possess with
16 intent to deliver amphetamine (RCW
17 69.50.401(a)(1)(ii))
18 Manufacture, deliver, or possess with
19 intent to deliver heroin or cocaine
20 (RCW 69.50.401(a)(1)(i))
21 Possession of Ephedrine, Pseudoephedrine,
22 or Anhydrous Ammonia with intent to
23 manufacture methamphetamine (RCW
24 69.50.440)
25 Promoting Prostitution 1 (RCW 9A.88.070)
26 Selling for profit (controlled or
27 counterfeit) any controlled substance
28 (RCW 69.50.410)
29 Theft of Anhydrous Ammonia (RCW 69.55.010)
30 Vehicular Homicide, by the operation of any
31 vehicle in a reckless manner (RCW
32 46.61.520)

33 VII Burglary 1 (RCW 9A.52.020)
34 Child Molestation 2 (RCW 9A.44.086)
35 Dealing in depictions of minor engaged in
36 sexually explicit conduct (RCW
37 9.68A.050)
38 Drive-by Shooting (RCW 9A.36.045)

1 Homicide by Watercraft, by disregard for
2 the safety of others (RCW 79A.60.050)
3 Indecent Liberties (without forcible
4 compulsion) (RCW 9A.44.100(1) (b) and
5 (c))
6 Introducing Contraband 1 (RCW 9A.76.140)
7 Involving a minor in drug dealing (RCW
8 69.50.401(f))
9 Malicious placement of an explosive 3 (RCW
10 70.74.270(3))
11 Sending, bringing into state depictions of
12 minor engaged in sexually explicit
13 conduct (RCW 9.68A.060)
14 Unlawful Possession of a Firearm in the
15 first degree (RCW 9.41.040(1)(a))
16 Use of a Machine Gun in Commission of a
17 Felony (RCW 9.41.225)
18 Vehicular Homicide, by disregard for the
19 safety of others (RCW 46.61.520)

20 VI Bail Jumping with Murder 1 (RCW
21 9A.76.170(2)(a))
22 Bribery (RCW 9A.68.010)
23 Incest 1 (RCW 9A.64.020(1))
24 Intimidating a Judge (RCW 9A.72.160)
25 Intimidating a Juror/Witness (RCW
26 9A.72.110, 9A.72.130)
27 Malicious placement of an imitation device
28 2 (RCW 70.74.272(1)(b))
29 Manufacture, deliver, or possess with
30 intent to deliver narcotics from
31 Schedule I or II (except heroin or
32 cocaine) or flunitrazepam from
33 Schedule IV (RCW 69.50.401(a)(1)(i))
34 Rape of a Child 3 (RCW 9A.44.079)
35 Theft of a Firearm (RCW 9A.56.300)
36 Unlawful Storage of Anhydrous Ammonia (RCW
37 69.55.020)

1 V Abandonment of dependent person 1 (RCW
2 9A.42.060)
3 Advancing money or property for
4 extortionate extension of credit (RCW
5 9A.82.030)
6 Bail Jumping with class A Felony (RCW
7 9A.76.170(2)(b))
8 Child Molestation 3 (RCW 9A.44.089)
9 Criminal Mistreatment 1 (RCW 9A.42.020)
10 Custodial Sexual Misconduct 1 (RCW
11 9A.44.160)
12 Delivery of imitation controlled substance
13 by person eighteen or over to person
14 under eighteen (RCW 69.52.030(2))
15 Domestic Violence Court Order Violation
16 (RCW 10.99.040, 10.99.050, 26.09.300,
17 26.10.220, 26.26.138, 26.50.110,
18 26.52.070, or 74.34.145)
19 Extortion 1 (RCW 9A.56.120)
20 Extortionate Extension of Credit (RCW
21 9A.82.020)
22 Extortionate Means to Collect Extensions of
23 Credit (RCW 9A.82.040)
24 Incest 2 (RCW 9A.64.020(2))
25 Kidnapping 2 (RCW 9A.40.030)
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 Stalking (RCW 9A.46.110)
39 IV Arson 2 (RCW 9A.48.030)

1 Assault 2 (RCW 9A.36.021)
2 Assault by Watercraft (RCW 79A.60.060)
3 Bribing a Witness/Bribe Received by Witness
4 (RCW 9A.72.090, 9A.72.100)
5 Commercial Bribery (RCW 9A.68.060)
6 Counterfeiting (RCW 9.16.035(4))
7 Escape 1 (RCW 9A.76.110)
8 Hit and Run--Injury (RCW 46.52.020(4)(b))
9 Hit and Run with Vessel--Injury Accident
10 (RCW 79A.60.200(3))
11 Indecent Exposure to Person Under Age
12 Fourteen (subsequent sex offense) (RCW
13 9A.88.010)
14 Influencing Outcome of Sporting Event (RCW
15 9A.82.070)
16 Knowingly Trafficking in Stolen Property
17 (RCW 9A.82.050(2))
18 Malicious Harassment (RCW 9A.36.080)
19 Manufacture, deliver, or possess with
20 intent to deliver narcotics from
21 Schedule III, IV, or V or nonnarcotics
22 from Schedule I-V (except marijuana,
23 amphetamine, methamphetamines, or
24 flunitrazepam) (RCW 69.50.401(a)(1)
25 (iii) through (v))
26 Residential Burglary (RCW 9A.52.025)
27 Robbery 2 (RCW 9A.56.210)
28 Theft of Livestock 1 (RCW 9A.56.080)
29 Threats to Bomb (RCW 9.61.160)
30 Use of Proceeds of Criminal Profiteering
31 (RCW 9A.82.080 (1) and (2))
32 Vehicular Assault (RCW 46.61.522)
33 Willful Failure to Return from Furlough
34 (RCW 72.66.060)
35 III Abandonment of dependent person 2 (RCW
36 9A.42.070)
37 Assault 3 (RCW 9A.36.031)
38 Assault of a Child 3 (RCW 9A.36.140)

1 Bail Jumping with class B or C Felony (RCW
2 9A.76.170(2)(c))
3 Burglary 2 (RCW 9A.52.030)
4 Communication with a Minor for Immoral
5 Purposes (RCW 9.68A.090)
6 Criminal Gang Intimidation (RCW 9A.46.120)
7 Criminal Mistreatment 2 (RCW 9A.42.030)
8 Custodial Assault (RCW 9A.36.100)
9 Delivery of a material in lieu of a
10 controlled substance (RCW
11 69.50.401(c))
12 Escape 2 (RCW 9A.76.120)
13 Extortion 2 (RCW 9A.56.130)
14 Harassment (RCW 9A.46.020)
15 Intimidating a Public Servant (RCW
16 9A.76.180)
17 Introducing Contraband 2 (RCW 9A.76.150)
18 Maintaining a Dwelling or Place for
19 Controlled Substances (RCW
20 69.50.402(a)(6))
21 Malicious Injury to Railroad Property (RCW
22 81.60.070)
23 Manufacture, deliver, or possess with
24 intent to deliver marijuana (RCW
25 69.50.401(a)(1)(iii))
26 Manufacture, distribute, or possess with
27 intent to distribute an imitation
28 controlled substance (RCW
29 69.52.030(1))
30 Patronizing a Juvenile Prostitute (RCW
31 9.68A.100)
32 Perjury 2 (RCW 9A.72.030)
33 Possession of Incendiary Device (RCW
34 9.40.120)
35 Possession of Machine Gun or Short-Barreled
36 Shotgun or Rifle (RCW 9.41.190)
37 Promoting Prostitution 2 (RCW 9A.88.080)
38 Recklessly Trafficking in Stolen Property
39 (RCW 9A.82.050(1))

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

13 II Computer Trespass 1 (RCW 9A.52.110)
14 Counterfeiting (RCW 9.16.035(3))
15 Create, deliver, or possess a counterfeit
16 controlled substance (RCW
17 69.50.401(b))
18 Escape from Community Custody (RCW
19 72.09.310)
20 Health Care False Claims (RCW 48.80.030)
21 Malicious Mischief 1 (RCW 9A.48.070)
22 Possession of controlled substance that is
23 either heroin or narcotics from
24 Schedule I or II or flunitrazepam from
25 Schedule IV (RCW 69.50.401(d))
26 Possession of phencyclidine (PCP) (RCW
27 69.50.401(d))
28 Possession of Stolen Property 1 (RCW
29 9A.56.150)
30 Theft 1 (RCW 9A.56.030)
31 Theft of Rental, Leased, or Lease-purchased
32 Property (valued at one thousand five
33 hundred dollars or more) (RCW
34 9A.56.096(4))
35 Trafficking in Insurance Claims (RCW
36 48.30A.015)
37 Unlawful Practice of Law (RCW 2.48.180)
38 Unlicensed Practice of a Profession or
39 Business (RCW 18.130.190(7))

1 I Attempting to Elude a Pursuing Police
2 Vehicle (RCW 46.61.024)
3 False Verification for Welfare (RCW
4 74.08.055)
5 Forged Prescription (RCW 69.41.020)
6 Forged Prescription for a Controlled
7 Substance (RCW 69.50.403)
8 Forgery (RCW 9A.60.020)
9 Malicious Mischief 2 (RCW 9A.48.080)
10 Possess Controlled Substance that is a
11 Narcotic from Schedule III, IV, or V
12 or Non-narcotic from Schedule I-V
13 (except phencyclidine or
14 flunitrazepam) (RCW 69.50.401(d))
15 Possession of Stolen Property 2 (RCW
16 9A.56.160)
17 Reckless Burning 1 (RCW 9A.48.040)
18 Taking Motor Vehicle Without Permission
19 (RCW 9A.56.070)
20 Theft 2 (RCW 9A.56.040)
21 Theft of Rental, Leased, or Lease-purchased
22 Property (valued at two hundred fifty
23 dollars or more but less than one
24 thousand five hundred dollars) (RCW
25 9A.56.096(4))
26 Unlawful Issuance of Checks or Drafts (RCW
27 9A.56.060)
28 Unlawful Use of Food Stamps (RCW 9.91.140
29 (2) and (3))
30 Vehicle Prowl 1 (RCW 9A.52.095)

31 **Sec. 4.** RCW 9.94A.440 and 2000 c 119 s 28 and 2000 c 28 s 17 are
32 each reenacted and amended to read as follows:

33 (1) Decision not to prosecute.

34 STANDARD: A prosecuting attorney may decline to prosecute, even
35 though technically sufficient evidence to prosecute exists, in
36 situations where prosecution would serve no public purpose, would
37 defeat the underlying purpose of the law in question or would result in
38 decreased respect for the law.

1 GUIDELINE/COMMENTARY:

2 Examples

3 The following are examples of reasons not to prosecute which could
4 satisfy the standard.

5 (a) Contrary to Legislative Intent - It may be proper to decline to
6 charge where the application of criminal sanctions would be clearly
7 contrary to the intent of the legislature in enacting the particular
8 statute.

9 (b) Antiquated Statute - It may be proper to decline to charge
10 where the statute in question is antiquated in that:

11 (i) It has not been enforced for many years; and

12 (ii) Most members of society act as if it were no longer in
13 existence; and

14 (iii) It serves no deterrent or protective purpose in today's
15 society; and

16 (iv) The statute has not been recently reconsidered by the
17 legislature.

18 This reason is not to be construed as the basis for declining cases
19 because the law in question is unpopular or because it is difficult to
20 enforce.

21 (c) De Minimus Violation - It may be proper to decline to charge
22 where the violation of law is only technical or insubstantial and where
23 no public interest or deterrent purpose would be served by prosecution.

24 (d) Confinement on Other Charges - It may be proper to decline to
25 charge because the accused has been sentenced on another charge to a
26 lengthy period of confinement; and

27 (i) Conviction of the new offense would not merit any additional
28 direct or collateral punishment;

29 (ii) The new offense is either a misdemeanor or a felony which is
30 not particularly aggravated; and

31 (iii) Conviction of the new offense would not serve any significant
32 deterrent purpose.

33 (e) Pending Conviction on Another Charge - It may be proper to
34 decline to charge because the accused is facing a pending prosecution
35 in the same or another county; and

36 (i) Conviction of the new offense would not merit any additional
37 direct or collateral punishment;

38 (ii) Conviction in the pending prosecution is imminent;

1 (iii) The new offense is either a misdemeanor or a felony which is
2 not particularly aggravated; and

3 (iv) Conviction of the new offense would not serve any significant
4 deterrent purpose.

5 (f) High Disproportionate Cost of Prosecution - It may be proper to
6 decline to charge where the cost of locating or transporting, or the
7 burden on, prosecution witnesses is highly disproportionate to the
8 importance of prosecuting the offense in question. This reason should
9 be limited to minor cases and should not be relied upon in serious
10 cases.

11 (g) Improper Motives of Complainant - It may be proper to decline
12 charges because the motives of the complainant are improper and
13 prosecution would serve no public purpose, would defeat the underlying
14 purpose of the law in question or would result in decreased respect for
15 the law.

16 (h) Immunity - It may be proper to decline to charge where immunity
17 is to be given to an accused in order to prosecute another where the
18 accused's information or testimony will reasonably lead to the
19 conviction of others who are responsible for more serious criminal
20 conduct or who represent a greater danger to the public interest.

21 (i) Victim Request - It may be proper to decline to charge because
22 the victim requests that no criminal charges be filed and the case
23 involves the following crimes or situations:

24 (i) Assault cases where the victim has suffered little or no
25 injury;

26 (ii) Crimes against property, not involving violence, where no
27 major loss was suffered;

28 (iii) Where doing so would not jeopardize the safety of society.

29 Care should be taken to insure that the victim's request is freely
30 made and is not the product of threats or pressure by the accused.

31 The presence of these factors may also justify the decision to
32 dismiss a prosecution which has been commenced.

33 Notification

34 The prosecutor is encouraged to notify the victim, when practical,
35 and the law enforcement personnel, of the decision not to prosecute.

36 (2) Decision to prosecute.

37 (a) STANDARD:

38 Crimes against persons will be filed if sufficient admissible
39 evidence exists, which, when considered with the most plausible,

1 reasonably foreseeable defense that could be raised under the evidence,
2 would justify conviction by a reasonable and objective fact-finder.
3 With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050,
4 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and
5 9A.64.020 the prosecutor should avoid prefiling agreements or
6 diversions intended to place the accused in a program of treatment or
7 counseling, so that treatment, if determined to be beneficial, can be
8 provided pursuant to RCW 9.94A.670.

9 Crimes against property/other crimes will be filed if the
10 admissible evidence is of such convincing force as to make it probable
11 that a reasonable and objective fact-finder would convict after hearing
12 all the admissible evidence and the most plausible defense that could
13 be raised.

14 See table below for the crimes within these categories.

15 CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

16 CRIMES AGAINST PERSONS

17 ((~~Aggravated Murder~~))

18 1st Degree Murder

19 2nd Degree Murder

20 1st Degree Manslaughter

21 2nd Degree Manslaughter

22 1st Degree Kidnapping

23 2nd Degree Kidnapping

24 1st Degree Assault

25 2nd Degree Assault

26 3rd Degree Assault

27 1st Degree Assault of a Child

28 2nd Degree Assault of a Child

29 3rd Degree Assault of a Child

30 1st Degree Rape

31 2nd Degree Rape

32 3rd Degree Rape

33 1st Degree Rape of a Child

34 2nd Degree Rape of a Child

35 3rd Degree Rape of a Child

36 1st Degree Robbery

37 2nd Degree Robbery

38 1st Degree Arson

1 1st Degree Burglary
2 1st Degree Extortion
3 2nd Degree Extortion
4 Indecent Liberties
5 Incest
6 Vehicular Homicide
7 Vehicular Assault
8 1st Degree Child Molestation
9 2nd Degree Child Molestation
10 3rd Degree Child Molestation
11 1st Degree Promoting Prostitution
12 Intimidating a Juror
13 Communication with a Minor
14 Intimidating a Witness
15 Intimidating a Public Servant
16 Bomb Threat (if against person)
17 Unlawful Imprisonment
18 Promoting a Suicide Attempt
19 Riot (if against person)
20 Stalking
21 Custodial Assault
22 Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050,
23 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
24 Counterfeiting (if a violation of RCW 9.16.035(4))

25 CRIMES AGAINST PROPERTY/OTHER CRIMES
26 2nd Degree Arson
27 1st Degree Escape
28 2nd Degree Escape
29 2nd Degree Burglary
30 1st Degree Theft
31 2nd Degree Theft
32 1st Degree Perjury
33 2nd Degree Perjury
34 1st Degree Introducing Contraband
35 2nd Degree Introducing Contraband
36 1st Degree Possession of Stolen Property
37 2nd Degree Possession of Stolen Property
38 Bribery
39 Bribing a Witness

1 Bribe received by a Witness
2 Bomb Threat (if against property)
3 1st Degree Malicious Mischief
4 2nd Degree Malicious Mischief
5 1st Degree Reckless Burning
6 Taking a Motor Vehicle without Authorization
7 Forgery
8 2nd Degree Promoting Prostitution
9 Tampering with a Witness
10 Trading in Public Office
11 Trading in Special Influence
12 Receiving/Granting Unlawful Compensation
13 Bigamy
14 Eluding a Pursuing Police Vehicle
15 Willful Failure to Return from Furlough
16 Escape from Community Custody
17 Riot (if against property)
18 1st Degree Theft of Livestock
19 2nd Degree Theft of Livestock

20 ALL OTHER UNCLASSIFIED FELONIES

21 Selection of Charges/Degree of Charge

22 (i) The prosecutor should file charges which adequately describe
23 the nature of defendant's conduct. Other offenses may be charged only
24 if they are necessary to ensure that the charges:

25 (A) Will significantly enhance the strength of the state's case at
26 trial; or

27 (B) Will result in restitution to all victims.

28 (ii) The prosecutor should not overcharge to obtain a guilty plea.

29 Overcharging includes:

30 (A) Charging a higher degree;

31 (B) Charging additional counts.

32 This standard is intended to direct prosecutors to charge those
33 crimes which demonstrate the nature and seriousness of a defendant's
34 criminal conduct, but to decline to charge crimes which are not
35 necessary to such an indication. Crimes which do not merge as a matter
36 of law, but which arise from the same course of conduct, do not all
37 have to be charged.

1 (b) GUIDELINES/COMMENTARY:

2 (i) Police Investigation

3 A prosecuting attorney is dependent upon law enforcement agencies
4 to conduct the necessary factual investigation which must precede the
5 decision to prosecute. The prosecuting attorney shall ensure that a
6 thorough factual investigation has been conducted before a decision to
7 prosecute is made. In ordinary circumstances the investigation should
8 include the following:

9 (A) The interviewing of all material witnesses, together with the
10 obtaining of written statements whenever possible;

11 (B) The completion of necessary laboratory tests; and

12 (C) The obtaining, in accordance with constitutional requirements,
13 of the suspect's version of the events.

14 If the initial investigation is incomplete, a prosecuting attorney
15 should insist upon further investigation before a decision to prosecute
16 is made, and specify what the investigation needs to include.

17 (ii) Exceptions

18 In certain situations, a prosecuting attorney may authorize filing
19 of a criminal complaint before the investigation is complete if:

20 (A) Probable cause exists to believe the suspect is guilty; and

21 (B) The suspect presents a danger to the community or is likely to
22 flee if not apprehended; or

23 (C) The arrest of the suspect is necessary to complete the
24 investigation of the crime.

25 In the event that the exception to the standard is applied, the
26 prosecuting attorney shall obtain a commitment from the law enforcement
27 agency involved to complete the investigation in a timely manner. If
28 the subsequent investigation does not produce sufficient evidence to
29 meet the normal charging standard, the complaint should be dismissed.

30 (iii) Investigation Techniques

31 The prosecutor should be fully advised of the investigatory
32 techniques that were used in the case investigation including:

33 (A) Polygraph testing;

34 (B) Hypnosis;

35 (C) Electronic surveillance;

36 (D) Use of informants.

37 (iv) Pre-Filing Discussions with Defendant

1 Discussions with the defendant or his/her representative regarding
2 the selection or disposition of charges may occur prior to the filing
3 of charges, and potential agreements can be reached.

4 (v) Pre-Filing Discussions with Victim(s)

5 Discussions with the victim(s) or victims' representatives
6 regarding the selection or disposition of charges may occur before the
7 filing of charges. The discussions may be considered by the prosecutor
8 in charging and disposition decisions, and should be considered before
9 reaching any agreement with the defendant regarding these decisions.

10 **Sec. 5.** RCW 9.94A.560 and 2000 c 28 s 6 are each amended to read
11 as follows:

12 Notwithstanding the statutory maximum sentence or any other
13 provision of this chapter, a persistent offender shall be sentenced to
14 a term of total confinement for life without the possibility of release
15 or, when authorized by RCW 10.95.030 for the crime of (~~aggravated~~)
16 murder in the first degree, sentenced to death. In addition, no
17 offender subject to this section may be eligible for community custody,
18 earned release time, furlough, home detention, partial confinement,
19 work crew, work release, or any other form of release as defined under
20 RCW 9.94A.150 (1), (2), (3), (4), (6), (8), or (9), or any other form
21 of authorized leave from a correctional facility while not in the
22 direct custody of a corrections officer or officers, except: (1) In
23 the case of an offender in need of emergency medical treatment; or (2)
24 for the purpose of commitment to an inpatient treatment facility in the
25 case of an offender convicted of the crime of rape in the first degree.

26 **Sec. 6.** RCW 10.95.030 and 1993 c 479 s 1 are each amended to read
27 as follows:

28 (1) Except as provided in subsection (2) of this section, any
29 person convicted of the crime of (~~aggravated~~) first degree murder
30 shall be sentenced to life imprisonment without possibility of release
31 or parole. A person sentenced to life imprisonment under this section
32 shall not have that sentence suspended, deferred, or commuted by any
33 judicial officer and the indeterminate sentence review board or its
34 successor may not parole such prisoner nor reduce the period of
35 confinement in any manner whatsoever including but not limited to any
36 sort of good-time calculation. The department of social and health

1 services or its successor or any executive official may not permit such
2 prisoner to participate in any sort of release or furlough program.

3 (2) If, pursuant to a special sentencing proceeding held under RCW
4 10.95.050, the trier of fact finds that there are not sufficient
5 mitigating circumstances to merit leniency, the sentence shall be
6 death. In no case, however, shall a person be sentenced to death if
7 the person was mentally retarded at the time the crime was committed,
8 under the definition of mental retardation set forth in (a) of this
9 subsection. A diagnosis of mental retardation shall be documented by
10 a licensed psychiatrist or licensed psychologist designated by the
11 court, who is an expert in the diagnosis and evaluation of mental
12 retardation. The defense must establish mental retardation by a
13 preponderance of the evidence and the court must make a finding as to
14 the existence of mental retardation.

15 (a) "Mentally retarded" means the individual has: (i)
16 Significantly subaverage general intellectual functioning; (ii)
17 existing concurrently with deficits in adaptive behavior; and (iii)
18 both significantly subaverage general intellectual functioning and
19 deficits in adaptive behavior were manifested during the developmental
20 period.

21 (b) "General intellectual functioning" means the results obtained
22 by assessment with one or more of the individually administered general
23 intelligence tests developed for the purpose of assessing intellectual
24 functioning.

25 (c) "Significantly subaverage general intellectual functioning"
26 means intelligence quotient seventy or below.

27 (d) "Adaptive behavior" means the effectiveness or degree with
28 which individuals meet the standards of personal independence and
29 social responsibility expected for his or her age.

30 (e) "Developmental period" means the period of time between
31 conception and the eighteenth birthday.

32 **Sec. 7.** RCW 10.95.050 and 1981 c 138 s 5 are each amended to read
33 as follows:

34 (1) If a defendant is adjudicated guilty of (~~aggravated~~) first
35 degree murder, whether by acceptance of a plea of guilty, by verdict of
36 a jury, or by decision of the trial court sitting without a jury, a
37 special sentencing proceeding shall be held (~~if a notice of special~~
38 ~~sentencing proceeding was filed and served as provided by RCW~~

1 ~~10.95.040~~). No sort of plea, admission, or agreement may abrogate the
2 requirement that a special sentencing proceeding be held.

3 (2) A jury shall decide the matters presented in the special
4 sentencing proceeding unless a jury is waived in the discretion of the
5 court and with the consent of the defendant and the prosecuting
6 attorney.

7 (3) If the defendant's guilt was determined by a jury verdict, the
8 trial court shall reconvene the same jury to hear the special
9 sentencing proceeding. The proceeding shall commence as soon as
10 practicable after completion of the trial at which the defendant's
11 guilt was determined. If, however, unforeseen circumstances make it
12 impracticable to reconvene the same jury to hear the special sentencing
13 proceeding, the trial court may dismiss that jury and convene a jury
14 pursuant to subsection (4) of this section.

15 (4) If the defendant's guilt was determined by plea of guilty or by
16 decision of the trial court sitting without a jury, or if a retrial of
17 the special sentencing proceeding is necessary for any reason including
18 but not limited to a mistrial in a previous special sentencing
19 proceeding or as a consequence of a remand from an appellate court, the
20 trial court shall impanel a jury of twelve persons plus whatever
21 alternate jurors the trial court deems necessary. The defense and
22 prosecution shall each be allowed to peremptorily challenge twelve
23 jurors. If there is more than one defendant, each defendant shall be
24 allowed an additional peremptory challenge and the prosecution shall be
25 allowed a like number of additional challenges. If alternate jurors
26 are selected, the defense and prosecution shall each be allowed one
27 peremptory challenge for each alternate juror to be selected and if
28 there is more than one defendant each defendant shall be allowed an
29 additional peremptory challenge for each alternate juror to be selected
30 and the prosecution shall be allowed a like number of additional
31 challenges.

32 **Sec. 8.** RCW 10.95.060 and 1981 c 138 s 6 are each amended to read
33 as follows:

34 (1) At the commencement of the special sentencing proceeding, the
35 trial court shall instruct the jury as to the nature and purpose of the
36 proceeding and as to the consequences of its decision, as provided in
37 RCW 10.95.030.

1 (2) At the special sentencing proceeding both the prosecution and
2 defense shall be allowed to make an opening statement. The prosecution
3 shall first present evidence and then the defense may present evidence.
4 Rebuttal evidence may be presented by each side. Upon conclusion of
5 the evidence, the court shall instruct the jury and then the
6 prosecution and defense shall be permitted to present argument. The
7 prosecution shall open and conclude the argument.

8 (3) The court shall admit any relevant evidence which it deems to
9 have probative value regardless of its admissibility under the rules of
10 evidence, including hearsay evidence and evidence of the defendant's
11 previous criminal activity regardless of whether the defendant has been
12 charged or convicted as a result of such activity. The defendant shall
13 be accorded a fair opportunity to rebut or offer any hearsay evidence.

14 In addition to evidence of whether or not there are sufficient
15 mitigating circumstances to merit leniency, if the jury sitting in the
16 special sentencing proceeding has not heard evidence of the
17 ((aggravated)) first degree murder of which the defendant stands
18 convicted, both the defense and prosecution may introduce evidence
19 concerning the facts and circumstances of the murder.

20 (4) Upon conclusion of the evidence and argument at the special
21 sentencing proceeding, the jury shall retire to deliberate upon the
22 following question: "Having in mind the crime of which the defendant
23 has been found guilty, are you convinced beyond a reasonable doubt that
24 there are not sufficient mitigating circumstances to merit leniency?"

25 In order to return an affirmative answer to the question posed by
26 this subsection, the jury must so find unanimously.

27 **Sec. 9.** RCW 10.95.090 and 1981 c 138 s 9 are each amended to read
28 as follows:

29 If any sentence of death imposed pursuant to this chapter is
30 commuted by the governor, or held to be invalid by a final judgment of
31 a court after all avenues of appeal have been exhausted by the parties
32 to the action, or if the death penalty established by this chapter is
33 held to be invalid by a final judgment of a court which is binding on
34 all courts in the state, the sentence for ((aggravated)) first degree
35 murder if there was an affirmative response to the question posed by
36 RCW 10.95.060(4) shall be life imprisonment as provided in RCW
37 10.95.030(1).

1 **Sec. 10.** RCW 10.95.120 and 1981 c 138 s 12 are each amended to
2 read as follows:

3 In all cases in which a person is convicted of ((aggravated)) first
4 degree murder, the trial court shall, within thirty days after the
5 entry of the judgment and sentence, submit a report to the clerk of the
6 supreme court of Washington, to the defendant or his or her attorney,
7 and to the prosecuting attorney which provides the information
8 specified under subsections (1) through (8) of this section. The
9 report shall be in the form of a standard questionnaire prepared and
10 supplied by the supreme court of Washington and shall include the
11 following:

12 (1) Information about the defendant, including the following:

13 (a) Name, date of birth, gender, marital status, and race and/or
14 ethnic origin;

15 (b) Number and ages of children;

16 (c) Whether his or her parents are living, and date of death where
17 applicable;

18 (d) Number of children born to his or her parents;

19 (e) The defendant's educational background, intelligence level, and
20 intelligence quotient;

21 (f) Whether a psychiatric evaluation was performed, and if so,
22 whether it indicated that the defendant was:

23 (i) Able to distinguish right from wrong;

24 (ii) Able to perceive the nature and quality of his or her act; and

25 (iii) Able to cooperate intelligently with his or her defense;

26 (g) Any character or behavior disorders found or other pertinent
27 psychiatric or psychological information;

28 (h) The work record of the defendant;

29 (i) A list of the defendant's prior convictions including the
30 offense, date, and sentence imposed; and

31 (j) The length of time the defendant has resided in Washington and
32 the county in which he or she was convicted.

33 (2) Information about the trial, including:

34 (a) The defendant's plea;

35 (b) Whether defendant was represented by counsel;

36 (c) Whether there was evidence introduced or instructions given as
37 to defenses to ((aggravated)) first degree murder, including excusable
38 homicide, justifiable homicide, insanity, duress, entrapment, alibi,
39 intoxication, or other specific defense;

1 (d) Any other offenses charged against the defendant and tried at
2 the same trial and whether they resulted in conviction; and
3 (e) (~~What aggravating circumstances were alleged against the~~
4 ~~defendant and which of these circumstances was found to have been~~
5 ~~applicable; and~~
6 ~~(f))~~) Names and charges filed against other defendant(s) if tried
7 jointly and disposition of the charges.

8 (3) Information concerning the special sentencing proceeding,
9 including:

10 (a) The date the defendant was convicted and date the special
11 sentencing proceeding commenced;

12 (b) Whether the jury for the special sentencing proceeding was the
13 same jury that returned the guilty verdict, providing an explanation if
14 it was not;

15 (c) Whether there was evidence of mitigating circumstances;

16 (d) Whether there was, in the court's opinion, credible evidence of
17 the mitigating circumstances as provided in RCW 10.95.070;

18 (e) The jury's answer to the question posed in RCW 10.95.060(4);

19 (f) The sentence imposed.

20 (4) Information about the victim, including:

21 (a) Whether he or she was related to the defendant by blood or
22 marriage;

23 (b) The victim's occupation and whether he or she was an employer
24 or employee of the defendant;

25 (c) Whether the victim was acquainted with the defendant, and if
26 so, how well;

27 (d) The length of time the victim resided in Washington and the
28 county;

29 (e) Whether the victim was the same race and/or ethnic origin as
30 the defendant;

31 (f) Whether the victim was the same sex as the defendant;

32 (g) Whether the victim was held hostage during the crime and if so,
33 how long;

34 (h) The nature and extent of any physical harm or torture inflicted
35 upon the victim prior to death;

36 (i) The victim's age; and

37 (j) The type of weapon used in the crime, if any.

38 (5) Information about the representation of the defendant,
39 including:

- 1 (a) Date counsel secured;
- 2 (b) Whether counsel was retained or appointed, including the reason
3 for appointment;
- 4 (c) The length of time counsel has practiced law and nature of his
5 or her practice; and
- 6 (d) Whether the same counsel served at both the trial and special
7 sentencing proceeding, and if not, why not.
- 8 (6) General considerations, including:
- 9 (a) Whether the race and/or ethnic origin of the defendant, victim,
10 or any witness was an apparent factor at trial;
- 11 (b) What percentage of the county population is the same race
12 and/or ethnic origin of the defendant;
- 13 (c) Whether members of the defendant's or victim's race and/or
14 ethnic origin were represented on the jury;
- 15 (d) Whether there was evidence that such members were
16 systematically excluded from the jury;
- 17 (e) Whether the sexual orientation of the defendant, victim, or any
18 witness was a factor in the trial;
- 19 (f) Whether any specific instruction was given to the jury to
20 exclude race, ethnic origin, or sexual orientation as an issue;
- 21 (g) Whether there was extensive publicity concerning the case in
22 the community;
- 23 (h) Whether the jury was instructed to disregard such publicity;
- 24 (i) Whether the jury was instructed to avoid any influence of
25 passion, prejudice, or any other arbitrary factor when considering its
26 verdict or its findings in the special sentencing proceeding;
- 27 (j) The nature of the evidence resulting in such instruction; and
- 28 (k) General comments of the trial judge concerning the
29 appropriateness of the sentence considering the crime, defendant, and
30 other relevant factors.
- 31 (7) Information about the chronology of the case, including the
32 date that:
- 33 (a) The defendant was arrested;
- 34 (b) Trial began;
- 35 (c) The verdict was returned;
- 36 (d) Post-trial motions were ruled on;
- 37 (e) Special sentencing proceeding began;
- 38 (f) Sentence was imposed;
- 39 (g) Trial judge's report was completed; and

1 (h) Trial judge's report was filed.

2 (8) The trial judge shall sign and date the questionnaire when it
3 is completed.

4 **Sec. 11.** RCW 43.43.830 and 1999 c 45 s 5 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout RCW 43.43.830 through 43.43.840.

8 (1) "Applicant" means:

9 (a) Any prospective employee who will or may have unsupervised
10 access to children under sixteen years of age or developmentally
11 disabled persons or vulnerable adults during the course of his or her
12 employment or involvement with the business or organization;

13 (b) Any prospective volunteer who will have regularly scheduled
14 unsupervised access to children under sixteen years of age,
15 developmentally disabled persons, or vulnerable adults during the
16 course of his or her employment or involvement with the business or
17 organization under circumstances where such access will or may involve
18 groups of (i) five or fewer children under twelve years of age, (ii)
19 three or fewer children between twelve and sixteen years of age, (iii)
20 developmentally disabled persons, or (iv) vulnerable adults; or

21 (c) Any prospective adoptive parent, as defined in RCW 26.33.020.

22 (2) "Business or organization" means a business or organization
23 licensed in this state, any agency of the state, or other governmental
24 entity, that educates, trains, treats, supervises, houses, or provides
25 recreation to developmentally disabled persons, vulnerable adults, or
26 children under sixteen years of age, including but not limited to
27 public housing authorities, school districts, and educational service
28 districts.

29 (3) "Civil adjudication" means a specific court finding of sexual
30 abuse or exploitation or physical abuse in a dependency action under
31 RCW 13.34.040 or in a domestic relations action under Title 26 RCW. In
32 the case of vulnerable adults, civil adjudication means a specific
33 court finding of abuse or financial exploitation in a protection
34 proceeding under chapter 74.34 RCW. It does not include administrative
35 proceedings. The term "civil adjudication" is further limited to court
36 findings that identify as the perpetrator of the abuse a named
37 individual, over the age of eighteen years, who was a party to the
38 dependency or dissolution proceeding or was a respondent in a

1 protection proceeding in which the finding was made and who contested
2 the allegation of abuse or exploitation.

3 (4) "Conviction record" means "conviction record" information as
4 defined in RCW 10.97.030(3) relating to a crime against children or
5 other persons committed by either an adult or a juvenile. It does not
6 include a conviction for an offense that has been the subject of an
7 expungement, pardon, annulment, certificate of rehabilitation, or other
8 equivalent procedure based on a finding of the rehabilitation of the
9 person convicted, or a conviction that has been the subject of a
10 pardon, annulment, or other equivalent procedure based on a finding of
11 innocence. It does include convictions for offenses for which the
12 defendant received a deferred or suspended sentence, unless the record
13 has been expunged according to law.

14 (5) "Crime against children or other persons" means a conviction of
15 any of the following offenses: (~~Aggravated murder;~~) First or second
16 degree murder; first or second degree kidnaping; first, second, or
17 third degree assault; first, second, or third degree assault of a
18 child; first, second, or third degree rape; first, second, or third
19 degree rape of a child; first or second degree robbery; first degree
20 arson; first degree burglary; first or second degree manslaughter;
21 first or second degree extortion; indecent liberties; incest; vehicular
22 homicide; first degree promoting prostitution; communication with a
23 minor; unlawful imprisonment; simple assault; sexual exploitation of
24 minors; first or second degree criminal mistreatment; child abuse or
25 neglect as defined in RCW 26.44.020; first or second degree custodial
26 interference; first or second degree custodial sexual misconduct;
27 malicious harassment; first, second, or third degree child molestation;
28 first or second degree sexual misconduct with a minor; patronizing a
29 juvenile prostitute; child abandonment; promoting pornography; selling
30 or distributing erotic material to a minor; custodial assault;
31 violation of child abuse restraining order; child buying or selling;
32 prostitution; felony indecent exposure; criminal abandonment; or any of
33 these crimes as they may be renamed in the future.

34 (6) "Crimes relating to drugs" means a conviction of a crime to
35 manufacture, delivery, or possession with intent to manufacture or
36 deliver a controlled substance.

37 (7) "Crimes relating to financial exploitation" means a conviction
38 for first, second, or third degree extortion; first, second, or third

1 degree theft; first or second degree robbery; forgery; or any of these
2 crimes as they may be renamed in the future.

3 (8) "Disciplinary board final decision" means any final decision
4 issued by a disciplining authority under chapter 18.130 RCW or the
5 secretary of the department of health for the following businesses or
6 professions:

7 (a) Chiropractic;

8 (b) Dentistry;

9 (c) Dental hygiene;

10 (d) Massage;

11 (e) Midwifery;

12 (f) Naturopathy;

13 (g) Osteopathic medicine and surgery;

14 (h) Physical therapy;

15 (i) Physicians;

16 (j) Practical nursing;

17 (k) Registered nursing; and

18 (l) Psychology.

19 "Disciplinary board final decision," for real estate brokers and
20 salespersons, means any final decision issued by the director of the
21 department of licensing for real estate brokers and salespersons.

22 (9) "Unsupervised" means not in the presence of:

23 (a) Another employee or volunteer from the same business or
24 organization as the applicant; or

25 (b) Any relative or guardian of any of the children or
26 developmentally disabled persons or vulnerable adults to which the
27 applicant has access during the course of his or her employment or
28 involvement with the business or organization.

29 (10) "Vulnerable adult" means "vulnerable adult" as defined in
30 chapter 74.34 RCW, except that for the purposes of requesting and
31 receiving background checks pursuant to RCW 43.43.832, it shall also
32 include adults of any age who lack the functional, mental, or physical
33 ability to care for themselves.

34 (11) "Financial exploitation" means the illegal or improper use of
35 a vulnerable adult or that adult's resources for another person's
36 profit or advantage.

37 (12) "Agency" means any person, firm, partnership, association,
38 corporation, or facility which receives, provides services to, houses
39 or otherwise cares for vulnerable adults.

1 **Sec. 12.** RCW 43.330.190 and 1999 c 303 s 1 are each amended to
2 read as follows:

3 Counties may submit a petition for relief to the office of public
4 defense for reimbursement of extraordinary criminal justice costs.
5 Extraordinary criminal justice costs are defined as those associated
6 with investigation, prosecution, indigent defense, jury impanelment,
7 expert witnesses, interpreters, incarceration, and other adjudication
8 costs of (~~aggravated~~) murder cases.

9 (1) The office of public defense, in consultation with the
10 Washington association of prosecuting attorneys and the Washington
11 association of sheriffs and police chiefs, shall develop procedures for
12 processing the petitions, for auditing the veracity of the petitions,
13 and for prioritizing the petitions. Prioritization of the petitions
14 shall be based on, but not limited to, such factors as disproportionate
15 fiscal impact relative to the county budget, efficient use of
16 resources, and whether the costs are extraordinary and could not be
17 reasonably accommodated and anticipated in the normal budget process.

18 (2) Before January 1st of each year, the office of public defense,
19 in consultation with the Washington association of prosecuting
20 attorneys and the Washington association of sheriffs and police chiefs,
21 shall develop and submit to the appropriate fiscal committees of the
22 senate and house of representatives a prioritized list of submitted
23 petitions that are recommended for funding by the legislature.

24 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
25 each repealed:

26 (1) RCW 10.95.020 (Definition) and 1998 c 305 s 1; and

27 (2) RCW 10.95.040 (Special sentencing proceeding--Notice--Filing--
28 Service) and 1981 c 138 s 4.

--- END ---